



# SUFFOLK PUBLIC SCHOOLS

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**SENT VIA ELECTRONIC MAIL**

The Honorable Members of the  
Suffolk City School Board

***Re: Article in Suffolk News Herald***

Dear Chair Riddick, Vice-Chair Howell and Board Members  
Dr. Brooks-Buck, Dr. Brittingham, Byrum, Jenkins and Slingluff;

I am writing to address certain misinformation appearing in the April 30th Edition of the Suffolk News Herald in an article entitled “Supreme Court agrees School Board violated FOIA.” Specifically, I am addressing a comment made by Sherri D. Story who questioned whether the cases should have been appealed to the Supreme Court of Virginia and her patently false statement that “The Suffolk taxpayers have probably lost nearly a half million dollars on these repetitive FOIA losses over the past three years.”

It is quite obvious that someone not trained in the law would not have a grasp on the appellate process and how cases are appealed to the Supreme Court of Virginia. Both appeals filed on behalf of the School Board to the Supreme Court of Virginia — *Suffolk City School Board et. al. v. Sherri D. Story* and most recently *Suffolk City School Board et. al. v. Deborah Wahlstrom* — were not appeals by right. This means that the Supreme Court of Virginia had to agree to hear the appeal. Approximately 1 in 5 cases are issued a writ and granted an appeal.

In both cases — *Suffolk City School Board et. al. v. Sherri D. Story* and most recently *Suffolk City School Board et. al. v. Deborah Wahlstrom* — a writ was granted. This only goes to show that the Supreme Court of Virginia believed that both appeals had merit. In addition, the School Board’s insurance carrier also believed that the cases had merit because the appeals were funded by the carrier.

In the appeal involving Sherri D. Story (“Story”), the Supreme Court of Virginia concluded that errors were made and reversed, in part, certain rulings made by the trial court. The Supreme Court’s ruling was significant because it clarified the breadth of a mandamus order under Virginia law and the process for certifying closed meetings by public bodies.

Letter to School Board  
*Re: Suffolk News Herald Article*  
May 1, 2023  
Page 2

With regard to the appeal involving Deborah Wahlstrom (“Wahlstrom”), the Supreme Court of Virginia was given an opportunity to weigh in on whether “access” to public meetings in Virginia means physical presence in the meeting room. This was an issue of first impression and had not been decided previously in Virginia.

Story’s assertion that Suffolk taxpayers have probably lost “nearly a half million dollars on FOIA losses” is wholly inaccurate and totally false. Story filed two suits against the School Board in 2020 alleging violations of the VFOIA. In her first lawsuit Story sought attorney fees and costs totaling \$45,338.67, but was awarded \$27,518.92. Out of the sum of \$27,518.92, the School Board only had to pay from school funds \$1,012.11. The sum of \$25,006.42 was paid by the School Board’s insurance carrier.

In Story’s second suit filed by Story in 2020, the School Board settled this VFOIA action by paying \$20,000 in fees and associated costs. There was never a court finding that the School Board violated VFOIA. It was in the best interests of the School Board to resolve the matter than be engaged in a protracted legal proceeding that would have diverted attention away from the school division’s primary mission — educating students.

With regard to the Wahlstrom suit, Wahlstrom was awarded \$19,503.56 by the trial court. The amount to be awarded because she substantially prevailed on her appeal has yet to be determined. Thus far the School Board has paid or has been assessed to pay a total of \$40,515.67. This is considerably less than the half million dollars that Story asserts in the newspaper article that has been paid by School Board in VFOIA actions.

It is important to note that the School Board incurred costs of \$56,000 because of charges filed against Sherri D. Story alleging hostile work environment.

I am providing you with this information to add perspective and clarity to the false narrative given by Sherri D. Story and printed in the Suffolk News Herald. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Wendell M. Waller, *Esquire*  
*School Board Attorney*

xc: Dr. John B. Gordon III, School Superintendent (sent *via* electronic mail)