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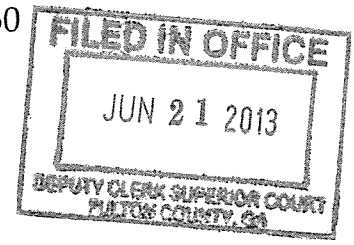
IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

SOUL CIRCUS, INC.
Plaintiff,

Civil Action File No.
2013cv228230



vs.

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS, a/k/a, PETA,
AND RUSSELL SIMMONS,

Defendants.

ORDER

THIS MATTER came before the Court on June 10, 2013 upon a Motion by defendant People for the Ethical Treatment of Animals, Inc. ("PeTA") to Dismiss Pursuant to OCGA Section 9-11-11.1, and a Motion to Dismiss Soul Circus Complaint With Prejudice Under OCGA Section 9-11-11.1 by defendant Russell Simmons. And the Court having considered the Motions to Dismiss, the Memoranda of Law in support thereof, and argument of counsel finds as follows:

1. On March 18 and March 21, 2013, defendant PeTA wrote to plaintiff Soul Circus, Inc. ("Soul Circus") requesting that Soul Circus file a verification of the Complaint, filed March 6, 2013, in accordance with OCGA Section 9-11-11.1.

2. On March 21, 2013, Simmons wrote to Soul Circus, also requesting verification of the Complaint under OCGA Section 9-11-11.1.

3. Soul Circus declined and failed to file any verification of the Complaint as set forth in OCGA Section 9-11-11.1.

4. PeTA filed its Motion to Dismiss on April 3, 2013. Defendant Simmons filed his Motion to Dismiss on April 23, 2013. The Court issued its Rule NISI on April 25, 2013 setting a hearing date of June 10, 2013 on PeTA's and Simmons' Motions to Dismiss. Soul Circus filed a response to the Motions to Dismiss on June 5, 2013.

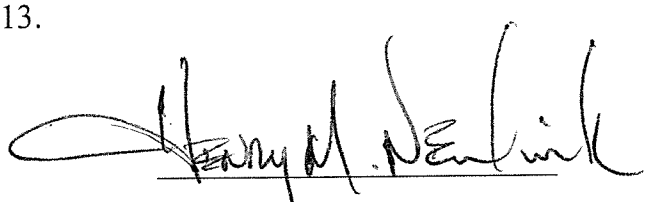
5. At the June 10, 2013 hearing on the Motions to Dismiss, PeTA and Simmons moved to strike and for the Court to not consider Soul Circus's response as not being

timely filed or served. The Court, having heard argument, found that the response was not timely filed and without adequate reason for the late filing and service, and granted the motion, but permitted Soul Circus's counsel to fully argue its opposition to the Motions to Dismiss.

6. On the basis of the argument and evidence submitted by the parties, the Court finds that the Georgia anti-SLAPP statute, OCGA Section 9-11-11.1, does apply to the conduct of PeTA and Simmons as alleged by Soul Circus in the Complaint and that the Complaint has not been verified as required by the statute, either at the time of the filing of the Complaint or within ten (10) days after PeTA's and Simmons's respective requests for verification.

WHEREFORE, the Court ORDERS that each of PeTA's and Simmons's Motions to Dismiss are GRANTED and Soul Circus's Complaint filed March 6, 2013 be, and hereby is, DISMISSED WITH PREJUDICE.

ENTERED this 21st day of June, 2013.



Judge Henry M. Newkirk
Fulton County Superior Court

Prepared by:

Philip Jay Hirschkop
Attorney for People for the Ethical Treatment of Animals

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General Civil Case Final Disposition Form (Non-Domestic)

Court
☒ Superior
☐ State

County Fulton

Date Disposed 06-21-2013
MM-DD-YYYY

Docket # 2013CV228230

Reporting Party Newkirk, Henry M. (Last First Middle I. Suffix Prefix Maiden)

Judge (Title)

Name of Plaintiff/Petitioner(s)

Soul Circus, Inc. (Last First Middle I. Suffix Prefix Maiden)

Plaintiff/Petitioner's Attorney ☐ Pro Se

Blackwell, Tracy (Last First Middle I. Suffix)

Bar # 764167

Name of Defendant/Respondent(s)

People For The Ethical Treatment of Animals, et al. (Last First Middle I. Suffix Prefix Maiden)

Defendant/Respondent's Attorney ☐ Pro Se

Spiaro, Brian (Last First Middle I. Suffix)

Bar # 670112

Type of Disposition (Check all that apply)

1. ☒ Pre-Trial Dismissal (specify which type)
   - A. ☒ Involuntary
   - B. ☐ Voluntary (without prejudice)
   - C. ☐ Voluntary (with prejudice)
2. ☐ Pre-Trial Settlement
3. ☐ Default Judgment
4. ☐ Summary Judgment
5. ☐ Transferred/Consolidated
6. ☐ Bench Trial
7. ☐ Jury Trial (specify outcome further)
   - A. ☐ Dismissal after jury selected
   - B. ☐ Settlement during trial
   - C. ☐ Judgment on Verdict
   - D. ☐ Directed Verdict or JNOV

AWARD

1. If verdict for Plaintiff, how much was awarded?

$		Compensatory
$		Punative

2. If verdict on cross or counter claims, how much was awarded?

$		Compensatory
$		Punative

3. Did the court modify the award?
   ☐ Yes ☐ No
4. Were Attorneys fees awarded?
   ☐ Yes ☐ No

1. Judgment on Verdict. Was the verdict:
   - A. ☐ For Plaintiff(s) [all]
   - B. ☐ For Defendant(s) [all]
   - C. ☐ Other: (Explain)

ADR

1. Was ADR utilized?
   ☐ Yes ☐ No
2. If yes, was it (check if applicable)
   ☐ court annexed?
   ☐ court mandated?
3. Did the matter settle after trial for other than judgment? (If known at the time of this submission)
   ☐ Yes ☐ No