

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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**Action:** Do Pass

**Vote:** 10 - 0 - 0

**Yeas:** Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker

**Nays:** 0

**Exc.:** 0

**Prepared By:** Lisa Nuss, Counsel

**Meeting Dates:** 5/14

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**WHAT THE MEASURE DOES:** Authorizes an immediate appeal of the denial of an anti-SLAPP (Strategic Lawsuit Against Public Participation) motion; provides that the law is to be liberally construed in favor of defendants sued in a SLAPP suit.

**ISSUES DISCUSSED:**

- Oregon's SLAPP suit law is working well but this inability to immediately appeal has been a glitch

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** SLAPP is an acronym for suits filed by corporations/developers to scare citizens into dropping their protests against the corporation/developer's actions. Oregon law currently allows someone whose been named as a defendant in a SLAPP suit to bring a special motion to strike the suit. The initial burden is on the defendant/protestor to show the claim arises from protected speech, after which the burden shifts to the plaintiff/corporation to establish the probability that plaintiff's claim is valid and will prevail.

This bill provides that if the trial court denies the special motion to strike, it shall enter a limited judgment instead of an order – that will allow the defendants to immediately appeal. Without the opportunity for immediate appeal, defendants can file a rarely granted motion with the Oregon Supreme Court, or proceed with paying the costs to defend the case.