

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 206**

**Senator Huffman**

**Cosponsors: Senators Uecker, Lehner, Terhar, Jordan**

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**A BILL**

To amend section 2505.02 and to enact sections 1  
2305.61, 2305.62, 2305.63, 2305.64, 2305.65, 2  
2305.66, 2305.67, 2305.68, and 2739.021 of the 3  
Revised Code to enact the Ohio Citizen 4  
Participation Act to provide protections to 5  
persons who engage in certain specified 6  
protected communications and to protect the 7  
identity of persons who anonymously engage in 8  
online communications under certain 9  
circumstances. 10

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2505.02 be amended and sections 11  
2305.61, 2305.62, 2305.63, 2305.64, 2305.65, 2305.66, 2305.67, 12  
2305.68, and 2739.021 of the Revised Code be enacted to read as 13  
follows: 14

**Sec. 2305.61.** As used in sections 2305.61 to 2305.64 of 15  
the Revised Code: 16

(A) "Defendant" means the person against whom a claim 17  
based on a protected communication is made, regardless of 18

whether that claim appears in a complaint, counterclaim, cross-claim, or third-party complaint. 19  
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(B) "Issue of public interest" means any issue of interest to the public, including any issue related to the following: 21  
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(1) Health and safety; 23

(2) Environmental, economic, or community well-being; 24

(3) The government; 25

(4) A public official or public figure; 26

(5) Goods, products, or services in the marketplace. 27

(C) "Plaintiff" means the person making a claim based on a protected communication, regardless of whether that claim appears in a complaint, counterclaim, cross-claim, or third-party complaint. 28  
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(D) "Protected communication" means any written or oral statement or communication for which a speaker may not be subject to liability in a civil action under the First Amendment to the United States Constitution, Section 11 of Article 1 of the Ohio Constitution, or a similar provision in the applicable constitution of the jurisprudence in which the statement or communication was made. "Protected communication" includes the following: 32  
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(1) A written or oral statement or communication that is aimed at procuring any governmental or electoral action, result, or outcome; 40  
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(2) Any written or oral statement or communication of information or a complaint made to a member of the general assembly or to any officer or employee of the government of the 43  
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United States, this state, or a political subdivision of this 46  
state, regarding a matter reasonably of concern to the 47  
governmental entity involved; 48

(3) Any written or oral statement or communication made in 49  
direct connection with an issue under consideration by an 50  
executive, legislative, or judicial body of the United States, 51  
this state, or a political subdivision of this state, or any 52  
other official proceeding authorized by law; 53

(4) Any written or oral statement or communication made in 54  
direct connection with an issue of public interest; 55

(5) Any written or oral statement or communication between 56  
individuals who join together to collectively express, promote, 57  
pursue, or defend common interests. 58

(E) "Written or oral statement or communication" includes 59  
the making or submitting of a statement or document in any form 60  
or medium, including oral, visual, written, audiovisual, and 61  
electronic. An electronic statement or communication includes a 62  
statement or communication made on an internet web site. 63

**Sec. 2305.62.** (A) Sections 2305.61 to 2305.68 of the 64  
Revised Code shall be known as the "Ohio Citizen Participation 65  
Act." 66

(B) (1) Any person who engages in a protected communication 67  
is immune from suit in any civil action for a claim based on 68  
that communication. 69

(2) Nothing in sections 2305.61 to 2305.68 of the Revised 70  
Code shall be construed as limiting or abrogating any other 71  
defense, remedy, immunity, or privilege available under other 72  
constitutional, statutory, common law, or administrative 73  
provisions or rules relating to claims based on protected 74

communications. 75

(C) Sections 2305.61 to 2305.68 of the Revised Code do not 76  
apply to any of the following: 77

(1) An enforcement action that is brought in the name of 78  
this state or a political subdivision of this state by the 79  
attorney general or the chief legal officer of a political 80  
subdivision of this state; 81

(2) (a) Except as provided in division (C) (2) (b) of this 82  
section, a legal action brought against a person primarily 83  
engaged in the business of selling or leasing goods or services, 84  
if the action arises out of a statement or conduct made in 85  
relation to the sale or lease of goods, services, or an 86  
insurance product, insurance services, or a commercial 87  
transaction in which the intended audience is an actual or 88  
potential buyer or customer; 89

(b) Division (C) (2) (a) of this section does not apply to 90  
any action against any person or entity based upon the creation, 91  
dissemination, exhibition, or advertisement, or a similar 92  
promotion, of any dramatic, literary, musical, political, or 93  
artistic work, including, but not limited to, a motion picture 94  
or television program, an art show or exhibit, or an article 95  
published in a newspaper or magazine of general circulation. 96

(3) A legal action seeking recovery for bodily injury, 97  
wrongful death, or survival, or to statements made regarding 98  
that legal action; 99

(4) A legal action brought under Chapters 3901-1 to 3901- 100  
11 of the Ohio Administrative Code or arising out of an 101  
insurance contract. 102

**Sec. 2305.63. (A) If a claim is brought against a person** 103

based upon a protected communication, the defendant may file a 104  
special motion to strike the action. 105

(B) The special motion to strike the action shall be filed 106  
not later than sixty days after the service of the complaint on 107  
the moving defendant. The court may extend the sixty-day period 108  
for good cause shown. 109

(C) If a special motion to strike is filed under this 110  
section, the court shall do all of the following: 111

(1) Determine whether the defendant has established, by a 112  
preponderance of the evidence, that the claim in the civil 113  
action is based upon a protected communication; 114

(2) If the court determines that the defendant has met the 115  
burden set by division (C)(1) of this section, determine whether 116  
the plaintiff in the action has presented clear and specific 117  
admissible evidence of a prima facie case for each essential 118  
element of the plaintiff's claim; 119

(3) If the court determines that the plaintiff has 120  
established a probability of prevailing on the claim pursuant to 121  
division (C)(2) of this section, ensure all of the following: 122

(a) That the determination shall not be admitted into 123  
evidence at any later stage of the underlying action or any 124  
subsequent proceeding; 125

(b) That the determination will not affect the burden of 126  
proof that is applied in the underlying action or any subsequent 127  
proceeding; 128

(c) That filing a special motion to strike shall not 129  
operate as a waiver of any defense based upon personal 130  
jurisdiction. 131

<u>(4) (a) Subject to division (C) (4) (b) of this section, stay</u>	132
<u>any discovery in the action until after both of the following:</u>	133
<u>(i) A ruling by the court on the special motion to strike;</u>	134
<u>(ii) The disposition of any appeal from the court's ruling</u>	135
<u>on the special motion to strike.</u>	136
<u>(b) The court may allow specified and limited discovery</u>	137
<u>relevant to the special motion to strike upon the court's own</u>	138
<u>motion, or upon the motion of a party to the special motion to</u>	139
<u>strike, if the party seeking discovery shows by affidavit good</u>	140
<u>cause why the discovery is necessary and why the party's burden</u>	141
<u>under division (C) (1) or (2) of this section cannot be</u>	142
<u>discharged without the specified and limited discovery.</u>	143
<u>(5) Issue a briefing schedule to the parties to the action</u>	144
<u>for the special motion to strike that does the following:</u>	145
<u>(a) Permits the plaintiff to file and serve a memorandum</u>	146
<u>in opposition to the defendant's special motion to strike:</u>	147
<u>(i) Within fourteen days after the motion is served on the</u>	148
<u>plaintiff;</u>	149
<u>(ii) Upon a showing of exceptional circumstances, within a</u>	150
<u>period of up to twenty-eight days as allowed by the court after</u>	151
<u>the motion is served on the plaintiff;</u>	152
<u>(iii) Within a period approved by the court to which the</u>	153
<u>plaintiff and defendant agree.</u>	154
<u>(b) Permits the defendant to file and serve a reply in</u>	155
<u>support of the defendant's special motion to strike, if any:</u>	156
<u>(i) Within fourteen days after the plaintiff's memorandum</u>	157
<u>in opposition is served on the defendant;</u>	158

(ii) Upon a showing of good cause, within a period of up 159  
to twenty-eight days as allowed by the court after the 160  
plaintiff's memorandum in opposition is served on the defendant; 161

(iii) Within a period approved by the court to which the 162  
plaintiff and defendant agree. 163

(c) If requested by any party or the court, provides for a 164  
hearing on the special motion to strike not later than thirty 165  
days after the defendant either files and serves the defendant's 166  
reply in support of the defendant's special motion to strike or 167  
notifies the court and the plaintiff that the defendant waives 168  
the defendant's right to file a reply brief. 169

(6) Rule on the special motion to strike within thirty 170  
days after any of the following: 171

(a) The hearing on the special motion to strike, if a 172  
hearing is requested by any party or the court; 173

(b) The defendant's reply in support of the motion is 174  
filed, served on the plaintiff, and provided to the court, or 175  
the defendant notifies the plaintiff and the court that the 176  
defendant waives the defendant's right to file a reply brief, if 177  
no hearing is requested by any party or the court. 178

(7) Dismiss the action, if the plaintiff fails to timely 179  
file a memorandum in opposition to the special motion to strike. 180

(D) In making its determinations under divisions (C) (1) 181  
and (2) of this section, the court shall consider the pleadings 182  
and admissible evidence in any supporting or opposing affidavits 183  
stating the facts on which the claim or defense is based. At the 184  
defendant's option, the defendant may present the defendant's 185  
evidence through testimony, subject to cross-examination by the 186  
plaintiff. 187

(E) If the court dismisses the claim pursuant to a special motion to strike filed under this section, the dismissal acts as an adjudication upon the merits. 188  
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**Sec. 2305.64.** (A) If the court grants a special motion to strike pursuant to section 2305.63 of the Revised Code, the following apply: 191  
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(1) The court shall award reasonable attorney's fees and court costs to the defendant. The court shall not fail to award, or reduce an award of, attorney's fees and court costs under this division on the grounds that the defense of the claim was undertaken on a pro bono or contingent basis. 194  
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(2) The court may award, in addition to reasonable attorney's fees and court costs awarded under division (A) (1) of this section, such punitive or exemplary monetary sanctions as the court finds sufficient to deter the filing of similar actions in the future. 199  
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(3) The defendant may bring a separate claim or action, or with leave of the court may bring a counterclaim, to recover the following: 204  
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(a) Actual compensatory damages proximately caused by the claim, or five hundred dollars, whichever is greater; 207  
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(b) Punitive damages as provided by section 2315.21 of the Revised Code; 209  
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(c) Reasonable attorney's fees and court costs of bringing the separate claim, action, or counterclaim. 211  
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(4) If all or any portion of any award made by the court pursuant to division (A) (1) or (2) of this section remains unpaid ninety days after being made, the court, upon motion of 213  
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the defendant, may in its discretion impose joint and several 216  
liability for any unpaid amount of the award against the 217  
attorney or attorneys who signed the pleading in which the claim 218  
was raised, if the court finds that the attorney or attorneys 219  
knew or should have known that the claim was based on a 220  
protected communication. 221

(B) If the court denies a special motion to strike filed 222  
under section 2305.63 of the Revised Code, and finds that the 223  
motion was frivolous conduct as defined in section 2323.51 of 224  
the Revised Code, the court, after the disposition of any appeal 225  
from the court's ruling on the special motion, may award to the 226  
plaintiff reasonable attorney's fees, court costs, and other 227  
reasonable expenses incurred in responding to the special motion 228  
to strike. The court shall follow the procedures set forth in 229  
section 2323.51 of the Revised Code in making that award. 230

(C) If the court denies a special motion to strike filed 231  
under section 2305.63 of the Revised Code, the denial is a final 232  
order under section 2505.02 of the Revised Code and the 233  
defendant has an interlocutory right of appeal under section 234  
2505.02 of the Revised Code. 235

**Sec. 2305.65. (A) As used in this section:** 236

(1) "Foreign claim based on a protected communication" 237  
means any claim in a civil action brought against a person based 238  
on a protected communication, if such action was commenced in 239  
any court outside of Ohio against a person who was a resident of 240  
Ohio at one or more of the following times: 241

(a) The time the person made the protected communication; 242

(b) The time the action was commenced against the person; 243

(c) The time the person was served in the action. 244

(2) "Protected communication" has the same meaning as in 245  
section 2305.61 of the Revised Code. 246

(B) Any person subject to a foreign claim based on a 247  
protected communication may bring a claim in a civil action in 248  
the courts of this state against the person filing the foreign 249  
claim based on a protected communication against the person 250  
filing the foreign claim. Such claim may be filed at any time, 251  
but not later than one year after the dismissal or final 252  
judgment of the foreign claim based on a protected 253  
communication. 254

(C) If the court establishes by a preponderance of the 255  
evidence in the action brought under division (B) of this 256  
section that the person subject to the foreign claim based on a 257  
protected communication would have prevailed on a special motion 258  
to strike under section 2305.63 of the Revised Code if the 259  
foreign claim based on a protected communication had been filed 260  
in Ohio, the court: 261

(1) Shall award to the person reasonable attorney's fees 262  
and costs for the defense of the foreign claim based on a 263  
protected communication in the same manner provided for the 264  
award of attorney's fees and court costs under division (A) (1) 265  
of section 2305.64 of the Revised Code; 266

(2) Shall award to the person reasonable attorney's fees 267  
and costs incurred in connection with the claim provided for by 268  
this section; 269

(3) Shall award to the person either actual compensatory 270  
damages proximately caused by the filing of the foreign claim 271  
based on a protected communication or statutory damages of five 272  
hundred dollars, whichever is greater; 273

<u>(4) May award such punitive or exemplary monetary</u>	274
<u>sanctions as the court finds sufficient to deter the filing of</u>	275
<u>similar actions against Ohio residents.</u>	276
<u>(D) For purposes of section 2307.382 of the Revised Code</u>	277
<u>and Civil Rule 4.3:</u>	278
<u>(1) The filing of a foreign claim based on a protected</u>	279
<u>communication constitutes an act outside this state which causes</u>	280
<u>tortious injury in this state and which is committed with the</u>	281
<u>purpose of injuring persons.</u>	282
<u>(2) A person filing a foreign claim based on a protected</u>	283
<u>communication may reasonably expect that injury would incur in</u>	284
<u>this state to a person against whom a foreign claim based on a</u>	285
<u>protected communication is filed.</u>	286
<b><u>Sec. 2305.66.</u></b> <u>As used in sections 2305.66 to 2305.68 of</u>	287
<u>the Revised Code:</u>	288
<u>(A) "Anonymous user" means a person or entity who has</u>	289
<u>engaged in an online communication without publicly revealing</u>	290
<u>the person's or entity's identity, including a person or entity</u>	291
<u>communicating only through a pseudonym.</u>	292
<u>(B) "Online communication" means any communication made</u>	293
<u>through a computer, computer system, computer network,</u>	294
<u>telecommunication, telecommunications device, telecommunications</u>	295
<u>service, information service, or other digital or electronic</u>	296
<u>method of communication.</u>	297
<u>(C) "Protected communication" has the same meaning as in</u>	298
<u>section 2305.61 of the Revised Code.</u>	299
<u>(D) "Web site operator" means the person or entity</u>	300
<u>responsible for the maintenance, content, or operation of an</u>	301

internet web site. 302

Sec. 2305.67. (A) No party to an action involving an 303  
online communication shall seek to discover, by subpoena or 304  
otherwise, the identity of an anonymous user without first 305  
obtaining leave from the court in which the action was filed. 306

(B) A court shall not grant leave to discover the identity 307  
of an anonymous user under division (A) of this section unless 308  
all of the following have occurred: 309

(1) The court considers any written or oral evidence 310  
offered by any party or witness or any affidavit that may be 311  
material in making a determination under this section. 312

(2) At least fourteen days have passed from the date that 313  
the anonymous user has received notice under division (B)(4)(a) 314  
of this section, unless that time period has been enlarged by 315  
order of the court or an agreement between the parties. 316

(3) The anonymous user has had an opportunity to respond 317  
to the movant's motion within the time period specified in 318  
division (B)(2) of this section. 319

(4) The party seeking to discover the anonymous user's 320  
identity has established, by clear and specific admissible 321  
evidence, each of the following elements: 322

(a) That the party has provided sufficient notice to the 323  
anonymous user that the anonymous user's identity is being 324  
sought, including a notice with the language required under 325  
division (C) of this section and a copy of the party's motion 326  
for leave to seek the identity of the anonymous user; 327

(b) That the party has quoted verbatim to the court and 328  
the anonymous user the communication alleged to be actionable; 329

(c) That the party has sufficiently alleged each element of the cause of action, such that the party would survive a special motion to strike under section 2305.63 of the Revised Code or a motion to dismiss under Civil Rule 41; 330  
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(d) That the party has presented admissible evidence supporting the allegations contained in the action; 334  
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(e) That the online communication is not a protected communication; 336  
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(f) That the right to identify the anonymous user outweighs the right of an anonymous user to speak anonymously pursuant to the First Amendment to the United States Constitution and Section 11 of Article I of the Ohio Constitution. 338  
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(C) The notice provided under division (B) (4) (a) of this section must contain the following language, the first paragraph being set in all capital letters: 343  
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"A LAWSUIT HAS BEEN FILED RELATING TO YOUR SPEECH. A PARTY TO THAT LAWSUIT IS TRYING TO UNCOVER YOUR IDENTITY. YOU MUST ACT QUICKLY TO PROTECT YOUR RIGHT TO REMAIN ANONYMOUS. 346  
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A party to the lawsuit of [insert case caption] in the [insert name and jurisdiction of the court in which the action is pending] has alleged that the anonymous user [insert anonymous user pseudonym] has made comments for which he/she/it is or may be subject to civil liability, which may include damages and possibly attorney's fees and court costs. 349  
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The party making those allegations does not yet know your actual identity, but has asked the [insert name and jurisdiction of the court in which the action is pending] to require your internet service provider ("ISP"), the web site on which the 355  
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communication was made, or a similar entity to force the ISP, 359  
web site, or entity to reveal your identity. 360

You should contact an attorney who is licensed to practice 361  
law in Ohio so that he or she can appear on your behalf in this 362  
matter. You also have the right to represent yourself if you 363  
were not communicating as a corporation or other business 364  
entity. 365

You or your attorney can contest the party's ability to 366  
discover your identity without revealing your identity pursuant 367  
to divisions (B) and (C) of section 2305.68 of the Revised Code. 368  
The operator of the web site on which the party alleges you made 369  
the actionable communication may also seek to intervene on your 370  
behalf under division (A) of section 2305.68 of the Revised 371  
Code. 372

Upon receipt of this notice, you will have fourteen days 373  
to respond to the party's motion to subpoena your ISP for your 374  
identity." 375

(D) Nothing in this section precludes an internet service 376  
provider or other recipient of a subpoena or discovery request 377  
from moving to quash the subpoena or objecting to the discovery 378  
request under Civil Rule 45, or under any other applicable rule 379  
of procedure, statute, common law rule, or constitutional 380  
principle. 381

**Sec. 2305.68.** (A) (1) A web site operator, internet service 382  
provider, or other similar entity shall have an unconditional 383  
right to intervene in any action in which a party seeks to 384  
identify an anonymous user of the web site, internet service 385  
provider, or other similar entity. 386

(2) Regardless of whether intervention is sought under 387

division (A) (1) of this section, a web site operator, internet 388  
service provider, or other similar entity shall have standing to 389  
contest and defend against an attempt by a party to identify an 390  
anonymous user of its web site or service pursuant to section 391  
2305.67 of the Revised Code. 392

(B) An anonymous user may contest and defend against an 393  
attempt by a party to identify an anonymous user of the 394  
anonymous user's web site pursuant to section 2305.67 of the 395  
Revised Code, without first having to reveal the anonymous 396  
user's identity. 397

(C) In addition to proceeding under division (B) of this 398  
section, an anonymous user may file a special motion to strike 399  
pursuant to section 2305.63 of the Revised Code without having 400  
to reveal the anonymous user's identity. 401

(D) For purposes of any action under this section, it is 402  
sufficient that the anonymous user be identified and referred to 403  
by the parties and the court by means of a pseudonym. 404

(E) If an anonymous user or web site operator appears in 405  
an action for the purpose of filing a special motion to strike 406  
pursuant to section 2305.63 of the Revised Code, or to contest a 407  
party's subpoena or discovery request, the anonymous user's 408  
appearance shall not operate as a waiver of any defense based on 409  
personal jurisdiction. 410

**Sec. 2505.02.** (A) As used in this section: 411

(1) "Substantial right" means a right that the United 412  
States Constitution, the Ohio Constitution, a statute, the 413  
common law, or a rule of procedure entitles a person to enforce 414  
or protect. 415

(2) "Special proceeding" means an action or proceeding 416

that is specially created by statute and that prior to 1853 was 417  
not denoted as an action at law or a suit in equity. 418

(3) "Provisional remedy" means a proceeding ancillary to 419  
an action, including, but not limited to, a proceeding for a 420  
preliminary injunction, attachment, discovery of privileged 421  
matter, suppression of evidence, a prima-facie showing pursuant 422  
to section 2307.85 or 2307.86 of the Revised Code, a prima-facie 423  
showing pursuant to section 2307.92 of the Revised Code, or a 424  
finding made pursuant to division (A) (3) of section 2307.93 of 425  
the Revised Code. 426

(B) An order is a final order that may be reviewed, 427  
affirmed, modified, or reversed, with or without retrial, when 428  
it is one of the following: 429

(1) An order that affects a substantial right in an action 430  
that in effect determines the action and prevents a judgment; 431

(2) An order that affects a substantial right made in a 432  
special proceeding or upon a summary application in an action 433  
after judgment; 434

(3) An order that vacates or sets aside a judgment or 435  
grants a new trial; 436

(4) An order that grants or denies a provisional remedy 437  
and to which both of the following apply: 438

(a) The order in effect determines the action with respect 439  
to the provisional remedy and prevents a judgment in the action 440  
in favor of the appealing party with respect to the provisional 441  
remedy. 442

(b) The appealing party would not be afforded a meaningful 443  
or effective remedy by an appeal following final judgment as to 444

all proceedings, issues, claims, and parties in the action.	445
(5) An order that determines that an action may or may not be maintained as a class action;	446 447
(6) An order determining the constitutionality of any changes to the Revised Code made by Am. Sub. S.B. 281 of the 124th general assembly, including the amendment of sections 1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as 5164.07 by H.B. 59 of the 130th general assembly), and the enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of the Revised Code or any changes made by Sub. S.B. 80 of the 125th general assembly, including the amendment of sections 2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the Revised Code;	448 449 450 451 452 453 454 455 456 457 458 459
(7) An order in an appropriation proceeding that may be appealed pursuant to division (B) (3) of section 163.09 of the Revised Code;	460 461 462
<u>(8) An order that denies a special motion to strike pursuant to section 2305.63 of the Revised Code;</u>	463 464
<u>(9) An order that grants leave under section 2305.67 of the Revised Code to discover the identity of an anonymous user who has made an online communication.</u>	465 466 467
(C) When a court issues an order that vacates or sets aside a judgment or grants a new trial, the court, upon the request of either party, shall state in the order the grounds upon which the new trial is granted or the judgment vacated or set aside.	468 469 470 471 472
(D) This section applies to and governs any action,	473

including an appeal, that is pending in any court on July 22, 474  
1998, and all claims filed or actions commenced on or after July 475  
22, 1998, notwithstanding any provision of any prior statute or 476  
rule of law of this state. 477

Sec. 2739.021. Nothing in sections 2739.01 and 2739.02 of 478  
the Revised Code shall be construed as limiting or abrogating 479  
any other defense, remedy, immunity, or privilege available 480  
under other constitutional, statutory, common law, or 481  
administrative provisions or rules relating to claims based on 482  
protected communications brought under sections 2305.61 to 483  
2305.64 of the Revised Code. 484

**Section 2.** That existing section 2505.02 of the Revised 485  
Code is hereby repealed. 486

**Section 3.** The General Assembly hereby declares that its 487  
purposes in enacting sections 2305.61 to 2305.68 and section 488  
2739.021 of the Revised Code and amending section 2505.02 of the 489  
Revised Code are: (1) to encourage and safeguard the 490  
constitutional rights of persons to petition, speak freely, and 491  
associate freely, (2) to encourage and safeguard the rights of 492  
persons to participate in government to the maximum extent 493  
permitted by law, (3) to protect the rights of persons to speak 494  
and act with respect to issues of public concern, and, at the 495  
same time, (4) to protect the rights of persons to file 496  
meritorious lawsuits for demonstrable injury. The General 497  
Assembly declares that sections 2305.61 to 2305.68, section 498  
2739.021, and section 2505.02 of the Revised Code shall be 499  
construed liberally to effectuate their purpose and intent 500  
fully. 501