

STATE OF VERMONT

SUPERIOR COURT
CALEDONIA UNIT

CIVIL DIVISION

Docket No. _____

Paul Brouha,
Plaintiff

v.

Vermont Wind, LLC,
Northeast Wind Partners II, LLC, and
First Wind Holdings, LLC,
Defendants

COMPLAINT AND JURY DEMAND

NOW COMES the Plaintiff, Paul Brouha, by and through his attorneys, Hershenson Carter Scott & McGee, P.C., and hereby complains against Vermont Wind, LLC, Northeast Wind Partners II, LLC, and First Wind Holdings, LLC (collectively, "Defendants"), as follows, and demands a trial by jury.

1. Plaintiff is an individual who owns real property located at, and resides at, 92 Queen Elizabeth Farm Lane, in the town of Sutton, County of Caledonia, Vermont.
2. Upon information and belief, at all times relevant hereto Defendant Vermont Wind, LLC, a Delaware limited liability company, registered to do business in Vermont, with a principal place of business in Boston, Massachusetts, was regularly engaged in business in and owned and operated a wind electric generation facility in the town of Sheffield, County of Caledonia, Vermont.
3. Upon information and belief, at all times relevant hereto Defendant Northeast Wind Partners II, LLC., a Delaware limited liability company with a principal place of business

in Boston, Massachusetts, directly or indirectly owned and controlled Vermont Wind, LLC.

4. Upon information and belief, at all times relevant hereto Defendant First Wind Holdings, LLC., a Delaware limited liability company with a principal place of business in Boston, Massachusetts, directly or indirectly owned and controlled Vermont Wind, LLC.
5. Within the Town of Sheffield, Vermont, is a commercial, utility-scale electric generation facility consisting of 16 wind turbines and known as the Sheffield Wind Project.
6. Upon information and belief, each of the Defendants directly or indirectly facilitated and caused the construction of the Sheffield Wind Project.
7. Upon information and belief each of the Defendants directly or indirectly operates and manages the Sheffield Wind Project.
8. Upon information and belief, the Sheffield Wind Project consists of 16 Clipper Liberty 2.5 megawatt ("MW") turbines with a total nameplate capacity of 40 MW.
9. Upon information and belief, each Sheffield Wind Project turbine is approximately 420 feet tall from the ground to the tip of the blade in the vertical position.
10. Upon information and belief, the turbines at the Sheffield Wind Project are located approximately 1,100 feet from Plaintiff's property line and approximately one mile from Plaintiff's home.
11. Some of the Sheffield Wind Project turbines are visible from Plaintiff's property, including from Plaintiff's home.
12. Defendants' operation of the Sheffield Wind Project creates noise when the turbines are in operation, which noise can be heard on Plaintiff's property and in Plaintiff's home.

13. The noise created by Defendants' operation of the Sheffield Wind Project is of such a nature, magnitude and frequency that it unreasonably interferes with Plaintiff's use and enjoyment of his land, and as such constitutes a private nuisance.
14. The noise impact on Plaintiff's property created by Defendants' operation of the Sheffield Wind Project is unreasonable, including because it is out of character with the surrounding area, is excessively loud, and continues unabated for long periods of time during both day and night, including for periods of multiple days at a time.
15. The noise impact on Plaintiff's property created by Defendants' operation of the Sheffield Wind Project is substantial, including because it causes substantial and extreme stress and annoyance to persons of normal sensibilities in the community, and has caused significant damages to Plaintiff as set forth herein.
16. Because of the nuisance created by Defendants' operation of the Sheffield Wind Project, Plaintiff experiences extreme and frequent stress and irritability, and the inability to enjoy, or the decrease in enjoyment, of activities such as working outside, gardening, eating outside, walking, hiking, observing and hunting wildlife, and enjoying views of his property and the surrounding countryside, all of which activities Plaintiff fully enjoyed prior to Defendants' construction and operation of the Sheffield Wind Project.
17. The nuisance created by Defendants' operation of the Sheffield Wind Project has caused significant harm and damage to Plaintiff, including pain and suffering, emotional distress, discomfort and inconvenience, loss of the use and enjoyment of Plaintiff's property, and a reduction in the value of Plaintiff's property.

WHEREFORE, Plaintiff demands judgment against Defendants and prays for the following

relief:

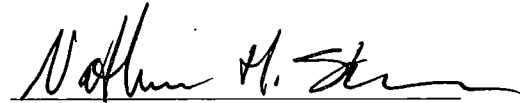
- a) Compensatory damages within the jurisdiction of this Court;
- b) an injunction ordering that Defendants cease and desist the operation of the turbines in order to abate and prevent any further nuisance from occurring;
- b) interest and costs of suit; and
- c) all other relief in law and in equity to which they are entitled.

WHEREFORE, Plaintiff demands judgment against each defendant in an amount within the jurisdictional limits of the court.

Dated at Hartford, Vermont, this 24th day of January, 2014.

PAUL BROUHA

By his attorneys:



Nathan H. Stearns, Esq.
Hershenson, Carter, Scott & McGee
P.O. Box 909
Norwich, VT 05055
Phone: (802) 295-2800
Fax: (802) 295-3344
Email: nate@hcsmlaw.com

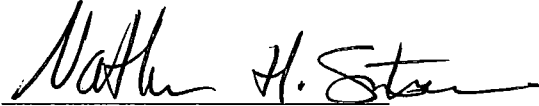
JURY DEMAND

Plaintiffs herein demand a trial by jury of all claims triable by a jury.

Dated at Hartford, Vermont, this 4th day of January, 2014.

PAUL BROUHA

By his attorneys:

A handwritten signature in black ink, appearing to read "Nathan H. Stearns", is written over a horizontal line.

Nathan H. Stearns, Esq.

Hershenson, Carter, Scott & McGee

P.O. Box 909

Norwich, VT 05055

Phone: (802) 295-2800

Fax: (802) 295-3344

Email: nate@hcsmlaw.com