

STATE OF NORTH CAROLINA

File No.

24CV000125

COLUMBUS

County

In The General Court Of Justice
☐ District ☒ Superior Court Division

Name Of Plaintiff

BORDER BELT REPORTING CENTER, INC. and NORTH CAROLINA

Address

c/o Bradley R. Kutrow, McGuireWoods LLP

City, State, Zip

201 N. Tryon St., Ste. 3000, Charlotte NC 28202

VERSUS

Name Of Defendant(s)

EDWIN H. MADDEN, JR., in his official capacity as County Manager of Columbus County, and WILLIAM "BILL" ROGERS, in his official capacity as Sheriff of Columbus County

CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3 and 4

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

EDWIN H. MADDEN, JR., in his official capacity as County Manager of Columbus County
 127 W. Webster Street
 Whiteville NC 28472

Name And Address Of Defendant 2

WILLIAM "BILL" ROGERS, in his official capacity as Sheriff of Columbus County
 817 Washington Street
 Whiteville NC 28472



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

Bradley R. Kutrow, McGuireWoods LLP
 201 N. Tryon Street, Ste. 3000

Charlotte NC 28202

Date Issued

9-13-24

Time

4:14

☐ AM ☒ PM

Signature

[Signature]

☒ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM ☐ PM

Signature

☐ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

Date Served

Time Served

☐ AM☐ PM

Name Of Defendant

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

- ☐ Acceptance of service.
Summons and complaint received by: ☐ Defendant 1.
☐ Other: (type or print name)

Date Accepted

Signature

- ☐ Other manner of service (specify)

- ☐ Defendant WAS NOT served for the following reason:

DEFENDANT 2

Date Served

Time Served

☐ AM☐ PM

Name Of Defendant

- ☐ By delivering to the defendant named above a copy of the summons and complaint.
- ☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- ☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

- ☐ Acceptance of service.
Summons and complaint received by: ☐ Defendant 2.
☐ Other: (type or print name)

Date Accepted

Signature

- ☐ Other manner of service (specify)

- ☐ Defendant WAS NOT served for the following reason:

Service Fee Paid
\$

Signature Of Deputy Sheriff Making Return

Date Received

Name Of Sheriff (type or print)

Date Of Return

County Of Sheriff

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COLUMBUS COUNTY

FILED

24-CVS-125

BORDER BELT REPORTING CENTER, INC., and NORTH CAROLINA
LONGFORM MAGAZINE, INC., COLUMBUS CO., N.C.

Plaintiffs,

BY DB

COMPLAINT AND PETITION FOR
ACCESS TO PUBLIC RECORDS OR,
ALTERNATIVELY, FOR RELIEF
FROM MEDIATION

v.

EDWIN H. MADDEN, JR., in his official
capacity as County Manager of Columbus
County, and WILLIAM "BILL"
ROGERS, in his official capacity as
Sheriff of Columbus County,

Defendants.

Pursuant to Rules 3, 7, and 8 of the North Carolina Rules of Civil Procedure, Plaintiffs Border Belt Reporting Center, Inc. and North Carolina Longform Magazine, Inc., complaining of Defendants Edwin H. Madden, Jr. and William "Bill" Rogers, allege and say as follows:

INTRODUCTION

Plaintiffs bring this action against Columbus County officials for their failure to adhere to North Carolina's Public Records Law, as set out in Chapter 132 of the General Statutes, N.C. Gen. Stat. §§ 132-1 *et seq.*, by refusing or ignoring Plaintiffs' public records requests for nearly two years. As described more specifically below, Plaintiffs seek:

1. An order declaring that the records and information requested by Plaintiffs are public as defined by G.S. § 132-1 and G.S. § 132-1.4;
2. An order compelling Defendants to permit the inspection and copying of public records pursuant to N. C. Gen. Stat. § 132-9(a) or otherwise to produce such information now and going forward as promptly as possible; and

3. An order pursuant to N.C. Gen. Stat § 132-9(c)(1) awarding Plaintiffs their reasonable attorneys' fees, to be charged against the operating expenses of the responsible agency or to be paid personally by any public employee or public official found by the Court to have knowingly or intentionally committed, caused, permitted, suborned, or participated in a violation of North Carolina's Public Records Law.

PARTIES

4. Plaintiff Border Belt Reporting Center, Inc., known also by the name of its publication, Border Belt Independent ("BBI"), is a nonprofit, digital newsroom that focuses on issues and challenges affecting Bladen, Columbus, Robeson, and Scotland counties in southeastern North Carolina. BBI maintains its principal place of business in Whiteville, Columbus County, North Carolina. BBI publishes stories at borderbelt.org and also provides local newspapers in its primary coverage area with these stories at no cost.

5. Plaintiff North Carolina Longform Magazine, Inc., known also by the name of its publication The Assembly ("The Assembly"), is a digital newsroom, launched in 2021, that publishes longform reporting on North Carolina politics and culture. The Assembly maintains its principal place of business in Durham, North Carolina and publishes stories at theassemblync.com.

6. Defendant Edwin "Eddie" H. Madden, Jr. ("Madden") is the County Manager of Columbus County. Madden was hired and approved for that position by the Columbus County Commissioners in February 2021. As Manager of Columbus County, Madden is an "agency of North Carolina government" as defined by G.S. § 132-1(a) and is the custodian of the records of Columbus County as defined by G.S. § 132-2. Plaintiffs sue Madden in his official capacity and as the custodian of county records and information.

7. Defendant William “Bill” Rogers (“Rogers”) is the Sheriff of Columbus County. Sheriff Rogers was sworn in as the Acting Sheriff of Columbus County in January 2023 after the resignation of elected Sheriff Jody Greene (“Greene”). Rogers also acted as Sheriff of Columbus County in 2022. As Sheriff of Columbus County, Defendant Rogers is an “agency of North Carolina government” as defined by G.S. § 132-1(a) and is the custodian of the records of his office as defined by G.S. § 132-2. Plaintiffs sue Rogers in his official capacity and as the custodian of public and law enforcement records and information.

JURISDICTION, VENUE AND CONDITIONS PRECEDENT

8. This Court has subject matter jurisdiction over the issues raised herein pursuant to G.S. § 132-9(a).

9. This Court has personal jurisdiction over all parties pursuant to G.S. § 1-75.4(1).

10. Venue for this action is proper in the Superior Court of Columbus County pursuant to G.S. §§ 1-77 and 1-82.

11. The North Carolina General Assembly has waived sovereign immunity for Plaintiffs’ claims by enactment of the North Carolina Public Records Law and otherwise.

12. Plaintiffs respectfully request the initiation of mandatory mediation of this dispute under G.S. § 7A-38.3E(b), or alternatively, an agreement or order to dispense with the mediation requirement.

THE PUBLIC RECORDS LAW

13. The North Carolina Public Records Law (the “Public Records Law”) is codified in G.S. § 132-1–11. The public policy underlying the Public Records Law is set forth in G.S. § 132-1(b):

The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of

the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. As used herein, “minimal costs” shall mean the actual cost of reproducing the public record or public information.

14. The Public Records Law defines public records in G.S. § 132-1(a), as:

all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.

15. The Public Records Law, in G.S. § 132-1(a), defines an “[a]gency of North Carolina government” as “every public office, public officer or official (State or local, elected or appointed), institution board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.”

16. The Public Records Law, in G.S. § 132-6(a), provides that “[e]very custodian of public records shall permit any record in the custodian’s custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, *as promptly as possible*, furnish copies thereof” (emphasis added).

17. Any “unnecessary, undue, and unreasonable delay in providing [public records] amounts to a substantial failure to comply with the Public Records Law.” *The News Reporters Co. et al. v. Greene*, 20-CVS-1147 (Columbus Co. Sup. Ct., Feb. 19, 2021) (attached as **Exhibit A**).

18. G.S. § 153A-98(a) states:

Notwithstanding the provisions of G.S. 132-6 or any other general law or local act concerning access to public records, personnel files of employees, former employees, or applicants for employment maintained by a county are subject to inspection and may be

disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form *gathered by the county* with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or nonselection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment[.]

(emphasis added).

19. The Public Records Law, in G.S. § 132-9(c)(1), provides that in actions brought pursuant to this law “in which a party successfully compels the disclosure of public records, the court shall allow a party seeking disclosure of public records who substantially prevails to recover its reasonable attorneys’ fees if attributed to those public records.”

20. While G.S. § 7A-38.3E(b) requires Plaintiffs to “initiate mediation pursuant to this section” after filing this civil action, G.S. § 7A-38.3(e) allows “parties to the dispute [to] waive the mediation required by this section” and G.S. § 7A-38.3(h) declares that “[n]othing in this section shall prevent a party seeking production of public records from seeking injunctive or other relief, including production of public records prior to any scheduled mediation.” *See* G.S. § 7A-38.3E.

BACKGROUND AND THE PUBLIC RECORDS AT ISSUE

The Requests

21. This Complaint and Petition (the “Complaint”) concerns the records at issue and Defendants’ disregard for the North Carolina Public Records Law, which evinces a pattern of ongoing and willful defiance of our state’s transparency laws in Columbus County.

22. Plaintiffs, both through their own efforts and through undersigned counsel, have attempted to work collaboratively with Defendants for nearly *two years* to solicit responses to the public records requests (the “Requests”) described herein.

23. The Requests and Defendants' responses discussed below are set forth in a chart created for the Court's benefit and attached as **Exhibit B.**

The First Request

24. On October 25, 2022, BBI submitted a public records request to the Columbus County Sheriff's Office via Public Information Officer Michelle Tatum for "all email correspondence between [former Columbus County Sheriff] Jody Greene and Samantha Hickman" during their employment by the Sheriff's Department (hereinafter the "First Request," attached as **Exhibit C.**

25. Receiving nothing from the Sheriff, on September 18, 2023, nearly a year later, undersigned counsel for Plaintiffs followed up on the First Request and supplemented the request to include "any electronic communications, whether email, text or through any application or platform, and whether made using county-issued or personal devices or accounts." See the "September 2023 Letter," attached as **Exhibit D.**

26. As of the date of this Complaint, despite over 600 days elapsing, Plaintiffs have received only an incomplete response to the First Request. While Plaintiffs did receive some emails from Greene to Hickman from the Sheriff, he has produced no emails from Hickman to Greene; no emails from Greene's personal email; and no communications in forms other than email in response to the First Request.

The Second Request

27. On December 8, 2022, BBI submitted a public records request to Madden and County Attorney Amanda Prince ("Prince") for "[a]ll emails (including attachments), correspondence or other documentation received by the County Manager's office and the County Attorney's office from employees of the Columbus County Sheriff's Office, including but not

limited to Aaron Herring, Bill Rogers, Jody Greene and Jerome McMillian” from September 1, 2022 through the present (hereinafter the “Second Request,” attached as Exhibit E).

28. As of the date of this Complaint, Plaintiffs have received no response to their Second Request.

The Third Request

29. On August 15, 2023, The Assembly submitted a public records request to the County for “any letters or legal complaints” from citizens “based on allegations of misconduct” at the Columbus County Sheriff’s Office (hereinafter the “Third Request,” attached as Exhibit F).

30. Prince denied the Third Request in an email that same day, stating that any responsive documents were “[p]ersonnel file[s].” *Id.* Plaintiffs have not received any documents in response to the Third Request.

31. In the September 2023 Letter, undersigned counsel for Plaintiffs challenged Prince’s assertion that records responsive to the Third Request were personnel files pursuant to G.S. § 153A-98:

Such a complaint about government action, created by a citizen (not by any County official) becomes a public record when it is received. Such a complaint is lodged by the citizen; it is not ‘gathered’ by the County for its employment file under N.C.G.S. § 153A-98. And it cannot be transformed into a ‘personnel file’ record by the County’s unilateral action, even if it references the actions of specific employees.

Ex. D ¶ 3. Undersigned counsel accordingly asked Prince to “reconsider the County’s position on citizen-created letters or other complaints made to the County or Sheriff’s Office.” *Id.*

32. Prince acknowledged receipt of the September 2023 Letter but produced no responsive records in the weeks following. As a result, undersigned counsel sent Prince another letter on October 18, 2023, requesting an update on a forthcoming production and the opportunity

to speak about outstanding requests and reminding Prince that a year had passed with no response from the County to Plaintiffs' Requests. *See* the "October 2023 Letter," attached as **Exhibit G**.

The Fourth Request

33. Also on August 15, 2023, The Assembly requested from PIO Tatum "a copy of the most recent evidence audit" (hereinafter the "Fourth Request," attached as **Exhibit H**).

34. On April 22, 2024, undersigned counsel for Plaintiffs reiterated this request in a letter to Norwood Blanchard, attorney for the Sheriff's Office, after learning that Prince, the County Attorney, did not represent the Sheriff's Office. *See* the "April 2024 Letter," attached as **Exhibit I**).

35. On May 6, 2024, the Sheriff produced the evidence audit without the accompanying exhibits. Undersigned counsel for Plaintiffs informed the Sheriff Office's counsel that their clients were also seeking and entitled to the exhibits to the evidence audit. *See* the "July 2024 Letter," dated July 25, 2024, attached as **Exhibit J**).

The Fifth Requests

36. The September 2023 Letter also requested, in part, the following additional public records, none of which have been provided to Plaintiffs in any substantive way as of the filing of this Complaint:

- a. "All electronic communications - whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts - received by Sheriff Bill Rogers, Chief Deputy Jerome McMillian, Capt. Brett Baxley, Capt. Bobby Faulk or Major Kevin Norris relating to subpoenas served on any employee or former employee of the Sheriff's Office, or the Sheriff's Office itself, to appear before a federal grand jury, or to produce documents relating to a grand jury investigation, since October 1, 2022."
- b. "All electronic communications - whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts - received by Sheriff Bill Rogers, Chief Deputy Jerome McMillian, Capt. Brett Baxley, Capt. Bobby Faulk or Major Kevin Norris and reflecting that

an employee or former employee of the Sheriff's Office has been interviewed by, or requested to provide an interview with, the State Bureau of Investigation, the Federal Bureau of Investigation, or the Department of Justice since October 1, 2022."

- c. "All electronic communications - whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts - sent or received by any county commissioner containing the keywords 'jody' or 'greene' or 'sheriff' from November 1, 2018 to date."
- d. "All electronic communications - whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts - between county employees and representatives of Sedgwick Inc. from September 29, 2022 to date."
- e. "All incident reports, supplements, and evidence log entries related to OCA Case No. 21- N120 from the Sheriff's Office."

Ex. D.

37. The September 2023 Letter further requested, in part, the following additional public records to which Defendants have provided incomplete responses:

- a. "All subpoenas, search warrants or other requests for information or access delivered to the Sheriff's Office since October 1, 2022 by or on behalf of the State Bureau of Investigation, the Federal Bureau of Investigation, or the federal or state Department of Justice."
- b. "All electronic communications - whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts - between Dustin Fowler and 'Little' Joe Jacobs or between Dustin Fowler and other members of the Sheriff's Office referencing 'Little' Joe Jacobs and/or Joe's Wrecker Service and Used Parts from November 1, 2018 to date."
- c. "All contracts, invoices, or other documents pertaining to services rendered by 'Little' Joe Jacobs and/or Joe's Wrecker Services and Used Parts for the County or the Sheriff's Office, or payments for those services, from November 1, 2018 to date."
- d. "All records reflecting payments from the County or Sheriff's Office to any of the following businesses: Show Ridez; Show Ridez Automotive Care; Show Ridez Customizing; A.W. Herring Enterprises LLC; H & P Investments LLC."
- e. "All electronic communications - whether email, text or made through any other application or platform, and whether made using county-issued or personal devices

or accounts - exchanged between Jody Greene and Alisa Register during the time Register was employed by the Sheriff's Office."

Id.

38. The chart attached as Ex. B and incorporated by reference details the documents provided in response to the Requests or portions of them that are still outstanding.

Plaintiffs' Efforts to Obtain the Requested Public Records and Mediate this Dispute

39. Hearing nothing in response to Plaintiffs' October 2023 Letter, Plaintiffs proceeded with the process to initiate pre-litigation mediation.

40. Plaintiffs initiated voluntary mediation in accordance with G.S. § 7A-38.3E(a) on February 7, 2024. On that date, undersigned counsel for Plaintiffs mailed the form to request pre-litigation mediation to the Columbus County Clerk of Court, with a copy mailed to Prince. *See **Exhibit K***.

41. Pursuant to G.S. § 7A-38.3E, the parties had twenty-one (21) days from February 7, 2024 to select a mediator. Ex. K at 2.

42. The day before the parties' deadline to select a mediator, on February 28, 2024, Prince's colleague, Misty Jorgenson, notified counsel for Plaintiffs that Prince had unexpectedly been hospitalized and needed an extension of time to select a mediator. *See **Exhibit L***.

43. Plaintiffs' counsel agreed to alert the Court to Prince's sudden illness and ask for additional time to designate a mediator. *Id.*

44. On March 18, 2024, counsel for Plaintiffs followed up with Jorgenson, hoping to resume the process of selecting a mediator and requesting a response from her or Prince that week.

Exhibit M.

45. Neither Jorgenson nor Prince responded to Plaintiffs' counsel's March 18, 2024 correspondence.

46. Counsel for Plaintiffs spoke with Prince in April 2024, whereupon Prince—for the first time—notified Plaintiffs that she only represents the County, not the Sheriff, and that Plaintiffs’ undersigned counsel needed to contact Attorney Norwood Blanchard regarding public records requests directed to the Sheriff. See Exhibit N (undersigned counsel following up with Prince after a phone call conversation).

47. Upon learning of Blanchard’s representation, undersigned counsel followed up by letter to him, reiterating Plaintiff’s requests to the Sheriff’s Office. Ex. I.

48. In May of 2023, counsel for the Sheriff facilitated the production of a small number of documents responsive to some of Plaintiffs’ Requests, but after that production, Blanchard ceased responding to undersigned counsel’s communications and discontinued the Sheriff’s records production.

49. Making no progress by email communication, Plaintiffs sent both Defendants letters on July 25, 2024, inviting them once more to respond and produce responsive records before Plaintiffs would have no choice but to file suit. Exhibits J and O (both letters).

50. Jorgenson, Prince’s colleague, emailed Plaintiffs’ counsel on July 30, 2024, notifying Plaintiffs’ counsel that Prince was out of the office that week but promising that when she returned, “the public records request will be her top priority.” Exhibit P. Despite this promise, Plaintiffs have heard nothing further from Prince.

51. Counsel for the Sheriff’s Office, meanwhile, contacted Plaintiffs’ counsel on August 5 and offered to discuss the outstanding public records requests the following day. Exhibit Q.

52. During that conversation, counsel for the Sheriff’s Office acknowledged that the evidence audit Plaintiffs requested were missing the accompanying exhibits, and originally

resisted producing the exhibits because of confidential information within the exhibits. Counsel for Plaintiffs reminded him that his client is required to produce those exhibits with the confidential information redacted. *See* N.C.G.S. § 132-6(c) (“No request to inspect, examine, or obtain copies of public records shall be denied on the grounds that confidential information is commingled with the requested nonconfidential information” so that should it become “necessary to separate confidential from nonconfidential information in order to permit the inspection, examination, or copying of the public records, the public agency shall bear the cost of such separation.”). Sheriff’s counsel then agreed to produce the exhibits to the evidence audit. **Exhibit R** (email from undersigned counsel to Sheriff’s counsel memorializing counsels’ conversation).

53. Sheriff’s Counsel also explained that his client asserts that Sheriff Greene utilized an email system that had not properly preserved public records. That system is no longer in use, and his client does not have access to records that may have been housed on that system. *Id.*

54. Despite agreeing to do so weeks ago, the Sheriff’s Office has yet to produce the exhibits to the evidence audit.

55. Plaintiffs have heard nothing from either Defendant about any forthcoming productions.

56. The chart Plaintiffs prepared details the remaining requests Defendants still have not produced (or notified they do not possess). Ex. B.

57. Plaintiffs and their counsel have spent the last two years patiently giving Defendants every opportunity to comply with the Public Records Law and fulfill the Requests, and Defendants’ continued flagrant disregard for their obligations to the public under G.S. §§ 132-1 *et seq.* flies in the face of the North Carolina Public Records Law.

VIOLATIONS OF THE LAW

58. From October 25, 2022, through the date of this Complaint, Defendants have failed to produce for inspection most of the records Plaintiffs have requested, despite these records falling within the definition of “public records” under G.S. §§ 132-1, 132-6(a), and 132-9(a).

59. Defendants have also failed to fulfill the Requests “as promptly as possible” in accordance with G.S. §132-6(a).

60. Defendants’ continued inaction and “unnecessary, undue and unreasonable delay in providing [the records] amounts to a substantial failure to comply with the Public Records Law.” *See Ex. A (News Reporter Co. et al. v. Greene)*.

61. Defendants’ failure to respond to the Requests as “promptly as possible” provides grounds for Plaintiffs to bring a legal action against Defendants under G.S §§ 132-6(a) and 132-9(a).

62. Defendants have failed to fully satisfy the First Request, producing only a subset of documents responsive to this request without claiming no other records exist.

63. Defendants have ignored the Second Request in its entirety.

64. Defendants improperly denied Plaintiffs’ Third Request, reiterated in the September 2023 Letter, for any letters or legal complaints from citizens based on allegations of misconduct at the Columbus County Sheriff’s Office by claiming that the records at issue were “personnel records.”

65. Defendants have also ignored or have not fully satisfied the Fourth and Fifth Requests.

66. Plaintiffs may recover “reasonable attorneys’ fees” for successfully compelling disclosure of the requested records through such a court action, in accordance with G.S. § 132-9(c)(1).

WHEREFORE, Plaintiffs respectfully pray the Court:

A. Accord this matter priority and set it down for an “immediate hearing” as required by G.S. § 132-9(a), notwithstanding any scheduled mediation, *see* G.S. § 7A-38.3E(h) (“Nothing in this section shall prevent a party seeking production of public records from seeking injunctive or other relief, including production of public records prior to any scheduled mediation”);

B. Enter a preliminary order requiring the Defendants to (a) bring all of the requested records before the Court for an *in camera* review and (b) show cause, if any, why the Plaintiffs are not entitled to obtain copies of them;

C. Enter an order declaring that the requested records that Defendants have not fulfilled are public records as defined by the Public Records Law and requiring Defendants to provide copies of the same as promptly as possible;

D. Enter an order declaring that the documents responsive to the Third Request are public records and not “personnel records” as defined by G.S. § 153A-98;

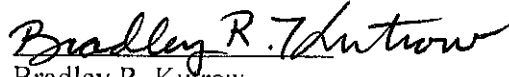
E. Enter an order requiring Defendants to comply fully with the Public Records Law and fulfill future public records requests “as promptly as possible” in accordance with G.S. § 132-6(a);

F. Enter an order awarding Plaintiffs’ their reasonable costs and attorneys’ fees pursuant to G.S. § 132-9(c)(1); and

G. Provide Plaintiffs with such further and additional relief as the Court shall deem just and proper, and tax the costs of this action against the Defendants.

This the 12th day of September, 2024.

MCGUIREWOODS LLP



Bradley R. Kutrow

N.C. State Bar No. 13851

Joanna E. Johnston

N.C. State Bar No. 59782

201 North Tryon Street, Suite 3000

Charlotte, NC 28202-2146

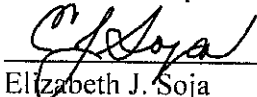
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**REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS**



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STATE OF NORTH CAROLINA
COLUMBUS COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24-CVS-125

BORDER BELT REPORTING CENTER,)
INC., and NORTH CAROLINA)
LONGFORM MAGAZINE, INC.,)
Plaintiffs,)

v.)

EDWIN H. MADDEN, JR., in his official)
capacity as County Manager of Columbus)
County, and WILLIAM "BILL")
ROGERS, in his official capacity as)
Sheriff of Columbus County,)
Defendants.)

INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION
Exhibit A	<i>The News Reporters Co. et al. v. Greene</i> , 20-CVS-1147 (Columbus Co. Sup. Ct., Feb. 19, 2021)
Exhibit B	Chart created for the Court's benefit of the Requests and Defendants' responses discussed in the Complaint
Exhibit C	October 25, 2022 public records request
Exhibit D	September 18, 2023 letter
Exhibit E	December 8, 2022, BBI public records request
Exhibit F	August 15, 2023, BBI public records request
Exhibit G	October 18, 2023 Letter
Exhibit H	August 15, 2023 public records request
Exhibit I	April 22, 2024 Letter
Exhibit J	July 25, 2024 Letter to Norwood

Exhibit K	Request for Pre-Litigation Mediation of Public Records Dispute
Exhibit L	February 28, 2024 Email
Exhibit M	March 18, 2024 Email
Exhibit N	April 8, 2024 Email
Exhibit O	July 25, 2024 Letter to Prince
Exhibit P	July 30, 2024 Email
Exhibit Q	August 5, 2024 Email
Exhibit R	August 7, 2024 Email

EXHIBIT A

NORTH CAROLINA
COLUMBUS COUNTY

FILED
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
2021 FILE NO. 20-CVS 1147

THE NEWS REPORTER CO.,;
ATLANTIC CORPORATION;
GREY TELEVISION, INC., d/b/a
WECT; and MORRIS NETWORK,
INC., d/b/a WWAY-TV, LLC,

Plaintiffs,

vs.

JODY GREENE, in his official
capacity as Sheriff of Columbus
County,

Defendant.

COLUMBUS CO., N.C.

FILED
JAN 11 2021

ORDER

This matter came on for hearing on February 8, 2021, pursuant to the Plaintiffs' statutory request for immediate relief, G.S. § 132-9, and Defendant's motion to dismiss. All parties were present, through counsel. C. Amanda Martin of Stevens Martin Vaughn & Tadych, PLLC, appeared for Plaintiffs. Brian Castro of Womble Bond Dickinson (US) LLP appeared for Defendant.

FINDINGS AND CONCLUSIONS ON JURISDICTION:

In Defendant's original motion to dismiss under 12B and in his responsive pleading filed on January 6, 2021, Defendant raised the issue of a lack of jurisdiction under the holding of *Tillet v Town of Kill Devil Hills* because the matter has not gone through mediation as required by statute. After an extended discussion, the Defendant explicitly waived mediation, which Plaintiff had requested as an additional ground for relief. However, the court has not relied solely on waiver,

COPY

since jurisdiction cannot be asserted by waiver alone. From the statements of counsel in open court and on the record, Counsel asserted that the Defendant did not want to mediate, that the issues were clearly drawn, and that Defendant desired a ruling on the merits of the issue. From this and the further statements of counsel both at the opening of the hearing and in his closing arguments, the court finds that mediation would not be productive, and that to refer the matter to mediation which the court would do but for the representations of the Defendant, would merely result in a further expense and waste of time, which both parties now wish to avoid. Plaintiff in fact did initiate the process of mediation in its pleadings, and although Defendant in his answer indicated at the time he wished to proceed with mediation (Paragraph 10 of Defendant's Answer), when the court indicated that it recognized that right and the holding in *Tillet*, Defendant specifically stated the Defendant no longer desired to participate in the mediation that Plaintiff requested in its Complaint. These circumstances are distinguishable from the jurisdictional holding in *Tillet*. The court finds that the Plaintiff in fact substantially initiated mediation under 7A-38.3E in its Complaint, but a referral to mediation is now explicitly rejected by the Defendant. Therefore, the court finds and concludes that Plaintiff has substantially complied with the intitation of mediation through her pleadings, but now such a further referral is in fact futile. Under these unique circumstances, together with the permissive language of GS 7A-38.3E, the court finds that the court has jurisdiction over the subject matter of this case.

As to the other grounds raised in the 12(b)(1) Motion to Dismiss which the Defendant argued, the court finds that Plaintiffs have standing and that, as more fully set out below, there is a real controversy and the issue is not moot.

FINDINGS FROM THE HEARING

At the outset of the hearing, counsel for Defendant stated that the Defendant waived the right to insist upon mediation of the matter pursuant to § 7A-38.3E and elected to proceed with the hearing. After considering the pleadings, the testimony of witnesses and oral arguments of the parties, the Court finds as follows.

This lawsuit was brought by media organizations seeking information and records from the Columbus County Sheriff's Office ("CCSO" or "the Sheriff's Office") pursuant to the North Carolina Public Records Law, Chapter 132 of the General Statutes. The requested records at issue relate to criminal information reported to and investigated by the CCSO. Plaintiffs are four media organizations that investigate and report on news in Columbus County and the surrounding area. The defendant is Jody Greene, the Sheriff of Columbus County, in his official capacity. At issue are four categories of information made public by G.S. § 132-1.4(c):

- (1) The time, date, location, and nature of a violation or apparent violation of the law reported to a public law enforcement agency.
- (2) The name, sex, age, address, employment, and alleged violation of law of a person arrested, charged, or indicted.
- (3) The circumstances surrounding an arrest, including the time and place of the arrest, whether the arrest involved resistance, possession or use of weapons, or pursuit, and a description of any items seized in connection with the arrest.

- (6) The name, sex, age, and address of a complaining witness.

The Sheriff's Office uses a records management system produced by Southern Software. Using that system, CCSO can generate various reports, including an Incident Media Log Details report ("Incident Reports"). Prior to September 4, 2020, on weekdays, CCSO public information officer Michele Tatum sent daily emails to a "Media List" and attached to those emails the Incident Reports for the previous day and an arrest report from the previous day. On Mondays, Ms. Tatum sent reports that included Friday through the weekend.

Individuals and organizations requesting the daily reports which contained the public records made a request to be added to the media list maintained by the Defendant, and the person making the request was added to the list. All of the evidence clearly and unambiguously shows that the Sheriff, through his Public Information Officers, considered those added to the list as having requested the public information and had customarily provided the public information to those on the list, which included agents of the Plaintiffs, in response to the request. The court finds that this custom, practice, and procedure conformed and continues to conform to a lawful and sufficient request for the specific records at issue in this case.

On August 24, 2020, *The News Reporter* editor Justin Smith wrote to Ms. Tatum and asked that *The News Reporter* journalist Thomas Sherrill be added to the Media List. Ms. Tatum agreed to do so.

On September 4, the Sheriff's Office stopped sending out the Incident Reports and did not resume for the balance of September. On September 8, 2020, Ms.

Tatum wrote in her daily email that the Office was "implementing a policy change in regards to incident reports. Additional information will be emailed to you in the near future." The Sheriff's new policy was reflected in a September 10, 2020, memorandum that was adopted by the Sheriff but written by Chief Deputy Aaron Herring. The policy or memorandum publicizing the new procedure, which was introduced and is fully incorporated herein as though fully set out, stated,

"Effective immediately, in accordance with NC G.S. § 132-1.4 (a), information pertaining to open criminal investigations will not be released prior to the conclusion of the investigation and/or the arrest of all suspects involved."

When Chief Herring sent the memorandum to Plaintiffs' counsel, the document was named "New Records Procedure." On September 25, 2020, the Sheriff's Office made a post on Facebook that the records release policy had changed.

While the Public Information Office testified that the Sheriff had heard complaints about the content of reports such as addresses having appeared in the paper and the department wanted to make sure all information was accurate, the decision to withhold those items covered under the public records law until they had been "approved" did not address or resolve the articulated problems used to justify the change in procedure. Furthermore, the fact that a record had been "approved" was not final. If another officer opened the record for review after it had been "approved," the system defaulted back to an unapproved status and returned to a red or "unapproved" status. On these narrow facts, the withholding of the original public information until a supervisor had "approved" the report served no useful law-enforcement purpose other than to gain an unnecessary delay in releasing what

was and remained a public record which the Sheriff had, until this change in procedure, been providing promptly. The court has balanced the interests of the public in a timely disclosure of this public information against the interests of the law enforcement agency and any victim or other person, and concludes that denying or delaying the release of the public information in this instance is not justified.

On September 11, 2020, *The News Reporter* Editor Justin Smith emailed Sheriff Greene to clarify and repeat the newspaper's request for continued access to the full information made public by G.S. § 132-1.4(c).

On October 6, Ms. Tatum sent an email to the Media List stating, "Attached you will find closed incident reports from September 2, 2020 to October 5, 2020." She further stated that going forward, "Closed incident reports will be sent daily." The document attached to Ms. Tatum's October 6 email was named "Sept 2 through Oct 5 closed incidents.pdf."

Ms. Tatum testified that following October 6, her practice was to create an Incident Report for the time period since her last report, to remove any reports that had not been marked "approved" and to provide copies of the "approved" reports to the Media List. Ms. Tatum also testified that she looked at her records from the previous week to see if any additional reports needed to be added.

The crux of the dispute between the plaintiffs and the Columbus County Sheriff's Office involves (a) whether the plaintiffs, by requesting to be included in the Media List, had a standing request for all publicly available criminal information, (b) whether information in the computerized database is a public

record subject to disclosure, (c) whether criminal information is exempt from disclosure until it has been approved by management-level members of the Sheriff's Office, and (d) whether the delay of days before production complies with the statutory requirement to provide records "as promptly as possible." G.S. § 132-6(a).

Based on the evidence and testimony presented, the Court makes the following findings of fact and conclusions of law:

This Court does have jurisdiction, the plaintiffs have standing, and there is an actual controversy that exists and continues to exist.

The Incident Reports are public records subject to request and disclosure by the Sheriff's Office. The members of the media who are on the Sheriff's Office Media List to receive weekday email updates have requested all publicly available criminal information be provided to them in a timely manner.

For the period September 4 until October 6, 2020, the Sheriff's Department chose to stop providing access to the requested public criminal records altogether. The plaintiffs have been denied access to public records in the sense that an unnecessary, undue, and unreasonable delay in providing them amounts to a substantial failure to comply with the Public Records Law.

After October 6, the Sheriff's office resumed sending out Incident Reports for closed cases, and only the filing of the instant lawsuit prompted the resumption of the production of public records for cases that had not been closed.

The dispute between the parties is not moot, as Sheriff's Office has not withdrawn the September 10, 2020, Memorandum or otherwise changed the policy

of the Office with regard to releasing records of cases that are still active and under investigation or otherwise have not been closed.

The Columbus County Sheriff's Office is ordered to provide timely access to the Incident Reports, and timely shall be production consistent with the custom and practice that was in place prior to the September 2020 policy change. North Carolina does not have an exemption to the Public Records Law for draft documents. *News and Observer Publ'g Co. v. Poole*, 330 N.C. 465, 475, 412 S.E.2d 7, 13 (1992). The Sheriff's Office shall release reports that have been finally approved and those that have not yet been approved. To the degree the Sheriff's Office is concerned about whether the information on the reports has been fully confirmed, the Sheriff's Office can mark whether the reports have been approved. The lack of approval cannot be a basis for refusing to provide those records, however. Nothing in this order shall be construed to limit the statutory authority of the Sheriff to delay the release of information on a case-by-case basis which, in a specific case, is justified for a reasonable time by a legitimate articulable law-enforcement or safety purpose under the public records exception.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

Defendant's Motion to Dismiss is denied;

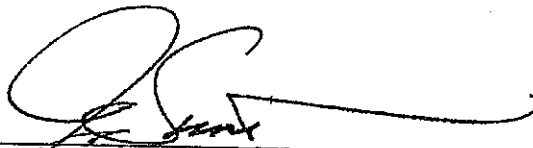
The Court grants judgment for the Plaintiffs with respect to all issues as ordered above;

The Court holds open the issue of attorney fees. Because Plaintiffs prevailed and Plaintiffs seek attorney fees, the Court directs counsel for Plaintiffs to submit

to the Court detailed affidavits setting out Plaintiffs' attorney's fees, itemizing the basis for them, and including a memorandum in support of the request. The Defendant may submit a memorandum in response to the items and memoranda submitted by the Plaintiffs, and shall let the court know if he wishes to be heard other than by way of affidavit or memorandum.

IT IS SO ORDERED.

This the 19 day of February 2021.

A handwritten signature in black ink, appearing to read 'John W. Smith', written over a horizontal line.

John W. Smith
Superior Court Judge

EXHIBIT B

Date Of Request	Details Of Request	Request Directed To	Status Of Response	Outstanding Requests
October 25, 2022 (supplemented on September 18, 2023)	A copy of all email correspondence between Jody Greene and Samantha Hickman during their times at the sheriff's office. Supplemented: Any electronic communications, whether email, text or through any application or platform, and whether made using county-issued or personal devices or accounts."	Columbus County Sheriff's Office	Received thirteen (13) emails from Greene to Hickman	Missing: • Emails from Hickman to Greene • Emails between Greene and Hickman on personal devices or accounts • Any other electronic communications between Greene and Hickman
December 8, 2022	All emails (including attachments), correspondence or other documentation received by the County Manager's office and the County Attorney's office from employees of the Columbus County Sheriff's Office, including but not limited to Aaron Herring, Bill Rogers, Jody Greene and Jerome McMillian" for the period beginning September 1, 2022.	Columbus County Manager and Attorney	No production or response.	Entire request is still outstanding.
August 15, 2023	Any letters or legal complaints from citizens based on allegations of misconduct at the Sheriff's Office, referencing the Clementine Brown lawsuit.	Columbus County Manager and Attorney Columbus County Sheriff's Office	Both the County Attorney and the Sheriff's Office claim these are "personnel files" that cannot be produced.	Entire request is still outstanding.
August 15, 2023	A copy of the most recent evidence audit.	Columbus County Sheriff's Office	Received the evidence audit, but not the	Missing the exhibits to the evidence audit.

Date Of Request	Details Of Request	Request Directed To	Status Of Response	Outstanding Requests
September 18, 2023	All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – received by Sheriff Bill Rogers, Chief Deputy Jerome McMillian, Capt. Brett Baxley, Capt. Bobby Faulk or Major Kevin Norris relating to subpoenas served on any employee or former employee of the Sheriff's Office, or the Sheriff's Office itself, to appear before a federal grand jury, or to produce documents relating to a grand jury investigation, since October 1, 2022.	Columbus County Sheriff's Office	accompanying exhibits. No production or response.	Entire request is still outstanding.
September 18, 2023	All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – received by Sheriff Bill Rogers, Chief Deputy Jerome McMillian, Capt. Brett Baxley, Capt. Bobby Faulk or Major Kevin Norris and reflecting that an employee or former employee of the Sheriff's Office has been interviewed by, or requested to provide an interview with, the State Bureau of Investigation, the Federal Bureau of Investigation, or the Department of Justice since October 1, 2022.	Columbus County Sheriff's Office	No production or response.	Entire request is still outstanding.

Date Of Request	Details Of Request	Request Directed To	Status Of Response	Outstanding Requests
September 18, 2023	All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – exchanged between Jody Greene and Alisa Register during the time Register was employed by the Sheriff's Office	Columbus County Sheriff's Office	Received one (1) email produced from Greene to Hickman	Missing: • Substantive emails from Greene to Register • Emails from Register to Greene • Any other electronic communications between Greene and Register
September 18, 2023	All subpoenas, search warrants or other requests for information or access delivered to the Sheriff's Office since October 1, 2022 by or on behalf of the State Bureau of Investigation, the Federal Bureau of Investigation, or the federal or state Department of Justice.	Columbus County Sheriff's Office	Received one (1) DOJ subpoena produced.	Missing any DOJ subpoenas issued to individual officers.
September 18, 2023	All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – between Dustin Fowler and "Little" Joe Jacobs or between Dustin Fowler and other members of the Sheriff's Office referencing "Little" Joe Jacobs and/or Joe's Wrecker Service and Used Parts from November 1, 2018 to date	Columbus County Sheriff's Office	No production or response.	Entire request is still outstanding.
September 18, 2023	All contracts, invoices, or other documents pertaining to services rendered by "Little" Joe Jacobs and/or Joe's Wrecker Services and Used Parts for the County or the	Columbus County Sheriff's Office	Received three (3) invoices from Joe's Wrecker Service and a report of all other	Missing additional invoices reflected from the transactions report.

Date Of Request	Details Of Request	Request Directed To	Status Of Response	Outstanding Requests
September 18, 2023	Sheriff's Office, or payments for those services, from November 1, 2018 to date. All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – sent or received by any county commissioner containing the keywords “jody” or “greene” or “sheriff” from November 1, 2018 to date.	Columbus County Manager and Attorney	transactions to March 8, 2024. No production or response.	Entire request is still outstanding.
September 18, 2023	All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – between county employees and representatives of Sedgwick Inc. from September 29, 2022 to date.	Columbus County Manager and Attorney	The County Attorney claims these communications are “protected.”	Entire request is still outstanding.
September 18, 2023	All incident reports, supplements, and evidence log entries related to OCA Case No. 21-N120 from the Sheriff's Office.	Columbus County Sheriff's Office	No production or response.	Entire request is still outstanding.
September 18, 2023	All records reflecting payments from the County or Sheriff's Office to any of the following businesses: Show Ridez; Show Ridez Automotive Care; Show Ridez Customizing; A.W. Herring Enterprises LLC; H & P Investments LLC.	Columbus County Manager and Attorney Columbus County Sheriff's Office		Missing additional records reflected from the transactions report.

EXHIBIT C

Begin forwarded message:

From: Ivey Schofield <iveyschofield@borderbelt.org>
Subject: Re: Public Records Request
Date: February 1, 2023 at 4:19:13 PM EST
To: "<mtatum@columbussheriff.com>" <mtatum@columbussheriff.com>

Michele,

Good afternoon. I hope you're doing well. I wanted to check in on some public records requests I sent in months ago: this one below for arrest records from 2014-2022 and another one from earlier in October for copies of emails between Jody Greene and Samantha Hickman. Please let me know about the status of these requests and if you have any questions about them.

Thanks,
Ivey

On Oct 31, 2022, at 6:58 PM, mtatum@columbussheriff.com wrote:

There is not a public database of that. If you would like something like that, just send me a request and I will try to fulfill it. Just an FYI, I will be out of the office this week, my little guy has the flu. I am working on a similar request from two other media outlets, I'll be glad to work on one for you if you request it.

Michele

-----Original Message-----

From: Ivey Schofield <iveyschofield@borderbelt.org>
Sent: Monday, October 31, 2022 8:45 AM
To: <mtatum@columbussheriff.com> <mtatum@columbussheriff.com>
Subject: Re: Public Records Request

Michele,

Good morning! Thanks for sending this request up the chain.

I was also wondering. Where would be the best place to find arrest records from the Columbus County Sheriff's Office? Is there a public database I can use to look at the locations and demographics of arrests over the last 10 years?

Best,
Ivey

On Oct 25, 2022, at 4:54 PM, Ivey Schofield
<iveyschofield@borderbelt.org> wrote:

Michele,

I hope you're doing well. Under public records law, I am requesting a copy of all email correspondence between Jody Greene and Samantha Hickman during their times at the sheriff's office. If possible, I would appreciate the copy in PDF format.

Please let me know if you have any questions about this request.

Best,
Ivey

Sarah Nagem
Editor
Border Belt Independent
919-812-8287

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Sarah Nagem
919-812-8287
Editor
Border Belt Independent

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EXHIBIT D

September 18, 2023

By E-mail and US Mail

Amanda Prince, County Attorney
Columbus County
111 Washington St., 2nd Floor
Whiteville, North Carolina 28472

Re: Public Records Requests by Sarah Nagem and Carli Brosseau

Dear Ms. Prince:

My firm represents reporter Sarah Nagem and the Border Belt Independent ("BBI"), and reporter Carli Brosseau and The Assembly. I write on their behalf to follow up on a number of outstanding public records requests, and to convey some additional public records requests they are making to Columbus County and the Columbus County Sheriff's Office under N.C.G.S. § 132-1 *et seq.* I understand that you represent both the County and the Sheriff's Office.

Public records requests now outstanding

1. On October 25, 2022, BBI requested "all email correspondence between Jody Greene and Samantha Hickman" during their employment by the Sheriff's Department. This request was addressed to Michele Tatum, public information officer for Columbus County Sheriff's Office: "I am requesting a copy of all email correspondence between Jody Greene and Samantha Hickman during their times at the sheriff's office." **BBI has not received any response to this request, which has been outstanding for nearly a year.** For avoidance of doubt, Ms. Nagem and BBI renew this request and supplement it to request any electronic communications, whether email, text or through any application or platform, and whether made using county-issued or personal devices or accounts.
2. On December 8, 2022, the BBI requested "all emails (including attachments), correspondence or other documentation received by the County Manager's office and the County Attorney's office from employees of the Columbus County Sheriff's Office, including but not limited to Aaron Herring, Bill Rogers, Jody Greene and Jerome McMillian" for the period beginning September 1, 2022. This request was made to you as County Attorney and to Edwin Madden, the Columbus County manager. **BBI has not received any response to this request, which has been outstanding for 10 months.**
3. On August 15, 2023, Carli Brosseau requested any letters or legal complaints from citizens based on allegations of misconduct at the Sheriff's Office, and referenced the Clementine Brown lawsuit. This request was directed to you as County Attorney. In your response, you asserted that "Written letters or complaints that are not filed, if they

exist, would not be public record.” When Ms. Brosseau asked why a document received by the County would not be a public record, you responded: “Personnel file.”

I respectfully disagree with your position on such citizen complaints. Such a complaint about government action, created by a citizen (not by any County official) becomes a public record when it is received. Such a complaint is lodged by the citizen; it is not “gathered” by the County for its employment file under N.C.G.S. § 153A-98. And it cannot be transformed into a “personnel file” record by the County’s unilateral action, even if it references the actions of specific employees. Documents created by the County in the course of investigating or responding to such a complaint *after* it is made *might* become non-public contents of a specific employee’s file, but that is not what Ms. Brosseau requested. Accordingly, we request that you reconsider the County’s position on citizen-created letters or other complaints made to the County or Sheriff’s Office.

4. On August 15, 2023, Ms. Brosseau requested from PIO Tatum “a copy of the most recent evidence audit.” The next day, Ms. Tatum acknowledged the request and said she had sent it to the legal department, presumably you. On September 6, Tatum said the sheriff was in conversation with the legal team and she would check with them on September 7. Ms. Brosseau has had no further response. We renew the evidence audit request.

Additional request for public records under N.C.G.S. § 132-1 *et seq.*

In addition, on behalf of Ms. Nagem and BBI and Ms. Brosseau and The Assembly, we convey the following document requests:

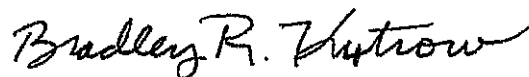
5. All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – received by Sheriff Bill Rogers, Chief Deputy Jerome McMillian, Capt. Brett Baxley, Capt. Bobby Faulk or Major Kevin Norris relating to subpoenas served on any employee or former employee of the Sheriff’s Office, or the Sheriff’s Office itself, to appear before a federal grand jury, or to produce documents relating to a grand jury investigation, since October 1, 2022.
6. All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – received by Sheriff Bill Rogers, Chief Deputy Jerome McMillian, Capt. Brett Baxley, Capt. Bobby Faulk or Major Kevin Norris and reflecting that an employee or former employee of the Sheriff’s Office has been interviewed by, or requested to provide an interview with, the State Bureau of Investigation, the Federal Bureau of Investigation, or the Department of Justice since October 1, 2022.
7. All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – exchanged between Jody Greene and Alisa Register during the time Register was employed by the Sheriff’s Office.
8. All subpoenas, search warrants or other requests for information or access delivered to the Sheriff’s Office since October 1, 2022 by or on behalf of the State Bureau of

Investigation, the Federal Bureau of Investigation, or the federal or state Department of Justice.

9. All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – between Dustin Fowler and “Little” Joe Jacobs or between Dustin Fowler and other members of the Sheriff’s Office referencing “Little” Joe Jacobs and/or Joe’s Wrecker Service and Used Parts from November 1, 2018 to date.
10. All contracts, invoices, or other documents pertaining to services rendered by “Little” Joe Jacobs and/or Joe’s Wrecker Services and Used Parts for the County or the Sheriff’s Office, or payments for those services, from November 1, 2018 to date.
11. All records reflecting payments from the County or Sheriff’s Office to any of the following businesses: Show Ridez; Show Ridez Automotive Care; Show Ridez Customizing; A.W. Herring Enterprises LLC; H & P Investments LLC.
12. All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – sent or received by any county commissioner containing the keywords “jody” or “greene” or “sheriff” from November 1, 2018 to date.
13. All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – between county employees and representatives of Sedgwick Inc. from September 29, 2022 to date.
14. All location data for the Dodge Durango assigned by the County to Jody Greene for official use between January 1, 2021, and January 10, 2021, in its native format or, if available, in a .csv file.
15. All mileage and travel expense reimbursement submissions from Jody Greene covering the period from January 1, 2021, and January 10, 2021.
16. All incident reports, supplements, and evidence log entries related to OCA Case No. 21-N120 from the Sheriff’s Office.

I would like to speak with you at your first opportunity about the outstanding requests, as well as the additional requests 5-16 above, and to work through any questions or challenges you anticipate. Please let me know when we could schedule a call.

Very truly yours,



Bradley R. Kutrow

cc: Ms. Carli Brosseau
Ms. Sarah Nagem

EXHIBIT E

From: Ivey Schofield <iveyschofield@borderbelt.org>
Subject: Re: [External] Records Request
Date: February 1, 2023 at 4:20:27 PM EST
To: Amanda Prince <aprince@columbusco.org>

Amanda,

Good afternoon. I hope you're doing well. I wanted to check in on the record request below, asking for copies of emails between the offices of county manager and attorney and the sheriff's office. Please update me on the status of this request and let me know if you have any questions about it!

Thanks,
Ivey

On Dec 13, 2022, at 1:56 PM, Ivey Schofield <iveyschofield@borderbelt.org> wrote:

Thank you!

On Dec 13, 2022, at 10:53 AM, Amanda Prince
<aprince@columbusco.org> wrote:

I am working on this. I have to review each email to make sure no information needs to be redacted.

Thank you,

Amanda B. Prince
Staff Attorney
Columbus County
127 West Webster Street
Whiteville, North Carolina 28472
910-642-5645

-----Original Message-----

From: Ivey Schofield [<mailto:iveyschofield@borderbelt.org>]
Sent: Tuesday, December 13, 2022 9:50 AM
To: Amanda Prince <aprince@columbusco.org>
Subject: Re: [External] Records Request

Ms. Prince,

Good morning. I wanted to check in to see if you received my request last week. Please let me know if you have any questions!

Best,

Ivey

On Dec 8, 2022, at 12:32 PM, Ivey Schofield
<iveyschofield@borderbelt.org> wrote:

Dear Mr. Madden and Ms. Prince,

Good afternoon.

Under the Freedom of Information Act, 5 U.S.C., subsection 552, I am requesting copies of all emails (including attachments), correspondence or other documentation received by the county manager's office and the county attorney's office from employees of the Columbus County Sheriff's Office, including but not limited to Aaron Herring, Bill Rogers, Jody Greene and Jerome McMillian, since September.

These documents are considered public records, as any documents, including emails, made or received by public agents or agencies in connection with public business are public records, according to G.S. 132-1.

This request is made as part of news gathering and not for commercial use. Disclosure of this information is in the public interest because it is likely to contribute to public understanding of the activities of the government, particularly in the county sheriff's office.

Please send these copies in PDF format. If this is not possible, let me know, so I can pick up the hard copies.

Please let me know if you have any questions about this request. Thank you.

Have a great weekend,
Ivey

Sarah Nagem
Editor
Border Belt Independent
919-812-8287

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Sarah Nagem

919-812-8287

Editor

Border Belt Independent

This e-mail from McGuireWoods may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading or forwarding to others.

EXHIBIT F

RE: [External] Request for settlement agreement

From Amanda Prince <aprinco@columbusco.org>

To Carli Brosseau <carlibrosseau@protonmail.com>

Date Tuesday, August 15th, 2023 at 4:53 PM

Personnel file.

Thank you,

Amanda B. Prince

County Attorney

Columbus County

127 West Webster Street

Whiteville, North Carolina 28472

910-642-5645

From: Carli Brosseau [mailto:carlibrosseau@protonmail.com]

Sent: Tuesday, August 15, 2023 3:16 PM

To: Amanda Prince <aprinco@columbusco.org>

Subject: RE: [External] Request for settlement agreement

Thank you. What is the exemption for the letters and complaints, should they exist?

Carli Brosseau

Reporter, The Assembly

Email: carli@theassemblync.com

Call or text: 919-864-2270

----- Original Message -----

On Tuesday, August 15th, 2023 at 3:03 PM, Amanda Prince <aprince@columbusco.org> wrote:

Good afternoon,

The only filed lawsuits that I am aware of are the Campbell and Brown matters. Written letters or complaints that are not filed, if they exist, would not be public record.

There is no further comment than the press release attached.

Thank you,

Amanda B. Prince

County Attorney

Columbus County

127 West Webster Street

Whiteville, North Carolina 28472

910-642-5645

From: Carli Brosseau [<mailto:carlibrosseau@protonmail.com>]

Sent: Tuesday, August 15, 2023 10:51 AM

To: Amanda Prince <aprince@columbusco.org>

Subject: RE: [External] Request for settlement agreement

Good morning,

I just had a quick follow-up question: Have you received any letters or legal complaints from other people based on allegations of misconduct at the sheriff's office? I see that Clementine Brown has filed a lawsuit, but I was wondering if that was the full picture of the related legal claims that the county is facing.

8/9/24, 10:06 AM

(13036) All mail | carlibrosseau@protonmail.com | Proton Mail

Secondly, does the county have any comment on the Campbell settlement beyond what was published in the News Reporter?

Thank you again,

Carli

Carli Brosseau

Reporter, The Assembly

Email: carli@theassemblync.com

Call or text: 919-864-2270

----- Original Message -----

On Monday, August 14th, 2023 at 9:37 AM, Amanda Prince <aprince@columbusco.org> wrote:

You're welcome.

Thank you,

Amanda B. Prince

County Attorney

Columbus County

127 West Webster Street

Whiteville, North Carolina 28472

910-642-5645

From: Carli Brosseau [<mailto:carlibrosseau@protonmail.com>]

Sent: Friday, August 11, 2023 8:41 PM

To: Amanda Prince <aprinco@columbusco.org>

Subject: RE: [External] Request for settlement agreement

Thank you!

Carli Brosseau

Reporter, The Assembly

Email: carli@theassemblync.com

Call or text: 919-864-2270

----- Original Message -----

On Friday, August 11th, 2023 at 4:47 PM, Amanda Prince <aprinco@columbusco.org> wrote:

Good afternoon,

Please see the attached.

Thank you,

Amanda B. Prince

County Attorney

Columbus County

127 West Webster Street

Whiteville, North Carolina 28472

910-642-5645

From: Carli Brosseau [<mailto:carlibrosseau@protonmail.com>]

Sent: Friday, August 11, 2023 1:18 PM

To: aprinco@columbusco.org

Subject: [External] Request for settlement agreement

Dear Ms. Prince,

I hope this email finds you well. After a few months off, I am back to reporting, this time for The Assembly, a North Carolina-focused magazine. I was hoping you could please send me a copy of the settlement agreement with Melvin Campbell (and any other settlement agreements, if they exist, involving former sheriff's deputies who accused Jody Greene of racial discrimination).

Thank you,

Carli

Carli Brosseau

Reporter, [The Assembly](#)

Email: carli@theassemblync.com

Call or text: 919-864-2270

EXHIBIT G

October 18, 2023

By E-mail and U.S. Mail

Amanda Prince, County Attorney
Columbus County
111 Washington St., 2nd Floor
Whiteville, North Carolina 28472

Re: Public Records Requests by Sarah Nagem and Carli Brosseau

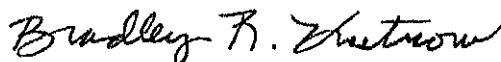
Dear Ms. Prince:

Thank you for confirming receipt of my September 18th letter. I'd appreciate an update on when we could expect an opportunity to inspect and copy the responsive documents my clients have requested. We are one year out from the initial request made in October 2022.

As I mentioned in the first letter, I would like to speak with you about these outstanding requests as well as the additional requests included in my letter. The next step under the Public Records Act would be to proceed to mediation, but I am hoping that will be unnecessary.

I appreciate your attention to this request and would be glad to discuss these requests at your convenience.

Very truly yours,



Bradley R. Kutrow

cc: Ms. Carli Brosseau
Ms. Sarah Nagem

EXHIBIT H

RE: Records request

From mtatum@columbussheriff.com <mtatum@columbussheriff.com>

To Carli Brosseau<carlibrosseau@protonmail.com>

Date Wednesday, September 6th, 2023 at 5:21 PM

Sheriff was in conversation with our legal team prior to me leaving for a week long conference. I am back in the office now. I will reach out to our legal advisor tomorrow to see if she has any information for us yet. I'm sure that she has left for the day.

Michele

From: Carli Brosseau <carlibrosseau@protonmail.com>

Sent: Wednesday, September 6, 2023 10:44 AM

To: mtatum@columbussheriff.com

Subject: RE: Records request

Hi Michele,

I hope you had a great holiday weekend. I just wanted to check back on my records request. Could you please give me a status update?

Thank you,

Carli

Carli Brosseau

Reporter, [The Assembly](#)

Email: carli@theassemblync.com

Call or text: 919-864-2270

----- Original Message -----

On Wednesday, August 16th, 2023 at 9:11 AM, mtatum@columbussheriff.com <mtatum@columbussheriff.com> wrote:

You're welcome.

From: Carli Brosseau <carlibrosseau@protonmail.com>

Sent: Wednesday, August 16, 2023 8:45 AM

To: mtatum@columbussheriff.com

Subject: RE: Records request

Thank you, Michele!

Carli Brosseau

Reporter, [The Assembly](#)

Email: carli@theassemblync.com

Call or text: 919-864-2270

----- Original Message -----

On Wednesday, August 16th, 2023 at 8:40 AM, mtatum@columbussheriff.com <mtatum@columbussheriff.com> wrote:

I have reached out to our legal department about your request and will update when I hear from them.

Michele

From: Carli Brosseau <carlibrosseau@protonmail.com>

Sent: Tuesday, August 15, 2023 2:26 PM

9/9/24, 3:28 PM

(14703) All mail | carlibrosseau@protonmail.com | Proton Mail

To: mtatum@columbussheriff.com

Subject: Records request

Hi Michelle,

I hope you have been well. After a few months off with my kid, I am reporting again, this time for The Assembly. I was hoping you could provide a copy of the most recent evidence audit.

Thank you!

Carli

Carli Brosseau

Reporter, [The Assembly](#)

Email: carli@theassemblync.com

Call or text: 919-864-2270

EXHIBIT I

April 22, 2024

By E-mail and US Mail

Norwood P. Blanchard, III
Crossley, McIntosh, Collier, Hanley, & Edes, PLLC
5002 Randall Parkway
Wilmington, NC 28403
norwood@cmclawfirm.com

Re: Public Records Requests by Sarah Nagem and Carli Brosseau to Columbus County and the Columbus County Sheriff's Office

Dear Norwood:

Thank you for speaking with me about my clients' outstanding public records requests. As I mentioned during our phone call, this firm represents reporter Sarah Nagem and the Border Belt Independent ("BBI"), and reporter Carli Brosseau and The Assembly. This letter will summarize and follow up on a number of outstanding public records requests they have made to Columbus County and the Columbus County Sheriff/Sheriff's Office under N.C.G.S. § 132-1 *et seq.*

I understand that you now represent the Sheriff as a public records custodian, based on a conversation earlier this month with Columbus County Attorney Amanda Prince, which I will detail more below. Ms. Prince had not previously indicated that she was not representing both the County and the Sheriff.

Public records requests now outstanding

1. On October 25, 2022, BBI requested "all email correspondence between Jody Greene and Samantha Hickman" during their employment by the Sheriff's Department. This request was addressed to Michele Tatum, public information officer for the Columbus County Sheriff's Office: "I am requesting a copy of all email correspondence between Jody Greene and Samantha Hickman during their times at the sheriff's office." **BBI has not received any response to this request, which has been outstanding for over a year.** Then, in September 2023, Ms. Nagem and BBI renewed this request in a letter to Ms. Prince. In that letter, Ms. Nagem and BBI also supplemented their original request to add any electronic communications, whether email, text or through any application or platform, and whether made using county-issued or personal devices or accounts. For avoidance of doubt, Ms. Nagem and the BBI maintain this request and its supplement.
2. On December 8, 2022, the BBI requested "all emails (including attachments), correspondence or other documentation received by the County Manager's office and the County Attorney's office from employees of the Columbus County Sheriff's Office, including but not limited to Aaron Herring, Bill Rogers, Jody Greene and Jerome

McMillian” for the period beginning September 1, 2022. This request was made to the County Attorney and to Edwin Madden, the Columbus County manager. **BBI has not received any response to this request, which has been outstanding for over a year.**

3. On August 15, 2023, Carli Brosseau requested any letters or legal complaints from citizens based on allegations of misconduct by the Sheriff’s Office, and referenced the Clementine Brown lawsuit. This request was directed to Ms. Prince. Ms. Prince responded, asserting that “Written letters or complaints that are not filed, if they exist, would not be public record.” When Ms. Brosseau asked why a document received by the County would not be a public record, Ms. Prince responded: “Personnel file.”

As I mentioned during our conversation, I disagree with Ms. Prince’s position on citizen complaints, as created by the citizen and received by the County or Sheriff. Such a complaint about government action, created by a citizen (not by any County official) becomes a public record when it is received. And it cannot be transformed into a “personnel file” record by the County’s unilateral action, even if it references the actions of specific employees. Documents created by the County in the course of investigating or responding to such a complaint *after* it is made *might* become non-public contents of a specific employee’s file, but that is not what Ms. Brosseau requested. Accordingly, we have requested that Ms. Prince reconsider the County’s position on citizen-created letters or other complaints made to the County or Sheriff’s Office.

4. On August 15, 2023, Ms. Brosseau requested from PIO Tatum “a copy of the most recent evidence audit.” The next day, Ms. Tatum acknowledged the request and said she had sent it to the legal department, presumably Ms. Prince. On September 6, Tatum said the sheriff was in conversation with the legal team and she would check with them on September 7. When I later heard directly from Sheriff Rogers, he indicated that this document existed and could be provided. We renew the evidence audit request.

Additional requests for public records under N.C.G.S. § 132-1 *et seq.*

In addition, Ms. Nagem and BBI and Ms. Brosseau and The Assembly requested the following records in the September 2023 letter to Ms. Prince:

5. All electronic communications—whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts—received by Sheriff Bill Rogers, Chief Deputy Jerome McMillian, Capt. Brett Baxley, Capt. Bobby Faulk or Major Kevin Norris relating to subpoenas served on any employee or former employee of the Sheriff’s Office, or the Sheriff’s Office itself, to appear before a federal grand jury, or to produce documents relating to a grand jury investigation, since October 1, 2022.
6. All electronic communications—whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts—received by Sheriff Bill Rogers, Chief Deputy Jerome McMillian, Capt. Brett Baxley, Capt. Bobby Faulk or Major Kevin Norris and reflecting that an employee or former employee of the Sheriff’s Office has been interviewed by, or requested to provide an interview with,

the State Bureau of Investigation, the Federal Bureau of Investigation, or the Department of Justice since October 1, 2022.

7. All electronic communications—whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts—exchanged between Jody Greene and Alisa Register during the time Register was employed by the Sheriff's Office.
8. All subpoenas, search warrants or other requests for information or access delivered to the Sheriff's Office since October 1, 2022 by or on behalf of the State Bureau of Investigation, the Federal Bureau of Investigation, or the federal or state Department of Justice.
9. All electronic communications—whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts—between Dustin Fowler and "Little" Joe Jacobs or between Dustin Fowler and other members of the Sheriff's Office referencing "Little" Joe Jacobs and/or Joe's Wrecker Service and Used Parts from November 1, 2018 to date.
10. All contracts, invoices, or other documents pertaining to services rendered by "Little" Joe Jacobs and/or Joe's Wrecker Services and Used Parts for the County or the Sheriff's Office, or payments for those services, from November 1, 2018 to date.
11. All records reflecting payments from the County or Sheriff's Office to any of the following businesses: Show Ridez; Show Ridez Automotive Care; Show Ridez Customizing; A.W. Herring Enterprises LLC; H & P Investments LLC.
12. All electronic communications—whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts—sent or received by any county commissioner containing the keywords "jody" or "greene" or "sheriff" from November 1, 2018 to date.
13. All electronic communications—whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts—between county employees and representatives of Sedgwick Inc. from September 29, 2022 to date.
14. All location data for the Dodge Durango assigned by the County to Jody Greene for official use between January 1, 2021, and January 10, 2021, in its native format or, if available, in a .csv file.
15. All mileage and travel expense reimbursement submissions from Jody Greene covering the period from January 1, 2021, and January 10, 2021.
16. All incident reports, supplements, and evidence log entries related to OCA Case No. 21-N120 from the Sheriff's Office.

The County Attorney's response

The County Attorney, Ms. Prince, acknowledged receipt of the September 2023 letter, but provided no answers on when my clients could expect to see their public records requests fulfilled. We sent a second letter to Ms. Prince in October 2023, asking for an update on the requests and an opportunity to speak with Ms. Prince about the requests. For months, we heard nothing. In February of this year, we sent Ms. Prince a request for pre-litigation mediation, pursuant to N.C.G.S. § 7A-38.3E. We finally spoke with Ms. Prince earlier this month.

During the conversation, Ms. Prince indicated that she did not represent the Sheriff's Office or Sheriff Rogers, and that you represent Sheriff Rogers. She indicated that the County had contracted for you to provide those services. This was the first we had heard of another lawyer to involve in this public records request, so we wanted to get you involved immediately. She also indicated that, at least until recently, the Sheriff's Office had a separate information technology system and IT support that was operated independently of the County's information technology system. Now, based on our conversation, I understand that there is an integrated system serving both the Sheriff's Office and the County. I would therefore conclude that the County Manager or IT system manager is the custodian of those electronic records.

I have also requested a copy of the contract showing that you had been hired to handle responses to public record requests so that we could get clarity on the parties and their counsel for any potential public records action. Ms. Prince has never responded to that request. You mentioned during our conversation over the phone that you may have an unsigned copy of such a contract because you did not think the County ever returned a signed version to you. If so true, please send along whatever contract between you/your firm and the County exists.

I am very hopeful that now that you are involved, my clients will start to see some progress made on fulfillment of these public records requests. To that end, let's find time to discuss the outstanding requests, and work through any questions or challenges you anticipate. I called you on Friday, April 19th, to do just that and left you a voicemail. Please let me know when we could schedule another call.

Very truly yours,



Bradley R. Kutrow

cc: Ms. Carli Brosseau, The Assembly
Mr. Les High, Border Belt Independent
Ms. Sarah Nagem, Border Belt Independent

EXHIBIT J

July 25, 2024

By E-mail and US Mail

Norwood P. Blanchard, III
Crossley, McIntosh, Collier, Hanley, & Edes, PLLC
5002 Randall Parkway
Wilmington, NC 28403
norwood@cmclawfirm.com

Re: Follow-up on Public Records Requests to Columbus County Sheriff's Office

Dear Norwood:

Thank you for speaking with me previously about my clients' outstanding public records requests. As you know, this firm represents reporter Sarah Nagem and the Border Belt Independent ("BBI"), and reporter Carli Brosseau and The Assembly. This letter is a follow-up to our past phone and e-mail correspondence about several outstanding public records requests they have made to Columbus County and the Columbus County Sheriff/Sheriff's Office under N.C.G.S. § 132-1 *et seq.*

I understand that you represent only the Sheriff as a public records custodian, and not Columbus County, based on your e-mail response on Friday, June 14th. As such, the requests below are those directed toward the Sheriff and the Sheriff's Office, and we understand your response(s) are only on behalf of the Sheriff.

Outstanding Requests

1. On October 25, 2022, BBI requested "all email correspondence between Jody Greene and Samantha Hickman" during their employment by the Sheriff's Department. This request was addressed to Michele Tatum, public information officer for the Columbus County Sheriff's Office: "I am requesting a copy of all email correspondence between Jody Greene and Samantha Hickman during their times at the sheriff's office." **BBI has not received any response to this request, which has been outstanding for over eighteen months.** Then, in September 2023, Ms. Nagem and BBI renewed this request in a letter to Ms. Prince. In that letter, Ms. Nagem and BBI also supplemented their original request to add any electronic communications, whether email, text or through any application or platform, and whether made using county-issued or personal devices or accounts. And in April 2024, we informed you that Ms. Nagem and the BBI maintain this request and its supplement.
2. On August 15, 2023, Carli Brosseau requested any letters or legal complaints from citizens based on allegations of misconduct by the Sheriff's Office, and referenced the Clementine Brown lawsuit. This request was directed to Ms. Prince, but we are including it here since

it involves the Sheriff's Office. Ms. Prince responded, asserting that "Written letters or complaints that are not filed, if they exist, would not be public record." When Ms. Brosseau asked why a document received by the County would not be a public record, Ms. Prince responded: "Personnel file."

As I have mentioned previously, I disagree with Ms. Prince's position on citizen complaints, as created by the citizen and received by the County or Sheriff. Such a complaint about government action, created by a citizen (not by any County official) becomes a public record when it is received. And it cannot be transformed into a "personnel file" record by the County's unilateral action, even if it references the actions of specific employees. Documents created by the County in the course of investigating or responding to such a complaint *after* it is made *might* become non-public contents of a specific employee's file, but that is not what Ms. Brosseau requested. Accordingly, we have requested that Ms. Prince reconsider the County's position on citizen-created letters or other complaints made to the County or Sheriff's Office. **We also request the Sheriff's Office produce any documents responsive to this request, which has been outstanding for nearly a year.**

3. We appreciate the production the Sheriff provided on May 6, 2024, in response to our clients' requests. This production included the evidence audit our clients requested originally on August 15, 2023, and renewed in our letter to you in April. However, the exhibits to the audit were missing; **we request you supplement the Sheriff's response with the audit exhibits as soon as possible.**
4. All electronic communications—whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts—received by Sheriff Bill Rogers, Chief Deputy Jerome McMillian, Capt. Brett Baxley, Capt. Bobby Faulk or Major Kevin Norris relating to subpoenas served on any employee or former employee of the Sheriff's Office, or the Sheriff's Office itself, to appear before a federal grand jury, or to produce documents relating to a grand jury investigation, since October 1, 2022. **Our clients have not received any response to this request, which has been outstanding since September 2023.**
5. All electronic communications—whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts—received by Sheriff Bill Rogers, Chief Deputy Jerome McMillian, Capt. Brett Baxley, Capt. Bobby Faulk or Major Kevin Norris and reflecting that an employee or former employee of the Sheriff's Office has been interviewed by, or requested to provide an interview with, the State Bureau of Investigation, the Federal Bureau of Investigation, or the Department of Justice since October 1, 2022. **Our clients have not received any response to this request, which has been outstanding since September 2023.**
6. All electronic communications—whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts—exchanged between Jody Greene and Alisa Register during the time Register was employed by the Sheriff's Office. **Our clients have not received any response to this request, which has been outstanding since September 2023.**

7. All subpoenas, search warrants or other requests for information or access delivered to the Sheriff's Office since October 1, 2022 by or on behalf of the State Bureau of Investigation, the Federal Bureau of Investigation, or the federal or state Department of Justice. **Our clients have not received any response to this request, which has been outstanding since September 2023.**
8. All electronic communications—whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts—between Dustin Fowler and “Little” Joe Jacobs or between Dustin Fowler and other members of the Sheriff's Office referencing “Little” Joe Jacobs and/or Joe's Wrecker Service and Used Parts from November 1, 2018 to date. **Our clients have not received any response to this request, which has been outstanding since September 2023.**
9. All contracts, invoices, or other documents pertaining to services rendered by “Little” Joe Jacobs and/or Joe's Wrecker Services and Used Parts for the County or the Sheriff's Office, or payments for those services, from November 1, 2018 to date. **Our clients have not received any response to this request, which has been outstanding since September 2023.**
10. All records reflecting payments from the County or Sheriff's Office to any of the following businesses: Show Ridez; Show Ridez Automotive Care; Show Ridez Customizing; A.W. Herring Enterprises LLC; H & P Investments LLC. **Our clients have not received any response to this request, which has been outstanding since September 2023.**
11. All incident reports, supplements, and evidence log entries related to OCA Case No. 21-N120 from the Sheriff's Office. **Our clients have not received any response to this request, which has been outstanding since September 2023.**

Given the significant amount of time that has passed, we'd appreciate a response—and a supplemental production shortly thereafter—to this letter within a week of receiving it.

If the Sheriff maintains that no documents responsive to a particular request exist, we need a definitive statement saying so. Should no response or production come forth, our clients will have no choice but to file the public records petition that we have prepared.

Very truly yours,



Bradley R. Kutrow

cc: Ms. Carli Brosseau, The Assembly
Mr. Les High, Border Belt Independent
Ms. Sarah Nagem, Border Belt Independent
Ms. Elizabeth Soja, Esq., Reporters Committee for Freedom of Press

EXHIBIT K

24 CV 000125

STATE OF NORTH CAROLINA

File No.

Columbus

County

FILED

Name And Address Of Party Requesting Pre-Litigation Mediation Of Public Records Dispute

Sarah Nagem and Carl Brosseau, Border Belt Reporting Center, Inc, and North Carolina Longform Magazine by their counsel, Bradley R. Kutrow, McGuireWoods LLP, 201 N. Tryon St., Charlotte, NC 28202

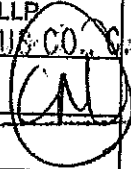
Telephone No.

(704) 343-2049

Name Of Person, Entity Or Agency From Whom Records Are Sought

Amanda Prince, County Attorney, Columbus County

REQUEST FOR PRE-LITIGATION
MEDIATION OF PUBLIC RECORDS DISPUTE



COPY

G.S. 7A-38.3E

REQUEST

The undersigned party requests, pursuant to G.S. 7A-38.3E, that the parties named below meet with the undersigned and a duly selected or appointed mediator, to conduct a pre-litigation mediation of their public records dispute as described below:

(Please briefly describe below the nature of the public records dispute.)

1. On October 25, 2022, Border Belt Reporting Center, Inc. d/b/a Border Belt Independent ("BBI") requested certain public records related to the Columbus County Sheriff's Office from Michele Tatum, its Public Information Officer. On December 8, 2022, BBI requested additional public records, including emails and correspondence among the County Manager's office, County Attorney's office, and specific employees of the Sheriff's Office. This request was made to Amanda Prince, County Attorney, and Edwin Madden, County Manager. BBI has not received any response to these requests, which has been outstanding over a year.
3. On August 15, 2023, BBI and North Carolina Longform Magazine d/b/a The Assembly requested public records, including concerning letters or legal complaints from citizens based on allegations of misconduct at the Sheriff's Office and other public records related to County and Sheriff's Office operations. No response has been received to these requests.

In accordance with G.S. 7A-38.3E, the parties shall have 21 days from the date of the filing of this request in which to select a mediator. The mediator may be a certified mediator selected from the list maintained by the Dispute Resolution Commission and available through the Clerk. If the parties cannot agree on a mediator, the party filing this request shall make that fact known to the clerk. In the absence of a designation of a mediator within the time prescribed, a mediator shall be appointed by the senior resident superior court judge.

A mediator selected by the parties shall be compensated at a rate agreed on between the parties and the mediator. Unless otherwise agreed to by the parties, all mediator fees shall be paid directly to the mediator at the conclusion of the mediation.

It shall be the responsibility of the mediator to schedule the mediation; to notify the parties of the date, time and location of the mediation; to conduct the mediation; and to prepare a certificate stating the results of the mediation which the mediator shall file with the clerk and serve on the parties.

Pursuant to G.S. 7A-38.3E, the parties may agree to waive pre-litigation mediation of their dispute by informing the mediator in writing of the waiver. No mediator fee shall be assessed against any party if all parties waive mediation prior to the initial mediation meeting.

Date Of Request For Mediation

7/7/24

Signature Of Party Requesting Pre-Litigation Mediation

Bradley R. Kutrow

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Request has been mailed by certified mail, return receipt requested, to each of the parties named below.

Name And Address Of Party To The Dispute

Columbus County c/o Amanda Prince, County Attorney
127 W. Webster St.

Whiteville

NC

28472

Name And Address Of Party To The Dispute

Name And Address Of Party To The Dispute

Bradley Kutrow and Joanna Johnston, Counsel for Border Belt Reporting Center, Inc, and North Carolina Longform Magazine McGuireWoods LLP, 201 N. Tryon St., Ste. 3000
Charlotte NC 28202

Date Mailed

02/07/2024

Signature Of Party Requesting Pre-Litigation Mediation

Bradley R. Kutrow

EXHIBIT L

From: Misty Jorgensen <mjorgensen@columbusco.org>
Sent: Wednesday, February 28, 2024 9:20 AM
To: Kutrow, Bradley R. <BKutrow@mcguirewoods.com>; 'Amanda Prince' <aprince@columbusco.org>
Subject: BBI , The Assembly & Columbus County Sheriff's Office

****EXTERNAL EMAIL; use caution with links and attachments****

Dear Mr. Kutrow,

As you are aware, Amanda Prince represents the County of Columbus with respect to the above referenced matter. It is my understanding from Ms. Prince that a mediator was to be chosen in this matter by tomorrow, Thursday, February 29, 2024. Please be advised that Ms. Prince was rushed to the hospital yesterday and is having unexpected surgery today. Given the present state of information from the hospital, Ms. Prince has the possibility of being out of work from a minimum of two weeks to over six weeks and she will be unable to participate meaningfully in the process of choosing a mediator today. Under the circumstances, Ms. Prince is requesting an extension of time to be able to participate in that process. Please advise me of your position with respect to the request.

Very truly yours,
Misty Jorgensen

This e-mail from McGuireWoods may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading or forwarding to others.

EXHIBIT M

From: Kutrow, Bradley R. <BKutrow@mcguirewoods.com>
Sent: Monday, March 18, 2024 6:05 PM
To: Misty Jorgensen; 'Amanda Prince'
Cc: Johnston, Joanna E.; Wyatt, Carol
Subject: RE: BBI , The Assembly & Columbus County Sheriff's Office
Attachments: Answer; Responses

Ms. Jorgensen –

I am hoping Ms. Prince is recovering from her surgery so that we can resume our selection of a mediator for this public records dispute. While we have some partial responses from Ms. Prince, we have a different view of how the public records statute would apply to some of the pending requests and need to continue that discussion via mediation or pursue litigation.

I also received a call from Sheriff Rogers and understood from him that some records (the audit, for example) would be forthcoming. I am glad to follow up on that with the Sheriff but wanted to notify your office first.

I would appreciate a response from you or Ms. Prince this week.

Thanks,

Brad Kutrow

Bradley R. Kutrow

Partner

McGuireWoods LLP

T: +1 704 343 2049 | M: +1 704 201 6954

bkutrow@mcguirewoods.com

From: Misty Jorgensen <mjorgensen@columbusco.org>
Sent: Wednesday, February 28, 2024 9:20 AM
To: Kutrow, Bradley R. <BKutrow@mcguirewoods.com>; 'Amanda Prince' <aprince@columbusco.org>
Subject: BBI , The Assembly & Columbus County Sheriff's Office

****EXTERNAL EMAIL; use caution with links and attachments****

Dear Mr. Kutrow,

As you are aware, Amanda Prince represents the County of Columbus with respect to the above referenced matter. It is my understanding from Ms. Prince that a mediator was to be chosen in this matter by tomorrow, Thursday, February 29, 2024. Please be advised that Ms. Prince was rushed to the hospital yesterday and is having unexpected surgery today. Given the present state of information from the hospital, Ms. Prince has the possibility of being out of work from a minimum of two weeks to over six weeks and she will be unable to participate meaningfully in the process of choosing a

mediator today. Under the circumstances, Ms. Prince is requesting an extension of time to be able to participate in that process. Please advise me of your position with respect to the request.

Very truly yours,

Misty Jorgensen

This e-mail from McGuireWoods may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading or forwarding to others.

EXHIBIT N

From: Kutrow, Bradley R.
To: Amanda Prince
Cc: Johnston, Joanna E.; Leslie High
Subject: Follow up on our call
Date: Monday, April 8, 2024 2:43:59 PM

Ms. Prince –

To follow up on a couple of topics that came up during our conversation last Wednesday:

1. You indicated that you did not represent the Sheriff's Office or Sheriff Rogers, and that he was being represented by Norwood Blanchard of Wilmington. You indicated that the County had contracted for Mr. Blanchard to provide those services. On behalf of my clients The Border Belt Independent and The Assembly, and to clarify the parties and their counsel for any potential public records action, I request a copy of that contract. I would hope that you or the County Manager can provide that promptly. If I am mistaken, please let me know.
2. You said you would let Mr. Blanchard know that I was representing my clients in connection with the pending public records requests. I plan to reach out to him this week.
3. You also indicated that, at least until recently, the Sheriff's Office had a separate information technology system and IT support that was operated independently of the County's information technology system. Has that changed? I would appreciate it if you could clarify whether the County presently maintains an information technology system for both County employees and the Sheriff's operations. I want to understand who, as a practical matter, is the custodian of public records contained in the County's IT system and if there is at present separate IT system for the Sheriff and Sheriff's Office.

I would also like to know if you are authorized to accept service for the County and County Manager if it becomes necessary to file a public records action to obtain responses to my clients' pending requests.

Thanks,

Brad

Bradley R. Kutrow

Partner

McGuireWoods LLP

201 N. Tryon St.

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EXHIBIT O

July 25, 2024

By E-mail and US Mail

Amanda Prince, County Attorney
Columbus County
111 Washington St., 2nd Floor
Whiteville, North Carolina 28472

Re: Public Records Requests to Columbus County

Dear Ms. Prince:

As you know, my firm represents reporter Sarah Nagem and the Border Belt Independent ("BBI"), and reporter Carli Brosseau and The Assembly. I write on their behalf to follow up on a number of outstanding public records requests to Columbus County under N.C.G.S. § 132-1 *et seq.* I understand that you represent only the County based on my conversations with Norwood Blanchard.

Outstanding Requests

1. On December 8, 2022, the BBI requested "all emails (including attachments), correspondence or other documentation received by the County Manager's office and the County Attorney's office from employees of the Columbus County Sheriff's Office, including but not limited to Aaron Herring, Bill Rogers, Jody Greene and Jerome McMillian" for the period beginning September 1, 2022. This request was made to you as County Attorney and to Edwin Madden, the Columbus County manager. **BBI has not received any response to this request, which has been outstanding for over eighteen months.**
2. On August 15, 2023, Carli Brosseau requested any letters or legal complaints from citizens based on allegations of misconduct at the Sheriff's Office, and referenced the Clementine Brown lawsuit. This request was directed to you as County Attorney. In your response, you asserted that "Written letters or complaints that are not filed, if they exist, would not be public record,". When Ms. Brosseau asked why a document received by the County would not be a public record, you responded: "Personnel file."

As I mentioned to you before, I disagree with your position on such citizen complaints. Such a complaint about government action, created by a citizen (not by any County official) becomes a public record when it is received. Such a complaint is lodged by the citizen; it is not "gathered" by the County for its employment file under N.C.G.S. § 153A-98. And it cannot be transformed into a "personnel file" record by the County's unilateral action, even if it references the actions of specific employees. Documents created by the County in the course of investigating or responding to such a complaint *after* it is made *might*

become non-public contents of a specific employee's file, but that is not what Ms. Brosseau requested. Accordingly, we request that you reconsider the County's position on citizen-created letters or other complaints made to the County. **This request has been outstanding for nearly a year.**

3. All records reflecting payments from the County or Sheriff's Office to any of the following businesses: Show Ridez; Show Ridez Automotive Care; Show Ridez Customizing; A.W. Herring Enterprises LLC; H & P Investments LLC. **This request has been outstanding since September 2023. If the County has no responsive records, please so state. If it does, please provide them.**
4. All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – sent or received by any county commissioner containing the keywords “jody” or “greene” or “sheriff” from November 1, 2018 to date. **Our clients have not received any response to this request, which has been outstanding since September 2023.**
5. All electronic communications – whether email, text or made through any other application or platform, and whether made using county-issued or personal devices or accounts – between county employees and representatives of Sedgwick Inc. from September 29, 2022 to date. **Our clients have not received any response to this request, which has been outstanding since September 2023. These documents should be produced unless they are subject to work product protection for a still-pending claim.**

You may have noticed this list is shorter than past letters' lists of outstanding requests. That is because we have also followed up with Norwood Blanchard about the requests directed toward the Sheriff's Office. Norwood indicated that he is responding only for the Sheriff, not the County.

Given the significant amount of time that has passed, we'd appreciate a response—and a supplemental production shortly thereafter—to this letter within a week of receiving it. Should no response or production come forth, our clients will have no choice but to file the public records petition that we have prepared.

Very truly yours,



Bradley R. Kutrow

cc: Ms. Carli Brosseau, The Assembly
Mr. Les High, Border Belt Independent
Ms. Sarah Nagem, Border Belt Independent
Ms. Elizabeth Soja, Esq., Reporters Committee for Freedom of Press

EXHIBIT P

From: MISTY JORGENSEN
To: "Amanda Prince"; Wyatt, Carol; Kutrow, Bradley R.; Johnston, Joanna E.; carlibrousseau@protonmail.com; borderbeltindependent@gmail.com; sarahnagem@borderbelt.org; esoja@rcfp.org
Subject: RE: Letter re Public Records Requests to Columbus County
Date: Tuesday, July 30, 2024 11:36:16 AM

****EXTERNAL EMAIL: use caution with links and attachments****

Good morning!

Ms. Prince will be out of the office this week. When she returns, the public records request will be her top priority.

Thank you for your patience!
Very truly yours,
Misty Jorgensen

From: Amanda Prince [mailto:aprince@columbusco.org]
Sent: Tuesday, July 30, 2024 8:42 AM
To: Misty Jorgensen <mjorgensen@columbusco.org>
Subject: Fwd: Letter re Public Records Requests to Columbus County

I will be back Monday.
Sent from my iPhone

Begin forwarded message:

From: "Wyatt, Carol" <cw Wyatt@mcguirewoods.com>
Date: July 25, 2024 at 4:28:22 PM EDT
To: Amanda Prince <aprince@columbusco.org>
Cc: "Kutrow, Bradley R." <BKutrow@mcguirewoods.com>, "Johnston, Joanna E." <jjohnston@mcguirewoods.com>, Carli Brosseau <carlibrosseau@protonmail.com>, borderbeltindependent@gmail.com, Sarah Nagem <sarahnagem@borderbelt.org>, Beth Soja <esoja@rcfp.org>
Subject: Letter re Public Records Requests to Columbus County

Good Afternoon Ms. Prince,

On behalf of Brad Kutrow, please see the attached letter in connection with the Public Records Request to Columbus County. A copy of this letter is also being sent to you by

First Class Mail.

Carol Wyatt

Practice Assistant

McGuireWoods LLP

201 N. Tryon St.

Suite 3000

Charlotte, NC 28202-2146

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cwyatt@mcguirewoods.com

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EXHIBIT Q

From: Norwood Blanchard <norwood@cmclawfirm.com>
Date: August 5, 2024 at 11:45:11 PM EDT
To: "Kutrow, Bradley R." <BKutrow@mcguirewoods.com>
Subject: Columbus Co. Sheriff

****EXTERNAL EMAIL; use caution with links and attachments****

Bradley,

I apologize for the delay in getting back to you. If you in the office tomorrow, I can talk about the outstanding public records requests. I'm going to be out in the morning, but will be back from about 11:30 until shortly before 5.

If you are not free tomorrow, I'm going to be in the office all day Wed., but have a zoom depo in the morning (out at 2:00).

Norwood P. Blanchard, III

Attorney at Law

CROSSLEY McINTOSH COLLIER HANLEY & EDES, PLLC

5002 Randall Parkway

Wilmington, NC 28403

Tel. (910) 762-9711

Fax. (910) 256-0310

Mobile: (910) 297-6001

norwood@cmclawfirm.com

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EXHIBIT R

From: Beth Soja
To: norwood@cmclawfirm.com
Cc: [Kutrow, Bradley R.](#); [Johnston, Joanna E.](#)
Subject: Public records follow up
Date: Wednesday, August 7, 2024 5:00:05 PM

****EXTERNAL EMAIL; use caution with links and attachments****

Dear Norwood,

Thank you for speaking with us yesterday. It was very nice to meet you. The following is a summary of our conversation; please let me know if this accurately reflects our exchange in your view.

- You sent to McGuire Woods and to our clients a DropBox on May 6 that contains some of the records that our July 25th letter asserts have not been produced. We are undertaking an evaluation of the DropBox files you mentioned that you sent on May 6 and will cross-check those with the physical copies that you are sending to the McGuire Woods office.
- You will send the audit exhibits as soon as possible with any confidential information redacted. *See* N.C.G.S. § 132-6(c) ("No request to inspect, examine, or obtain copies of public records shall be denied on the grounds that confidential information is commingled with the requested nonconfidential information. If it is necessary to separate confidential from nonconfidential information in order to permit the inspection, examination, or copying of the public records, the public agency shall bear the cost of such separation.")
- Some of the records we have requested are housed on devices that were seized by the FBI and you assert that your client no longer has access to the records or copies of the records.
- Your client asserts that Sheriff Greene utilized an email system that was not properly preserving public records. The system is no longer in use, and you do not have access to records that may have been housed on that system.
- With regard to invoices, you recommend that we approach the County about those records.
- You assert that based in part on *Wind v. City of Gastonia*, 226 N.C. App. 180 (2013), records responsive to the request for "any letters or legal complaints from citizens based on allegations of misconduct at the Sheriff's Office, and referenced the Clementine Brown lawsuit" are personnel files under N.C.G.S. § 153A-98. We disagree with this position.

While we appreciate your willingness to discuss, we still anticipate the need to file a lawsuit to ensure that our clients are able to gain access to all of the records that the law allows. If that becomes necessary, will you accept service on behalf of the Sheriff?

Thanks & best regards,

Beth



Elizabeth J. Soja

Staff Attorney

esoja@rcfp.org • (202) 800-3557

**Licensed in North Carolina & the District of Columbia*

RCFP Legal Hotline

800-336-4243 • rcfp.org/hotline

1156 15th St. NW, Suite 1020

Washington DC 20005

STATE OF NORTH CAROLINA

File No.

24CV000125

COLUMBUS

County

In The General Court Of Justice
☐ District ☒ Superior Court Division

Name And Address Of Plaintiff 1

BORDER BELT REPORTING CENTER, INC.
 c/o Bradley R. Kutrow, McGuireWoods LLP
 201 N. Tryon St., Ste. 3000
 Charlotte NC 28202

FILED

2024 SEP 13 P 4:14

GENERAL

CIVIL ACTION COVER SHEET

☒ INITIAL FILING ☐ SUBSEQUENT FILING

Name And Address Of Plaintiff 2

NORTH CAROLINA LONGFORM MAGAZINE, INC.,
 c/o Bradley R. Kutrow, McGuireWoods LLP
 201 N. Tryon St., Ste. 3000
 Charlotte NC 28202

COLUMBUS CO., C.S.C.

BY *DB*

Rule 5(b) of the General Rules of Practice for the Superior and District Courts

VERSUS

Name And Address Of Defendant 1

EDWIN H. MADDEN, JR., in his official capacity as County
 Manager of Columbus County
 127 W. Webster Street
 Whiteville NC 28472

Name And Address Of Attorney Or Party, If Not Represented
 (complete for initial appearance or change of address)

Bradley R. Kutrow
 McGuireWoods LLP
 201 N. Tryon Street, Ste. 3000
 Charlotte NC 28202

Summons Submitted

☒ Yes ☐ No

Telephone No.

704-343-2049

Cellular Telephone No.

NC Attorney Bar No.

13851

Attorney Email Address

bkutrow@mcguirewoods.com

☒ Initial Appearance in Case ☐ Change of Address

Name And Address Of Defendant 2

WILLIAM "BILL" ROGERS, in his official capacity
 as Sheriff of Columbus County
 817 Washington Street
 Whiteville NC 28472

Name Of Firm

McGuireWoods LLP

Fax No.

7043432300

Summons Submitted

☒ Yes ☐ No

Counsel For

☒ All Plaintiffs ☐ All Defendants ☐ Only: (list party(ies) represented)

☐ Jury Demanded In Pleading ☐ Complex Litigation ☐ Stipulate to Arbitration

TYPE OF PLEADING

(check all that apply)

- ☐ Amend (AMND)
- ☐ Amended Answer/Reply (AMND-Response)
- ☐ Amended Complaint (AMND)
- ☐ Assess Costs (COST)
- ☐ Answer/Reply (ANSW-Response) (see Note)
- ☐ Change Venue (CHVN)
- ☒ Complaint (COMP)
- ☐ Confession Of Judgment (CNFJ)
- ☐ Consent Order (CONS)
- ☐ Consolidate (CNSL)
- ☐ Contempt (CNTP)
- ☐ Continue (CNTN)
- ☐ Compel (CMPL)
- ☐ Counterclaim (CTCL) Assess Court Costs
- ☐ Crossclaim (list on back) (CRSS) Assess Court Costs
- ☐ Dismiss (DISM) Assess Court Costs
- ☐ Exempt/Waive Mediation (EXMD)
- ☐ Extend Statute Of Limitations, Rule 9 (ESOL)
- ☐ Extend Time For Complaint (EXCO)
- ☐ Failure To Join Necessary Party (FJNP)

- ☐ Failure To State A Claim (FASC)
- ☐ Implementation Of Wage Withholding In Non-IV-D Cases (OTHR)
- ☐ Improper Venue/Division (IMVN)
- ☐ Including Attorney's Fees (ATTY)
- ☐ Intervene (INTR)
- ☐ Interplead (OTHR)
- ☐ Lack Of Jurisdiction (Person) (LJPN)
- ☐ Lack Of Jurisdiction (Subject Matter) (LJSM)
- ☐ Modification Of Child Support In IV-D Actions (MSUP)
- ☐ Notice Of Dismissal With Or Without Prejudice (VOLD)
- ☐ Petition To Sue As Indigent (OTHR)
- ☐ Rule 12 Motion In Lieu Of Answer (MDLA)
- ☐ Sanctions (SANC)
- ☐ Set Aside (OTHR)
- ☐ Show Cause (SHOW)
- ☐ Transfer (TRFR)
- ☐ Third Party Complaint (list Third Party Defendants on back) (TPCL)
- ☐ Vacate/Modify Judgment (VCMD)
- ☐ Withdraw As Counsel (WDCN)
- ☐ Other (specify and list each separately)

NOTE: All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts, and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must include either a General Civil (AOC-CV-751), Motion (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.

(Over)

CLAIMS FOR RELIEF

- | | | |
|--|--|--|
| ☐ Administrative Appeal (ADMA) | ☐ Limited Driving Privilege - Out-Of-State Convictions (PLDP) | ☐ Product Liability (PROD) |
| ☐ Appointment Of Receiver (APRC) | ☐ Medical Malpractice (MDML) | ☐ Real Property (RLPR) |
| ☐ Attachment/Garnishment (ATTC) | ☐ Minor Settlement (MSTL) | ☐ Specific Performance (SPPR) |
| ☐ Claim And Delivery (CLMD) | ☐ Money Owed (MNYO) | ☒ Other (specify and list each separately) |
| ☐ Collection On Account (ACCT) | ☐ Negligence - Motor Vehicle (MVNG) | Inspection/production of public records |
| ☐ Condemnation (CNDM) | ☐ Negligence - Other (NEGO) | |
| ☐ Contract (CNTR) | ☐ Motor Vehicle Lien G.S. Chapter 44A (MVLN) | |
| ☐ Discovery Scheduling Order (DSCH) | ☐ Possession Of Personal Property (POPP) | |
| ☒ Injunction (INJU) | | |

Date

9/12/24

Signature Of Attorney/Party

Bradley R. Whitrow

FEES IN G.S. 7A-308 APPLY

Assert Right Of Access (ARAS)
Substitution Of Trustee (Judicial Foreclosure) (RSOT)
Supplemental Procedures (SUPR)

PRO HAC VICE FEES APPLY

Motion For Out-Of-State Attorney To Appear In NC Courts In A Civil Or Criminal Matter (Out-Of-State Attorney/Pro Hac Vice Fee)

No.	☐ Additional Plaintiff(s)	
No.	☐ Additional Defendant(s)	☐ Third Party Defendant(s)
	</	

Plaintiff(s) Against Whom Counterclaim Asserted

Defendant(s) Against Whom Crossclaim Asserted

STATE OF NORTH CAROLINA

File No.

Columbus

County

Name And Address Of Party Requesting Pre-Litigation Mediation Of Public Records Dispute

Sarah Nagem and Carli Brosseau, Border Belt

Reporting Center, Inc, and North Carolina Longform Magazine

by their counsel, Bradley R. Kutrow, McGuireWoods LLP

201 N. Tryon St., Charlotte, NC 28202

Telephone No.

(704) 343-2049

Name Of Person, Entity Or Agency From Whom Records Are Sought

Amanda Prince, County Attorney, Columbus County

BY

REQUEST

G.S. 7A-38.3E

The undersigned party requests, pursuant to G.S. 7A-38.3E, that the parties named below meet with the undersigned and a duly selected or appointed mediator, to conduct a pre-litigation mediation of their public records dispute as described below:

(Please briefly describe below the nature of the public records dispute.)

1. On October 25, 2022, Border Belt Reporting Center, Inc. d/b/a Border Belt Independent ("BBI") requested certain public records related to the Columbus County Sheriff's Office from Michele Tatum, its Public Information Officer. On December 8, 2022, BBI requested additional public records, including emails and correspondence among the County Manager's office, County Attorney's office, and specific employees of the Sheriff's Office. This request was made to Amanda Prince, County Attorney, and Edwin Madden, County Manager. BBI has not received any response to these requests, which has been outstanding over a year.
3. On August 15, 2023, BBI and North Carolina Longform Magazine d/b/a The Assembly requested public records, including concerning letters or legal complaints from citizens based on allegations of misconduct at the Sheriff's Office and other public records related to County and Sheriff's Office operations. No response has been received to these requests.

In accordance with G.S. 7A-38.3E, the parties shall have 21 days from the date of the filing of this request in which to select a mediator. The mediator may be a certified mediator selected from the list maintained by the Dispute Resolution Commission and available through the Clerk. If the parties cannot agree on a mediator, the party filing this request shall make that fact known to the clerk. In the absence of a designation of a mediator within the time prescribed, a mediator shall be appointed by the senior resident superior court judge.

A mediator selected by the parties shall be compensated at a rate agreed on between the parties and the mediator. Unless otherwise agreed to by the parties, all mediator fees shall be paid directly to the mediator at the conclusion of the mediation.

It shall be the responsibility of the mediator to schedule the mediation; to notify the parties of the date, time and location of the mediation; to conduct the mediation; and to prepare a certificate stating the results of the mediation which the mediator shall file with the clerk and serve on the parties.

Pursuant to G.S. 7A-38.3E, the parties may agree to waive pre-litigation mediation of their dispute by informing the mediator in writing of the waiver. No mediator fee shall be assessed against any party if all parties waive mediation prior to the initial mediation meeting.

Date Of Request For Mediation

7/7/24

Signature Of Party Requesting Pre-Litigation Mediation

Bradley R. Kutrow

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Request has been mailed by certified mail, return receipt requested, to each of the parties named below.

Name And Address Of Party To The Dispute

Columbus County c/o Amanda Prince, County Attorney
127 W. Webster St.

Whiteville

NC

28472

Name And Address Of Party To The Dispute

Name And Address Of Party To The Dispute

Name And Address Of Party To The Dispute

Bradley Kutrow and Joanna Johnston, Counsel for Border Belt
Reporting Center, Inc, and North Carolina Longform Magazine
McGuireWoods LLP, 201 N. Tryon St., Ste. 3000
Charlotte NC 28202

Date Mailed

02/07/2024

Signature Of Party Requesting Pre-Litigation Mediation

Bradley R. Kutrow