

**IN THE DISTRICT COURT OF _____ COUNTY,
STATE OF OKLAHOMA**

[STUDENT NAME], Plaintiff,)	
)	
)	
vs.)	Case No: _____
)	
[Oklahoma Public Official or Body], Defendant.)	Judge. _____
)	

**PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF
FOR VIOLATION OF THE OKLAHOMA OPEN RECORDS ACT**

COMES NOW, Plaintiff [Student Name], pursuant to 51 O.S. §24A.17(B), and brings this Petition to temporarily and permanently enjoin [name of Oklahoma Public Official or Public Body] from continuing to deny access to specific public records in violation of the Oklahoma Open Records Act (51 O.S. §§24A.1-24A.29), and to determine and declare the rights and responsibilities of both parties as to the public records sought by Plaintiff. In support of [his or her] Petition, Plaintiff alleges and states:

PARTIES

1. Plaintiff, [Student 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.

[Description of Plaintiff's work as a journalist]. [Mr./Ms.] [Student Last Name] is a resident of [Name] County, Oklahoma.

2. Defendant, [name of Oklahoma Public Official or Body], is the [description of body's/official's role in state, including why it maintains the relevant data]. The [name of Oklahoma Public Official or Body] is the legal custodian of the records at issue in this lawsuit. Defendant [name of Oklahoma Public Official or Body] maintains its primary place of business at [address] and is a legal resident of [Name] County, Oklahoma.

JURISDICTION AND VENUE

3. This action arises under the authority vested in this Court by virtue of 12 O.S. § 2004(F) and 51 O.S. § 24A.17B..

4. Venue is proper in this Court pursuant to 12 O.S. §§ 133 and 1653 in that (a) this is an action against a public officer for acts he [or she] performed, or failed to perform, under color of his [or her] office, and Plaintiff's cause of action arose in _____ County, and (b) Defendant _____ resides in _____ County. [Revise as appropriate if the public body, rather than the public official, is the named defendant.]

STATEMENT OF FACTS

1. On or about [date], Plaintiff, [Student Name], an Oklahoma journalist, requested specified public records from Defendant, [name of Oklahoma Public Official or Body], relating to [description of documents requested] pursuant to the Oklahoma Open Records Act, 51 O.S. §24A.1 *et seq.* (the "Records Request"). A copy of Plaintiff's Records Request is attached to this Petition as **Exhibit A**.

2. Defendant is a public body [or public official] within the meaning of 51 O.S. §24A.3, and is governed by the public disclosure requirements of the Oklahoma Open Records Act 51 O.S. §24A.1 *et seq.*

3. On [date], Defendant denied Plaintiff's Records Request and has not given Plaintiff access to the requested records. [Describe any rationale given for the denial.]
[ALTERNATIVE IF DEFENDANT HAS NOT ABSOLUTELY REFUSED TO PRODUCE:
Defendant has not produced or given Plaintiff access to the records sought by Plaintiff's Records Request, despite its statutory obligation to provide "prompt" access.]

4. Plaintiff seeks an order from this Court (a) declaring his [or her] right to access to the records described in his [or her] Records Request, (b) directing Defendant to provide him [or her] prompt access to the requested records [and to waive Defendant's search fees], and (c) awarding Plaintiff an amount equal to his [or her] reasonable attorneys' fees and litigation costs.

[If additional records requests were made to other defendants, they should be described separately using the same format.]

COUNT I
(Violation of the Oklahoma Open Records Act)

1. The facts and allegations set forth in the foregoing paragraphs are incorporated herein by reference.

2. An actual controversy exists between the parties inasmuch as Plaintiff contends that the Oklahoma Open Records Act entitles him [or her] to prompt, reasonable access to the records described in his [or her] Records Request, and Defendant contends that Plaintiff is not entitled to access to those records. [Or, if the case involves unreasonable delay rather than outright refusal, explain the delay.]

3. The Oklahoma Open Records Act declares that it is "the public policy of the State of Oklahoma that the people are vested with the inherent right to know and be fully informed about their government." 51 O.S. §24A.2.

4. The Oklahoma Open Records Act provides that, with limited exceptions, "[a]ll records of public bodies and public officials shall be open to any person for inspection, copying, or mechanical reproduction" 51 O.S. §24A.5.

5. The Oklahoma Open Records Act also requires that “a public body must provide prompt, reasonable access to its records... .” *Id.*

6. The records that Plaintiff requested in his [or her] Records Request are “records of public bodies and public officials” within the meaning of 51 O.S. §24A.5, and they do not fall within any exception to the disclosure requirements of the Oklahoma Open Records Act.

7. Defendant has not given Plaintiff prompt and reasonable access to the records sought in Plaintiff’s Records Request.

8. By failing to give Plaintiff prompt and reasonable access to all of the records requested in Plaintiff’s Records Request, Defendant has violated and is continuing to violate Plaintiff’s rights and the Oklahoma Open Records Act.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that the Court:

a. Enter a declaratory judgment, pursuant 51 O.S. §24A.17, that (i) Defendant violated the Oklahoma Open Records Act by failing to give Plaintiff prompt and reasonable access to the records described in Plaintiff’s Records request, and (ii) Plaintiff is entitled to prompt access to such records.

b. Enter an injunction, pursuant to 51 O.S. §24A.17, requiring and directing Defendant to promptly provide Plaintiff with access to and copies of the records requested in Plaintiff’s Records Request.

c. Enter an order, pursuant to 51 O.S. §24A.17, awarding Plaintiff judgment for his [or her] reasonable attorneys' fees and costs in this action.

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

Respectfully submitted,

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

