

STATE OF NORTH CAROLINA File No.

**FILED**

WAKE County In The General Court Of Justice

District  Superior Court Division

Name And Address Of Plaintiff 1  
 WNCN, WNCT, Winston-Salem Journal et al  
 Post Office Box 911  
 Raleigh, NC 27602

2010 JUL -9 PM 4:44  
 WAKE COUNTY, C.S.C.

**GENERAL**

**CIVIL ACTION COVER SHEET**

INITIAL FILING  SUBSEQUENT FILING

Name And Address Of Plaintiff 2  
 BY \_\_\_\_\_

Rule 5(b), Rules of Practice For Superior and District Courts

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)  
 Hugh Stevens, Amanda Martin and Michael Tadych  
 Everett Gaskins Hancock & Stevens LLP  
 Post Office Box 911  
 Raleigh, North Carolina 27602

**VERSUS**

Name Of Defendant 1  
 Department of Crime Control and Public Safety, an agency of the State of North Carolina

Telephone No. 919-755-0025 Cell Telephone No. 919-810-6246

NC Attorney Bar No. 4158 Attorney E-Mail Address hugh@eghs.com

Summons Submitted  Yes  No

Initial Appearance in Case  Change of Address

Name Of Defendant 2  
 Division of State Highway Patrol, a principal subunit of an agency of the State of North Carolina

Name Of Firm  
 Everett Gaskins Hancock & Stevens LLP

FAX No. 919-755-0009

Summons Submitted  Yes  No

Counsel for  All Plaintiffs  All Defendants  Only (List party(ies) represented)

Jury Demanded In Pleading  
 Complex Litigation

Amount in controversy does not exceed \$15,000  
 Stipulate to arbitration

**TYPE OF PLEADING**

(check all that apply)

Amended Answer/Reply (AMND-Response)  
 Amended Complaint (AMND)  
 Answer/Reply (ANSW-Response)  
 Complaint (COMP)  
 Confession of Judgment (CNFJ)  
 Counterclaim vs. (CTCL)  
 All Plaintiffs  Only (List on back)  
 Crossclaim vs. (List on back) (CRSS)  
 Extend Statute of Limitations, Rule 9 (ESOL)  
 Extend Time For Answer (MEOT-Response)  
 Extend Time For Complaint (EXCO)  
 Rule 12 Motion In Lieu Of Answer (MDLA)  
 Third Party Complaint (List Third Party Defendants on Back) (TPCL)  
 Other: (specify)

**NOTE:** Small claims are exempt from cover sheets.

**CLAIMS FOR RELIEF FOR:**

(check all that apply)

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

Public Records

Date

Signature Of Attorney/Party  


**NOTE:** The initial filing 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 either include a cover sheet or the filing must comply with G.S. 7A-34.1.

NORTH CAROLINA  
WAKE COUNTY

FILED  
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 10 CVS \_\_\_\_\_  
2010 JUL -9 PM 4:44

WAKE COUNTY, C.S.C.

WNCN, WNCT, *Winston-Salem Journal*, )  
*Independent Tribune*, *The News Herald*, )  
*The Hickory Daily Record*, *Statesville* )  
*Record & Landmark*, *Mooresville Tribune*, )  
*The McDowell News*, Time Warner )  
Entertainment-Advance/Newhouse )  
Partnership d/b/a News 14 Carolina, )  
Paxton Media Group, LLC d/b/a *The Daily* )  
*Dispatch*, the News and Observer )  
Publishing Company d/b/a *The News &* )  
*Observer*, the Charlotte Observer )  
Publishing Company d/b/a the *Charlotte* )  
*Observer*, Sandy Semans, Capitol )  
Broadcasting Company, Incorporated d/b/a )  
WRAL-TV, the John Locke Foundation, )  
Inc. d/b/a *Carolina Journal*, and WTVD, )  
Television LLC (WTVD-TV), )

Plaintiffs, )

vs. )

DEPARTMENT OF CRIME CONTROL )  
AND PUBLIC SAFETY, an agency of the )  
State of North Carolina, DIVISION OF )  
STATE HIGHWAY PATROL, a principal )  
subunit of an agency of the State of North )  
Carolina, and REUBEN YOUNG, in his )  
official capacity as Secretary of the )  
Department of Crime Control and Public )  
Safety, )

Defendants. )

BY \_\_\_\_\_

**COMPLAINT**

Pursuant to Rules 3, 7 and 8 of the North Carolina Rules of Civil Procedure the plaintiffs,  
complaining of the defendants, allege and say:

**Introduction**

This is an action pursuant to the North Carolina Public Records Law, Chapter 132 of the  
General Statutes. As described more specifically in the numbered allegations set out below, the  
plaintiffs seek:

(1) an order compelling the defendants to permit the inspection and copying of public records pursuant to N. C. Gen. Stat. § 132-9(a);

(2) an order in the nature of a writ of mandamus requiring the defendants and all persons acting at the direction of or in concert with defendants to comply with the Public Records Law including, but not limited to, N.C. Gen. Stat. § 132-6(a); and

(3) an order awarding the plaintiffs their reasonable attorney fees pursuant to N.C. Gen. Stat. § 132-9(c)(1).

### **The Plaintiffs**

1. Media General Operations, Inc. is a Delaware corporation whose principal place of business is located in Richmond, Virginia. Media General is a diversified communications company which, among other things, publishes *Winston-Salem Journal*, *Independent Tribune*, *The News Herald*, *the Hickory Daily Record*, *Statesville Record & Landmark*, *Mooreville Tribune*, *The McDowell News*, and owns and operates WNCN-TV and WNCT-TV. Media General also disseminates its news coverage online at [www.journalnow.com](http://www.journalnow.com) and <http://nbc17.mync.com/site/nbc17>.

2. "News 14 Carolina" is an assumed name of Time Warner Entertainment-Advance/Newhouse Partnership ("TWEAN"), a New York general partnership with principal place of business in New York, N.Y. TWEAN is an indirect subsidiary of Time Warner Cable Inc. and part of a group of entities doing business as Time Warner Cable-the second largest cable operator in the U.S., with technologically advanced, well-clustered systems located mainly in five geographic areas-New York State (including New York City), the Carolinas, Ohio, southern California (including Los Angeles) and Texas. Time Warner Cable serves approximately 14 million customers who subscribe to one or more of its video, high speed data and voice services. TWEAN is the legal entity that provided local programming services under the name of "News 14 Carolina" in its Charlotte, Greensboro, Raleigh and Wilmington, N.C.

service areas. "News 14 Carolina" also disseminates its news coverage online at [www.news14.com](http://www.news14.com).

3. Paxton Media Group, LLC is a Kentucky corporation that maintains its principal place of business in Paducah, Kentucky. Among other things, the company publishes *The Daily Dispatch*, a general interest newspaper that is published in Henderson, Vance County and distributed throughout Vance, Granville, and Warren counties. *The Daily Dispatch* also publishes an online edition at [www.hendersondispatch.com](http://www.hendersondispatch.com).

4. The News and Observer Publishing Company is a North Carolina corporation that maintains its principal place of business in Raleigh, Wake County, North Carolina. Among other things, the company publishes *The News & Observer*, a general interest newspaper that is published in Wake County and distributed throughout the surrounding area of North Carolina. *The News & Observer* also publishes an online edition at [www.newsobserver.com](http://www.newsobserver.com).

5. The Charlotte Observer Publishing Company is a Delaware corporation that maintains its principal place of business in Mecklenburg County, North Carolina. Among other things, the company publishes *The Charlotte Observer*, a general interest newspaper that is published in Mecklenburg County and distributed throughout the surrounding areas of North Carolina and South Carolina. The Observer also publishes an online edition at [www.charlotteobserver.com](http://www.charlotteobserver.com).

6. Sandy Semans, managing editor of *The Outer Banks Sentinel* ("The Sentinel"), a general interest bi-weekly newspaper published in Nags Head, Dare County, North Carolina.

7. Capitol Broadcasting Company, Incorporated ("Capitol Broadcasting") is a North Carolina corporation whose principal place of business is located in Raleigh, Wake County, North Carolina. Capitol Broadcasting is a diversified communications company which, among other things, owns and operates five television stations in North Carolina, including WRAL-TV in Raleigh which covers news in the Research Triangle and surrounding areas of Piedmont and

Eastern North Carolina, including Wake County and its surrounds. Capitol Broadcasting also disseminates its news coverage online at [www.wral.com](http://www.wral.com).

8. The John Locke Foundation, Inc. is a North Carolina not-for-profit corporation that maintains its principal place of business in Wake County, North Carolina. Among other things, the foundation publishes *Carolina Journal*, a monthly newspaper that focuses its coverage on North Carolina state government and public policy and *Carolina Journal Weekly Report*, a weekly report on politics and government that is distributed to subscribers via e-mail. The Foundation also maintains a web site, [www.CarolinaJournal.com](http://www.CarolinaJournal.com), at which it provides commentaries and news reports, summaries of breaking stories in the state's major media, and links to newspapers, wire services, blogs, and other information resources.

9. WTVD, Television LLC (WTVD-TV) is a Delaware corporation with its principal place of business in Durham, North Carolina. It owns and operates the television station WTVD ABC 11 in Raleigh-Durham, North Carolina. WTVD ABC 11, among other things, gathers and disseminates news to the public, serving a twenty-three county viewing area in Central and Eastern North Carolina.

10. In the course of gathering information about the workings of state and local government for dissemination to their readers and viewers, the plaintiff newspapers, cable services and television stations regularly make use of and rely on the North Carolina Public Records Law to gain access to government documents, records and information.

#### **The Defendants**

11. Defendant Department of Crime Control and Public Safety is a state agency within the government of North Carolina and is organized and exists pursuant to, and limited by, the N.C. Gen. Stat., Chapter 143B, Articles I and II, et seq., and is empowered to sue and be sued.

12. Defendant Division of State Highway Patrol is a principal subunit of the Department and is organized and exists pursuant to, and limited by, the N.C. Gen. Stat. Sec.

143A-242 and N.C. Gen. Stat., Chapter 20, Article 4, et seq. and is empowered to sue and be sued.

13. Defendant Reuben Young is the Secretary of the Department of Crime Control and Public Safety and as such is the head of a State department, agency or institution pursuant to N.C. Gen. Stat. Sec. 126-86 and is being sued only in his official capacity as such.

14. Defendants are agencies of North Carolina government as defined by N.C. Gen. Stat. § 132-1(a) and, as such, are subject to the North Carolina Public Records Law.

#### The North Carolina Public Records Law

15. The North Carolina Public Records Law ("the Public Records Law") is codified at N.C. Gen. Stat. §§ 132-1 through 132-10. The public policy underlying the Public Records Law is set out in G.S. § 132-1(b), which provides:

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 cost' shall mean the actual cost of reproducing the public record or public information.

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

17. The Public Records Law further provides that "Every 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 upon payment of any fees as may be prescribed by law." G.S. §132-6(a).

18. On July 7, 2009, Governor Perdue signed Executive Order No. 18 which states, in part:

2. Executive Branch employees shall treat **all** e-mail messages which they **send or receive** via state government e-mail accounts as public records and shall handle and maintain them in compliance with the Public Records Law ...

3. Employees have no expectation of privacy in their **electronic correspondence**, and all employees shall assume that information on the State's e-mail system **is subject to public review** and to review by state officials. ...

7. Executive Branch employees may use State e-mail for limited family or personal communications so long as those communications do not interfere with their work.

Executive Order 18 is attached as Exhibit A.

### **Defendants' Violations of the Public Records Law**

19. Until June 23, 2010, Major Everett Clendenin served as the spokesman for the state Highway Patrol.

20. In mid-June, Major Clendenin was placed on administrative leave pending the outcome of an internal probe.

21. On June 23, 2010, Major Clendenin resigned, admitting he sent inappropriate text messages to a co-worker.

22. Secretary Young has stated that there was a personnel investigation into a series of text messages with a female employee who works with the Highway Patrol.

23. Upon information and belief, the female Highway Patrol employee is Pamela Maynard.

24. Secretary Young has stated, "We are committed to maintaining zero tolerance for inappropriate actions and will continue to work to keep the confidence and trust of the people of North Carolina."

25. Governor Perdue has stated, "It's really, truly unacceptable. Zero tolerance means zero tolerance."

26. The State Highway Patrol has released copies of the text messages Major Clendenin **sent to** Ms. Maynard but has not released copies of the text messages received from Ms. Maynard on Major Clendenin's state-issued Blackberry.

27. In the time since Major Clendenin's resignation, certain of the plaintiffs have submitted requests to the State Highway Patrol for access to the text messages received by Major Clendenin on his state-issued Blackberry.

28. On July 2, 2010, undersigned counsel made a request to Sergeant Gordon for copies of the text messages from Ms. Maynard that were received by Major Clendenin on his state-issued Blackberry. A copy of that request is attached as Exhibit B.

29. On July 8, 2010, undersigned counsel forwarded the July 2 public records request to Hal Askins, Special Deputy Attorney General for Crime Control. A copy of that email is attached as Exhibit C.

30. On July 9, 2010, undersigned counsel wrote directly to Secretary Reuben Young, conveying the public records request from a week before. A copy of that email is attached as Exhibit D.

31. The defendant's failure or refusal to produce the requested records is in violation of N.C. Gen. Stat. § 132-6, and the plaintiffs are entitled to an order compelling their disclosure and copying pursuant to N. C. Gen. Stat § 132-9.

WHEREFORE, the plaintiffs respectfully pray that the court:

1. Set this matter for an immediate hearing in compliance with the Public Records Law, N.C. Gen. Stat. § 132-9(a);

2. Enter an order in the nature of a writ of mandamus requiring the defendant and all persons acting at his direction or in concert with him to comply with the Public Records Law, including N.C. Gen. Stat. § 132-6(a);

3. Enter an order pursuant to N.C. Gen. Stat. § 132-9(a) compelling the defendant to make available for inspection and copying any public records requested by any of the plaintiffs that are determined by the court to be within his custody or control and that have not been previously made available for inspection and copying in compliance with N.C. Gen. Stat. § 132-6;



4. Enter an order in the nature of a writ of mandamus requiring the defendants to take all measures available to them to retrieve any public records that they deleted, disposed of, lost or failed to preserve in violation of the Public Records Law;

5. Enter an order awarding the plaintiffs their reasonable attorney fees pursuant to N.C. Gen. Stat. § 132-9(c)(1);

The plaintiffs further pray that the court provide them with such further and additional relief as the court shall deem to be just, proper and authorized by law, and that the costs of this action be taxed against the defendant.

This the 9<sup>th</sup> day of July, 2010.

**EVERETT, GASKINS, HANCOCK & STEVENS, LLP**



Hugh Stevens  
N.C. State Bar No. 4158  
C. Amanda Martin  
N.C. State Bar No. 21186  
Michael J. Tadych  
N.C. State Bar No. 24556  
Attorneys for Plaintiffs  
127 West Hargett Street, Suite 600 (27601)  
P.O. Box 911  
Raleigh, NC 27602-0911  
Telephone: (919) 755-0025  
Facsimile: (919) 755-0009  
[www.eghs.com](http://www.eghs.com)

# State of North Carolina



BEVERLY EAVES PERDUE  
GOVERNOR

## EXECUTIVE ORDER NO. 18 E-MAIL RETENTION AND ARCHIVING POLICY

**WHEREAS**, the North Carolina Public Records Law declares that the public records and information compiled by the agencies of North Carolina government are the property of the people; and

**WHEREAS**, all e-mail messages sent and received in the transaction of state business are public records; and

**WHEREAS**, a transparent government and the citizens' right to access public records are of paramount importance; and

**WHEREAS**, Governor Easley issued Executive Order Number 150, entitled E-mail Retention and Archiving, on January 9, 2009; and

**WHEREAS**, I have reviewed Executive Order Number 150 and determined that some of the provisions in the aforementioned order should be clarified.

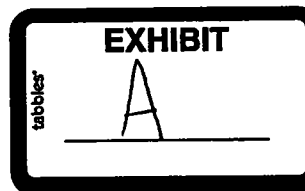
**NOW, THEREFORE**, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED THAT:**

### RESCISSION

1. Executive Order Number 150, dated January 9, 2009, is hereby rescinded.

### EMPLOYEE RESPONSIBILITIES

2. Executive Branch employees shall treat all e-mail messages which they send or receive via state government e-mail accounts as public records and shall handle and maintain them in compliance with the Public Records Law and records retention schedules in the same manner as paper documents or other tangible records.



3. Employees have no expectation of privacy in their electronic correspondence, and all employees shall assume that information on the State's e-mail system is subject to public review and to review by state officials.
4. All outgoing e-mails sent from Executive Branch State e-mail accounts shall include language notifying the recipient(s) that the message is subject to the Public Records Law and may be disclosed to third parties.
5. Executive Branch employees shall not permanently delete any e-mail messages that they **send** for at least 24 hours, and shall not permanently delete any e-mail messages they **receive** for at least 24 hours except that they may immediately and permanently delete any e-mail messages they **receive** that are not clearly related to the transaction of State business, such as e-mails containing advertising materials or offensive materials. After 24 hours, Executive Branch employees shall retain or delete e-mails they have sent or received according to the retention schedules for their agency established by the Department of Cultural Resources.
6. Executive Branch employees who conduct State business via personal e-mail accounts shall ensure that all public records are retained in accordance with this Executive Order and are retained pursuant to the Public Records Law and applicable record retention schedules.
7. Executive Branch employees shall not use State e-mail accounts for political purposes, to conduct private commercial transactions or to engage in private business activities. Executive Branch employees may use State e-mail for limited family or personal communications so long as those communications do not interfere with their work.

#### **AGENCY RESPONSIBILITIES**

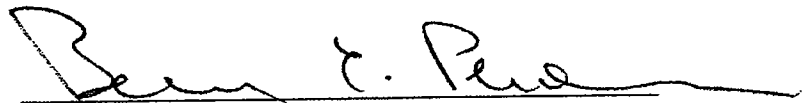
8. All Executive Branch agencies shall copy all e-mails sent and received by their employees on backup tapes at least once daily. The Office of Information Technology Services (ITS) will provide this backup service to all agencies for which it provides e-mail services. Each Executive Branch agency that does not use ITS e-mail services shall employ a back-up system that creates a back-up copy of the messages in all e-mail systems of the agency at least once daily. All backup tapes created after the issuance of Executive Order 150 and prior to the implementation of a single e-mail archive system will be maintained for 10 years. After implementation of an e-mail archive system, backup tapes will be maintained for such period as ITS may establish.
9. ITS will procure an e-mail archive system as soon as practicable and provide that system to all agencies for which it provides e-mail services. ITS will make this archive system available to other Executive Branch agencies as soon as practicable. E-mails shall be retained in this system for 10 years. ITS will consult with the North Carolina Department of Cultural Resources (DCR) to identify e-mails that should be preserved beyond 10 years.

10. DCR shall provide Executive Branch employees with mandatory online training for managing e-mail as public records.
11. DCR shall conduct random audits of State agencies in the Executive Branch to ensure that employees are in compliance with the records retention and disposition schedules.
12. Executive Branch agencies not subject to this Order, the Legislative Branch and the Judicial Branch, are encouraged and invited to participate in this Executive Order.

**DURATION**

13. This Executive Order shall be effective immediately and shall remain in effect until rescinded.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this the seventh day of July in the year of our Lord two thousand and nine, and of the Independence of the United States of America the two hundred and thirty-fourth.



Beverly Eaves Perdue  
Governor

**ATTEST:**



Elaine F. Marshall  
Secretary of State

**Amanda Martin**

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**From:** Amanda Martin  
**Sent:** Friday, July 02, 2010 5:12 PM  
**To:** jgordon@nccrimecontrol.org  
**Cc:** jclough@wncn.com  
**Subject:** public records request by WNCN/Jason Clough  
**Importance:** High

Dear Sergeant Gordon,

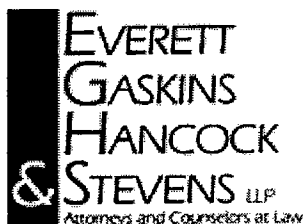
I am writing to reiterate the public records requests that have been made by WNCN reporter Jason Clough for copies of all text messages sent from Pamela Maynard to former Highway Patrol Major Everett Clendenin. As no doubt you are aware, the public records law defines public records as including all documents, regardless of physical form, **made or received** by a public agency or public official in connection with the transaction of public business. G.S. 132-1(a). The text messages **received** by Major Clendenin are indistinguishable in nature from those he **sent**, which already have been released. In the event the plain language of the statute left any room for doubt, Chief Deputy Attorney General Eddie Speas gave the opinion in 2002 that correspondence between public officials (in that case, legislators) and members of the public is subject to disclosure under the public records law. Regarding "confidentiality of communications between a legislator and a member of the public," the opinion of Mr. Speas was that such communications were a public record. 2002 WL 544469, (N.C.A.G.), February 14, 2002 opinion to Mr. Terrence D. Sullivan.

Your email to Mr. Clough states you are unable to discuss these matters under the state personnel law, but the citation you give is the very definition of the public records law that makes these documents public. Though Mr. Clough did request to discuss the matter with Colonel Glover, his public records request was for copies of the received text messages which are public records.

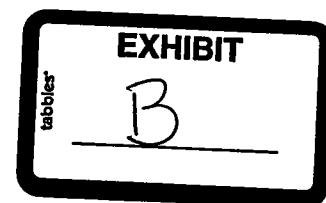
If you contend there is a statutory provision that shields the **received** text messages from production, please let us know what that statute is. Otherwise, we look forward to the immediate release of the received text messages in compliance with the statutory provision that public records be made available as promptly as possible. G.S. 132-6(a). If you or your legal counsel need to reach me, I can be reached at this email address or on my cell phone (919 810 6246) anytime this weekend.

Best regards,

Amanda Martin



**C. Amanda Martin**  
 Partner  
 127 W. Hargett Street, Suite 600  
 Raleigh, NC 27601  
 Phone: 919-755-0025  
 Fax: 919-755-0009  
[www.ncmedialaw.com](http://www.ncmedialaw.com)  
[www.eghs.com](http://www.eghs.com)



7/9/2010

**Amanda Martin**

---

**From:** Amanda Martin  
**Sent:** Thursday, July 08, 2010 12:30 PM  
**To:** 'Haskins@ncdoj.gov'  
**Subject:** FW: public records request by WNCN/Jason Clough  
**Importance:** High

Hal,

Nice to see you. Here is the email that I sent last Friday. I think my folks are ready to pull a trigger tomorrow if this doesn't get resolved, so I would be grateful for any light you could shed on the situation.

Many thanks!  
Amanda

---

**From:** Amanda Martin  
**Sent:** Friday, July 02, 2010 5:12 PM  
**To:** jgordon@nccrimecontrol.org  
**Cc:** jclough@wncn.com  
**Subject:** public records request by WNCN/Jason Clough  
**Importance:** High

Dear Sergeant Gordon,

I am writing to reiterate the public records requests that have been made by WNCN reporter Jason Clough for copies of all text messages sent from Pamela Maynard to former Highway Patrol Major Everett Clendenin. As no doubt you are aware, the public records law defines public records as including all documents, regardless of physical form, **made or received** by a public agency or public official in connection with the transaction of public business. G.S. 132-1(a). The text messages **received** by Major Clendenin are indistinguishable in nature from those he **sent**, which already have been released. In the event the plain language of the statute left any room for doubt, Chief Deputy Attorney General Eddie Speas gave the opinion in 2002 that correspondence between public officials (in that case, legislators) and members of the public is subject to disclosure under the public records law. Regarding "confidentiality of communications between a legislator and a member of the public," the opinion of Mr. Speas was that such communications were a public record. 2002 WL 544469, (N.C.A.G.), February 14, 2002 opinion to Mr. Terrence D. Sullivan.

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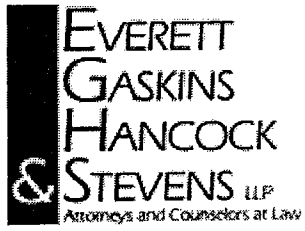
If you contend there is a statutory provision that shields the **received** text messages from production, please let us know what that statute is. Otherwise, we look forward to the immediate release of the received text messages in compliance with the statutory provision that public records be made available as promptly as possible. G.S. 132-6(a). If you or your legal counsel need to reach me, I can be reached at this email address or on my cell phone (919 810 6246) anytime this weekend.

Best regards,

Amanda Martin



7/9/2010



**C. Amanda Martin**

Partner  
127 W. Hargett Street, Suite 600  
Raleigh, NC 27601  
Phone: 919-755-0025  
Fax: 919-755-0009  
[www.ncmedialaw.com](http://www.ncmedialaw.com)  
[www.eghs.com](http://www.eghs.com)

**Amanda Martin**

---

**From:** Amanda Martin  
**Sent:** Friday, July 09, 2010 12:18 AM  
**To:** 'reuben.young@ncmail.net'  
**Cc:** Hugh Stevens  
**Subject:** public records request  
**Importance:** High

Dear Reuben,

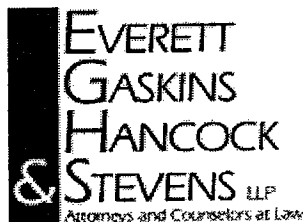
I haven't seen you in awhile, and I hope you are well. I know that you are busy!

I trust that you already know that several of my clients have, for the last couple weeks, been seeking access to the text messages from Pamela Maynard received by Major Clendenin on his state-issued Blackberry. The records have not been released, nor has any legal explanation been given for withholding them. Last week, I made a request to Sgt. Gordon, and I have not received any response at all. I saw Hal Askins at the *N&O v. Easley* hearing this morning and, at his suggestion, I forwarded to him my email of last week. As I told Hal, my clients have authorized me to file suit seeking access to these records unless they are released this week, but I haven't heard back from Hal, either.

I am writing you directly on the off chance that these requests have not been communicated to you or that you will moot the dispute by directing the immediate release of the received text messages. My marching orders, though, are to file suit mid-day if the records aren't going to be released. If you think it is worthwhile to talk about this, I would welcome that. I will be in and out of meetings tomorrow, so my cell phone is the best number to reach me. (919 810 6246)

Thanks in advance for anything you can do to resolve this matter.

Best regards,  
Amanda

**C. Amanda Martin**

Partner  
127 W. Hargett Street, Suite 600  
Raleigh, NC 27601  
Phone: 919-755-0025  
Fax: 919-755-0009  
[www.ncmedialaw.com](http://www.ncmedialaw.com)  
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**From:** Amanda Martin  
**Sent:** Thursday, July 08, 2010 12:30 PM  
**To:** 'Haskins@ncdoj.gov'  
**Subject:** FW: public records request by WNCN/Jason Clough  
**Importance:** High

Hal,

Nice to see you. Here is the email that I sent last Friday. I think my folks are ready to pull a trigger tomorrow if this doesn't get resolved, so I would be grateful for any light you could shed on the situation.

Many thanks!

7/9/2010

