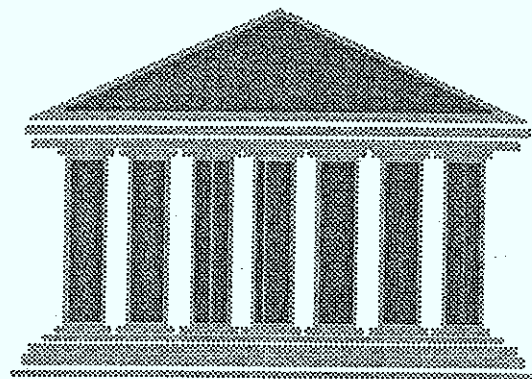
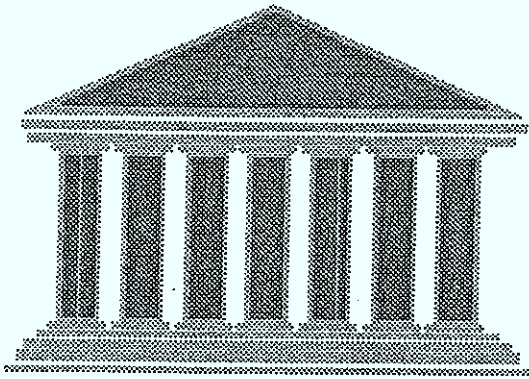


EXHIBIT 13

Case No. 11 Civ 5843 (JPO)

DECLARATION OF JAY WARD BROWN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO DISMISS
DEFENDANTS' COUNTERCLAIM

(New York Senate Debate Transcripts, 1992 Chapter 767, Statement of Senator Marchi)



SENATE DEBATE TRANSCRIPTS

**1992
CHAPTER 767**

SLAPP SUITS

25 PAGES

NEW YORK LEGISLATIVE SERVICE, INC.

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1 SENATOR STAFFORD: Calendar
2 Number 1797.

3 ACTING PRESIDENT LIBOUS: 1797.
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 1797, by Member of the Assembly Bianchi,
7 Assembly Bill Number 4299, Civil Rights Law and
8 the Civil Practice Law and Rules.

9 SENATOR LOMBARDI: Explanation.

10 ACTING PRESIDENT LIBOUS: Senator
11 Marchi, Senator Lombardi is asking for an
12 explanation.

13 SENATOR MARCHI: Thank you.

14 Mr. President. A SLAPP suit is
15 the subject of this piece of legislation, and
16 perhaps we ought to define it. SLAPP is an
17 acronym, Strategic Lawsuit Against Public
18 Participation. It is a lawsuit brought for the
19 purposes of harrassment by an entity with
20 superior resources against citizens that are
21 engaged in trying to influence public policy.

22 Mr. President. We have had
23 numerous circumstances in this state,

1 towel in abject surrender.

2 This is a circumstance. It's
3 spreading. The cases are numerous throughout
4 the State of New York and the State of
5 California, but New York State is described as a
6 hot bed of this type of litigation.

7 Although the bill on your desk
8 does not show it because I have acquired other
9 co-sponsors, and, in addition to myself, there's
10 Hannon, Lack, LaValle, Oppenheimer, Paterson
11 Skelos and Trunzo. Also considerable interest
12 expressed by others who are not presently
13 listed.

14 But, Mr. President, if we're
15 going to confer at least the right to say no, it
16 hurts and to express a feeling about abuse, then
17 we ought to shield that person against these
18 very almost terroristic attacks.

19 In Suffolk County, we had one
20 developer, who had Terra Homes, T-e-r-r-a,
21 sought to development housing. A local woman
22 hung a bedsheet outside of her window stating,
23 "This neighborhood will not be Terra-ized," and

1 was sued for defamation. These are very slender
2 reeds upon which to punish people and certainly
3 can induce a feeling that just defeats the very
4 purpose of a public utterance when a proposed
5 action is initiated, and it is the feeling -- it
6 is my feeling at least, and the feeling of many
7 members, and certainly the feeling of the
8 Assembly that passed the companion bill, that we
9 should confer the protections that are offered
10 in this bill.

11 ACTING PRESIDENT LIBOUS: Senator
12 Lombardi.

13 SENATOR LOMBARDI: Thank you.
14 First of all, I wonder if Senator Marchi might
15 yield to a question?

16 ACTING PRESIDENT LIBOUS: Senator
17 Marchi, will you yield?

18 SENATOR MARCHI: Yes.

19 SENATOR LOMBARDI: Senator, could
20 you tell me how many SLAPP-type suits have been
21 brought in New York and over what period of time
22 those actions have been commenced?

23 SENATOR MARCHI: There were --