

STATE OF NORTH CAROLINA FILED

IN THE GENERAL COURT OF JUSTICE

DATE: April 15, 2026

SUPERIOR COURT DIVISION

IREDELL COUNTY

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25CVS002134-480

IREDELL COUNTY

CLERK OF SUPERIOR COURT

GRAY LOCAL MEDIA, INC., BY: B. Williams)

d/b/a/ WBTV,)

Plaintiff,)

v.)

TOWN OF MOORESVILLE and TOWN)

MANAGER TRACEY JEROME,)

Defendants.)

**ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND
MOTION TO STRIKE, AND DENYING DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT AND MOTION TO STRIKE**

THIS MATTER IS BEFORE THE COURT on Plaintiff Gray Local Media, Inc., d/b/a WBTV ("Plaintiff" or "WBTV")'s Motion for Summary Judgment, filed on January 21, 2026, and Defendants Town of Mooresville and Town Manager Tracey Jerome ("Defendants" or the "Town")'s Cross-Motion for Summary Judgment, filed on March 3, 2026. Argument on the cross-summary judgment motions was heard on March 16, 2026, at the Iredell County Superior Court in Statesville, NC.

In addition, pending before the Court are WBTV's Motion to Strike the Affidavit of Edgar Fritz, filed on March 9, 2026, and the Town's Objection to the Affidavit of David Hodges, filed on March 27, 2026. Also pending is the Town's Motion for Protective Order, filed on December 12, 2025, which counsel for Defendants acknowledged at the hearing would be moot if the Court grants either of the summary judgment motions.

Upon consideration of the motions, the evidence submitted in support thereof, and the argument presented at the hearing, the Court hereby rules as follows:

UNDISPUTED FACTUAL BACKGROUND AND PROCEDURAL HISTORY

The cross-motions for summary judgment concern surveillance video depicting Mooresville Mayor Chris Carney and a female companion in the Town Hall building outside of business hours in the early morning hours of October 10, 2024. While WBTV's original public records request encompassed more footage, Plaintiff has narrowed its motion for summary judgment to seek only footage depicting the Mayor, his companion, and the police officers called to the scene that early morning.

According to swipe card records and police records, on October 10, 2024, the Mayor entered Town Hall at 12:25 a.m. and set off a motion detector twice, once at 2:42 a.m. and again at 4:17 a.m. During his deposition taken in this case, Mooresville Police Chief Ron Campurciani testified it was “out of the ordinary” for an alarm to go off in the Mayor’s suite at these hours, and four police officers were dispatched to the scene. Campurciani Dep. at 45:19-46:16. Chief Campurciani also testified that Town Manager Tracey Jerome called him into the Town Attorney’s office so the three of them could watch the videos together. After watching the videos, Chief Campurciani “determined that there was no need to continue any type of investigation into this because there was no criminal activity.” *Id.* at 58:18-21. No criminal investigation was ever initiated *Id.* at 44:13-15.

On November 10, 2024, Mr. Hodges submitted a public records request pursuant to the Public Records Act, N.C.G.S. § 132-1 *et seq.*, seeking, among other items, “[a]ll visual/video surveillance for City Hall/413 N Main St from October 7-October 11 ... between the hours of 11 p.m. and 6 a.m.” *See* Compl. ¶ 33 & Ex. 1; Aff. of Christopher Quinn Ex. 1. The Town denied this request pursuant to N.C.G.S. § 132-1.4, the criminal intelligence information and criminal investigation exception to the Public Records Act’s disclosure requirements.

On June 16, 2025, WBTV sued Defendants, alleging they wrongfully withheld the videos in response to its public records request. In their Answer filed on August 25, 2025, the Town again asserted they were exempt pursuant to N.C.G.S. § 132-1.4, and additionally asserted the videos are not public records pursuant to N.C.G.S. § 132-1.7, which excepts sensitive public security information.

During this litigation, WBTV served requests for production and interrogatories on Defendants, and took the depositions of Ms. Jerome and Chief Campurciani. In response to the requests for production, Defendants produced a Town Administrative Policy for its Security Systems and Related Data/Footage (“Town CCTV Policy”), dated December 28, 2022.

In discovery, Defendants declined to provide information regarding what building or spaces are monitored by the CCTV system on grounds that this was sensitive security information, objected to questions regarding what the videos depict the Mayor and other individuals were doing, and on December 12, 2025, moved for a protective order to prevent further discovery on grounds that answers to the objected-to inquiries were not relevant to the question of whether the videos were public records.

On January 21, 2026, WBTV moved for summary judgment and narrowed its request for relief by seeking an order directing Defendants to only provide WBTV CCTV footage captured on

Town Hall cameras, both inside and outside the building, that depict the Mayor, the female companion, and responding officers in the morning hours of October 10, 2024. WBTV argued in the first instance that the videos should be disclosed pursuant to the Public Records Act as no exception would justify their withholding, or alternatively, that the videos should be released pursuant to the Custodial Law Enforcement Recording Act, N.C.G.S. § 132-1.4A.

On March 3, 2026, Defendants filed a cross-motion for summary judgment, arguing (1) the videos are exempt from disclosure pursuant to the security information and criminal investigation provisions of the Public Records Act, (2) WBTV lacked standing as it did not submit the public records request, (3) the lawsuit should be dismissed to the extent it is against Ms. Jerome in her personal capacity, and (4) if the Court determines the videos are law enforcement records, they should not be disclosed pursuant to the CLEAR Act. In support, they submitted affidavits by Ms. Jerome and Town Chief Financial Officer Christopher Quinn, as well as an expert affidavit for Edgar Fritz, a digital forensics media specialist which opined about potential risks if videos were released.

WBTV moved to strike the Fritz Affidavit on March 9, 2026, and noticed its Motion to Strike for hearing on March 16 along with the summary judgment motions. The parties submitted briefs in support of their cross motions on March 11, 2026.

The Court heard argument on the motions on March 16, 2026. At the hearing, counsel for the Town acknowledged that granting either of the cross-summary judgment motions would moot the motion for protective order, and the Court did not hear argument on this motion.

After the hearing, the Court asked counsel for the parties if they wanted to submit any additional materials given the time constraints on the argument. The following day, WBTV submitted the Affidavit of David Hodges, attesting that he found detailed Town Hall building plans on a Mooresville website.

The Court then entered a post-hearing order allowing the Hodges Affidavit as made pursuant to N.C. R. Civ. P. 56(f), providing that Defendants may move to strike the Hodges Affidavit or submit additional evidence responding to the Hodges Affidavit on or by March 27, 2026, and staying discovery. The Order also allowed both sides to request further hearing in light of any affidavits or other evidence filed after the initial hearing. Neither side requested additional hearing.

The Town timely filed (1) a motion to strike the Hodges Affidavit on grounds that it was untimely, and (2) the Affidavit of the Town's Director of the Building Permitting and Inspection Department Tommy Rowland attesting that the Town Hall building plans Hodges located online are

outdated, and (3) a request for *in camera* review, asking that if the Court determines any of the videos should be released as public records, it should conduct *in camera* review of the footage to determine if any redactions should be applied.

On April 1, 2026, WBTV filed a response to the request for *in camera* review, stating that it does not oppose *in camera* review before release of the videos, but arguing Defendants bear the burden of identifying which portions of the videos should be redacted and the Public Records Act statutory exemption justifying the redactions.

CONCLUSIONS OF LAW

Defendants have acknowledged that the videos are public records as defined in N.C.G.S. § 132-1(a) and must be released in response to a public records request unless an exemption or exception applies. *See News & Observer Publ'g Co. v. Poole*, 330 N.C. 465, 486, 412 S.E.2d 7, 19 (1992). Defendants bear the burden of demonstrating the videos are exempt from disclosure.

While the Town has moved for summary judgment on four bases, in this order, the Court need only address whether the videos at issue are public records that must be released to WBTV. First, WBTV has standing to bring suit over the denial of Mr. Hodges' public records request, which he submitted in his capacity as a journalist employed by WBTV. *Womack Newspapers, Inc. v. Town of Kitty Hawk ex rel. Kitty Hawk Town Council*, 181 N.C. App. 1, 16, 639 S.E.2d 96, 106 (2007). The Town has not presented legal authority stating otherwise. Second, the parties' briefings confirm they agree Ms. Jerome has been named as a defendant in her professional capacity, not her personal capacity. And third, as addressed *infra*, the Town has acknowledged the videos are not law enforcement records, so the Court need not address WBTV's alternative argument that the videos should be released pursuant to the CLEAR Act.

The Court will first address the motions to strike addressing the materials properly before the Court, then the cross-motions for summary judgment.

A. The Town's Motion to Strike the Hodges Affidavit

On March 17, 2026, WBTV submitted the Affidavit of Mr. Hodges, in which Mr. Hodges attests that he "attended the March 16 hearing in this matter and heard Mooresville counsel discuss concerns about the building layout of Town Hall becoming public, arguing that videos captured on Town cameras could be used to 'reverse engineer' this information for portions of the building that are not open to the public." Hodges Aff. ¶ 3. He also attests that after the hearing, he "used the Town's publicly accessible permit portal to search the Town Hall address" and "was able to find approved plans for Town Hall," which are attached as an exhibit to the Affidavit. *Id.* ¶¶ 4, 5. In the

Post Hearing Order, the Court preliminarily permitted the Hodges Affidavit, but also permitted the Town to respond.

On March 27, the Town filed an objection to the Hodges Affidavit, which requests that the affidavit be stricken on grounds that it was filed after the March 16 hearing and is therefore untimely. The Town also argues the Hodges Affidavit and attachment are irrelevant, as according to the contemporaneously filed Affidavit of Mr. Rowland, the Town Hall plans are from 2004 and “as of the date of Hodges’ public records request, many persons and departments were located in different offices from those shown on the exhibit to the Hodges Affidavit.” *See* Rowland Aff. ¶ 8.

The Court invited the parties to submit additional materials following the hearing, which was condensed because of the Court’s calendar that day. At the hearing, counsel for Defendants represented that portions of Town Hall building are not open to the public and therefore the layout was not public knowledge, which was an additional basis for the Court to determine the videos are sensitive public security information. The Town did not assert this in its cross-summary judgment motion or supporting memorandum.

Both the Hodges Affidavit and the Rowland Affidavit are based on the affiants’ personal knowledge and may be considered on a motion for summary judgment pursuant to N.C. R. Civ. P. 56(e). As the Town has not identified any basis for striking the Hodges Affidavit other than that it was filed after the hearing, and the Town has had the opportunity to present its own counter-affidavit, the Court will permit the Hodges Affidavit and the Rowland Affidavit on the cross-summary judgment motions.

B. WBTV’s Motion to Strike the Fritz Affidavit

Under Rule 56 of the North Carolina Rules of Civil Procedure, parties may submit and rely upon affidavits to support a motion for summary judgment if they are “made on personal knowledge, ... set forth such facts as would be admissible in evidence, and ... show affirmatively that the affiant is competent to testify to the matters stated therein.” For expert testimony to be admissible, it must “provide insight beyond the conclusions that jurors can readily draw from their ordinary experience,” and “must do more than invite the jury [or judge] to substitute the expert’s judgment of the meaning of the facts of the case for its own.” *State v. McGrady*, 368 N.C. 880, 889, 787 S.E.2d 1, 8 (2016).

With their cross-summary judgment motion, Defendants have submitted an expert affidavit from Edgar Fritz, whose CV states he is a Forensics Examiner in Digital Evidence. Mr. Fritz proffers his opinion that disclosure of any of the requested videos would compromise Town security. WBTV has moved to strike the Fritz Affidavit, and that motion should be granted.

The Fritz Affidavit lacks a reliable foundation, as it is based solely on the Complaint, the discovery in the case, and Fritz’s “specialized experience working with, reviewing and analyzing both video and images.” Fritz Aff ¶¶ 3, 4. Mr. Fritz does not claim to have reviewed any information about the Town’s specific CCTV system, cameras, or policies regarding the handling of CCTV videos. “[W]hen such expert opinion testimony is based merely upon speculation and conjecture, it can be of no more value than that of a layman’s opinion.” *Young v. Hickory Bus. Furniture*, 353 N.C. 227, 230, 538 S.E.2d 912, 915 (2000).

Additionally, Fritz’s opinions about what hypothetical disclosures could compromise the Town’s security have no impact on whether the requested video records fall within the strict definition of sensitive public security information within N.C.G.S. § 132-1.7, which is a determination the Court must make based on the plain language of the statute.

For these reasons, the Fritz Affidavit is stricken, and the Court will analyze the text of the applicable statutes to determine if the videos are public records that must be released.

C. Cross-Motions for Summary Judgment

In North Carolina, “public records and public information compiled by the agencies of North Carolina Government, or its subdivisions are the *property of the people*.” *Gray Media Grp. v. City of Charlotte*, 290 N.C. App. 384, 386, 892 S.E.2d 629, 632-33 (2023) (quoting N.C.G.S. § 132-1(b) (2021) (emphasis added in the opinion)). The Public Records Act is to be “liberally construed,” and “[e]xceptions and exemptions to the Public Records Act must be construed narrowly.” *DTH Media v. Folt*, 374 N.C. 292, 300-01, 841 S.E.2d 251, 257-58 (2020).

The cross-summary judgment motions present questions of law regarding statutory interpretation of the Public Records Act for this Court’s determination based on undisputed facts. *See News Reporter Co. v. Columbus Cnty.*, 184 N.C. App. 512, 513-14, 646 S.E.2d 390, 392 (2007). When interpreting statutes, including the Public Records Act and any exemptions or exceptions, courts are to look first at the “plain meaning” of the statute. *Wilkie v. City of Boiling Spring Lakes*, 370 N.C. 540, 547, 809 S.E.2d 853, 858 (2018). “It is well settled that where the language of a statute is clear and unambiguous, there is no room for judicial construction and the courts must construe the statute using its plain meaning.” *Id.* (cleaned up). Where the Public Records Act’s exemptions do not explicitly encompass otherwise public records, courts must “presume it intended only the exemption set forth.” *Advance Publ’ns v. City of Elizabeth City*, 53 N.C. App. 504, 506, 281 S.E.2d 69, 70 (1981) (rejecting the municipality’s argument that would expand the attorney-client communications exemption); *see also Ochsner v. Elon Univ.*, 221 N.C. App. 167, 174-75, 725 S.E.2d 914, 919-20 (2012) (rejecting argument that the Public Records Act at the time (which has since

been amended) applied to campus police on grounds that “if the legislature had intended for campus police departments to be subject to the Public Records Act, it could have listed campus police departments as public law enforcement agencies”), *aff’d*, 366 N.C. 472, 737 S.E.2d 737 (2013) (mem.) (per curiam).

The Town has asserted the videos are criminal investigative materials and/or sensitive public security information. Neither of these exceptions apply to the requested videos. Accordingly, the videos must be released to WBTV in response to its public records request.

1. The Videos Are Not Records of Criminal Investigations or of Criminal Intelligence Information Pursuant to N.C.G.S. § 132-1.4.

N.C.G.S. § 132-1.4 provides that “[r]ecords of criminal investigations conducted by public law enforcement agencies, [and] records of criminal intelligence information compiled by public law enforcement agencies” are not public records. Chief Campurciani testified the videos were not “compiled by” the Mooresville Police Department in connection with an investigation, but that he watched the videos with the Town Hall Manager Tracey Jerome in the Town Attorney’s office and “determined that there was no need to continue any type of investigation into this because there was no criminal activity.” Campurciani Dep. at 58:18-21.

Additionally, the Town has asserted the videos were “not made by or on behalf of a law enforcement agency” and “[were] not made while carrying out law enforcement responsibilities.” Mem. in Supp. of Defs.’ Mot. for Summ. J. (“Town Mem.”) at 10. In the Town’s own words, the CCTV video “was made on behalf of a municipality” and “part of daily municipal business.” *Id.* Even if Chief Campurciani’s review of the videos were considered an investigative act, the Public Records Act provides that “[t]he use of a public record in connection with a criminal investigation or the gathering of criminal intelligence shall not affect its status as a public record.” *See* N.C.G.S. § 132-1.4(f).

As the Town has stated the videos were not compiled by a law enforcement agency for a criminal investigation, they cannot be kept confidential pursuant to N.C.G.S. § 132-1.4.

2. The Videos Are Not Sensitive Public Security Information Pursuant to N.C.G.S. § 132-1.7.

The plain language of the sensitive security information exception, N.C.G.S. § 132-1.7(a), establishes it applies to detailed security plans and similar types of documents, or *specific* security information, and is limited to the following:

- (1) Information containing specific details of public security plans and arrangements or the detailed plans and drawings of public buildings and infrastructure facilities, including detailed plans and

drawings contained in, or capable of being produced from, information storage systems or geographic information system databases.

(2) Plans, schedules, or other documents that include information regarding patterns or practices associated with executive protection and security.

(3) Specific security information or detailed plans, patterns, or practices associated with prison or local confinement facilities operations.

(4) Specific security information or detailed plans, patterns, or practices to prevent or respond to criminal, gang, or organized illegal activity.

(5) Specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure, whether physical or virtual, for the production, generation, transmission, or distribution of energy.

Section (b) further provides:

Public records as defined in G.S. 132-1 do not include plans to prevent or respond to terrorist activity, to the extent such records set forth vulnerability and risk assessments, potential targets, specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public or the security of any governmental facility, building, structure, or information storage system.

Defendants' Memorandum, and the Fritz Affidavit, assert that the videos at issue fit the definition of sensitive public security information because "release of the Requested Videos would allow a criminal to reverse engineer the footage to reveal Town Hall's security vulnerabilities, thus revealing the specific details of Town Hall's public security plans in violation of Section 132-1.7(a)(1)." Town Mem. at 5. The Town also argues release of the videos "would divulge security plans and emergency procedures employed to prevent and respond to adverse events at Town Hall, such as an active shooter situation, a hostage situation or a terrorist attack." *Id.*

But the plain language of the provision does not exempt information that could be used to "reverse engineer" plans; it provides an exception for "specific details of public security plans and arrangements" and "plans to prevent or respond to terrorist activity" where the records "set forth vulnerability and risk assessments" and other specific types of information. *See* N.C.G.S. §§ 132-1.7(a)(1), (b). Further, Section 132-1.7(c), provides:

Information relating to the general adoption of public security plans and arrangements, and budgetary information concerning the authorization or expenditure of public funds to implement public security plans and arrangements, or for the construction, renovation, or repair of public buildings and infrastructure facilities shall be public records.

Certainly, security information could be derived from budgetary information related to public security plans, or the “construction, renovation, or repair of public buildings and infrastructure facilities,” in the same way that information regarding the Town’s CCTV system could be derived from CCTV videos. Nevertheless, these records are “the property of the people” and must be disclosed to the public upon request.

Notably, there is no North Carolina appellate case law interpreting sensitive public security information exception. The Town has asked the Court to apply the rationale set forth in a New Jersey case to reach the conclusion that release of the videos would pose a security risk, but this is not binding on this Court’s interpretation of North Carolina law, and in any event, the court was reviewing a different set of laws and facts. The New Jersey court interpreted the state’s security exemption broadly, which shields “security information or procedures” and “security measures and surveillance techniques” from public view. *Gilleran v. Bloomfield*, 149 A.3d 800, 807 (N.J. 2016). Additionally, the public records request sought a full day’s worth of video from a camera surveilling space between the town hall as well as the police department, which the court held posed a security risk, but remanded for the trial court to decide if there was a “legitimate interest” in clips of footage that would permit release under New Jersey’s common law right of access. *Id.* at 810. On the motions before the Court here, WBTV merely seeks copies of videos depicting people within the Town Hall building when it was closed during a discrete period of time, and—while not a consideration in deciding whether public records must be released under the Public Records Act—there is legitimate public interest in what happened on October 10, which is the subject of three lawsuits filed by former Town employees against the Town and public statements by the Mayor.

While not dispositive to this question of statutory interpretation, the Town CCTV Policy indicates that Defendants do not generally treat CCTV videos as sensitive security information. The policy expressly contemplates using videos for more than just security or law enforcement, providing videos may be used “for purposes of employee performance review,” “internal reviews” and “training.” *See* Quinn Aff. Ex. 2 at 3, § 3.1.1.4; *id.* at 5, § 3.4.4. Moreover, the policy provides that top-tier users may provide CCTV videos “to assist with a responses (sic) to public records requests in accordance with North Carolina General Statutes (sic),” as well as to assist with responses

to “a subpoena, a court order, or in the investigation or litigation of any matter involving the Town, its officials, personnel, or property,” *id.* at 3, § 3.1.1.5, indicating the Town permits release to third parties, including litigants or public records requestors. It also states requests for videos “should be sent to the legal department for a determination on whether it constitutes a public record or not and if any redaction is needed should release be warranted.” *See also id.* at 5, § 3.4.4.

The Hodges and Rowland Affidavits concerning what information about Town Hall building plans is publicly available and whether it is accurate do not have direct bearing on the question of statutory interpretation before the Court, but the public accessibility of Town Hall building plans certainly undermines the Town’s argument that disclosure of videos that may reveal the building layout would amount to a serious security risk. To the extent the Town has argued that the Town Hall’s building layout was not public knowledge, the fact that the Town has publicly posted its building plans online, even if those plans were outdated, demonstrates that the Town can place little weight in that argument.

“When read in context and in accordance with ordinary English usage,” *Wilkie*, 370 N.C. at 548, 809 S.E.2d at 859, the sensitive public security information exception does not apply to the videos.

D. The Town’s Request for *In Camera* Review

The Town has asked the Court to decide whether the videos are criminal investigative materials or sensitive public security information based on the as-submitted filings and arguments, and the Court has determined the videos are public records that must be produced to WBTV in response to its public records request. Following the hearing, the Town submitted that if the Court determines the videos are public records, it should conduct *in camera* review prior to release to WBTV to determine if any portion should be redacted. If the Town asserts that redactions should be applied prior to release, it may file a motion within five days of entry of this order identifying which portions it seeks to withhold, as well as the statutory basis for the withholding, and WBTV will be provided an opportunity to respond.

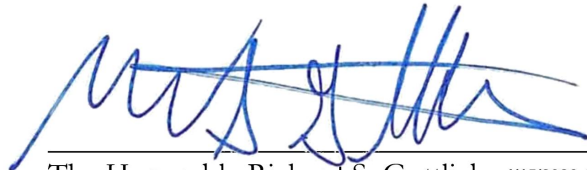
CONCLUSION

For the foregoing reasons, it is hereby **ORDERED, ADJUDGED** and **DECREED** that:

1. WBTV’s Motion to Strike the Fritz Affidavit is **GRANTED**;
2. The Town’s Motion to Strike the Hodges Affidavit is **DENIED**;
3. WBTV’s Motion for Summary Judgment is **GRANTED**;

4. The Town's Motion for Summary Judgment is **DENIED**; and
5. The Town's Motion for Protective Order is **DENIED** as moot.
6. Within five business days of the entry of this Order, Defendants shall provide WBTV all CCTV footage captured on Town Hall cameras that depicts the Mayor, his companion, and responding officers in the morning hours of October 10, 2024, or alternatively, within five business days of the entry of this Order, submit the videos for *in camera* review and identify which portions of the videos it seeks to redact and the statutory basis for the redactions. WBTV shall have five business days thereafter to respond to any filing by the Town.
7. The Court shall retain jurisdiction to determine WBTV's entitlement to and the amount of any attorneys' fee award pursuant to N.C.G.S. § 132-9(c).

SO ORDERED: 4/15/2026



The Honorable Richard S. Gottlieb 4/15/2026 1:05:21 PM
Superior Court Judge Presiding