

Chairman Mendelson
at the request of the Attorney General

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Anti-SLAPP Act of 2010 to prevent its misuse by private entities seeking to frustrate actions brought by the District.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Anti-SLAPP Emergency Declaration Resolution of 2021”.

Sec. 2. (a) The Anti-SLAPP Act of 2010, effective March 31, 2011 (D.C. Law 18-351; D.C. Official Code § 16-5501 *et seq.*) (“Anti-SLAPP Act”), was enacted to prevent persons from filing frivolous lawsuits to discourage them from participating in public debate or petitioning the government. The Anti-SLAPP Act allows defendants in such suits to file special motions to dismiss that stay fact discovery proceedings while the motion is pending, and requires that the special motions to dismiss be heard on an expedited basis. *See* Report of the Committee on Public Safety and the Judiciary on Bill 18-893, the Anti-SLAPP Act of 2010, at 1-4 (Council of the District of Columbia November 18, 2010).

(b) In passing the Anti-SLAPP Act, the Council did not intend for it to be used against actions brought by the District. The Fiscal Impact Statement of the Chief Financial Officer stated that “enactment of the proposed legislation would not have an impact on the District’s budget and financial plan as it involves private parties and not the District government.” *See* Memorandum from Natwar M. Gandhi, Chief Financial Officer, to the Honorable Vincent C.

Gray, Chairman, Council of the District of Columbia, Fiscal Impact Statement – “Anti-SLAPP Act of 2010,” at 2 (Nov. 16, 2010).

(c) Recently, defendants that have been the subject of lawsuits by the Attorney General have indicated that they plan to use the Anti-SLAPP Act to frustrate and delay actions brought on behalf of the District. This frivolous and malicious use of the Anti-SLAPP Act is only expected to increase as these matters continue to gain publicity.

(d) An amendment to the Anti-SLAPP Act is necessary to clarify the Council’s original intent in the Anti-SLAPP Act, and prevent significant delays in cases of serious public import brought by the District.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Anti-SLAPP Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.