

A Better Mt. Pleasant: Releases statement on attorney's frivolous and retaliatory defamation lawsuit

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MOUNT PLEASANT, WI APRIL 21, 2022 – I have been a resident of Mount Pleasant for nearly 30 years, and the spokeswoman for A Better Mt. Pleasant—a local community watchdog group—for the past six years.

In February, 2022, A Better Mt. Pleasant helped to organize a petition to stop a village ordinance intended to lengthen the terms in office for Mount Pleasant Village Trustees from two to three years. This ordinance was proposed by Village Attorney Chris Smith, who is on record saying it was something he felt very strongly about.

If successful, the petition would have required a referendum vote first before it could take effect.

By all accounts, including in local media, we were succeeding far ahead of our goal to collect twelve hundred signatures to trigger a referendum. The village attorney's pet proposal seemed destined to fail.

In early March, in the midst of literally petitioning my local government, Mount Pleasant Village Attorney Chris Smith filed a lawsuit against me, claiming I had

defamed him on social media regarding his comments to the press about the ordinance.

My criticism of the Village Attorney was measured and correct. However, wishing to avoid a lawsuit, I complied with Chris Smith's conditions to remove the online post.

He sued me anyway.

This is a classic example of a SLAPP suit — strategic lawsuit against public participation. SLAPP suits are designed not necessarily to win, but to intimidate and silence members of the public by drawing them into expensive and often lengthy litigation in retaliation for speech against matters of public importance. Defamation cases are one of the most common tactics used in baseless SLAPP suits brought by public officials — like a village attorney.

Aside from the cost of a lawsuit to me personally, which is scary enough, the effect SLAPP suits have on those who have not yet been targeted is to avoid being sued through a reluctance to participate in public debate. To chill free speech and eliminate criticism. I have a right to criticize my local government and local officials, so do you. This lawsuit is not just retaliation against me, it is a message to every resident in Mount Pleasant to shut up or else.

Local government officials cannot use frivolous lawsuits to intimidate their critics into silence.

Within days of being served with the lawsuit, the Institute for Justice, a national public interest law firm specializing in litigation to protect constitutional rights, agreed to represent me. A motion to dismiss Chris Smith's frivolous lawsuit was

filed today in Racine County, which can be [read here](#).

I wish to thank my legal team at the Institute for Justice, who work diligently to ensure that the right to free speech and public debate is vigorously protected, and that no citizen is victimized by government officials who abuse their authority.

Kelly Gallaher

A Better Mt. Pleasant