

members regularly report on Iowa's public schools. The Council is incorporated in Iowa, with its home office located in Des Moines, Iowa.

2. The Council is an aggrieved party pursuant to Iowa Code Chapter 21.6.

3. Plaintiff Lee Enterprises, Inc., d/b/a The Quad City Times is a media organization operating and doing business in Bettendorf, Iowa, with its headquarters in Davenport, Iowa.

4. The Quad City Times is an aggrieved party pursuant to Iowa Code Chapter 21.6.

5. Plaintiff Gray Television Group, Inc., d/b/a KWQC Television, is a media organization operating and doing business in Bettendorf, Iowa with its headquarters in Atlanta, Georgia.

6. KWQC is an aggrieved party pursuant to Iowa Code Chapter 21.6.

7. Plaintiff TEGNA Broadcast Holdings, LLC, d/b/a WQAD is a media organization operating and doing business in Bettendorf, Iowa with its headquarters in Tysons, Virginia.

8. WQAD is an aggrieved party pursuant to Iowa Code Chapter 21.6.

9. Plaintiff Nexstar Media, Inc., d/b/a WHBF Television is a media organization operating and doing business in Bettendorf, Iowa with its headquarters in Irving, Texas.

10. WHBF Television is an aggrieved party pursuant to Iowa Code Chapter 21.6.

11. Defendant Bettendorf Community School District ("the District") is an agency established to govern and run the schools of Bettendorf and is located in the City of Bettendorf, Scott County, Iowa.

12. Defendant Bettendorf Community School Board ("the Board") is a board that oversees, sets policy for, and makes decisions for the Bettendorf Community School District and is located in Bettendorf, Scott County, Iowa.

13. Defendants Rebecca Eastman, Andrew Champion, Paul Castro, Joanna Doerder, Richard Lynch, Michael Pyevich, and Linda Smithson are individual members of the Board.

14. Jurisdiction and venue are proper in this Court under Iowa Code § 22.6.

BACKGROUND AND FACTS

15. On May 25, 2022—one day after the tragic elementary school shooting in Uvalde, Texas—the District and the Board held a meeting with parents, school administrators, and members of the Bettendorf Board of Education to discuss student safety and bullying in Bettendorf schools.

16. On May 25, 2022, journalists and members of the news media arrived at the meeting to document the meeting for the public.

17. However, Bettendorf specifically and explicitly forbid any journalists from attending the meeting.

18. Bettendorf likewise specifically and explicitly forbid any recording or live streaming of the meeting.

19. Journalists and media institutions that were turned away from the meeting include, but are not limited to, local station KWQC-TV, local station WQAD, local station WHBF, and the Quad City Times.

20. On June 3, 2022, the Council sent a letter to the District and the Bettendorf Board of Education requesting acknowledgment that prohibiting members of the media from attending the May 25, 2022 meeting violated Iowa's Open Meetings Law and demanding that Bettendorf refrain from any further violations. *See* Attached Ex. 1.

21. As of the date of this filing, the Council has received no response to its June 3, 2022 letter.

COUNT I: VIOLATION OF CHAPTER 21 – INJUNCTIVE RELIEF

22. Plaintiffs re-allege and replead paragraphs one through 21.

23. Iowa’s Open Meetings Law “seeks to assure, through a requirement of open meetings or governmental bodies, that the basis and rationale of governmental decisions, as well as those decisions themselves, are easily accessible to the people.” Iowa Code § 21.1.

24. Defendants are governmental bodies and agents subject to the requirements of Iowa Code Chapter 21, Iowa’s Open Meetings Law.

25. The May 25, 2022 work session constitutes a meeting within the meaning of Iowa Code § 21.2(2).

26. Upon information and belief, the May 25, 2022 meeting was attended by a majority of the members of the Board.

27. Upon information and belief, the May 25, 2022 meeting included deliberation upon a matter within the scope of the District and the Board’s policy-making duties.

28. The May 25, 2022 meeting constituted a closed meeting prohibited by Iowa Code Chapter 21.

29. Bettendorf failed to provide requisite notice of the meeting.

30. Bettendorf’s explicit refusal to allow journalists to participate in the meeting evidences an intent to avoid the purposes of Chapter 21.

WHEREFORE, Plaintiffs respectfully request that the Court enter an order finding that Defendants violated Iowa Code Chapter 21 and:

- i) assess each member of the Board who participated in violation of the Open Meetings Law damages in an amount of not less than \$100 and not more than \$500, or, in the

- event that the member knowingly participated in such violation, assess that member damages in an amount of not less than \$1,000 and not more than \$2,500;
- ii) order the payment of costs and reasonable attorneys' fees incurred by Plaintiffs;
 - iii) issue a mandatory injunction punishable by civil contempt ordering the members of the Board to refrain from any future violations of Iowa's Open Meeting Law; and
 - iv) Order any other relief the Court deems just and necessary.

Respectfully submitted,

/s Samuel E. Jones

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