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Class action begun in ComEd outages

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Commonwealth Edison could face a potential pool of 200,000 plaintiffs in a single court case over its July and August electrical outages, as the result of a class-action certification approved Tuesday by Judge Ellis Reid in Cook County Chancery Court.

The decision was designed to ease case management while reaching a settlement for the "brownouts" that affected Wrigleville, the South Loop and Greektown between July 30 and Aug. 31. The purpose is to attach all civil actions against ComEd to the first suit filed against the electrical giant, thus freeing the courts from processing thousands of individual cases.

The law firm of Stackler and Holstein, which is representing the original plaintiff, Anchor Maintenance Inc., was appointed lead class counsel.

"Every business or individual who suffered some type of damages, whether actual or consequential, such as lost business or any type of personal injury, is automatically included in the lawsuit," said Thomas A. Zimmerman of Stackler and Holstein.

ComEd already has settled out-of-court claims brought by 13,500 businesses and individuals inconvenienced by the power outages for unspecified monetary sums, the company says.

Glenn Newman, associate general counsel for labor and litiga-

tion at ComEd, said Reid's ruling allows both the plaintiffs and defendant an out: Either side can end the class-action status of the suit at any time if it appears a settlement cannot be reached without protracted litigation.

"This simply provides a way for us to see who the plaintiffs are seeking to represent," Newman said. "It is not an admission that a class is appropriate or would be certified if we are unable to reach a resolution."

Due to the high-profile nature of the suit, however, Zimmerman said he is hopeful that a settlement will happen quickly. He estimated that at least 200,000 customers were affected by the outages and that damages for personal injury and consequential recovery could exceed \$100 million.

However, Newman said, legal rulings have declared that utilities are not responsible for damages if the outage is the result of natural occurrences such as weather.

"Making utilities responsible for losses from outages would make the cost of providing telephone or electrical service prohibitively high," Newman said. "They would be in effect insuring business."

Zimmerman countered that courts would rule differently on ComEd's current troubles, charging that they stem from "negligence."

Stackler and Holstein have established a hot line for information on joining the class action; 1-800-666-9066.