IN THE SUPREME COURT
STATE OF GEORGIA

NO. _____

JULIE MAUCK,

PETITIONER,

V.

ATHENS PRIDE, INC. d/b/a ATHENS PRIDE & QUEER COLLECTIVE, DANIELLE CARMELLA BONANNO, and FIONA BELL a/k/a FELIX BELL,

RESPONDENTS.

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Court of Appeals disregarded this Court's decisions in *Oskouei v. Matthews* and *ACLU v. Zeh* by weighing the credibility or comparative probative strength of competing evidence at the second step of the anti-SLAPP analysis.

2. Whether the Court should settle the inconsistency within the Court of Appeals' first-step, anti-SLAPP jurisprudence, where prior panels, following *Lane Dermatology v. Smith*, required the challenged speech to have contributed to a public debate.

3. Whether the Court should settle the important and recurring issue whether private speech requires a heavier burden to be considered protected activity.

4. Whether the Court should settle the important and recurring issue whether the mere intention to file an anti-SLAPP motion suspends a party's obligation to respond to discovery requests.

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I. INTRODUCTION

This case presents questions of "great concern, gravity, or importance to the public," GA. S. CT. R. 40(1), regarding the scope of Georgia's anti-SLAPP statute. Petitioner, a mother engaged in civic advocacy regarding materials in a public library's children's section, became the target of private communications to her employer and professional association containing false accusations aimed at harming her employment. The Court of Appeals nonetheless affirmed dismissal under the anti-SLAPP statute by weighing credibility and the parties' competing evidence and then resolving the claims against Petitioner—precisely the approach this Court has held is impermissible.

The decision below also introduces doctrinal inconsistency within the Court of Appeals' jurisprudence. Prior panels required a showing that challenged speech contributed to public debate, which is a particularly difficult burden where, as here, communications are private. The decision dispenses with that requirement and treats private employment complaints as protected merely because they referred to a purported matter of public interest. Review is warranted to restore uniformity and reaffirm the limitations this Court has placed on the anti-SLAPP statute.

II. STATEMENT OF JURISDICTION

The Court of Appeals issued a final judgment affirming the trial court's order granting Respondents' motion to strike under the anti-SLAPP statute, OCGA § 9-11-11.1. Thus, the basis for this Court's appellate jurisdiction is OCGA § 5-6-34. The Supreme Court has discretionary certiorari jurisdiction to review decisions of the Court of Appeals under Ga. Const. of 1983, Art. VI, Sec. VI, Par. V.

The Court of Appeals issued its opinion on November 3, 2025, and Petitioner filed a timely motion for reconsideration on November 13, 2025, which was denied on November 18, 2025. This petition for writ of certiorari is filed within 20 days of November 18, 2025 and is therefore timely under GA. S. CT. R. 38(2).

III. STATEMENT OF THE CASE

A. Material Facts Relevant to the Appeal

1. *The Parties*

Petitioner Julie Mauck ("Mauck") is a licensed real estate agent in Oconee County. (V3-322). In Georgia, licensed real estate agents must contract with a broker pursuant to OCGA § 10-6A-3. *Id.* By virtue of her voluntary membership with the National Association of REALTORS® ("NAR") through the Georgia Association of REALTORS® ("GAR"), she is also a REALTOR®.

Id. Mauck is a mother and a private citizen who has never held public office. (V3-321). She has an interest in local issues, particularly children's issues. *Id.*

Respondent Athens Pride, Inc. d/b/a Athens Pride & Queer Collective ("Athens Pride") is a Georgia Domestic Nonprofit Corporation. (V2-60). It is "dedicated to the advancement of equity, affirmation, diversity, and wellness of queer populations in the greater Athens area. . . ." (V3-131). At the time of the events in question, the President of Athens Pride was Respondent Danielle Carmella Bonanno ("Bonanno"). (V3-130).

Respondent Fiona Bell a/k/a Felix Bell ("Bell") is an educator in Athens. (V3-27). Bell has "deep-rooted concerns related to children's access to literature" and "staunchly oppose[s] efforts to limit or restrict students' access to materials touching on matters of LGBTQ+ identity." *Id.*

2. *July 10, 2023 Meeting at Oconee County Public Library*

On July 10, 2023, Mauck attended a meeting of the Oconee County Public Library Board of Trustees ("Board") that was scheduled to consider whether to move a graphic novel called *Flamer* from the children's section of the library to the adult section due to its sexually explicit content. (V2-61,V3-322). BookLooks.org states that the book contains alternate sexualities, sexual activities, sexual nudity, profanity and derogatory terms, violence including self-harm, and controversial religious commentary. *Id.*

Dozens of Oconee County residents attended the meeting to advocate for the protection of children by restricting children's access to sexually explicit books without parental consent. (V2-61,V3-322). Several activists from outside Oconee County who associated themselves with the LGBTQ+ acronym, including Bell, attended the meeting to advocate *for* children's unfettered access to sexually explicit books. (V2-61,V3-323). At the meeting, Bell held up a poster with a sexual-innuendo message on the top half of the poster that stated, in rainbow colors, "JOY is ALL ages!" *Id.*

(V3-336).

In Mauck's personal capacity as a concerned citizen and mother, she spoke during the meeting to advocate for the library to move sexually explicit

materials out of the children's section. (V2-62,V3-323). She asked the Board to not cave to pressure from activists from outside Oconee County identifying themselves as being associated with the LGBTQ+ acronym, considering that some people consider pedophilia to be a type of sexual orientation that is included within the "plus" of the LGBTQ+ acronym:

> LGBTQ is an acronym for sexual affiliations. Lesbian, gay, bisexual, transgender and queer and the plus is there to be all inclusive down to pedophiles.
>
> ***
>
> I also ask that you address that LGBTQ+ propaganda and décor that is pervasive in the youth sections and that books that are sexually explicit be appropriately labeled and moved to the adult section, and programming needs a parent review committee now.

(V2-62,400;V3-1,323;V7). After public comments concluded, the Board agreed with Mauck and voted to move *Flamer* from the children's section. (V2-62,V3-323).

3. *Athens Pride/Bonanno's July 10, 2023 Email to Allen*

That night, Bonanno, as President of Athens Pride, sent an email to Mauck's then-real estate broker, Bob Allen ("Allen") of Greater Athens Properties, "regarding one of [Allen's] newer employees, Julie Mauck, and her recent discriminatory behavior towards the LGBTQ+ community." (V2-62,V3-324,V4-43). The email stated, "[I]t has come to our attention that Julie Mauck has a history of being an anti-LGBTQ+ community member, being vocal about

her discriminatory views, and engaging in harassment towards our community, including queer children and families." (V2-63,V3-324,V4-43). Bonanno also labeled Mauck an "anti-LGBTQ+ extremist." *Id.*

The email then misrepresented Mauck's public comment at the library earlier that day with respect to the LGBTQ+ acronym and misrepresented that Mauck had violated NAR's Code of Ethics:

> Most recently, a video from a meeting at the Oconee County Library circulated, capturing Julie Mauck making derogatory comments and specifically referring to LGBTQ+ individuals as pedophiles. . . . I would like to emphasize that this conduct is in clear violation of Article 10 of the NAR Code of Ethics, which prohibits discrimination based on sexual orientation or gender identity.

(V2-63,V3-324,V4-43).

The email further requested that Allen investigate and discipline Mauck with the threat that Athens Pride/Bonanno would otherwise report his business:

> I kindly request that you conduct a thorough investigation into this matter and take appropriate action to address Julie Mauck's behavior. This may include providing sensitivity training, disciplinary action, or any other necessary measures to prevent such incidents from occurring in the future. . . .
>
> I trust that Greater Athens Properties shares our commitment to fostering a safe and inclusive community. We sincerely hope that this matter can be resolved amicably and swiftly within your organization, without the need for further involvement from the Georgia Association of Realtors and the National Association of Realtors. . . .

(V2-64,V3-325,V4-44).

On July 11, 2023 and August 5, 2023, Allen received follow-up emails from Athens Pride/Bonanno. (V3-326,V3-341-44).

4. *Bell's July 13, 2023 Email to Allen*

On July 13, 2023, Bell sent an email to Allen "about one of the Realtors with [Greater Athens Properties], Julie Mauck, and the values of your brokerage." (V2-65,V3-326,V4-45). The email misrepresented Mauck's public comment at the library with respect to the LGBTQ+ acronym, misrepresented as "censorship" Mauck's request to move *Flamer* from the children's section, and falsely asserted that Mauck had been terminated from groups, including real estate firms, for making racist and anti-Semitic statements:

> Ms Mauck was present at the Oconee County Library on the afternoon of Monday, July 10th, where she made a public display of calling the entire LGBTQ community "pedophiles," along with calling for censorship of LGBTQ-related material. This is after being released from previous groups for anti-Chinese comments during the COVID pandemic, as well as from previous real estate firms for anti-Jewish/Nazi comments after the removal of a statue downtown. Do these actions align with your values as a company?

Id.

The email further threatened that Bell would discourage people from doing business with Greater Athens Properties unless Allen immediately terminated Mauck:

> On June 7th, [Greater Athens Properties'] social media accounts posted, "We love you, Athens! [hearts emojis]" along with a Pride-

> focused graphic. It's hard for me to understand how these two statements can occur without contradiction. I am unable to recommend this business to anyone, and in fact directly caution anyone against it, until the position of the business is known. I hope you will join us on the right side of history by ceasing work with Ms Mauck immediately.

(V2-65,V3-326,V4-45).

5. *Bell's July 13, 2023 Ethics Complaint*

About one month later, on August 11, 2023, while Mauck remained a licensed real estate agent through Allen, she was served a copy of an ethics complaint that had been submitted by Bell to GAR on July 13, 2023 (the same day Bell emailed Allen). (V2-67,V3-327). By virtue of his role as Mauck's broker, Allen was also served a copy of the ethics complaint that day. On that date, he ended his association with Mauck. (V2-67,V3-327,V4-46).

Between August 12, 2023 and October 17, 2023, Mauck was without a broker and thus unable to work and earn a living as a real estate agent. (V2-67,V3-327). She also incurred attorney's fees associated with defending herself from the allegations in the ethics complaint. (V2-80,V3-327). On October 18, 2023, David Steele ("Steele") became Mauck's broker, enabling her to work again. (V2-67,V3-328).

In the ethics complaint, Bell made the same statement made in Bell's email to Allen: "Julie Mauck was present at the Oconee County Library, in Watkinsville, GA, on the afternoon of Monday, July 10th, where she made a

public display of calling the entire LGBTQ community 'pedophiles,' along with calling for censorship of LGBTQ-related material." (V2-66,V3-328,353,V4-63).

On November 9, 2023, GAR convened a hearing panel to adjudicate the ethics complaint. (V2-67,V3-328). The hearing panel determined that, even though it was an "undisputed fact that the conduct at issue is not related to a real estate transaction," Mauck had nonetheless violated Article 10 of NAR's Code of Ethics, which prohibits discrimination in real estate transactions. *Id.* On January 4, 2024, Mauck prevailed on appeal. (V2-67,V3-329). A GAR appellate tribunal reversed and dismissed the ethics complaint "because the finding of facts does not support a possible violation of the Code of Ethics." *Id.*

6. *Athens Pride/Bonanno's January 16, 2024 Email to Steele*

On January 16, 2024, Steele was still Mauck's broker. (V2-70,V3-331,V4-77). That day, Bonanno, as President of Athens Pride, sent an email to Steele stating, "[I]t is important to bring to your attention a concerning incident involving one of your realtors, Julie Mauck." *Id.*

The email falsely suggested the GAR proceeding was ongoing, stating "There has been an ethics complaint filed against her with the Georgia Association of Realtors (GAR) for violating ethics standard 10-5 . . ." (V2-70,V3-331,V4-78). Next, it stated, "The complaint was prompted by her use of derogatory language, referring to the LGBTQ+ community as pedophiles." *Id.*

Athens Pride/Bonanno concluded the email by stating that they were potentially going to take action against Steele:

> I wanted to bring this matter to your attention as I begin to consider the appropriate course of action. I believe it is crucial for realtors to conduct themselves professionally, irrespective of personal beliefs. I trust you recognize the gravity of this situation and the importance of accountability in such matters. I appreciate your prompt attention to this matter and look forward to hearing from you soon.

(V2-71,V3-332,V4-78). On February 2, 2024, Steele received a follow-up email from Athens Pride/Bonanno. (V2-72,V3-333,V4-79).

B. Relevant Proceedings Below

On October 15, 2024, the trial court conducted a motions hearing. (V5-1). At the conclusion, the court directed counsel to draft competing proposed orders and to submit them to the trial court's assistant in Word format by October 31, 2024. (V5-97).

On November 18, 2024, the trial court entered two orders. In its first order, the court denied Mauck's Motion to Compel Discovery Responses and for Sanctions Against Defendants and Mauck's Rule 6.7 Expedited Motion that Specified Discovery, Motions, and Hearings Be Conducted. (V2-56). In the motions, Mauck sought to compel discovery responses from Respondents, none of whom provided responses to *any* discovery requests. (V3-215). Instead, Respondents' attorneys served objections to *every* discovery request on the grounds that Respondents had already filed a motion to strike under the anti-

SLAPP statute, § 9-11-11.1, which was undisputedly false, (V6-3), and that the trial court had not yet ruled on their motion to stay pre-answer discovery—tantamount to Respondents granting themselves a stay of discovery:

> [1] Defendant objects to this [Interrogatory or Request] as overbroad, unduly burdensome and premature in that it seeks a response to discovery served prior to the Court's ruling in Defendants' Motion to Strike pursuant to O.C.G.A. § 9-11-11.1, which has "the deleterious effect of forcing the targeted defendant to expend sums toward (perhaps unrelated) discovery before the plaintiff demonstrates in opposition to the anti-SLAPP motion that his or her claim has prima facie viability" contrary to the purposes of the anti-SLAPP statute. *Britts v. Superior Court*, 145 Cal. App. 4th 1112, 52 Cal. Rptr.3d 185 (2006).
>
> [2] Defendant further objects that Defendants' Rule 6.7 Expedited Motion to Stay Pre-Answer Discovery and Defendants' Pending Discovery Deadlines is pending before the Court, and the grant of such motion would protect Defendant from the present discovery. In the event that the anti-SLAPP motion is denied or the Court orders that discovery should continue, Defendant will meet and confer with Plaintiff and/or adhere to the Court's instruction regarding the timing of supplemental responses.

(V3-217). Notably, Respondents had not filed a motion for a protective order, and no such order was ever entered by the trial court. (V1-1-10).

Mauck's motions sought sanctions against Respondents, including entry of a default judgment, due to their repeated misrepresentations that a motion to strike had already been filed and their disregard of the trial court's authority to rule on their pending motion to stay pre-answer discovery. (V3-223). The trial court provided no reasons for the denial of Mauck's motions other than

"The Court has determined that this action is dismissed for the reasons stated in its accompanying order of November 18th, 2024." (V2-56).

In the trial court's second order, *i.e.,* the accompanying order of November 18th, 2024, the court granted Respondents' Motion to Strike or Dismiss Plaintiff's Complaint under the anti-SLAPP statute. (V2-4). The trial court held that (1) Mauck's claims had arisen from acts of Respondents which could reasonably be construed as acts in furtherance of conduct in connection with an issue of public interest or concern, and (2) Mauck had not established a probability that she would prevail. *Id.* In a 52-page order that was taken virtually verbatim from Respondents' proposed order, the court held that Respondents' emails to Mauck's brokers and ethics complaint were protected conduct, and Mauck had not established a probability she would prevail. (V2-21,V2-30).

The Court of Appeals affirmed the trial court's dismissal. The court held "the trial court correctly determined that the Defendants made the requisite showing that Mauck's claims arose from protected activity" under the first step of the anti-SLAPP analysis, and "the trial court properly determined that Mauck failed to satisfy the second step of the anti-SLAPP analysis" to establish a probability she will prevail. *Mauck v. Athens Pride, Inc.*, No. A25A1072, __ Ga. App. __ (1) (Nov. 3, 2025). The court thus found it unnecessary to address

whether the trial court should have decided Mauck's motion to compel discovery and for sanctions. *Id.* at __ (2).

C. Preservation of Enumeration of Errors for Review

On November 19, 2025, one day after the Court of Appeals' denial of Mauck's motion for reconsideration, Mauck filed a notice of intent to petition the Supreme Court for a writ of certiorari to review Divisions 1 and 2 of the Court of Appeals' November 3, 2025 decision. Mauck thus preserved her ability to seek review of both the affirmance of the trial court's dismissal and the decision not to address Respondents' willful failure to serve responses to discovery requests.

D. Standard For Granting Certiorari

"A petition for the writ will be granted only in cases of great concern, gravity, or importance to the public. . . . [S]uch cases may include those in which: (a) A decision of the Court of Appeals on an important matter is in conflict with other decisions of the Court of Appeals or decisions of this Court; or . . . (c) The Court of Appeals has decided an important question of state law that is likely to recur and has not been, but should be, settled by this Court." Ga. S. Ct. R. 40(1).

IV. ARGUMENT

A. This Court's precedents prohibited the Court of Appeals from weighing the credibility or comparative probative strength of competing evidence.

Petitioner begins with step two of the anti-SLAPP analysis because the most certiorari-worthy issue is the Court of Appeals' disregard of this Court's clear instruction in *Oskouei v. Matthews*, 321 Ga. 1 (2025), and *ACLU v. Zeh*, 312 Ga. 647 (2021), to not weigh the credibility or comparative probative strength of the evidence. If the movant makes a threshold showing of protected activity, then courts "must proceed to the second step of the analysis and determine whether the plaintiff 'has established that there is a probability that the [plaintiff] will prevail on the claim.'" *Wilkes & McHugh, P.A. v. LTC Consulting, L.P.*, 306 Ga. 252, 262 (2019) (quoting OCGA § 9-11-11.1(b)(1)). "Only a claim that satisfies '*both* prongs of the anti-SLAPP statute—*i.e.*, that arises from protected [activity] *and* lacks even minimal merit—is a SLAPP' that is subject to being stricken." *Id.* at 262-63 (quoting *Navellier v. Sletten*, 52 P.3d 703, 708 (Cal. 2002) (emphasis in original)).

To meet Mauck's burden under step two that her claims have "minimal merit" and she therefore has a probability of prevailing on her claims, Mauck merely "must demonstrate that the complaint is both legally sufficient and supported by a sufficient prima facie showing of facts to sustain a favorable judgment if the evidence submitted by [Mauck] is credited.'" *Id.* (quoting

Soukup v. Law Offices of Herbert Hafif, 139 P.3d 30, 51 (Cal. 2006)). Courts must treat step two like a summary-judgment determination and therefore refrain from weighing credibility or the comparative strength of the evidence:

> For purposes of this inquiry, the trial court considers the pleadings and evidentiary submissions of both the plaintiff and the defendant; though the court does not weigh the credibility or comparative probative strength of competing evidence, it should grant the motion if, as a matter of law, the defendant's evidence supporting the motion defeats the plaintiff's attempt to establish evidentiary support for the claim. In making this assessment[,] it is the court's responsibility to accept as true the evidence favorable to the plaintiff. In this regard, the merits of the plaintiff's claim are evaluated using a summary-judgment-like procedure at an early stage of the litigation.

Oskouei, 321 Ga. at 7 n.4 (2)(a) (quoting *Zeh*, 312 Ga. at 653). Rather than "accept as true the evidence favorable to the plaintiff," the Court of Appeals "weigh[ed] the credibility or comparative probative strength of competing evidence" and decided against Mauck.

Indeed, the Court determined that Mauck cannot establish a probability that she will prevail on her claim against Athens Pride/Bonanno for a violation of Georgia's Uniform Deceptive Trade Practices Act ("UDTPA"). Rather than credit the evidence favorable to Mauck, the Court impermissibly weighed the credibility or probative strength of the evidence—as if the Court were the factfinder—to find that "Mauck cannot demonstrate that Athens Pride or Bonanno made a false or misleading statement." *Mauck*, __ Ga. App. at __ (1)(b).

The UDTPA provides that "[a] person likely to be damaged by a deceptive trade practice of another may be granted an injunction against it under the principles of equity and on terms that the court considers reasonable." OCGA § 10-1-373(a). Moreover, "[p]roof of monetary damage, loss of profits, or intent to deceive is not required." *Id.* "[T]o state a claim and to establish standing under the UDTPA, the plaintiffs must allege that they are likely to be damaged in the future by an unfair trade practice." *Collins v. Athens Orthopedic Clinic*, 356 Ga. App. 776, 779-80 (2020).

The July 10, 2023 and January 16, 2024 emails to Allen and Steele, respectively, with their false and misleading statements, demonstrate a probability, at the very least, that Mauck will be able to show that, in the course of their business, Athens Pride/Bonanno disparaged Mauck's goods, services, or business "by false or misleading misrepresentation of fact" and/or they engaged in other conduct "which similarly creates a likelihood of confusion or misunderstanding." OCGA § 10-1-372(a)(8) and (12).

First, the statements cast aspersions about Mauck's ability to conduct herself as a real estate agent. Second, they created a likelihood of confusion or misunderstanding about Mauck, including with respect to the false and misleading assertions of (1) extremist and harassing behavior toward families and children who associate with the LGBTQ+ acronym, (2) Mauck characterizing all individuals who associate with that acronym as pedophiles,

and (3) Mauck violating NAR's Code of Ethics. Moreover, the follow-up emails to Allen and Steele indicated that the unfair trade practices were not going to stop, demonstrating that Mauck was "likely to be damaged in the future."

While Bonanno avowed that the statements were based upon Bonanno's "personal interpretation of [Mauck's] conduct – including but not limited to that such conduct was anti-LGBTQ+, discriminatory, and harassing in nature" and that Bonanno "believed, and still believe[s], in the accuracy of my statements and opinions," (V3-139), such statements do not negate the evidence favorable to Mauck. Mauck, who need only establish that there is a *probability* she will prevail, made a "sufficient prima facie showing of facts": (1) Mauck denied ever harassing families and children that associate with the LGBTQ+ acronym, (2) the video and transcript of Mauck's comment at the library shows she did not state that all individuals who associate with that acronym are pedophiles, (3) GAR determined that Article 10 of NAR's Code of Ethics was inapplicable, and (4) GAR's dismissal of the ethics proceeding occurred prior to the statements made to Steele. (V3-324,V3-329,V3-332,V4-11-12,V7).

Despite making a sufficient prima facie showing of facts to sustain a favorable judgment under the UDTPA, the Court of Appeals impermissibly weighed the credibility or probative strength of the evidence and chose Athens Pride/Bonanno's view of the evidence. Contrary to *Oskouei* and *Zeh*, the Court

concluded that Mauck's remark at the library that "the plus [in the LGBTQ+ acronym] is there to be all inclusive down to pedophiles"—which merely recognized the well-documented fact that some pedophiles consider pedophilia to be a sexual orientation and therefore identify with the "plus" in the acronym (V4-5-9)—necessarily made it true that Mauck "refer[ed] to LGBTQ+ individuals as pedophiles" (as Athens Pride/Bonanno claimed to Allen) and that Mauck "refer[ed] to the LGBTQ+ community as pedophiles" (as they claimed to Steele). *Id.* Thus, the court impermissibly decided that how Athens Pride/Bonanno characterized those remarks to Allen and Steele was the stronger of the two competing interpretations of the evidence.

And the court ignored Mauck's affidavit denying the allegation made by Athens Pride/Bonanno to Allen that Mauck "engag[ed] in harassment towards our [LGBTQ+] community, including queer children and families" and made by Athens Pride/Bonanno to Steele that Mauck made unspecified "further attacks on [Athens Pride] and the LGBTQ+ community." (V3-324). Instead, the court determined that Athens Pride/Bonanno's evidence of "social media posts in which Mauck made remarks in opposition to LGBTQ+ advocacy groups" proved Mauck engaged in "harassment" and "attacks," as if the existence of those social media posts was the only interpretation that could be given to the allegations of "harassment" and "attacks" against children and families. Again, contrary to *Oskouei* and *Zeh*, the court improperly decided that Mauck's social

media posts allegedly constituting "harassment" and "attacks" was the stronger of the two competing interpretations of the evidence.

As to Mauck's claim for tortious interference with a business relationship against Bell, the Court of Appeals again impermissibly weighed the credibility or probative strength of the evidence. The court's overreach was especially egregious because it was done in connection with the element of proximate causation, which is an issue traditionally left to the factfinder to determine. *Johnson v. Avis Rent A Car System*, LLC, 311 Ga. 588, 593 (2021). To recover for tortious interference with a business relationship, a plaintiff must prove: (1) the defendant acted improperly and without privilege; (2) the defendant acted purposely and with malice with the intent to injure; (3) the defendant induced a third party or parties not to enter into or continue a business relationship with the plaintiff; and (4) the defendant caused the plaintiff financial injury. *Healthy-IT, LLC v. Agrawal*, 343 Ga. App. 660, 670 (2017).

The court weighed the credibility or probative strength of the evidence and determined—as if it were the factfinder—that Bell's submission of the ethics complaint on July 13, 2023 could not have been the proximate cause of Allen's termination of Mauck from his real estate brokerage. The court stated it so found because "[Allen] informed [Mauck] on July 11, two days *before* Bell's email [and submission of the ethics complaint], that he would no longer serve

as her licensed real estate broker." *Mauck*, __ Ga. App. at __ (1)(b) (emphasis in original).

However, the evidence favorable to Mauck shows that—although Allen informed her on July 11 that he was going to cease serving as her broker—he actually chose not to do so until August 11, 2023, one month *after* Bell's submission of the ethics complaint when he was served with the ethics complaint. (V4-44-46). Thus, despite Allen's stated intention on July 11 to terminate Mauck, he did not act on that intention—and perhaps never would have acted on it—until August 11 when he was served. Mauck's theory of proximate causation is, thus, that it was ultimately Bell's ethics complaint that caused Allen to discontinue his business relationship with Mauck. Under *Oskouei* and *Zeh*, it was the court's obligation to accept as true the evidence favorable to Mauck that supports a theory of proximate causation.

Finally, with respect to Mauck's libel claim against Bell, the Court of Appeals impermissibly weighed the credibility or probative strength of the evidence in the same way in which it did in connection with UDTPA. A libel claim consists of: "(1) a false and defamatory statement concerning the plaintiff; (2) an unprivileged communication to a third party; (3) fault by the defendant amounting at least to negligence; and (4) special harm or the actionability of the statement irrespective of special harm." *Mathis v. Cannon,* 276 Ga. 16, 20-21 (2002).

The court found that Mauck's remark at the library that "the plus [in the LGBTQ+ acronym] is there to be all inclusive down to pedophiles" necessarily made it true that Mauck "made a public display of calling the entire LGBTQ community 'pedophiles,'" as Bell claimed to Allen and GAR. *Mauck*, __ Ga. App. at __ (1)(b). Again, *Oskouei* and *Zeh* prohibited the court from deciding that how Bell characterized Mauck's remarks to Allen and GAR was the stronger of the two competing interpretations of the evidence.

B. The Court should settle the doctrinal inconsistency within the Court of Appeals' jurisprudence requiring a functional relationship between the challenged speech and the asserted issue of public concern.

The decision below departs from the Court of Appeals' own precedents applying the first step of the anti-SLAPP analysis to determine whether the conduct is protected activity. Prior panels, following *Lane Dermatology v. Smith*, 360 Ga. App. 370 (2021), required the movant to demonstrate that the challenged speech contributed to a public debate, but, in this case, the court did not. The resulting doctrinal inconsistency threatens to expand the anti-SLAPP statute beyond its intended purpose and warrants this Court's review to settle the uncertainty in the law.

In the first step of the anti-SLAPP analysis, the court determines whether the moving party "has made a threshold showing that the challenged claim is one 'arising from' protected activity." *Wilkes & McHugh,* 306 Ga. at

262 (quoting OCGA § 9-11-11.1(b)(1)). The movant meets this burden by "demonstrating that the act underlying the challenged claim 'could reasonably be construed as' fitting within one of the categories spelled out" in OCGA § 9-11-11.1(c)(1)-(4). *Id.* Those categories include any written or oral statement made (1) "before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law"; (2) "in connection with an issue under consideration or review by a legislative, executive or judicial body, or any other official proceeding authorized by law"; (3) "in a place open to the public or a public forum in connection with an issue of public interest or concern"; or (4) "[a]ny other conduct in furtherance of the exercise of the constitutional right of petition or free speech in connection with a public issue or an issue of public concern." OCGA § 9-11-11.1(c)(1)-(4).

In *Lane Dermatology*, the Court of Appeals adopted the California Supreme Court's process for applying the first step of the anti-SLAPP analysis where § 9-11-11.1(c)(3) or (c)(4) is involved. With respect to how to determine whether the challenged speech was made "in connection" with the asserted issue of public concern, the court held that courts must ask "what functional relationship exists between the speech and the public conversation about some matter of public interest," though "it is not enough that the statement refer to a subject of widespread public interest." *Id.* at 379 (quoting *FilmOn.com Inc.*

v. DoubleVerify Inc., 439 P.3d 1156, 1165 (Cal. 2019)). Rather, "the statement must in some manner itself contribute to the public debate." *Id.*

Thus, in *Lane Dermatology*, which involved the challenged speech of a physician assistant's nameplate on a sign listing the names of providers at a competing dermatology practice called Skin Cancer Specialists ("SCS"), the court found that, even if "the nameplate and the information therein was connected to a broader public issue of ensuring that customers receive correct information about their medical providers, . . . Smith has not shown, however, how the specific issue of having her name on SCS's nameplate was made 'in connection with' a broader public debate about medical information beyond the customers of Lane Dermatology and SCS." *Id.* at 380. The court additionally determined that "the sign stating that Smith works for SCS does not particularly relate to any broader public concern about the accuracy of medical information or the efficacy of medical treatments generally." *Id.* Subsequent panels of the Court of Appeals, including *all* such panels that examined the first step of the anti-SLAPP analysis where § 9-11-11.1(c)(3) or (c)(4) were involved, have applied *Lane Dermatology's* functional-relationship test—either expressly or implicitly—to determine whether the challenged speech was made "in connection" with an asserted issue of public concern.

For example, in *Weaver v. Millsaps*, 370 Ga. App. 513 (2024), the Court of Appeals affirmed the trial court's dismissal in a case alleging that a

published response to negative Google reviews was libelous. Individuals left multiple negative Google reviews of Millsaps' business after Weaver encouraged followers of his personal blog to do so. *Id.* at 513. Millsaps' response to the reviews stated, "My business is being targeted by a Neo Nazi and a member of the KKK" and "I am being harassed and bullied by Michael Weaver . . . [a] known felon of hate crimes." *Id.* at 514.

Recognizing that Weaver conceded on appeal that he was a public figure and that the challenged speech was "in response to a 'war' that [he] initiated on a public forum," the court, citing *Lane Dermatology*, held that Millsaps' response to the reviews satisfied the first step of the anti-SLAPP analysis under § 9-11-11.1(c)(3). *Id.* at 516. While the court did not explicitly state that it examined whether there was a functional relationship between the challenged speech and an issue of public concern, the challenged speech was such that, as a Google review response, it plainly contributed to the public debate by responding to the reviews on the same public forum on which they were left.

Most recently, in *Britt v. Dwyer*, 375 Ga. App. 129 (2025), the Court of Appeals vacated the trial court's dismissal and remanded because "the trial court's anti-SLAPP analysis was incomplete, and it must be revisited." *Id.* at 138. Britt was a cheerleading coach and founder of Cheer Savannah investigated by the U.S. All Star Federation ("USASF") for potential violations

of USASF's internal guidelines and code of conduct. *Id.* at 129-30. Britt alleged that rival Savannah Sharks Cheerleading and its principal, Megan Anderson Yarbrough, as well as Meagan Dwyer, a parent of a cheerleading participant, "maliciously filed false and misleading reports to USASF which construed [Britt's] love and nurturing of her athletes, such as hugging and providing encouraging pats, as predatory behavior." *Id.* at 130-31.

The Court of Appeals accepted, for the sake of argument, that the trial court had accurately recognized an issue of public concern, which was identified in Judge Gobeil's special concurrence as "the safety of youth in sports." *Id.* at 139. However, the court stated that the trial court had not addressed "the additional requirements included in OCGA § 9-11-11.1(c)(3) and (c)(4)." *Id.* at 138. Thus, the court acknowledged that the first step of the anti-SLAPP analysis requires more than simply identifying an issue of public concern.

Conversely, in this case, while the Court of Appeals quoted *Lane Dermatology's* first-step process, it did not determine whether a functional relationship exists between the challenged speech and the asserted issue of public concern. The court was expressly prohibited from relying upon the fact that Respondents' statements merely referred to a purported issue of public concern. Instead, the court was required to specifically identify how Respondents' private statements *contributed* to the public debate.

But the court did precisely what *Lane Dermatology* prohibited—it simply relied upon the fact that Respondents' statements referred to the purported issue of public concern: "[I]n Bonanno's July 10, 2023 and January 16, 2024 emails, she expressly discussed Mauck's remarks against the LGBTQ+ community that she made at the hearing. In Bell's July 13, 2023 email, he also discussed Mauck's remarks from the hearing about pedophiles and her calls for censorship of the LGBTQ+ community." *Mauck*, __ Ga. App. at __ (1)(a).

The court should have examined whether Respondents' private statements about Mauck's employment contributed to a public debate. *See Lane Dermatology*, 360 Ga. App. at 380 (2) ("Smith argues that the nameplate and the information therein was connected to a broader public issue of ensuring that customers receive correct information about their medical providers, which, she argues, is a substantial issue of public concern. Smith has not shown, however, how the specific issue of having her name on SCS's nameplate was made 'in connection with' a broader public debate about medical information beyond the customers of Lane Dermatology and SCS."). As it stands, the court leaves mothers and community advocates like Mauck with a Hobson's choice to either forgo public advocacy or risk professional ruin through campaigns of reputational harm.

C. The Court should settle whether private speech requires a heavier burden to be considered protected activity.

The text of the anti-SLAPP statute—specifically § 9-11-11.1(c)(1) through (c)(3)—reveals that the legislature's concern over "meritless lawsuits brought not to vindicate legally cognizable rights, but instead to deter or punish the exercise of constitutional rights of petition and free speech," *Wilkes & McHugh*, 306 Ga. at 257, was primarily about protecting the ability to make public statements—not private statements—deserving of protection. To be sure, the statute states that it "shall be construed broadly," OCGA § 9-11-11.1(a), and this Court has inferred that § 9-11-11.1(c)(4) is a "catch-all" provision. *See Wilkes & McHugh*, 306 Ga. at 263 (citing *FilmOn.com* and discussing the "analogous catchall provision of California's anti-SLAPP statute").

Still, the reach of the anti-SLAPP statute—particularly for cases involving § 9-11-11.1(c)(3) or (c)(4)—is not without its limits. Indeed, the California Supreme Court has held that while "private communications may qualify as protected activity in some circumstances," such private communications "makes heavier [the movant's] burden of showing that, notwithstanding the private context, the alleged statements nevertheless contributed to discussion or resolution of a public issue." *Wilson v. Cable News Network Inc.*, 444 P.3d 706, 726 (Cal. 2019). The aforementioned focus on public

statements in the language of § 9-11-11.1(c)(1) through (c)(3) lends further credence to the view that private statements at issue in a § 9-11-11.1(c)(4) case should be highly scrutinized as to whether they constitute protected activity. *See Wilson*, 444 P.3d at 724 ("Unlike its neighboring subdivisions—which define protected conduct 'not only by its content, but also by its location, its audience, and its timing'—the 'catchall' provision of subdivision (e)(4) contains 'no similar contextual references to help courts discern the type of conduct and speech to protect.' But when a general provision follows specific examples, as subdivision (e)(4) follows subdivision (e)(1) through (3), we generally understand that provision as 'restricted to those things that are similar to those which are enumerated specifically.'") (citations omitted).

To its credit, the Court of Appeals in *Britt* acknowledged that private statements deserve closer scrutiny. Recognizing that the conduct at issue in that case "was directed at and communicated solely with *private* individuals and entities," *id.* at 138 (emphasis in original), the court cautioned that "[t]he anti-SLAPP statute does not encompass all statements that touch upon matters of public concern . . . [but] [r]ather, the anti-SLAPP statute concerns only that which 'could reasonably be construed as fitting within one of the categories spelled out in [OCGA § 9-11-11.1(c)].'" *Id.* The court thus determined that the private nature of the defendants' communications essentially raised the bar as to whether the defendants could meet their burden to show under § 9-11-

11.1(c)(4) that Britt's claims related to "*conduct* in furtherance of the exercise of the constitutional right of petition or free speech." *Id.* (emphasis in original).

Notably, Judge Gobeil concurred specially in *Britt* to acknowledge the significance of the private context of the communications, stating she "would direct the trial court, upon remand, to consider the limited issue of whether the context in which the appellees' statements were made amounts to 'conduct in furtherance of the exercise of the constitutional right of petition or free speech' as set forth in OCGA § 9-11-11.1(c)(4)." *Id.* at 139.

Thus, this Court should settle the important and recurring issue whether there is a heavier burden for private speech to be considered protected activity.

D. The Court should settle whether the mere intention to file a motion to strike under the anti-SLAPP statute suspends a party's discovery obligations.

The proliferation of anti-SLAPP motions justifies the Court clarifying whether § 9-11-11.1(d), which stays "[a]ll discovery and any pending hearings or motions in the action . . . upon the filing of a motion to dismiss or a motion to strike," additionally suspends a party's discovery obligations based on the party's intention to file such a motion in the future—without the entry of a protective order or court-ordered stay. In the absence of guidance, parties may continue to ignore discovery obligations and then, upon a future filing of a motion to strike, justify having not complied with discovery obligations by

pointing to the subsequently filed motion. That is precisely what Respondents did here, and it is likely to recur.

Respondents intentionally held off filing their anti-SLAPP motion until after the deadline for discovery responses as a calculated decision to take the maximum amount of time to respond to Mauck's complaint *and* to avoid their discovery response deadline. But discovery had not been stayed by operation of law under § 9-11-11.1(d), so Respondents were seemingly required by §§ 9-11-26, 9-11-33, and 9-11-34 to respond to the discovery requests by their deadline.

The Court should settle whether Respondents' willful failure to respond to *any* of the requests, opting instead to object to *all* the requests, should have led the trial court to determine whether to impose sanctions under § 9-11-37(b)(2)(A-C) and (d), including a default judgment. Their objections repeatedly misrepresented that a motion to strike had already been filed and that the parties were awaiting the trial court's ruling. *See Potts v. Clowdis*, 360 Ga. App. 581, 584 (2021) (affirming entry of default judgment where defendant failed to timely respond to discovery, engaged in "game playing," attempted to "trick the [c]ourt or opposing counsel into thinking that [their] responses were timely," and "willfully misrepresented that [discoverable] documents were under seal"). Respondents additionally justified their objections based on the pendency of their motion to stay discovery. *See Omega Patents, LLC v. Fortin*

Auto Radio, Inc., No. 6:05-cv-1113-Orl-22DAB, 2006 WL 2038534, at *3 (M.D. Fla. July 19, 2006) (holding "discovery proceeds without regard to whether a motion to stay discovery is filed; nowhere in the rules [does it say] a motion to stay discovery is self-executing" and imposing sanctions).

Thus, this Court should settle the important and recurring issue whether the mere intention to file a motion to strike under the anti-SLAPP statute suspends a party's discovery obligations.

This submission does not exceed the word-count limit imposed by Rule 20.

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SECOND DIVISION
RICKMAN, P. J.,
GOBEIL and DAVIS, JJ.

November 3, 2025

In the Court of Appeals of Georgia

A25A1072. MAUCK v. ATHENS PRIDE, INC. et al.

DAVIS, Judge.

In this defamation action, Julie Mauck appeals from the trial court's order granting Athens Pride Inc., d/b/a Athens Pride & Queer Collective, Danielle Carmella Bonanno, and Fiona Bell a/k/a Felix Bell's (collectively "Defendants") motion to dismiss her complaint under Georgia's anti-Strategic Lawsuits Against Public Participation ("anti-SLAPP") statute, OCGA § 9-11-11.1. On appeal, Mauck argues that the trial court erred by (1) granting the motion to dismiss because her claims did not arise from protected activity, and even if they did, she can still prevail on her underlying claims; and (2) denying her motion to compel discovery responses and her

request for sanctions. For the reasons that follow, we affirm the trial court's order granting the motion to dismiss.[1]

"This Court reviews a trial court's ruling on an anti-SLAPP motion to strike de novo, viewing the pleadings and affidavits submitted by the parties in the light most favorable to the plaintiff (as the non-moving party)." (Citation and punctuation omitted.) *Giraldi v. Bowen*, 374 Ga. App. 347, 348 (912 SE2d 724) (2025).

So viewed, the record shows the following. Mauck is a "well-known figure in local politics" in Oconee County, Georgia, and has appeared in or has been the subject of numerous local news stories. She unsuccessfully ran for a post on the Oconee County School Board in 2022, and she holds herself out as a "former candidate" on a "public figure" FaceBook page. She is also the chairperson of the Oconee County chapter of Moms for Liberty, which advocates for parental rights. She also works as a licensed real estate agent, and in July 2023, she worked with Greater Athens Properties ("GAP"), which was owned by Bob Allen. Athens Pride is an organization which states that it is dedicated to the advancement of "equity, affirmation, diversity,

[1] We thank Lambda Legal Defense and Education Fund, Inc., Georgia Equality, and Robbins, Alloy, Belinfante, Littlefield, LLC, for their thoughtful and helpful amicus briefs in this matter.

and wellness of queer populations in the greater Athens area." Bonanno served as the president of Athens Pride from October 2022 through February 2024, and, in that capacity, she carried out various community outreach efforts to educate and raise awareness of various issues affecting the LGBTQ+ community. Bell is a local educator in Athens, Georgia, and he participates in efforts to raise awareness about various issues affecting the LGBTQ+ community.

On July 10, 2023, the Oconee County Public Library Board of Trustees ("Library Board") held a public hearing to consider whether to move a graphic novel from the childrens' section of the library to the adults' section. Members throughout the community, including Mauck and Bell, attended the meeting to voice their support or disapproval of the proposed change. A portion of the remarks Mauck made during the public comment section of the hearing are as follows:

> Hi, I'm Julie Mauck, and I live in Watkinsville in Oconee County and although my tone is one of frustration, I want you all to know that the benefit of the doubt has been given to you, that are mostly unaware of what was going on in our own library. After this meeting, you'll be aware and some action needs to be taken.
>
> LGBTQ is an acronym for sexual affiliations. Lesbian, gay, bisexual, transgender and queer and the plus is there to be all inclusive down to

> pedophiles. . . . All inclusive is all inclusive, right? But LGBTQ+ is not for children. Any of it. None of it. . . . Libraries are for books, not sexually charged clubs for minors or indoctrination. . . . I also ask that you address the LGBTQ+ propaganda and decor that is pervasive in the youth sections and that books that are sexually explicit be appropriately labeled and moved to the adult section[.]"[2]

Bonanno did not attend the meeting, but she learned about Mauck's comments through social media and subsequently sent the following email to Mauck's real estate broker, Bob Allen, on the same day as the meeting:

> I am reaching out today with deep concern regarding one of your newer employees, Julie Mauck, and her discriminatory behavior towards the LGBTQ+ community. . . . Most recently, a video from a meeting at the Oconee County Library circulated, capturing Julie Mauck making derogatory comments and specifically referring to LGBTQ+ individuals as pedophiles. This behavior not only perpetuates harmful stereotypes but also directly violates the principles of equality and respect that our community upholds. . . . I kindly request that you conduct a thorough investigation into this matter and take appropriate action to address Julie Mauck's behavior. This may include providing sensitivity training, disciplinary action, or any other necessary measures to prevent such incidents from occurring in the future. By doing so, [GAP] can reaffirm

[2] The video of Mauck's remarks are included in the record on appeal.

> its commitment to being a safe and inclusive environment for all employees and community members.

Mauck's comments were also reported by local news outlets, and members of the community expressed their support or concerns regarding her comments. Mauck responded to one article and made a social media post about the hearing, which contained a photo of Bell that was taken at the meeting along with the following remarks: "This bearded man wearing a black and white dress was holding a sign that says "Joy is All Ages" (not to be confused with "Joy is FOR ALL Ages") and wearing a satanic symbol pin on his vest, and he jeered particularly loudly when I used the word 'pedophile.'"

On July 11, 2013, Allen informed Mauck that he was terminating his business relationship with her and that he would no longer serve as her broker. Two days later on July 13, 2023, Bell sent an email to Allen containing a link to the video of Mauck's comments and he stated:

> Mrs. Mauck was present at the Oconee County Library on the afternoon of Monday, July 10th, where she made a public display of calling the entire LGBTQ community "pedophiles," along with calling for censorship of LGBTQ-related material. This is after being released from previous groups for anti-Chinese comments during the COVID-19

> pandemic, as well as from previous real estate firms for anti-Jewish/Nazi comments after the removal of a statute downtown. . . .[3] I am unable to recommend this business to anyone, and in fact directly caution anyone against it, until the position of the business is known. I hope you will join us on the right side of history by ceasing work with Ms. Mauck immediately. Here is a link to a news article concerning the most recent situation. Her speaking begins at the 27:27 min mark of the main video.

Bell also simultaneously filed an ethics complaint with the Georgia Association of Realtors ("GAR"), alleging that Mauck's comments at the hearing before the Library Board violated the code of ethics.[4] Mauck continued to make various social media posts about the hearing, and in one of those posts, she referred to "transvestite activists" with Athens Pride & Queer Collective.

In January 2024, Bonanno sent an email to David Steele, who subsequently became Mauck's licensed real estate broker in October 2023, and informed him about the work of her organization. She also told him about Mauck's "continued" "inappropriate behavior," the remarks Mauck made at the hearing, Mauck's social

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[3] According to Bell, he was told "by others" that Mauck had been released from other groups due to her anti-Chinese and anti-Jewish comments.

[4] Allen received a copy of Bell's ethics complaint in August 2023. GAR ultimately concluded that Mauck did not violate the code of ethics.

media post referencing "transvestites," and her view that Mauck violated GAR's code of ethics. Bonanno sent another email to Steele in February 2024, requesting that he follow-up with her about her prior email.

Mauck subsequently filed a complaint against the Defendants, asserting claims for a violation of Georgia's Uniform Deceptive Trade Practices Act (UDTPA) against Athens Pride and Bonanno, and tortious interference with a business relationship and libel against Bell. Mauck also later filed a motion to compel discovery responses and requested sanctions against the Defendants. The Defendants collectively answered the complaint and filed a motion to dismiss, arguing that Mauck's claims were due to be dismissed under Georgia's anti-SLAPP statute (OCGA § 9-11-11.1).

In a lengthy and thorough 52-page order, the trial court granted the motion to dismiss after a hearing, determining that Mauck's claims arose from a protected activity and that she failed to show a probability that she could succeed on her underlying claims.[5] This appeal followed.

1. First, Mauck argues that the trial court erred by granting the motion to dismiss because her claims did not arise from protected activity under OCGA § 9-11-

[5] Simultaneously, the trial court entered an order summarily denying Mauck's motion to compel discovery and her request for sanctions.

11.1, and, even they did, she can still prevail on her underlying claims. After a careful review of the record and relevant case law, we disagree.

"A SLAPP, or Strategic Lawsuit Against Public Participation, is a meritless lawsuit brought not to vindicate legally cognizable rights, but instead to deter or punish the exercise of constitutional rights of petition and free speech by tying up its target's resources and driving up the costs of litigation." (Citation and punctuation omitted.) *Giraldi*, supra, 374 Ga. App. at 347. "Georgia's anti-SLAPP statute, OCGA § 9-11-11.1, allows a defendant to move to strike or dismiss such a frivolous action as an avenue for ending the suit quickly, summarily, and at minimal expense." (Citation and punctuation omitted.) Id. at 347-348. The purpose of the statute is "to encourage participation by the citizens of Georgia in matters of public significance and public interest through the exercise of their constitutional rights of petition and freedom of speech." (Citation omitted.) Id. at 348. To that end, the anti-SLAPP statute covers

> any claim for relief against a person or entity arising from any act of such person or entity which could reasonably be construed as an act in furtherance of the person's or entity's right of petition or free speech under the Constitution of the United States or the Constitution of the State of Georgia in connection with an issue of public interest or concern.

(Citation and punctuation omitted.) *Lane Dermatology v. Smith*, 360 Ga. App. 370, 378 (2) (861 SE2d 196) (2021). And the General Assembly has directed that OCGA § 9-11-11.1 is to be broadly construed. *Joshua David Mellberg, LLC v. Impact Partnership, LLC*, 355 Ga. App. 691, 693 (844 SE2d 223) (2020).

"The text of OCGA § 9-11-11.1 (b) (1) makes clear that the analysis of an anti-SLAPP motion involves two steps." *Wilkes & McHugh, P.A. v. LTC Consulting, L.P.*, 306 Ga. 252, 261 (2) (b) (830 SE2d 119) (2019).

> First, the court must decide whether the party filing the anti-SLAPP motion (usually, the defendant) has made a threshold showing that the challenged claim is one arising from protected activity. It is not enough to show that the claim was filed after protected activity took place or arguably may have been triggered by protected activity. The critical consideration is whether the cause of action is based on the defendant's protected free speech or petitioning activity. A defendant meets its burden by demonstrating that the act underlying the challenged claim could reasonably be construed as fitting within one of the categories spelled out in subsection (c).

(Citation and punctuation omitted.) Id. at 261-262 (2) (b). Subsection (c) provides that

> the term 'act in furtherance of the person's or entity's right of petition or free speech under the Constitution of the United States or the

> Constitution of the State of Georgia in connection with an issue of public interest or concern' shall include:
>
> (1) Any written or oral statement or writing or petition made before a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law;
>
> (2) Any written or oral statement or writing or petition made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law;
>
> (3) Any written or oral statement or writing or petition made in a place open to the public or a public forum in connection with an issue of public interest or concern; or
>
> (4) Any other conduct in furtherance of the exercise of the constitutional right of petition or free speech in connection with a public issue or an issue of public concern.

OCGA § 9-11-11.1 (c) (1) - (4).

"If a court concludes that this threshold showing has been made, it must proceed to the second step of the analysis and decide whether the plaintiff has established that there is a probability that the plaintiff will prevail on the claim."

(Citation and punctuation omitted.) *Wilkes & McHugh, P.A.*, supra, 306 Ga. at 262 (2) (b).

> To meet this burden, the plaintiff must demonstrate that the complaint is both legally sufficient and supported by a sufficient prima facie showing of facts to sustain a favorable judgment if the evidence submitted by the plaintiff is credited. The plaintiff's evidence is accepted as true; the defendant's evidence is evaluated to determine if it defeats the plaintiff's showing as a matter of law.

(Citations and punctuation omitted.) Id. "Only a claim that satisfies both prongs of the anti-SLAPP statute — i.e., that arises from protected activity and lacks even minimal merit — is a SLAPP that is subject to being stricken." (Citation, punctuation, and emphasis omitted.) Id. at 262-263 (2) (b). Finally, in interpreting OCGA § 9-11-11.1, "we may look to California case law for guidance, especially decisions that employ the same kind of statutory analysis that we generally use." (Citation and punctuation omitted.) *Giraldi*, supra, 374 Ga. App. at 353 (1) (b) n.1. With these principles in mind, we turn to the issues raised in this appeal.

(a) *Protected Activity*. As stated above, "[i]n analyzing an anti-SLAPP motion to dismiss, the trial court first decides whether the moving party has made a threshold showing that the challenged claim is one arising from protected activity." (Citation

and punctuation omitted.) *Weaver v. Millsaps*, 370 Ga. App. 513, 515 (1) (898 SE2d 239) (2024). "Protected activity" under OCGA § 9-11-11.1 is an "act in furtherance of the person's or entity's right of petition[6] or free speech under the Constitution of the United States or the Constitution of the State of Georgia in connection with an issue of public interest or concern" and can include, among other things, "conduct in furtherance of the exercise of the constitutional right of petition or free speech in connection with a public issue or an issue of public concern." OCGA § 9-11-11.1 (c).

> When determining whether an issue is an 'issue of public concern,' the courts of California have considered whether the subject of the speech or activity was a person or entity in the public eye or could affect large numbers of people beyond the direct participants; and whether the activity occurred in the context of an ongoing controversy, dispute or discussion, or affected a community in a manner similar to that of a governmental entity.

(Citation and punctuation omitted.) *Lane Dermatology*, supra, 360 Ga. App. at 378-379 (2). Moreover,

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[6] The right of petition refers to the right to petition the government for the redress of grievances, *Barnett v. Holt Builders*, LLC, 338 Ga. App. 291, 295 (790 SE2d 75) (2016), thus it is not implicated here.

> [w]hen determining whether challenged speech was made 'in connection' with such an issue of public concern, California courts generally follow a two-step analysis. First, they ask what public issue or issue of public interest the speech in question implicates—a question they answer by looking to the content of the speech. Second, they ask what functional relationship exists between the speech and the public conversation about some matter of public interest. It is not enough that the statement refer to a subject of widespread public interest; the statement must in some manner itself contribute to the public debate.

(Citations and punctuation omitted.) Id. at 379 (2).

Applying these principles, we conclude that the trial court correctly determined that the Defendants' communications could reasonably be construed as being in furtherance of their rights of free speech in connection with a public issue. Preliminarily, contrary to Mauck's limited description of herself as only an "involved and loving mother," the trial court correctly determined that Mauck's involvement puts her in the public eye as a "public figure." Indeed, the trial court detailed, and the record shows, that Mauck is a participant in local politics and is known to the community through her involvement in such activities. She is also "especially well-known in the LGBTQ+ community as an outspoken opponent to various measures aimed at promoting LGBTQ+ inclusion, particularly in schools." She ran for public

office in 2022 in Oconee County and still holds herself out as a "former candidate" on a "public figure" FaceBook page. Moreover, the trial court found that Mauck frequently appears in local news stories, and has been quoted in numerous local news articles. Therefore, it is apparent that Mauck is a person in the public eye, which is by itself sufficient to show that the Defendants' statements can be reasonably construed as being in furtherance of their right to free speech in connection with a public issue or an issue of public interest. See *Wilson v. Cable News Network*, 7 Cal. 5th 871, 902 (IV) (B) (444 P3d 706) (2019) ("[A] statement is about a person or entity in the public eye may be sufficient, but is not necessary, to establish the statement is free speech in connection with a public issue or an issue of public interest.") (punctuation omitted); see also *Williams v. Trust Co. of Ga.*, 140 Ga. App. 49, 54 (II) (230 SE2d 45) (1976) (plaintiff who was known for his participation in politics and efforts to be elected to public office, and who made public appearances and was outspoken on subjects of public interest was a "public figure" for purposes of a libel suit). Compare *Lane Dermatology*, supra, 360 Ga. App. at 379 (2) (plaintiff who was a well-regarded physician assistant's *amongst her patients* was not within the public eye).

Additionally, the Defendants' communications were clearly made in the context of an ongoing controversy, dispute or discussion. As the trial court correctly determined, the record shows that the "discussion" arose after Mauck made her comments at the public hearing before the Library Board and that members of the community subsequently voiced their support or disapproval of her remarks through various media outlets. Mauck continued the discussion through various social media posts, where she continued to discuss the issues that were raised at the hearing and her position on those matters. It was during this period that the Defendants made their communications, which demonstrates that the statements were made in the context of an ongoing public discussion. See *Weaver*, supra, 370 Ga. App. at 516 (1) (determining that the defendants statements were made in the context of an ongoing controversy, dispute, or discussion where the defendant made her remarks after the plaintiff and his followers left negative Google reviews of the defendant's business).

Furthermore, the trial correctly determined that the statements were made in connection with an issue of public concern. As stated above, the record shows that the Library Board held a hearing for members of the public to voice their concerns about removing a graphic novel from the childrens' section of the library, and thus the issue

that was being discussed at the hearing was certainly a matter of public interest and public debate. Indeed, Mauck herself stated that she attended the hearing "to advocate for the library to move adult-themed books[] . . . out of the childrens' section of the library[,]" and to ask the Library Board "consider the potential for harm to children and the inappropriateness of permitting the county's children to access adult-themed books without parental consent, and . . . not to cave to pressure from activists from outside Oconee County identifying themselves with the LGBTQ+ acronym." And during the public comments portion of the hearing, Mauck not only participated in the issue at hand, but expanded it by alleging that the LGBTQ+ community was "inclusive of pedophiles." Having made this accusation, Mauck actually created an entirely separate issue of great public concern. Indeed, in Bonanno's July 10, 2023 and January 16, 2024 emails, she expressly discussed Mauck's remarks against the LGBTQ+ community that she made at the hearing. In Bell's July 13, 2023 email, he also discussed Mauck's remarks from the hearing about pedophiles and her calls for censorship of the LGBTQ+ community. We conclude, as did the trial court, that public statements in a public forum alleging that a group is "inclusive of pedophiles" are matters of public interest and public concern. Having suggested that her

ideological opponents are collectively pedophiles and having done so in a public space, Mauck cannot credibly argue that the matter was not one of public concern and public interest.[7]

Consequently, for all of these reasons, the trial court correctly determined that the Defendants made the requisite showing that Mauck's claims arose from protected activity.

(b) *Probability of Success on the Underlying claims*. Having determined that Mauck's claims arose from protected activity, we proceed to the second step of the analysis which is "whether the plaintiff has established that there is a probability that

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[7] We reject Mauck's claim that the Defendants' communications fell outside of the anti-SLAPP statute on the grounds that the communications only involved private speech.

> [O]ur inquiry does not turn on a normative evaluation of the substance of the speech. We are not concerned with the social utility of the speech at issue, or the degree to which it propelled the conversation in any particular direction; rather, we examine whether a defendant — through public *or* private speech or conduct — participated in, or furthered, the discourse that makes an issue one of public interest.

(Emphasis supplied.) *FilmOn.com Inc. v. DoubleVerify Inc.*, 7 Cal. 5th 133, 151 (III) (A) (439 P3d 1156) (2019).

[she] will prevail on [her] claim[s]." (Citation and punctuation omitted.) *Wilkes & McHugh, P.A.*, supra, 306 Ga. at 262 (2) (b). Here, Mauck asserted three claims in her complaint: a violation of Georgia's Uniform Deceptive Trade Practices Act (UDTPA) against Athens Pride and Bonanno, and tortious interference with a business relationship and libel against Bell.

(i) *Violation of UDTPA*. Under OCGA § 10-1-372, "[a] person engages in a deceptive trade practice when, in the course of his business, vocation, or occupation, he . . . [d]isparages the goods, services, or business of another by false or misleading representation of fact[,] . . . [or] [e]ngages in any other conduct which similarly creates a likelihood of confusion or of misunderstanding." OCGA § 10-1-372 (a) (8), (12). In construing this statute we have explained that "[t]he word 'similarly' in subsection (a) (12) means a trade practice that creates confusion or misunderstanding in a manner similar to the conduct prohibited in subsections (a) (1) thru (a) (11) of OCGA § 10–1–372[.]" *Morrell v. Wellstar Health System, Inc.*, 280 Ga. App. 1, 6 (3) (633 SE2d 68) (2006).

Here, to support her UDTPA claim, Mauck asserted the following statements made by Athens Pride and Bonanno: (1) Mauck had a history of being an anti-

LGBTQ+ community member, was vocal about her views, and engaged in harassing behavior; (2) Mauck had a history of being an anti-LGBTQ+ extremist and harassed "queer children and families"; (3) Mauck made derogatory comments and referred to LGBTQ+ individuals as pedophiles; and (4) Mauck violated the code of ethics. She further alleged that Athens Pride and Bonanno engaged in conduct that created a likelihood of confusion or misunderstanding by (1) sending emails to Allen and telling him that they would take action against her; and (2) sending emails to Steele that informed him of the ethics complaint and told him that she referred to members of the LGBTQ+ community as pedophiles and transvestites.

But Mauck cannot establish a probability that she would succeed on this claim. First, as to Mauck's assertion that Athens Pride and Bonanno disparaged her goods, services, or business by making false or misleading statements under OCGA § 10-1-372 (a) (8), this claim fails because Mauck cannot demonstrate that Athens Pride or Bonanno made a false or misleading statement. Indeed, as reflected above, Mauck stated that LGBTQ+ is an acronym for sexual affiliations, including pedophiles. Bonanno's affidavit identified a series of Mauck's social media posts in which Mauck made remarks in opposition to LGBTQ+ advocacy groups, and referred to

"transvestite activists" with Athens Pride & Queer Collective. Moreover, the fact that Bonanno told Allen that Mauck had engaged in conduct that violates the code of ethics also cannot support her UTDPA claim because in context, Bonanno was merely stating her subjective belief. See *Morrell*, supra, 280 Ga. App. at 6 (3) (plaintiffs' claim under OCGA § 10-1-372 failed as a matter of law because the plaintiffs could not establish that the defendant made any false or misleading statements about the amounts charged for medical care). Furthermore, Mauck cannot establish a probability of success on her claim that Athens Pride and Bonanno engaged in conduct that similarly created a likelihood of confusion or misunderstanding under OCGA § 10-1-372 (a) (12). There is nothing in Bonanno's communications that could be construed as creating a likelihood of confusion or misunderstanding. She simply informed Allen and Steele about Mauck's public conduct and requested that they take action. Consequently, Mauck cannot show a probability of success on her UTDPA claim.

(ii) *Tortious Interference With a Business Relationship*.

> [A] plaintiff may sustain a claim for tortious interference with a business relationship when [she] establishes (1) improper action or wrongful conduct by the defendant without privilege; (2) the defendant acted

> purposely and with malice with the intent to injure; (3) the defendant induced a breach of contractual obligations or caused a party or third parties to discontinue or fail to enter into an anticipated business relationship with the plaintiff; and (4) the defendant's tortious conduct proximately caused damage to the plaintiff.

(Citation omitted.) *Parnell v. Sherman & Hemstreet, Inc.*, 364 Ga. App. 205, 214 (3) (b) (874 SE2d 394) (2022). Thus, to state a cause of action for tortious interference of a business relationship, it must be established that "the alleged *tortfeasor induced* a third party or parties *not to enter into or continue a business relationship with the plaintiff*." (Citation omitted; emphasis supplied.) *Renden, Inc. v. Liberty Real Estate Ltd. Partnership III*, 213 Ga. App. 333, 335 (2) (b) (444 SE2d 814) (1994).

Here, Mauck cannot show a probability of success on this claim. Mauck alleged in her complaint that Bell's July 13, 2023 email to Allen and his ethics complaint caused Allen to terminate his relationship with her as her licensed real estate broker. But Allen expressly averred, and Mauck admits, that he informed her on July 11, two days *before* Bell's email, that he would no longer serve as her licensed real estate broker. The record is also clear that Bell filed his ethics complaint on July 13, which was two days *after* Allen had informed Mauck that he would no longer serve as her

broker. In light of this record, Mauck cannot establish that Bell's email or his ethics complaint induced Allen to terminate his relationship with her, and thus her claim for tortious interference of a business relationship necessarily fails. See *Tribeca Homes, LLC v. Marathon Inv. Corp.*, 322 Ga. App. 596, 598-599 (2) (745 SE2d 806) (2013) (plaintiffs tortious interference with contractual relations claim failed as a matter of law because the damages were entirely independent of the defendant's conduct).

(iii) *Libel*. Libel is a type of defamatory statement and is therefore considered under the same umbrella as defamation.[8] *Boley v. A-1 Horton's Moving Svc. Inc.*, 373 Ga. App. 574, 578 (2) n.4 (907 SE2d 372) (2024). A claim for defamation has four elements: "(1) a false and defamatory statement concerning the plaintiff; (2) an unprivileged communication to a third party; (3) fault by the defendant amounting at least to negligence; and (4) special harm or the actionability of the statement irrespective of special harm." (Citation omitted.) *American Civil Liberties Union, Inc. v. Zeh*, 312 Ga. 647, 650 (1) (b) (864 SE2d 422) (2021). "In determining whether a statement is false, defamation law overlooks minor inaccuracies and concentrates

[8] See OCGA § 51-5-1 (a) ("A libel is a false and malicious defamation of another, expressed in print, writing, pictures, or signs, tending to injure the reputation of the person and exposing him to public hatred, contempt, or ridicule.").

upon substantial truth. A statement is not considered false unless it would have a different effect on the mind of the viewer from that which the pleaded truth would have produced." (Citation and punctuation omitted.) *Jaillet v. Ga. Television Co.*, 238 Ga. App. 885, 888 (520 SE2d 721) (1999). Moreover, although "there is no wholesale defamation exemption for anything that might be labeled 'opinion[,]'" (Citation and punctuation omitted.) Id. at 890,

> [t]he requirement that, to be actionable, a statement of opinion must imply an assertion of objective facts about the plaintiff unquestionably excludes from defamation liability not only statements of rhetorical hyperbole[,] but also statements clearly recognizable as pure opinion because their factual premises are revealed. Both types of assertions have an identical impact on readers — neither reasonably appearing factual — and hence are protected equally.

(Citations and punctuation omitted.) Id. "If an opinion is based upon facts already disclosed in the communication, the expression of the opinion implies nothing other than the speaker's subjective interpretation of the facts[,]" and is therefore not actionable. (Citation omitted.) Id.

Here, Mauck's libel claim is based on Bell's communications that she "made a public display of calling the entire LGBTQ community 'pedophiles,' along with

calling for censorship of LGBTQ-related material." But again, as stated above, Mauck said at the hearing: "LGBTQ is an acronym for sexual affiliations. Lesbian, gay, bisexual, transgender and queer and the plus is there to be all inclusive down to pedophiles." Mauck also said that "[l]ibraries are for books, not sexually charged clubs for minors or indoctrination," and she requested that LGBTQ+ "propaganda" be removed from the youth sections. Thus, in light of Mauck's own remarks, Bell's comments would not constitute false statements to sustain her libel claim. *Jaillet*, supra, 238 Ga. App. at 888. Furthermore, attached to Bell's email to Allen was a link of the video of Mauck's comments at the hearing. Thus, Bell's statements were simply based upon facts that were disclosed in the communication and merely reflected his own interpretation of Mauck's statements, which is not actionable. See id. at 890. Thus, Mauck cannot demonstrate a probability of success on her libel claim.

Consequently, and for all of the foregoing reasons, the trial court properly determined that Mauck failed to satisfy the second step of the anti-SLAPP analysis, and therefore her complaint was properly dismissed pursuant to the anti-SLAPP statute.

2. Mauck also argues that the trial court erred by denying her motion to compel discovery and her requests for sanctions. Because we determined in Division 1 that the trial court properly dismissed Mauck's complaint under the anti-SLAPP statute, it is unnecessary for us to address this claim of error.

Accordingly, we affirm the trial court's order granting the Defendants' motion to dismiss under the anti-SLAPP statute.

Judgment affirmed. Rickman, P. J., concurs. Gobeil, J., concurs in judgment only.

Court of Appeals
of the State of Georgia

ATLANTA, November 18, 2025

The Court of Appeals hereby passes the following order

A25A1072. JULIE MAUCK v. ATHENS PRIDE, INC. et al.

Upon consideration of the APPELLANT'S Motion for Reconsideration in the above styled case, it is ordered that the motion is hereby DENIED.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, November 18, 2025.

I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Christina Coley Smith, *Clerk.*

IN THE SUPREME COURT
STATE OF GEORGIA

JULIE MAUCK, Petitioner, v. ATHENS PRIDE, INC. d/b/a ATHENS PRIDE & QUEER COLLECTIVE, DANIELLE CARMELLA BONANNO, and FIONA BELL a/k/a FELIX BELL, Respondents.	)	NO. _____

CERTIFICATE OF SERVICE

This is to certify that I have this day filed and served the above and foregoing PETITION FOR WRIT OF CERTIORARI to the Supreme Court of Georgia pursuant to the SCED system and by sending a copy of same via electronic mail to all parties to the email addresses listed below, pursuant to the agreement of the parties to accept service via email:

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This the 8th day of December, 2025.

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