

No.	:	
	:	
<b>[STUDENT NAME]</b>	:	SUPERIOR COURT
	:	JUDICIAL DISTRICT OF <b>[CITY]</b>
- against -	:	AT <b>[OFFICE]</b>
	:	
Connecticut Freedom of Information Commission	:	<b>[Insert Date]</b>
	:	
	:	
	:	

**COMPLAINT**

Plaintiff, [Student Name], as and for its complaint against Defendant Freedom of Information Commission, alleges as follows:

1. This is a suit seeking to enforce Plaintiff’s right to inspect and obtain copies of public records pursuant to the Connecticut Freedom of Information Act, Conn. Gen. Stat. § 1-200 *et seq.* (“FOIA”). The requested records relate to [describe issue], which is an issue of significant interest to the citizens of Connecticut.

2. Plaintiff is appealing from a decision issued by Defendant on [date], which denied Plaintiff’s request to inspect [and/or obtain copies of] public records held by [name of agency holding the records]. The requested records relate to [describe issue], which is an issue of significant interest to the citizens of Connecticut.

**PARTIES**

3. [Student Name] is a journalist, and is [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, [State Name].

4. Defendant Freedom of Information Commission is charged with administering and enforcing the Connecticut Freedom of Information Act, Conn. Gen. Stat. § 1-200 *et seq.* The Freedom of Information Commission maintains its primary place of business at 18-20 Trinity Street, Hartford, Connecticut 06106, and is amenable to service of process in Hartford County.

**JURISDICTION AND VENUE**

5. This action arises under the authority vested in this Court by virtue of Conn. Gen. Stat. § 1-206(d) and Conn. Gen. Stat. § 4-183.

6. Venue is proper in this Court pursuant to Conn. Gen. Stat. § 4-183(c), [inasmuch as [[Student Name] resides in this judicial district at [address]], OR, [which permits this suit to be filed in the judicial district of New Britain].

**FACTUAL ALLEGATIONS**

7. [Name of agency holding the records] is a public agency within the meaning of Conn. Gen. Stat. § 1-200(1), and is subject to the public disclosure requirements of the Connecticut Freedom of Information Act, Conn. Gen. Stat. § 1-200 *et seq.*

8. [Agency Employee] is the [title] at [Connecticut Public Agency]. On [date], Plaintiff [Student Name] submitted a written FOIA request to [Agency Employee] seeking [access to or copies of] [#] categories of public records relating to [describe topics]. A true and correct copy of Plaintiff's Records Request is attached to this Petition as Exhibit A.

9. By [electronic mail; facsimile; letter; memorandum] dated [date] [Agency Employee] responded to Plaintiff's Records Request by stating that [describe agency's response/reasons for not providing records]. A true and correct copy of [Agency Employee]'s response is attached to this Petition as Exhibit 2. [ALTERNATIVELY: Neither [name of agency

employee] nor [name of agency] responded to Plaintiff's Records Request within the time prescribed by Conn. Gen. Stat. § 1-206(a), and the failure to timely respond must be deemed a denial of Plaintiff's request.] [IF REQUEST WAS MADE BY VISITING THE AGENCY: [Student Last Name] visited [Connecticut Public Agency] on [date] asking for access to the documents, and was told that he/she would not be given access to the documents.]

10. [Use additional paragraphs to describe any further communications with the agency in chronological order. If there has been a partial production of documents, describe what was produced and what was withheld.]

11. On [date], within 30 days of receipt of [Connecticut Public Agency]'s denial of Plaintiff's Records Request, Plaintiff filed a notice of appeal with Defendant Connecticut Freedom of Information Committee. A true and correct copy of Plaintiff's notice of appeal to Defendant is attached to this Petition as Exhibit [--].)

12. The Connecticut Freedom of Information Commission denied Plaintiff's appeal and refused to require production or copies of the requested records. [Or failed to respond within one year of receipt of the Appeal Letter.] A true and correct copy of the Commission's final decision on Plaintiff's appeal is attached to this Petition as Exhibit [--].)

13. [Connecticut Public Agency]'s production remains incomplete and does not include all public records responsive to Plaintiff's Records Request that are in [Connecticut Public Agency]'s custody or control and that are subject to production pursuant to the FOIA. In particular, Plaintiff knows, or believes based on the best available information, that [Connecticut Public Agency] possesses public records responsive to items [#]'s from the Request Letter] that it has yet to produce.

14. Providing the requested documents to Plaintiff will benefit the general welfare because [add explanation of why the documents will help the journalist serve the public good].

15. Having exhausted all administrative appeals and options, Plaintiff now seeks relief from this Court.

## **CLAIM FOR RELIEF**

### Count I

#### (Wrongful Denial of FOIA Request for Records)

16. The allegations set forth in the foregoing paragraphs are incorporated herein by reference.

17. Conn. Gen. Stat. § 1-210 declares that, with certain specific exceptions, “all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.”

18. Connecticut’s FOIA also specifies that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record” Conn. Gen. Stat § 1-212(a). “Any denial of the right to inspect or copy records ... shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days ... .” *Id.* § 1-206(a).

19. In refusing to produce the public records requested in Plaintiff’s Records Request, [Connecticut Public Agency] stated that [describe agency’s rationale for non-

production, including any of the statutory exemptions it cited]. [Describe why the reasons/ exemptions are not applicable to the requested documents.]

20. By refusing to [allow Plaintiff to inspect/give Plaintiff copies of] the records requested in Plaintiff's Records Request, [name of agency] violated FOIA and denied Plaintiff his/her right to inspect public records. Defendant Freedom of Information Commission committed error when it denied Plaintiff's appeal of the agency's action.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully asks that this Court:

1. Assume jurisdiction over this action;
2. Enter an order reversing Defendant Freedom of Information Commission's final decision;
3. Enter an order directing [Connecticut Public Agency] to comply fully with the Connecticut Freedom of Information Act and to furnish Plaintiff all public records responsive to Plaintiff's Records Request;
4. Enter an order directing that all fees for production of the requested documents be waived pursuant to Conn. Gen. Stat. § 1-212-(c);
5. Award Plaintiff reasonable attorneys' fees and costs, and;
6. Order such additional relief as the Court may deem just and proper.

DATED this \_\_\_ day of [month], [year].

Respectfully submitted,

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Plaintiff's Lawyer, Esq.  
(Connecticut Bar No. [#])  
Lawyer's Firm  
Street Address  
City, State Zip  
Phone  
Email

**VERIFICATION**

STATE OF CONNECTICUT        )  
  )  
COUNTY OF [NAME]        )

[Student Name], being duly sworn, affirms under the penalties of perjury:

1.        I am the Plaintiff in the within proceeding. I make this Verification pursuant to Conn. Gen. Stat. § 52-471(b).
  
2.        I have read the attached Verified Petition and know its contents.
  
3.        The statements in the Verified Petition are true to my own knowledge, or upon information and belief. As to those statements that are based upon information and belief, I believe those statements to be true.

\_\_\_\_\_  
[STUDENT NAME]

Dated: [Month] [Day], [Year]

Sworn and subscribed to me  
this \_\_\_\_\_ day of [Month], [Year]

\_\_\_\_\_  
NOTARY PUBLIC