

Address to the Supreme Court of Vermont

Good afternoon, your Honors... Mr. Burg. My name is Dennis Lee. Before I get started I would like to request that any remaining time I may have be used for rebuttal. I only have 15 minutes and I have many points, so I wrote, from the record, a written statement that I hope to be allowed to make. I firmly believe that we have the technical ability to produce, among other things, a viable alternative to fossil fuels, but our progress has been delayed to date, primarily to maintain the status quo of big business interests. But, this hearing is not about my business beliefs. It is about whether or not the trial court abused its discretion in compelling me to give the State of Vermont all of the discovery they were demanding. The fact that I was running a research facility is a critical point that cannot be overstated.

Black's Law Dictionary defines the term "abuse of discretion" as:

Abuse of discretion means an act or failure to act that no conscientious person acting reasonably could perform or refuse to perform. One which requires exercise in judgement and choice and involves what is just and proper under the circumstances. (Burgdorf V. Funder, 246 Cal.App.2d 443, 54 Cal. Rptr. 805.)

I know that in Vermont there is wide discretion afforded the courts. Let me explain to this court why I believe discretion in the lower court was abused.

The AG KNEW that many of the things we demonstrated the evening of our show were NOT PRODUCTS that we had ever sold to anyone or that we were claiming to have ready for the marketplace. Most of our revelations, were top secret research projects that we were willing to demonstrate under controlled disclosure to the public in order to allow them to get a glimpse of their future in the hopes they will give us their political, and not their FINANCIAL, support. These special projects were explained to be research projects that were NOT ready for market. Our goal in our demonstration was to have them merely sign up, for free, to attend a much larger future public demonstration and offer us protection from our detractors so that we could PROVE the devices prior to taking ANY money from ANY CONSUMER for any related consumer PRODUCT!

CONSUMER protection laws are in place to protect CONSUMERS! With no sales and no product for sale there is no consumer. We understood the right

of the AG to DEMAND proof of any PRODUCT that was being offered for sale. If his original complaint had included us selling products or IN ANY WAY offering them for sale, we would have complied with his discovery DEMANDS relating to those PRODUCTS. His complaint related to false advertising when all we had advertised was a show for people to come and SEE something. We gave him the discovery relating to the ADVERTISING and we even gave him a video taped copy of the SHOW to prove that we had delivered the show that we had advertised. We even offered to do the show again for an expert of his choice. Neither his original, or eventually amended complaint related to our proprietary research projects. BUT, his DISCOVERY did actually DEMAND what any researcher would consider to be a VERY MATERIAL NIGHTMARE!

We **WERE** showing, but not offering for sale, a GLIMPSE at the following abbreviated list of very sensitive and highly proprietary RESEARCH projects...NOT PRODUCTS

- *A medical laser camera that could take pictures through walls and look directly into the human body with no radiation
- *A Tornado engine that could harness the energy of a tornado using water fuel to provide power to run a half megawatt generator
- *The Sundance Generator that is the most efficient electric generator ever built that we EVEN did let people test on stage with their own instruments.
- *An internal combustion engine that will run on gasoline with NO exhaust system at all.
- *A technology to neutralize radioactive waste
- *The world's most efficient permanent magnet motor that is the key to our ultimate free electricity technology (the public also tested this device.)

The AG's DEMANDS (relating even to these PRIVATE and confidential RESEARCH PROJECTS that are not offered anywhere as PRODUCTS) were for us to give them the following (AND I QUOTE):

- *DESCRIBE IN DETAIL HOW EACH TECHNOLOGY AND ANY RELATED DEVICE WORKS!!!!...**
- *identify and produce all available diagrams and schematics of the technology and any related device...

*Identify and produce all documents describing in any way or relating to the technology and any related device, including, but not limited to, patent applications, published articles, web site material...

*describe ALL experiments and other procedures used to evaluate the technology, including when and where they took place, the names and addresses of all persons involved...

***THEY EVEN WENT ON TO DEMAND PERSONAL CONTACT INFORMATION FOR EVERYONE INVOLVED INCLUDING OUR SCIENTISTS AND ASSOCIATED INVENTORS!**

The only thing the AG did not DEMAND was for me to deny Jesus Christ as my personal Savior, but he may as well have. While the AG may doubt these technologies work, I KNOW they will! AND, if they do, any conscientious person acting reasonably KNOWS they would be extremely valuable!

There are many companies in the world that would kill every person in this room for that information!

Imagine what secrets, a false advertising claim brought against Boeing or Lockheed, could get an Attorney General! Industrial espionage is a big and well paying business. My need to be unusually protected in these types of disclosures was, and is, a very material fact!

Since there were to be no CONSUMERS until after the main public event to be held at a future date when we were ready to advance to the marketplace with PRODUCTS, there is NO LAW we are aware of that requires us to produce what the AG was DEMANDING relating to our PRIVATE RESEARCH PROJECTS. 95% of the DEMANDS on that first complaint were not even relevant. The AG did, finally, ON March 20, 2003 get his amended complaint granted that extended the case beyond just advertising to include the PRODUCTS. Until the Plaintiff finally did amend his complaint, EIGHT MONTHS AFTER we were ordered to comply we had originally objected to the majority of his DEMANDS on the basis of the lack of relevance to his complaint. There was no reason to raise protection issues if everything he was asking for was irrelevant to the complaint. The court's Order to Comply with whatever the AG wanted had been issued while even the product demands were still irrelevant to the advertising complaint. After the Plaintiff did finally (with the court's permission) amend the complaint to include PRODUCTS (a few months before a final summary judgement) the

RESEARCH PROJECTS WERE STILL IRRELEVANT. We were horrified to discover that we could not get anyone to even pay the slightest bit of consideration to our need to be protected on our confidential and highly proprietary research projects. I had problems with the Vermont AG sharing any information with other out of state officials who's motives I also suspected were unpure, which was another issue that I considered to be material.

As to any "willfulness" on my part, After the AG amended his complaint to make the PRODUCT portion of his outrageous DEMANDS at least somewhat relevant, I did offer to comply with most of the DISCOVERY IF WE COULD BE REASONABLY PROTECTED. I asked for hearings the entire time and was not granted even one single hearing, or any documentation that could be reviewed. In fact, the only hearing ever scheduled was at the conclusion of the entire matter when a Summary Judgement was granted due to a procedure...al violation. The court had a hearing I could not attend by phone and on such short notice could not attend in person. I was not able to get a transcript of it, because they even held it off the record. All along, any attempt I made to get a hearing was denied. I filed motions for findings of fact and conclusions of law hoping the court would think this through more clearly. The court ultimately determined that, since there were no hearings, there was no need for findings or conclusions. In fact, there is nothing for this court to review. It was as if the court was avoiding any accountability for its discretionary actions. As I understand it, the trial court is ONLY accountable to this court. I had wanted to at least be heard on this incredibly important issue of protection of our proprietary research and the fact that I had signed confidentiality agreements and contracts with others agreeing NOT to reveal this information to ANYONE under ANY circumstances. I certainly did have a fiduciary duty to the company, who had funded these research projects, and others who were also not named as defendants in this action. The complete lack of sensitivity from the court and the AG merely confirmed my suspicions that they could not be trusted and it appeared as though my right to free speech and to organize mass public awareness was, again, being blocked.

I believe that the AG knew what he was doing. **He knew I could not betray the trust of the inventors and other associates involved by giving in to these demands to produce information possibly worth Billions of dollars and that he could ride that fact all the way to a Summary Judgement,**

which he did. He has no case for false advertising, since we only advertised the show we did. To this day, we have not sold one product to my knowledge to any Vermont resident. The only way the Plaintiff could win is through an abuse of discretion. I believe the court had faith in the AG's integrity and failed to properly study the matter. I sincerely hope that was the case. My ONLY option, since there is no interlocutory appeal, was to allow the case to close and hope I could appeal to this esteemed court's discretionary powers. I ask this court to please study the facts of these **PECULIAR** circumstances to see that they bear out my interpretation and that a citizen should have the right to be protected in his private research projects. Send this case back with instructions to provide me with reasonable protection and for the court to properly discern what is and is not relevant to proving any violations of the laws of Vermont. I am not avoiding that contest. I look forward to clearing this matter up, but not at the expense of our confidential research.

I sincerely believe that trial court's failure to even, in some manner, try to protect our proprietary rights to preserve our own Private Research was an abuse of discretion. No conscientious person acting reasonably under the circumstances could have failed to perform that duty. I cannot imagine any conscientious researcher giving this Discovery to the Plaintiff without a settlement hearing on what was proprietary; what was necessary for the Plaintiff to have; and what was reasonable for us to withhold with an adequate manner established for protecting any documents we were, then, required to surrender! I thank you for listening.