**Ohio Senate Government Oversight and Reform Committee**

**Testimony of Bridget Mahoney Chair Elect of the**

**Ohio Domestic Violence Network**

**June 6, 2018**

**Senate Bill 206 | Ohio Citizen Participation Act**

Chairman Coley, Vice-Chair Uecker, Ranking Minority Member Schiavoni and committee members. My name is Bridget Mahoney. I am the chair elect of the Ohio Domestic Violence Network. Thank you for this opportunity to testify in support of Senate Bill 206, the Ohio Citizen Participation Act.

These are unprecedented times in America, where Freedom of Speech is affecting societal change for the better. Witness the effects of the No More and MeToo movements. Now imagine if every victim faced a defamation lawsuit for telling their story. Courts would be clogged, used for retaliatory lawsuits aimed at intimidating, financially draining, and ultimately silencing victims.

Without tools to protect against a defamation suit, the costs can be staggering. I know.  I was sued for telling my personal story, truths backed up by comprehensive professional evidence that had already been validated by several courts and judges, some more than 20 years ago.

Because Ohio does not have an Anti SLAPP law, I was forced to endure nearly two years of painful proceedings, an agonizing discovery process, and torturous depositions.  After spending over $100 thousand dollars in legal fees, I ran out of money defending the meritless lawsuit, so on the day of the trial, I had to regrettably bargain away some of my freedom of speech. I was and am still shattered by that. It took a long time to recover emotionally, I have yet to recover financially, and for a long time during and after the lawsuit, I nearly stopped my advocacy work.

I have used my First Amendment rights for the past decade to write and speak publicly for the prevention and education of domestic violence and child abuse. It wasn’t a direction I planned for my life. I was using my communication skills in a career I loved and worked my way to become the first female TV news anchor at the number one station in my hometown in Northeast Ohio- Youngstown.  From the outside, it looked like I had it all-great career, married to a successful businessman, and mother of two little girls. But there was a secret I was hiding, so shameful and painful, I didn't tell anyone.

Even sporting a cast on my arm while anchoring the news, no one suspected. That away from the spotlight and behind closed doors, I was being hit, strangled, pushed down a flight of stairs. Hi abuse of our daughters was worse. When I witnessed their abuse, I filed for divorce. It was 1989. My daughters were 4 and 1. On the day of the divorce, my ex-husband threatened to ruin me financially. Over the years, using the courts as his battleground, he achieved his goal.

Divorce didn’t end his abusing our daughters, it only made it worse during his parenting time when I couldn’t protect them. It took until my youngest, Julie, was 10, in 5th grade, for a visiting judge to stop visitation.

But the abuse continued as he manipulated and used the courts as a weapon to stalk her for the next 8 years, until she graduated high school.

Constant, extensive, and exhaustive legal court preparations took over our lives. It was overwhelming, debilitating, and traumatic. Julie endured several trials in two cities. She was granted a 5- year protection order which he violated. One of the worst moments of my life was telling her that even though the protection order was in place, her father was legally allowed to continue his efforts in another court to gain visitation. That trial started when she was a freshman in high school lasting until she was a junior.

She lived in fear that the very courts designed to protect her, would force her to spend time with her abuser. At times she didn’t want to live. She came close to making that happen. Professionals informed her father the constant litigation was psychologically damaging her. He persisted in using the courts to add more layers of abuse.

The barrage of legal actions piled on debt, college savings were wiped out, but the physical and emotional tolls were worse. Julie’s doctors described her childhood as being a soldier consistently on the front lines of battle for 18 years. Her frontline was a court system used as a combat zone. She has PTSD, has suffered from anxiety and depression, a host of auto immune illnesses and has battled cancer.

When Julie graduated from high school in 2006 we began advocacy work to help others. We were instrumental in the passage of Tina’s Law requiring dating abuse education in all Ohio schools. I’ve spoken to tens of thousands of high school students about abuse and healthy relationships. I’ve had numerous articles published about the need for prevention and education to break the cycle.

Part of my advocacy work is publicly telling my personal story.

In 2015, 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 his own daughter, Julie.  The suit also claimed interference with his business, intentional and negligent infliction of emotional distress.

I was sued for the speech I give, Julie was sued for the testimony she gave before the Ohio Senate on behalf of the Tina Croucher Act.

Julie has worked hard to overcome her abusive childhood. She will provide testimony of her experience being sued for defamation by her father. I will tell you, no mother should ever have to stand by powerless and witness their child suffer as Julie did during all the lawsuits. And yet here we both were again.

Preparing for the defamation suit was grueling. Discovery took months.   
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 warned to stay silent about all the abuse or he would go to jail.

And I had to remember precisely the time as a little girl Julie first told me that her father was touching her private parts. The scorching pain from the memory, compounded by his lawyers questioning why I would let her go on visits if I knew she was being molested.

I felt vilified and revictimized throughout the entire lawsuit. I felt raw and exposed when legally he gained access to the reports from my private therapy sessions- learning the intimate details of my life that had nothing to do with him as he sat listening to my therapist’s deposition.

Eventually, the case against the organization I worked for was dismissed. His company was dropped from the action because he refused to turn over tax returns proving loss of business. All that was left was his claim we were causing him emotional distress for speaking.  As I recall he provided no proof of that.

By the time of the trial, I was drained physically, emotionally, and financially.  I was prepared to go the distance, but I had run out of money to defend my truth and so when a deal was offered, I agreed to parameters of where I can speak- outside a radius of where he lives and works.

I have been partially silenced.

As it stands in Ohio anyone who comes forward to tell their story or report a crime to gain protection and justice are vulnerable to the same debilitating frivolous lawsuit that we endured.  By the very nature of the threat that exists, we do not 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 his daughter again. That right is guaranteed. What it will do is give us and others like us a tool for protection so that we are safe to exercise our freedom of speech.

Please support SB206 Thank you.