

Patuxent Riverkeeper Center, 17412 Nottingham Road, Upper Marlboro, MD 20772

January 27, 2026

House Judiciary Committee
Maryland General Assembly
House Office Building, Room 101
6 Bladen St., Annapolis, MD 21401

Dear Sir/Madam,

Patuxent Riverkeeper supports SB-251 because it strengthens the current State laws related to SLAPP lawsuits. A few years ago, our organization was the target of such a SLAPP lawsuit. I will explain very generally about the circumstances in order to illustrate why we need to update these anti-SLAPP laws.

In 2016 Patuxent Riverkeeper was the target of a classic SLAPP suit. Citizens had reported a chronic violator to our office, we investigated the matter and then sent a letter about it to Maryland Department of the Environment. We subsequently learned that the "MDE" was already prosecuting the polluter, had imposed over \$300,000 of fines and then entered into a consent decree with the polluter. Subsequently that same violator filed a defamation and false light lawsuit against our organization arguing that our single written report to the State had resulted in economic loss and moreover damage to their reputation. Intriguingly, their claim for damages against us was precisely the amount of their State fines.

The case against Patuxent Riverkeeper was eventually dismissed at trial after nearly a year of legal depositions, pre-trial motions and legal expenditures. But, our organization had to bear the cost and time investment of defending a legal case where the plaintiffs had already conceded in a consent decree virtually all of the violations we had reported in our original letter to the State. At the initial judicial hearing held to adjudicate our motion for summary judgment, not only did the defendants fail to actually produce the actual letter to MDE that they claimed had defamed them, but the judge declined to dismiss the case and scheduled it for trial. In short, the current SLAPP statute was of no help in preventing the expense and effort of a needless and pointless trial. Notably, the existing law expressly forbids prosecution based upon citizen's written communications with their government. Up front, our tormentors made clear that they would drop the lawsuit against us if we simply revealed the names and identities of any neighboring citizen complainants we might have been in touch with, presumably so they might be "SLAPP'ed" as well.

So the present day SLAPP statute as currently written really does not serve as a deterrent to frivolous and malicious prosecution. Had HB-251 existed in law back then, it would have provided clearer guidance and potentially spared both the public and private cost of a trial that is

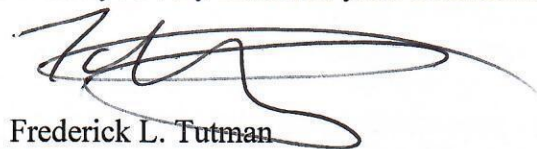
no more than a form of economic harassment and bullying by monied and guilty bad actors. In our case there was absolutely no question that the litigation was a reprisal for nothing more than good faith citizen vigilance reporting violations to the lawful authorities. Commendably, the State was doing its job by prosecuting this violator. But the violator was and continues to attack citizens today as a vindictive reprisal in order deter future such reports and watchfulness. This legal case, issued in bad faith as well as many others just like it, continue to consume both public and private resources needlessly for legal cases highly likely to fail on merit. Their point is entirely to silence citizens. Clearly, their purpose is not truly to prevail, but rather to stall and tie up citizen resources, to intimidate and compel them to be silent about reporting information about pollution—which is their right--and to get them to spend their resources on defending lawsuits instead of on continued vigilance. Moreover, it seeks to coerce the disclosure of further information about other citizens who might speak up!

Several other States have SLAPP suit statutes that are much more stringent and forceful than the ones currently in effect here in Maryland. The current statute was a good start but ultimately it has not been equal to its goals. Clearly the aim of the law is and was to deter frivolous and/or malicious lawsuits and speedily dispose of them in order to protect already crowded court dockets, and to spare citizens the distress of being sued for doing the right thing.

Patuxent Riverkeeper, like all Waterkeeper organizations, and like many other citizen watchdog groups relies heavily on citizen vigilance and participation to do our work of helping to enforce environmental laws while protecting public health and safety from environmental threats. But if citizens fear communicating with us about local water quality problems, and if our organization or civic-minded complainants face civil lawsuits as a reprisal for using the First Amendment, then our efforts at promoting enforcement of environmental laws would be chilled if citizens are potentially subject to SLAPP lawsuits for their trouble.

So clearly, the laws need to be made stronger in order to protect both citizens as well as society from harassment from monied and aggressive violators who want to contort the legal process in order to stifle citizen engagement. We urge you to give a favorable report on SB-251 that is much needed to spare civic - minded Marylanders the trouble of defending malicious lawsuits that intentionally attack our rights.

Thank you very much for your consideration. Respectfully,



Frederick L. Tutman
Riverkeeper, CEO
Patuxent Riverkeeper