DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Street, Suite W200 Colorado Springs, Colorado 80903 (719) 452-5000	
MELANIE KNAPP, **Plaintiff,** **v.** **BOARD of EDUCATION, ACADEMY DISTRICT TWENTY,** **Defendant.**	**▲COURT USE ONLY▲**
Eric Maxfield, #29485 Robert R. Gunning, #26550 Maxfield Gunning, LLP Attorneys for Plaintiff 1738 Pearl Street, Suite 300 Boulder, Colorado 80302 (720) 586-8567 Eric@maxfieldgunning.com Rob@maxfieldgunning.com	Case No: Division
COMPLAINT AND APPLICATION FOR AN ORDER TO SHOW CAUSE UNDER § 24-72-204(5) and § 24-6-402(4), C.R.S. WITH EXPEDITED SETTING UNDER § 24-72-204(5)(b), C.R.S.	

COMES NOW Melanie Knapp, Plaintiff, through undersigned counsel, for her Complaint and Application for Order to Show Cause against the Board of Education for Academy District Twenty ("Board"), Defendant, and alleges as follows:

I. Introduction

1. This civil action seeks injunctive and declaratory relief to redress the failure of the Board to fulfill the guarantee of public access enshrined in the Colorado Open Meetings Law (OML) and the Colorado Open Records Act (CORA).

2. This action follows the Board's persistent pattern of conducting unauthorized executive sessions, deciding on the list of finalists and then the successful candidate for superintendent in those executive sessions, and unjustified withholding of lists of finalists and their application materials for the superintendent position. See §§ 24-6-402(3.5), 24-6-402(4), and 24-72-204(3)(a)(XI), C.R.S.

3. CORA requires a hearing on this Complaint and Application "at the earliest practical time," § 24-72-204(5)(b), C.R.S., and Ms. Knapp therefore requests an expedited setting. Ms. Knapp anticipates that no discovery will be necessary or appropriate in this expedited action if the parties are able to stipulate to the narrow set of operative facts.

4. Earlier this year, Ms. Knapp served records requests on the Board. The requests sought the executive session recordings made during meetings before which decisions concerning the identities of the finalists for the position of superintendent were unknown, and after which the identities of the finalists and later the successful candidates were determined.

5. The requests also sought the names and application materials of the finalists for the superintendent position. The requests were made consistent with the specific provisions concerning the executive position hiring process in CORA and Open Meetings Law, in order to learn "the final *group* of applicants or candidates" required to be made public. § 24-72-204(3)(a)(XI)(A), C.R.S. (emphasis added).

6. The requests were made consistent with the Board's statutory obligation that it "shall make public the *list* of all *finalists*…no later than fourteen days prior to appointing or employing *one of the* finalists to fill the position." § 24-6-402(3.5), C.R.S. (emphasis added).

7. This Complaint seeks to end the practice of holding unjustified executive session closed-door meetings and failing to identify, in the motions to enter executive sessions, the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is held. This Complaint also seeks to end the practice of disclosing a single successful candidate for superintendent as the "list" of "finalists" at least fourteen days prior to announcement of a hire. Such practice is inconsistent with the plain requirements of CORA and the OML, which require disclosure of the final group of qualified candidates in order for the public to observe, and possibly participate in the vetting process.

8. In its 1994 bill establishing the requirement of disclosure of the list of finalists, the General Assembly chose a deliberate position in relation to these policies through its use of language—favoring transparency at a particular temporal juncture. See HB94-1234. Of special interest, in that bill, the list of finalists was required to be disclosed prior to the first round of interviews: "A list of all finalists being considered for a position shall be made public by the search committee no less than fourteen days prior to the first interview conducted for the position." § 24-6-402(3.5), C.R.S. (1994).

9. In 1997, the General Assembly amended the OML to state that unlike under the prior version, a list of finalists was required to be disclosed fourteen days prior to the decision determining the successful applicant, as opposed to disclosure of all qualified candidates chosen for the first round of interviews. This is the same requirement as the current version at § 24-6-402(3.5), C.R.S. (2019).

10. In short, the practice sought to be ended here by Ms. Knapp is the Board making a decision on who it will hire behind closed doors and without any opportunity for the public to provide input on any candidate but the successful candidate.

11. The Board justifies its closure of the recordings of executive sessions by two methods. First, it points to its motions to enter executive session, and second to post-hoc justifications. The Board's positions on closure under either theory are not supported by the OML or CORA. As a result, the recordings and records have been wrongfully withheld from public disclosure.

12. The recordings of executive sessions should be examined by the Court *in camera*, and if they reveal what is fairly and reasonably implied by the circumstances, that they contain discussion of matters not covered by OML statutory justifications, such as deciding on the list of finalists and deciding on the successful candidate, or

alternatively *not* covered by the motion to enter executive session, they should be ordered released. § 24-6-402(2)(d.5)(II)(C), C.R.S.

13. The Court should also require immediate disclosure to Ms. Knapp of the list of finalists for the position prior to the selection of Dr. Hough, and in a subsequent selection process, of Mr. Gregory, as the successful candidates for superintendent.

14. In addition to such equitable relief, Ms. Knapp also seeks recovery of her costs and reasonable attorney's fees, under the provisions of OML, § 24-6-402(9), C.R.S., and pursuant to CORA at § 24-72-204(5), C.R.S.

II. Parties Jurisdiction and Venue

15. Melanie Knapp, Plaintiff, is a citizen of Colorado Springs and resides in the Academy District Twenty School District, with her family, including two school-aged children.

16. Ms. Knapp is a "citizen" under the OML, § 24-6-402(9), C.R.S., and a "person" under CORA, § 24-72-202(3), C.R.S., and as such, has standing to bring a claim for access to public meetings and records under the OML and CORA.

17. The Board is a "local public body" and is the governing body of a political subdivision of the State of Colorado; the Board's meetings are subject to the requirements of advance notice and public access. See §§ 24-6-402(1)(a), (2)((b) and (2)(c), C.R.S.

18. All the records the Board makes, maintains, or keeps for use in the exercise of official functions are open to the public unless an exemption applies. §§ 24-72-202(5)-(6)(a)(I), 24-72-203(1)(a), C.R.S. The Board is the custodian of the public records that are the subject of this action.

19. This Court has jurisdiction under article VI, § 9(1) of the Colorado Constitution; under § 24-6-402(9), C.R.S. of the OML; and under §§ 24-72-204(5) and (5.5), C.R.S. of CORA.

20. With respect to the jurisdictional requirement for providing notice of intent to sue under § 24-72-204(5), C.R.S. of CORA, Ms. Knapp provided notice to the Board on July 3, 2019 and again through counsel on August 15, 2019.

21. Venue is proper under Rules 98(b)(2) and (c)(1) of the Colorado Rules of Civil Procedure; under § 24-6-402(9), C.R.S. of the OML; and under §§ 24-72-204(5) and (5.5), C.R.S. of CORA. The Board is located within El Paso County.

III. General Background and Allegations

22. The Board undertook the hiring process by public announcement on November 1, 2018 for its new Superintendent following the decision by prior Superintendent Hatchell to retire.

23. Over the course of several months the District first determined that one applicant would be offered the position (Dr. Kimberly Hough), and later when that did not result in a successful hire, determined that a second applicant (Tom Gregory) would be offered the position.

24. The Board entered executive session numerous times at numerous meetings to engage in substantial discussion of the public business of the Superintendent hiring process, to make decisions to narrow the applicant pool to a list of finalists (two processes, the first resulting in Dr. Hough's selection, and the latter process from which Mr. Gregory was selected), and ultimately to decide on a successful applicant from the list of finalists.

25. The executive sessions at which these discussions occurred were, in 2019:
February 26
March 5
March 6
March 7 (two meetings)
March 11
March 12
March 13
March 14
March 21
April 4
April 18
April 20
May 7
May 9

26. Following the second March 7, 2019 meeting, Board Chair Tracy Johnson stated, "We are coming around the final bend, and through the solid assistance of HYA, much

appreciated, we have identified multiple candidates that we will be looking at more closely." The March 7, 2019 regular meeting minutes show Tracy Johnson announced the Board "…is in the final stages of the superintendent search." A reasonable inference to draw from this statement is that the decision to narrow the field of qualified applicants to a list of finalists had been made at the prior meeting in executive session or in an unnoticed meeting.

27. On March 21, 2019 Board Chair Johnson stated, "…it has been quite a process, but nonetheless we feel very good that we are now nearing a preferred candidate, it's been a very, very, very difficult decision, but we are almost there." A reasonable inference to draw from this statement is that the decision to narrow the field of qualified applicants to a list of finalists had been made at a prior meeting in executive session or in an unnoticed meeting.

28. And, on April 4, 2019 during the open portion of the regular meeting when explaining the superintendent search process, Board President Tracy Johnson said that the Board identified "five fine and capable" candidates at the final phase of the search, from which Dr. Hough was selected. A reasonable inference to draw from this statement is that the decision to narrow the field of qualified applicants to a list of finalists had been made at a meeting in executive session or in an unnoticed meeting.

29. On April 4, 2019, the Board announced its determination to offer the Superintendent position to Dr. Hough.

30. On May 9, 2019 during the open portion of the regular meeting when explaining the superintendent search process, Board President Tracy Johnson said that the Board identified five candidates at the final phase of the search, from which Mr. Gregory was selected. A reasonable inference to draw from this announcement is that the decisions to select the successful applicants occurred in executive sessions or at unnoticed meetings. A reasonable inference to draw from this statement is that the decision to narrow the field of qualified applicants to a list of finalists had been made at a meeting in executive session or in an unnoticed meeting.

Requests and Responses

31. Ms. Knapp submitted a CORA request to Academy District Twenty on May 13, 2019, as clarified on May 14, 2019. This request asked for "each of the applications and resumes of the final three superintendent candidates from which the single, remaining finalist—Mr. Gregory—was chosen by the Board."

32. Ms. Knapp was informed by General Counsel Cohn that the Board did not possess the records, and that the private entity retained by the Board (HYA) for the Superintendent search had the records.

33. Upon being redirected by HYA back to the Board, Ms. Knapp then further clarified on May 15, 2019 that she requested "the applications and resumes of the few candidates remaining in the final stages of the superintendent search process… ."

34. On May 22, 2019 General Counsel Cohn again declined to provide records but rather redirected Ms. Knapp, stating that, "the applications you requested for the superintendent's position at Academy School District 20 are now and always have been in the position [sic] of a private corporation, HYA."[1]

35. That same day, Ms. Knapp again requested, "the applications/applicant documents reviewed by the Board for the superintendent vacancy, that were in the final pool of candidates, and that were interviewed for employment as the superintendent, be made available to me pursuant to the provisions of the Colorado Open Records Act."

36. On May 28, 2019 General Counsel Cohn responded, "[w]ith regard to your records request, the documents are not nor have they ever been in the custody of the school district."

37. Ms. Knapp followed up on June 10, 2019 with another request, this time for audio recordings of an executive session of the Board from March 7, 2019 forward (later followed up again in a July 3, 2019 email to Ms. Tonja J. Thompson (also Board counsel) for recordings of "all executive sessions from March 7, 2019 though the hiring of the new superintendent").

38. General Counsel Cohn responded on June 14, 2019 and attorney Tonya J. Thompson issued a second response on July 12, 2019. Both responses declined to make the records available to Ms. Knapp. Notwithstanding the outstanding requests for records, it was later revealed by Ms. Thompson that the March 7, 2019 recordings

[1] Some of the Board's responses, including this one, were issued beyond the statutory deadline of three working days. See § 24-72-203(3)(b), C.R.S. No extension of this presumptive deadline was authorized or taken.

were destroyed by the Board ninety days after the meeting. § 24-6-402(2)(d.5)(II)(E), C.R.S., requires the recording of a local body's executive session to be retained for at least ninety days after the date of the executive session.

39. The recordings of the executive sessions are required to include the specific citation to the provision in subsection (4) of the OML that authorizes the Board to meet in an executive session. § 24-6-402(2)(d.5)(II)(A), C.R.S. It is unclear from either response from Board attorneys Mr. Cohn or Ms. Thompson what the recordings reflect as the basis for entering executive session in any of the meetings. According to the Board's initial response, the OML § 24-6-402(4)(g), C.R.S. provision applies, and it was invoked related to application materials of non-finalist applicants. This response implies that there was never a list of finalists, nor a finalist at all, and that therefore there are no responsive records.

40. According to the second response, the OML "does not apply," or, alternatively, the recordings are closed per section "24-6-402(f) [sic] regarding personnel matters; because deliberative process privileged communications occurred; and because of the privacy interests of applicants."

41. On August 15, 2019, through counsel, Ms. Knapp provided the Board with a fourteen-day written notice under § 24-72-204(5)(a), C.R.S. The Board continued to withhold records without proper justification.

42. The Board has denied Ms. Knapp the right to inspect the recordings of executive sessions, has failed to provide lists of finalists other than a single successful applicant through two hiring processes, and failed to provide the application materials of those finalists on the two lists of finalists other than those of Dr. Hough and Mr. Gregory (provided after conferral among counsel for the respective parties, on September 11, 2019).

IV. Colorado Open Meetings Law and Colorado Open Records Act

43. Under the OML, the Board is a "local public body," as that term is defined in the statute, because it is a governing body of a political subdivision of the State of Colorado. It is therefore subject to all of the requirements of the OML applicable to state public bodies. See §§ 24-6-402(1)(a), (2), (4), and (7)-(9), C.R.S.

44. The People of Colorado enacted by initiative the OML in 1973. The OML declares it to be a matter of statewide concern and the policy of Colorado that the formation of public policy is public business and may not be conducted in secret. § 24-6-401, C.R.S.

45. Ms. Knapp respectfully disagrees with the Board's position that the subject records (the lists of finalists, the names and application materials of the finalists, along with the executive session recordings that it is reasonable to infer reflect these names and materials), have lawfully been withheld.

46. The public policy of Colorado is that all public records shall be open for inspection by any person at reasonable times. § 24-72-201, C.R.S. Based on the responses, there now appears to be no dispute that the requested records are "public records" under § 24-72-202(6)(a)(I), C.R.S.

47. Section 24-72-204(3)(a)(XI)(A), C.R.S., to the extent it may be relied on by the Board, excepts from disclosure "[r]ecords submitted by or on behalf of an applicant or candidate for an executive position . . . who is not a finalist." Thus, the records submitted by the finalists for such a position are subject to disclosure (with some limitations, e.g., for references).

48. For purposes of this provision, § 24-72-204(3)(a)(XI)(A), C.R.S., the term "finalist" means an applicant "who is a member of the final group of applicants or candidates made public pursuant to § 24-6-402(3.5), C.R.S." By its express terms, this provision contemplates more than one "finalist."

49. Section 24-6-402(3.5), C.R.S., to the extent it is relied on by the Board, provides that the list of names of the finalists for executive positions must be made public no later than 14 days prior to the job being filled. Consistent with subsection (XI)(A), this provision expressly contemplates more than one "finalist."

50. The Board's position, implying that there was only one or alternatively no "finalist" for the Superintendent position, is contrary to both the statutory language of §§ 24-72-204(3)(a)(XI)(A) and 24-6-402(3.5), C.R.S., and the purpose of CORA and the OML.

51. Likewise, the original (1994) language of the OML requiring disclosure of finalists, along with the current OML language at § 24-6-402(3.5), C.R.S., reaffirm the legislative intent through plain language for a list of finalists to be made public prior to appointment. In modifying the timeframe to at least 14 days before appointment when amending the timeframe for disclosure, the legislature maintained the plural form of "finalist" and the use of the word "list."

52. The reasonable inference here is that the legislature intended for the public to be apprised of the identity of the group of finalists and to have an opportunity to weigh in before appointment. And regardless, the records of Dr. Hough and Mr. Gregory were not provided to Ms. Knapp until the intervention of counsel on her behalf, months after she made a request. There is no justification for such wholesale record closure (the finalists not selected as the successful candidates), nor for violating the CORA's deadlines for production.

53. Teacher hiring and firing decisions are formal decisions, and, due to the OML requirement for transparent process and decision-making, a firing decision by a school board that is made during an executive session is invalid. *Barbour v. Hanover Sch. Dist. No. 28*, 148 P.3d 268 (Colo. App. 2006), aff'd. in part and rev'd. in part on other grounds, 171 P.3d 223 (Colo. 2007). Similarly, and in light of the added special requirements of sections 24-6-402(3.5) and 24-72-204(3)(a)(XI)(A), C.R.S., related to the executive position hiring process, such hiring decisions by the Board are formal decisions, and cannot be made in an executive session.

54. The prohibition against making final policy decisions or taking formal action in a closed meeting also prohibits "rubber-stamping" previously decided issues. *Bagby v. Sch. Dist. No. 1*, 528 P.2d 1299 (Colo. 1974); *Walsenburg Sand & Gravel Co. v. City Council of Walsenburg*, 160 P.3d 297 (Colo. App. 2007); *Van Alstyne v. Housing Auth. of City of Pueblo*, 985 P.2d 97 (Colo. App. 1999).

55. Moreover, while the OML does not require a governmental body to hold a meeting, if a local body makes a decision it must do so in a meeting compliant with the OML. See *Wisdom Works Counseling v. Dept. of Corr.,* 360 P.3d 262 (Colo. App. 2015) (applying the same requirement to a state public body). In other words, when the Board undertook to decide on the list of finalists for the superintendent position that later resulted in the offer of the position to Dr. Hough and subsequently after the second hiring effort resulted in the offer of the position to Mr. Gregory, the Board made decisions, and these decisions were required to be made in a noticed, open, public meeting.

56. The Board also takes the position that deliberative process privileged communication occurred in the executive sessions requested by Ms. Knapp.

57. It is well-established that if a local public body fails strictly to comply with the requirements set forth to convene an executive session, it may not avail itself of the protections afforded by the executive session exception. Therefore, if an executive

session is not properly convened, it is an open meeting subject to the public disclosure requirements of the OML. *Gumina v. City of Sterling*, 119 P.3d 527 (Colo. App. 2004).

58. And in the event the Board asserts attorney-client privilege as a ground for non-disclosure of executive session recordings (as Board counsel suggested to Ms. Knapp), it may not do so after the fact. Rather, the Board would have needed to enter executive session with a proper motion identifying that the executive session was for privileged attorney-client communication. In other words, if the District did not move to go into executive session under § 24-6-402(4)(b), C.R.S. the executive session was not properly convened for purposes of a conference with an attorney for receiving legal advice on specific legal questions.

59. Under the Board's own policy, it would seek to protect records of finalists that might be otherwise subject to disclosure if the applicants provided a written request. The Board has made no reference to any such requests.

60. It is apparent on its face by virtue of the existence of the hiring process that the Board had a list of finalists for each of the two searches resulting in Dr. Hough's and Mr. Gregory's selection. The Board did not issue a list of finalists and had no grounds to withhold either of the lists or to decline to provide finalists' application materials. As a result, all of these records should be opened.

61. Inconsistent with the transparency requirements of Colorado Sunshine Law, the Board attempts to use the OML and CORA as a shield. It affirmatively used executive session as a mechanism to conduct secret decision-making and identification of the group of final candidates for superintendent, as well as the successful candidates.

62. The only proper body to make the decisions on who constituted the list of finalists was the Board. From all facts publicly available it is reasonable to infer that decisions were made in closed meetings in executive session or in unnoticed meetings, or to the extent these decisions were made publicly, were rubber-stamps of these secretly-made decisions. These executive sessions may have been entered by citing to a single statutory justification, § 24-6-402(4)(g), C.R.S. And recordings, to the extent they still exist, should be reviewed in camera to determine whether decision-making occurred in the executive sessions in violation of § 24-6-402(4), C.R.S., and to determine whether there was substantial discussion of matters not enumerated in that subsection cited in the motion to enter executive session.

63. Section 24-72-204(5.5), C.R.S. of CORA provides:

> (a) Any person seeking access to the record of an executive session meeting of a state public body or a local public body recorded pursuant to section 24-6-402(2) (d.5) shall, upon application to the district court for the district wherein the records are found, show grounds sufficient to support a reasonable belief that the state public body or local public body engaged in substantial discussion of any matters not enumerated in section 24-6-402(3) or (4) or that the state public body or local public body adopted a proposed policy, position, resolution, rule, regulation, or formal action in the executive session in contravention of section 24-6-402(3)(a) or (4).

64. Ms. Knapp has demonstrated grounds sufficient to support a reasonable belief that the Board engaged in substantial discussion of matters not enumerated in the provisions of the OML permitting executive sessions.

65. Ms. Knapp has demonstrated grounds sufficient to support a reasonable belief that the Board adopted a proposed position or formal action in executive session in contravention of the OML.

66. Section 24-72-204(5.5)(b)(I), C.R.S. of CORA further provides:

> "Upon finding that sufficient grounds exist to support a reasonable belief that the state public body or local public body engaged in substantial discussion of any matters not enumerated in section 24-6-402(3) or (4) or that the state public body or local public body adopted a proposed policy, position, resolution, rule, regulation, or formal action in the executive session in contravention of section 24-6-402(3)(a) or (4), the court shall conduct an in camera review of the record of the executive session to determine whether the state public body or local public body engaged in substantial discussion of any matters not enumerated in section 24-6-402(3) or (4) or adopted a proposed policy, position, resolution, rule, regulation, or formal action in the executive session in contravention of section 24-6-402(3)(a) or (4)."

67. Ms. Knapp's demonstration of sufficient grounds justifies the Court's finding of the same sufficient grounds and therefore the Court's issuance of a Show Cause Order requiring, on an expedited schedule, the provision

of records of the executive sessions requested by Ms. Knapp for an in camera review and requiring justification by the Board for its closure of records.

68. CORA provides that if the Court determines, based on the in camera review, that violations of the OML occurred, the portion of the record of the executive session that reflects the substantial discussion of matters not enumerated in § 24-6-402(4) or the adoption of a proposed policy, position, resolution, rule, regulation, or formal action shall be open to public inspection. § 24-74-204(5.5)(b)(II), C.R.S.

V. First Claim for Relief - Violation of OML

69. Ms. Knapp incorporates the allegations of previous paragraphs of this Complaint as though fully set forth herein.

70. Ms. Knapp has suffered an injury in fact through the acts and omissions of the Board with respect to the Board's pattern of holding executive sessions without proper authorization; without properly announcing prior to the executive session the particular matter to be discussed behind closed doors, in as much detail as possible without compromising the purpose of which the executive session is held; and destroying recordings when there was a request for the record pending. These failures and this destruction are contrary to the requirements of the OML.

71. The Board has established a pattern of improperly convening and conducting executive sessions as revealed by the Board's agendas and minutes from meetings from November 1, 2018 through May 9, 2019.

72. On information and belief, the Board intends to continue to provide notice to the public when hiring for executive positions including only the identity and application materials of the individual who is offered the position, withholding the identity and application materials of all other finalists.

73. In light of the foregoing, there is an actual case or controversy concerning the legality under the OML of the Board's past and anticipated future practice of convening executive sessions.

74. Ms. Knapp is entitled to an award of her costs and to her reasonable attorney's fees to enforce her right of public access to these public meetings and executive session recordings. §§ 24-6-402(9), 24-72-204(5), C.R.S.

VI. Second Claim for Relief - Violation of CORA

75. Ms. Knapp incorporates the allegations of previous paragraphs of this Complaint as though fully set forth herein.

76. CORA provides in pertinent part as follows: "[A]ny person denied the right to inspect any record covered by this part 2 may apply to the district court of the district wherein the record is found for an order directing the custodian of such record to show cause why the custodian should not permit the inspection of such record… . Unless the court finds that the denial of the right of inspection was proper, it shall order the custodian to permit such inspection and shall award court costs and reasonable attorney fees to the prevailing applicant in an amount to be determined by the court…." § 24-72-204(5), C.R.S. Ms. Knapp is applying to this District Court for an order directing the custodian of such records to show cause why the custodian should not permit inspection of such records.

77. The Board has denied Ms. Knapp the right to inspect several public records with no demonstrated basis in fact or law. The Board has been unable to establish that the public records sought by Ms. Knapp are exempt from her right of inspection established by § 24-72-205(1), C.R.S.

78. Ms. Knapp gave the Board at least fourteen days' notice, pursuant to § 24-72-204(5), C.R.S., of her intent to file this Complaint seeking documents subject to Ms. Knapp's CORA and OML requests.

79. Ms. Knapp is entitled to an award of her costs of filing and serving this Complaint and to her reasonable attorney's fees to enforce her right of public access to these records. § 24-72-204(5), C.R.S.

80. Because the Board has denied a valid request for inspection of public records, Ms. Knapp is entitled to, and this Court should enter, an order directing the Board to turn over the requested documents to allow Ms. Knapp to inspect public records subject to her requests. § 24-72-204(5), C.R.S.

VII. Prayer for Relief

WHEREFORE, Plaintiff Melanie Knapp respectfully prays for the following relief and judgment:

A. Order to Show Cause

Plaintiff respectfully requests the Court to:

1. Enter an Order directing the Board to show cause why they should not allow inspection of the requested records as described in this Complaint and Application for an Order to Show Cause;
2. Enter an Order directing the Board to provide to the Court, for *in camera* review, the closed recordings of the executive sessions from the following 2019 meetings:

February 26
March 5
March 6
March 7
March 7
March 11
March 12
March 13
March 14
March 21
April 4
April 18
April 20
May 7
May 9

3. Enter an Order, after an *in camera* review, opening the recordings of unjustified executive sessions for inspection by Ms. Knapp;
4. Enter an Order to the Board to open to inspection the application materials from the four finalists in addition to the single successful applicants selected in each of the two hiring processes for superintendent, and and to

provide the lists of finalists in addition to the single successful applicants selected in each of these processes;

5. Enter an Order directing the Board to justify to the Court its destruction of the recording of the executive session at the meetings on March 7, 2019, requested by Ms. Knapp on June 10, 2019;
6. Conduct a hearing pursuant to such Order at the earliest practical time, at which time the Court may make the Order to Show cause absolute;

B. Declaratory Relief

Plaintiff respectfully requests the Court to enter a declaratory judgment finding the following as a matter of fact and law: The Board violated the OML by improperly convening closed-door meetings on the following dates:

February 26, 2019
March 5
March 6
March 7
March 7
March 11
March 12
March 13
March 14
March 21
April 4
April 18
April 20
May 7
May 9

C. Attorney's fees and costs

Plaintiff requests recovery of her reasonable costs and attorney fees in filing, serving and litigating this civil action pursuant to §§ 24-6-402(9) and 24-72-204(5), C.R.S.

D. Other orders

Plaintiff respectfully requests the Court to enter such other and further relief as the Court deems proper and just.

Respectfully submitted this 8th day of November, 2019.

/s/ Eric Maxfield
ERIC MAXFIELD, #29485
ROBERT R. GUNNING, #26550
MAXFIELD GUNNING, LLP
1738 Pearl St., Suite 300
Boulder, CO 80302
Telephone: (720) 586-8567

Plaintiff's address:

Melanie Knapp
4420 Old Ranch Road
Colorado Springs, CO 80908

Original copy of this document is on file with undersigned counsel.

/s/ Eric Maxfield