

**IN THE CIRCUIT COURT FOR [COUNTY NAME], MARYLAND
Civil Division**

[PLAINTIFF’S NAME,])	
)	
Plaintiff,)	
)	
v.)	Case No.: [CASE NUMBER]
)	
[MARYLAND PUBLIC AGENCY])	
)	
Defendant.)	

COMPLAINT

This is a lawsuit seeking to enforce the right to inspect public records pursuant to the Maryland Public Information Act, Md. Code Ann., State Gov't § 10-611 *et seq.* Plaintiff [Student Name], a Maryland journalist, requested public records from Defendant, [Maryland State Agency], relevant 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, [Maryland State Agency] has met [Mr./Ms.] [Student Last Name]'s requests for data with obstruction, delay, and at times outright misrepresentations. Fully [#] months after [Mr./Ms.] [Student Last Name] first requested the public records necessary for [his/her] reporting, Defendant [Maryland State Agency] continues without lawful justification to withhold data that indisputably are subject to timely production under the Maryland Public Information Act (“MPIA”). This Court's intervention, and the sanction of an award of attorney fees and costs, are consequently required.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to Md. Code Ann., State Gov't § 10-623(a) because [Plaintiff either resides or has a principle place of business in the county OR the public record is located within the county.]

PARTIES

2. Plaintiff [Student Name] is a student journalist, and was [title] of the student newspaper at [college or university], [newspaper name], during most of 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, Maryland.

3. Defendant [Maryland State Agency] is the [description of agency's role in state, including why it maintains the relevant public records]. The [Maryland State Agency] is the legal custodian of the public records at issue in this lawsuit. Defendant [Maryland State Agency] maintains its primary place of business at [address], is a legal resident of [Name] County, Maryland, and is amenable to service of process in [Name] County.

FACTUAL ALLEGATIONS

4. The [Maryland State Agency] is an agency of the State of Maryland, and as such, is governed by the public disclosure requirements of the Maryland Public Information Act, Md. Code Ann., State Gov't § 10-611 *et seq.*

5. [Agency Employee] is the [title] at [Maryland State Agency]. Under the MPIA, [he/she] is designated as the custodian of the public records, responsible for receiving and responding on behalf of the [Maryland State Agency] to requests for public records made pursuant to the MPIA.

6. On [date], Plaintiff [Student Name] submitted a written MPIA request to [Agency Employee] seeking the disclosure of [#] categories of public records. (A copy of [Student Last Name]'s request letter is attached to this Complaint as Attachment [letter].)

7. By electronic mail dated [date] (attached as Attachment [letter]), [Agency Employee] responded to [Student Last Name] that fulfilling the request would cost [\$] for [list of services]. The letter asserted that some documents would not be produced because [exemptions claimed].

8. [Student's Last Name] visited [Maryland State Agency] on [date] asking for access to the requested public records, only to be told that no documents were available.

9. [Use additional space to detail any further communication on this issue in chronological order. If there has been a partial production of documents, use the following two paragraphs in the appropriate place in the timeline:]

10. It was not until [date], nearly [#] months after [Student Last Name]'s initial request, that [Maryland State Agency] 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 MPIA request letter of [date]. [Note any further production of documents on later dates.]

11. [Student Last Name] sent at least [#] follow-up emails to [Maryland State Agency] asking when he could expect to receive the balance of documents, but received no reply.

12. Defendants' production remains incomplete and does not encompass all documents in Defendants' custody or control that are subject to the MPIA. In particular,

Plaintiff knows, or believes based on the best available information, that Defendants possess documents responsive to items [#’s from the original request letter] that they have yet to produce.

13. [Using the same format above, explain any communication with a different agency regarding the same information.]

COUNT I

Violation of the Maryland Public Information Act (MPIA)

14. The allegations set forth in the forgoing paragraphs are incorporated herein by reference.

15. The Maryland Public Information Act, Md. Code Ann, State Gov't § 10-612, states that "[a]ll persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees."

16. The MPIA provides that, "a custodian shall permit a person or governmental unit to inspect any public record at any reasonable time," Md. Code Ann, State Gov't § 10-613(a)(1), and that, "[t]he custodian shall grant or deny the application promptly, but not to exceed 30 days after receiving the application." Md. Code Ann, State Gov't § 10-615(b).

17. [Describe the delay in receiving a denial or in receiving access to documents if applicable. For example, Defendants did not produce the first document responsive to [Student Last Name]’s [date] request until [#] days from the date of the request.]

18. The MPIA, Md. Code Ann, State Gov't § 10-621(b), also authorizes a custodian to "charge an applicant a reasonable fee for the search for, preparation of, and reproduction of a public record," but the fee must bear "a reasonable relationship to the recovery of actual costs incurred by a governmental unit." Md. Code Ann, State Gov't § 10-621(a).

19. [Describe how the agency charged more than the reasonable costs of producing the requested documents.]

20. In refusing to timely produce data, Defendants relied on [exemption]. [Describe why that exemption is not applicable to the requested documents.] [The MPIA provides required exemptions for specific records and specific information, pursuant to Md. Code. Ann., State Gov't § 10-616-617.]

21. By their refusal to provide timely compliance with the MPIA, by their reliance on fictitious exemptions, by their assessment of charges beyond actual costs, by their continuing willful refusal to provide documents responsive to [#] of [Student Last Name]'s [#] requests, and by their production of only a partial subset of the documents in their custody responsive to the remaining [#] requests, Defendants have violated the Maryland Public Information Act, Md. Code Ann., State Gov't § 10-611 *et seq.*, and thereby caused [Student Last Name] to obtain legal counsel to obtain the desired relief.

COUNT II

Violation of the Maryland Public Information Act (MPIA) (another Maryland state agency)

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

23. [Using the same format as above, describe how the second agency violated the MPIA.]

24. By their refusal to provide timely compliance with the MPIA, by their reliance on fictitious exemptions, by their assessment of charges beyond actual costs, by their continuing willful refusal to provide documents responsive to [#] of [Student Last Name]'s [#] requests, and by their production of only a partial subset of the documents in their custody responsive to the

remaining [#] requests, Defendants violated the Maryland Public Information Act, Md. Code Ann., State Gov't § 10-611 *et seq.*, and thereby caused [Student Last Name] to obtain legal counsel to obtain the desired relief.

PRAYER FOR RELIEF

Plaintiff respectfully requests that this Court:

1. Assume jurisdiction over this action;
2. Enter an injunction directing Defendants to comply fully and without further delay with the Maryland Public Information Act and to furnish Plaintiff all public records meeting the description of [his/her] requests.
3. Enter an injunction directing that, because of Defendants' delay in complying with their obligations under the MPIA was without substantial justification, Defendants must waive all fees associated with Plaintiff's requests;
4. Enter judgment in Plaintiff's favor for nominal damages;
5. Award Plaintiff reasonable attorneys' fees and costs, as authorized by Md. Code Ann, State Gov't § 10-623(f); 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.

(Maryland Bar No. [#])

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