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SENATOR LARRY FARNESE AND DELAWARE RIVERKEEPER NETWORK HOLD ANTI-SLAPP SUIT NEWS CONFERENCE

Philadelphia, PA – Senator Larry Farnese and the Delaware Riverkeeper Network (DRN) held a press conference at Philadelphia City Hall on Wednesday, September 13 to discuss the misuse of SLAPP suits to silence community opposition to development and industrial operations, and how Senator Farnese’s anti-SLAPP legislation is designed to prevent the misuse of the legal system in this way. SLAPP suits, or strategic lawsuit against public participation, are designed to impede community groups and community members by burdening them with legal fees and intimidating outspoken community members with legal action. Speakers included Senator Larry Farnese; Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network; Jeff Hornstein, president of Philadelphia Crosstown Coalition and Debra Mobile of the Bishop Tube clean and green battle in East Whiteland Chester County.

Delaware Riverkeeper Network and others in attendance were recent victims of SLAPP suit litigation and discussed the burdensome impact such misuse of the law inflicts. The recent lawsuit against DRN was dismissed in court with the judge making clear the advocacy challenging a brownfields development project by developer Brian O’Neill and his businesses was “*constitutionally protected free speech under the First Amendment of the United States Constitution and the Pennsylvania Constitution.*”

Senator Farnese’s legislation was passed by the Pennsylvania Senate and must now be considered by the Pennsylvania House of Representatives. If passed, the legislation protects people engaged in constitutionally protected speech from civil action based on that speech, allows for swift consideration and dismissal of cases deemed to be filed with the intent of silencing protected speech, prevents discovery during the pendency of the dismissal claim, and allows victims of a SLAPP suit to recover any legal costs and fees.

“One of the biggest hurdles I’ve encountered is convincing folks in Harrisburg that an expansion of our anti-SLAPP statute is absolutely necessary because existing legal remedies are insufficient to dismiss and deter these frivolous suits,” Farnese said.

“The role of outspoken community advocates protecting the environment, and community health and safety, is increasingly important in this age of legislative rollbacks, diminishing government budgets and increased access to government decisionmakers by well-funded industrial and developer interests. SLAPP suits that seek to silence communities with threats of attorney’s fees and damage claims are nothing short of reprehensible. It is important we have champions like Senator Farnese, and fair minded judges willing to see these lawsuits for what they are, a misuse of the legal system to rob people of their constitutional rights.. And it is important we have legislation that prevents SLAPP suits and allows community members who are threatened with one to secure swift judgement in their defense,” said Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network.

“My legislation would put an end to the abuse of the judicial system by expanding Pennsylvania’s anti-SLAPP statute beyond environmental law to apply to all protected speech related to issues of public and social concern,” Farnese said. “It creates a process for SLAPPs based on constitutionally protected speech to be quickly dismissed and the party seeking immunity may be entitled to attorney’s fees and damages. This bill also contains a SLAPP-back provision.

“Anti-SLAPP legislation is imperative here in Philadelphia as it gives community organizations a tool to fight back against frivolous lawsuits designed to silence the organization’s collective voice.”

Community member Carla Zembelli submitted a statement regarding SLAPP suits that was read by Maya van Rossum, which in part stated, “As a blogger, I have been aware of SLAPP suits for years. This year, I became embroiled in one, in Chester County, where I live. The suit is over the potential development of an old factory site in Malvern, East Whiteland Township known as Bishop Tube. I am a resident of East Whiteland Township. I had written about the Bishop Tube site on my blog. I am not the only one who has ever written about it or ever has had questions about it. The site has also been written about in newspaper articles off and on for many years. According to the Pennsylvania Department of Environmental Protection (“PA DEP”) website there is TCE contamination on this site. I am a breast cancer survivor who underwent breast cancer treatment and, as a survivor, a site like this should be a concern in my opinion. As a resident I should also be able to express my opinions and/or ask questions.”

“I am a retired schoolteacher, so I seldom have difficulty speaking my mind in public. But this intrusion on our civil rights has been difficult for myself and many of my neighbors. People don’t know what they can and cannot say at local meetings with our township officials. People are silenced when they become aware that representatives of the developer are sitting behind them, writing down what is being said. And people stop attending meetings because they fear the retribution, and because they feel powerless,” said Debra Mobile, a community member involved with the Bishop Tube clean and green battle. “Our group has made it clear that we are not there to talk about the developer, but we are there to talk about what we want for our community.”

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