

Ohio Senate Judiciary Committee
Testimony of Bridget Mahoney
Ohio Domestic Violence Network
January 22, 2020

Senate Bill 215 - Ohio Citizen Participation Act

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee, my name is Bridget Mahoney. I'm the Chair of the Board of Directors of the Ohio Domestic Violence Network. Thank you for the opportunity to testify in support of Senate Bill 215, the Ohio Citizen Participation Act also referred to as Anti SLAPP.

Freedom of Speech affects societal change for the better. The No More and MeToo movements have brought domestic violence and sexual assault out of the shadows with victims courageously sharing their stories publicly. But there can be backlash for those who speak up and it's especially harsh for those who live in a state without an Anti SLAPP law. Abusers who use retaliatory defamation lawsuits, not with the intention of winning, but, as an instrument to intimidate, financially drain, and ultimately silence their victims.

Even with the truth on your side, the costs of defending a defamation suit are staggering. I know. I was sued by my abuser for telling my 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 doesn't have an Anti SLAPP law, I had a gut-wrenching choice- either give up my freedom of speech and be silenced or endure a grueling lawsuit. I chose the latter and paid a steep price. I'm still recovering from what I was forced to endure for nearly two years, I almost gave up my advocacy 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. For the past decade, I've been dedicated to the prevention and education of domestic violence and child abuse. It wasn't the direction I planned. I had been 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. His abuse of our daughters was worse, and when I witnessed it, I filed for divorce. It was 1989. Our daughters were 4 and 1. On the day of the divorce, my ex-husband made several threats including ruining 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 weaponized the courts 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 she had a protection order, her father was legally allowed to continue his lawsuit to gain visitation. Litigation started when she was a freshman in high school and lasted until she was a junior.

She lived in fear 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 didn't stop.

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. According to the Adverse Childhood Experiences study by the CDC, the rougher your childhood, the higher your ACE score is likely to be and the higher your risk for health problems in adulthood. Julie's ACE score is high and her health has indeed been greatly affected. 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 the Tina Croucher Act requiring dating abuse education in all Ohio schools. I've spoken to 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, to silence his daughter and me, 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 Boak. Among the claims of the suit-interference with his business, and intentional infliction of emotional distress.

I was sued for my speeches. (attached) Julie was sued for the testimony given before the Ohio Senate on behalf of the Tina Croucher Act. She also provides testimony in support of SB 215.

I will tell you; no mother should ever have to stand by powerless, witnessing the pain and suffering of their child as Julie did during all the lawsuits. And yet here we both were again.

Preparing for the defamation suit was grueling. Discovery and depositions were agonizing.

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 that 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?

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 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. He showed no evidence of economic damage and refused to turn over tax returns proving loss of business. He whittled down his case to emotional distress. I do not recall documentation that substantiated that claim.

Litigation lasted almost two years. 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 I had run out of money and faced another gut-wrenching decision- bargaining away some of my freedom of speech.

I agreed to parameters of where I can speak- outside a radius of where he lives and works in the Youngstown Ohio area.

I have been partially silenced.

Recently I was asked to speak in the Cleveland area. I had to tell them no. I am not allowed.

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 ability to sue me or our daughter again. His rights are 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 215. Thank you.