

Settlement reached in defamation suit

By Craig Salters
csalters@cnc.com

John Donelan, a founder of the Alliance to Protect Nantucket Sound, has agreed to pay Cape Wind Associates \$15,000 to settle a defamation lawsuit filed against him by the developer.

The settlement follows a Nov. 18 decision by Massachusetts Superior Court Judge Allan van Gestel which said that in January 2004 Donelan "published a defamatory statement about Cape Wind" by sending a false press release. At the time of the incident Donelan, 35, was research and technical director for the Alliance, a group adamantly opposed to Cape Wind's plans to construct 130 wind turbines on Horseshoe Shoal.

"This lawsuit sends an important message: although we welcome honest and fair debate, there is no place for fraudulent or unethical acts that mislead the public," said Mark Rodgers, communications director for Cape Wind.

In a brief statement, the Alliance acknowledged the settlement but empha-

sized that it had no part in it.

"The Alliance is aware that the lawsuit between John Donelan and Cape Wind has been settled," reads the statement. "The Alliance was never a party to the suit and has no knowledge of the nature or terms of the settlement agreement between Mr. Donelan and Cape Wind.

"The leadership of the Alliance remains committed to dealing with all groups with integrity."

According to Rodgers, the lawsuit began when Donelan sent a false press release to the State House News Service claiming to be a local company which would not do business with Cape Wind. At that point, Cape Wind hired an outside investigator and, with the help of two court orders, traced the press release to Donelan's home computer.

At a subsequent deposition for the lawsuit, said Rodgers, Donelan refused to answer the more than 400 questions posed by a Cape Wind attorney, invoking his rights under the Fifth Amendment.

"We're grateful that the judge ruled in our favor," added Rodgers.

Also grateful is Project Prevention, a program administered by the Housing Assistance Corporation of Cape Cod to help low-income families with their energy bills. That's because Cape Wind and its president, Jim Gordon, have donated all settlement funds to the project.

"This gift from Cape Wind comes at a critical time for many of our clients in need," said Rick Presbrey, executive director of HAC of Cape Cod. "Often, a family must choose between paying for heating fuel and other utilities rather than paying their rent or mortgage, then fall behind on payments and eventually lose their home because they can never catch up.

"HAC will use these funds to help people pay their heating and electricity bills so that they can keep their family warm and stable despite their financial challenges."

Rodgers said the \$15,000 donation underscores both rising energy costs among Cape residents and Cape Wind's goal of offering "affordable, stable electricity prices" through its wind-powered turbines.