

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. \_\_\_\_\_

FILED

2020 OCT 14 P 4:04

WAKE CO., C.S.C.

NORTH CAROLINA REPUBLICAN )  
PARTY )

Plaintiff, )

v. )

ROY COOPER, in his capacity as )  
Governor of the State of North Carolina )

Defendant. )

**COMPLAINT**

Plaintiff, complaining of the acts of Defendant, alleges and states that:

1. Plaintiff North Carolina Republican Party (“NCGOP”) is a political party organized and existing under and by virtue of the laws of the State of North Carolina, with its headquarters located in Wake County, North Carolina.

2. Roy Cooper is the duly elected and serving governor of the State of North Carolina and is sued in that official capacity. As the Governor, Defendant Cooper, in his official capacity, is a public agency of the North Carolina government as defined by N.C. Gen. Stat. § 132-1 (a) and he is therefore custodian of records that are deemed public under North Carolina law.

3. This court has jurisdiction over the subject matter of this action pursuant to N.C. Gen. Stat. § 132-9 and otherwise.

4. This Court has personal jurisdiction over all the parties pursuant to N.C. Gen. Stat. § 1-75.4(1).

5. Venue for this action is proper in the Superior Court of Wake County pursuant to N.C. Gen. Stat. §§ 1-77 and 1-82.

6. The North Carolina Public Records Law (“the Public Records Law”) is codified at N.C. Gen. Stat. §§ 132-1 through 132-11. The people of North Carolina, through their elected representatives in the General Assembly, have enunciated the public policy which forms the basis for the Public Records Law, as set forth in N.C. Gen. Stat. § 132-1(b), which states:

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.

7. The Public Records Law defines "public records" 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).

8. The Public Records Law further provides that "[e]very 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).

9. The failure to provide access to or copies of public records "as promptly as possible" upon request is, effectively, a *de facto* denial of access to those records.

10. Plaintiff submitted a proper request of Defendant Roy Cooper for public records for which he is the custodian pertaining to his travel schedule on July 29, 2020. That request was acknowledged on July 31, 2020, by reply email to the Chief Counsel of the North Carolina Republican Party, Philip Thomas. A copy of the request is attached hereto and incorporated herein as "Exhibit 1."

11. After receiving no further communication from the Governor's office for more than a month and a half, Plaintiff followed up on the request via email on September 21, 2020. Several days later, the Governor's office responded that it was "gathering and reviewing records that may be responsive to" the request, and that it would "make responsive records available to [Plaintiff] once [their] review process is complete." Presumably, Defendant Cooper would excuse the failure to provide these records on the ground that his office is still engaged in this "process," and that it is being conducted "as promptly as possible." Plaintiff contends that it is not.

12. As of the date of the filing of this Complaint, more than two and a half months have passed since the request was made, and Defendant still refuses to provide access to or copies of the records requested by Plaintiff without justification or excuse, in plain violation of North Carolina law. The records requested by Plaintiff are the property of the People of North Carolina, and are not subject to any exception contained within N.C. Public Records Law. None of the records requested should require such extensive "review," as they are routine, non-confidential, and relatively mundane records kept in the ordinary course of the Governor's business on behalf

**WHEREFORE**, Plaintiff prays the Court:

1. Accord this matter its proper priority and calendar it for immediate hearing pursuant to N.C. Gen. Stat. § 132-9(a);
2. Enter an order declaring the requested records are public records pursuant to the Public Records Law and requiring Defendant Roy Cooper to provide Plaintiff with copies of the same or electronic access to the records without further delay;
3. Enter an order awarding plaintiffs their reasonable attorney fees pursuant to N.C. Gen. Stat. § 132-9(c);
4. That the costs and expenses of this action, be taxed against Defendant; and
5. Award Plaintiff any further relief which the Court deems just and proper.

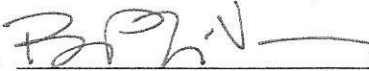
Respectfully Submitted this the 14<sup>th</sup> day of October, 2020.



---

Philip R. Thomas  
Chief Counsel, NCGOP  
NC Bar # 53751  
1506 Hillsborough Street  
Raleigh, NC 27605  
P: (919) 828-6423

LIVECCHI LAW OFFICE, PA

By: 

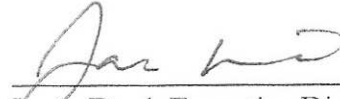
---

Brian P. LiVecchi  
NC Bar # 43016  
Post Office Box 1055  
Fuquay-Varina, NC 27526  
P: (919) 552-2929  
F: (919) 552-2558  
*Attorney for Plaintiff*

VERIFICATION

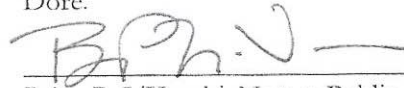
I, Jason Doré , being first duly sworn, depose and say that I have read the foregoing Complaint and know the contents thereof, and that the same are true except for statements made upon information and belief, which I believe to be true.

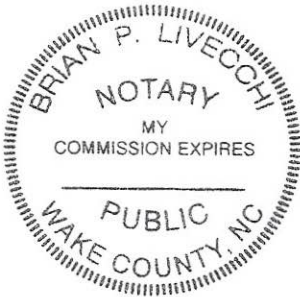
This 14<sup>th</sup> day of October, 2020.

  
\_\_\_\_\_  
Jason Doré, Executive Director  
North Carolina Republican Party

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn to and subscribed before me, this  
the 14<sup>th</sup> day of October, 2020 by Jason  
Doré.

  
\_\_\_\_\_  
Brian P. Livecchi, Notary Public  
My Commission Expires: 03.14.2023





07/29/2020

Governor Roy Cooper  
North Carolina Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699

Pursuant to Chapter 132 of the North Carolina General Statutes, I respectfully request the opportunity to inspect and obtain copies of the following public records:

1. Any document, paper, file, or other physical or electronic media concerning Governor Cooper's schedule, travel plans, flight plans, and travel finance reports created or received by the Governor's office from January 1, 2020 up until the date this request is fulfilled.
2. All incoming/outcoming communications regarding Governor Cooper's travel schedule, including, but not limited to, emails (with attachments), text messages, call logs, and voicemail messages exchanged between the Governor's Office and the North Carolina State Highway Patrol or the North Carolina Department of Administration that were sent or received during the time period previously set out.

The law requires that you respond to and fulfill this request "as promptly as possible." If you expect a significant delay in responding to and fulfilling this request, please contact me with information about when I might expect the copies or the ability to inspect the requested records.

I respectfully request that the production be made in electronic form, if possible. If any record is withheld on any basis, please include that reason in your response. If you are not the custodian of any of the records described above, I would respectfully ask that you promptly forward this request to the correct individual.

Sincerely,

*Philip Thomas*

Philip R. Thomas

North Carolina Republican Party  
1506 Hillsborough Street • Post Office Box 12905 • Raleigh, NC 27605  
(919) 828-6423 [www.ncgop.org](http://www.ncgop.org)