

**[Public Records Plea]**  
COURT OF COMMON PLEAS  
[County] COUNTY, OHIO  
GENERAL DIVISION

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[STUDENT NAME]	)	
[ADDRESS]	)	Case No.
	)	
Relator,	)	
	)	Judge
v.	)	
	)	
[OFFICIAL CUSTODIAN OF RECORDS],	)	
[TITLE] [AGENCY OF STATE OF OHIO],	)	
	)	
Respondent.	)	

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**COMPLAINT AND PETITION FOR WRIT OF MANDAMUS**

Relator comes now before this Court and respectfully requests lawful access to [title of public records, with brief description] which Respondent does control and has improperly refused to Relator.

**PARTIES**

1. Relator, [Student Name] was, during most of the events at issue [title] of the [university name]'s student newspaper, [newspaper name]. [Short description of Relator's duties and work as journalist].
2. Relator is a resident of the State of Ohio, County of [County].
3. Respondent, [Title] is the public official charged with management of the public records sought for purposes of Ohio Rev. Code §149.43 and this action.
4. [Describe records sought] are public records for purposes of Ohio Rev. Code §149.011(G) and this action.

**JURISDICTION AND VENUE**

5. Because the [custodian of the records sought] is located in the County of [County], this court has jurisdiction and venue by and thru Ohio Rev. Code § 143.49(C).<sup>10</sup>

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<sup>10</sup> [Delete before filing]. <http://www.supremecourt.ohio.gov/JudSystem/trialCourts/>.

## **FACTUAL ALLEGATIONS**

6. Respondent is a public agency, and its records are subject to Ohio Revised Code §143.49, popularly known as part of The Sunshine Laws.

7. Relator seeks records which are not within the scope of the constitutional right to privacy under the 14<sup>th</sup> Amendment<sup>11</sup> nor under a valid exemption to the people's right of inspection and or copying.<sup>12</sup>

8. Relator previously submitted a written request for access to public records to Respondent seeking [describe public records sought] relevant to [describe contents]. (A copy of the request is included as Exhibit [A]).

9. Respondent improperly denied Relator's request, relying upon [Respondent's reason stated]. (A copy of the denial letter is included as Exhibit [B]).

## **CLAIMS FOR RELIEF**

### Claim One: Writ of Mandamus directed to Respondent

10. The allegations set forth in paragraphs 1 thru 9 are incorporated herein by reference.

11. Respondent's denial of access to public records to members of the press violates the policy of the state of Ohio as interpreted by the Ohio Supreme Court in *State ex. rel. Warren Newspapers Inc. v. Hutson*, 70 Ohio St. 3d 619 (1994), to wit: "public records are the people's records, and officials in whose custody they happen to be are merely trustees for the people." (*Warren Newspapers*, 70 Ohio St. 3d at 640).

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<sup>11</sup> [Delete before filing]. For discussion of Ohio's application of the 14<sup>th</sup> Amendment to the Sunshine Laws, see, e.g., *State ex. rel. McCleary v. Roberts*, 88 Ohio St. 3d 365 (2000). For discussion of the constitutional right to privacy under the 14<sup>th</sup> Amendment, see, e.g., *Palko v Connecticut*, 302 U.S. 319, 325 (1937) ("... the Court has recognized that a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution.")

<sup>12</sup> [Delete before filing]. There are >400 exemptions. Evaluate the validity of the authority cited within the denial letter.

12. Respondent's denial of Relator's right to access public records violates the Sunshine Laws, in that no valid exemption applies to [the public records sought]. *State ex rel. MADD Gosser*, 20 Ohio St. 3d 30 (1985) (absent express statutory exemption, records are open to the public).

13. As Relator has not seen [the public records sought], Relator cannot ascertain the merit of Respondent's contentions. Relator therefore objects to Respondent's stated reasons for non-disclosure as improper, as against public policy, and as abuse of discretion.

14. Pursuant to Ohio Rev. Code §143.49(C)(1), Relator is entitled to a conclusive presumption of injury arising from the loss of use of [the public records sought].

15. Pursuant to Ohio Rev. Code §143.49(C), Relator is entitled to a writ of mandamus from this court commanding Respondent to comply with Chapter 149.43 of the Ohio Revised Code and to otherwise restore Relator's right to inspect and or to copy [the public records sought].

#### Claim Two: Monetary Damages

16. The allegations set forth in paragraphs 1 thru 15 are incorporated herein by reference.

17. Relator is entitled to money damages in the amount of one hundred dollars (\$100) for each day that Respondent improperly caused Relator to lose access to the public records. Ohio Rev. Code § 143.49(C)(1), beginning on the day of filing of this action, up to a total of \$1000.

#### **PRAYER FOR RELIEF**

WHEREFORE, Relator respectfully prays that this Court:

1. Issue a Writ of Mandamus commanding Respondent to restore Relator's right to access [requested public records] for inspection and or copying;

2. Enter judgment that Respondent's stated reasons for denial of the people's right of access to [requested public records] are unlawful and against the public interest;

3. Enter judgment in Relator's favor for monetary damages, costs, and reasonable attorney's fees of this action, and other such relief as the Court deems just and proper.

Dated this [xx] day of [month], [xxxx].

Respectfully submitted,

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