

2026 WL 2664006

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Court of Appeals of Georgia.

BRITT

v.

YARBROUGH et al.

A26A1234

|

September 10, 2026

Synopsis

Background: Cheerleading and dance coach sued two cheerleading organizations and a parent, alleging defamation, libel, slander, and tortious interference with business relations based on alleged false statements accusing coach of misconduct with minors. The State Court, Chatham County, [Coolidge, J.](#), granted the organizations' and parent's motions to strike the complaint pursuant to anti-Strategic Lawsuit Against Public Participation (anti-SLAPP) statute in two separate orders. Coach appealed both orders, which the appellate court consolidated. The Court of Appeals, [375 Ga.App. 129, 914 S.E.2d 403](#), affirmed in part, vacated in part, and remanded. On remand, the State Court, [Coolidge, J.](#), dismissed coach's complaint under anti-SLAPP statute. Coach appealed.

Holdings: The Court of Appeals, [Padgett, J.](#), held that:

[1] cheerleading organization's principal's allegedly defamatory communications were made in connection with an issue of public concern, a protected activity under anti-SLAPP statute;

[2] trial court erred in finding that coach was unlikely to prevail on her defamation claims; and

[3] trial court erred in finding that coach was unlikely to prevail on her claims for tortious interference with business relations.

Affirmed in part, vacated in part, and remanded.

Procedural Posture(s): On Appeal; Motion to Strike All or Part of a Pleading.

West Headnotes (14)

[1] Pleading **Frivolous pleading**

Strategic Lawsuit Against Public Participation or "SLAPPs" are 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 by tying up their target's resources and driving up the costs of litigation. [U.S. Const. Amend. 1](#).

[2] Pleading **Frivolous pleading**

Georgia's anti-SLAPP statute is designed to curtail SLAPPs by giving persons and entities who believe they have been subjected to a SLAPP an avenue for ending the suit quickly, summarily, and at minimal expense. [Ga. Code Ann. § 9-11-11.1](#).

[3] Pleading **Frivolous pleading**

Court of Appeals construes anti-SLAPP statute broadly in furtherance of the General Assembly's declared purpose 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. [U.S. Const. Amend. 1](#); [Ga. Code Ann. § 9-11-11.1](#).

[4] Appeal and Error **Anti-SLAPP laws****Appeal and Error** **Anti-SLAPP laws**

Court of Appeals 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. [Ga. Code Ann. § 9-11-11.1](#).

[5] Pleading **Frivolous pleading**

With regard to first step of analyzing anti-SLAPP motion to strike, i.e., whether moving party has

made threshold showing that challenged claim is one arising from protected activity, critical consideration is whether the cause of action is based on the defendant's protected free speech or petitioning activity; defendant meets its burden by demonstrating that act underlying challenged claim could reasonably be construed as fitting within one of the categories spelled out in anti-SLAPP statute. [U.S. Const. Amend. 1](#); [Ga. Code Ann. §§ 9-11-11.1\(b\)\(1\), 9-11-11.1\(c\)](#).

[6] **Pleading** 🔑 Frivolous pleading

If a court concludes that threshold showing has been made, that action arises from activity protected by the anti-SLAPP statute, it must proceed to the second step of the motion to strike analysis and decide whether the plaintiff has established that there is a probability that the plaintiff will prevail on the claim. [Ga. Code Ann. § 9-11-11.1\(b\)\(1\)](#).

[7] **Pleading** 🔑 Frivolous pleading

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. [Ga. Code Ann. §§ 9-11-11.1\(b\)\(1\), 9-11-11.1\(c\)](#).

[8] **Pleading** 🔑 Frivolous pleading

Purpose of cheerleading organization's principal's allegedly defamatory communications involving cheerleading and dance coach's behavior around students and improper disciplinary tactics was to alert both parents of children who cheered and national competitive cheerleading organization of coach's interactions with children she coached, and thus were made in connection with an issue of public concern, a protected activity under anti-SLAPP statute, in coach's action against organizations and parent, alleging defamation, libel, slander, and tortious interference with business relations; issue of protecting children in youth sports from unacceptable coaching conduct concerned definable portion of the public and occurred in

the context of an ongoing controversy. [Ga. Code Ann. §§ 9-11-11.1\(b\)\(1\), 9-11-11.1\(c\)](#).

[9] **Pleading** 🔑 Frivolous pleading

In determining whether an issue is an issue of public concern for purposes of anti-SLAPP statute, Court of Appeals considers assorted factors, including whether the subject of the speech or activity could affect large numbers of people beyond the direct participants or involved a topic of widespread, public interest. [Ga. Code Ann. § 9-11-11.1\(c\)\(4\)](#).

[10] **Pleading** 🔑 Frivolous pleading

Trial court erred in finding that cheerleading and dance coach was unlikely to prevail on her defamation claims cheerleading organizations and parent based on alleged false statements accusing coach of misconduct with minors, in striking coach's complaint under anti-SLAPP statute; court failed to address threshold issues of whether coach was a public or private figure, despite some indication that she was a well-known figure in the cheerleading world, whether she sought presumed or punitive damages related to defamatory statement about matter of public concern, so as to determine whether actual malice or private malice standard applied, and did not specify which of nine categories of privileged communications cheerleading organization's principal's alleged defamatory statements implicated. [Ga. Code Ann. §§ 9-11-11.1\(b\)\(1\), 51-5-7](#).

[11] **Libel and Slander** 🔑 Nature and elements of defamation in general

Defamation claims have 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.

[12] Pleading 🔑 Frivolous pleading

Trial court erred in finding that cheerleading and dance coach was unlikely to prevail on her claims cheerleading organizations and parent for tortious interference with business relations based on alleged false statements accusing coach of misconduct with minors, in striking coach's complaint under anti-SLAPP statute; aside from noting that coach's tortious interference claim was derivative of her defamation claim, court's order contained no discussion or analysis of whether coach had stated and substantiated a legally sufficient claim. *Ga. Code Ann. § 9-11-11.1(b)(1)*.

[13] Appeal and Error 🔑 Particular Cases and Contexts

Cheerleading and dance coach abandoned on appeal her argument of an alleged error regarding a discovery matter, in coach's action against organizations and parent, alleging defamation, libel, slander, and tortious interference with business relations, where coach did not separately enumerate this argument in her appellate brief. *Ga. Code Ann. § 5-6-40*.

[14] Torts 🔑 Business relations or economic advantage, in general

To sustain claim for tortious interference with business relations, plaintiff must demonstrate: (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.

Attorneys and Law Firms

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Opinion

Padgett, Judge.

*1 [1] [2] [3] [4] This case is before us now for a third time. In *Britt v. Dwyer*, 375 Ga. App. 129, 914 S.E.2d 403 (2025) (“*Britt I*”), we vacated in part the trial court's order striking plaintiff Stephanie Britt's complaint against defendants Megan Anderson Yarbrough and Savannah Sharks Cheerleading¹ pursuant to Georgia's anti-SLAPP statute, *OCGA § 9-11-11.1*.² Specifically, we determined, as relative to this case, that the trial court's analysis of whether Yarbrough made a showing that Britt's cause of action “arises from” protected activity was incomplete. *Britt I*, 375 Ga. App. at 137–38(4), 914 S.E.2d 403. On remand, the trial court again dismissed Britt's complaint under *OCGA § 9-11-11.1*, and Britt appeals. While we conclude that Yarbrough has made the requisite showing that her challenged speech involved a matter of public interest or concern under *OCGA § 9-11-11.1(c)(4)*, we find that the trial court did not adequately address whether Britt demonstrated there was a probability of prevailing on her claims. Accordingly, we affirm the judgment of the trial court in part, vacate it in part, and remand the case for further proceedings consistent with this opinion.

SLAPPs are 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 by tying up their target's resources and driving up the costs of litigation. Georgia's anti-SLAPP statute is designed to curtail SLAPPs by giving persons and entities who believe they have been subjected to a SLAPP an avenue for ending the suit quickly, summarily, and at minimal expense. We construe the statute broadly in furtherance

of the General Assembly's declared purpose 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. 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).

Accuracy in Media v. Giusti, — Ga. App. —, — — —, 932 S.E.2d 741 (Ga. App. 2026) (citation modified).

1. *Facts and Procedural History*. The record shows that “Britt has been a cheerleading and dance coach, choreographer, and judge of cheer/dance events for 32 years. Sometime in 2000, she founded Cheer Savannah, a cheerleading program.” *Britt I*, 375 Ga. App. at 129–30(1), 914 S.E.2d 403. According to Britt, she established Cheer Savannah “as a program for her daughters ... and the community to cheer where they would be protected from [childhood sexual] abuse.” Britt further asserts that Cheer Savannah “has taught thousands of children in the Savannah/Chatham County area ... and [has] had a large, positive impact on the community.”

*2 More recently, [t]he U.S. All Star Federation (“USASF”) — a national competitive cheer organization — hired TNG Consulting to investigate Britt for any violations of the USASF's internal guidelines/code of conduct. Following that investigation, a report was created; as a consequence of that report, Britt was placed on the “restricted/ineligible members” list maintained by USASF. This USASF designation prohibits Britt entirely from participating in programs, functions or events sponsored, organized, or sanctioned by USASF or member organizations.

Britt I, 375 Ga. App. at 130(1), 914 S.E.2d 403. In Britt's estimation, “this punishment” was orchestrated by her competitors, including Yarbrough. *Id.*

Consequently, Britt sued Yarbrough, among others,³ alleging the following preliminary facts in her complaint for defamation, libel, and slander (Count 1) and tortious interference with business relations (Count 2) :

20. Defendant Yarbrough has been in the gym business for more than ten years and used everything she learned from Britt to model her own program. She has engaged in a vitriolic pattern of behavior against rival gyms and coaches, such as Britt. Defendant Yarbrough has also harassed [Britt] through phone calls and text messages.

21. Upon information and belief, Defendant Yarbrough used her position at Savannah Sharks to coerce employees and “gym mothers” into harassing and injuring rival businesses and coaches, including Britt.

...

33. Upon information and belief, Defendant Yarbrough ... caused TNG Consulting to be supplied with false statements and assisted TNG Consulting in creating the report to USASF.

34. USASF issued a decision banning [Britt] for life based on the inaccurate findings of TNG Consulting.

Britt I, 375 Ga. App. at 130–31(1), 914 S.E.2d 403.

In support of her defamation claim, Britt alleges, in relevant part, that Yarbrough “made false statements concerning Britt's interactions with the children she coaches and social media posts, including statements given to TNG Consulting.” *Britt I*, 375 Ga. App. at 131(1), 914 S.E.2d 403 (citation modified). Britt further maintains that the co-defendants “engaged in a civil conspiracy to damage Britt,” with the “malicious and false allegations of Defendant Yarbrough” contributing to Britt's lifetime ban from the USASF. *Id.* (punctuation omitted). As for the tortious interference claim, Britt asserts that “the combined acts of the defendants have tortiously interfered with Britt's right to pursue her chosen career” and that “the wrongful acts of the defendants have resulted in the lifetime ban and have profoundly and negatively interfered with Britt's success in teaching and coaching.” *Id.* at 131–32(1), 914 S.E.2d 403 (punctuation omitted).

In response, all co-defendants, including Yarbrough, filed motions to strike Britt's complaint in accordance with [OCGA § 9-11-11.1](#), arguing, in part, that Britt's alleged treatment of children was a "matter[] of public interest" as contemplated by [OCGA § 9-11-11.1](#) and that neither of Britt's legal claims had any likelihood of success. *Britt I*, 375 Ga. App. at 132(1), 914 S.E.2d 403 (punctuation omitted). The day before and the day of the hearing on the antiSLAPP motions, which was apparently not transcribed, Britt filed numerous affidavits from parents in support of her legal claims.⁴ *Id.* at 133(1), 914 S.E.2d 403. As it concerns Yarbrough, the affidavits state, in part, that Yarbrough said that she

*3 did not know why anyone would want their children around Britt because Britt got drunk in front of her when she was a child and would talk to her about her sex life when she was a minor; that Britt drank alcohol all the time and was drunk at cheerleading competitions; that Britt is not someone that children should be allowed around; that Britt and members of the Cheer Savannah coaching staff drank alcohol with underage athletes; that members of the Cheer Savannah coaching staff offered and did cocaine with athletes; that Britt cheats in cheerleading competitions; that Britt had no morals and values; that Britt exploits minor children, implying that such exploitation was sexual in nature; that Britt was abusive to children; that Britt had grabbed a child and left marks on an athlete's face; and that Britt was aggressive with athletes.

Id. at 132(1) n.5, 914 S.E.2d 403 (punctuation omitted).

Following the hearing, the trial court granted Yarbrough's anti-SLAPP motion, concluding that her collective statements "about an adult's conduct around children who are under said adult's supervision are exercising their rights to free speech on matters of public concern pursuant to [OCGA § 9-11-11.1\(c\)\(4\)](#)." *Britt I*, 375 Ga. App. at 133(1), 914 S.E.2d 403 (punctuation omitted). Moreover, the trial court found

that Britt had not shown a probability of success on her defamation claim, and that her tortious interference claim failed since it was "derivative of her defamation claim."

On appeal, we found that the trial court's first-prong analysis, to the extent that the trial court agreed with Yarbrough's assertion that "Britt's claims could conceivably involve statements made about matters of public concern," and thus satisfied [OCGA § 9-11-11.1\(c\)\(3\)](#) and (c)(4), was incomplete. *Britt I*, 375 Ga. App. at 138(4), 914 S.E.2d 403. We noted that the plain language of those subsections contained "additional requirements," that the trial court failed to address. *Id.* Accordingly, we vacated the trial court's order insofar as the order concluded that dismissal of Britt's action was warranted under [OCGA § 9-11-11.1](#), and remanded the case for further proceedings.⁵ *Id.* at 139(4).

On remand, the trial court entered an amended order, again granting Yarbrough's anti-SLAPP motion to strike. Specifically, the trial court found that Yarbrough's purported statements and/or reports sent to TNG Consulting and USASF concerning Britt's behavior and conduct around the children she coaches not only involves an issue of public concern, but also has contributed to the public debate or furthered discourse on the issues of the "appropriateness of an adult's conduct around children who are under said adult's supervision" in the cheer community. The trial court made no subsequent findings relative to whether Britt had met her burden of establishing that there is a probability that she will prevail on her defamation and tortious interference claims. Britt appeals anew, once again arguing that the trial court erred in granting Yarbrough's anti-SLAPP motion.

2. *Georgia's anti-SLAPP statute.* Pursuant to [OCGA § 9-11-11.1\(b\)\(1\)](#),

[a] 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 shall be subject to a motion to strike unless the court determines that the nonmoving

party has established that there is a probability that the nonmoving party will prevail on the claim.

*4 Under subsection (c) of [OCGA § 9-11-11.1](#), the phrase “‘act in furtherance of the person’s ... right of petition or free speech ... in connection with an issue of public interest or concern’ ” includes, as relevant here, “[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\(c\)\(4\)](#).

[5] We have recognized that the analysis of an anti-SLAPP motion involves two steps. “First, the trial court decides whether the moving party has made a threshold showing that the challenged claim is one arising from protected activity.” [Unified Gov’t of Cusseta-Chattahoochee County v. Hoyte](#), 377 Ga. App. 787, 796(4), 921 S.E.2d 727 (2025). With regard to this step,

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 [OCGA § 9-11-11.1\(c\)](#).

[Equity Prime Mtg. v. Greene for Cong.](#), 366 Ga. App. 207, 212(2), 880 S.E.2d 642 (2022).

[6] [7] “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.” [Mauck v. Athens Pride](#), 378 Ga. App. 18, 23–24(1), 922 S.E.2d 870 (2025) (punctuation omitted).

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.

[Id.](#) at 24(1), 922 S.E.2d 870. “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.” [Emory Healthcare v. Harms](#), 379 Ga. App. 386, 389(1), 928 S.E.2d 228 (2026) (punctuation omitted). 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.” [Mauck](#), 378 Ga. App. at 24(1), 922 S.E.2d 870 (punctuation omitted). Bearing this framework in mind, we turn to the issues raised in this appeal.

[8] (a) *Protected Activity*. As detailed above, Britt contends that Yarbrough made false statements concerning Britt’s inappropriate treatment of and behavior around minors to “gym mothers,” that Yarbrough coerced those mothers into filing false and misleading reports to USASF, and that, on the basis of those statements, Britt was banned from participating in USASF-sanctioned events. The trial court found that the alleged false statements constituted protected activity in furtherance of free speech under [OCGA § 9-11-11.1\(c\)\(4\)](#).

[9] In determining whether an issue is “an issue of public concern” under [OCGA § 9-11-11.1\(c\)\(4\)](#), we consider assorted factors, including “whether the subject of the speech or activity could affect large numbers of people beyond the direct participants or involved a topic of widespread, public interest.” [Giraldi v. Bowen](#), 374 Ga. App. 347, 353–54(1)(b), 912 S.E.2d 724 (2025) (citation modified). Notably,

*5 [t]here must be some degree of closeness between the challenged statements and the asserted 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. 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 ... participated in, or furthered, the discourse that makes an issue one of public interest.

Hicks v. Richard, 39 Cal. App. 5th 1167, 1176(III)(A), 252 Cal. Rptr. 3d 578 (2019) (citation modified).

Here, we agree with the trial court that the purpose of Yarbrough's allegedly defamatory communications involving Britt's behavior around cheerleading students and her improper disciplinary tactics "was to alert both the parents of children who cheer and USASF ... of [Britt's] interactions with the children she coaches," and thus were made in connection with an issue of public concern. The issue here, protecting children in youth sports from unacceptable coaching conduct, concerned a definable portion of the public (the children, their parents, and the USASF) and occurred in the context of an ongoing controversy (since the statements effectively led to Britt being banned from participating in USASF-sponsored programs). Although Britt contends that Yarbrough's statements merely concern a "private dispute," we have recognized that the speaker's conduct "may encompass activity between private people" so long as the speaker's conduct contributes to the public debate. *Giraldi*, 374 Ga. App. at 354(1)(b), 912 S.E.2d 724 (punctuation omitted). Accordingly, we find that Yarbrough has made the requisite showing that Britt's claims arose from her constitutional right of free speech in connection with a public issue. See *Hecimovich v. Encinal School Parent Teacher Org.*, 203 Cal. App. 4th 450, 465–66, 468, 137 Cal. Rptr. 3d 455 (2012) (finding that statements regarding volunteer basketball coach's fitness to coach young players made before coach was terminated were connected with the public interest; "[S]afety in youth sports, not to mention problem coaches ... in youth sports, is [an] issue of public interest within the SLAPP law."). Cf. *Du Charme v. Int'l Brotherhood of Elec. Workers*, 110 Cal. App. 4th 107, 118(III) (B), 1 Cal. Rptr. 3d 501 (2003) (holding that defendant's alleged defamatory statements posted on the internet after plaintiff had been fired did not constitute an issue of public interest where the statements did not occur in the context of an ongoing controversy; "[Plaintiff's] termination was a fait accompli; its propriety was no longer at issue.").

(b) *Probability of Success on the Underlying Claims*. Britt claims that the trial court erred in finding that she was not likely to prevail on her defamation and tortious interference claims.

[10] [11] (i) *Defamation*. Defamation claims in Georgia have 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." *Mauck*, 378 Ga. App. at 29(1)(b)(iii), 922 S.E.2d 870 (punctuation omitted). Here, the trial court concluded that Britt had "failed to present evidence to satisfy the requisite elements" of defamation,⁶ pointing out that Britt "failed to argue or otherwise explain why alleged statements made about a coach's unsuitability to be around children are not privileged under Georgia law." To the extent the trial court addressed the second element of defamation (privilege), the trial court's order fails to address the "threshold issues" of whether Britt is a public or private figure, *Matthews v. Oskouei*, 377 Ga. App. 443, 445, 922 S.E.2d 681 (2025), despite some indication in the record that she is "a well-known figure in the cheerleading world," *Britt I*, 375 Ga. App. at 132(1), 914 S.E.2d 403, and "whether [s]he seeks presumed or punitive damages related to a defamatory statement about a matter of public concern, so as to determine whether the 'actual malice' or the 'private malice' standard applies." *Matthews*, 377 Ga. App. at 445–46, 922 S.E.2d 681 (punctuation omitted). Nor did the trial court specify which of the nine categories of privileged communications under OCGA § 51-5-7 Yarbrough's alleged defamatory statements implicated. Consequently, we vacate the trial court's order granting Yarbrough's anti-SLAPP motion relative to Britt's defamation claim and remand for the trial court to address the probability of success of this claim in the first instance. See *Matthews*, 377 Ga. App. at 446, 922 S.E.2d 681.

*6 [12] [13] [14] (ii) *Tortious Interference with Business Relations*. To sustain a claim for tortious interference with business relations, a plaintiff must demonstrate:

- (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.

Mauck, 378 Ga. App. at 28–29(1)(b)(ii), 922 S.E.2d 870. Aside from noting that the tortious interference claim was derivative of the defamation claim, the trial court's order contains “no discussion or analysis of whether the plaintiffs had stated and substantiated a legally sufficient claim.”

Hoyte, 377 Ga. App. at 799(4), 921 S.E.2d 727 (punctuation omitted). We likewise vacate this portion of the trial court's order and remand⁷ this matter for the trial court to revisit the second prong of the anti-SLAPP analysis.⁸

Judgment affirmed in part and vacated in part, and case remanded. Doyle, P. J., and *Markle*, J., concur.

All Citations

--- S.E.2d ----, 2026 WL 2664006

Footnotes

- 1 Yarbrough is the sole owner and daily manager of Savannah Sharks Cheerleading. For simplicity's sake, we will refer to the appellee as Yarbrough throughout this opinion.
- 2 Our subsequent, second opinion consolidated the following cases: *Britt v. NCHERM Group, LLC*, A25A1947; *Varsity Brands Holding Company, Inc. v. Britt*, A25A1948; *U.S. All Star Federation v. Britt*, A25A1949, slip op. at 5–6 (Ga. App. Jan. 28, 2026) (unpublished) (vacating, in part, three orders on motions to strike and remanding the cases for the same reasons set out in *Britt I*).
- 3 Co-defendants include Meagan Dwyer, “a purported disgruntled parent,” *Britt I*, 375 Ga. App. at 130(1), 914 S.E.2d 403, NCHERM Group, LLC (“TNG Consulting”), Varsity Brands Holding Company, Inc. (“Varsity”), and USASF. Britt subsequently amended her complaint adding new claims against TNG Consulting, Varsity, and USASF.
- 4 Although we noted in *Britt I* that the trial court “exclude[d] Britt's affidavits as untimely” in granting Yarbrough's anti-SLAPP motion, *Britt I*, 375 Ga. App. at 133(1), 914 S.E.2d 403, upon further review, it appears that the trial court determined that the affidavits were untimely, but nonetheless considered them.
- 5 We did not reach the second step of the anti-SLAPP analysis — whether Britt had shown a probability of prevailing on her claims. *Britt I*, 375 Ga. App. at 137(4), 914 S.E.2d 403.
- 6 While not necessarily essential to a finding that Britt's complaint lacks a probability of success, we note that the trial court did not make any findings concerning the first (falsity), third (negligence), and fourth (special harm) elements of Britt's defamation claim.
- 7 In the event that this case should make its way back to us, we encourage the trial court on remand to address, as appropriate, the purportedly unresolved arguments identified by the parties in their respective briefs concerning the statute of limitations, judicial estoppel, discovery, and attorney fees. See *Mays v. Rancine-Kinchen*, 291 Ga. 283, 283, 729 S.E.2d 321 (2012) (“The policy of the Appellate Practice Act is against multiple appeals and piecemeal litigation” (punctuation omitted)).

- 8 Insofar as the discovery matter Britt raises in her brief differs from the claim of error regarding discovery we previously resolved adversely to her, see [Britt I](#), 375 Ga. App. at 135–36(3), 914 S.E.2d 403, Britt did not separately enumerate this argument in her brief, thus we deem it abandoned. See [K-Mart Corp. v. Hackett](#), 237 Ga. App. 127, 130(1), 514 S.E.2d 884 (1999) (“Parties are not permitted to enlarge their enumeration of errors by including additional issues in their brief.”). See also [OCGA § 5-6-40](#) (an appellant’s enumeration of errors “shall set out separately each error relied upon”); Ga. Ct. App. R. 25(a)(4) (an appellant’s brief must include an enumeration of errors, “which must identify separately and concisely each allegedly erroneous ruling the appellant relies on as a basis for reversal of the judgment on appeal”).