

COUNTERCLAIMS

James Bergin and Judy Garvey (collectively referred to as “Bergin/Garvey”), for their counterclaims against plaintiffs/counterclaim-defendants (the “GWP counterclaim-defendants”), allege as follows:

COUNT I

DEFAMATION

1. After severing their involvement with the GWP counterclaim-defendants, Bergin/Garvey began to operate a website with the domain name www.windofchanges.org .
2. The purpose of the website was (and is) to advise members of the public about the experiences Bergin/Garvey were subjected to when they became involved with the Gentle Wind Project (“GWP”) and used GWP’s so-called “healing instruments.”
3. In response to the Bergin/Garvey website, the GWP counterclaim-defendants, in an effort to discredit Bergin/Garvey, repeatedly published defamatory statements about them. These false and defamatory statements were published from 2003 through the present at either www.gentlewindproject.org , www.eyeofthesky.org , or The Gentle Wind Project News. The GWP counterclaims-defendants referred to Bergin/Garvey, without limitation, as follows:
 - a. “Unscrupulous and cynical individuals...promoting themselves, their products and dubious services, by high jacking (sic) attaching fraudulent, dishonest, libelous reports and hoaxes to our web url...”
 - b. “Con artists....”

- c. Persons with “serious mental illness.”
 - d. “Charlatans luring people into a real scam.”
 - e. “This is in essence the perfect sting, grift or con job.”
 - f. “High risk and borderline personality types.”
 - g. Suffering from “the symptoms of mental illness,” which in the case of Judy Garvey were “exacerbated even further by severe hormone changes induced by a menopausal hysterectomy and when HRT (hormone replacement therapy) was very strongly recommended but rejected for an already volatile personality with a history of severe PMS....”
4. The GWP counterclaim-defendants also falsely claimed that Bergin/Garvey were:
- a. “Funneling people into deeper levels of a sophisticated ‘cult deprogramming underground ring’ which may be involved in illegal activities....”
 - b. Engaged in “illegal, unethical and immoral activities.”
 - c. The “originators of a scam....”
 - d. “Profoundly and deeply disturbed people....”
 - e. Liars and swindlers.
 - f. Engaged in “real deception and ‘extortion tactics....’”
 - g. Engaged in “ongoing harassment.”
 - h. Engaged in “dangerous harassment.”
 - i. Like “Hitler and one Saddam Hussein.”
 - j. “Redefining Reality.”
 - k. “Schizophrenic.”

- l. “Delusional.”
 - m. A threat of “violence” to “children, their families and volunteers.”
 - n. An “estranged and amazingly celibate husband.”
5. The statements are, and when published were, false.
 6. Neither James Bergin nor Judy Garvey is a public figure. Nevertheless, the statements were published by the GWP counterclaim-defendants with knowledge of their falsity or with reckless disregard for their truth.
 7. The statements were published by the GWP counterclaim-defendants with malice.
 8. James Bergin and Judy Garvey have been damaged in their reputation by the publication of the false and defamatory statements.
 9. The statements in whole or in part constitute defamation *per se*.

COUNT II

INVASION OF PRIVACY

10. Bergin/Garvey repeat and reassert the allegations in paragraphs 1-10 of this counterclaim as if set forth in full in this paragraph 10.
11. The GWP counterclaim-defendants’ statements set forth above, without limitation, were distributed to the public at large by way of the internet, and constitute an invasion of privacy.
12. The statements by the GWP counterclaim-defendants were made with malice, and have caused and continue to cause harm to Bergin/Garvey, including the suffering of mental anguish and emotional distress.

COUNT III

INFLICTION OF EMOTIONAL DISTRESS

13. Bergin/Garvey repeat and reassert the allegations in paragraphs 1-12 of this counterclaim as if set forth in full in this paragraph 13.
14. By the publication of their statements, the GWP counterclaim-defendants intentionally or negligently caused, or intended to cause, Bergin/Garvey severe emotional distress.
15. Bergin/Garvey suffered severe emotional distress.
16. The GWP counterclaim-defendants acted with malice.

WHEREFORE, James Bergin and Judy Garvey demand:

- (i) Judgment in their favor on plaintiffs' amended complaint;
- (ii) An award against the GWP counterclaim-defendants, jointly and severally, on their counterclaims in an amount to be determined, plus punitive damages, interest and costs of suit;
- (iii) An order of injunctive relief from this Court ordering the GWP counterclaim-defendants to cease and desist from publishing statements which refer or relate to James Bergin and/or Judy Garvey in a manner constituting defamation or invasion of privacy.

DATED: March 7, 2005

/s/ Jerrol A. Crouter

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Counterclaim-plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2005, I electronically filed this answer, counterclaims and demand for jury trial with the Clerk of Court using CM/ECF system which will send notification of such filing(s) to the following: James G. Goggin, Esq.; Robert Frank, Esq.; William Leete, Esq.; and Daniel Rosenthal, Esq.

/s/ Jerrol A. Crouter