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Lawsuit is 32nd over Pinnacle Wind farm

Credit: By John O'Brien | The West Virginia Record | November 13, 2013 |

MARTINSBURG – A husband and wife have filed at least the 32nd lawsuit over the Pinnacle Wind farm near Keyser.

Gary and Amy Kalbaugh filed their lawsuit Nov. 6 in U.S. District Court for the Northern District of West Virginia at Martinsburg. It is only the second lawsuit classified as a “torts to land” claim, with the other 30 classified as personal injury.

The Kalbaughs allege the wind farm has interfered with their use, enjoyment and value of their property.

“The continuing operation of the Pinnacle Windmill Farm continues to produce negative consequences to both the personal, mental, emotional and physical wellbeing of your Plaintiffs, in addition to continuing to interfere with the expected use and enjoyment of their property and all of which negative effects have contributed to a loss or devaluation of their property values,” the complaint says.

“This initial and continuing operation has unreasonably interfered with the use and enjoyment of Plaintiffs’ property along with unreasonably affecting the health and wellbeing of the Plaintiffs presently and believed to be on an ongoing basis.”

Other lawsuits have alleged the windfarm is noisy and has caused vibrations and disturbances. The farm consists of 23 wind turbines placed south of Keyser in Mineral County.

Henry E. Wood III of Charleston is representing the Kalbaughs.

The first group of lawsuits was filed on Sept. 16 by Wood on behalf of 23 sets of plaintiffs.

Since then, nine more lawsuits have been filed, including one by a developer. The Mike Haywood Group filed its lawsuit on Oct. 28, alleging the turbines have had a negative impact on his attempt to sell houses at his development site.

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