

Witness Form

My name is Lisa Ciocia
3019 Waterford Rd. Twinsburg Ohio
440-897-2413
Email: Ciocialj103@gmail.com

I am not representing any organization and am not a lobbyist.

I am testifying as a Proponent of SB 215, the Ohio Citizen Participation Act.

On December 12, 2012, my husband, Jim Ciocia, (a retired attorney, age 66 at the time), myself, (a retired teacher, also age 66) and our group, "Patriots for Change" held a roughly hourlong protest outside of a coal company headquarters. We were protesting the environmental and safety record of this company and the efforts by its owner to deny the health and environmental costs of his product and his disinformation about market realities. We numbered around 20 people and received permission from the local police department to hold our demonstration. Two local newspapers covered our demonstration.

In February of 2013 we were served with a summons to appear in court. My husband and I were being sued for defamation of character, invasion of privacy and trespassing for 22 million dollars. Separately "Patriots for Change" was also being sued as was one of the two local newspapers who had covered our demonstration. Since this newspaper had followed up with an editorial and a cartoon, they also sued the editorial writer and a cartoonist.

The suit against the newspaper lost in the lower court, was appealed to the eighth district court of appeals, lost in the eighth district court of appeals and then was appealed to the Ohio Supreme Court, which ultimately refused to hear it. The eighth district court of appeals in issuing its decision offered this conclusion:

"This case illustrates the need for Ohio to join the majority of states in this country that have enacted statutes that provide for quick relief from suits aimed at chilling protected speech. These suits...can be devastating to individual defendants or small news organizations and act to chill criticism and debate. The fact that the (name of paper) website has been scrubbed of all mention of (company name) or this protest is an example of the chilling effects this has.....In this era of decentralized journalism where the internet has empowered individuals with broad reach, society must balance competing privacy interests with freedom of speech. Given Ohio's particularly strong desire to protect individual speech, as embodied in its Constitution, Ohio should adopt an anti-SLAPP statute to discourage punitive litigation designed to chill constitutionally protected speech."

Rarely do courts state their policy preferences so strongly and openly.

The suit against my husband and I lost in the lower court (with the exception of a monetary award of \$1 for trespassing, which we incurred when we crossed over a patch of their property on our way to the parking lot). The company owner appealed the decision to the district court, but he ultimately dropped the suit before the district court heard oral arguments. Both dragged on for more than two years.

I cannot speak for how this case affected the newspaper, except to say that financially they took a big hit. I fear that newspapers all across Ohio took note of this person's reputation to litigate.

As for us, I believe the owner of this company wanted to destroy us financially. Emotionally, his bevy of lawyers tried to intimidate us in every way possible, delaying our attorney's requests for information, demanding access to our computers etc. It was a very stressful time for us. Not to mention the colossal waste of the court's time.

And this man did succeed in one way. While we will continue our activism, we will never speak out against him or his activities again.

In conclusion, I commend Senator Huffman for bringing this bill forward, and hope that Ohio will join the many other states that have adapted similar legislation.

Thank you for considering my testimony.