

Quarry backers sue prof, 83

By GORDON DELANEY Valley Bureau

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ANNAPOLIS ROYAL – The company that wanted to open a controversial quarry on Digby Neck is suing an 83-year-old university professor who wrote letters to the panel conducting an environmental assessment of the project.

Lawyers for Bilcon of Nova Scotia and Paul Buxton, its project manager, have filed a defamation suit in Nova Scotia Supreme Court against Thomas Sachs, who lives part of the year in Sandy Cove, Digby County, and the rest in Vermont.

A notice of action was filed in the Annapolis Royal courthouse on Oct. 25. A statement of defence has not yet been filed.

Bilcon and Mr. Buxton claim in the suit that Mr. Sachs, a professor emeritus of physics at the University of Vermont, made defamatory comments about them in four letters submitted to the three-member panel reviewing the project.

The suit claims the letters are a matter of public record and can be seen on the provincial Environment Department's website and the website of the Canadian Environmental Assessment Agency, which was responsible for the review.

The statement of claim says defamatory information is contained in four letters Mr. Sachs submitted, starting in August 2006. Two of the letters are from last June and one from last July.

The letters question the integrity and competence of Bilcon and Mr. Buxton, the notice of action contends.

The suit says comments in the letters were calculated to disparage both of them and cast them in an uncomplimentary light. It also claims the remarks were sufficient to cause the community to have an adverse opinion of both, to lower their reputation, cause them discredit, lower them in the estimation of others and expose them to contempt and ridicule.

It also says Mr. Sachs's statements have damaged Bilcon's and Mr. Buxton's personal and professional reputations and implied the project manager was unfit for the job.

The suit, filed by Truro lawyer Dennis James of Patterson Law, is seeking general damages, plus punitive, aggravated and special damages, along with legal costs and interest. A date has not been set for a hearing in Nova Scotia Supreme Court.

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The phone at the Bilcon office in Digby has been disconnected or the number changed.

Mr. Buxton said in an e-mail Thursday that it would be "inappropriate to comment at this time."

Mr. Sachs did not return messages left at his home in Williston, Vt. But he told the weekly Digby Courier that he first heard about the lawsuit when he was served papers Dec. 21 and that he needed time to find a lawyer and respond.

Bilcon was proposing a 150-hectare basalt mine on Digby Neck, along with a marine terminal for shipping the rock to the United States. The review panel ruled that the negative effects of the project would outweigh the potential benefits, and the federal and provincial governments accepted that finding, ending the proposal.

Mr. Sachs was one of about 200 individuals and groups who submitted written and oral presentations to the panel.

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