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FERRARI POSTS PARTIAL VICTORY IN ATLANTA HUMANE SOCIETY SUIT

The Atlanta Humane Society is a quasi-governmental entity and therefore cannot file libel suits, according to a ruling filed today in Gwinnett Superior Court.

Judge William Ray also found that AHS executive director Bill Garrett is a public figure, making his case much more difficult to prove.

The ruling is a major victory for Ferrari, who was sued by the AHS and Garrett jointly for \$75,000 last December when she referred to Garrett as "Mr. Kill" in an Internet e-mail group.

Because governmental entities are prohibited by law from filing defamation suits, Judge Ray dismissed the humane society from the suit.

"The question for this Court appears to be a question of first impression under Georgia law; that is, should the prohibition on a government entity suing for defamation extend to a private, non-profit entity that through a contract performs essential and core governmental functions; that is, animal control, animal shelter operations, and enforcement of the ordinances related thereto.

"This Court is persuaded that such a bar should and does exist under Georgia law. Plaintiff Atlanta Humane Society receives in excess of \$2,000,000.00 annually in public funds from Fulton County to carry out the County's animal control functions ... Indeed, as the Contract between Atlanta Humane Society and Fulton County so clearly and plainly sets forth, Fulton County has even deputized employees of Atlanta Humane Society to assist in carrying out these laws and enforcing governmental regulations.

"If Plaintiff Atlanta Humane Society were not subject to the same types of criticism that governmental entities would be subject to in the performance of these functions, it would frustrate the ability of the general public to complain and otherwise effectuate necessary and desirable change when those services fall below standards which the public demands," Judge Ray wrote.

The suit remains active with Garrett as the sole plaintiff, but today's ruling that he is a public figure means he must prove Ferrari made her statements with actual malice, as required by the landmark Times v. Sullivan case.

Ferrari is thrilled with the decision.

"I have ripped away the veil of secrecy the Atlanta Humane Society has been hiding behind," Ferrari said.

"Although the Atlanta Humane Society is a law enforcement and tax collection arm of Fulton County government, they claim to be a private entity, hiding their records from the public, refusing to comply with open records requests and filing vicious illegal lawsuits," Ferrari said.

"The Court saw through their lies. The Atlanta Humane Society broke the law when they sued me."

Both sides can appeal the decision. If they choose not to appeal, or their appeals are denied, the case will proceed to trial.

"Garrett himself admitted that the humane society has lost \$250,000 as a result of this lawsuit, yet he continues to waste tens of thousands of humane society dollars that were donated for the animals, not judicial abuse," Ferrari said.

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