



OHIO ALLIANCE FOR CIVIL JUSTICE



Chairman Scott Lipps
77 South High Street, 13th Floor
Columbus, OH 43215

Re: House Bill 248

Chairman Lipps,

We are writing to you today to express some concerns regarding House Bill 248 and the three new separate causes of action that it proposes.

By way of background, the Ohio Alliance for Civil Justice (OACJ) was founded in the mid-1980s to stop lawsuit abuse and promote a common-sense civil justice system in Ohio. The OACJ is comprised of representatives of dozens of Ohio trade and professional associations, small and large businesses, medical groups, farmers, non-profit organizations and local government associations — for a combined representation of more than 100,000 individuals and businesses. The OACJ's leadership team includes representatives from the following organizations: Ohio NFIB, Ohio Chamber of Commerce, Ohio Council of Retail Merchants, Ohio Hospital Association, Ohio Manufacturers' Association, Ohio Society of CPAs, and the Ohio State Medical Association. OACJ works to ensure that the civil justice system remains stable and predictable for Ohio's businesses.

OACJ is concerned with the new causes of action created in H.B. 248. First, the creation of three new causes of action could cause inconsistent decisions to be issued by the Ohio Civil Rights Commission and Ohio's courts. Inconsistent decisions will not create a bright line rule, but will instead lead to confusion in understanding and complying with H.B. 248.

Second, rather than limit actions against employers, the bill seems to encourage multiple actions against employers. Specifically, the bill states that individuals can pursue *any or all* of the three new causes of action. Giving an individual three options, and not prohibiting them from utilizing all three, could result in frivolous lawsuits and inconsistent results (i.e., if the individual doesn't like the result obtained, they can pursue one of the other two options and hope for a different result). Mass amounts of complaints and cases filed against employers and businesses in various arenas will be time-consuming and costly to defend.

Third, the penalties permitted under the bill are unknown and unlimited. More specifically, the bill provides that when an individual brings a civil lawsuit against an employer under R.C. 3792.02 (G)(3), the court can issue a civil penalty that it considers appropriate for the employer's violation of the law. The term "civil penalty" is not defined in the bill, and is ambiguous. With no framework

as to the limits of the civil penalty amounts, the courts have unbridled discretion and could create a vast range of civil penalties that are inconsistent with one another.

OACJ has worked hard over the years to rein in frivolous lawsuits and create a civil justice system that is fair and predictable. OACJ is wary of new causes of action being created because it can create an unstable justice environment. The causes of action created under H.B. 248 do not have enough parameters or standards on the remedies, which will cause confusion and lead to inconsistent results.

Thank you,

The Ohio Alliance for Civil Justice
Cc: Members of House Health Committee