

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>GRAHAM GILLETTE,</p> <p>Petitioner,</p> <p>v.</p> <p>TEREE CALDWELL-JOHNSON, CONNIE BOESEN, CINDY ELSBERND, BILL HOWARD, JOE JONGEWAARD, DICK MURPHY, PAT SWEENEY, All Members of the Board of the Des Moines Public Schools,</p> <p>Respondents.</p>	<p>Case No. CE-72582</p> <p>ORDER OF DISMISSAL WITH PREJUDICE</p>
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The Court having reviewed and considered the Joint Motion to Dismiss filed by Petitioner Graham Gillette, represented by attorney Randall Wilson, and Respondents members of the Board of the Des Moines Public Schools, represented by attorney Andrew Bracken, and being otherwise fully advised in the premises in this matter, the Court makes the following findings and conclusions and issues the following Order of Dismissal:

1. Respondents have accepted the Court's Ruling on Motion to Compel Discovery after *In Camera* Review wherein the Court determined that portions of May 10, 2012 meeting did not directly relate to the stated reason for the closed session and therefore ordered that certain portions of the record should be released to the Petitioner.
2. Respondents will make available to the public those portions of the record identified by the Court for release to the Petitioner including the written minutes and the audio recording. Release of those portions of the record previously identified in the

Court's Ruling will occur upon execution of the Court's Order of Dismissal, in the form previously provided to the Petitioner.

3. Respondents have accepted and acknowledged that during the May 10, 2012 closed session they discussed matters that the Court concluded were inappropriate for a closed session, and that they also discussed other ministerial matters as well.

Respondents deny that they had any intention to avoid the purposes of the Open Meetings Act, and they deny that they engaged in any deliberation or action upon any matter within the scope of the Board's policy-making duties during the closed session.

4. The Board took no action in closed session that requires Court action under Iowa Code 21.6(3)(c).

5. No sanctions shall be imposed against any individual Respondents.

6. Respondents shall make payment of reasonable attorney's fees to the ACLU Foundation of Iowa, Inc. in the amount of six thousand dollars (\$6,000).

7. Court costs if any shall be assessed against the Respondents.

IT IS ORDERED that the Matter will be Dismissed with Prejudice upon the terms outlined above.

Dated this 10th day of December, 2013.

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State of Iowa Courts

Type: OTHER ORDER

Case Number **Case Title**
EQCE072582 GRAHAM GILLETTE VS TEREЕ CALDWELL-JOHNSON ET AL

So Ordered

A handwritten signature in black ink that reads "Karen A. Romano". The signature is written in a cursive, flowing style.

Karen A. Romano, District Court Judge,
Fifth Judicial District of Iowa