

SUPREME COURT OF GEORGIA  
Case No. S20C1473

March 15, 2021

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

AMERICAN CIVIL LIBERTIES UNION, INC. v. B. REID ZEH.

Court of Appeals Case No. A20A0251

The Supreme Court today granted the writ of certiorari in this case.

*All the Justices concur, except McMillian, J., disqualified.*

This case will be assigned to the June 2021 oral argument calendar automatically under Supreme Court Rule 50 (2), as amended September 13, 1996. Oral argument is mandatory in granted certiorari cases.

This Court is particularly concerned with the following issue or issues:

1. On appeal of an order on a defendant's motion to dismiss under OCGA § 9-11-11.1, must the reviewing court consider the complaint independently or in the light most favorable to the plaintiff when assessing the likelihood that the plaintiff will prevail in showing bad faith and actual malice?
2. If the court must review the complaint independently for actual malice and bad faith, must it also do so for the other elements of

the defamation claim?

3. Under the correct standard of review, did the trial court err in denying the defendant's motion to dismiss under OCGA § 9-11-11.1?


Briefs should be submitted only on these points. See Supreme Court Rule 45.

**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk's Office, Atlanta

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

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

 , Clerk