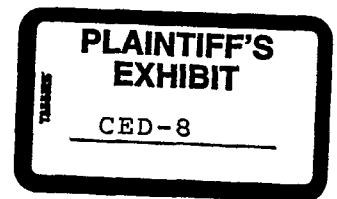


UNITED STATES DISTRICT COURTS
SOUTHERN DISTRICT OF NEW YORK
AND
EASTERN DISTRICT OF NEW YORK



-----X
IN RE JOINT SOUTHERN AND EASTERN
DISTRICTS ASBESTOS LITIGATION
-----X

NYAL-PH-8888 (CPS)
91-PH-8889 (JBW)

This Document Relates To:

All Powerhouse Cases
-----X

CON EDISON'S ADDITIONAL OBJECTIONS TO OCF
DOCUMENTS WHICH IT INTENDS TO OFFER ON DECEMBER 16, 1991

This list of objections encompasses site-specific documents which OCF proposes to introduce against Con Edison as contained in OCF Exhibits 101 to 214. These objections supplement the objections we have made in the attachment to our letter of December 13, 1991.

1. OCF Exhibit 105 - Indian Point.

We object to documents 2 and 3 in this exhibit package which are Spec. #SE-153-62 - Alteration to Storage Buildings and Paving on Road (1/17/63) and Spec. for Thermal Insulation - Westinghouse Electric Corp. - Indian Point - Unit 2 (12/13/67 revised 5/31/74). These documents are incomplete. The latter document has also been designated by OCF as Exhibit 24, to which we had objected in our December 13, 1991 submission on the grounds that it was not complete.

2. OCF Exhibit 114 - Arthur Kill.

We object to document 17 in this group entitled Addendum to Insulation Specifications for Gas Recirculating Ducts, Fan and Oil Piping for Consolidated Edison Company dated 1/18/71. This document is incomplete as only nine of the fourteen pages are included in the exhibit. In addition, for the sake of completeness, the original specification and all of its addenda should be provided to the jury by OCF.

3. OCF Exhibit 148 - Ravenswood.

We object to document 2 entitled "Insulation Specifications for Con Ed Ravenswood Generating Station by Combustion Engineering Inc." Contract #190-SET. The document is incomplete as it includes only twenty-one of the twenty-two pages that form the complete document.

Although Con Edison does not object to the document, we maintain the traditional objection that references to insurance should be redacted before the exhibit is placed in evidence.

4. OCF Exhibit 162 - Fourteenth Street.

We object to all documents in this grouping except the first two. The remaining documents are dated 1980 and later. Events during this time period are irrelevant. None of the diseases claimed in these cases could have occurred during this time period because of the long latency periods of the diseases.

5. OCF Exhibit 165 - Hudson Avenue.

We object to document 3 identified by OCF as a phone message to CVP dated 11/13/67. There is no indication in the document that this is a Con Edison record. The contents insofar as they are readable suggest that it is not. Further, there is no indication in that document that a Con Edison representative was a party to the phone conversation. The document is pure hearsay and is inadmissible under the Federal Rules of Evidence.

We also object to document 4, Specification #SE-12-68 - Ventilation of Frequency Changer House Extension dated February 29, 1968 because it is not complete. Only one of the eleven pages of the document has been tendered by OCF.

6. OCF Exhibit 180 - Fifty-Ninth Street.

We object to document 2, Specification #MP-6624 to Furnish, Deliver and Erect Flues for Boilers 114 and 115 dated 5/27/66 because the document is incomplete. OCF has tendered only the index and page 5 of the document as its Exhibit.

We object to document 3, Specification #MP-6645 for the Fabrication and Erection of Miscellaneous Instrumentation and Control Piping for Topping Turbine #15 and Boilers #114 and 115 dated 9/8/66. This document is also incomplete. OCF has tendered only page 5 as its exhibit.

7. OCF Exhibit 193 - Astoria.

We object to document 6, Specification #MP-6106 for the Installation of Instrument and Control Piping dated 2/25/61 as incomplete. Only pages 4 and 5 are tendered as exhibits.

We also object to document 9 entitled "Specification #MP-6744 for the Fabrication and Erection of Control and Instrument Piping" dated 11/16/67 as incomplete. The index indicates that there are thirteen pages and OCF has tendered only pages 5 and 6 as its exhibit.

We object to document 11 entitled "Appendix C Description of Services" dated 6/8/70 and apparently prepared by EBASCO Services Inc. There is no indication as to what work this document applies except for the handwritten notation "Astoria 6" on the cover page by a person unknown. We, therefore, object to the document unless a proper foundation is laid. Further, we urge that it is not proper to submit only an appendix to a document to the jury. The entire document with all appendices should be submitted for the jury's consideration.

We also object to the document entitled "Amendment #6 to Contract Between Con Edison and EBASCO Services" dated December 22, 1970. The entire contract and all its amendments should be introduced by OCF if it considers parts of the contract relevant to this litigation.

We object to the last two documents in the exhibit which are Invoice #41573 from Melgraph Supply and Gasket Company, Inc. to Westinghouse

Electric Corp. dated 12/19/73 and Invoice #48965 from Melrath (sic) Supply and Gasket Company, Inc. to Westinghouse Electric Corp. dated 3/7/74. These documents were not provided to us by Superior Reproduction, although all documents constituting OCF Exhibit 193 were requested.

8. OCF Exhibit 101 - Indian Point and
OCF Exhibit 186 - Astoria.

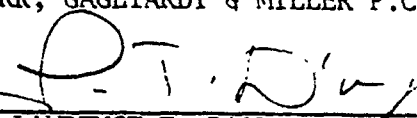
We object to the introduction of any documents listed under these exhibit numbers at this time. The list of documents in these two exhibits was not provided to us by OCF in the exhibit list which was given to us on the evening of December 9th. Therefore, we were not aware that OCF intended to introduce these documents until we received its Exhibit List in Court late in the afternoon of Thursday, December 12, 1991. We have requested these documents from Superior Reproduction but have not received them as of the writing of this letter. Therefore, we ask that the Court withhold introduction of these documents until we receive them from Superior and have the opportunity to review them and submit our objections.

9. OCF Exhibit 41 - Amendment to Articles of General Conditions dated 11/15/62.

Although Con Edison does not object to the document, we maintain the traditional objection that references to insurance should be redacted before the exhibit is placed in evidence.

Respectfully submitted,

CLARK, GAGLIARDI & MILLER P.C.

BY: 

LAWRENCE T. D'ALOISE, JR.
LTD (S.S.#7155)
A Member of the Firm

The Inns of Court
99 Court Street
White Plains, New York 10601
(914) 946-8900

Of Counsel to
Richard W. Babinecz, Esq.
4 Irving Place
New York, New York 10003

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
IN RE JOINT EASTERN AND SOUTHERN
DISTRICT ASBESTOS LITIGATION

NYAL-PH-8888 (CPS)

-----x
This Document Relates to:

ALL POWERHOUSE CASES
-----x

THIRD-PARTY DEFENDANT
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.'s
OBJECTIONS AND COUNTER DESIGNATIONS REGARDING
STANLEY MARX'S DEPOSITION TAKEN ON FEBRUARY 15, 1991

I. OBJECTIONS.

We object to O.C.F.'s designation of the answer starting on line 4 of page 52 since it is not responsive. This objection was made at the time of the deposition. We further object to O.C.F.'s designation of page 63, lines 9 through 24. In that testimony Mr. Marx states that he recalls reading journals or publications which stated that in the 1960s and 1970s Dr. Selikoff conducted studies among asbestos workers regarding health hazards from exposure to asbestos. No doubt O.C.F. intends to use this testimony to suggest that Con Edison was aware of Dr. Selikoff's studies in the 1960s. On page 64 the witness testified that he did not recall in what year he first read of these studies. O.C.F. has not designated the testimony on page 64. In view of the witness' testimony that he does not know when he read these journals and publications, the testimony on page 63 which O.C.F. has designated is not probative as to what may have been known by Con Edison in the 1960s or at any time and therefore should not be read to the jury.

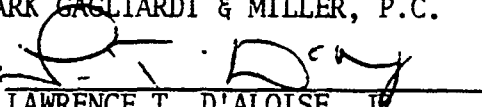
II. COUNTER DESIGNATIONS.

<u>Page</u>	<u>Line</u>	<u>To Page</u>	<u>Line</u>
9	10	9	13
15	14	15	21
18	13	18	19
19	21	20	6
20	7	20	25
22	21	23	12
28	9	28	15
33	7	33	10

<u>From Page</u>	<u>Line</u>	<u>To Page</u>	<u>Line</u>
37	25	38	25
39	11	39	13
40	5	40	16
41	8	41	23
43	14	43	24
48	21	48	25
49	1	49	3
49	15	49	17
50	3	50	22
52	10	52	11
54	5	54	7
54	12	54	17
54	25		
55	1	55	13
55	19	55	25
56	2	56	19
57	13	57	17
58	6	58	25
59	1	59	7
62	4	62	11
63	25	64	20
65	23	66	9
68	9	68	17
69	19	70	10
73	16	75	3
77	9	77	15
78	5	78	25
79	1	79	25
80	1	80	21
83	14	83	17
84	3	84	25
85	1	85	25
86	1	86	25
87	9	87	25
88	1	88	25
89	1	89	25
90	10	90	25
91	5	91	25
92	1	92	11
92	19	92	25
93	1	93	21
95	1	95	25
96	17	96	25
97	1	97	25
103	2	103	5
105	9	105	13
107	6	107	25
108	1	108	25
109	3	109	23
110	12	110	25

<u>From Page</u>	<u>Line</u>	<u>To Page</u>	<u>Line</u>
111	8	111	25
112	1	112	25
113	1	113	5
113	21	113	25
114	1	114	25
115	1	115	25
116	1	116	25
117	1	117	2
117	21	118	1
118	11	118	23
121	9	121	25
122	1	122	18
123	15	123	25
124	1	124	5
129	6	129	16

CLARK GAGLIARDI & MILLER, P.C.

By: 

LAWRENCE T. D'ALOISE, JR.

LTD (S.S.#7155)

A Member of the Firm

99 Court Street

White Plains, New York 10601

Dated: White Plains, New York
December 14, 1991

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
IN RE JOINT EASTERN AND SOUTHERN
DISTRICT ASBESTOS LITIGATION

NYAL-PH-8888 (CPS)

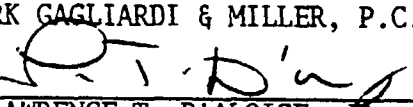
-----x
This Document Relates to:

ALL POWERHOUSE CASES
-----x

THIRD-PARTY DEFENDANT
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.'s
DESIGNATIONS REGARDING STANLEY MARX'S DEPOSITION
TAKEN ON MARCH 21, 1991

<u>From Page</u>	<u>Line</u>	<u>To Page</u>	<u>Line</u>
14	25	15	1
27	5	27	16
28	10	28	25
29	1	29	7
30	10	32	24
34	10	34	20

CLARK GAGLIARDI & MILLER, P.C.

By: 

LAWRENCE T. D'ALOISE, JR.

LTD (S.S.#7155)

A Member of the Firm

99 Court Street

White Plains, New York 10601

Dated: White Plains, New York
December 14, 1991

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
IN RE JOINT EASTERN AND SOUTHERN
DISTRICT ASBESTOS LITIGATION

NYAL-PH-8888 (CPS)

-----X
This Document Relates to:

ALL POWERHOUSE CASES
-----X

THIRD-PARTY DEFENDANT
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.'s
OBJECTIONS AND COUNTER DESIGNATIONS REGARDING
S. CHARLES FRANCO'S DEPOSITION TAKEN ON APRIL 11, 1991

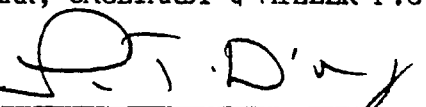
<u>From Page</u>	<u>Line</u>	<u>To Page</u>	<u>Line</u>
6	22	6	24
8	3	8	12
13	8	13	25
15	1	15	25
16	1	16	2
18	3	18	9
19	11	19	25
20	19	20	24
21	15	21	24
25	6	25	22
29	12	29	25
30	1	30	11
33	2	33	25
34	1	34	25
35	1	35	24
36	14	36	25
37	1	37	25
43	1	43	3
46	10	46	15
46	24	48	13
50	12	50	25
51	1	51	21
52	5	52	7
55	25		
56	1	56	25
57	1	57	24
62	7	62	25
64	7	64	25
66	22	67	12
71	12	71	23

<u>From Page</u>	<u>Line</u>	<u>To Page</u>	<u>Line</u>
73	13	73	17
75	14	76	22
77	4	77	14
78	9	78	24
79	9	79	14
82	2	83	3
90	2	90	25
91	1	91	12
97	10	97	25
103	12	103	25
104	1	104	11
104	19	105	4
105	19	105	25
106	2	106	25
107	1	107	24
108	1	108	25
116	15	117	1
117	16	118	7
130	13	130	23
137	14	137	25
138	1	138	10
144	21	144	25
145	1	145	21
159	12	159	25
168	10	168	25
169	1	169	25
170	1		
179	8	179	25
180	1	180	25
181	1	181	25
182	1	182	10
185	12	185	21
197	1	197	25
198	1	198	11

Respectfully submitted,

CLARK, GAGLIARDI & MILLER P.C.

BY:


LAWRENCE T. D'ALOISE, JR.

LTD (S.S.#7155)

A Member of the Firm

The Inns of Court
99 Court Street
White Plains, New York 10601
(914) 946-8900

CLARK, GAGLIARDI & MILLER P.C.

ATTORNEYS & COUNSELORS AT LAW

THE INNS OF COURT

99 COURT STREET

WHITE PLAINS, NEW YORK 10601-4265

(914) 946-8900

HENRY G. MILLER
LAWRENCE T. D'ALOISE, JR.
LUCILLE A. FONTANA
ROBERT J. FRISENDA
LYNN A. PUCINO
ANGELA MORCONE GIANNINI

COUNSEL

MORTON B. SILBERMAN
JOSEPH F. GAGLIARDI
JAMES DEMPSEY, P.C.

CLARK & CLOSE (1907)
ROBERT Y. CLARK (1907-1961)
FRANK M. GAGLIARDI (1920-1980)
LEE PARSONS DAVIS (1957-1961)
ELBERT T. GALLAGHER (1974-1977)

SUITE 2525
230 PARK AVENUE
NEW YORK, NEW YORK 10169
(212) 949-1571

FAX (914) 946-8960

December 14, 1991

Hon. Charles P. Sifton
United States District Judge
Eastern District of New York
United States Courthouse
Room 244
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Federal Court Asbestos Litigation
NYAL-PH-8888 (CPS)

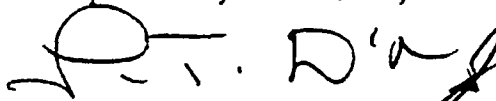
Dear Judge Sifton:

This firm represents the Consolidated Edison Company of New York, Inc. (hereinafter Con Edison).

Attached to this letter is a supplement to our submission of December 13, 1991 regarding objections to proposed exhibits which OCF intends to introduce against Con Edison on Monday, December 16, 1991 based upon our continued review of the documents.

Also attached are our objections and designations regarding the depositions of S. Charles Franco and Stanley Marx. These objections and designations could not be provided earlier because we did not receive OCF's designations to these depositions until late Friday evening.

Respectfully submitted,


Lawrence T. D'Aloise, Jr.

LTD:mjm.
Enclosure

cc: Kenneth W. Taber, Esq. - via Fax (212-632-5555)
Christy & Viener
620 Fifth Avenue
New York, New York 10020