

STATE OF NORTH CAROLINA	)	IN THE GENERAL COURT OF JUSTICE
	)	SUPERIOR COURT DIVISION
COUNTY OF CABARRUS	)	
	)	
SEAN NEWTON,	)	Civil Action No. 26CV003672-120
	)	
Plaintiff,	)	
	)	PRELIMINARY INJUNCTION
vs.	)	AND PROTECTIVE ORDER
	)	
CABARRUS COUNTY,	)	
	)	
Defendant.	)	

This matter came on for hearing on September 8, 2026 before the undersigned Superior Court Judge on Plaintiff's Motion for Preliminary and Permanent Injunction. Plaintiff was represented by Jennifer M. Houti and Haley M. Lohr of the law firm James, McElroy & Diehl, P.A.; Defendant was represented by Amy Jenkins of the law firm McAngus Goudelock & Courie LLC. Having considered the Plaintiff's Verified Complaint, the parties' memoranda of law, arguments of counsel, and having conducted an *in camera* review of the relevant portion of the audio recording of the August 18, 2025 closed session meeting of the Cabarrus County Board of Commissioners, the Court therefore finds and concludes as follows:

1. This Court has jurisdiction over the parties and subject matter of this action, and venue is proper in this Court.
2. On August 18, 2025, the Cabarrus County Board of Commissioners held a closed session at which they discussed terminating Plaintiff's employment.
3. N.C.G.S. § 143-318.10(e) provides that "[e]very public body shall keep full and accurate minutes of all official meetings, including any closed sessions," as well as "a general account of the closed session so that a person not in attendance would have a reasonable

understanding of what transpired.” Such minutes and accounts may be written, audio or video recordings. Id.

4. Further, under N.C.G.S. § 143-318.10(e), “[s]uch minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 *et seq.*; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session.”

5. Defendant denied Plaintiff’s request for a copy of the audio recording of the August 18, 2025 closed session on the bases that the recording was of a properly held closed session, for purposes of consulting with an attorney and for discussion of a personnel matter, N.C.G.S. §143-318.11 (3) and (6), and that disclosure of the audio recording would frustrate the purpose of a closed session, as contemplated by N.C.G.S. §143-318.10(e).

6. Plaintiff commenced this action on May 5, 2026 by filing a Verified Complaint and Motion for Preliminary and Permanent Injunction seeking an order requiring Defendant to produce a copy of the audio recording of the August 18, 2025 closed session.

7. The Court previously ordered Defendant to provide a copy of the relevant portion of the audio recording for *in camera* review. As instructed, Defendant provided for *in camera review* only that portion of the audio recording directly pertaining to Plaintiff.

8. Having conducted an *in camera* review of the audio recording, the Court finds and concludes that there was no exchange with the County Attorney and his presence was not identified on the portion of the audio recording provided by Defendant, and that the audio recording mainly depicts a question and answer session between the Board of County Commissioners and Plaintiff. Accordingly, the Court finds that the audio recording is not privileged and is otherwise

discoverable by the Plaintiff, in this action. As further addressed below, the Court finds that Plaintiff may only share the audio recording with his legal counsel, the disclosure to Plaintiff and his counsel shall be subject to confidentiality and non-disclosure requirements, and the audio recording and the information contained in the recording shall not be disseminated outside of the case or published in any way.

9. Plaintiff has therefore demonstrated a likelihood of success on the merits of his request for production of the audio recording of the August 18, 2025 closed session consistent with the limitations on disclosure and use that are set forth herein.

10. Plaintiff will suffer irreparable harm unless a preliminary injunction is issued requiring production of the audio recording to him consistent with the limitations on disclosure and use that are set forth herein.

11. Plaintiff has no adequate remedy at law and is suffering, and will continue to suffer, immediate and irreparable harm absent the entry of a preliminary injunction consistent with the limitations on disclosure and use that are set forth herein.

12. Further, N.C.G.S. § 143-318.16 provides for mandatory and prohibitive injunctions to prevent violations of the open meeting law, including violations of N.C.G.S. § 143-318.10(e).

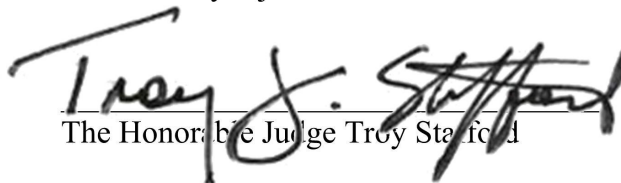
WHEREFORE, based upon the foregoing findings of fact and conclusions of law, it is hereby **ORDERED** as follows:

1. Plaintiff's Motion for Preliminary Injunction is **GRANTED** consistent with the limitations on disclosure and use that are set forth herein;

2. Defendant is hereby ordered to produce a copy of the audio recording of the August 18, 2025 closed session during which Plaintiff's employment is discussed to counsel for Plaintiff within seven days of entry of this Order;

3. The audio recording is subject to the following protections:
 - a. Only the parties to this action and their attorneys (including members of their staff), the judge presiding over this action, and court personnel, shall have access to the audio recording. Copies of the audio recording must not be given to, be reviewed by, be possessed by, or its contents disclosed to, any other person, including mediators or expert witnesses. Further, deponents may not be asked about what was disclosed in the closed session or on the recording, but counsel may ask each Commissioner in deposition why they believed Cause to terminate Plaintiff existed or did not exist and why they voted the way they did on the issue of termination.
 - b. Prior to disclosing the audio recording or any information contained in the audio recording to the above-referenced permitted recipients, the person disclosing the audio recording or any information contained in the audio recording will advise the permitted recipient(s) to whom they are disclosing the audio recording or information contained in the audio recording of the existence and terms of this Order.
 - c. Failure by any permitted recipient of the audio recording or information contained therein to abide by the terms of this Order shall subject such person(s) to appropriate sanctions by this Court.
 - d. The audio recording will not be used for any purpose other than this action.
 - e. No person shall disseminate, publish, or publicly disclose any of the audio recording or any information contained therein.

- f. Notwithstanding the confidentiality and non-disclosure obligations set forth in this Order, nothing in this Order makes confidential information that is otherwise not confidential because it can be obtained from a source other than the audio recording or statements made and captured on the audio recording.
 - g. The audio recording shall not be filed with the Clerk of Court unless filed separately under seal in an envelope marked as follows: “THIS ENVELOPE CONTAINS CONFIDENTIAL INFORMATION, THE DISCLOSURE OR USE OF WHICH IS RESTRICTED BY COURT ORDER.”
 - h. It will be up to the discretion of the trial judge at the time of trial whether or not any portions or all of the recording may be used in trial and for what purposes.
- 4. The injunction expires on its own terms upon the conclusion of this Action; and
 - 5. The Court determines that no bond is necessary to protect Defendant’s interests or
- for the purposes of providing security for this Preliminary Injunction.


The Honorable Judge Troy Stafford

Date: October ~~10~~ **10/14/2026**

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	)	
SEAN NEWTON,	)	Civil Action No. 26CV003672-120
	)	
Plaintiff,	)	
	)	
vs.	)	CERTIFICATE OF SERVICE
	)	
CABARRUS COUNTY,	)	
	)	
Defendant.	)	

I hereby certify that I have this 12th day of October, 2026, filed a copy of the foregoing ***Preliminary Injunction and Protective Order*** with the Clerk of Court using the North Carolina E-Filing System, and I have emailed a copy of the same to the following:

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October 12, 2026