

HUMANE SOCIETY LOSES ROUND IN SUIT
Its 'Private' Files Aren't Off Limits

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A Lawrenceville woman being sued for defamation by the Atlanta Humane Society took home a partial victory Wednesday in Gwinnett Superior Court.

Kathi Mills, an animal rights activist who runs the nonprofit Kitty Village for abandoned cats in need of homes, was sued for \$75,000 by the society and its executive director, Bill Garrett.

The suit is the result of comments she posted on a private Yahoo chat Web site in November that referred to Garrett as "Mr. Kill."

She also criticized AHS for not sterilizing pets before adoption, lagging on animal cruelty investigations and refusing to allow no-kill groups to rescue animals scheduled to be euthanized.

The hearing Wednesday afternoon in Judge William C. Ray Jr.'s court was to determine if AHS could prevent its private records from being disseminated. Ray denied the AHS motion for a protective order.

AHS attorneys James V. Zito and Edward Greenblatt of the Atlanta firm Lipshutz, Greenblatt & King argued that airing the documents and other "scurrilous allegations" could "potentially put other people at risk." They claim Mills intends to publish on her Web site any paperwork revealed in the case.

Garrett, who was not present at the hearing, has received death threats, Zito said, and said he feared others could too, if sensitive documents are released.

"We're not saying the record should be sealed," he said. "Just don't disseminate it."

Mills' attorneys' defamation law expert Brian Oxman of California and Claudine Wilkins, who runs her own firm in Austell; countered that the AHS' contract with Fulton County makes it a de facto public agency and that any comments Mills made are fully protected by the First Amendment. The AHS receives approximately \$2 million annually from Fulton for animal control services.

According to the attorneys, the "discovery" phase of the case now resumes, and objections to disclosure of any given document must be handled on an individual basis.

"Discovery goes forward, and we have nothing to hide," Garrett said. "I just want a full airing of the issues."

"I never set out to hurt Bill Garrett personally," Mills said. "I just want him to do his job and be forthright with the public."

No date has been set for further court appearances.

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