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April 22, 2024

Senate Judiciary Committee
The Ohio Senate
Ohio Statehouse
1 Capitol Square
Columbus, Ohio 43215

Re: S.B. 237
Testimony in Support and Requesting an Amendment

Dear Mr. Chairman, Ms. Vice Chair, and Members of the Judiciary Committee,

I write to express **strong support for SB 237**, adoption of the UPEPA by Ohio as an anti-SLAPP law. I write to inform you as to:

- (1) How SLAPP forum shopping presently burdens Ohio;
- (2) Refute common criticisms from plaintiffs' bar associations; and
- (3) Suggest an amendment to the bill to protect the right in federal court.

I am a free speech attorney in Connecticut, at speechdefense.com. I had a SLAPP case in Ohio about a year ago. The speaker exposed a scheme to scam the US government, and he was sued by the scammer.¹ The Scammer lived in *New Jersey* and had his business in *Florida*. My client lived in *Texas*. **But the lawsuit was brought in Ohio because Ohio does not have an anti-SLAPP law like SB237** and YouTube broadcasts everywhere on the planet.

¹ *Mahvan et al. v. Marsh et al.*, 23-CV-004302; see also <https://www.youtube.com/watch?v=y21Mo1gRXPE>.

It doesn't matter that the lawsuit was frivolous²—alleging a breach of contract where there was no contract. If I did not step in pro bono, my client would have taken his video exposing the scam down.

These kinds of suits normally are unchallenged because the people affected don't have the resources to fight to protect their speech and most lawyers cannot work for free. The UPEPA incentivizes private attorneys to protect the freedom of speech. It also make Ohio less attractive for this kind of forum shopping where people with no connection to Ohio find a reason to burden the Ohio justice system.

Criticism on these kinds of bills usually comes from plaintiffs' attorneys bar associations. I would note that my firm principally represents plaintiffs. A plaintiff's attorney who brings a suit that falls within the scope of SB 237 *should* be punished. The bill only affects the worst of the worst kinds of suits that come to court.

I would suggest certain additions to the bill. Most importantly, I would suggest a phrase that the right here is **“substantive” not merely “procedural.”** That is because federal courts will ignore the law unless the law gives a substantive right. Again, you don't want people forum shopping to abuse the freedom of speech.

Although the 2017 SB207 had more protections I would have preferred, todays SB 237 is much more preferable to having nothing to protect the people of Ohio and its courts from these unmeritorious cases purely designed to abuse the justice system to gag speech. I deeply hope Ohio adopts SB 237.

Yours sincerely,

Mario Cerame
speechdefense.com

² See generally <https://youtu.be/h7EmO9uVB-Y?t=343>.