

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

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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

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 petition⁶ 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,

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

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.