

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to K.S.A. 45-222.
2. Venue is proper in this judicial district pursuant to K.S.A. 45-222 and 60-603 because the public records Plaintiff seeks are located in this district, Defendant resides in this district, and Plaintiff's cause of action arose in this district.

PARTIES

3. Plaintiff [Journalist's 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.

4. Defendant [Name of Agency] is [describe nature of agency]. Defendant is a public agency within the meaning of K.S.A. 45-217 and maintains or possesses the public records at issue in this petition. Defendant maintains its primary place of business at [address] and is a legal resident of [Name] County, Kansas.

FACTUAL ALLEGATIONS

5. On [date], Plaintiff submitted a written request to Defendant, which requested access to [or copies of] [describe what records were requested]. A true and correct copy of Plaintiff's request is attached to this Petition as Exhibit 1.

6. Plaintiff's request for access to [or copies of] records complied with the procedures Defendant adopted for obtaining access to or copies of public records.

7. The records Plaintiff requested from Defendant are "public records" within the meaning of K.S.A. 45-217 and 45-218.

8. On [date], Defendant responded to Plaintiff's request by stating [describe agency's response, including any fees it imposed, what records it agreed to produce, what records it refused to produce, and any reasons it provided for refusing to produce records]. A true and correct copy of Defendant's response is attached to this Petition as Exhibit 2.

9. [IF APPLICABLE: Describe any subsequent communications with the agency, and attach copies of any written communications as exhibits.]

10. As of the date of this petition, Defendant has refused to give Plaintiff access to [or copies of] [describe what records are being withheld].

CLAIMS FOR RELIEF

Count I Violation of the Kansas Open Records Act (Denial of Request for Access to [or Copies of] Public Records)

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

12. K.S.A. 45-216(a) states: "It is declared to be the public policy of the state that public records shall be open for inspection by any person unless otherwise provided by this act, and this act shall be liberally construed and applied to promote such policy."

13. K.S.A. 45-218(a) states, in part: "All public records shall be open for inspection by any person, except as otherwise provided by this act, and suitable facilities shall be made available by each public agency for this purpose."

14. K.S.A. 45-219(a) states, in part: "Any person may make abstracts or obtain copies of any public record to which such person has access under this act."

15. KORA does not exempt from disclosure any of the records that Plaintiff requested from Defendant.

16. By denying Plaintiff access to [or copies of] the public records that Plaintiff requested, Defendant has acted contrary to the public policy of the State of Kansas and in violation of K.S.A. 45-216, 45-218 and 45-219.

17. Defendant's denial of Plaintiff's request for access to [or copies of] public records was not in good faith and was without a reasonable basis in fact or law.

[If Applicable]

Count II
Violation of the Kansas Open Records Act
(Failure to Provide a Written Statement of Grounds for Denial of Request for Access to [or Copies of] Public Records)

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

19. K.S.A. 45-218(d) states, in part: "If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requestor not later than the end of the third business day following the date that the request for the statement is received."

20. On [date], Plaintiff delivered to Defendant a request for a statement of Defendant's grounds for denying his/her request for access to [or copies of] public records.

21. Defendant has not provided Plaintiff with a written statement of the grounds for denial, in violation of Plaintiff's rights and Defendant's obligations under K.S.A. 45-218(d).

22. Defendant did not act in good faith, and did not have a reasonable basis in fact or law, when it ignored Plaintiff's request for a statement of Defendant's grounds for denial.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

- A. Assume jurisdiction over this action;
- B. Issue a writ of mandamus ordering Defendant to provide Plaintiff with access to [or copies of] all of the public records that Plaintiff requested;
- C. Issue an order enjoining Defendant from further delaying Plaintiff's access to the requested records;
- D. Award Plaintiff [his/her] costs and reasonable attorney's fees incurred in this action;
and
- E. Order such other relief as this Court deems just and proper.

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

Respectfully submitted,

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

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

Exhibits

[ATTACH EXHIBITS MENTIONED IN PETITION]