

## Testimony, State Senate, anti-SLAPP legislation

Good morning, I am Pastor Julie Reuning-Scherer, Senior Pastor of Epiphany Lutheran Church in Centerville. Thank you for this opportunity to speak about Senate Bill 237 and the importance of passing SLAPP legislation in Ohio.

In December of 2022, I received a call from realty developer, Skilken and Gold, about an easement our church holds on the adjoining property currently owned by Elsa's Restaurant. I was told that the Sheetz corporation wanted to build a gas station and convenience store there. The proposed development would bring in 3000 vehicles a day, along with delivery and tanker trucks, on residential streets that lead directly into our parking lot. The proposed development is also several hundred yards from our church's preschool with 130 students aged 18 months to 3, our memorial garden where people gather for quiet reflection and to inter loved one's ashes, and our outdoor chapel where we worship May through September.

In January 2023 I brought the matter of the easement to our Congregational Council. The Council considered the impact to Epiphany's ministry overall, especially the safety of preschool families, older adults, and emergency vehicles that access our facilities through the streets affected by this development. They also reviewed the safety, environmental, and quality of life impacts to the neighborhood immediately surrounding the proposed development. Epiphany's mission is to "love Jesus by serving others," and The Council did not see the proposed development as being in the best interest of our ministries or the community, and unanimously voted to retain its easement.

Despite earlier communication that Sheetz would drop their development plans if Epiphany did not relinquish the easement, Sheetz continued to move forward, submitting a major site plan to the city of Centerville. I began to meet with other neighborhood leaders and residents to discuss the situation, including leaders from Epiphany Lutheran Preschool, Graceworks, which runs a nursing home and retirement community across Far Hills Avenue from the proposed location, and Regis Lekan, a resident of the Village South neighborhood, which sits directly adjacent to the building site. We coordinated our presentations expressing our concerns with the proposed development at the Planning Commission meeting and City Council meetings. In October of 2023, after hearing several hours of community opposition, the Centerville City Council denied the site plan in a unanimous decision.

The Sheetz corporation decided to appeal the city's decision with a lawsuit; Epiphany, Graceworks, and the Village South Neighborhood all filed motions to intervene in the case. Meanwhile, our church leaders began to consider sponsoring a ballot initiative to limit carry out alcohol sales in the precinct. This kind of restriction would make it less attractive for a major carry out business to come into the neighborhood. We got the required signatures to place the initiative on the March ballot and proceeded to educate the voters in the precinct about the ballot measure and their opportunity to decide this issue for their neighborhood.

It was at this point that Sheetz issued a series of threats. At end of January 2024, our church received a letter from Sheetz, Elsa's Restaurant, and the developer with the following demands:

Epiphany must withdraw its motion to intervene in their lawsuit against the City of Centerville; Epiphany must relinquish its easement property rights; and Epiphany must end its public opposition to the proposed development. Additionally, Sheetz wanted to represent to the public that Epiphany would not oppose the development further. We were told that if the church did not meet these demands, then Sheetz would sue Epiphany for compensatory and punitive damages. Similar demands and threats to sue were sent to Graceworks and Regis Lekan of the Village South neighborhood. Epiphany did not agree to these demands, and Sheetz and their affiliates filed a lawsuit on January 31, 2024, alleging thousands of dollars of compensatory and punitive damages.

It is important to note that Regis Lekan, a private citizen who helped share information about the proposed development in the Village South neighborhood and also filed an intervention in Sheetz's lawsuit against the City of Centerville, did rescind his formal opposition and retract his intervention in the City's lawsuit. Mr. Lekan does not have the benefit of a fellow community member to represent him on a pro bono basis, and the threat of legal costs was too high for Mr. Lekan to continue. Sheetz's financial and legal bullying tactics effectively silenced him.

Sheetz and its affiliates then filed a motion to disqualify our pro bono attorney, Mark Chilson, on the grounds that he was an 'activist' attorney rather than simply representing Epiphany's interests. Attorney Chilson is a long time member of Epiphany Lutheran Church, and has completed pro bono work for many organizations and individuals, including Epiphany over many years. Sheetz alleged that Attorney Chilson engaged in an improper conversation at a meeting between Attorney Chilson and Elsa's owners, and filed a motion to disqualify him from representing Epiphany. There is, however, nothing illegal or improper about conversation, especially one in which Elsa's own lawyer was present. This is a baseless charge designed to deprive Epiphany of pro bono legal representation and cause financial hardship on a Christian congregation.

Epiphany has first amendment rights to speak its concerns and to utilize the governmental process to raise its voice. Additionally, Epiphany as a religious entity has the right to exercise its religious practices and values without threat and interference. Sheetz in its lawsuits is trying to deprive us of both. Working with other community members to express views publicly and work toward the public good is fundamental to a robust democracy, but Sheetz and its affiliates are actively working to suppress the community participating in the public process. This is wrong.

Thirty-three states and the District of Columbia have SLAPP legislation to prevent spurious lawsuits designed to intimidate and silence opposition. Without such legislation, huge corporations with deep pockets can bully churches, private citizens, and nursing homes into acquiescence on matters that are not in the public's best interest. It took hours of research, multiple conversations with City officials about the public process, and many community connections to raise our opposition so that our concerns would be understood and heard. It has been a challenging road for our church, and we are a well-educated and relatively affluent congregation. It makes me concerned for citizens and organizations who do not have access to the legal expertise and educated leadership that we do at Epiphany. This has been a 'David versus Goliath' fight for us at Epiphany, but there are honestly many more vulnerable people in similar situations throughout Ohio who also need to have a say.

Our communities are stronger when all people have a voice. Our nation is built on protections for the liberty of speech and the free exercise of religion. I urge you to unite around Senate Bill 237 and enact protections for the 'little guy,' so that individuals, communities, and religious groups with legitimate concerns will not be silenced.

Thank you.