

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT**

**GREEN MOUNTAIN CHRYSLER  
PLYMOUTH DODGE JEEP, *et al.***

**PLAINTIFFS**

**v.**

**GEORGE CROMBIE, *et al.***

**DEFENDANTS,**

**GREENPEACE, INC.**

**INTERVENOR.**

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**Docket Nos. 02:05-CV-302  
02:05-CV-304  
(Consolidated)**

**AFFIDAVIT OF DR. PATRICK J. MICHAELS**

1. My name is Dr. Patrick J. Michaels. I am a climatologist and environmental scientist, currently on leave from the Department of Environmental Sciences at the University of Virginia as part of an early retirement package. I have published four books on climate change, approximately 70 articles in the peer-reviewed scientific literature, and hundreds of technical and popular articles on climate change and its influence on society.

2. I am also the sole owner of New Hope Environmental Services, Inc. ("New Hope"), a consultancy whose mission is to publicize findings on climate change and scientific and social perspectives that may not otherwise appear in the popular literature or media. This entails both response research and public commentary.

3. I was retained by plaintiffs in the present lawsuit to provide expert testimony at trial about the effects of Vermont legislation on global climate.

4. Prior to being retained by plaintiffs, I informed them that certain New Hope clients had requested that their funding of the corporation not be revealed by New Hope. My understanding was that if this information were requested in discovery, I would provide it under a protective order and, if the information were to be considered at trial, it would be done so *in camera*.

5. During discovery and at my deposition, I was asked to provide information concerning New Hope's funding sources and the amount of their funding. I provided this information, and my understanding is that the information was deemed to be "highly confidential" under the terms of the Court's protective order.

6. However, as the case moved closer to trial, I learned in conversations with plaintiffs' counsel that New Hope's confidential information might not remain confidential if I testified at trial. Consequently, on or around April 7, 2007, I informed plaintiffs' counsel that I would *not* testify at trial. My sole reason in doing so was concern that my trial testimony would result in the loss of confidentiality for the New Hope information.

7. Global warming science is a controversial area, and those who do not believe that anthropogenic greenhouse gas emissions will inevitably result in extreme climatologic outcomes are often subject to public attack. I myself and scientists who share my views on global warming have been labeled "climate criminals" and "enablers" of environmental disaster. The same is the case for individuals and companies who express similar views.

8. Large companies are understandably adverse to negative publicity. Thus, the global warming controversy has created an environment in which companies who wish to support New Hope's research and advocacy about global warming science are increasingly willing to do so only if their support remains confidential. For this reason, some companies that support New Hope financially do so on the understanding that their support will not be made public.

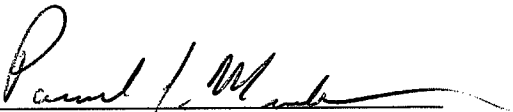
9. Public disclosure of a company's funding of New Hope and its employees has already caused considerable financial loss to New Hope. For example, in 2006, Tri-State Generation & Transmission Association, Inc., an electric utility, had requested that its support of \$50,000 to New Hope be held confidential. After this support was inadvertently made public by another New Hope client, Tri-State informed me that it would no longer support New Hope because of adverse publicity. Also in 2006, when a \$100,000 contract between New Hope and electric utility Intermountain Rural Electric Association to synthesize and research new findings on global warming became public knowledge, a public campaign was initiated to change the composition of the Intermountain board of directors so that there would be no additional funding. That campaign was successful, as Intermountain has not provided further funding.

10. For these reasons, the Greenpeace motion, if granted, will result in New Hope losing clients. I am doubtful that New Hope will continue to stay in business as an effective consultancy if the Greenpeace motion is granted. This is precisely why I did not testify at trial. Although this resulted in a short-term loss of income to me, it assured the long-term viability of New Hope.

11. Besides modest speaking fees, New Hope is my sole source of income beyond a negotiated retirement package from the University of Virginia. Thus, the Greenpeace motion, if granted, would imperil my livelihood. New Hope also employs the services of other scientists who receive all or a substantial part of their incomes from New Hope. Their livelihoods are also threatened by the Greenpeace motion.

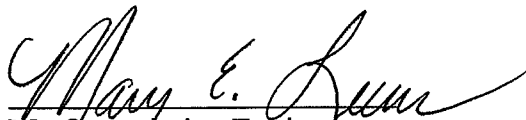
12. I am not represented by plaintiffs' counsel.

13. I attest under penalty of perjury the truth and accuracy of the foregoing facts.

  
Dr. Patrick J. Michaels

DISTRICT OF COLUMBIA, ss.

Subscribed and sworn before me this 5 day of July, 2007.

  
My Commission Expires.

Mary E. Lum  
Notary Public, District of Columbia  
My Commission Expires 09-30-2008