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Thursday, November 30, 2017

Newburgh Heights Mayor Trevor Elkins Suing Channel 5 for 'Outlandish' Defamatory Story

Posted By Sam Allard on Thu, Nov 30, 2017 at 11:57 am



Ken Blaze

Newburgh Heights Mayor Trevor Elkins and four Newburgh Heights village councilpeople have filed a scorching lawsuit against News Channel 5. They allege that a November story by reporter Jonathan Walsh was false and defamatory.

A complaint filed Thursday morning in the Cuyahoga County Court of Common Pleas contends that the story, and the defamation therein, represents a "calculated and perverse political smear" against Elkins, a rising star in the County Democratic Party.

(Elkins was featured in **Scene's 2016 People Issue**. He is being represented by attorney Peter Pattakos, who has legally represented Scene.)

The News Channel 5 story in question — "**How a government-sanctioned scam in Newburgh Heights has taken thousands of dollars from**

drivers" — described a process in which the village of Newburgh Heights billed "drivers and insurance companies" for calling the police.

The legal complaint, (included below), responds to the chief allegation as follows:

This so-called "scam" involves nothing more than billing at-fault drivers for the Newburgh Heights police services that their negligent conduct requires. The bills are sent to the drivers' insurance companies, which are contractually obligated to pay the fees for these police services, and the Village is specifically authorized by statute to collect these fees.

Thus, what Defendants presented as a "scam" is not only entirely lawful but also a common-sense practice by which the Newburgh Heights officials ensure that their constituents aren't stuck paying the price when at-fault drivers require service in the Village that their insurance companies are legally obligated to pay for.

The complaint refutes key assertions and sensational language within the story — that Newburgh Heights is a "little village *with a big secret*"; that the publicly passed ordinance is a "sinister" criminal enterprise; that those billed by the "widespread scam" are "victims"; and that the Newburgh Heights town hall, complete with "bay windows, crown molding and a chandelier" is flagrant evidence of the officials' indulgence.

"The defamatory implications of [News Channel 5's] intentional falsehoods are many," the complaint reads, "including that the Plaintiffs are crooks and stooges, unfit for public office."

For the record, 208 motorists have been billed in Newburgh Heights for calling the police to the scene of an accident since the ordinance was passed in 2014. That's about five per month.

Among other things, the lawsuit serves as a remedial lesson on the role and purpose of insurance companies: "The point [of the billing ordinance] is to reallocate the cost of responding to accidents, in terms of time and police resources, from the residents of Newburgh Heights to insurers—*who are being paid by their insured to assume financial responsibility for accidents the insured may cause.*" (Italics added.)

But much more interestingly, the suit suggests a political motive. Citing reporting by Scene and Cleveland.com, the complaint recounts Elkins' unsuccessful campaign for Cuyahoga County Democratic Party Chair against Shontel Brown, **who was criticized as a puppet** of her establishment backers. Despite that criticism, and despite departing party chair **Stu Garson's endorsement** of either Elkins or State Senator Sandra Williams, Brown prevailed.

Though the Channel 5 story did not run until November 2, reporter Jonathan

Walsh first contacted Newburgh Heights officials on February 22, 2017. That was only days after Elkins first announced his candidacy for Party Chair.

Quoting the juiciest bit: "The facts alleged in this Complaint, including the outlandish nature of Defendants' hit piece against Elkins (that necessarily also defamed the Council members), support an inference that Defendants published their false and defamatory statements recklessly or intentionally at the behest of persons or entities with a political or financial interest in smearing Trevor Elkins' reputation as a rising star in the local Democratic Party."

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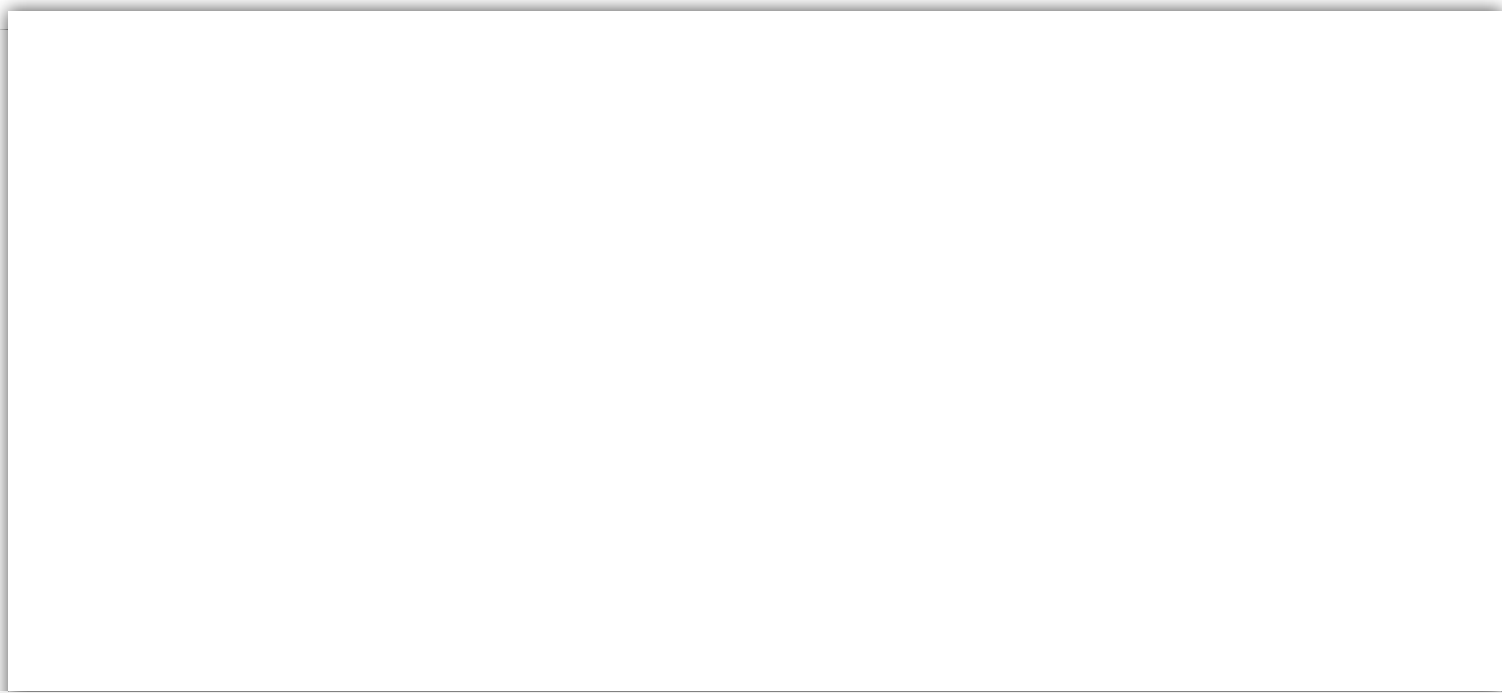
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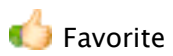
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