



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 900		DATE: 4/6/2021	
COMMITTEE: Special Committee on Litigation Reform			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCAT		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: arniedienoff@yahoo.com	ATTENDANCE: Written	SUBMIT DATE: 3/30/2021 12:59 AM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

I am in Support of this Bill. We need huge changes for the Right of Speech and Public Participation Testimony before Public Governmental Bodies. There needs to be Accountability at All Levels of Government!



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 900		DATE: 4/6/2021	
COMMITTEE: Special Committee on Litigation Reform			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: CURTIS VARNIS		PHONE NUMBER: 573-777-3717	
BUSINESS/ORGANIZATION NAME: NEWS-PRESS & GAZETTE OF MISSOURI/KMIZ-TV		TITLE: GENERAL MANAGER	
ADDRESS: 501 BUSINESS LOOP 70 EAST			
CITY: COLUMBIA		STATE: MO	ZIP: 65201
EMAIL:	ATTENDANCE:	SUBMIT DATE: 4/6/2021 12:00 AM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 900		DATE: 4/6/2021
COMMITTEE: Special Committee on Litigation Reform		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: JOSEPH E. MARTINEAU		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: jmartineau@lewisrice.com	ATTENDANCE: Written	SUBMIT DATE: 3/29/2021 3:49 PM

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

My name is Joseph Martineau. I am an attorney in St. Louis and advocate for HB900. Among my many clients is the Better Business Bureau of Greater St. Louis, Inc., a non-profit corporation comprised of ethical business members (including Ameren, Commerce Bank, Spire, Graybar and other important companies here in Missouri, both large and small). BBB's mission is to ensure trustworthy business practices for the benefit of Missouri's consumers and those businesses which conduct themselves in a fair and trustworthy manner. BBB accepts complaints from consumers and business competitors and tenders those complaints to the complained-about business, soliciting a response and possible resolution where practicable. It makes those complaints and the business' responses available on its website in Business Profiles. It also rates businesses on an A-F scale, and it issues reports of unsavory businesses that prey on unwitting consumers. It routinely meets with law enforcement, including the FBI and State Attorney General, the FTC, and other consumer protection organizations. Over the years, I have defended BBB in lawsuits brought by disreputable charities and businesses in libel and tortious interference claims seeking to stifle BBB's speech and warnings about the activities of these organizations. Invariably, these lawsuits fail, but at considerable expense with little chance of recoupment of those expenses, because even if a claim for malicious prosecution or otherwise could be brought to recover those expenses, the business fails or its owners move on to other similar businesses of similar ilk. This Bill would provide a less expensive method early disposition of these frivolous suits with a great likelihood that BBB could recover some of the cost of defending against these claims. By way of example, I attach reference to an opinion of the 8th Circuit Court of Appeals in one such case where the vast majority of donations to a purported charity dealing in donated cars went to the professional fundraisers, defense of that suit cost resulted in litigation costs of over \$100,000. <https://cases.justia.com/federal/appellate-courts/ca8/15-2184/15-2184-2016-07-12.pdf?ts=1468335671>



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 900		DATE: 4/6/2021
COMMITTEE: Special Committee on Litigation Reform		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: MARC RANDAZZA		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: mjr@randazza.com	ATTENDANCE: Written	SUBMIT DATE: 3/30/2021 7:00 AM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.		

I am a lawyer who defends SLAPP suits, nationwide. Citizens should not lose everything they have defending lawsuits designed to punish them for exercising their First Amendment rights. In states without strong Anti-SLAPP laws, that is what happens. This law will protect Missourians from such fates, while still leaving more than adequate space for valid defamation claims to proceed.



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 900		DATE: 4/6/2021
COMMITTEE: Special Committee on Litigation Reform		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: MARK GORDON		PHONE NUMBER: 417-880-4890
REPRESENTING: MISSOURI BROADCASTERS ASSOCIATION		TITLE: PRESIDENT & CEO
ADDRESS: 1025 NORTHEAST DR		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65109
EMAIL: mgordon@mbaweb.org	ATTENDANCE: Written	SUBMIT DATE: 3/30/2021 12:15 PM

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

Thank you Mr. Chairman and Members of the Committee. My name is Mark Gordon. I am the President of the Missouri Broadcasters Association. Our organization represents over 350 radio and all but three television stations in the state of Missouri. We support this bill because a number of our members have had to defend themselves from lawsuits stemming from news stories that have been broadcast that bring to light issues that have caused harm to the citizens of our state. In one instance a station had to defend themselves for reporting on a questionable Facebook post that resulted in a firing of a sheriff's deputy, who in turn filed an invasion of privacy and defamation suit. The station won the case but not until they spent eight months and \$25,000 on their defense. It is easy for people to file suit against the "messenger". When in fact the messenger is reporting important truthful information that protects and informs our citizens. We represent a lot of small independent broadcasters who are not a part of a large corporation. In some instances, they have to make a financial business decision to not report on a story for concern over having to defend that decision in court. Thank you.



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 900		DATE: 4/6/2021
COMMITTEE: Special Committee on Litigation Reform		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: PATRICK GROSHONG		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: pat.groshong69@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 3/29/2021 5:26 PM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.		

I submit my statement that, in my experience, robust Anti-SLAPP laws allow for the early disposition of defamation cases that would otherwise consume the court's resources, and result in the incurring of significant and unnecessary costs by litigants. While I am submitting this statement as a private member of the public, and as a member of the Missouri Bar Media Law Committee, and the KCMBA Media & the Law Committee, in my professional life as the claims manager of a media liability insurer, I have seen the results of litigation, both in jurisdictions where Anti-SLAPP laws exist, and those where they do not. In my experience, such cases that are subject to those laws, are disposed of in a far more economical fashion in jurisdictions where such laws exist than in those jurisdictions where they do not, thus resulting in judicial economy and more meaningful protection of freedom of expression. I endorse robust Anti-SLAPP legislation in Missouri.



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 900		DATE: 4/6/2021
COMMITTEE: Special Committee on Litigation Reform		
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input checked="" type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: JEAN MANEKE		PHONE NUMBER: 816-753-9000
BUSINESS/ORGANIZATION NAME: MISSOURI PRESS ASSOCIATION		TITLE: COUNSEL
ADDRESS: 2345 GRAND BLVD., STE. 1600		
CITY: KANSAS CITY		STATE: MO
		ZIP: 64108
EMAIL: jmaneke@manekelaw.com	ATTENDANCE: Written	SUBMIT DATE: 3/29/2021 6:16 PM

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

I am counsel to Missouri Press Association, representing about 250 newspapers in the State of Missouri. Many of the papers are weeklies or smaller community dailies. Their ability to defend their publication from claims of defamation or tortious interference is difficult during good years, but in periods when many are struggling to retain employees and meet production expenses while community advertising revenue suffers, it can be overwhelming. Plaintiffs can file a lawsuit with minimal financial investment because they often find counsel working on a contingency basis. But legal fees to defend such claims are sizeable, and many times the lawsuits have been brought simply to stop an adversary in a land use or land development matter, or other political dispute where the litigation is simply a means to silence an opponent. The time and funds needed to defend against such a lawsuit is overwhelming. It can take months to get through the discovery period and to cover attorneys fees that are incurred, just to file a motion for summary judgment that comes months, sometimes years, after the suit was filed. An anti-SLAPP law (with SLAPP meaning Strategic Lawsuit Against Public Participation) allows newspapers, and even private citizens, to have a mechanism at an early point to ask a court to weigh the plaintiff's claims against the rights of the public who have simply been exercising their First Amendment rights. The ability to get such a review early in the litigation process helps avoid lengthy court proceedings where the plaintiff cannot justify their argument in light of the constitutional rights of citizens. It offers a means for providing financial balance between the parties in such litigation. It also offers a means of protecting individual freedom through speech and protecting the Constitutional values granted citizens by our government. The Federalist Society published an excellent article on the importance of anti-SLAPP laws in relation to the First Amendment which can be found at <https://fedsoc.org/commentary/publications/helping-americans-to-speak-freely>. I urge the committee to review that article. Missouri Press Association would be happy to work with the bill sponsor on language, if this bill on a path to move forward out of the committee.