

Upon consideration of the Motion for Summary Judgment by Plaintiff Gray Media Group, Inc., d/b/a WBTV, and the cross-Motion for Summary Judgment by Defendants the Charlotte-Mecklenburg Board of Education, Elyse C. Dashew, Vice-Chairperson Thelma Byers-Bailey, Jennifer De La Jara, Lenora Sanders Shipp, Rhonda Cheek, Dr. Ruby M. Jones, Carol Sawyer, Margaret Marshall, and Sean Strain in their official capacities, and the related documents filed and oral arguments made in support thereof, the Court hereby FINDS AND CONCLUDES:

- Defendants' conduct regarding Board meetings as detailed in Plaintiff's Amended
  Complaint violated the Open Meetings Law, Article 33C of the North Carolina General Statutes, but
  these violations were unintentional and were partially caused by the COVID-19 pandemic.
- 2. The Title IX Task Force created by former Superintendent Winston was not a "public body" as alleged by Plaintiff, and was therefore not subject to the Open Meetings Law. N.C. Gen. Stat. § 143-318.10.

Based on the foregoing, it is ORDERED:

1. Plaintiff's Motion for Summary Judgment, as it relates to Defendants' violation of the Open Meetings Law, N.C. Gen. Stat. §§ 143-318.16(a), is GRANTED.



2. Defendants' Motion for Summary Judgment, as it relates to Plaintiff's Task Force created by former Superintendent Winston, N.C. Gen. Stat. §§ 143-318.9, is GRANTED.

Pursuant to N.C. Gen. Stat. §§ 143-318.16(a) and 1-253, the Court declares that Defendants must:

- (i) permit the public to attend in-person Board meetings unless one or more Board member(s) is participating virtually during certain declarations of emergency, § 166A-19.24(a), (i);
- (ii) provide clear online notice of the time and place of all regularly scheduled Board meetings on all web pages that Defendants identified in their Response to Interrogatories in this litigation, and provide notice of any changes to closed session meeting time and locations on these web pages, § 143-318.12;
- (iii) convene closed session meetings only after "a motion duly made and adopted" has been made in open session, § 143-318.11(c);
- (iv) revise the July 1, 2021 closed session meeting minutes to ensure that they provide "a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired," § 143-318.10(e); and
- (v) ensure that future closed session meeting minutes provide a "general account" within the meaning of § 143-318.10(e).
- Plaintiff's request for attorneys' fees is DENIED. The parties shall bear their own attorneys' fees and costs.

SO ORDERED this the 17 day of May, 2023.

The Honorable Nathaniel J. Poovey Superior Court Judge