

**Clerk of Superior Court**  
**Recordkeeping Case Summaries**  
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January 1, 2015 – September 22, 2016

**[Brooksby v. NC Admin Office of the Courts, COA15-1397 \(Aug. 2, 2016\)](#)**

The clerk of superior court denied a request from a real estate company for all foreclosure records from 2010 to present. Subsequently, the company made a written request to the clerk to come to the clerk's office on specific dates and use the company's staff and scanning equipment to copy the documents. The clerk denied the written request and through counsel advised that the clerk did not have sufficient staff to supervise such an operation and proposed instead to provide 15 to 20 records to the company per week. In response, the company filed a complaint alleging that the clerk denied the company access to public records and violated the Public Records Act. After a mediated settlement conference, the parties agreed to obtain five records at a time and use a handheld scanner approved by the sheriff. Subsequently, the company requested 15 or more records at a time, which the clerk denied. As a result, the clerk moved for summary judgment in the underlying action and the court granted summary judgment in favor of the clerk. The company appealed. The court of appeals affirmed the decision of the trial court. The court held that the clerk did not unreasonably restrict the company's access to public records and the company failed to show that access to or copies of the public records were denied. The evidence showed only that the company was not allowed access on the explicit terms the company requested. The court found that the clerk, given the limitation of the clerk's office and the availability of employees, made reasonable accommodations to allow the company access to the documents. When examining a records request, the court noted that the clerk should balance the nature of the request against (i) the need to maintain the integrity of the records, (ii) fiscal responsibility in maintaining the records, (iii) the duty to the public, (iv) the protection of public resources, and (v) the exigency of the public's need for information.