

STATE OF VERMONT

SUPERIOR COURT  
Orleans Unit

CIVIL DIVISION  
Docket No. 256-10-11 Oscv

Green Mountain Power Corporation  
Plaintiff

v.

Donald and Shirley Nelson  
Defendants

FILED  
NOV - 1 2011  
VERMONT SUPERIOR  
COURT  
ORLEANS UNIT

PRELIMINARY INJUNCTION

This matter came before the court on Plaintiff's Motion for a Preliminary Injunction. Pursuant to V.R.C.P. 65(b), Defendants received notice and the court held hearings on October 20 and 25, 2011 at which Plaintiff and Defendants presented evidence. Having considered the evidence as well as the parties' various motions, supporting memoranda of facts and law, affidavits, and exhibits, the court GRANTS the requested Preliminary Injunction.

The court finds, based on the evidence presented by both parties, that Plaintiff will sustain irreparable harm if an injunction is not issued. The court finds that Defendants Donald and Shirley Nelson and other persons acting in concert and participation with Defendants are improperly interfering with Plaintiff's development of a wind generation project in Lowell, Vermont, known as the Kingdom Community Wind Project (the "Project"). Specifically, the evidence shows that the Nelsons and those acting in concert and participation with them are intentionally occupying the northwesterly boundary of the Nelsons' property adjoining the Project in close proximity to blasting on GMP property where the Project is being constructed.

The purpose of Defendants and those acting in concert and participation with them is to 1) place themselves far inside a 1,000 foot safety zone in order to create a risk to human safety that will prevent the blasting from taking place, and thereby 2) cause irreparable harm to GMP and the public. Plaintiff has presented sufficient evidence that it is likely to succeed on the merits of its nuisance and contract interference claims, and that issuing the below order will impose no or little cost on Defendants.

**IT IS HEREBY ORDERED:**

Pursuant to V.R.C.P. 65(d), that Defendants Donald and Shirley Nelson, and any and all of their agents, employees, attorneys, invitees, licensees, permittees and all and any other persons acting in concert or in participation with Defendants Donald and Shirley Nelson are ENJOINED, PROHIBITED and RESTRAINED FROM ENGAGING IN ANY AND ALL OF THE FOLLOWING:

1. Being present within 1,000 feet of the northwesterly boundary of Donald and Shirley Nelson's Lowell, Vermont property and adjoining GMP's land for two hours before blasting until the all-clear whistle is sounded.
2. Inviting, encouraging or permitting other individuals to be present within 1,000 feet of the northwesterly boundary of Donald and Shirley Nelson's Lowell, Vermont property and adjoining GMP's land for two hours before blasting until the all-clear whistle is sounded.

**IT IS FURTHER ORDERED**, that Donald and Shirley Nelson permit GMP to post signs warning of the blasting and giving notice of this Order on their property on access routes to the above described northwesterly boundary area and at visible locations in that boundary area. GMP shall delineate the 1,000-foot safety zone for each blast and shall properly post the 1,000-foot safety zone to warn the public of any blasting. GMP shall provide law enforcement with notice of blasting sufficient to allow for execution of this order.

Pursuant to V.R.C.P. 65(c) the court waives any security requirement. A wrongful issuance of an order will pose little or no cost or burden on Defendants, and Plaintiff has resources to pay for any such minimal costs.

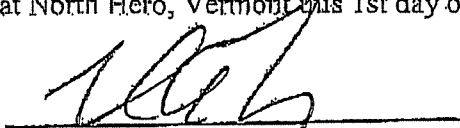
The Orleans County Sheriff, with any assistance provided by other County Sheriff Offices, and the Vermont State Police are authorized to arrest and remove any individuals within 1,000 feet of that boundary within the specified two hour period. The Sheriffs' Offices and Vermont State Police are authorized to enter onto the land of Donald and Shirley Nelson within 1,000 feet of the Green Mountain Power Project boundary to effectuate the implementation and enforcement of all aspects of this Order.

The Sheriffs' Offices and the Vermont State Police shall read this Preliminary Injunction out loud and provide or make available a copy to persons on the Nelsons' land within 1,000 feet of the boundary. Persons who refuse to move away from the boundary as directed by this order shall be removed, arrested, and after being properly identified, issued a citation to appear before this court at the earliest possible date to receive Notice of the charge of Criminal Contempt, pursuant to V.R.Cr.P. 42(b), and to be served with any process for civil contempt to be served by Plaintiff pursuant to 12 V.S.A. § 122.

**VIOLATION OF THIS ORDER MAY RESULT IN PROSECUTION FOR  
CRIMINAL CONTEMPT BY FINE, IMPRISONMENT, OR BOTH.**

This order shall expire at 5 P.M. on Friday, December 2, 2011.

Dated at North Hero, Vermont this 1st day of November, 2011.

  
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Hon. Martin A. Maley,  
Superior Court-Orleans Unit