

STATE OF NORTH CAROLINA
ORANGE COUNTY
JUDICIAL DISTRICT 18

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
26CVS _____-670

DTH Media Corp. d/b/a *The Daily Tar Heel*; Capitol Broadcasting Co., Incorporated d/b/a WRAL-TV; The McClatchy Company, LLC d/b/a *The News & Observer*; States Newsroom d/b/a *N.C. Newsline*; North Carolina Longform Magazine, Inc. d/b/a *The Assembly*; and Carolina Public Press, Inc. d/b/a *Carolina Public Press*,

Plaintiffs,

v.

Lee Harriss Roberts, in his official capacity as Chancellor of the University of North Carolina at Chapel Hill; The University of North Carolina at Chapel Hill; and Paul R. Newton, in his official capacities as Vice Chancellor and General Counsel of the University of North Carolina at Chapel Hill,

Defendants.

**COMPLAINT AND PETITION
FOR WRIT OF MANDAMUS, A
DECLARATORY JUDGMENT,
AND FOR AN ORDER
COMPELLING DEFENDANTS TO
COMPLY WITH THE NORTH
CAROLINA PUBLIC RECORDS
LAW N.C. GEN. STAT. § 132 *et seq.*
And
REQUEST FOR MEDIATION
PURSUANT TO N.C. GEN. STAT. §
7A-38.3E OR DISPENSATION
FROM SAME PURSUANT TO N.C.
GEN. STAT. § 7A-38.3E(d)**

Pursuant to Rules 3, 7 and 8 of the North Carolina Rules of Civil Procedure, Plaintiffs, complaining of the Defendant, allege and say:

INTRODUCTION

This is an action pursuant to the North Carolina Public Records Law, Chapter 132 of the General Statutes, and the North Carolina Declaratory Judgment Act, N.C. GEN. STAT. § 1-253 *et. seq.* As described in greater detail below, the subject matter of this action is the report of an investigation of UNC’s School of Civic Life and

Leadership commissioned by the Defendants and conducted by K&L Gates, an outside law firm. As described more specifically in the numbered allegations set out below, Plaintiffs seek:

(1) a preliminary order, pursuant to N.C. GEN. STAT. § 132-9, setting this matter for immediate hearing and according priority to all subsequent proceedings;

(2) a preliminary order compelling the Defendants to appear and bring before the court the report that is the subject matter of this action for in-camera review;

(3) an order identifying, separating, and redacting each specific portion of the report, if any, determined by the court, as to be exempt from public disclosure as a matter of law;

(4) an order compelling the Defendants to permit the inspection and copying of the report pursuant to N.C. GEN. STAT. § 132-9(a);

(5) an order pursuant to N.C. GEN. STAT. § 1-253 *et. seq.* declaring that the report at issue, or the portions the court determines are not exempt from disclosure, is a public record as defined by N.C. GEN. STAT. § 132-1;

(6) an order in the nature of a writ of mandamus requiring the Defendants to comply with the Public Records Law including, but not limited to, N.C. GEN. STAT. § 132-6(a); and

(7) an order, pursuant to N.C. GEN. STAT. § 132-9(c)(1), awarding Plaintiffs their reasonable attorneys' fees, to be charged against the operating expenses of the responsible agency or to be paid personally by any public employee or public official

found by the court to have knowingly or intentionally committed, caused, permitted, suborned, or participated in a violation of the Public Records Law.

THE PARTIES

1. Plaintiff DTH Media Corp. d/b/a *The Daily Tar Heel*, a North Carolina not-for-profit and tax-exempt corporation having its principal place of business in Orange County, North Carolina, publishes *The Daily Tar Heel*, an independent, student-run print and online newspaper that has covered and served the University of North Carolina at Chapel Hill and its community since 1893.

2. Plaintiff Capitol Broadcasting Company, Incorporated d/b/a WRAL (“Capitol Broadcasting”) is a North Carolina Corporation formed in 1937, with its principal place of business in Raleigh, Wake County, North Carolina. Capitol Broadcasting began as a single radio station, WRAL-AM, and is now a diversified communications company working for and serving the community. Its broadcast reach currently includes radio, television, digital, satellite and data.

3. Plaintiff The McClatchy Company, LLC d/b/a *The News & Observer* is a Delaware limited liability company authorized to do business in North Carolina which publishes *The News & Observer*, a print and online daily newspaper having its principal place of business in Raleigh, North Carolina. Among other things, *The News & Observer* covers higher education issues and institutions throughout North Carolina, including the University of North Carolina at Chapel Hill.

4. Plaintiff States Newsroom d/b/a *NC Newsline*, the nation’s largest provider of state-focused news, is a tax-exempt, not-for-profit District of Columbia

corporation authorized to do business in North Carolina having its principal places of business in Chapel Hill, North Carolina, and Washington, D.C. Among other things, it operates *NC Newslines*, which covers higher education issues and institutions throughout North Carolina, including the University of North Carolina at Chapel Hill.

5. Plaintiff North Carolina Longform Magazine, Inc. d/b/a *The Assembly*, is a North Carolina Corporation having its principal place of business in Durham, North Carolina. *The Assembly* publishes compelling and nuanced stories about North Carolina politics, courts, higher education, culture, and accountability, many of which provide coverage of such issues related to and affecting the University of North Carolina at Chapel Hill.

6. Plaintiff Carolina Public Press, Inc. d/b/a *Carolina Public Press* is a North Carolina not-for-profit and tax-exempt corporation and an independent, non-partisan news organization having its principal place of business in Asheville, North Carolina. Among other things, the *Carolina Public Press* covers higher education issues and institutions throughout North Carolina, including the University of North Carolina at Chapel Hill.

7. Defendant Lee Harriss Roberts is the 13th duly appointed and serving Chancellor of the University of North Carolina at Chapel Hill, a public agency of North Carolina government as defined by N.C. GEN. STAT. § 132-1(a). As the chief administrative and executive officer of the institution pursuant to N. C. GEN. STAT. §116-34(a), he is the official custodian of the records that are the subject of this

complaint pursuant to N.C. GEN. STAT. § 132-2. Chancellor Roberts is sued in his official capacity.

8. Defendant the University of North Carolina at Chapel Hill (“UNC” or “the University”), is a constituent institution of the University of North Carolina pursuant to Chapter 116 of the North Carolina General Statutes. As such it is “an agency of North Carolina government” subject to the Public Records Law as defined by N.C. GEN. STAT. § 132-1(a) and (b).

9. Defendant Paul R. Newton is the duly appointed and acting Vice Chancellor and General Counsel of UNC. Based on public statements offered by the University in response to requests to release the report, he is or may be the actual physical custodian of the report. He is sued in his official capacities.

JURISDICTION, STANDING, AND VENUE

10. This court has subject matter jurisdiction in this action pursuant to N.C. GEN. STAT. § 132-9.

11. This court has personal jurisdiction over the parties pursuant to N.C. GEN. STAT. § 1-75.4(1).

12. Venue for this action is proper in the Superior Court of Orange County pursuant to N.C. GEN. STAT. §§ 1-77 and 1-82.

13. Plaintiffs have standing to institute and pursue this action pursuant to N.C. GEN. STAT. §§ 132-9, 132-1.9(d)(3), and otherwise.

14. The North Carolina General Assembly waived sovereign immunity as a defense to Plaintiffs' claims by enacting the North Carolina Public Records Law, The North Carolina Uniform Declaratory Judgment Act, and otherwise.

15. Plaintiffs respectfully request the initiation of mediation of this dispute pursuant to N.C. GEN. STAT. § 7A-38.3E. *Accord, Tillet v. Town of Kill Devil Hills*, 89 S.E.2d 145 (2017), or, alternatively, for the mediation requirement to be dispensed with pursuant to N.C. GEN. STAT. § 7A-38.3E(d). In furtherance of this request Plaintiffs have completed Administrative Office of the Courts Form AOC-CV-830 for service on the Defendants.

THE NORTH CAROLINA PUBLIC RECORDS LAW

16. The North Carolina Public Records Law (the "Public Records Law") is codified at N.C. GEN. STAT. §§ 132-1 through 132-11. The public policy underlying the Public Records Law is set out in N.C. GEN. STAT. § 132-1(b), which provides:

The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. As used herein, 'minimal cost' shall mean the actual cost of reproducing the public record or public information.

17. The Public Records Law provides that public records are defined as:

all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, ***made or received*** pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.

N.C. GEN. STAT. § 132-1(a) (emphasis supplied).

18. The Public Records Law further provides that “Every custodian of public records shall permit any record in the custodian’s custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law.” N.C. GEN. STAT. §132-6(a).

19. By statute, and as applied by North Carolina’s appellate courts on multiple occasions, the Public Records Law must be read and construed broadly to effectuate its purposes, and only specific statutory exemptions, which must be read and construed narrowly, authorize the withholding of documents that otherwise meet the definition of public records. N.C. GEN. STAT. §132-1. *Accord, News & Observer Pub. Co. v. Poole*, 330 N.C. 465, 486, 412 S.E.2d 7, 19 (1992).

20. The failure of a public records custodian to provide access to or copies of public records “as promptly as possible” upon request pursuant to N.C. GEN. STAT. § 132-6(a) is tantamount to denial.

THE NORTH CAROLINA DECLARATORY JUDGMENT ACT

21. The North Carolina Declaratory Judgment Act, N.C. GEN. STAT. §1-253 *et. seq.*, provides, among other things, that courts:

have power to declare rights, status, and other legal relations, whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.

FACTUAL ALLEGATIONS

22. The report that is the subject matter of this Complaint concerns UNC's School of Civic Life and Leadership ("SCiLL" or "the School"), which the University describes as "provid[ing] an interdisciplinary home specifically for the study and practice of public discourse, civic life, and civic leadership." See SCHOOL OF CIVIC LIFE AND LEADERSHIP.¹

23. From its inception, SCiLL has been controversial. Its critics contend, among other things, that its very establishment, the process by which it was established, and many of the actions taken by its appointed leader, Dean Jed Atkins, have violated UNC academic policies, traditions, and procedures related to curriculum, hiring, faculty tenure and status, faculty governance, and funding.

24. By contrast, SCiLL's supporters, including Defendants Roberts and Newton, and other UNC officials, have vigorously defended SCiLL and Dean Atkins, asserting that establishing SCiLL was not only appropriate and warranted, but necessary, in order for UNC to strengthen civic knowledge, civil dialogue, and principled leadership. The school's supporters, including members of the UNC Board of Trustees, likewise have publicly expressed satisfaction with and confidence in the leadership provided by Dean Atkins. See, e.g., *Statements Regarding the Conclusion of the School of Civic Life and Leadership Review*, CAROLINA NEWSROOM.²

¹ <https://civiclifef.unc.edu/about/> (last visited April 6, 2026)

² <https://uncnews.unc.edu/2026/03/06/statements-conclusion-unc-scill-review/> (last visited April 6, 2026).

25. Owing to the multiple controversies and issues surrounding SCiLL and its leadership, in 2025 the University selected and retained the North Carolina office of a Delaware law firm, K&L Gates, LLP (“K&L Gates”), to conduct an “independent and impartial review” of “allegations and concerns related to SCiLL.” *Id.*

26. The chair-elect of the UNC faculty, Professor Michael J. Gerhardt of the UNC School of Law (“Professor Gerhardt”), was appointed by Defendant Roberts “to assist the reviewers in appropriately evaluating factual events alleged to have taken place within the relevant contexts of University policies, governance procedures, and the larger campus community.” *Id.*

27. According to public statements issued on behalf of the University, K&L Gates “interviewed dozens of individuals [and] reviewed hundreds of thousands of documents.” *Id.*

28. Plaintiffs are informed and believe that K&L Gates concluded its report, and that the University received it, early in 2026.

29. In January 2026, Professor Gerhardt told the UNC Faculty Council that the report, which he had reviewed, was more than 400 pages in length.

30. In March 2026, a UNC spokesperson told Plaintiff *The Assembly* that the estimated cost to the University for the investigation and report was \$1.2 million.

31. Because the K&L Gates report was made at the request of and on behalf of the University, was paid for by the University out of public funds, and was received by the University, it is facially and presumptively a public record as defined by the North Carolina Public Records Law.

32. Nevertheless, the University, though Defendants Roberts, Newton and others, has refused all requests by Plaintiffs and others to release the report in whole or in part or even to identify any of the persons interviewed by K&L Gates, any of the specific allegations or concerns addressed by the investigation, any of the findings or determinations resulting from the investigation, or any corrective or other actions taken in response to the investigation.

33. The experience of Matt Hartman, a writer for Plaintiff *The Assembly*, provides one example of the Defendants' relentless and concerted refusal to release the report or any portion of it. On March 4, 2026, on behalf of *The Assembly* and the Plaintiffs, he requested the report via the UNC Public Records Portal via request #20-203. Two days later the Defendants responded that "There are no existing or responsive University records subject to disclosure under the North Carolina Public Records Act . . ." On March 9, Mr. Hartman responded to the Defendants' rejection, saying:

Hi there. I don't believe that the entirety of this request can be legally declined under state law. I know the report includes confidential personnel information, but public records law (specifically 132-6(c)) specifies that the comingling of nonconfidential information with confidential information is not a justification to deny the request. Paul Newton publicly stated that this project began as a "process and policy review," which implies that a substantive portion of it is not about personnel at all. In any case, the Human Resources Act (126-24) also allows state agencies to release personnel information if doing so is "essential to maintaining the integrity of such department." Given the public allegations by current UNC-CH faculty and the questions about objective hiring practices raised by many media outlets (including us), I would argue this case meets those criteria. State law (132.1-1) also states that attorney-client privilege only justifies withholding records insofar as it relates to

information concerning legal or administrative claims. I do not believe the entirety of this report meets that standard. I know redacting such a long report would likely take a fair amount of effort, so to reduce that burden I will limit my request to any extant executive summaries. Please let me know if that is amenable. Thank you.

On March 9, the Defendants responded as follows:

Thank you for your message. The report at issue is subject to several exceptions to the NC Public Records Act, including NCGS 126-22, et seq., 132-1.1(a), and 132-1.9. The reference to “privileged information” encompasses both 132-1.1(a) and 132-1.9. There are no additional existing or responsive documents for this request.

34. Other Plaintiffs’ requests for access to the report have similarly been rejected out of hand by the Defendants. For example, *The News & Observer’s* portal request # 26-215 for itself and the Plaintiffs, for “a copy of the executive summary” of the SCiLL investigation, was summarily denied.

35. On 6 March 2026, Plaintiffs’ undersigned counsel wrote to David T. Lambeth III, the Associate Vice Chancellor and Chief Governance Officer at the University on behalf of Plaintiffs, seeking an understanding of the University’s justification for refusing to release any portion of the report. Chancellor Lambeth repeated prior justifications and added that the report constitutes trial preparation materials pursuant to N.C. GEN. STAT. § 132-1.9. A true and accurate copy of the exchange is attached as **Exhibit 1**.

36. In public statements issued on behalf of the University, Defendant Newton stated that the issues reviewed in the report included “a series of allegations that implicate sensitive and confidential personnel information that is protected by

state law and University policy.” *See Statements Regarding the Conclusion of the School of Civic Life and Leadership Review*, CAROLINA NEWSROOM.³

37. Given the nature and putative scope of the investigation, however, Plaintiffs are informed and believe that significant portions of the report *do not* “implicate sensitive and confidential personnel information.”

38. Moreover, to the extent that it does, the Public Records Law requires the University, at its expense, to separate such information from non-confidential information and release the latter. N.C. GEN. STAT. § 132-6(c) provides:

No request to inspect, examine, or obtain copies of public records shall be denied on the grounds that confidential information is commingled with the requested nonconfidential information. If it is necessary to separate confidential from nonconfidential information in order to permit the inspection, examination, or copying of the public records, the public agency shall bear the cost of such separation.

39. In sum, neither the Defendants nor anyone else acting on behalf of the University has offered a reasonable or persuasive explanation or justification for the University’s refusal to release the report, in whole or in part. Accordingly, the University’s refusal to release the report, even in part, is in violation of the Public Records Law.

WHEREFORE, Plaintiffs respectfully pray unto the court for the entry of:

(1) a preliminary order compelling the Defendants to appear and bring before the court for immediate in-camera review the report that is the subject matter of this action;

³ <https://uncnews.unc.edu/2026/03/06/statements-conclusion-unc-scill-review/> (last visited April 6, 2026).

(2) an order embodying and specifying the court's findings, as a matter of law, as to what portions of the report are or are not subject to disclosure pursuant to the Public Records Law;

(3) an order compelling the Defendants to permit the inspection and copying of the report at issue pursuant to N.C. GEN. STAT. § 132-9(a);

(4) an order in the nature of a writ of mandamus requiring the Defendants to comply with the Public Records Law including, but not limited to, N.C. GEN. STAT. § 132-6(a); and

(5) an order pursuant to the Declaratory Judgment Act finding and declaring that the Defendants have violated the Public Records Law in failing to produce the K&L Gates report, in whole or in part;

(6) an order, pursuant to N.C. GEN. STAT. § 132-9(c)(1), awarding Plaintiffs their reasonable attorneys' fees, to be charged against the operating expenses of the responsible agency or to be paid personally by any public employee or public official found by the court to have knowingly or intentionally committed, caused, permitted, suborned, or participated in a violation of the Public Records Law; and

(7) such other and further relief as the court may determine to be appropriate and necessary.

Respectfully submitted this the 10th day of April 2026.

STEVENS MARTIN VAUGHN & TADYCH, PLLC

/s/ Michael J. Tadych

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Attorneys for Plaintiffs



Mike Tadych <mike@smvt.com>

RE: K&L Gates report on School of Civil Life and Leadership

1 message

Lambeth, David <dlambeth@email.unc.edu>
To: Mike Tadych <mike@smvt.com>

Wed, Mar 11, 2026 at 4:13 PM

Mike,

Thanks for your patience while I confirmed certain details. The report at issue is subject to several exceptions to the NC Public Records Act, including NCGS 126-22, *et seq.*, 132-1.1(a), and 132-1.9. The reference to “privileged information” encompasses both 132-1.1(a) and 132-1.9.

I would imagine your next question may be, “what legal proceeding(s) are ongoing or anticipated?” As your clients have reported on, the investigation was, and is, in response to numerous claims regarding SCiLL, some of which could still form the basis of future legal proceedings.

I hope this further explanation is helpful, and I am happy to hop on the phone if you have questions.

Sincerely,

David T. Lambeth III

Associate Vice Chancellor and Chief Governance Officer

The University of North Carolina at Chapel Hill

(919) 445-0262

dlambeth@email.unc.edu

From: Mike Tadych <mike@smvt.com>
Sent: Monday, March 9, 2026 5:11 PM
To: Lambeth, David <dlambeth@email.unc.edu>
Subject: K&L Gates report on School of Civil Life and Leadership

You don't often get email from mike@smvt.com. [Learn why this is important](#)

Dear David:

I hope this finds you well.

EXHIBIT 1

As you might expect, the villagers are gathering pitchforks and torches about this assertedly secret report. Given the Legislature's somewhat recent narrowing of the definition of "confidential information" in GS 132-1.1(a), it's not clear to me that any "confidential communication" exists in the context of the report.

Also given the language of GS 126-24, which confirms UNC's capacity to release personnel information essential to maintaining the integrity of the school or level or quality of services of that school, and the fact that UNC spent \$1.2M on a report to affirm its confidence in the dean, 400+ pages of secrets seems like a lot especially in view of GS 132-6(c) and Amanda's *News Reporter* case.

Is UNC's current "[t]here are no existing or responsive University records subject to disclosure under the North Carolina Public Records Act, including privileged attorney-client information, and the North Carolina Human Resources Act" its final answer on this report?

Please let me know. Thank you.

Best Regards,

Mike

Michael J. Tadych

Attorney/Member/Manager

Stevens Martin Vaughn & Tadych, PLLC

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EXHIBIT 1