

GASTON County

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

Elliot Engstrom
 Civitas Institute Center for Law and Freedom
 100 S. Harrington Street, Raleigh, NC 27603
 Counsel for Plaintiffs

FILED

2015 DEC -1 A

REQUEST FOR PRE-LITIGATION
 MEDIATION OF PUBLIC RECORDS DISPUTE

Telephone No.

(919) 834-2099

GASTON CO., C.S.C.

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

City of Belmont, NC; Belmont City Manager BY

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.)

On August 28, 2015, Plaintiffs filed complaint and civil summons in the matter of Deitz v. City of Belmont, 15 CVS 3203 (Gaston Ct. Sup. Ct.). At issue is whether the Defendants City of Belmont and Belmont City Manager can deny Plaintiffs access to an investigative report into the Belmont Police Department. The report was compiled by the U.S. ISS Agency, Inc., a private company located in Huntersville, NC. The questions presented are whether, for the purposes of G.S. 160A-168(a), the ISS Report is a document (1) gathered by the city and (2) with respect to a city employee or employees.

On October 30, 2015, Defendants filed an answer in this matter. Before moving forward, the parties must comply with the mediation requirements of G.S. 7A-38.3E. Counsel for both Plaintiffs and Defendants have indicated that they intend to waive mediation in accordance with G.S. 7A-38.8E(e), though both parties reserve all their legal and statutory rights until such waiver occurs.

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.

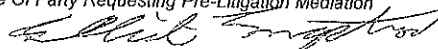
It shall be the responsibility of the mediator to schedule the mediation; to notify the parties of the date, time and location of the mediation; to conduct the mediation; and to prepare a certificate stating the results of the mediation which the mediator shall file with the clerk and serve on the parties.

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

11/25/2015

Signature Of Party Requesting Pre-Litigation Mediation



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

Brad Kline (N.C. Bar No. 34045)
 2907 Providence Road, Suite 200
 Charlotte, NC 28211
 Counsel for Defendants

Name And Address Of Party To The Dispute

Name And Address Of Party To The Dispute

Name And Address Of Party To The Dispute

Date Mailed

11/25/2015

Signature Of Party Requesting Pre-Litigation Mediation

