

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF [COUNTY NAME]

[Student Name],)	
)	Case No. [Number]
Plaintiff,)	
)	COMPLAINT
v.)	
)	<u>Action for Declaratory and</u>
[Public Agency],)	<u>Injunctive Relief Per the</u>
)	<u>Oregon Public Records Law,</u>
Defendant)	<u>Or. Rev. Stat. §§ 192.410, et seq.</u>
)	
)	
)	
)	
_____)	

Plaintiff [Student Last Name] alleges:

1

This is an action for declaratory and injunctive relief under the Oregon Public Records Law, Or. Rev. Stat. §§ 192.410, *et seq.*, to enforce the right to inspect certain public records.

2

This Court has subject matter jurisdiction, pursuant to [If State Public Body, cite Or. Rev. Stat. § 192.450(2); If Local Public Body, cite Or. Rev. Stat. § 192.460(1)(b); If Elected Official, cite Or. Rev. Stat. § 192.480].

3

Venue is proper in [Name of County] County Circuit Court pursuant to [Same provision as in paragraph 2].

4

Plaintiff [Student Last Name] is a journalist and [job title] of the student newspaper at [college or university], [newspaper name]. [Description of Plaintiff's work as a journalist]. Through [his/her] reporting, [Student Name] seeks to inform the public about [description of events that caused the issue]. [Mr./Ms.] [Student Last Name] is a resident of [Name] County, Oregon.

5

Defendant [Public Agency] is [description of agency's role in state, including why it maintains the relevant data]. The [Public Agency] is the legal custodian of the records at issue in this lawsuit and is a "public body" within the meaning of the Oregon Public Records Law, Or. Rev. Stat. § 192.410(3), and is required under Or. Rev. Stat. § 192.420(1) to make available for public inspection "any public records" not otherwise exempt from disclosure under Or. Rev. Stat. §§ 192.501 to 192.505.

6

On or about [Date of initial records request], Plaintiff made a written request to [Name and title of records custodian] for [Records Sought]. A copy of the request is attached as Exhibit 1 and incorporated herein.

7

[Describe the response to the request, or lack thereof. If the public agency stated a reason for the denial, repeat its claim here.]

8

On or about [Date of petition to Attorney General or district attorney], Plaintiff petitioned the [Attorney General or District Attorney for (County)] to order Defendant to provide the following public records: [List of public records sought in the petition]. A copy of Plaintiff's petition is attached as Exhibit 2 and incorporated herein by reference.

9

On or about [Date of response by Attorney General or district attorney] the [Attorney General or District Attorney for (county)] issued an order denying the Plaintiff's petition. [If reason was given for the denial, state it here.] A copy of the [Attorney General/District Attorney]'s order is attached as Exhibit 4 and incorporated herein by reference.

3

[Adjust the above to correspond to the specific facts in your case. State any facts that demonstrate the Public Agency’s failure to respond, to provide sufficient information, to act in a timely manner, or act in good faith.]

10

The requested records are public records within the meaning of the Oregon Public Records Law, Or. Rev. Stat. § 192.410(4), and contain information that is not exempt from disclosure. The requested records are not exempt from inspection under [Provision used by public body, Attorney General, or district attorney to justify denial]. [Explain why the exemption does not apply to these records.]

11

Any person has a right to inspect public records of public bodies in the state unless the records are expressly exempted from disclosure. Or. Rev. Stat. § 192.420; *In Def. of Animals v. Oregon Health Sciences Univ.*, 199 Or. App. 160, 168 (2005).

12

The custodian of a public record must provide a person who asks to inspect a record a “reasonable opportunit[y]” to inspect or copy it, Or. Rev. Stat. § 192.430(1), and must respond to requests “as soon as practicable and without unreasonable delay,” *Id.* § 192.440(2). If copies of the requested records are not made available, and an exemption is not claimed, the public body

must provide a statement requesting “additional information or clarification from the requester for the purpose of expediting the public body’s response.” Or. Rev. Stat. § 192.440(2). Such a statement may indicate that the public body is not in custody of the records or request more time or fees. *See id.*

13

Defendant maintains some, if not all, of the requested records and did not claim an exemption from disclosure. Therefore, Defendant was required to provide Plaintiff with copies of the requested records or a statement with the purpose of expediting the process.

14

Defendant’s response did not satisfy these requirements. [Describe the manner of the Public Agency’s response.]

15

Declaratory and injunctive relief compelling Defendant to produce the requested non-exempt records is appropriate pursuant to Or. Rev. Stat. § 192.490(1).

16

WHEREFORE, pursuant to Or. Rev. Stat. §§ 192.450, 192.460 and 192.490, Plaintiff prays as follows:

- a. That this court assume jurisdiction over this action;

- b. For an order enjoining Defendant from withholding the records outlined above and ordering the production of such records for inspection by Plaintiff;
- c. For a judgment awarding Plaintiff his/her costs and disbursements and reasonable attorney fees incurred in this proceeding, pursuant to Or. Rev. Stat. § 192.490(3); and
- d. For such other relief as the Court deems equitable and just.

Respectfully submitted,

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

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