

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF [NAME]

[NUMBER] JUDICIAL DISTRICT  
Case Type: Other Civil

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[Student Name]

Court File No. \_\_\_\_\_

Plaintiff,

Judge \_\_\_\_\_

v.

[Minnesota State Agency]

Defendant.

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### COMPLAINT

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This is a lawsuit seeking to enforce the right to inspect public data pursuant to the Minnesota Government Data Practices Act, Minn. Stat. § 13.01 *et seq.* Plaintiff [Student Name], a Minnesota journalist, requested data from Defendant, [Minnesota 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, [Minnesota 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 data necessary for [his/her] reporting, Defendant [Minnesota State Agency] continues without lawful justification to withhold data that indisputably are subject to timely production under the Minnesota Government Data Practices Act (“MGDPA”). [Student Last Name] consequently requires this Court’s intervention and the sanction of an award of attorney fees and costs.

## **JURISDICTION AND VENUE**

1. This Court has jurisdiction under Minn. Stat. § 13.08, subd. 4.
2. Venue is proper in this Court pursuant to Minn. Stat. § 13.08, subd. 3.

## **PARTIES**

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

## **FACTUAL ALLEGATIONS**

1. Defendant [Minnesota State Agency] is an agency of the State of Minnesota, and as such, is governed by the public disclosure requirements of the Minnesota Government Data Practices Act, Minn. Stat. § 13.01 *et seq.*
2. [Agency Employee] is the [title] at [Minnesota State Agency]. The agency designated this position as a responsible authority to receive and respond on behalf of [Minnesota State Agency] to requests for public data made pursuant to the Minnesota Government Data Practices Act.

[Mr./Ms.][Student Last Name]'s MGDPA Request to [Minnesota State Agency]

3. On [date], Plaintiff [Student Name] submitted a written MGDPA request to [Agency Employee] seeking the disclosure of [#] categories of public data. (A copy of [Student Last Name]'s request letter is attached to this Complaint as Attachment [letter].)
4. By electronic mail dated [date] (attached as Attachment [letter]), [Agency Employee] responded to Plaintiff that fulfilling the request would cost [\$] for [list of services]. The letter asserted that some documents would not be produced because [classification claimed].
5. Plaintiff visited Defendant on [date] asking for access to the documents, only to be told that no documents were available.
6. [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:]
7. It was not until [date], nearly [#] months after Plaintiff's initial request, that Defendant provided the first batch of responsive documents to Plaintiff. This initial production represented only a partial response to the [#] enumerated requests in Plaintiff's original MGDPA request letter of [date]. [Note any further production of documents on later dates.]
8. Plaintiff sent at least [#] follow-up emails to Defendant asking when he could expect to receive the balance of documents, but received no reply.
9. [If the Commissioner issued an opinion and the agency is not in compliance:] The Commissioner of Administration issued an opinion on [date] stating that the Defendant

had incorrectly classified [list of documents from the opinion]. Defendant has not produced those documents.

10. Defendant's production remains incomplete and does not encompass all non-classified documents in Defendant's custody or control that are subject to the MGDPA. 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 they have yet to produce.

### **CLAIMS FOR RELIEF**

#### **Count One: Violation of the Minnesota Government Data Practices Act (MGDPA)**

1. Plaintiff incorporates herein by reference the allegations set forth in the foregoing paragraphs.
2. The Minnesota Government Data Practices Act, Minn. Stat. § 13.03, subd. 1, declares that "All government data collected, created, received, maintained or disseminated by a government entity shall be public unless classified. . . ." Minn. Stat. § 13.01, subd. 3, notes that this approach establishes a "presumption that government data are public and are accessible by the public for both inspection and copying."
3. The MGDPA provides, Minn. Stat. § 13.03, subd. 3, that "a person shall be permitted to inspect and copy public government data at reasonable times and places," and that an agency determining that information is classified "shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible. . . ."

4. [Describe the delay in receiving a denial or in receiving access to documents if applicable. For example, Defendant did not produce the first document responsive to Plaintiff's [date] request until [#] days from the date of the request.]
5. The MGDPA, Minn. Stat. § 13.03, subd. 3(f), also authorizes an agency to “require the requesting person to pay the actual costs of searching for and retrieving government data.” [If applicable:] It further provides that an agency “may not charge for separating public from not public data.” *Id.* § 13.03, subd. 3(c).
6. [Describe how the agency charged more than the actual costs of producing the requested documents. Note: time spent copying data counts as actual costs. *Demers v. City of Minneapolis*, 468 N.W.2d 71 (Minn. 1991).]
7. In refusing to timely produce data, Defendant relied on [classification]. [Describe why that classification is not applicable to the requested documents.]  
  
[Federal or state laws can classify information, qualifying it as nonpublic or protected nonpublic under MGDPA. Data on individuals that is private or confidential is also classified. Agencies may also temporarily classify information with the permission of the Commissioner of Administration per Minn. Stat. § 13.06.]
8. [If the Commissioner issued an opinion and the agency is not in compliance:] The Commissioner on Administration found that the documents were not properly classified. The MGDPA provides, Minn. Stat. § 13.072, subd. 2, that [his/her] opinion “must be given deference by a court or other tribunal in a proceeding involving the data.”
9. By their refusal to provide timely compliance with the MGDPA, by their reliance on fictitious classification, by their assessment of charges beyond actual costs, by their continuing willful refusal to provide documents responsive to [#] of Plaintiff's [#]

requests, and by their production of only a partial subset of the documents in their custody responsive to the remaining [#] requests, Defendant has violated the Minnesota Government Data Practices Act, Minn. Stat. § 13.01 *et seq.*, and thereby caused Plaintiff to obtain legal counsel to obtain the desired relief.

**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 Minnesota Government Data Practices Act and to furnish Plaintiff all public documents meeting the description in [his/her] requests;
3. Enter an injunction directing that, because Defendant's delay in complying with their obligations under the MGDPA was without substantial justification, Defendant 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 Minn. Stat. § 13.03, subd. 4, and;

6. Order such additional relief as the Court may deem just and proper.

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

Respectfully submitted,

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

Lawyer's Firm  
Street Address  
City, State Zip  
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Email