

1 Six members of Madeira City Council on April 23, 2018, voted unanimously in support of Proclamation 18-01, a seventh council member, Scott Gehring, absent from the April 23rd meeting later had his name added to the proclamation. Proclamation 18-01 accused me, (Oppenheimer) of being a “vexatious litigator”, and proclaimed “our **intention** to direct Law Director Brian W. Fox to explore the filing of a civil action, pursuant to Ohio Revised Code 2323.52, to have Mr. Philip Douglas Oppenheimer declared a vexatious Litigator”.

2 Madeira Law Director, Brian W. Fox filed a civil lawsuit, Number A1802415 just 18 days after the passage of Proclamation Number 18-01. The civil lawsuit was filed in Hamilton County Common Pleas Court on May 11, 2018, naming Philip Douglas Oppenheimer as the defendant. Let’s be clear, that I (Oppenheimer) has not been an elected or appointed official since serving three two-year terms as a Madeira Council member from 1973-1979, “Oppenheimer is not a public figure.” The civil lawsuit, was filed in retaliation due to my legally, legitimate actions of challenging the city of Madeira, and city officials at council meetings, on social media, on my website madeiramessenger.com, Facebook, and Hamilton County Courts. The civil lawsuit was the dictionary definition of a **S.L.A.P.P lawsuit, “A Strategic Lawsuit Against Public Participation”**. Further, the definition says that a **SLAPP suit is intended to censor, intimidate, and silence critics by burdening them with the cost of a legal defense until they abandon their criticism or opposition”**.

3 The typical SLAPP plaintiff (City of Madeira) “does not normally expect to win their lawsuit, the goals are accomplished if the defendant (Oppenheimer) succumbs to fear, intimidation, mounting legal cost, or simple exhaustion, when the defendant abandons the criticism. A **SLAPP** lawsuit may also intimidate others from participating in the debate, and a **SLAPP** lawsuit is often preceded by a legal threat”.

4 On April 27, 2018 just four days after the passage of Proclamation 18-01 Madeira council members on the city’s official social media site “**Friday Flash**” published, under “**Meeting Updates**”, “at the April 23rd council meeting, council passed Proclamation 18-01 proclaiming the intention that Fox would explore the filing of a civil action, pursuant to Ohio Revised Code 2323.52 to have Mr. Philip Douglas Oppenheimer declared a vexatious litigator”

5 On May 2, 2018, Council Member Brian Mueller sent an email to Assistant City Manager Lori Thompson asking “if the vexatious litigator complaint has been filed?” Ms. Thompson answers “Brian expects to file the suit tomorrow and will send out notice when he does.” Remember

that proclamation 18-01 instructed Law Director Fox “to explore the filing of a civil action”, not to file a lawsuit. Fox filed the civil lawsuit, on May 11, 2018. The filing of the civil lawsuit violated the Ohio Sunshine Law Act, Council did not meet to approve filing of the Lawsuit.

6 Intimidation, Mayor Spencer, Vice Mayor Theis and members of council began in 2018 an effort to intimidate Oppenheimer and to adversely affect his reputation. Mayor Spencer wrote that she “fully supported defending against these legal actions even with the high cost involved, I am hopeful that the one suit initiated by the city will be successful in defining a particularly litigious resident as a “vexatious litigator. This action would not suppress freedom of speech in any way, but would require a judge to determine whether a lawsuit brought by the vexatious litigator has sufficient merit to be filed against the City of Madeira. It would be a big win for tax payers to redeploy the significant expense of legal defense to capital maintenance.” Ms. Spencer went along with the spending of more than a half million dollars, swindled from Madeira Tax Payers in a fruitless civil lawsuit, filed on May 11, 2018.

7 Intimidation, Madeira Council member Brian Mueller, on social media said “For example, I do not believe in politics by intimidation. I joined my council colleagues to vote to file the lawsuit against Mr. Oppenheimer in 2018 to declare him a vexatious litigator and protect the city, however we declined to pursue damages (money) from Mr. Oppenheimer, we only want the protection from the court declaring him a vexatious litigator (inability to file lawsuit in state court without first obtaining a judge’s permission).” Comments like this were inciteful coming from Mr. Mueller and other members of city council, causing hate and affecting my excellent reputation, and even causing an attempt by one Madeira resident to threaten me while I was attending a street dance event. The threat was serious enough that I reported it to the Madeira Police, subsequently an officer telephoned the person making the threats and issued him a warning. I considered arming myself, and discussed that possibility with Madeira police officers.

8 Inciting residents, it wasn’t very long before Madeira residents joined in with members of City Council members, on social media, (speak out Madeira) and others. Some residents that had been friends, accused me of being guilty of numerous actions that included being responsible for delaying construction of a new restaurant and the relocation of two historic structures, for personal reasons, or that I had a vendetta. I have been justified in all of my actions.

9 One Sunday Morning, while leaving mass at Saint Gertrude Church, a long-time friend

stopped me outside after mass, and spent more than a few minutes accusing me of being the cause for most of what was wrong in Madeira, letting me know that her source of information were members of city council.

10 Mayor Traci Bayer Theis, writes on Speak out Madeira more inciteful comments that were meant to convict me as a vexatious litigator prior to the civil suit being heard in Hamilton County Common Pleas Court. “I am disgusted how one person can waste so much money and we as a city are struggling to come up with funds for road repaving”

11 Residents Comments, on speak out Madeira, “All clowns love attention, everyone knows it even his groupies.” “If he hates Madeira so much, why doesn’t he just move???” “Seriously is there anything that can be done about his constant harassment?” Just a few examples of many.

12 Hamilton County Court of Appeals, Case Number C-20-00458 written “Judgement entry” dated August 20th 2020, makes it very clear that the city had no chance of winning! This shows that any city government can go astray when directed by the wrong people.

13 The damage has been done; I have been falsely accused by Madeira council members of being a vexatious litigator. They were able to convince many residents of Madeira, that I was some kind of criminal, costing tax payers \$500,000, or more in wasted money, but in reality, it was the council members, their lies and dishonesty that cost Madeira tax payers a half million dollars. This became a story of David vs. Goliath, a city with unlimited funds, taken from the unsuspecting tax payers, and a community “watch dog”, unwilling to cast a blind eye when faced with questionable actions by Madeira city officials.

14 What has changed in five years, I can no longer sleep past 5 AM, I wake up thinking about the lawsuit that was filed against me by Madeira, life has become very stressful, my reputation in many instances has been forever tarnished, friendships have been ruined, and I have incurred substantial debt defending myself from the lawsuit. While the Trial Courts written decision and order, as well as the Appeals Court Decision and order proved my innocence of the city’s premeditated, false allegations, the damage has been done. Madeira Council members and other city officials lied about me and spread the lies throughout the community. The lies and accusations went beyond the community, and has cut into the relationships I have with my four daughters, son-in-law’s and many of my grandchildren. My family was not been able to determine what the truth has been, versus lies and my family members have been embarrassed to admit that that they were once Oppenheimer’s. My daughters could not believe that the city would falsely accuse their father of something they could not prove in court.

15 In spite of the large sum of money that I have borrowed, I still owe my attorney Curt Hartman for unpaid invoices. He has been patient, waiting for a resolution in Federal Court. The city of Madeira must be held accountable for filing and prosecuting a vicious, wrongful lawsuit. I am asking that Madeira pay the estimated \$120,000 for my legal cost and another \$120,000 for my pain and suffering caused by Madeira Council members lies that I have had to deal with since 2018. This statement is not to be considered confidential for any purpose whatsoever. **EVERY LIE HAS AN EXPIRATION DATE!**