



Timeline of Communications

Below is a summary of communications between the City of Greenville and Peter Romary that the UNC System Office received on November 5, 2019, in response to a public records request it made to the City of Greenville, as well as other related facts gathered by the System Office and/or reported by the news media.¹

October 4, 2019:

- Document preservation hold sent electronically to all members of the UNC Board of Governors, including Tom Fetzer.

October 7, 2019:

- Peter Romary messages Greenville Police Department Lieutenant Mike Montanye stating that he has been asked by “some folks at UNC System” how they can get footage from Greenville street cameras.
- Montanye responds and says: “Attorney needs to complete a request for disclosure to see the video or release to Paton a copy . . . I can begin looking I need to know the time frame?”
- Romary asks Montanye for video footage to be preserved and states, “there will be another lawyer I believe doing this”

October 9, 2019:

- Romary messages Montanye stating: “I have been asked by a group of very (putting mildly) angry Judges and also Bd of Governors and Politicians” (incl one from DC) to personally get tapes for that night”
- Montanye emails City of Greenville attorney Donald Phillips: “Please let me know when you are available to [sic] a conversation regarding a video request.”

October 12, 2019:

- Romary messages Montanye stating that he has “been (quietly) retained) by some BOG folks to look behind law firm that was hired.”

October 13, 2019:

- Montanye messages Romary directing him to Phillips and states “that information you are requesting has been found and saved to prevent purging.”

October 14, 2019:

- WBD contacts Greenville PD about access to street camera footage. Greenville PD tells WBD that footage can only be provided with the assistance of Donald Phillips in the Greenville City Attorney’s Office.

¹ Prepared by UNC Staff based on records provided in response to a public records request by the City of Greenville and media reports.

- WBD and Gerlach's attorney Ken Gray leave phone message for Phillips requesting surveillance tapes for September 25, 2019.
- Gray requests via phone message to speak with Don Phillips.
- Phillips emails WBD and Gray with explanation of how to obtain custodial law enforcement agency recordings (by petition since they are not eligible for disclosure).

October 15, 2019:

- Romary messages Montanye requesting that additional video footage be preserved. Romary states that he "may reach out to PBA/FoP" and offer services.
- Romary leaves phone message for Phillips stating that he has "been retained by a member of the UNC Board of Governors as well as a couple of members of the East Carolina University Board of Trustees". Romary requests surveillance video of September 25-26.
- Romary emails Phillips requesting surveillance tapes for September 25 and stating that he has "been retained by some private parties, including a couple of members of the ECU Board of Trustees and UNC Board of Governors"
- Phillips responds with explanation of how to obtain custodial law enforcement agency recordings.
- Romary responds with specific videos he would like to preserve and view, also states that he is representing (potentially) the Police Benevolent Association and also the Fraternal Order of Police.
- Mike Montanye leaves phone message for Phillips asking him to contact him about the Romary request.

October 16, 2019:

- Montanye emails Phillips to tell him that a request has been submitted to lock down the segments of video that he has saved.
- Romary messages Montanye stating that he spoke to Speaker Moore, who "may well have a legislative subpoena issues for all tapes on Gerlach"

October 17, 2019:

- Montanye confirms to Romary that all video related to "the incident you are referring to have been saved."
- Montanye explains to Romary that he can disclose those portions of footage where a Romary client is seen or heard if Romary fills out a form and checks a box "indicating that [he] represent[s] someone in the video".
- Montanye tells Romary in the message he has "seen the entire evening of events" and that he does not think Romary "will get what he is after" from disclosure of the portions on which a Romary client appears (as opposed to release of all footage by court order).
- In a voice message to Phillips, Romary asks to view surveillance tapes to inform "closed session of UNC Board of Governors" that no Greenville police officers were involved in a set-up.

October 18, 2019:

- WBD sends request to Fetzer to provide all documents “related to UNC System business or matters involving the UNC System or East Carolina University from January 1, 2019 to date”, including “any such ‘documents or data’ in your possession or control including, but not limited to, any documents related to Interim Chancellor Dan Gerlach and the alleged events of September 25, 2019 subsequently reported in the media as well as on social media.”

October 20, 2019:

- Romary emails Phillip and reiterates request for tapes and states “my clients will also provide copies to the BoG for their oversight of the investigation (the governing board who are separate and distinct from General Administration -- GA were the ones who, I understand authorized and are directing the investigation”

October 21, 2019:

- Romary acknowledges in email to Phillips that “independent investigators” called regarding the surveillance tapes.
- Romary states in email to Phillips that he “was contacted today by someone who works very closely with the House Majority Leader, John Bell, who has taken a keen interest in the matter of the Gerlach videos.”
- Romary states in email to Phillips: “I would also ask (on behalf of House member interested parties and BoG interested parties) that unless in response to a records request, the lawyers for UNC not know I am asking for this.”
- Romary tells Phillips in text message that House Majority Leader John Bell will be retaining him, and that legislature has concern that law firm hired by UNC is engaged in potential cover up.

October 22, 2019:

- Romary emails Phillips and says Rep. Bell (Majority Leader) “is wanting to see the video when I get it” and that he has “conveyed through to the Speaker; President Pro tem and Majority leader that there is only one video currently being sought”.
- Fetzer sends Bell a text message asking him to call Phillips regarding the surveillance video and not share information about efforts to get the video.
 - “John—Don Phillips is the Asst City Atty for Greenville overseeing the police Dept. Please call him and tell him you are aware that Peter Romary (Ro’maree w emphasis on the first syllable) , an attorney representing me as a BOG member, the Fraternal Order of Police and the Police Benevolent Assoc, has requested the preservation and release of video tapes showing Interim Chancellor Gerlach getting in his car and driving away around 2:20 am on 26 September.”
 - “Tell him that the General Assembly has an oversight role and that you would like the tapes released to Mr. Romary and that time is of the essence.”
 - “Please do this today, if possible.”

October 23, 2019:

- Romary reports in voice message for Phillips that he'd received a call from "somebody liaising with the legislature." Romary states that he has sent Phillips "the completed document." Romary references "potential desire of the legislature" to subpoena the tapes, and adds that he believe it would "not be good optics for the city of Greenville to have the Majority leader sending a subpoena down."
- Romary states in voice message for Phillips that he got a call from "one of his clients" and that "we do have a side investigation going here." Romary references that the legislature is "taking a step in" and "looking at things." Romary again references legislative subpoenas for the surveillance tapes and states that legislature is "going to be holding hearings."
- Romary tells Phillips in text message that some UNC folks and retained folks may have crossed legal boundaries.
- Romary references in text message "legislators who are clients"

October 24, 2019:

- Romary requests via text message 5 DVD copies of surveillance tapes and states he needs copies for PBA, FoP, Local Chapters, and the UNC Board of Governors.
- Romary states in email to Phillips that he will share copies of surveillance tapes with the UNC Board of Governors.
- Fetzer provides 15 emails to WBD, none of which relate to any engagement by Fetzer of Peter Romary to investigate the events of September 25. Fetzer says there is "more to come" but does not send any other information.

October 25, 2019:

- Romary files petition for release of the footage.
- Judge Cole grants order releasing footage approximately an hour later.
- Phillips calls WBD and informs him that Romary obtained the footage and that he will consent to WBD receiving the same footage if WBD files the exact same petition.
- WBD files petition that is near duplicate of what Romary filed. Court records reflect that this petition was filed at 3:36 p.m.
- WBD requests in an email to Phillips that additional footage from Greenville surveillance tapes on September 25 and 26 be preserved. This request is for footage of additional time periods and locations not released to Romary and not addressed in the petition filed earlier that day.
- Phillips emails Greenville information technology staff members to ask that they immediately work to preserve the additional surveillance footage not included in WBD's October 25 petition.

October 28, 2019:

- Romary asks Montanye to contact Tom Fetzer.
- Romary asks that Phillips contact Tom Fetzer regarding urgent questions.
- Montanye emails Phillips: "Please call when you have an opportunity. I need to pass along a request made by Tom Fetzer."
- In response to Montanye's question about request to contact Fetzer, Romary states it is in reference to "video stuff" and states "BoG meet tomorrow."

- UNC System Office sends Romary first Cease and Desist; Romary responds via email.
- WBD meets with Judge Blount, who declines to sign consent order and indicates the order has insufficient findings. Revisions were made to the proposed consent order and a new one was filed later that afternoon.
- Bobby Burns, ED of the Daily Reflector, emails ECU BOT member Phil Lewis and says that according to the City, “the video was not going to be deleted on Oct. 25 because of the Oct. 14 request from WBD.”

October 29, 2019:

- BOG meeting.

October 30, 2019:

- Hearing on WBD petition in front of Judge Blount, who signs an order releasing the footage to WBD. Either during a bench conference or after the hearing, Phillips confirms to WBD attorney that “as soon as the City knew” WBD was interested in obtaining the footage (i.e. from WBD’s request on 10/14), the City was not going to destroy it.

November 1, 2019:

- UNC System Office sends Romary second Cease and Desist.
- Romary emails Greenville Police Chief Mark Holtzman and says:
 - “Mike Montanye provided me with limited information”
 - That he and Phillips “agreed that the lawyers for UNC and for Gerlach would be notified as soon as I HAD the tapes, not before because of crossed wires and also petitions can be muddled by people who do NOT know the legal system.”

November 5, 2019:

- WBTV [article](#) in which Fetzer acknowledges hiring Romary to conduct an investigation into the events of September 25.
- Fetzer tells Randy Ramsey that he hired Romary to conduct an investigation into the events of September 25.
- John Bell sends Romary a Cease and Desist Letter.