

Geiger settles lawsuit against city, culling firm

Thursday, December 18, 2008

By Bob Sandrick bsandrick@sunnews.com

Solon Herald Sun

A Solon deer-culling opponent has agreed to settle her lawsuit against the city and its deer-culling firm, White Buffalo Inc.

Belinda Geiger, of Cannon Road, will receive \$12,500 from the city and \$12,500 from White Buffalo for a total of \$25,000.

Rob McClelland, a city attorney, said Geiger had initially requested a settlement of more than \$100,000, but he didn't know the exact amount.

Geiger sued in April. She said the city and White Buffalo conspired unlawfully to silence her and deprive her of her right to free speech.

The alleged conspiracy culminated in her arrest by Solon police in January 2006. She was charged with menacing by stalking for allegedly following and threatening White Buffalo President Anthony DeNicola.

The criminal case against Geiger was dismissed in April 2007 in Bedford Municipal Court.

The lawsuit was filed in Cuyahoga County Common Pleas Court but on Oct. 25 was removed to U.S. District Court, Northern District of Ohio.

Judge Dick Ambrose, who presided over Geiger's suit in county court, said the case was removed because it involved Geiger's rights under the U.S. Constitution.

McClelland added that damage claims must exceed \$75,000 to end up in federal court.

Ambrose said it was Geiger's attorney, Todd Raskin, who filed for removal, but McClelland said DeNicola asked for removal and the city agreed.

Raskin and Geiger didn't return calls. DeNicola couldn't be reached Tuesday.

In a Dec. 11 e-mail to the Solon Sun, Geiger did say that the city had filed a "cross claim" seeking to make DeNicola and White Buffalo, not the city, responsible for any violations of her constitutional rights.

McClelland confirmed that the city filed a cross-claim.

"It's our position that if anything was done inappropriately, it was DeNicola, not (the city)," McClelland said.

Geiger was convinced that if the court had granted the cross-claim, she would have faced two separate trials -- with the city in federal court, and White Buffalo in county court.

"This would incur not only exorbitant costs but also a large investment of time and effort," Geiger said in her e-mail. She decided to settle.

However, McClelland said that both cases probably would have been heard together in the same court. He said that would have been up to the judge.

Contact Sandrick at (216) 986-5478.

©2008 Sun News

© 2008 cleveland.com <<http://cleveland.com>> All Rights Reserved.