

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, ARKANSAS  
CHARLESTON DISTRICT  
CIVIL DIVISION

JOHN TURNER

PLAINTIFF

v.

CASE NO. 24CV-23-3 (IV)

CITY OF BRANCH,  
a municipal corporation

DEFENDANT

AGREED ORDER OF DISMISSAL

On this date this cause was submitted to the Court. The Complaint in this matter was brought by the Plaintiff, John Turner, against the City of Branch. From the pleadings, the agreement of the parties, and the stipulations of counsel, the Court does hereby find and order as follows:

1. Defendant admits that it violated the FOIA by failing to record City Council meetings for the months of May, June, July, August, September, October, and November 2022. Defendant further admits that it failed to record City Council meetings other than those specifically requested by Plaintiff. Defendant states that it has come into compliance with the recording requirement.

2. Defendant states that Plaintiff submitted a FOIA request on December 5, 2022, and that said request was timely delivered on December 11, 2022. Defendant additionally states that several of the requested documents were not yet available at the time of request but provided voluntarily upon availability.

3. Defendant admits that it violated FOIA by failing to timely provide the Summary Billing Register as requested in Plaintiff's August 16, 2022, FOIA request, however, states that this document has since been voluntarily provided.

4. Defendants admits that it violated FOIA by charging Plaintiff twenty-five cents per page for copies of public documents and for the time required to gather documents. Defendant admits that it is improper to pass on to a requester the cost of personnel time associated with searching for, retrieving, viewing, inspecting, copying, or obtaining copies of public records.

5. The Court hereby orders the Defendant to record City Council meetings as required by Ark. Code Ann. § 25-19-106 (d)(1), and maintain the recordings for at least a year as required by Ark. Code Ann. § 25-19-106 (d)(2).

6. The Court hereby enjoins the Defendant from passing on to a requester the cost of personnel time associated with searching for, retrieving, viewing, inspecting, copying, or obtaining copies of public records.

7. The Court hereby orders the Defendant to reimburse Plaintiff for the \$265.68 charged Plaintiff to produce public records.

8. Plaintiff acknowledges that the Defendant has received a two-hour training in the requirements of the Freedom of Information Act as it relates to public bodies.

9. That the issues in controversy have been settled and that the City of Branch will pay the court costs of this action. The parties further agree that the Defendant shall pay Plaintiff attorney's fees in the amount of \$1,125.00 and costs in the amount of \$167.50.

IT IS, THEREFORE, BY CONSENT OF THE PARTIES, ORDERED, ADJUDGED, AND DECREED, that the above action is hereby dismissed with prejudice.

IT IS SO ORDERED.

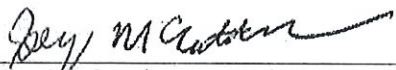
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CIRCUIT JUDGE

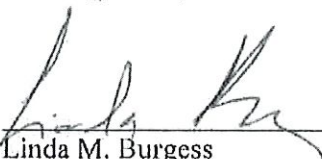
DATE: May \_\_\_\_, 2023

Approved by:

*Attorneys for Plaintiff*

  
\_\_\_\_\_  
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**Case Title:** JOHN TURNER V CITY OF BRANCH

**Case Number:** 24CCV-23-3

**Type:** ORDER TO DISMISS

So Ordered

A handwritten signature in black ink, appearing to read "Jack T. Patterson, II", is written over a horizontal line.

Honorable Jack T. Patterson, II