

No. 24-309

JUDICIAL DISTRICT NINETEEN D

NORTH CAROLINA COURT OF APPEALS

NC CITIZENS FOR)
TRANSPARENT GOVERNMENT,)
INC. AND KEVIN DRUM,)

Plaintiffs-Appellants,)

v.)

THE VILLAGE OF PINEHURST,)
JOHN STRICKLAND in his official)
capacity as Mayor of the Village of)
Pinehurst; and JANE HOGEMAN)
in her official capacity as a member)
of the Village of Pinehurst Council,)

Defendants-Appellees.)

From Moore County
No. 22-CVS-515

MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE

Pursuant to Rule 28(i)(1) of the North Carolina Rules of Appellate Procedure, the Reporters Committee for Freedom of the Press, through its counsel, and joined by the North Carolina Press Association, The Associated Press, Axios Media, Inc., Gannett Co., Inc., Gray Media Group, Inc., Hearst Corporation, The McClatchy Company, LLC, WRAL-TV, and WTVD-TV/ABC11 (collectively, “Amici”), respectfully petition this honorable Court for leave to file the attached Brief of

Amici Curiae in support of Plaintiffs-Appellants NC Citizens for Transparent Government, Inc. and Kevin Drum.

In support of this motion, Amici show unto the Court the following:

1. Amici are:

- **The Reporters Committee for Freedom of the Press** is an unincorporated nonprofit association that provides pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists, including the right to attend and report on public meetings. The Reporters Committee previously has appeared as amicus curiae in North Carolina state and federal courts in cases implicating newsgathering rights. *See, e.g., Gray Media Grp., Inc. v. City of Charlotte*, 290 N.C. App. 384 (2023) (interpretation of public records statute); *People for the Ethical Treatment of Animals, Inc. v. N.C. Farm Bureau Fed’n, Inc.*, 60 F.4th 815 (4th Cir. 2023) (challenge to statute impeding newsgathering).
- **The Associated Press** (“AP”) is a news cooperative organized under the Not-for-Profit Corporation Law of New York. The AP’s members and subscribers include the nation’s newspapers, magazines, broadcasters, cable news services and Internet content providers. The AP operates from 280 locations in more than 100 countries. On any given day, AP’s content can reach more than half of the world’s

population.

- **Axios Media, Inc.**, is a digital media company with a mission to deliver news in an efficient format that helps professionals get smarter faster across an array of topics, including politics, science, business, health, tech, media, and local news. Axios covers North Carolina news and politics with reporters based in Charlotte and Raleigh, who publish at <https://www.axios.com/local/charlotte> and <https://www.axios.com/local/raleigh>.
- **Gannett** is the largest local newspaper company in the United States. Our more than 200 local daily brands in 43 states – together with the iconic USA Today – reach an estimated digital audience of 140 million each month. Gannett’s publications include *The Shelby Star*, *Times-News*, *Star News*, *Gaston Gazette*, *Fayetteville Observer* and *Asheville Citizen-Times*.
- **Gray Media Group, Inc.**, owns North Carolina television stations in Charlotte (WBTV), Wilmington (WECT), and Washington (WITN).
- **Hearst Corporation** is one of the nation’s largest diversified media, information and services companies with more than 360 businesses. Its major interests include ownership of 15 daily and more than 30 weekly newspapers, including the San Francisco Chronicle, Houston Chronicle, and Albany Times Union; hundreds of magazines around the world, including Cosmopolitan, Good Housekeeping, ELLE,

Harper's BAZAAR and O, The Oprah Magazine; 31 television stations, including WXII 12-TV (Greensboro-High Point-Winston-Salem) and WCWG (Lexington) in North Carolina; ownership in leading cable television networks such as A&E, HISTORY, Lifetime and ESPN; global ratings agency Fitch Group; Hearst Health; significant holdings in automotive, electronic and medical/pharmaceutical business information companies; Internet and marketing services businesses; television production; newspaper features distribution; and real estate.

- **The McClatchy Company, LLC** is a publisher of iconic brands such as the *The Charlotte Observer*, *The (Raleigh) News & Observer*, *The (Durham) Herald Sun*, *The Miami Herald*, *The Kansas City Star*, *The Sacramento Bee*, and the *Fort Worth Star-Telegram*. McClatchy operates media companies in 30 U.S. markets in 16 states, providing each of its communities with high-quality news and advertising services in a wide array of digital and print formats. McClatchy is headquartered in Sacramento, California.
- **The North Carolina Press Association** is a trade association of 150 daily and weekly newspapers across the state. Since 1873, NCPA has supported North Carolina newspapers, readership and advertising. NCPA works to protect the public's right to know through the defense of open government and First Amendment

freedoms, and NCPA helps maintain the public's access to local, state and federal governments.

- **WRAL-TV** provides broadcast and online coverage of news about Raleigh and the surrounding area. It is owned by Capitol Broadcasting Company, Incorporated ("CBC"), a North Carolina corporation located in Wake County.
- **WTVD-TV**, also known as ABC11, is owned by WTVD Television, LLC, an indirect, remote subsidiary of The Walt Disney Company, which is publicly held. WTVD-TV/ABC11 regularly gathers and reports news for Raleigh-Durham and the surrounding area of North Carolina.

2. This case concerns the newsgathering rights of journalists who attend and inform the public about meetings of public bodies in all levels of North Carolina's government. The issues in this case will have broad impacts on the news media, who often take part in public meetings so that they can provide the public with information about time-sensitive and important decisions that affect North Carolinian's daily lives.

3. As members of the news media and organizations that advocate on behalf of journalists in North Carolina and elsewhere, Amici have a significant interest in ensuring that the newsgathering rights of journalists are not violated.

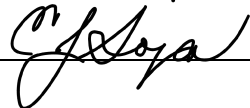
4. The attached brief urges the Court to find that emails can be "official meetings" under the North Carolina Open Meetings Law and to reverse the Superior

Court's order granting Pinehurst's Motion for Judgment on the Pleadings.

5. This brief can help the Court by showing how vital, time-sensitive journalism would be hampered—and sometimes impossible—if the Superior Court's decision is adopted. Further, the brief explains that other states have rejected readings of their open meetings statutes that would narrow, rather than enhance, the transparency goals of those laws.

WHEREFORE, Amici pray that they be permitted to file the attached Brief of Amici Curiae in this action.

Respectfully submitted, this 17th day of May, 2024.



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CERTIFICATE OF SERVICE

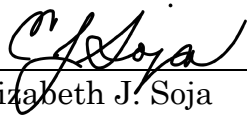
I certify that I served the attached Motion for Leave to File Brief of Amici Curiae on the following counsel of record at their correct and current e-mail addresses, addressed as follows:

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This 17th day of May, 2024.



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