

**IN THE CIRCUIT COURT FOR THE [NUMBER] JUDICIAL CIRCUIT,
[NAME] COUNTY, ALABAMA**

[Name])	
)	Case No.:
Plaintiff,)	
)	
v.)	
)	
[Alabama Government Agency Official])	
)	
Defendant.)	
)	

COMPLAINT⁸

This is a lawsuit seeking to enforce the right to inspect public records pursuant to the Alabama Public Records Law, Ala. Code § 36-12-40 (2013). Plaintiff [Student Name], an Alabama journalist, requested public records from Defendant, [Agency Official], in [his/her] official capacity as [Position, State Agency] relating to [description of issue]. [Describe the issue's importance]. Through [his/her] reporting, [Student Name] seeks to inform the public about [description of events that caused the issue]. Regrettably, [Agency Official] has denied [Mr./Ms.] [Student Last Name]'s requests for public records, in violation of Ala. Code § 36-12-40. This Court's intervention is consequently required.

JURISDICTION AND VENUE

1. This action arises under the authority vested in this Court by virtue of Ala. Code §§ 12-11-31(1) and 12-11-33(1).
2. Venue is proper in this Court pursuant to Ala. Code § 6-3-2(b)(3) (2013).

⁸ Note that Alabama Rule of Civil Procedure 3(b) requires plaintiffs to fill in and submit an informational cover sheet in the circuit court. See the individual circuit court website for the appropriate cover sheet form.

PARTIES

3. Plaintiff [Student Name] is a journalist, and was [title] of the student newspaper at [college or university], [newspaper name], during the events at issue in this lawsuit. [Description of Plaintiff's work as a journalist]. [Mr./Ms.] [Student Last Name] is a resident of [Name] County, Alabama.
4. Defendant [Agency Official] is the [official title] for [Alabama State Agency], and in such capacity has the possession of and control over the records that Plaintiff seeks. Defendant [Agency Official] resides in [his/her] official capacity in [County], Alabama. The action this lawsuit seeks to compel will take place in [County].

FACTUAL ALLEGATIONS

5. [Agency Official] is the [title] at [Alabama State Agency]. In that capacity, [he/she] is vested with authority to receive and respond on behalf of [Alabama State Agency] to requests for public records made pursuant to the Alabama Public Records Act, Ala. Code § 36-12-40 (2013).
6. On [date], Plaintiff [Student Name] submitted a written request to [Agency Employee] seeking the disclosure of [#] categories of public records relating to [describe topic]. A true and correct copy of [Student Last Name]'s request is attached to this Complaint as Attachment 1.
7. By [electronic mail/letter] dated [date], [Agency Official] responded to [Student Last Name]'s request by stating that [describe key aspects of response]. A true and correct copy of the response is attached to this Complaint as Attachment 2.
8. [If applicable, list further communications with agency in chronological order, and the substance of the communications. The communications may show the agency official's

delay in responding to the request, its denial of all or part of the request, or the charging of excessive fees. If there has been a partial production of documents, use the following two paragraphs in the appropriate place in the timeline:]

9. [It was not until [date], nearly [#] months after [Student Last Name]'s initial records request, that [Agency Official] provided the first batch of responsive documents to [Student Last Name]. This initial production represented only a partial response to the [#] enumerated requests in [Student Last Name]'s original Alabama Public Records Law request letter of [date]. [Note any further production of documents on later dates.]
10. [[Student Last Name] sent at least [#] follow-up [emails/letters/calls] to [Alabama State Agency] asking when [he/she] could expect to receive the balance of the requested documents, but received no reply.]
11. [If the Attorney General issued an opinion and the agency is not in compliance: The Attorney General issued an opinion on [date] stating that the [Alabama State Agency] had incorrectly classified [list of documents from the opinion]. Defendant has not produced those documents.]
12. [Agency Official] has unreasonably delayed in responding to [Student's Last Name]'s records request.
13. Defendant has not given Plaintiff access to all requested documents in Defendant's custody or control that are subject to disclosure under the Alabama Public Records Law. In particular, Plaintiff knows, or believes based on the best available information, that Defendant possesses documents responsive to items [#]'s from the original request letter] that [he/she] has not produced.

CLAIMS FOR RELIEF

Count One: Violation of the Alabama Public Records Law

14. The allegations set forth in the foregoing paragraphs are incorporated herein by reference.
15. The Alabama Public Records Law, Ala. Code § 36-12-40 (2013), provides: “Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute.”
16. The records requested in the records request attached as Attachment 1 are public writings within the meaning of Code § 36-12-40, and are not subject to any exemption from disclosure.
17. Defendant has refused to give Plaintiff access to or copies of the documents requested in Plaintiff’s records request. [If there is an unreasonable delay in responding, rather than an outright refusal to produce, describe the delay.]
18. Ala. Code § 36-12-41 (2013) also provides: “Every public officer having the custody of a public writing which a citizen has a right to inspect is bound to give him, on demand, a certified copy of it, on payment of the legal fees therefor . . .” One Alabama Attorney General Opinion provides, “If possible, a public agency should provide free copies of public records. However, if budgetary constraints prevent this, then a public agency may charge a nominal fee, if necessary, to cover its costs in providing copies of public records.” 251 Op. Att’y Gen. Ala. 38 (June 12, 1998).
19. [If applicable, describe how the Agency Official charged more than a nominal fee, or more than the actual costs of copying, any production it did make.]
20. In refusing to timely produce requested public records, Defendant asserted that [describe any rationale provided, and why the rationale is unfounded]

[Note: Alabama contains two general exemptions from disclosure: (1) records made confidential or nonpublic by statutes; and (2) records, the disclosure of which would be detrimental to the best interests of the public. Ala. Code § 36-12-40. It also provides two specific exemptions from disclosure: (1) records concerning use of public, public school or college and university libraries, and (2) records concerning security of persons, facilities, or infrastructure, the public disclosure of which could reasonably be expected to be detrimental to the public safety or welfare. *Id.*]

21. [If the Attorney General issued an opinion and the agency is not in compliance:] The Attorney General issued an opinion finding that the documents were not properly classified.
22. By failing to give Plaintiff access to and copies of public writings within a reasonable time, Defendant has violated and is continuing to violate Plaintiff's rights under Ala. Code § 36-12-40.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

1. Assume jurisdiction over this action;
2. Enter an injunction against Defendant directing Defendant to comply fully and without further delay with the Alabama Public Records Law and to furnish Plaintiff all public records meeting the description in [his/her] records request;
3. Enter a declaratory judgment that Ala. Code § 36-12-40 grants Plaintiff the right to inspect and obtain copies of all documents described in [his/her] records request, and that Defendant has violated Plaintiff's rights and Ala. Code § 36-12-40 by failing to provide Plaintiff with timely access to and copies of such records;

4. Enter a judgment directing that Defendant must waive all fees associated with Plaintiff's requests;
5. Award Plaintiff reasonable attorneys' fees and costs, and;
6. Order such additional relief as the Court may deem just and proper.

DATED this the ____ day of [month], [year].

Respectfully submitted,

[Plaintiff's Lawyer], Esq.
(Alabama Bar No. [#])

Lawyer's Firm
Street Address
City, State Zip
Phone
Email

Attachment 1
[[Student Last Name]'s request letter]

Attachment 2
[[Agency Official] response to [Student Last Name] request]