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Broadview Hts.' citizens group MADION continues its gas-oil well fight in court

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Broadview Heights community group Mothers Against Drilling In Our Neighborhoods, Inc (MADION) suffered a setback this past summer when a Cuyahoga County Common Pleas Judge dismissed its class action lawsuit against the state of Ohio, as well as oil and gas well drillers in the city.

At that time, MADION wasn't allowed to make its oral argument. However, there was a recent turn of events in which the group succeeded in gaining access to

the courtroom. Last week, the Community Environmental Legal Defense Fund (CELDF), which is representing MADION, was able to make its oral argument.

"This is the first time that our CELDF provided attorney will be able to actually speak in front of the three appellate judges," MADION member and Broadview Heights resident Tish O'Dell said.

MADION helped pass a 2012 charter amendment in Broadview Heights that banned most future commercial oil and natural gas extraction, as well as the stor-

age, transportation or depositing of oil and gas drilling waste products within the city.

The so-called bill of rights was challenged in court when Bass Energy successfully sued the city regarding its legality. In that case, MADION was denied intervention. O'Dell pointed out the lack of opportunity to present oral arguments in court is what fueled her group and CELDF to keep moving forward in the form of its class action lawsuit.

"I personally don't know the reason we were denied oral arguments," O'Dell said.

"That's a question for the judge. I can only form opinions and surmise maybe the state and the oil-gas industry aren't too anxious to have to give reasons as to why corporations have more rights than the people and why the legislature passed a law stripping the people of their rights."

Once Broadview Heights lost its citizens bill of rights case against Bass Energy, city leaders decided not to appeal the ruling after spending nearly \$20,000 in legal fees. Previously Broadview Heights
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Citizens group continues gas-oil well fight in court

Mayor Sam Alai said his involvement in the oil-gas well fight involves protecting home rule and is tied to the efforts of the Cuyahoga County Mayors & City Managers Association in Columbus.

Prior to last week's oral argument hearing, members of the Ohio Community Rights Network (OHCRN) and residents who have worked on similar bill of rights in their own communities staged a street theater performance titled "The People vs. The Corporate State" in front of the downtown Cleveland court building.

O'Dell said participants came from Athens County, Medina County, Portage County, Mahoning County, Lorain County, Williams County, Wood, Lucas and Fulton County, as well as from Columbus.

"The goal is to bring attention to this case and that we are living in a corporate state where the granted rights of corporations seem to supersede the people's right to govern their communities and protect their families from harm and destruction," O'Dell said. "Someone said this is a real David vs. Goliath example, and the rest snowballed from there. We all know that corporations have been able to purchase legislator votes through lobby money. The people do not have the resources and checkbooks to compete with them fairly."

As for winning the appeal, O'Dell believes the residents have a chance.

"It's too hopeless to believe otherwise," O'Dell said. "Do I think our chances are good? No. Whenever people in history have tried to correct the injustices of the current system and structure it takes many, many challenges and many court cases to achieve the ultimate change."

"Changing the system and structure to justly recognize people and nature's rights (living beings) over non-living beings (corporations) is going to take many head-on challenges by the people. This is why we need more and more communities in Ohio to follow Broadview Heights, no matter the outcome of this one case."

If the appeal is denied or not sent back to lower courts to hear arguments, O'Dell said the next step would be to appeal the Ohio Supreme Court, which picks what cases it will hear.

O'Dell hopes that no matter the ultimate outcome with its case, which won't be announced for weeks or months, the concerned Broadview Heights residents should be proud of their efforts.

"If the people cannot govern the communities they live in, but instead must succumb to a corporate controlled legislature, where does it end?" O'Dell said. "Broadview Heights residents are brave and patriotic. They showed me that the Constitution that states 'all power is inherent in the people' is alive and well in my city."