

IN THE IOWA DISTRICT COURT IN AND FOR APPANOOSE COUNTY

**RANDY EVANS, IOWA FREEDOM OF
INFORMATION COUNCIL,**

Plaintiffs,

vs.**BOARD OF EDUCATION OF THE
CENTERVILLE
COMMUNITY SCHOOL DISTRICT,
KEVIN ROBERT WISKUS,
MICHAEL THOMAS,
BOB THOMAS,
TIMOTHY DANIEL BURGER,
KRIS ALLEN SHONDEL,
DEREK SCOTT CARTER,**Defendants.

No. CVEQ 005699**RULING ON MOTION TO UNSEAL
EXHIBITS 20 AND 21**

On October 24, 2024, a hearing was conducted on the issues of a Motion to Unseal Trial Exhibits 20 and 21 and on the issue of a Motion of Attorney fees. Both Motions were filed by the Plaintiffs. The hearing was conducted via Zoom and the hearing was reported.

Mr. Giudicessi and Ms. Elgin appeared for the Plaintiffs and Mr. Phillips appeared for the Defendants. The court will enter an order regarding the Motion to Unseal Trial Exhibits 20 and 21 and will later rule on the issue of the attorney fees.

Plaintiffs Exhibits 20 and 21 were the recording and the transcript of the recording of the closed meeting that was at issue in this case. As the exhibits were the subject of the action, during all pretrial hearings and at trial, the exhibits were sealed and only accessible to counsel for the parties. The court did enter a ruling on September 29, 2024, finding that the requirements of the open meetings statute were not met.

At the time of the hearing, the Defendants were within the time frame to appeal the court's ruling. Unsealing the exhibits prior to the appeal period running would undermine, in part, reasons to appeal the decision which would be unfair to the Defendants and partially negate the appellate court's review.

Counsel for the defendants stated that this motion was premature and that a decision on whether to appeal the court's ruling had not been made as of the date of filing.

It was agreed by the parties that the Motion to Unseal Exhibits 20 and 21 for the Plaintiffs should be granted but the order to unseal the exhibits is stayed until the appeal period has run. If the Defendants file an appeal, the exhibits would remain sealed and the order to unseal stayed until such time as the appeal is decided by the higher court.

IT IS SO ORDERED.



State of Iowa Courts

Case Number
CVEQ005699
Type:

Case Title
IFOIC ET AL V. BOARD OF EDUCATION OF CSD ET AL
OTHER ORDER

So Ordered

A handwritten signature in black ink, appearing to read "Mark Kruse", is written over a horizontal line.

Mark Kruse, District Court Judge,
Eighth Judicial District of Iowa

Electronically signed on 2024-10-25 09:07:51