

B. Botchin, and/or pro se as set out on Attachment One; and it further appears to the Court that the parties appearing before the Court have reached an agreement as set forth in this Order and that none of the parties properly noticed and served objects hereto. It further appears to the Court that the City has voluntarily dismissed this action as to Dan Stone, Craig Fraser and Angela Brown Gabriel a/k/a/ Angela Brown Flanders only.

Therefore, the Court makes the following:

FINDINGS OF FACT

1. All of the Respondents are current or former officers or employees of the Winston-Salem Police Department, or the lawful representative of such, who were notified that the City of Winston-Salem sought a Court Order to release for public inspection a portion of the officer's or employee's personnel file protected as confidential by North Carolina law, in particular by N.C.G.S. § 160A-168(c).

2. Said Respondents were further notified that the City of Winston-Salem sought a Court Order to release, for public inspection, records of prior criminal investigations as defined by North Carolina law, in particular N.C.G.S. § 132-1.4 (b) and not considered public records as defined by N.C.G.S. § 132-1.

3. Notice and service of process regarding this proceeding have been properly obtained on the Respondents set forth on Attachment One to this Order.

**NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED
that:**

1. This Order shall not serve as a waiver of any right, claim, privilege, or confidence that any Respondent may be entitled to assert in any subsequent proceeding of

any nature, whether such right, claim, privilege or confidence is conferred by North Carolina General Statute or otherwise.

2. With respect to the City's request for public disclosure of personnel information pursuant to N.C.G.S. § 160A-168(c) after approval of the Sykes Report by the City Council, each Respondent (except those in Paragraph 3 below) consents to public disclosure of the personnel information, in written form, from the Respondent's personnel file contained in the Sykes Report by the City Manager and provided, where requested, to each Respondent, including, in the case of five Respondents Nifong, Patterson, Weavil, Thomas and Rumble only, the full transcript of any taped interview or conversation with the Respondent, and access to the recorded tape of said interview or conversation. This consent shall apply only to the specific personnel information and/or interviews designated by the City Manager and, where requested, provided to each Respondent for inspection prior to the execution of this Order.

3. With respect to the City's request for disclosure of personnel information pursuant to N.C.G.S. § 160A-168(c) regarding Respondents Daulton (through his estate) Mason, Raker and Masten, the City Manager intends to release said information pursuant to the provisions of N.C.G.S. § 160A-168(c)(7), and therefore this Order need not and does not address the City's request with respect to Respondents Daulton, Mason, Raker and Masten.

4. With respect to the remaining Respondents, whose signatures do not appear below, except those addressed in paragraph 3, the City's request for an order to release for public inspection certain personnel information, in written form, contained within the Sykes Report, after approval of same by the City Council, is hereby granted

without waiving any right, claim, privilege, or confidence that any Respondent may be entitled to assert in any subsequent proceeding of any nature, whether such right, claim, privilege or confidence is conferred by North Carolina General Statute or otherwise.

5. With respect to the City's request for a Court Order under N.C.G.S. § 132-1.4(a) to release for public inspection records of prior criminal investigations, regarding which the City takes the position that said statute does not prevent the City in its discretion from releasing said records and, whereas the City has expressed, in open court, its intent to provide a public release of such records specified in its Petition herein and withdrew its request, this Order need not and does not address the City's request with respect to the records of prior criminal investigations.

6. This Court retains jurisdiction of this matter as may be necessary to resolve or clarify the conditions of the release of information as set forth herein. The parties agree that this Order may be signed out of session.

7. Upon execution of this Order and execution of the procedures set forth in N.C.G.S. § 160A-168(c)(7) for Daulton, Mason, Raker and Masten, the City may release to the public, as part of the Sykes Report after its approval by the City Council, the personnel information, as set forth herein.

SO ORDERED, this the ____ day of _____, 2007.

William Z. Wood, Jr.
Superior Court Judge Presiding

CONSENTED TO BY: