

STATE OF MICHIGAN
COURT OF APPEALS

WASHTENAW/LIVINGSTON EDUCATION
ASSOCIATION/MEA/NEA and LINCOLN
EDUCATION ASSOCIATES ORGANIZATION,

UNPUBLISHED
September 30, 1997

Plaintiffs-Appellants,

v

LINCOLN CONSOLIDATED SCHOOL
DISTRICT BOARD OF EDUCATION,

No. 195671
Washtenaw Circuit Court
LC No. 95-006253 CZ

Defendant-Appellee,

and

THE HERALD COMPANY, INC., d/b/a
BOOTH NEWSPAPERS, INC., ANN ARBOR NEWS,
and YPSILANTI PRESS,

Intervenor-Appellee.

Before: Young, P.J., and Doctoroff and Cavanagh, JJ.

MEMORANDUM.

Plaintiffs appeal as of right the trial court order requiring defendant to disclose certain records. We affirm.

Intervenor submitted a request to defendant for certain information pursuant to the Freedom of Information Act (FOIA), MCL 15.231 *et seq.*; MSA 14.1801(1) *et seq.* Plaintiffs filed a complaint seeking to prevent defendant from disclosing the requested documents.

As an initial matter, we note that this appeal is moot. All the documents at issue have already been disclosed to intervenor. Where the act which is sought to be enjoined has already been

performed, the appeal is moot. *Bruce E Cohan, MD, PC v Riverside Park Place Condominium Ass'n, Inc (After Remand)*, 140 Mich App 564, 567; 365 NW2d 201 (1985).

However, even if the documents had not been disclosed, we would still find that plaintiffs are not entitled to relief. The Supreme Court has recently held that personnel records of public school teachers and administrators are subject to disclosure under the FOIA. Where the requested records consist of information related to teachers' and administrators' public employment, the records are not within the privacy exemption of subsection 13(1)(a). *Bradley v Saranac Community Schools Bd of Education*, 455 Mich 285, 295; 565 NW2d 650 (1997). Thus, pursuant to *Bradley*, records relating to complaints made against school staff members, the investigations of those complaints, and defendant's resolutions of the complaints, must be disclosed when a FOIA request is made, subject to redaction of the names of students and other individuals not employed by the school district. See *id.* at 19.

Affirmed.

/s/ Robert P. Young, Jr.
/s/ Martin M. Doctoroff
/s/ Mark J. Cavanagh