

Gentle Wind Project Permanently 'Becalmed' by Lawsuit Settlement

Former GWP Followers' Freedom of Speech Insured

John "Tubby" Miller and His 5 Female Co-Plaintiffs Request Settlement to Avoid Trial

Marking a landmark victory for freedom of speech, former members of Gentle Wind Project (GWP), Jim Bergin and Judy Garvey, husband and wife from Blue Hill, ME, are pleased to announce that they have written the terms for a Settlement Agreement that was requested by John "Tubby" Miller and Mary "Moe" Miller (AKA Panuthos/Carreiro), co-founders of GWP, and their co-plaintiffs, Shelly Miller, Carol Miller, Joan Carreiro, and Pam Ranheim. The agreement ends 2 ½ years of lawsuits against the couple.

In an about turn from the GWP leaders' determined verbiage in 2004 that they would take their case "to the Supreme Court" to force removal of the couple's Internet stories, the *Settlement Agreement* insures that Bergin and Garvey will continue to operate, without interference of any kind, their website *Wind of Changes* www.windofchanges.org

Settlement Also Reached with the Court-Appointed Receiver for GWP Estate

Following the Millers' last minute settlement request (trial was scheduled to begin December 4th), the GWP Court Receiver has also signed an Agreement with Bergin and Garvey on behalf of the GWP Estate (which was still included in the lawsuit after GWP was put out of business and into Receivership in August 2006 by the Maine Attorney General). Bergin and Garvey will receive "an undisclosed amount" from the Receiver to resolve the lawsuit and resolve their claim for reimbursement to the GWP Estate.

Consequently, Bergin and Garvey have dismissed their counterclaims against the Millers et al, as well as against the GWP Receiver Estate.

Couple Recoups Financial Losses

The agreement with the GWP Estate, along with partial coverage for defense costs from their homeowners' insurance company (due to the Millers' claim of "negligent infliction of emotional distress"), allowed the couple to recoup losses from defending against GWP's multiple lawsuits.

Bergin and Garvey note that, "We very much appreciate the willingness of John Turner, the Court-appointed Receiver of the Gentle Wind Project Receivership Estate, to process our claims fairly and expeditiously, and we are grateful to our insurers, Vermont Mutual and OneBeacon, for helping to defend us against the plaintiffs' claims, which, as we

believe the settlement shows, were wholly without any basis in fact. Without the effort of Mr. Turner and our insurers, this settlement would not have been possible."

"Much more important than the money," states the couple, "we provided an essential service to the public by telling the truth about our experiences with GWP, and we balanced out some of the effects of what we caused for people while we were influenced by GWP's belief system."

The Millers Can't Sue Again

In signing the agreement, the Millers et al permanently curtailed their ability to sue Bergin and Garvey for anything the couple has written, including describing GWP as a cult, stating that the GWP "healing instruments" are "snake oil," or reporting the existence of group sexual activities, known to inner-circle members as "energy work." GWP followers involved in "energy work" believed that their participation would bring in, from the "spirit world," the designs for new so-called "healing instruments" through their leader, John "Tubby" Miller.

Refusal to Give in to GWP's Censorship

Though the couple now admits to the unwanted stress they endured, at times, during the long lawsuit process, they quickly decided after being sued by the group that they didn't want to live the balance of their lives with the regret of giving in to censorship.

"We have no regrets about our 3-year defense to maintain our public interest website," say Bergin and Garvey, "even though it has been a serious hardship financially, physically, and emotionally. We couldn't ever imagine that the Millers would put themselves, and their activities, up for public viewing in a courtroom; yet their collective belief system, and apparent outrage at us for writing our personal stories, kept them going forward, spending hundreds of thousands of their donor's funds."

The positive benefits for the couple were that, "At each stage of defending ourselves, we became freer of the effects of our involvement with the group." As a result, even though they were immersed in defending one of the most aggressive lawsuits filed by a nonprofit group in Maine's history, they were able to reclaim their lives again: "Most important of all, we have our family intact, new and honest relationships with friends, and a healed marriage, all of which was disrupted during our 17 years with GWP."

The Couple's Long Experience with GWP – Finally Over

The couple says that getting involved with the group was "a very serious wrong turn" that began when Garvey contacted one of the authors from their former publishing company, Bergin & Garvey Publishers, Inc., about parenting advice. The author, Claudia Panuthos (now Mary "Moe" Miller, co-leader of GWP), a therapist in Arlington, MA at the time, introduced them to GWP, leading to a disastrous 17-year saga that included separation from spouse (now resolved), difficulties for their children, estrangement from extended

families, friends, and community, large losses of money through financial contributions and no-interest loans to the GWP leaders, and, most serious, the dependency on “Tubby” and “Moe” as the authorities on and intermediaries – often through the use of “soul readings” – between the so-called “spirit world” and many life decisions.

Jim Bergin and Judy Garvey explain that “We didn’t set out to join a cult – or a group. Without noticing the effects of our progressive immersion into GWP, we became more and more involved with interesting and like-minded people led by charismatic individuals.” The couple states that, “Regardless of the education or background of people who, over time, become involved in such groups, or the belief system of the group, the methods used can result in an undermining of critical thinking.”

Bergin and Garvey have learned, through their own recovery, that involvement in a high-control group or cult can happen to anyone, given the right set of circumstances. It depends on who approaches you, what you're looking for and what you respond to. While most people eventually leave cults physically, leaving mentally is often more difficult, sometimes because autonomy and critical thinking has been usurped through processes that aren’t even noticed when they’re happening. The couples *Wind of Changes* website lists many resources about cultic groups and recovery.

After breaking away from GWP in early 2000, Bergin and Garvey began their recovery, which involved unraveling the bizarre GWP belief system in their own minds. They first wrote *Insiders’ Stories* in fall 2003, which was accepted for publication on a cult education website. The GWP leaders’ reaction was swift and aggressive, with many of the Millers’ statements made about the couple – at times comparing them to Hitler and Saddam Hussein – later becoming part of the couple’s *Counterclaims*. As the Millers increased their defamatory statements against his wife, Jim Bergin decided to tell his own personal story, also including some critical analysis, in *A Husband’s Perspective*, published on the Internet in February 2004. After GWP’s attorney sent a cease and desist letter to the website host, the couple decided to “take the heat ourselves” and published their present website in March 2004.

GWP / the Miller’s Federal Lawsuit

Counseled by their attorneys James Goggins and Daniel Rosenthal of Verrill Dana, Portland, ME, the GWP Plaintiffs first filed a Federal lawsuit in Maine District Court (May 2004) alleging violations of the Lanham Act (commercial interference) and RICO (conspiracy to defraud), along with defamation and other specious claims. This lawsuit, described by Senior District Judge Gene Carter as “convoluted,” was, according to the couple, “Perpetrated as a means to remove any critical material from the Internet.”

Bergin and Garvey were skillfully defended by **Jerrol Crouter** and **Brian Willing** of **Drummond Woodsum and MacMahon**, Portland ME. They were also assisted pro bono by the **Berkman Center for Internet and Society, Harvard Law School**, on various aspects of the case, including the *Motion for Summary Judgment* that successfully ended the Federal Court claims.

This *Motion* has already become important case law for anyone defending free expression on the Internet. In his granting the Summary Judgment in favor of defendants, Judge Carter, referring to RICO, stated that no reasonable person could believe that there was an organized conspiracy, as the GWP lawsuit had alleged.

Also sued by Gentle Wind Project and the Millers were co-defendants: **Rick Ross**, Rick A. Ross Institute for the Study of Destructive Cults, Controversial Groups and Movements – www.rickross.com; **Steve Gamble**, Equilibra.com – www.equilibra.uk.com; **Ivan Fraser**, The Truth Campaign – www.truthcampaign.co.uk; **Ian Mander**, New Zealand Cult List – www.cults.co.nz; and **Steve Hassan**, Freedom of Mind – www.freedomofmind.com.

Mr. Ross successfully defended himself against the Federal lawsuit and was dismissed by Senior District Judge Gene Carter in January 2005. (See *Lawsuit Against “Cult-watcher” Dismissed*: <http://www.cultnews.com/archives/000800.html>). Judge Carter also dismissed the Federal claims against Mr. Mander and denied GWP’s motion for default judgment against him; Mander was also added to the recent dismissal from Maine state court. Mr. Gamble and Mr. Fraser defended themselves for several months until their defense money was depleted and then reached a settlement, without payment, retaining their original information about GWP (which preceded Bergin and Garvey’s info): <http://www.equilibra.uk.com/gentlewindupdate.pdf>. Mr. Hassan settled and removed all links to the information in exchange for GWP removing all of their statements against him.

GWP/ the Millers’ Maine State Lawsuit

Following their dismissal from Federal Court, the Millers, with the assistance of their attorneys at Verrill Dana, inflicted the case on Maine State Court where they filed a new lawsuit for defamation against Bergin and Garvey and continued their aggressive tactics for several more months, adding to their outlay of thousands of dollars in legal bills.

Maine’s Attorney General Ends Gentle Wind Project

Coinciding with the negative publicity that the Millers brought about for themselves and their “nonprofit” Gentle Wind Project with their lawsuits, the Maine Attorney General began an investigation of GWP, their financial dealings, and claims about the “efficacy” of their plastic “healing instruments.” The AG’s investigation resulted in a civil lawsuit against GWP and its officers and directors, citing false claims and fraud. The complaint charged that the GWP leaders falsely claimed that the instruments could improve mental, emotional, and physical well-being. The officers and directors were also charged with improperly disbursing hundreds of thousands of dollars, in the form of expenses, to themselves.

The Attorney General’s lawsuit was resolved by a *Consent Decree* on August 14, 2006, in which, “The directors of GWP admitted that they made false claims about their products, which they said could cure anything from alcoholism to paralysis . . . admitted making false claims on their Web site, at public appearances and in written literature that

the instruments had been scientifically proven to be effective. Board members also admitted that they breached their fiduciary duty as officers of a charity by using donations for the purchase and upkeep of houses purchased in their own names and for other illegal transactions. . . . The houses and all other assets will be sold by a Receiver, with the money used to provide refunds to any Gentle Wind customer who bought a healing instrument since 2003.” – *Portland Press Herald*, 8-15-06

Attorney General Steven Rowe, in a written statement: “We believe that this is a just resolution to the violations of law committed by the defendants. This charity damaged the public trust and should not be allowed to continue.”

Even after signing the Attorney General’s *Consent Decree*, Mary “Moe” Miller insisted that she and the other directors would continue to operate GWP outside of Maine, and that they would proceed with their lawsuit. However, Bergin and Garvey’s attorney, Jerrol Crouter, noted, “In the *Consent Decree*, GW’s board members admit the truth of most of the statements they call defamatory in their lawsuit against the couple.”

The Millers Request Settlement

After the Millers et al signed the AG’s *Consent Decree*, their attorneys James Goggins and Daniel Rosenthal of the law firm Verrill Dana, who originally designed the lawsuit against Bergin and Garvey and others, filed a *Motion* with the Court to be released from their representation of the Millers et al, allegedly based on nonpayment. Now, without an attorney, the Millers decided to continue the case, representing themselves *pro se* against the defendants. Among their *pro se* handiwork was a motion to eliminate any mention in front of a jury of the Attorney General’s lawsuit and *Consent Decree*.

In their final turnabout, rather than waiting to learn how Justice G. Arthur Brennan would have ruled on this *Motion*, or others, the Millers requested settlement one week prior to the time of rulings and five weeks before trial was scheduled to begin in York ME Superior Court.

The writing was on the wall for the Millers. Perhaps they finally realized that a trial by jury would bring further public attention and ridicule of their cult-like activities described on *Wind of Changes*. After seeing the witness list, perhaps it became clear to the Millers that other GWP ex-members intended to appear in person to testify about their own experiences with the group, and that experts would testify that the Millers’ exhibited classic cult behavior.

Bergin and Garvey’s distinguished experts were Cult Expert, **Dr. Cathleen Mann, PhD** and **Dr. Arthur Dole, PhD, ABPP**, Expert: Psychological Research and Cultic Groups.

Celebrating Their Victory

Celebrating their victory, the couple says, “It was worthwhile to retain ours, and others’ first amendment rights. We had a right to tell our stories of 17 years as followers and

members of the board of directors with Gentle Wind Project – rights that are all too often threatened when an individual, or organization with deep pockets and a willing law firm, can use the civil legal process to silence whistle blowers.”

“Without the expertise of our lead attorney, Jerry Crouter,” states the couple, “we could not have continued to defend this case. His defense was brilliant and always fair. We are forever grateful to Jerry, Brian, Lisa Labonte, Trisha Nastro, and the entire staff of Drummond Woodsum and MacMahon.”

On a more somber note, Bergin and Garvey assert that, “The subtext of many such legal cases is to deplete defendants’ financial resources so that they are forced into silence. Fortunately, due to our personal resources, insurance, competent legal representation, reasonable attorneys’ fees, and pro bono professional assistance from the Berkman Center, this was not the case.”

“Our website will remain online indefinitely so that individuals can continue to make informed decisions about GWP’s activities. We will eventually bring the information up to date with the present events and, as time allows, we will add more.”

In closing this page of their lives, Bergin and Garvey say they have no animosity against former friends that remain followers of GWP – even though they have been shunned by them. “We will be here if they decide to leave the group, or even if they decide to stay,” the couple affirms. “All we can tell them is that we have better lives now and that we feel stronger, healthier, and happier after ending our dependency on the ‘healing instruments’ and on the Millers. We wish them all well.”