STATE OF NORTH CAROLINA COUNTY OF RUTHERFORD	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION FILE NO. 26 CVS _____
PETER G. VOLK, Plaintiff, v. TOWN OF LAKE LURE, Defendant.	**COMPLAINT AND PETITION FOR ACCESS TO PUBLIC RECORDS** **(N.C. Gen. Stat. § 132-9)** **AND REQUEST FOR MEDIATION** **(N.C. Gen. Stat. § 7A-38.3E)**

Pursuant to Rules 3, 7 and 8 of the North Carolina Rules of Civil Procedure and N.C. Gen. Stat. § 132-9, Plaintiff, appearing *pro se*, complaining of Defendant, alleges and says:

INTRODUCTION

1. Plaintiff asks this Court to order the Town of Lake Lure to produce public records that he requested in writing on August 27, 2026, and to explain in writing any record it withholds. As of the filing of this Complaint, the Town has not produced the requested records (apart from approved Council minutes it has published on its public website), has given no date by which it will produce the rest, and has not identified any statutory basis for withholding any record.

2. Plaintiff seeks: (a) an order compelling production of the records described below as promptly as possible, (b) a declaration that the Town has not furnished the records as promptly as possible as N.C. Gen. Stat. §§ 132-6(a) and 132-6.2(c) require, and (c) an order requiring Defendant to state in writing the specific statutory basis for any record it withholds or redacts.

Electronically Filed Date: 11/2/2026 10:57 AM Rutherford Superior Court County Clerk of Superior Court

PARTIES

3. Plaintiff Peter G. Volk is a citizen and resident of Gaston County, North Carolina. Plaintiff publishes Lake Lure Insider, an independent local news website at lakelureinsider.com that covers the Town of Lake Lure. Plaintiff operates the publication as an individual and made each request described below in his own name.

4. Defendant Town of Lake Lure (the "Town") is a North Carolina municipal corporation located in Rutherford County and is an "agency of North Carolina government" under N.C. Gen. Stat. § 132-1(a).

JURISDICTION, VENUE AND CONDITIONS PRECEDENT

5. This Court has subject matter jurisdiction over this action under N.C. Gen. Stat. § 132-9(a).

6. This Court has personal jurisdiction over Defendant under N.C. Gen. Stat. § 1-75.4(1).

7. Venue is proper in Rutherford County under N.C. Gen. Stat. §§ 1-77 and 1-82 because the Town is located, and performs its duties, in Rutherford County.

8. The Public Records Act authorizes a person denied access to public records to bring this action against the public agency. N.C. Gen. Stat. § 132-9(a).

9. Plaintiff requests the initiation of mediation under N.C. Gen. Stat. § 7A-38.3E(b). Plaintiff will initiate mediation by filing a Request for Mediation of Public Records Dispute (AOC-CV-830) after this action is filed, within the time N.C. Gen. Stat. § 7A-38.3E allows, and will serve it by certified mail, return receipt requested, on each party as that statute requires. Plaintiff also states that nothing in N.C. Gen. Stat. § 7A-38.3E prevents him from seeking an order compelling production before any scheduled mediation. N.C. Gen. Stat. § 7A-38.3E(h).

THE PUBLIC RECORDS ACT

10. The General Assembly has declared that public records and public information compiled by North Carolina agencies are the property of the people. N.C. Gen. Stat. § 132-1(b).

11. N.C. Gen. Stat. § 132-1(a) defines public records as documents and other documentary material, regardless of physical form, made or received in connection with the transaction of public business by an agency of North Carolina government.

12. N.C. Gen. Stat. § 132-6(a) requires every custodian of public records to permit inspection and to furnish copies "as promptly as possible." N.C. Gen. Stat. § 132-6.2(c) likewise requires custodians to respond to requests as promptly as possible, and provides that if a request is denied, the denial must include an explanation of its basis, which must be put in writing if the requester asks.

13. N.C. Gen. Stat. § 132-6(c) provides that no request to inspect, examine or obtain copies of public records may be denied on the ground that confidential information is commingled with the requested nonconfidential information, and that if separation is necessary the public agency bears the cost of it.

14. N.C. Gen. Stat. § 132-9(a) authorizes any person denied access to public records, or denied copies, to apply to this Court for an order compelling disclosure or copying. Such actions "shall be set down for immediate hearing." *Id.*

15. A superior court in North Carolina has held that an unnecessary, undue and unreasonable delay in providing public records amounts to a denial of access and a substantial failure to comply with the Public Records Act. *The News Reporter Co., et al. v. Greene*, 20 CVS 1147 (Columbus Co. Super. Ct. Feb. 19, 2021) (attached as **Exhibit H**).

FACTS

The August 27 request

16. On Thursday, August 27, 2026, at 10:14 a.m. Eastern time, Plaintiff emailed a written public records request to the Lake Lure Town Clerk at townclerk@townoflakelure.com (the "Request"). A true copy is attached as **Exhibit A.**

17. The Request sought records concerning the Town's lease dispute with Second Mountain LLC, which operates Lured Market & Grill, and the related police boathouse dispute, in ten numbered categories, including: communications among the Mayor and Council members and with Town staff and counsel; Police Department incident reports and logs referencing the police boathouse; Council records authorizing the lease default, termination or eviction action; Council meeting minutes from July 27, 2026 forward; a prior March 2026 records request by Second Mountain and the Town's response; communications about whether the boathouse required demolition; communications on August 14, 2026, the day of a mediation; and legal invoices and engagement letters from the Town's outside law firm.

18. The Request offered delivery on a rolling basis by category, asked the Town to give a cost estimate before incurring any special service charge, and asked the Town to identify any record it withheld or redacted and the statutory basis for doing so.

Plaintiff's follow-up and offers to narrow

19. On August 31, 2026, Plaintiff followed up in writing with the Town Clerk and asked for confirmation and a timeline. (**Exhibit B.**) Plaintiff received no response.

20. On September 4, 2026, Plaintiff restated the Request, added items, asked for written confirmation, and again offered to take records in smaller pieces and to receive partial production. Plaintiff sent this email to the Town Clerk's address, the Town's Communications Director and

the Town Attorney, with copies to Town Manager Olivia Stewman and Kimberly Martin, who signs her correspondence as Town Clerk. (**Exhibit C.**) Plaintiff received no response.

21. Some of Plaintiff's emails, including the September 4 email and later follow-ups, refer to the original request as the "August 26" request. Plaintiff sent the Request on August 27, 2026, as shown in Exhibit A. The Town has never disputed receiving it, and its own October 29, 2026 reply acknowledges receipt of Plaintiff's requests and correspondence.

22. On September 18, 2026, Plaintiff asked for a status update and stated that partial production, or production staggered by category, was acceptable. (**Exhibit D.**)

23. On September 19, 2026, Ms. Stewman replied that Town staff was working on the Request and expected to provide responsive records "next week." (**Exhibit D.**) This was the first written reply Plaintiff received from the Town on the Request, 23 days after he sent it.

24. The Town did not send Plaintiff records responsive to the Request during the week of September 21, 2026.

The Town's production on a different request

25. On September 8, 2026, Plaintiff submitted a separate public records request to the Town Clerk about the Town's Storm Recovery Fund (the "Second Request").

26. On September 24, 2026, 16 days after the Second Request, Ms. Stewman produced records responsive to it. In the same email she wrote that the records responsive to the Request were "currently being reviewed prior to release." (**Exhibit E.**)

The October follow-up and the Town's response

27. On October 4, 2026, Plaintiff again asked the Town for a release date, for release of any records not under review, and for the statutory basis for any withholding. He asked for a reply by October 10, 2026. (**Exhibit F.**)

28. On October 8, 2026, Ms. Stewman replied that, because of the volume of records and the need to review them for confidential and protected information, the process "is necessarily time intensive," and that records would be provided as soon as possible. (**Exhibit F.**) The reply did not provide a date, produce any record, identify any statutory basis for withholding, state whether any record is being withheld, or respond to Plaintiff's offer of rolling production.

The narrowed request and preservation notice

29. On October 8, 2026, Plaintiff sent the Town Manager, the Town Clerk's office, Ms. Martin, the Town Attorney and the Mayor a letter that narrowed his request to five specific categories of records, requested their production by October 14, 2026, requested a written statement of whether any part of the Request is denied and on what statutory basis, and asked the Town to preserve all potentially responsive records, including those on personal devices and accounts used for Town business. (**Exhibit G.**)

The October 16 follow-up and the Town's October 29 reply

30. On October 16, 2026, Plaintiff wrote to Ms. Stewman, Ms. Martin, the Town Clerk's office and the Town Attorney, summarized the Town's earlier replies, and asked that by October 23, 2026 the Town either produce the five categories with the written statement he had requested, or explain in writing what was holding up each category and give a date. (**Exhibit I.**)

31. The Town did not produce the requested records, provide the written statement, or reply in writing to the October 8 letter or the October 16 email on or before October 14, 2026 or October 23, 2026.

32. On October 29, 2026, Ms. Martin, writing as Town Clerk, replied in writing. (**Exhibit J.**) The reply stated that the Town was working to respond; cited the scope and volume of the requests and limited staff; stated that the Town intended to address the priority categories in

Plaintiff's narrowing letter (sent the evening of October 8, 2026 Eastern time, and which the Town's reply refers to as his "October 9 correspondence") and to provide records in stages when practicable; and stated that the Town did not want to provide "dates that cannot reasonably be supported" before assessing the records. The reply did not produce any record, give a date for production, give a cost estimate, or state whether any record is being withheld and the statutory basis for withholding it.

33. On September 24, 2026, Ms. Stewman wrote that the records responsive to the Request were "currently being reviewed prior to release," and on October 8, 2026 she wrote that staff "continues to dedicate significant resources to reviewing and preparing responsive records for release." On October 29, 2026, 35 days after the first statement, Ms. Martin wrote that the Town was working to "identify and gather potentially responsive records," was "assessing the status and scope" of the priority categories, and did not want to provide dates "without first evaluating the records involved and the work necessary to process them." **(Exhibits E, F and J.)**

34. On October 30, 2026, Plaintiff again asked in writing for a production date for the priority categories and for a written statement of any withholding and its statutory basis. **(Exhibit K.)** The same day the Town Attorney replied that the Town would produce records "as quickly as practicable," that Plaintiff would not receive everything he requested by 9:00 a.m. on Monday, November 2, 2026, and that he was available for a call the following week. **(Exhibit K.)** The reply did not give a production date.

35. At 11:17 p.m. Eastern time on October 30, 2026, Plaintiff wrote again to the Town Attorney, with copies to Ms. Stewman, Ms. Martin and the Town Clerk's office. He stated that he had located Ms. Martin's October 29 email, noted that the Town's first written response had come 13 days after his October 16 request, offered to speak by telephone at any time through 9:00 a.m.

on Monday, November 2, 2026, asked for a production timeline, a written statement of anything withheld and its statutory basis, and any cost estimate, and stated that he would otherwise proceed with a petition under N.C. Gen. Stat. § 132-9. (**Exhibit K.**) The Town did not respond to that message or telephone Plaintiff before 9:00 a.m. on Monday, November 2, 2026.

36. At 9:01 a.m. Eastern time on Monday, November 2, 2026, the Town Attorney replied by email to Plaintiff, with copies to Ms. Stewman, Ms. Martin and the Town Clerk's office. The email states that the Town "intends to fully comply with the Public Records Act"; that it will produce records "as quickly as practicable"; that it will withhold documents "where state or federal statute permits or requires denial of public access" and will provide any required descriptive statements of denial "as the batches of records are produced"; and that, because the Town "is still collecting and organizing documents for production," it "has not ascertained what the cost, if any," will be. The email did not produce any record, state a date for any production, or identify any record being withheld. (**Exhibit L.**)

37. As of the date of this Complaint, the Town has not produced any record responsive to items 3, 4, 6 or 10 of the narrowed request, and has produced no draft minutes or closed-session account under item 5. The Town has published approved minutes of some Council meetings on its public website, but it has not told Plaintiff which, if any, of those it contends satisfy item 5. The Town has not given a date by which it will produce the remaining records, and has not identified any record it is withholding or the statutory basis for doing so.

38. The records Plaintiff requested are public records within the meaning of N.C. Gen. Stat. § 132-1(a). The Town has not asserted otherwise.

39. Plaintiff has made his requests in good faith, offered to narrow them and to accept production in parts, and waited 67 days from the date of the Request before filing this action.

CLAIM FOR RELIEF

Denial of access to public records and failure to furnish copies as promptly as possible (N.C. Gen. Stat. §§ 132-6(a), 132-6.2(c) and 132-9(a))

40. Plaintiff incorporates paragraphs 1 through 39.

41. The records described in the Request are public records in the custody of Defendant.

42. Plaintiff requested access to and copies of these records.

43. Defendant has not furnished the records as promptly as possible. Apart from approved Council minutes published on its website, Defendant has not produced the requested records, including items 3, 4, 6 and 10 of the narrowed request, in the 67 days since the Request, has not given a production date, and has not stated any statutory basis for withholding any record. Although the Town has stated that it will produce records in stages, it has not produced those records or said when it will.

44. Defendant's unnecessary, undue and unreasonable delay amounts to a denial of access to public records within the meaning of N.C. Gen. Stat. § 132-9(a).

45. Plaintiff is entitled to an order compelling disclosure under N.C. Gen. Stat. § 132-9(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays the Court:

A. Set this matter down for an immediate hearing as N.C. Gen. Stat. § 132-9(a) requires, notwithstanding any mediation, *see* N.C. Gen. Stat. § 7A-38.3E(h);

B. Enter an order declaring that the records described in the Request are public records under N.C. Gen. Stat. § 132-1;

C. Enter an order compelling Defendant to produce, as promptly as possible and by a date the Court sets, the five categories of records identified in Plaintiff's October 8, 2026 letter, and the remaining records described in the Request on a schedule the Court sets;

D. Enter an order requiring Defendant to identify in writing, within a time the Court sets, each record it withholds or redacts and the specific statutory basis for doing so, *see* N.C. Gen. Stat. § 132-6.2(c);

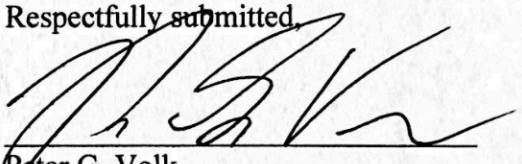
E. Enter an order declaring that Defendant's failure to furnish the requested records as promptly as possible did not comply with N.C. Gen. Stat. §§ 132-6(a) and 132-6.2(c);

F. Tax the costs of this action against Defendant, including Plaintiff's court filing fee, the costs of service of process, and all other allowable costs, *see* N.C. R. Civ. P. 54(d) and N.C. Gen. Stat. § 6-20; and

G. Grant such other and further relief as the Court deems just and proper.

This the 2nd day of NOVEMBER, 2026.

Respectfully submitted,



Peter G. Volk
Plaintiff, *pro se*
2771 Lakefront Dr.
Belmont, North Carolina 28012
Telephone: [redacted]
Email: petegvolk@gmail.com

VERIFICATION

STATE OF NORTH CAROLINA
COUNTY OF GASTON

Peter G. Volk, being first duly sworn, deposes and says that he is the Plaintiff in this action, that he has read the foregoing Complaint, and that the matters stated in it are true of his own knowledge, except as to those matters stated on information and belief, and as to those matters he believes them to be true.

Peter G. Volk

Sworn to and subscribed before me this 2 day of November, 2026.

Notary Public
Printed name: Courtney L Davis
My commission expires: May 30, 2027

COURTNEY L DAVIS
My Commission Expires
NOTARY PUBLIC
May 30, 2027
GASTON COUNTY, NC

INDEX OF EXHIBITS

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EXHIBIT A

August 27, 2026 public records request to the Town Clerk

Text of each email reproduced verbatim from Plaintiff's mailbox. Line breaks and email-client formatting marks have been removed; quoted earlier messages and signature images are omitted where noted. Times shown in Eastern Time.

From: Lake Lure Insider Editor <editor@lakelureinsider.com>
To: townclerk@townoflakelure.com
Date: Thursday, August 27, 2026, 10:14 AM EDT
Subject: Public Records Request Under N.C.G.S. Chapter 132 — Second Mountain LLC / Lured Market & Grill Lease Matter

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Dear Town Clerk,

Under North Carolina's Public Records Law, N.C. Gen. Stat. § 132-1 et seq., I am requesting copies of the public records described below. As you know, the definition of "public record" is broad and format-neutral — it includes email, text messages, and other electronic communications made or received in connection with the transaction of public business, regardless of whether they were sent from a Town account/device or a personal one. I'm requesting records in that full scope.

I'd like these records provided electronically (searchable PDF or native file format is fine) and am glad to receive them on a rolling basis by category rather than waiting for the full request to be completed. If any category is expected to trigger the special service charge described in the Town's public records policy (for requests exceeding 1,000 emails/documents), please send a written cost estimate before proceeding on that category so I can decide how to narrow it if needed.

For any responsive record withheld in whole or in part, please identify it by date, author, and recipient, along with the general subject matter and the specific statutory exemption relied upon (e.g., attorney-client privilege, personnel file, criminal investigation), rather than omitting it from the response without notice.

I'm requesting the following, all relating to the Town's lease with Second Mountain LLC d/b/a Lured Market & Grill (2654 Memorial Highway) and the associated police boathouse dispute, unless a narrower date range is specified:

1. Council-to-council communications. All emails, text messages, and other written communications sent or received by Mayor Carol Pritchett, Mayor Pro Tem David DiOrio, and Commissioners Patrick Bryant, Scott Doster, and Jim Proctor — to, from, or among one another — that reference or relate to Second Mountain LLC, Lured Market & Grill, the lease, the police boathouse, the lease termination or eviction/summary ejectment action, Paul Brock, Cara Brock or Second Mountain, LLC v. Town of Lake Lure (Rutherford County Superior Court, No. 26CV000857-800). Date range: January 1, 2025 to present.

2. Council communications with staff and counsel. All emails and written communications on the same subject matter and date range between any of the five Council members named above and Town Manager Olivia Stewman, Community Development Director Mike Williams, Town Attorney Marty Benson, attorney Robert C. Carpenter (Allen Stahl + Kilbourne), or any other Town department head.

3. Police and Fire Department records concerning the boathouse. All incident reports, activity/patrol logs, dispatch logs, and any photograph or evidence log created by the Lake Lure Police Department referencing the police boathouse, from October 1, 2025 to present. This includes any communications between the Police Chief or any officer and Mayor Pritchett, any Council member, Town Manager Stewman, or the Town Attorney's office regarding directing, requesting, or discussing the taking of photographs at or near the boathouse.

4. Council authorization records. Any resolution, motion, minutes, agenda packet, or closed-session general account (maintained under G.S. 143-318.10(e) and releasable under G.S. 143-318.11) reflecting Council discussion, authorization, or ratification of the decision to (a) pursue default or termination of the

Second Mountain lease, (b) reject the proposed restated-lease or settlement terms discussed between December 2025 and February 2026, or (c) initiate the eviction/summary ejectment action. Date range: January 1, 2025 to present.

5. Unpublished meeting minutes. Draft or approved minutes for all Town Council meetings — regular, special, work session, and closed-session general accounts — held between July 27, 2026 and the date of this request, none of which currently appear published on the Town's website.

6. Second Mountain's prior request. A copy of the public records request submitted by or on behalf of Second Mountain LLC or Paul Brock on or about March 10, 2026, and copies of any records produced, any written response sent, or any internal correspondence about how to respond to it.

7. FEMA/demolition communications. All communications, memoranda, or reports — internal, or with FEMA, the NC Division of Emergency Management, or any engineer or contractor — regarding whether the police boathouse required demolition, from October 1, 2025 to present, including records reflecting Town Manager Stewman's statements to Paul Brock in December 2025 and on February 3, 2026, and Community Development Director Mike Williams' related communication on or about February 5, 2026.

8. Mediation-day communications (August 14, 2026). All text messages, phone call logs, and emails to, from, or involving Town Manager Olivia Stewman on August 14, 2026 — please search a full-day window, roughly 7:00 a.m. to 9:00 p.m., to capture time before and after the reported seven-hour mediation session — where the other party is Mayor Carol Pritchett, Mayor Pro Tem David DiOrio, any other Council member, or any other Town official or outside party who was not physically present at the mediation. This request covers Town-issued devices and accounts, and — because communications about public business remain public records regardless of the device used — please also ask Ms. Stewman, Mayor Pritchett, and Mr. DiOrio to search personal phones and personal email/text accounts for any responsive communications from that day.

If the content of any of these communications is withheld in full (for example, as attorney-client privilege, work product, or confidential mediation communications under G.S. 7A-38.1), please provide, at minimum, a log or itemized accounting showing: the date and time of each contact, the sender and recipient, the medium (text, call, or email), and — for calls — the duration. Itemized cellular billing / call detail records for the Town-issued phones used by Ms. Stewman, Mayor Pritchett, and Mr. DiOrio covering August 14, 2026 would satisfy this for calls and texts if the underlying message content itself is not retained or is withheld.

9. Mediation logistics. Scheduling correspondence, engagement records, and invoices identifying who represented the Town at the August 14, 2026 mediation. I am not requesting the substance of confidential mediated settlement communications, which I understand may be protected under G.S. 7A-38.1, only the administrative/logistical records.

10. Legal billing. Invoices and engagement letters from Allen Stahl + Kilbourne concerning the Second Mountain/Lured Market matter, from January 1, 2025 to present. Narrative descriptions may be redacted where privileged, but please provide dates, amounts, and matter descriptions to the extent not privileged.

Please confirm receipt of this request. If you have questions about scope or need me to narrow any category, I'm glad to discuss — my goal is a complete record, not an unreasonably burdensome one.

Thank you for your time.

Pete Volk

Lake Lure Insider Editor

editor@lakelureinsider.com

EXHIBIT B

August 31, 2026 follow-up email

Text of each email reproduced verbatim from Plaintiff's mailbox. Line breaks and email-client formatting marks have been removed; quoted earlier messages and signature images are omitted where noted. Times shown in Eastern Time.

From: Lake Lure Insider Editor <editor@lakelureinsider.com>
To: townclerk@townoflakelure.com
Date: Monday, August 31, 2026, 11:27 AM EDT
Subject: Fwd: Public Records Request Under N.C.G.S. Chapter 132 — Second Mountain LLC / Lured Market & Grill Lease Matter

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Hello - can you please confirm recent of this email and if possible provided an expected timeline when the documents can start to be delivered?

Thanks so much for your assistance!

Pete

---------- Forwarded message ---------

From: Lake Lure Insider Editor <editor@lakelureinsider.com>

Date: Thu, Aug 27, 2026 at 10:14 AM

Subject: Public Records Request Under N.C.G.S. Chapter 132 — Second Mountain LLC / Lured Market & Grill Lease Matter

To: <townclerk@townoflakelure.com>

[Note: The forwarded message is the August 27, 2026 request reproduced in full at Exhibit A. It is omitted here to avoid duplication.]

EXHIBIT C

September 4, 2026 restated and expanded request

Text of each email reproduced verbatim from Plaintiff's mailbox. Line breaks and email-client formatting marks have been removed; quoted earlier messages and signature images are omitted where noted. Times shown in Eastern Time.

From: Lake Lure Insider Editor <editor@lakelureinsider.com>
To: townclerk@townoflakelure.com; communications@townoflakelure.com; mbenson@asklawnc.com
Cc: ostewman@townoflakelure.com; kmartin@townoflakelure.com; info@asklawnc.com; editor@lakelureinsider.com
Date: Friday, September 4, 2026, 12:03 AM EDT
Subject: Follow-Up on Unacknowledged August 26 Public Records Request — Second Mountain LLC / Lured Market & Grill — Plus New Categories and Request for Comment

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Dear Lake Lure Town Manager, Town Clerk, Communications Director, and Mr. Benson,

On August 26, 2026, I submitted a public records request under N.C. Gen. Stat. § 132-1 et seq. seeking records related to the Town's lease dispute with Second Mountain LLC d/b/a Lured Market & Grill. As of today, September 4, 2026 — nine days later — I have not received an acknowledgment of receipt, a status update, or a cost estimate for any category of that request. N.C. Gen. Stat. § 132-6 requires that public records be provided "as promptly as possible," and I'm writing to follow up again in writing, to ask for a status update, and expand the request in light of developments since August 26.

To make sure nothing was lost in transmission, I'm restating the full original request below, unchanged, followed by several new items prompted by events over the past week. I'd appreciate a written confirmation that this email and the original request have both been received, along with a status update — even a partial one — by close of business on September 11, 2026.

Original request, restated in full:

I'm requesting the following, all relating to the Town's lease with Second Mountain LLC d/b/a Lured Market & Grill (2654 Memorial Highway) and the associated police boathouse dispute, unless a narrower date range is specified. I'd like these records provided electronically (searchable PDF or native file format is fine) and am glad to receive them on a rolling basis by category rather than waiting for the full request to be completed. If any category is expected to trigger the special service charge described in the Town's public records policy (for requests exceeding 1,000 emails/documents), please send a written cost estimate before proceeding on that category. For any responsive record withheld in whole or in part, please identify it by date, author, and recipient, along with the general subject matter and the specific statutory exemption relied upon, rather than omitting it from the response without notice.

1. Council-to-council communications. All emails, text messages, and other written communications sent or received by Mayor Carol Pritchett, Mayor Pro Tem David DiOrio, and Commissioners Patrick Bryant, Scott Doster, and Jim Proctor — to, from, or among one another — that reference or relate to Second Mountain LLC, Lured Market & Grill, the lease, the police boathouse, the lease termination or eviction/summary ejectment action, or Second Mountain, LLC v. Town of Lake Lure (Rutherford County Superior Court, No. 26CV000857-800). Date range: January 1, 2025 to present.

2. Council communications with staff and counsel. All emails and written communications on the same subject matter and date range between any of the five Council members named above and Town Manager Olivia Stewman, Community Development Director Mike Williams, Town Attorney Marty Benson, attorney Robert C. Carpenter (Allen Stahl + Kilbourne), or any other Town department head.

3. Police and Fire Department records concerning the boathouse. All incident reports, activity/patrol logs, dispatch logs, and any photograph or evidence log created by the Lake Lure Police Department referencing the police boathouse, from October 1, 2025 to present. This includes any communications between the Police Chief or any officer and Mayor Pritchett, any Council member, Town Manager

Stewman, or the Town Attorney's office regarding directing, requesting, or discussing the taking of photographs at or near the boathouse from both personally owned and public devices.

4. Council authorization records. Any resolution, motion, minutes, agenda packet, or closed-session general account (maintained under G.S. 143-318.10(e) and releasable under G.S. 143-318.11) reflecting Council discussion, authorization, or ratification of the decision to (a) pursue default or termination of the Second Mountain lease, (b) reject the proposed restated-lease or settlement terms discussed between December 2025 and February 2026, or (c) initiate the eviction/summary ejectment action. Date range: January 1, 2025 to present.

5. Unpublished meeting minutes. Draft or approved minutes for all Town Council meetings — regular, special, work session, and closed-session general accounts — held between July 27, 2026 and the date of this request, none of which currently appear published on the Town's website.

6. Second Mountain's prior request. A copy of the public records request submitted by or on behalf of Second Mountain LLC or Paul Brock on or about March 10, 2026, and copies of any records produced, any written response sent, or any internal correspondence about how to respond to it.

7. FEMA/demolition communications. All communications, memoranda, or reports — internal, or with FEMA, the NC Division of Emergency Management, or any engineer or contractor — regarding whether the police boathouse required demolition, from October 1, 2025 to present, including records reflecting Town Manager Stewman's statements to Paul Brock in December 2025 and on February 3, 2026, and Community Development Director Mike Williams' related communication on or about February 5, 2026.

8. Mediation-day communications (August 14, 2026). All text messages, phone call logs, and emails to, from, or involving Town Manager Olivia Stewman on August 14, 2026 — please search a full-day window, roughly 7:00 a.m. to 9:00 p.m. — where the other party is Mayor Carol Pritchett, Mayor Pro Tem David DiOrio, any other Council member, or any other Town official or outside party who was not physically present at the mediation. This request covers Town-issued devices and accounts, and — because communications about public business remain public records regardless of the device used — please also ask Ms. Stewman, Mayor Pritchett, and Mr. DiOrio to search personal phones and personal email/text accounts for any responsive communications from that day. If content is withheld, please provide, at minimum, a log or itemized accounting showing the date and time of each contact, the sender and recipient, the medium, and — for calls — the duration.

9. Mediation logistics. Scheduling correspondence, engagement records, and invoices identifying who represented the Town at the August 14, 2026 mediation.

10. Legal billing. Invoices and engagement letters from Allen Stahl + Kilbourne concerning the Second Mountain/Lured Market matter, from January 1, 2025 to present.

11. August 26 petition transmittal. A copy of the petition/signature list and comments forwarded to all Town Commissioners and the Mayor on the morning of August 26, 2026, along with the transmittal email or memo.

New items, prompted by developments since August 26:

12. Renewed settlement negotiations. All communications, draft documents, and correspondence — from August 26, 2026 to present — between the Town's attorney(s) and Second Mountain's counsel concerning a revised or restated lease, proposed changes to the boathouse clause (Section 19) or any successor provision, or any other settlement terms. This includes any draft lease language exchanged, term sheets, redlines, or summaries of proposed terms circulated to the Town Manager or any Council member.

13. Council briefing on proposed settlement terms. Any communication, memo, or agenda item briefing the Town Council — in open or closed session — on the status or substance of these renewed negotiations, including whether the monthly rent or lease payment amount has been discussed or proposed as part of any revised terms, separately from the boathouse clause itself.

14. September 3 hearing records. Any internal communications, memos, or Council briefings concerning the small-claims eviction hearing (case no. 26CV001352-800, originally set for September 3, 2026) — including whether the Town intends to proceed with, continue, or dismiss that action in light of the renewed negotiations.

15. Lake Lure Gym / Suite B records. All communications regarding Lake Lure Gym's lease, rent obligations, or occupancy of Suite B since October 1, 2025, including any proposal for a separate "clean" lease for that space, any Town response to or rejection of such a proposal, and any communication asserting Lake Lure Gym is responsible for some or all of Lured Market's share of rent as a condition of keeping its own space.

Request for comment on outstanding questions

Separately from the records request above, I'm formally requesting comment — attributable, on the record — on each of the following before my next update runs:

1. Has the Town Council ever voted, in open or closed session, to authorize pursuing default, termination, or eviction of the Second Mountain lease? If so, when, and what record reflects that vote? If not, under what authority was that decision made?

2. What are the Town's current plans or intended use for 2654 Memorial Highway, in light of Mayor Pritchett's public statement that the Town had "no intent for the use of that building"?

3. Can the Town confirm or deny that its attorney and Second Mountain's counsel are now engaged in direct settlement discussions, and that Second Mountain has proposed terms for a revised lease addressing the boathouse clause?

4. Is the monthly rent or lease payment amount under discussion as part of any current negotiation, or is the discussion limited to the boathouse clause?

5. What is the status of Lake Lure Gym's lease and rent situation, and did the Town ever formally receive, consider, or reject a proposal for a separate lease to preserve that business?

6. Who represented the Town at the August 14, 2026 mediation, and can the Town describe, in general terms consistent with confidentiality requirements, the terms it offered?

I recognize some of these may be difficult to answer fully while litigation is pending, and I'm glad to work with you on what can be addressed now versus later. But given the volume of public interest in this matter — including a petition that has now drawn well over 360 signatures — I think the Town's continued silence, both on this records request and on direct questions, is itself part of the story, and I'd like to give the Town a fair and genuine opportunity to be heard before I report that.

Please let me know if you have questions about scope on any item above, or if breaking this into smaller pieces would help you respond faster on the parts that are ready. I'd rather get this right and complete than fast and incomplete, but at this point I do need at least a written acknowledgment and a realistic timeline.

Thank you for your time and attention to this.

Pete Volk

Lake Lure Insider

editor@lakelureinsider.com

[Note: Plaintiff's Complaint explains that this email, and others in these exhibits, refer to the original request as dated August 26, 2026. The request was sent on August 27, 2026. See Exhibit A.]

EXHIBIT D

September 18, 2026 status request, September 19, 2026 reply from Town Manager, and September 21, 2026 reply

Text of each email reproduced verbatim from Plaintiff's mailbox. Line breaks and email-client formatting marks have been removed; quoted earlier messages and signature images are omitted where noted. Times shown in Eastern Time.

From: Lake Lure Insider Editor <editor@lakelureinsider.com>
To: Olivia Stewman <ostewman@townoflakelure.com>; Town Clerk <townclerk@townoflakelure.com>; Kimberly Martin <kmartin@townoflakelure.com>
Cc: Peter Volk <petegvolk@gmail.com>
Date: Friday, September 18, 2026, 2:43 PM EDT
Subject: Status Update Requested — Two Outstanding Public Records Requests (Aug. 26 / Sept. 4 and Sept. 8)

Dear Town Clerk,

I'm writing to request a status update on two outstanding public records requests submitted under N.C. Gen. Stat. § 132-1 et seq.

First request — Second Mountain LLC / Lured Market & Grill (Aug. 26 and Sept. 4). On August 26, 2026, I requested records relating to the Town's lease dispute with Second Mountain LLC d/b/a Lured Market & Grill, the police boathouse dispute, and related Council communications. I followed up on September 4, 2026, restating that request in full, adding four additional categories. I'll also note that the Town and Second Mountain signed a settlement agreement on September 16, 2026, and that the parties intend to seek dismissal of the related lawsuits. With the litigation now resolved or moving toward dismissal, I'd expect any records previously held back on active-litigation grounds can move forward.

Second request — beach sand donor and Storm Recovery Fund (Sept. 8). On September 8, 2026, I separately requested records identifying the private donor behind the June 2025 Lake Lure Beach sand replenishment, along with a full accounting of the Town's Storm Recovery Fund.

I'd appreciate a realistic timeline for each — partial or staggered by category is fine. If either request would move faster narrowed, I'm glad to discuss that as well.

Thank you for your time and attention to this.

Pete Volk

editor@lakelureinsider.com

petegvolk@gmail.com

From: Olivia Stewman <ostewman@townoflakelure.com>
To: Lake Lure Insider Editor <editor@lakelureinsider.com>; Town Clerk <townclerk@townoflakelure.com>; Kimberly Martin <kmartin@townoflakelure.com>
Cc: Peter Volk <petegvolk@gmail.com>
Date: Saturday, September 19, 2026, 11:56 AM EDT
Subject: Re: Status Update Requested — Two Outstanding Public Records Requests (Aug. 26 / Sept. 4 and Sept. 8)

Good morning,

I hope you are having a good Saturday. Staff is currently working through both requests, and we expect to provide responsive records next week.

Thank you for your patience and understanding!

Olivia Stewman, MPA

Town Manager

920 Buffalo Creek Road

Lake Lure, NC 28746

Office: 828-625-9983, Ext. 101

Web: townoflakelure.com

[Note: Quoted copy of the September 18 message omitted (reproduced above).]

From: Peter Volk <petegvolk@gmail.com>
To: Olivia Stewman <ostewman@townoflakelure.com>
Cc: Lake Lure Insider Editor <editor@lakelureinsider.com>; Town Clerk <townclerk@townoflakelure.com>; Kimberly Martin <kmartin@townoflakelure.com>
Date: Monday, September 21, 2026, 9:39 AM EDT
Subject: Re: Status Update Requested — Two Outstanding Public Records Requests (Aug. 26 / Sept. 4 and Sept. 8)

Thank you Olivia!

I appreciate everyone’s hard work.

Pete

[Note: Quoted copy of the September 19 message omitted (reproduced above).]

EXHIBIT E

September 24, 2026 email from Town Manager

Text of each email reproduced verbatim from Plaintiff's mailbox. Line breaks and email-client formatting marks have been removed; quoted earlier messages and signature images are omitted where noted. Times shown in Eastern Time.

From: Olivia Stewman <ostewman@townoflakelure.com>
To: Lake Lure Insider Editor <editor@lakelureinsider.com>; Town Clerk <townclerk@townoflakelure.com>
Cc: Kimberly Martin <kmartin@townoflakelure.com>; Peter Volk <petegvolk@gmail.com>
Date: Thursday, September 24, 2026, 6:12 PM EDT
Subject: Re: Public Records Request Under N.C.G.S. Chapter 132 — Storm Recovery Fund Donations and Beach Sand Replenishment Donor

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Good afternoon,

Records responsive to the requests below can be accessed here: LLI Records Request 2 (https://1drv.ms/f/c/11a2cb0c5ebbe317/IgCx37riJhtGTqnGKT9epe9GAecT5VZ1YhE5-aFydXpRkSg?e=JewNae).

The use of donations received through the Storm Recovery Fund will ultimately be determined by Town Council. At this time, no formal action has been taken regarding the expenditure of the majority of these funds. As recovery efforts continue, the Town is evaluating remaining recovery needs and available funding sources to help ensure donated funds are used thoughtfully and effectively.

To date, the only disbursements from the Storm Recovery Fund have been associated with two donations designated by the donor for a specific purpose. Additional details are included in the notes section of the donations spreadsheet.

In the donations spreadsheet, the account number associated with the Town is 20-390000. Fund 20 was established to track Hurricane Helene-related revenues and expenditures.

Please note that I will respond to your other records request as soon as possible. The requested records are currently being reviewed prior to release to ensure that any information subject to confidentiality requirements or other applicable protections is handled appropriately.

Thank you!

Olivia Stewman, MPA

Town Manager

920 Buffalo Creek Road

Lake Lure, NC 28746

Office: 828-625-9983, Ext. 101

Web: townoflakelure.com

[Note: Quoted copy of Plaintiff's September 8, 2026 request on a separate subject (Storm Recovery Fund) omitted.]

EXHIBIT F

October 4, 2026 email and October 8, 2026 reply from Town Manager

Text of each email reproduced verbatim from Plaintiff's mailbox. Line breaks and email-client formatting marks have been removed; quoted earlier messages and signature images are omitted where noted. Times shown in Eastern Time.

From: Peter Volk <petegvolk@gmail.com>
To: Olivia Stewman <ostewman@townoflakelure.com>
Cc: Lake Lure Insider Editor <editor@lakelureinsider.com>; Town Clerk <townclerk@townoflakelure.com>; Kimberly Martin <kmartin@townoflakelure.com>; carolcoulterpritchett@gmail.com; Carol Pritchett <cpritchett@townoflakelure.com>
Date: Sunday, October 4, 2026, 10:05 PM EDT
Subject: Re: Public Records Request Under N.C.G.S. Chapter 132 — Storm Recovery Fund Donations and Beach Sand Replenishment Donor

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Good Evening Ms. Stewman,

Thank you for the records provided in LLI Records Request 2 and for the explanation of the Storm Recovery Fund and Fund 20.

I am writing about the other request, submitted on August 26. As of today, more than five weeks have passed, and I have received neither the records nor a date by which to expect them. Your message says the records are still under review for confidentiality, but it does not say which records are under review or when the review will end.

This matters because North Carolina's Public Records Act, G.S. 132-6(a), requires custodians to provide copies as promptly as possible. At the October 1 candidate forum hosted by the Hickory Nut Gorge Chamber, Mayor Pritchett told residents that for any documents they would like, "you can request for the town to provide them for you, and they will." That is the standard I am asking the Town to meet here.

Please provide the following by Friday, October 10:

1. A date by which the remaining records will be released.

2. Release of any records that are not subject to confidentiality review now, rather than holding the whole request.

3. For any record withheld or redacted, the specific statutory basis for doing so.

First request — Second Mountain LLC / Lured Market & Grill (Aug. 26 and Sept. 4). On August 26, 2026, I requested records relating to the Town's lease dispute with Second Mountain LLC d/b/a Lured Market & Grill, the police boathouse dispute, and related Council communications. I followed up on September 4, 2026, restating that request in full, adding four additional categories. I'll also note that the Town and Second Mountain signed a settlement agreement on September 16, 2026, and that the parties intend to seek dismissal of the related lawsuits. With the litigation now resolved or moving toward dismissal, I'd expect any records previously held back on active-litigation grounds can move forward.

Thank you,

Pete Volk

Lake Lure Insider

[Note: Quoted copy of the September 24 message (Exhibit E) omitted.]

From: Olivia Stewman <ostewman@townoflakelure.com>
To: Peter Volk <petegvolk@gmail.com>
Cc: Lake Lure Insider Editor <editor@lakelureinsider.com>; Town Clerk <townclerk@townoflakelure.com>; Kimberly Martin <kmartin@townoflakelure.com>; carolcoulterpritchett@gmail.com; Carol Pritchett <cpritchett@townoflakelure.com>
Date: Thursday, October 8, 2026, 8:02 PM EDT
Subject: Re: Public Records Request Under N.C.G.S. Chapter 132 — Storm Recovery Fund Donations and Beach Sand Replenishment Donor

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Good evening,

Given the volume of records involved and the need to review materials for confidential and protected information, the process is necessarily time intensive. Please rest assured that, while continuing to manage the Town's day-to-day operations, ongoing disaster recovery efforts, and major infrastructure initiatives, staff continues to dedicate significant resources to reviewing and preparing responsive records for release.

Your request, like many other important responsibilities requiring staff attention, is receiving careful consideration. The extensive nature of the request, together with the staff time required to review responsive records for confidential and protected information prior to release, means that the process will take time to complete. We appreciate your patience as staff continues to process the materials, and responsive records will be provided as soon as possible.

Thanks,

Olivia Stewman, MPA

Town Manager

920 Buffalo Creek Road

Lake Lure, NC 28746

Office: 828-625-9983, Ext. 101

Web: townoflakelure.com

[Note: Quoted copies of the October 4 and September 24 messages omitted (reproduced above and at Exhibit E).]

EXHIBIT G

October 8, 2026 narrowing and preservation letter

Text of each email reproduced verbatim from Plaintiff's mailbox. Line breaks and email-client formatting marks have been removed; quoted earlier messages and signature images are omitted where noted. Times shown in Eastern Time.

From: Lake Lure Insider Editor <editor@lakelureinsider.com>
To: Olivia Stewman <ostewman@townoflakelure.com>; Town Clerk <townclerk@townoflakelure.com>; Kimberly Martin <kmartin@townoflakelure.com>; Marty Benson <mbenson@asklawnc.com>; Carol Pritchett <cpritchett@townoflakelure.com>; carolcoulterpritchett@gmail.com
Date: Thursday, October 8, 2026, 9:48 PM EDT (timestamped October 9, 2026, 01:48 UTC)
Subject: Aug. 27 / Sept. 4 Public Records Request: Priority Production Dates, Written Status, and Preservation of Records

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Ms. Stewman, Ms. Martin, Mr. Benson, and Mayor Pritchett:

Thank you for your October 8 message. I am writing about the public records request I sent to the Town Clerk on August 27, 2026 (restated and expanded on September 4), concerning the Second Mountain LLC / Lured Market & Grill lease and the police boathouse matter. Forty-two days have passed. To date I have received no records, no production date, no cost estimate, and no identification of any record withheld.

This letter does four things.

1. Rolling production. Since August 27, I have said in writing that I welcome delivery on a rolling basis by category, and I repeated that on September 4, September 18, and October 4. The Town has not responded to that offer. On September 19, Ms. Stewman wrote that the Town expected to provide responsive records "next week." No records in this request have been released.

2. Priority categories. To make this easy to complete, please produce the following by Wednesday, October 14, 2026. The numbering matches my September 4 email.

• Item 4: any resolution, motion, minutes, agenda packet, or closed-session general account reflecting Council authorization of the lease default, termination, or eviction action.

• Item 5: draft or approved minutes of Council meetings held July 27, 2026 to the date of the request.

• Item 6: a copy of the March 2026 records request from Second Mountain/Paul Brock and the Town's written response.

• Item 10: Allen Stahl + Kilbourne invoices and engagement letters (privileged narrative may be redacted).

• Item 3: Police Department incident reports and activity logs referencing the boathouse.

These are discrete, existing documents that I would not expect to require extended review. I am glad to discuss the remaining items separately, and I will respond promptly to any request to prioritize or narrow them.

3. Written statement. Under G.S. 132-6(a), if any part of this request is denied, the denial must be accompanied by an explanation of its basis, and I ask that it be put in writing. Please tell me, in writing and by October 14:

a. whether the Town is denying or withholding any part of this request;

b. for each category or record withheld or redacted, the specific statutory basis;

c. whether the Town expects any special service charge and, if so, a written estimate; and

d. a date by which the remaining items will be produced.

4. Preservation. Please ensure that all records potentially responsive to this request are preserved, including emails, text messages, and messages on messaging applications, on Town-issued and personal devices and accounts used by Town officials and staff for Town business. This specifically includes the Gmail account that the Town's Town Council Contact Information page lists as Mayor Pritchett's contact email, and the cell phones the same page lists for Commissioners Bryant, Doster, and Proctor and Mayor Pro Tem DiOrio. Please confirm that no automatic deletion is running on those accounts and devices, and that the Mayor and each Council member have been asked in writing to preserve and search them for responsive records. Please also preserve phone records for August 14, 2026.

I would prefer to resolve this directly, and I would rather report that the Town did so promptly. I reserve all rights under G.S. Chapter 132, including under G.S. 132-9.

Thank you,

Pete Volk

Lake Lure Insider

editor@lakelureinsider.com

EXHIBIT H

The News Reporter Co., et al. v. Greene, 20 CVS 1147 (Columbus Co. Super. Ct. Feb. 19, 2021)

Copy of order, as attached as Exhibit A to the complaint in Border Belt Reporting Center, Inc. v. Madden, No. 24 CVS 125 (Columbus Co. Super. Ct.).

FILED

NORTH CAROLINA
COLUMBUS COUNTY

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

COLUMBUS CO., C.S.C.

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.

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 rasied 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 Plaintff 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 Defenant 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 listd 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, though his Pupblic 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.

John W. Smith
Superior Court Judge

EXHIBIT I

October 16, 2026 follow-up email to Town Manager, Town Clerk and Town Attorney

Text of each email reproduced verbatim from Plaintiff's mailbox. Line breaks and email-client formatting marks have been removed; quoted earlier messages and signature images are omitted where noted. Times shown in Eastern Time.

From: Lake Lure Insider Editor <editor@lakelureinsider.com>
To: Kimberly Martin <kmartin@townoflakelure.com>; Olivia Stewman <ostewman@townoflakelure.com>; Town Clerk <townclerk@townoflakelure.com>; Marty Benson <mbenson@asklawnc.com>
Cc: Peter Volk <petegvolk@gmail.com>; Carol Pritchett <cpritchett@townoflakelure.com>
Date: Friday, October 16, 2026, 10:44 AM EDT
Subject: 50 Days, Three Promises, No Records — Aug. 27/Sept. 4 Public Records Request

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Ms. Stewman and Ms. Martin,

I'm following up on the public records request I submitted August 27, 2026, and restated with additional categories on September 4, 2026, concerning the Second Mountain LLC/Lured Market & Grill lease matter. It has now been 50 days, and I don't yet have the records, a production date, or the written statutory basis for anything being withheld.

To be clear about what's actually happened, since I don't think "no response" is an accurate description: I've heard from the Town three times since my September 18 status check, and each time the answer has been a promise rather than a production.

• September 19: Ms. Stewman wrote that staff was "currently working through both requests, and we expect to provide responsive records next week." That didn't happen.

• September 24: Ms. Stewman delivered records for my separate September 8 beach-sand/Storm Recovery Fund request, and said of this one that she would "respond to your other records request as soon as possible." No further response followed.

• October 8: After I asked directly, by October 10, for (1) a release date, (2) release of the non-confidential records now, and (3) the statutory basis for anything withheld, the reply I received addressed none of those three points. It said the process is "necessarily time intensive" given "the volume of records involved," asked for patience, and closed with "responsive records will be provided as soon as possible" — with no date, no itemized basis for withholding, and no cost estimate.

In response to that October 8 message, I sent a written follow-up on October 9 narrowing this to five priority categories (items 3, 4, 5, 6, and 10 of the September 4 request) and asking for a written statement, consistent with G.S. 132-6(a), addressing what is being withheld, the statutory basis for each withholding, any applicable cost estimate, and a production date for the remainder — all by Wednesday, October 14. That date has now passed without a response.

N.C. Gen. Stat. § 132-6 requires that public records be provided "as promptly as possible." Fifty days, three rounds of "soon," and a blown deadline of your own making is not that standard, whatever the Town's internal workload looks like right now.

I'm asking for one of two things by Friday, October 23, 2026:

1. The five priority categories from my October 9 letter, along with the written G.S. 132-6(a) statement I requested (what's withheld, the statutory basis for each item, any cost estimate, and a firm date for the rest); or

2. If that's genuinely not achievable in that window, a written explanation of specifically what is holding up each category and a realistic date I can hold the Town to — not another "as soon as possible."

If I don't have one of those two things by October 23, I'll be evaluating next steps, which include a petition under N.C. Gen. Stat. § 132-9 to compel disclosure in Rutherford County Superior Court, and reporting on the Town's handling of this request to local print, television and radio media outlets—including the record above — as a story in its own right.

I'd still rather resolve this without either step, and I'm glad to work with you on a phased or narrowed production if that's what's actually slowing this down. But I do need that in writing, not another round of "soon."

Thank you for your attention to this.

Pete Volk

Lake Lure Insider

editor@lakelureinsider.com

petegvolk@gmail.com

EXHIBIT J

October 29, 2026 reply from Town Clerk

Text of each email reproduced verbatim from Plaintiff's mailbox. Line breaks and email-client formatting marks have been removed; quoted earlier messages and signature images are omitted where noted. Times shown in Eastern Time.

From: Kimberly Martin <kmartin@townoflakelure.com>
To: Lake Lure Insider Editor <editor@lakelureinsider.com>; Olivia Stewman <ostewman@townoflakelure.com>; Town Clerk <townclerk@townoflakelure.com>; Marty Benson <mbenson@asklawnc.com>
Cc: Peter Volk <petegvolk@gmail.com>; Carol Pritchett <cpritchett@townoflakelure.com>
Date: Thursday, October 29, 2026, 3:37 PM EDT
Subject: Re: 50 Days, Three Promises, No Records — Aug. 27/Sept. 4 Public Records Request

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"The Town of Lake Lure acknowledges receipt of your public records requests and correspondence concerning the Second Mountain/Lured Market matter, the Storm Recovery Fund, insurance and recovery-related records, and other Town business including the most recent lawsuit.

The Town takes its public records obligations seriously and is working to respond to these requests. Given the scope and volume of the records requested, I want to provide some context regarding the work involved and explain how we intend to approach the outstanding requests.

Your requests encompass numerous subject areas, extensive date ranges, communications involving elected officials and staff, records maintained across multiple departments, financial and accounting documents, insurance and claims files, legal correspondence, meeting records, and electronic communications. Responding requires staff to identify potentially responsive records, coordinate searches across the appropriate departments and record custodians, review materials for responsiveness, and determine whether any information must be redacted or withheld under applicable law.

The requests also overlap in certain subject areas and include supplemental questions and follow-up requests arising from previously produced records. Each requires careful review to ensure that the Town identifies and addresses the records being requested and provides accurate responses.

The Town is currently operating with limited staffing while continuing to manage its regular administrative responsibilities and ongoing recovery-related work. The volume and complexity of these requests require a substantial investment of staff time and coordination across departments. This affects the time available to process requests while continuing to perform other essential municipal functions.

Please understand that this explanation is not intended to discourage your requests or suggest that the Town is unwilling to provide public records. Rather, I want to be transparent about the circumstances affecting the processing time and the need to approach these requests in an organized and thorough manner.

To move this process forward, the Town is working to:

• Prioritize the requested records: addressing the priority categories outlined in your October 9 correspondence.

• Coordinate departmental searches: Work with the appropriate staff to identify and gather potentially responsive records.

• Review records appropriately: Evaluate materials for any applicable statutory exemptions or required redactions before production.

• Provide records in stages when practicable: Make records available as they are identified, reviewed, and ready for release, rather than delaying all production until every category has been completed.

• Communicate regarding outstanding items: Provide updates on the status of the remaining categories, anticipated production dates, and any applicable cost estimates as those details are established.

The Town acknowledges your requested deadline concerning the priority categories identified in your October 9 letter. We are assessing the status and scope of those categories so that we can provide a meaningful update regarding the work remaining and anticipated next steps. We do not want to provide dates that cannot reasonably be supported without first evaluating the records involved and the work necessary to process them.

We recognize the importance of timely access to public records and appreciate your patience as staff works through these requests. We are currently working with our IT department to address these requests and expedite the process as quickly as possible. Our goal is to handle the requests responsibly, communicate clearly, and provide responsive public records as promptly as possible as required by law.

Please direct any questions regarding the status of these requests to my attention so that we can maintain clear communication as the process continues.

Thank you,"

Kimberly Martin

Town Clerk

CDD Administrative Specialist

920 Buffalo Creek Rd.

Lake Lure, NC 28746

(828)625-9983 ext. 135

[Note: Quoted copy of Plaintiff's October 16, 2026 message (Exhibit I) omitted.]

EXHIBIT K

October 30, 2026 email exchange with Town Attorney, and Plaintiff’s follow-up email that evening

Text of each email reproduced verbatim from Plaintiff’s mailbox. Line breaks and email-client formatting marks have been removed; quoted earlier messages and signature images are omitted where noted. Times shown in Eastern Time.

From: Lake Lure Insider Editor <editor@lakelureinsider.com>
To: Olivia Stewman <ostewman@townoflakelure.com>; Kimberly Martin <kmartin@townoflakelure.com>; Marty Benson <mbenson@asklawnc.com>; Town Clerk <townclerk@townoflakelure.com>; carolcoulterpritchett@gmail.com
Cc: Peter Volk <petegvolk@gmail.com>
Date: Friday, October 30, 2026, 3:31 PM EDT
Subject: One Last Update Request — Aug. 27/Sept. 4 Public Records Request

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Ms. Stewman, Ms. Martin, Mr. Benson, and Town Clerk,

I'm writing for one last update on my August 27 public records request (restated September 4) regarding the Second Mountain / Lured Market & Grill lease matter. It has been 64 days, and I still have no records, no production date, and no written statement of what is being withheld and why under N.C. Gen. Stat. § 132-6(a). The October 14 and October 23 dates in my earlier letters have passed.

I would really like to avoid court. But if I don't have something concrete by 9:00 a.m. Monday, November 2, I will need to move forward with a petition under N.C. Gen. Stat. § 132-9 in Rutherford County Superior Court.

What would resolve this for me:

1. The five priority categories from my October 9 letter (items 3, 4, 5, 6 and 10), or a firm date for each; and

2. A written statement of anything withheld or redacted and the statutory basis, plus any cost estimate.

Partial, rolling production on a written schedule is fine with me. Please also confirm that responsive records, including any on personal accounts or devices used for Town business, are being preserved.

Thank you for your help.

Pete Volk

Lake Lure Insider

editor@lakelureinsider.com

From: Marty Benson <mbenson@asklawnc.com>
To: Lake Lure Insider Editor <editor@lakelureinsider.com>; Olivia Stewman <ostewman@townoflakelure.com>; Kimberly Martin <kmartin@townoflakelure.com>; Town Clerk <townclerk@townoflakelure.com>; carolcoulterpritchett@gmail.com
Cc: Peter Volk <petegvolk@gmail.com>
Date: Friday, October 30, 2026, 4:32 PM EDT
Subject: RE: One Last Update Request — Aug. 27/Sept. 4 Public Records Request

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Mr. Volk,

The Town of Lake Lure remains committed to producing public records as required by statute and will do so as quickly as practicable. That said, I can forecast that you will not receive everything you've requested by Monday morning at 9am, 1.5 business hours after your email. Ms. Martin outlined the procedure being followed for production yesterday, and Town staff is endeavoring to fulfill your request.

If you would like to speak with me about the forthcoming production of records, I would be happy to set up a call next week.

Marty Benson

Attorney

Licensed in North Carolina & California

Allen Stahl + Kilbourne

20 Town Mountain Road, Suite 100

Asheville, NC 28801

828.254.9965 Direct

828.254.4778 Main

828.254.6646 Fax

www.asklawnc.com

mbenson@asklawnc.com

[Note: Confidentiality and wire-fraud notices in the sender's signature block, and a quoted copy of Plaintiff's October 30 message, omitted.]

From: Peter Volk <petegvolk@gmail.com>
To: mbenson@asklawnc.com
Cc: Lake Lure Insider Editor <editor@lakelureinsider.com>; Olivia Stewman <ostewman@townoflakelure.com>; Kimberly Martin <kmartin@townoflakelure.com>; Town Clerk <townclerk@townoflakelure.com>; carolcoulterpritchett@gmail.com
Date: Friday, October 30, 2026, 5:36 PM EDT
Subject: Re: One Last Update Request — Aug. 27/Sept. 4 Public Records Request

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I did not receive an email from Ms Martin. Perhaps you can fill me in on what she said.

Thanks,

Pete

Sent from my iPhone

From: Peter Volk <petegvolk@gmail.com>
To: mbenson@asklawnc.com
Cc: Olivia Stewman <ostewman@townoflakelure.com>; Kimberly Martin <kmartin@townoflakelure.com>; Town Clerk <townclerk@townoflakelure.com>; carolcoulterpritchett@gmail.com; petegvolk@gmail.com
Date: Friday, October 30, 2026, 11:17 PM EDT (timestamped October 31, 2026, 03:17 UTC)
Subject: Re: One Last Update Request — Aug. 27/Sept. 4 Public Records Request

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Mr. Benson, Ms. Martin, Ms. Stewman,

A correction to my earlier note: I have now located Ms. Martin's October 29 email in my spam inbox. It had not been opened when I wrote the previous email.

I do want to note the timing and the content. I asked for a written status and timeline on October 16, two weeks ago, with a requested reply by October 23. The Town's first written response came October 29, 13 days later. It repeats the reasons given in the Town's October 8 email (the volume of records and the time needed to review them) and, like that email, gives no production date, no cost estimate, and no statement of what is being withheld and why. That is the reason I wrote again today and gave a short window.

I would like to resolve this without litigation, and I'm glad to talk. You are welcome to call me at [redacted] any time this weekend or up until 9:00 a.m. Monday, November 2.

What I need from that conversation, or in writing before then, is a timeline:

1. A date for the first production of the priority categories from my October 9 letter (items 3, 4, 5, 6 and 10 of the September 4 request), or a date for each category;

2. A written statement of any record being withheld or redacted and the statutory basis for each, as N.C. Gen. Stat. § 132-6(a) contemplates; and

3. Any cost estimate for the remaining categories, with a date for each.

Rolling production on a written schedule is fine with me, and a firm timeline would let me reconsider my plan to file. If I don't have one by 9:00 a.m. Monday, I intend to proceed with a petition under N.C. Gen. Stat. § 132-9. I will send a short recap of anything we agree to by phone.

Please also confirm that responsive records, including any on personal accounts or devices used for Town business, are being preserved.

Pete Volk

Lake Lure Insider

editor@lakelureinsider.com

petegvolk@gmail.com

[Note: Quoted copy of the October 30 message from the Town Attorney, including the confidentiality and wire-fraud notices in his signature block, and of Plaintiff's earlier October 30 message, omitted.]

EXHIBIT L

November 2, 2026 reply from Town Attorney

Text of each email reproduced verbatim from Plaintiff's mailbox. Line breaks and email-client formatting marks have been removed; quoted earlier messages and signature images are omitted where noted. Times shown in Eastern Time.

From: Marty Benson <mbenson@asklawnc.com>
To: Peter Volk <petegvolk@gmail.com>
Cc: Olivia Stewman <ostewman@townoflakelure.com>; Kimberly Martin <kmartin@townoflakelure.com>; Town Clerk <townclerk@townoflakelure.com>; carolcoulterpritchett@gmail.com
Date: Monday, November 2, 2026, 9:01 AM EST (timestamped 14:01 UTC)
Subject: RE: One Last Update Request — Aug. 27/Sept. 4 Public Records Request

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Mr. Volk,

As I explained in my email late Friday afternoon, the Town of Lake Lure intends to fully comply with the Public Records Act and has been working with the NC League of Municipalities and following its guidance as to the production. Ms. Martin outlined the procedure being followed for production yesterday, and Town staff is endeavoring to fulfill your request.

1. The Town of Lake Lure remains committed to producing public records as required by statute and will do so as quickly as practicable.

2. As the Town identifies and organizes documents responsive to your several and voluminous requests, it will withhold documents where state or federal statute permits or requires denial of public access. To the extent that statutes require descriptive statements of denial of production of partial or entire documents, the Town will provide these as the batches of records are produced.

3. As the Town is still collecting and organizing documents for production under your requests, it has not ascertained what the cost, if any, will be assessed for the production of these documents.

The Town is endeavoring to assure that all requisite information is being preserved.

Regards,

Marty Benson
Attorney
Licensed in North Carolina & California
Allen Stahl + Kilbourne
20 Town Mountain Road
Suite 100
Asheville, NC 28801
828.254.9965 Direct
828.254.4778 Main
828.254.6646 Fax
www.asklawnc.com
mbenson@asklawnc.com

[Note: Confidentiality and wire-fraud notices in the sender's signature block, signature images, and quoted copies of earlier messages in the thread (reproduced at Exhibit K) omitted.]