

IN THE CHANCERY COURT OF [COUNTY NAME] COUNTY, MISSISSIPPI
[DISTRICT NO.] JUDICIAL DISTRICT

[Your Name])
[Your Address],) Civil Action No. [To be added by court]
)
Plaintiff,) **COMPLAINT**
)
v.)
)
[Name of public body])
[Public body's address],)
)
Defendant.)

Plaintiff [Your Name], as and for [his/her] Complaint against Defendant [Name of Public Body] alleges as follows:

1. This is a lawsuit seeking to enforce Plaintiff's right to inspect and copy public records pursuant to the Mississippi Public Records Act of 1983, Miss. Code Ann. §§ 25-61-1, *et seq.* ("MPRA").
2. Plaintiff requested access to public records maintained by Defendant relating to [description of records]. Defendant, however, wrongfully denied Plaintiff's request and refused to give Plaintiff access to the records.
3. [If Applicable: Plaintiff filed a complaint with the Mississippi Ethics Commission to review Defendant's denial of his/her records request. The Commission dismissed the complaint/refused to order the Agency to produce the Records].
4. Plaintiff seeks an order from this Court directing Defendant and its employees to grant Plaintiff access to the requested records. Plaintiff additionally requests that the Court find Defendant liable in the amount of \$100.00 for each of its MPRA violations, and that the Court

order Defendant to reimburse Plaintiff for [his/her] reasonable expenses, including attorneys' fees, incurred in bringing this action.

PARTIES

5. Plaintiff is a journalist, and was [title] of the student newspaper at [college or university], [newspaper name], during the events at issue in this lawsuit. Plaintiff is a resident of [Name] County, [State].

6. Defendant is [describe nature of Defendant as a state or local government entity]. Defendant is a “public body” within the meaning of the MPRA, and possesses the public records at issue in this action. Defendant maintains its primary place of business at [address], and is a legal resident of [Name] County, Mississippi.

JURISDICTION AND VENUE

7. The Court has jurisdiction over this action pursuant to Miss. Code Ann. § 25-61-13.

8. Venue in this Court is proper under Miss. Code Ann. §§ 11-5-1 and 25-61-13, in that Defendant is located and resides in [Name] County.

FACTUAL ALLEGATIONS

9. [Name of Defendant's Employee] is Defendant's [title] and is designated to receive and respond on Defendant's behalf to requests for public records made pursuant to the MPRA.

10. On [date], Plaintiff submitted a written request to [Defendant's Employee] requesting access to public records relating to [description]. A true and correct copy of Plaintiff's request is attached as Exhibit 1.

[THE BRACKETED PARAGRAPHS BELOW CAN BE SELECTIVELY USED
DEPENDING ON WHAT OCCURRED DURING THE PARTIES' DEALINGS]

11. [If Defendant did not respond to request: Defendant did not respond to Plaintiff's records request within seven working days as required by Miss. Code Ann. § 25-61-5(1)(a).]

12. [If Defendant denied the request: On [date], Defendant denied Plaintiff's request in its entirety [or describe what part was denied], stating that the requested records were [describe Defendant's reason for denying access]. A true and correct copy of Defendant's response is attached as Exhibit 2.]

13. [Use this paragraph as a follow-up if the preceding paragraph is used: The records Defendant refused to produce are not exempted from disclosure because [state reasons why claimed exemptions do not apply].]

14. [Use this paragraph if the Agency responded within 7 working days, agreed to produce records, but failed to produce them within 14 working days: On [date], Defendant responded to Plaintiff's records request, stating that it would produce the requested records but that it could not produce them within seven working days of the date it received Plaintiff's request because [reasons claimed]. Defendant further stated that fulfilling the Request would cost [\$] for [list of services]. A true and correct copy of Defendant's response is attached as Exhibit 2.]

15. [Use this paragraph as a follow-up if the preceding paragraph is used: Petitioner timely paid all applicable costs and fees. Defendant, however, did not produce the requested records within fourteen working days of receiving Plaintiff's request as required by Miss. Code Ann. § 25-61-5(1)(b).]

16. [Use additional space to describe any further communications on this issue and any administrative appeal filed within the public body involved, in chronological order.]

17. As of the filing of this complaint, Defendant has not given Plaintiff access to [describe what records are being withheld.] [Use this paragraph and the next if a complaint was filed with the Mississippi Ethics Commission: On [date], Plaintiff filed a complaint with the Mississippi Ethics Commission in accordance with its rules and regulations. A true and correct copy of the complaint is attached as Exhibit [_____.].]

18. [The Ethics Commission [dismissed the Complaint/did not order Defendant to produce the records at issue.] A true and correct copy of the Ethics Commission's order is attached as Exhibit [___.].]

19. Plaintiff has served written notice of this complaint upon the Mississippi Ethics Commission in accordance with Miss. Code Ann. § 25-61-13.

CLAIM FOR RELIEF

Count I Violations of the MPRA

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

21. Miss. Code Ann. § 25-61-5 states, in part: "Except as otherwise provided by Sections 25-61-9 and 25-61-11, all public records are hereby declared to be public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access . ." Defendant is a "public body" as defined in Miss. Code Ann. § 25-61-3(a), and possesses or is required to maintain the records Plaintiff requested in its [date] records request.

22. The records that Plaintiff requested from Defendant are “public records” within the meaning of Miss. Code Ann. § 25-61-3(b).

23. The records that Plaintiff requested from Defendant do not fall within any exception or exemption provided in Miss. Code Ann. § 25-61-9, 25-61-11 or 25-61-12.

24. Plaintiff submitted his/her request for public records in accordance with Defendant’s written procedures, and paid all applicable costs and fees.

25. [If applicable: Defendant violated Miss. Code Ann. § 25-61-5 by failing to respond to Plaintiff’s request within seven working days of receiving it.]

26. [If applicable: Defendant violated Miss. Code Ann. § 25-61-5 by failing to produce the requested records within fourteen days of receiving Plaintiff’s request.]

27. Defendant violated Miss. Code Ann. § 25-61-5 by denying Plaintiff’s request for access to [describe what records were withheld].

28. [If applicable: Defendant violated Miss. Code Ann. § 25-61-7 by charging fees in excess of the actual cost of searching for, reviewing and/or duplicating the records Plaintiff requested.]

29. Because of Defendant’s violations of the MPRA, Plaintiff has been required to retain legal counsel and incur additional expenses to enforce his/her legal rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment against Defendant and requests that the Court:

1. Issue an order directing Defendant and its employees to comply fully with the MPRA and to grant Plaintiff access to all public records sought by Plaintiff’s [date] records request;

2. Find Defendant liable in the amount of \$100.00 for each of its violations of the MPRA, as authorized by Miss. Code Ann. § 25-61-15;
3. Award Plaintiff his/her reasonable expenses, including attorneys' fees and court costs, as authorized by Miss. Code Ann. § 25-61-15; and
4. Award such additional relief as the Court may deem just and proper.

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

Respectfully submitted,

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