

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

GENTLE WIND PROJECT, et. al.

Plaintiffs

vs.

JUDY GARVEY, et al.,

Defendants

Civil Action Docket
No. 2:04-cv-00103-GC

AFFIDAVIT OF STEVE GAMBLE
IN SUPPORT OF MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION

1. My name is Stephen Gamble. I make this affidavit from personal knowledge. I am over 21 years of age, and am competent to testify to the matters set forth below.
2. I am a citizen of the United Kingdom. I reside in the United Kingdom.
3. I have a personal academic interest in alternative health techniques (sometimes called "complementary medicine" in the United Kingdom) and products that are used by consumers and practitioners of alternative medicine.
4. I am a professionally qualified Complementary Medicine Practitioner and member of the International Guild of Professional Practitioners (IGPP). I have published articles in the field of alternative medicine.
5. Starting in calendar year 2000, I became self-employed through a small business called Equilibra. Equilibra is not a corporation or other business entity. It is a name under which I do business.



6. I offer for sale nutritional products, radiation detection and protection devices, and devices that energize and improve water.
7. I do not have any employees except myself.
8. I work out of my home.
9. I do not have a sales force in the United Kingdom or anywhere else, including the United States.
10. I have not hired any person in the United States to market Equilibra products.
11. I have not been in the United States at any time in the last ten years.
12. I have not appeared in any court within the United States.
13. I have not registered to do business in any state of the United States.
14. I have not sought out the protections of any laws of the United States or those of any state of the United States in connection with my operation of my web site or sale of Equilibra products.
15. I have not used the mails or the telephone to initiate any solicitations of potential customers in the United States to purchase Equilibra products.
16. I maintain a web site on a server located in the United Kingdom. The web site contains a link to a web page describing products offered by me under the name Equilibra.
17. Over 85% of my total gross revenues from the sale of Equilibra products since April 2000 are from the United Kingdom. The vast majority of these are as a result of telephone or mail orders.
18. With once exception, I have confined advertising for Equilibra products to the United Kingdom. The only exception is Nexus Magazine, where the English



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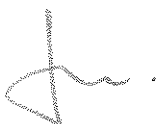
language edition is distributed in Europe, United Kingdom, Australia, New Zealand, United States and Canada. I have not knowingly and specifically targeted persons in the United States as customers for Equilibra products.

19. Because my web site is accessible over the internet, persons from anywhere, including the United States, can access it and use it to obtain contact information about me or make purchases of Equilibra products offered by me using a credit card.
20. My gross sales revenue for the sale of Equilibra products in the four-plus years since April 2000 to persons providing a shipping address in the United States has averaged less than \$2700 per year.
21. My web site provides a link to an Articles web page, which in turn contains links to academic and critical writings, including the potential dangers from exposure to electromagnetic fields, mobile phones and their transmission towers, contributory factors in illness and disease, and various so-called “new age” healing modalities and beliefs. Within these articles, where available, are links to web sites pertinent to the subject matter. The allegations made against me in the Gentle Wind Project complaint concern information that is accessible through the “Articles” link on my web page, not on the “products” link.
22. I have made no statements about the Gentle Wind Project or its products in connection with the sale of any Equilibra product to any customer or potential customer of Equilibra products in the United States, or anywhere else. No such statements appear on the “products” section of my web site.



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23. My web site provides a number of links to other websites for organizations that also have an academic interest in alternative medicine, or deal in products, including energy/healing products, used by consumers or practitioners of alternative or preventative medicine.
24. I provide these articles links on my web site in order to further academic and critical exchange of information on developments in alternative health and medicine techniques and products.
25. I do not regard Gentle Wind Project's "healing instruments" as competitive with any of the products offered through my web site. I have never received any report to indicate, and do not believe, that the sale of Equilibra products are less than they would be as a result of the distribution of Gentle Wind Project "healing instruments." No customer has ever said or indicated that Gentle Wind Project's "healing instruments" are regarded as competitive with products offered by me.
26. In 2002 I was provided with some Gentle Wind Project 'healing instruments' and asked to give my opinion about them. I evaluated the instruments and provided my opinions about them to those concerned.
27. After evaluating the Instruments I reviewed some of the Gentle Wind Project's promotional literature and its web site, where the Gentle Wind Project claims (quoting from these sources) that "information about how to construct the Healing Instruments comes in the form of telepathic impressions and is given as very detailed engineering blueprints" from "non-physical entities" who "come from a place outside this earth and its astral system;" that



“These Instruments are not the work of human beings;” that “The way they work is extremely complex and cannot be understood by anyone in humanity at this time;” that “The Healing Instruments do not actually do the healing themselves. They open up the human etheric system... which triggers a connection to an area of the World of Benevolent Spirits that could be loosely defined as a hospital or healing center.” I then decided to provide my evaluation of the ‘healing instruments’ (and some of the claims made for them) in the form of a written review.

28. My review of the Gentle Wind Project “healing instruments” was published in The Truth Campaign newsletter, issue 25, Autumn edition, in 2002. This appears as Exhibit H to the complaint. I authored only those portions of the article that appear immediately after the phrase: “Steve’s thoughts, the response to Joe Deegan’s letter”; and “Steve’s Response to the Gentle Wind Feedback in General.” I later established a web link to this article through the Articles link on my web site.
29. I do not receive any remuneration for the publication of my articles in The Truth Campaign newsletter. I do not receive any portion of the revenues from the sale of The Truth Campaign. I provide a link on my website from which persons can order, using a credit card, a CD-ROM containing back issues of The Truth Campaign newsletter and a book authored by Ivan Fraser. I do not receive any revenue from the sale of these CD-ROM’s over the internet.
30. My purpose in writing the review of the Gentle Wind Project “healing instruments” and later providing a link to the review on the “Articles” page of



my website was to further academic and critical exchange of information on development in complementary health and medicine techniques and products, not for the purpose of increasing the sale of Equilibra products.

31. The same “Articles” section of my web page has included links to websites and information that recommend Gentle Wind Project “healing instruments.” Since 2002, my web site has included three links to the Gentle Wind Project web site that favorably describes that entity and its instruments. Through these web sites, the Gentle Wind Project makes claims about the healing qualities of products that can be acquired from the Gentle Wind Project for what the site describes as a donation.
32. I have not authored, co-authored or edited what the complaint describes as the Garvey Report or the Bergin Report. I have included links to these articles published by Ms. Garvey and Mr. Bergin, and later to their web site. These articles are critical of the Gentle Wind Project and its claims for its products.
33. I have provided links to the articles authored by Ms. Garvey and Mr. Bergin for the reasons noted above -- to further academic and critical exchange of information on development in alternative health and medicine techniques and products – and not for the purpose of increasing the sale of Equilibra products.
34. On these pages linking to articles published by Ms Garvey and Mr. Bergin, I included direct quotes from, and direct references to, the cited passages in their articles, in order to provide the reader with an idea of the content of those articles so they could determine whether to access the information.
Additionally, on these same web pages I also provided links to the Gentle



Wind Project web sites so the reader could access both sides of the debate between the Gentle Wind Project and its former Directors. In total, these web pages have featured and currently feature six links to the Gentle Wind Project web sites. The "Articles" page also contains the statement that the reader must judge/decide for their self what may or may not be true.

35. In none of the writings that I have authored have I described any of the plaintiffs as a cult or adherents in a "cult." I used the term "cult environment" once only, and only to describe the behavior of named and anonymous individuals who called my home telephone number after I had written my article, which was critical of Gentle Wind Project's products.
36. In creating the "Articles" page and other informational links on my web page, I have not sought specifically to communicate with persons from the United States. My purpose was to communicate with persons interested in alternative medicine products and techniques, wherever located.
37. The revenues that I derive from the internet sale of Equilibra products are not sufficient to permit me to afford the cost of defending on the merits against the claims brought by the Gentle Wind Project in the United States District Court in the United States. As noted above, my gross sales to persons giving an address in the United States has averaged less than \$ 2700 per year over the last four-plus years.
38. In this case, there are five plaintiffs, all of whom are based in the United States, two defendants in the United Kingdom, and one in New Zealand. I am advised that the cost of traveling to the United States to attend these



depositions, assist my counsel during the examination of witnesses during the pre-trial phase of the case, the purchase of transcripts, and photocopying will exceed many-fold the gross revenues that I have derived from the internet sale of Equilibra products to persons giving addresses in the United States.

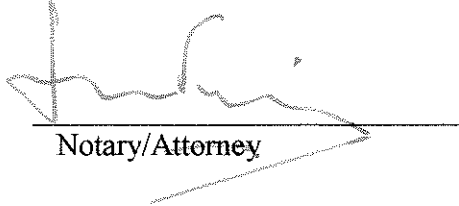


Steve Gamble

Date: 23rd August 2001

Hartlepool, United Kingdom

Steve Gamble personally appeared before me and stated that the foregoing statements are true based.



Notary/Attorney

My commission expires: _____

**HUGH TILLY
SOLICITOR & NOTARY PUBLIC
HARLEPOOL**