

McCann's case against UPR will go to the jury

Judge rules evidence presented is sufficient

By the STAR Staff

U.S. District Court Judge Jaime Pieras, Jr., ruled Thursday that the attorneys for geologist William R. McCann presented sufficient evidence in his \$1 million lawsuit against the University of Puerto Rico, to permit the case to go to the jury.

McCann contends that his constitutional rights to free speech were violated when he was dismissed from his teaching and research post at the UPR in Mayaguez because he spoke out against a proposed coal burning power plant in Mayaguez. In the suit, he is seeking \$500,000 in punitive damages and \$500,000 in monetary damages.

In making the ruling, Pieras rejected a request by defense attorney Rubén Nigalioni to dismiss the case on grounds that McCann's attorneys had not produced sufficient evidence that the dismissal was related to his comments against the plant.

McCann's attorney, Judith Berkan, delivered a rebuttal to Nigalioni's arguments detailing all the witnesses and evidence she and co-counsel Federico Lora López had presented to sustain the charges. The case has been under way since Feb. 19 and may go to the jury Saturday.

In a radio program, McCann had criticized plans to build the Cogentrix coal-powered power plant because it would be located over a seismic fault, making it susceptible to collapse during an earthquake.

McCann contends that

his radio comments angered top Puerto Rico Electric Power Authority executives who pressured Mayaguez UPR officials to oust him.

Taking an active role in the retaliatory acts against him were UPR Mayaguez Campus Chancellor Alejandro Ruiz, then the dean of arts and sciences, McCann charged.

In the suit, McCann contended that his right to free speech was violated when university authorities or-

dered him to stop speaking out against the plant. He also alleges that several members of the university geology department banded together to have him dismissed as the director of the Seismic Institute and as a professor at the end of the academic year.

He also charges that several professors in the department libeled him in a letter to the campus faculty.

In addition to the UPR Mayaguez campus, the suit names PREPA Executive Director José del Valle and PREPA Director of Planning Orlando Angleró.

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