STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
26CV040178-910

SCOTT R. LASSITER,

Plaintiff,

v.

WAKE COUNTY BOARD OF EDUCATION,

Defendant.

COMPLAINT TO COMPEL PRODUCTION OF PUBLIC RECORDS

N.C.G.S. §§ 132-1 et seq.

(IMMEDIATE HEARING REQUESTED)

NOW COMES Plaintiff Scott R. Lassiter ("Plaintiff"), by and through undersigned counsel, complaining of Defendant, Wake County Board of Education ("Defendant" or "WCBOE"), and alleges as follows:

PARTIES

1. Plaintiff Scott R. Lassiter is a resident of Wake County, North Carolina.

2. Defendant Wake County Board of Education is a local board of education and governmental body located in Wake County, North Carolina, and is a public agency subject to the North Carolina Public Records Act, N.C.G.S. Chapter 132.

JURISDICTION AND VENUE

3. This action arises under the North Carolina Public Records Act, N.C.G.S. §§ 132-1 et seq.

4. N.C.G.S. § 132-9 authorizes a person denied access to public records to apply to the appropriate division of the General Court of Justice for an order compelling disclosure or copying of those records.

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5. Venue is proper in Wake County because Defendant is located in Wake County, the requested records are or should be maintained by Defendant in Wake County, and the acts and omissions giving rise to this action occurred in Wake County.

6. N.C.G.S. § 132-9(a) provides that actions to compel disclosure of public records shall be set down for immediate hearing and accorded priority by the trial and appellate courts.

7. Plaintiff acknowledges the mediation requirements of N.C.G.S. § 7A-38.3E and will timely initiate the mandatory post-filing mediation process prescribed by that statute. Plaintiff seeks relief consistent with N.C.G.S. §§ 132-9 and 7A-38.3E.

HISTORIAL FACTUAL ALLEGATIONS

8. Plaintiff previously served as an employee and school administrator of the Wake County Public School System.

9. On or before July 17, 2026, Plaintiff, through counsel, submitted a written request to Defendant’s Custodian of Records for inspection and production of records pursuant to Chapter 132 of the North Carolina General Statutes and applicable provisions governing a former employee's access to his own personnel information.

10. The request sought existing records created, received, maintained, or possessed by Defendant and its officers, employees, or agents concerning Plaintiff and the subjects identified in the written request.

11. The requested materials included existing emails, messages, documents, attachments, and other records concerning, among other subjects, Plaintiff; the May 22, 2024 incident at Connections Academy; Plaintiff's suspension and separation from employment; the Confidential Personnel Agreement; reporting to the North Carolina Department of Public Instruction;

Plaintiff's political candidacy or affiliation; school-safety issues; media communications; and related personnel decisions.

12. Plaintiff did not ask Defendant to create new records, conduct a new investigation, or prepare narrative answers.

13. Defendant received or had notice of Plaintiff's records request on or before July 17, 2026.

14. On September 26, 2026 counsel for Defendant in an email to undersigned counsel stated, in essence, that providing all the records sought would be unmanageable and that a mere sample of such records would require over 3,000 hours of staff time at a cost of $68,467.38. See Exhibit “A” attached hereto.

15. Plaintiff's counsel has advised Defendant’s counsel that the volume of responsive material was not an obstacle to production because Plaintiff was not asking WCPSS to print the records and was prepared to receive hundreds or thousands of pages electronically if that was what a responsive search produced.

16. Plaintiff's counsel further explained that much of the requested material should be capable of identification through WCPSS's Microsoft 365, Exchange, and Outlook environment using available electronic search and eDiscovery capabilities, including searches by custodian, date range, search term, sender, recipient, subject matter, and other appropriate criteria.

17. To facilitate an efficient search, Plaintiff's counsel supplied specific identifying terms, including "Scott Lassiter," "Lassiter," "Scott," "SL," "S.L.," and "SRL," and identified relevant subject matters with which those terms could be combined.

18. Plaintiff's counsel invited Defendant to identify any particular category that Defendant believed was unduly difficult to identify or that produced a substantial volume of irrelevant material so that the parties could discuss a reasonable refinement.

19. Plaintiff's counsel also reiterated that Plaintiff would accept appropriate redaction of student information, information concerning other employees, and other material legitimately protected by law, while noting that N.C.G.S. § 132-6 does not permit denial merely because confidential and nonconfidential information are commingled.

20. Plaintiff's correspondence additionally requested complete copies of Plaintiff's WCPSS "Personnel File" and "Investigations File" and invoked the provisions of N.C.G.S. §§ 115C-319 and 115C-321 governing a current or former school employee's access to his own personnel information, subject to applicable statutory exceptions. This request has been addressed by Defendant's counsel by means of a link to the pertinent documents (with appropriate redactions) as well as by an invitation to view the videos in Plaintiff's investigative file.

21. On October 5, 2026 a video conference call was conducted with Plaintiff and his attorney and Defendant's counsel participating in an effort, *inter alia*, to arrive at a mutually agreeable public records search. It appeared from subsequent correspondence that date that the parties had indeed agreed to a resolution of Plaintiff's request. See Exhibit "B" attached hereto.

22. Thereafter on October 9, 2026 Plaintiff's counsel noted that a considerable amount of time had elapsed since the records were first requested and advised Defendant that October 19, 2026 was a reasonable final date by which substantial production should occur. See Exhibit "C" attached hereto.

23. N.C.G.S. § 132-6(a) requires custodians of public records to permit inspection and examination at reasonable times and to furnish copies "as promptly as possible" with fees commensurate with “actual costs”. N.C.G.S. § 132-6.2

24. N.C.G.S. § 132-6(c) provides that a public-records request may not be denied merely because confidential information is commingled with requested nonconfidential information and places upon the public agency the cost of separating confidential from nonconfidential information.

25. Plaintiff seeks judicial enforcement of his right of access to all responsive records that are subject to disclosure under Chapter 132 and applicable law.

26. Upon information and belief, employees within the WCPSS were observed culling documents requested for review thereby bolstering the need for judicial oversight as sought herein.

CURRENT FACTUAL ALLEGATIONS

27. Plaintiff incorporates by reference Paragraphs 1 – 26 as if fully set forth herein.

28. On October 18, 2026, Defendant, through counsel, acknowledged that an electronic search of 53 employee mailboxes using Plaintiff's revised search parameters had identified approximately 84,394 matches comprising more than 60 gigabytes of data. Defendant estimated that processing those results would require 703.28 hours of staff time and assessed a proposed special service charge of $15,395.56.

29. This revised assessment followed Defendant's September 26, 2026 estimate of $68,467.38, based upon 372,009 preliminary email matches from only five employee accounts and an estimated 3,092.08 hours of staff labor. The substantial difference between these estimates illustrates the importance of appropriate search parameters, relevance filtering,

duplicate elimination, and transparent calculation of any proposed special service charge.

30. Defendant's October 18 estimate reflects approximately 30 seconds of projected staff labor for each reported search match. Plaintiff alleges, upon information and belief, that this estimate may reflect a standardized per-item calculation rather than an individualized determination of the actual work reasonably necessary to identify and produce responsive nonexempt records. Plaintiff requests that Defendant be required to substantiate the methodology underlying its estimate, including the treatment of duplicate, irrelevant, and nonresponsive material.

31. On October 18, Defendant also provided a 163-page PDF containing selected communications identified through searches limited to calendar year 2024 and five employee mailboxes. Defendant expressly characterized this delivery as an initial production rather than a completed response to Plaintiff's operative public records request.

32. Plaintiff acknowledges receipt of the partial production. However, the production does not establish that Defendant has completed a reasonable search and production of nonexempt records responsive to the broader request. Defendant has not provided a definite completion date or a sufficiently detailed production schedule addressing the substantial volume of potentially responsive material it acknowledges identifying.

33. The limited production includes communications concerning Plaintiff's employment, political activity, administrative treatment, and subsequent employment opportunities. These communications demonstrate the existence of records directly related to the subject matter of Plaintiff's request and reinforce the need for a completed search and production of responsive nonexempt material throughout the applicable time period.

34. Certain records within the partial production contain extensive redactions identified

as attorney-client privileged. Specific examples appear on pages 100 and 143 through 145 of Defendant's October 18 production, including March 2024 communications concerning Plaintiff's political campaign video involving senior administrators and communications personnel.

35. Plaintiff recognizes that confidential legal advice may be privileged and that such privilege may extend to otherwise qualifying communications among non-attorney personnel. Nevertheless, Plaintiff disputes whether every challenged redaction is supported by an applicable legal privilege or statutory exemption, particularly where the communications concern administrative decision-making or factual matters independently subject to disclosure.

36. Plaintiff has requested and hereby continues to request that Defendant provide sufficiently particularized identification of the legal grounds for the disputed redactions to permit meaningful judicial review and, where appropriate, submit the unredacted records for in-camera examination. Plaintiff does not seek disclosure of legitimately privileged communications or trial preparation materials that must be addressed in the pending federal proceeding pursuant to N.C.G.S. § 132-1.9.

37. N.C.G.S. § 132-6(c) expressly requires a public agency to bear the cost of separating confidential information from nonconfidential information. Defendant has not established what portion, if any, of its proposed charges represents the cost of performing that statutory responsibility rather than otherwise permissible special services under N.C.G.S. § 132-6.2(b).

38. Plaintiff disputes the legality and reasonableness of any charge attributable to statutory confidentiality separation, unnecessary or duplicative processing, unsupported labor estimates, or services exceeding those for which a special service charge is authorized. Plaintiff does not contend that every special service charge is unlawful but seeks judicial determination of

the amount, if any, that Defendant may lawfully assess.

39. Despite Plaintiff's repeated efforts to narrow the request, accommodate electronic production, and resolve disputes without litigation, Defendant has not completed production of responsive nonexempt public records. Plaintiff therefore seeks judicial intervention to establish enforceable obligations for production, determine the legality of disputed charges, and resolve challenges to identified withholdings.

FIRST CAUSE OF ACTION

VIOLATION OF THE NORTH CAROLINA PUBLIC RECORDS ACT

N.C.G.S. §§ 132-1, 132-6, AND 132-9

40. Plaintiff incorporates by reference Paragraphs 1 through 39 as if fully set forth herein.

41. Defendant is a public agency subject to the requirements of Chapter 132 of the North Carolina General Statutes.

42. The records requested by Plaintiff constitute public records within the meaning of N.C.G.S. § 132-1 to the extent that they were made or received pursuant to law or ordinance in connection with the transaction of public business by Defendant and are not specifically made confidential or exempt from disclosure by law.

43. Plaintiff first made a request for inspection and production of those records on or before July 17, 2026.

44. N.C.G.S. § 132-6(a) imposed upon Defendant an obligation to make responsive public records available for inspection and to furnish requested copies as promptly as possible.

45. Defendant’s production of alleged responsive public records despite the passage of more than two months and despite subsequent collegial efforts to facilitate an efficient electronic search and production has been totally inadequate.

46. Defendant's continuing failure to provide responsive public records has denied Plaintiff the access guaranteed by Chapter 132.

47. To the extent responsive records contain both public and confidential information, N.C.G.S. § 132-6(c) requires Defendant to separate or redact confidential material and provide the remaining public information rather than withhold an otherwise public record merely because the two are commingled.

48. N.C.G.S. § 132-9 provides that actions brought under that section shall be set down for immediate hearing and accorded priority.

49. Plaintiff further seeks recovery of reasonable attorneys' fees to the extent authorized by N.C.G.S. § 132-9 if Plaintiff successfully compels disclosure and substantially prevails.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

1. Set this action for immediate hearing as provided by N.C.G.S. § 132-9;

2. Upon satisfaction of the requirements of N.C.G.S. § 7A-38.3E, determine that Defendant has failed to provide Plaintiff access to public records as required by Chapter 132;

3. Enter an order directing Defendant promptly to search for, identify, and produce all records responsive to Plaintiff's request that are subject to disclosure under North Carolina law;

4. Order Defendant to complete a reasonable search and produce responsive, nonexempt records within a definite, court-established period, including appropriate interim productions.

5. Require Defendant to provide evidence substantiating its proposed service charges, including search methodology, custodians, duplicate treatment, relevance filtering, projected hours, personnel rates, and the specific tasks for which compensation is sought.

6. Determine the lawful service charge, if any, and prohibit assessment against Plaintiff

of costs that N.C.G.S. § 132-6(c) assigns to Defendant.

7. Require Defendant to identify the legal grounds supporting disputed redactions or withholdings sufficiently for judicial adjudication and conduct in-camera examination of disputed records where appropriate and authorized by law.

8. Enter appropriate orders preserving responsive records, establish mechanisms for enforcing compliance, and retain jurisdiction as necessary to ensure the completion of court-ordered production.

9. Award Plaintiff reasonable attorneys' fees and allowable costs to the extent authorized under N.C.G.S. § 132-9(c).

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

Respectfully submitted this the 21st day of October 2026.

EDMISTEN & WEBB LAW

/s/ William Woodward Webb
William Woodward Webb
NC State Bar #4624
118 St. Mary's Street
2nd Floor
Raleigh NC 27605
woodywebb@ew-law.com
(919) 831-8700

Gmail

Woody Webb Sr <woodywebb@ew-law.com>

RE: Lassiter v Wake County Board of Education - Records Request

Colin Shive <cshive@tharringtonsmith.com>
To: Woody Webb Sr <woodywebb@ew-law.com>

Sat, Sep 26, 2026 at 1:27 PM



Woody:

I hope you're having a nice Saturday. I wanted to follow-up on our previous conversations regarding your client's public records request. Please feel free to give me a call on Monday to discuss.

As you know, your initial records request sought all emails sent, received, or forwarded by any WCPSS employee, official, board member, contractor, or representative acting in an official capacity during a more than 4.5 year period that "reference" or "pertain" to Dr. Lassiter. During our first conversation regarding this matter (I believe in late August), you indicated that the request may no longer be needed and that the school system did not need to take any immediate action to respond. During a subsequent call on September 11, 2026, you indicated your client remained interested in pursuing the records request and I shared that the request as drafted was so broad that an email search based on the proposed search parameters would be unmanageable.

You have proposed search terms of "Scott Lassiter," "Lassiter," "Scott," "SL," "S.L.," and/or "SRL" for all WCPSS employees, officials, board members, contractors, and representatives acting in an official capacity during the more than 4.5 year period. While your September 14 email, below, suggests some additional search terms that "may" be used, it is unclear from your communication as to whether you are limiting the search to those terms.

The school system's communications department has done some initial searches to try and ascertain the work required to respond to your client's request. Staff identified a select group of current and former employees whose inboxes may contain emails relating to your client (Assistant Superintendent Dr. AJ Muttillo, former Director of Employee Relations Kendra Hill, Senior Director of Communications Sara Clark, Superintendent Dr. Robert Taylor, and Southwestern Area Superintendent Jonathans Enns) between 01/01/2022 and 07/21/2026. Using your suggested search terms for these five email accounts alone generated 372,009 emails.

Per the school system's public records policy (Board Policy 5070), the school system "may assess a special service charge for any public record requests that require the extensive use of information technology resources or extensive clerical or supervisory assistance by school system personnel." Policy specifies that fee may be assessed when more than 8 hours of school system staff review is expected for the request. A full link to the policy is here: https://v3.boardpolicyonline.com/b/bl/wake_new/s/721312. Communications staff estimate that reviewing and processing these 372,009 emails will require 3092.08 hours of staff time. With combined clerical and supervisory rates, this will result in a service charge of $68,467.38. Given the volume produced by these initial searches and the corresponding service charge, please let me know if you would like to discuss narrowed search terms and parameters.

In the meantime, consistent with G.S. 115C-321, Dr. Lassiter may certainly have access to copies of documents in his official personnel file and investigative file related to the May 22, 2024, incident. I have included below a link to documents responsive to that request. Please note there are references to other employees and students in the investigative file which have been redacted. As you are aware, there are also videos in the investigative file which depict other employees and students during the May 2024 incident. Given the videos display the images of others, too, it is the school system's practice to meet its obligation of providing access to such personnel information captured in video by offering viewing opportunities rather than disseminating copies to individuals. It is my understanding that you shared with my colleague that you have already watched videos from the incident. However, if you wish to view the videos in the investigative file, please let me know and I would be happy to arrange a time for you and/or Dr. Lassiter to view them.

I look forward to hearing from you.

Scott Lassiter – Personnel and Public Records Requests

Colin A. Shive

Tharrington Smith, LLP

(919) 821-4711 ext. 262

cshive@tharringtonsmith.com

www.tharringtonsmith.com

150 Fayetteville St, Suite 1900, Raleigh, NC 27601

P.O. Box 1151, Raleigh, NC 27602

Gmail

Woody Webb Sr <woodywebb@ew-law.com>

Re: Lassiter v Wake County Board of Education - Records Request

Woody Webb Sr <woodywebb@ew-law.com> Mon, Oct 5, 2026 at 3:40 PM
To: Colin Shive <cshive@tharringtonsmith.com>

Hi Colin:

All members of the Board of Education (Heather Scott, Cheryl Caulfield, Monika Johnson-Hostler, Christina Gordon, Roxie Cash, Wing Ng, Tara Waters, Toshiba Rice, Jim Martin, Lynn Edmonds, Christine Kushner, Sam Hershey, Chris Heagarty, Lindsay Mahaffey, Jennifer Job, Karen Carter, and Tyler Swanson).

The Superintendent (both Taylor and Moore)

Clinton Robinson

Lisa Luten

Sara Clark

AJ Muttillo

Kendra Hill

Perry Aaron

Jerry Griffith

Jonathan Enns

Mark Savage

Jacqueline Ellis

Russ Smith

To be identified Safety and Security department staff assigned to Connections Academy (Brian Smith and Carliss Williams)

Shashikanth Buddula

Will Chavis

James Overman

Seydric Williams

Glen Carrozza

Michele Woodson

Lloyd Gardner

Paul Walker

Paul Koh

Ken Jorgensen

Kathryn Chantos

Karen Hamilton

Exhibit B

Jill Mckenna

Ashlie Thompson

Elena Ashburn

Gary Duvall

Teresa Caswell

Shelia Bennett

Cecil Bell
David Neeter
Trish Philbrook

For the WCPSS email/ESI search, search terms should be broad enough to capture communications where they referred to Scott Lassiter by initials, shorthand, position, school, or political activity rather than by his full name.

Please consider using the following:

IDENTIFIERS

"Scott Lassiter"
"Scott R. Lassiter"
"Scott R Lassiter"

"Mr. Lassiter"

"Mr Lassiter"

"AP Lassiter"

"Lassiter"
"Dr. Lassiter"
"Dr Lassiter"
"S. Lassiter"
"S Lassiter"
"SRL"
"S.R.L."
"SL"
"S.L."

PAIRED IDENTIFIER SEARCHES

"Scott" AND "Connections"
"SL" AND "Connections"
"S.L." AND "Connections"
"SRL" AND "Connections"
"S.R.L." AND "Connections"

POSITION / SHORTHAND REFERENCES

"Connections AP"
"Connections assistant principal"
"Connections administrator"
"former Connections administrator"
"the AP" AND "Connections"
"the assistant principal" AND "Connections"
"the administrator" AND "Connections"
"former administrator" AND "Connections"
"the employee" AND "Connections"

POLITICAL / CAMPAIGN REFERENCES

Include contextual searches for communications that may have identified Scott Lassiter politically rather than by name:

("Scott" OR "Lassiter" OR "SL" OR "S.L." OR "SRL" OR "S.R.L.")
AND
("Republican" OR "GOP" OR "Senate" OR "State Senate" OR "NC Senate" OR "candidate" OR "campaign" OR "political" OR "election")

And:

("Connections" OR "Connections Academy" OR "Connections AP")
AND
("Republican" OR "GOP" OR "Senate" OR "candidate" OR "campaign" OR "political" OR "election")

Search the following phrases:

"Republican candidate"
"Senate candidate"
"State Senate candidate"
"NC Senate candidate"
"political candidate"
"candidate for Senate"
"running for Senate"
"running for office"
"campaigning"
"political activity"

The concern is that internal communications may have referred to Scott Lassiter simply as "SL," "SRL," "the AP," "the candidate," "the Republican candidate," or "the AP running for Senate," without ever using "Scott Lassiter."

These searches should cover email bodies, subject lines, attachment names and contents, Teams/internal messages, and calendar entries, not just the body of email messages.

Thank you,

Woody

On Mon, Oct 5, 2026 at 1:35 PM Colin Shive <cshive@tharringtonsmith.com> wrote:

> Woody:
>
> Following up on our meeting today, please confirm the below list of individuals whose email accounts you would like searched pursuant to your client's public records request:
>
> All members of the board of education
>
> The Superintendent (both Taylor and Moore)
>
> Clinton Robinson
>
> AJ Muttillo
>
> Kendra Hill
>
> Perry Aaron
>
> Jerry Griffith
>
> Jonathan Enns
>
> Mark Savage
>
> Lisa Allred

Jacqueline Ellis

Russ Smith

To be identified Safety and Security department staff assigned to Connections Academy

You have requested that each of these email accounts be searched for the period January 1, 2022, to present. Please let me know the exact search terms you are requesting, and I will convey the request to communications department staff.

Thank you,

Colin

Gmail **Woody Webb Sr <woodywebb@ew-law.com>**

Re: Monday meeting

Woody Webb Sr <woodywebb@ew-law.com> Fri, Oct 9, 2026 at 1:41 PM
To: Colin Shive <cshive@tharringtonsmith.com>

Hi Colin:

I think you said you would be back from Granada ["...is it Granada I see or merely Asbury Park..."-F. Sinatra] by this weekend so as a welcome home present, we are requesting the requested public records by Monday, October 19, 2026.

Hope you had a good time.

Regards,
Woody

Exhibit C