

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
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Granted Appeal Summary

Case

SUFFOLK CITY SCHOOL BOARD, ET AL. v. DEBORAH K. WAHLSTROM
(Record Number 220116)

From

The Circuit Court of the City of Suffolk; M. Glassman, Judge.

Counsel

Deborah Y. Collins (Yeng Collins Law, PLLC) and Wendell M. Waller (Suffolk City School Board) for appellants.

Kevin E. Martingayle (Bischoff Martingayle, P.C.) for appellee.

Assignments of Error

1. The Court erred when it ruled as a matter of law that the Virginia Freedom of Information Act requires that the School Board permit citizens to be physically present in the room where the meeting is occurring.
2. The Court erred when it found that public access to the meeting as provided by the School Board did not satisfy the Virginia Freedom of Information Act.
3. The Court erred in finding that the School Board violated the Virginia Freedom of Information Act in its set up of the meeting room and safety precautions when the Virginia Freedom of Information Act is silent as to logistical matters.
4. The Court erred in ordering an injunction against the School Board when there was no evidence or finding that its actions were willful, knowing, and substantial violations of the Virginia Freedom of Information Act, or reasonable likelihood that the violation would occur in the future.
5. The Court erred in finding that Wahlstrom substantially prevailed on the merits of her case.
6. The Court abused its discretion when it applied the incorrect standard and awarded attorney's fees and costs without ruling on whether special circumstances existed that would make an award of attorney's fees and costs unjust.

Assignments of Cross-Error

1. The trial court erred in sustaining the demurrer to the individual potential liability of Dr. Brooks-Buck and Dr. Gordon.
2. The trial court erred in failing to find willful and knowing violations by Dr. Brooks-Buck and Dr. Gordon, erred in concluding that they were “trained and received counsel that access equals entry” for purposes of open meetings, and erred in giving any consideration to an affirmative defense that was not properly raised.