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October 26, 2010

Ms. Kate W. Mitchell  
Treasurer, Friends of Brian Dubie  
Campaign Headquarters  
4540 Williston Road  
Williston, VT 05495

Dear Ms. Mitchell:

This firm represents David Blittersdorf, President/CEO of AllEarth Renewables, Inc.

Mr. Blittersdorf has asked us to assist him in seeing that defamatory publications concerning him issued by Friends of Brian Dubie be removed from circulation and that no such statements be issued going forward.

Specifically, Friends of Brian Dubie on its website [www.shumlinethics.com](http://www.shumlinethics.com) states as follows:

4. Conflict of interest: Shumlin campaign contributor and board appointee *used position to score millions in tax breaks for himself.*

Peter Shumlin appointed one of his largest campaign contributors to a board *where he used his position to write policies that resulted in millions of dollars of tax breaks for himself . . .* Last year, Blittersdorf was appointed by Peter Shumlin to the Clean Energy Development Fund, *where he used his position to write policies that resulted in his companies receiving \$4.3 million in state tax credits – a clear conflict of interest.*

*‘This is a shocking level of corruption,’* Dubie campaign manager Corry Bliss said. *‘Once again, Peter Shumlin is not being honest. Trading more than \$4 million in taxpayer money for campaign donations once again shows Peter Shumlin will say or do anything to get elected. We again call on Peter Shumlin to give back the \$8,000 he received personally from David Blittersdorf and explain to the public what he promised him in exchange for his \$28,000 in campaign contributions.’* (emphasis added)

The quoted language, while purporting to target Mr. Dubie’s opponent in the election, clearly and unmistakably accuses Mr. Blittersdorf of “corruption,” essentially buying “millions of

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dollars in state tax credits,” and unethical conduct. Campaign manager, Corry Bliss, continued his unjustified attack on Mr. Blittersdorf in the October 21, 2010 *Burlington Free Press* declaring: “Was this pay-to-play? Is this a deal Peter struck?” There is absolutely no factual basis for those accusations and under Vermont law they are defamatory *per se*. *Lent v. Huntoon*, 143 Vt. 539 (1983); *Kinsley v. Herald & Globe Ass’n.*, 113 Vt. 272 (1943). It matters not that the defamatory statements were made in the heat of a political campaign:

The public interest does not require that the right to enjoy a good name shall be made subservient to the right of free speech.

*Lancour v. Herald & Globe Ass’n*, 111 Vt. 371, 386 (1941).

Mr. Blittersdorf advises us that he spoke with Mr. Dubie yesterday to express his displeasure concerning the above quoted statements, with the request that they be removed from publication. Apparently Mr. Dubie indicated that he would consider David’s request but, as of this moment, David has not heard a definitive response, hence this letter.

Mr. Blittersdorf, although obviously a strong supporter of Mr. Shumlin, is not interested in making this issue fodder for the campaign. David simply, but firmly, requests that Friends of Brian Dubie immediately remove all defamatory publications concerning him and cease making defamatory statements about him. It is sincerely hoped that those steps will take place immediately.

I ask that you respond to this request no later than 1 p.m. tomorrow, October 27, 2010. Thank you.

Very truly yours,

DINSE, KNAPP & McANDREW, P.C.

  
Ritchie E. Berger, Esq.

REB/djw

cc: Mr. Brian Dubie (via email and U.S. Mail)  
Mr. David Blittersdorf