

Ohio House Civil Justice Committee
Proponent Testimony of Bridget Mahoney
SB 237 Uniform Public Expression Protection Act
November 19, 2024

Chairman Hillyer, Vice Chair Matthews, Ranking Member Isaacsohn, and members of the House Civil Justice Committee, my name is Bridget Mahoney. I am the former Board Chair of the Ohio Domestic Violence Network and currently serve as the Public Policy Committee Chair. Thank you for this opportunity to testify in support of Senate Bill 237- Anti-SLAPP.

My testimony is a case in point why an Anti-SLAPP law is needed.

Domestic violence, child abuse, and sexual assault have been brought out of the shadows, in part, because victims are courageously sharing their stories publicly or reporting their crimes. But there can be major backlash. Even with the truth on your side, if you live in a state without an Anti-SLAPP (Strategic Lawsuit Against Public Participation) law, there can be a staggering price paid if you are sued for speaking up or reporting the crime.

Abusers, particularly those with deep pockets, can weaponize the legal system by filing retaliatory defamation lawsuits, not with the intention of winning in the traditional sense; their “win” comes by controlling, intimidating, financially draining, and ultimately silencing their victims.

I didn't realize how fragile freedom of speech could be until I experienced it firsthand when my abusive ex-husband filed a meritless defamation suit for sharing our family's story.

Because Ohio doesn't have an Anti- SLAPP law, this was my choice- give up my freedom of speech and be silenced or endure a grueling lawsuit.

I chose freedom of speech. I had no idea the price I would pay. Recovery is ongoing. I almost gave up my work, and I will never get over the heartbreaking choice I had to make on the day of trial.

I've used my First Amendment Rights my whole life.

After college, I followed my dreams and became a television news anchor. I married a successful businessman, and we had two daughters. Picture perfect life? Hardly. I was hiding a painful and shameful secret of being physically and emotionally battered. His abuse of our daughters was worse, and when I witnessed it, I filed for divorce. They were one and four years old.

A snapshot of what took place and what compels me to speak about it-

- Our case was in the court system for 20 years.
- There was extensive professional documentation of the girls being abused, in all ways.

- The judges chose to view the case as simply two parents who didn't get along.
- It took until my youngest, Julie, was 10, for a visiting judge to protect her by stopping parenting time.
- Undaunted, her father then stalked Julie through the courts for the next 8 years.
- At 15 as Freshman, Julie needed further protection and endured a trial to obtain a 5-year civil protection order, and another trial after he violated the order and was found guilty.
 - Then the inconceivable. Even with a protection order against her father, whose parental time was stopped based on abuse, he was allowed to pursue time with her. The case lasted nearly two years. Suicidal thoughts filled Julie's brain, fearful the very courts designed to protect her, would force her to spend time with her abuser. Nearly two years later the case ended. She was a junior. The magistrate ruled it would be psychologically damaging for Julie to be with her father.
 - The constant barrage of legal actions over the years was expensive. The trauma endured physically and emotionally was devastating. Julie's doctors compare her childhood to a soldier on the front lines of battle --for 18 years. To the outside world she looks like she is thriving, but continues to have agonizing flashbacks and feelings of being in danger. She has PTSD, suffers from anxiety and depression, a host of auto immune illnesses, and has battled cancer.

When Julie graduated high school, we began advocacy work knowing others continue to face what we did.

We were instrumental in the passage of the Tina Croucher Act (Tina's Law) requiring dating abuse education in all Ohio schools. I've spoken to thousands of high school students about abuse and healthy relationships.

And we tell our personal story. It's a difficult story to share, but it's an important one because my family's experience spotlights the multiple issues surrounding domestic violence and child abuse, the powerful part family court plays in either helping or hurting, and now as an example of the devastating consequences of not having an Anti-SLAPP law.

In 2015, to silence us, my ex-husband, Sam Boak, along with his multi-million-dollar company, Boak and Sons Inc., filed a defamation lawsuit against me, the organization I worked for and its 14 board members, and his own daughter, Julie Boak.

I will tell you; no mother should ever have to stand by powerless, witnessing the pain and suffering of a helpless child in the legal system. And here we were again.

I was sued for my public speeches. Julie was sued for her testimony before the Ohio Senate in favor of Tina's Law. Julie has submitted her very moving written testimony in support of SB 237.

Litigation could have stopped early on with an Anti-SLAPP motion. Instead, it lasted almost two years.

We were forced to endure grueling depositions and agonizing discovery. Re reading the hundreds of documents -police, doctors, therapist reports, transcripts from trials, catapulted me into the horror of our past. I relived every moment of hell as if it were happening in the present-all the terrifying, helpless, and hopeless feelings.

But I had to be fully prepared for the trial before a judge and jury and the deposition before his three lawyers. I had to explain in minute detail why I slept with a knife under my pillow after he broke into the house and raped me.

How he terrified our daughter telling her she lived too far away and would die if she was in an accident because she would need his blood. How she was threatened to stay silent about the abuse or he'd be put in to jail.

And I had to remember precisely the time as a little girl Julie first told me her father was touching her private parts. The scorching pain from the memory, compounded by his lawyers' questioning; why would I let her go on visits if I knew she was being molested? The answer- at the time, I had no choice.

I felt vilified and revictimized. I felt raw and exposed when, legally, he gained access to reports from my private therapy sessions- learning intimate details of my life that had nothing to do with him.

The case against the organization I worked for was dismissed. His company was dropped from the action. He showed no evidence of economic damage and refused to turn over tax returns proving loss of business. He whittled his case down to emotional distress. I do not recall any evidence proving his claim.

When the day of trial arrived, I was drained physically, emotionally, and financially. I had already spent over \$100, 000 dollars, a trial would cost thousands more. I was prepared to go the distance, but had run out of money.

Minutes before starting jury selection, they surprised with an offer. I sadly and reluctantly agreed not to speak within a 100-mile radius of where he lives and works in Youngstown -areas including Cleveland, Pittsburgh, and just north of Columbus. I have been partially silenced. As a journalist and advocate that cuts to the core.

Right now, anyone in Ohio who comes forward to tell their story or report a sexual assault are vulnerable to the same debilitating frivolous lawsuit that we endured. By the very nature of the threat that exists, we don't know how many have already been completely silenced.

Ohio's Anti-SLAPP law will not take away my ex -husband's right to sue me or our daughter again. His right is guaranteed. What it will do is give us and others like us a tool so that we are safer to exercise our freedom of speech.

Please, give us that tool with Senate Bill 237. Thank you.