



Ohio Coalition for Open Government

ANALYSIS OF OHIO SUPREME COURT OPEN GOVERNMENT RULINGS

Examines open government rulings from July 2010 to July 2015

Case Type	Case Number	Case Name	Date Decided	Synopsis	Holdings	Ruling	Vote	Justices voting with majority	Justices voting with minority	Mixed vote	Other	Additional Notes	Did outcome favor open government?
Libel, public figure	2015-0127	Robert E. Murray et al. v. Chagrin Valley Publishing Company et al.	7/9/2015, motion for reconsideration denied on 9/16/2015	Bob Murray, an Ohio coal-mining magnate, appealed a lower court's ruling which dismissed a defamation lawsuit he filed against the Chagrin Valley Times. Murray contested the ruling that he was not defamed by the Times when it published a story, column, and editorial cartoon that Murray found unflattering and considered false.	By declining to consider the case, the Supreme Court upheld Appellate Court decision that found Murray is a public figure and had not demonstrated actual malice. They voted not to hear the case.	Court has twice declined to take the case.	4 to 3	O'Connor, Pfeifer, O'Neill, Lanzinger	French, Kennedy, O'Donnell	N/A	N/A	N/A	Yes
Prison	2014-0596	The State ex rel. Carr v. London Correctional Institution	6/18/2015	Carr, a London Correctional Institution inmate, requested a copy of a chaplain's memo about acceptable religious materials mailed by outside ministries from an official in the institution in 2012. This request and two others, which identified the topic, author, and approximate time frame of the memo, was denied by a prison official as "ambiguous, overbroad and unduly burdensome." The 12th District Court of Appeals upheld the denial.	The Supreme Court held that Carr's requests for the memo were not improper and that "no reasonable public employee responsible for public records could have thought that a request for a single document was overbroad or burdensome." The court found a records request that seeks all emails and correspondence between an individual and a government agency over a two-month period is not overly broad, and that "perfection" is not required in identifying records sought in requests. Carr was entitled to \$1,000 in statutory damages and the case was remanded to the appellate court to determine court costs awarded to Carr.	Judgment reversed	6 to 1	O'Connor, Pfeifer, O'Donnell, Kennedy, French, O'Neill	Lanzinger	N/A	N/A	N/A	Yes
Police, College/University	2014-0244	The State ex rel. Schiffbauer v. Banaszak et al.	5/21/2015	Editor of student news website brought action seeking writ of mandamus to require police department of private university to produce records in response to records request under Public Records Act.	The Supreme Court held that a private university's police department was a "public office" which could be compelled to produce records under the Public Records Act.	Writ granted	4 to 3	O'Connor, Pfeifer, Lanzinger, French	Kennedy, O'Donnell, O'Neill	N/A	N/A	Kennedy would grant an alternative writ and would order briefing regarding respondent's denial of paragraph one of petitioner's complaint.	Yes

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School Board, Personal Privacy	2013-1809	The State ex rel. Quolke v. Strongsville City School District Board of Education et al.	3/25/2015	President of teachers' union brought mandamus action against school board and superintendent seeking public records showing names and identification numbers of all replacement teachers employed by board during teachers' strike. The Court of Appeals granted writ. Board and superintendent appealed.	The Supreme Court held that the president had standing to bring action; records were not exempt from disclosure at the time the lower court made its ruling, as prohibited by state or federal law to protect replacement teachers' privacy and well-being; and president was entitled to request award of attorney fees.	Affirmed granting of writ	5 to 2	O'Connor, Pfeifer, Kennedy, French, O'Neill	O'Donnell, Lanzinger	N/A	N/A	N/A	Yes
Police, Personal Privacy	2013-0945	The State ex rel. The Cincinnati Enquirer v. Sage, Judge, et al.	3/19/2015	Newspaper filed original action in prohibition and mandamus, seeking order compelling prosecutor and judge to release an audio recording of a telephone conversation between a 911 operator and a murder suspect. The Court of Appeals, M. Powell, J., 992 N.E.2d 1178, granted writ. Judge and prosecutor sought review.	The Supreme Court, French, held that recording of 9-1-1 operator's return call to murder suspect was a public record; recording was not an exempt trial-preparation record; recording was not an exempt confidential law-enforcement investigatory record; release of recording was not prohibited by the Sixth Amendment as there was no evidence that release would harm the defendant's defense; Court of Appeals abused its discretion by not awarding newspaper attorney fees; and award of \$1,000 in statutory damages to newspaper was warranted.	Affirmed in part and reversed in part	6 to 1	O'Donnell, Kennedy, O'Neill, O'Connor, Lanzinger, French	Pfeifer	N/A	O'Connor and Lanzinger concur in judgment only	See Note 1 below	Yes
State Government	2013-0596	The State ex rel. Plunderbund Media, LLC, v. Born, Director of Public Safety	8/27/2014	Requestor filed mandamus action, seeking to compel Department of Public Safety to disclose records documenting threats against governor.	The Supreme Court held that records documenting threats against governor were "security records" and thus were not subject to disclosure under Public Records Act.	Writ denied	7 to 0	O'Connor, Pfeifer, O'Donnell, Lanzinger, Powell, French, O'Neill	N/A	N/A	N/A	Michael Powell of the Twelfth Appellate District sitting for Kennedy	No

Note 1: The Supreme Court affirmed the decision to grant The Enquirer a writ of mandamus ordering release of the record, reversed the court's denial of attorney fees, and remanded the matter to the court of appeals so that it may hear evidence and make an appropriate award of attorney fees.

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Court Records	2012-1924	The State ex rel. Cincinnati Enquirer v. Lyons, Judge	6/5/2014	Newspaper brought action against county court judge for writs of mandamus to compel him to vacate his order sealing records related to the prosecution of a John Doe defendant for a disorderly-conduct misdemeanor charge that arose from his posting of a flier that advocated the rape of women at a university, and to produce criminal records for the past five years that were incorrectly sealed with a journal entry referencing an incorrect statute, and writ of prohibition to prevent him from enforcing his orders. Cases were consolidated.	The Supreme Court, Lanzinger held that: hearing was required prior to court sealing a case record of a criminal.	Writ granted	5 to 2	O'Connor, French, O'Neill, Sadler, Lanzinger	O'Donnell, Pfeifer	N/A	Sadler concurs in judgment only	Lisa L. Sadler of the Tenth Appellate District sitting for Kennedy	Yes
County Government	2013-0300	The State ex rel. Cincinnati Enquirer v. Lyons, Judge	6/5/2014	Newspaper brought action against county court judge for writs of mandamus to compel him to vacate his order sealing records related to the prosecution of a John Doe defendant for a disorderly-conduct misdemeanor charge that arose from his posting of a flier that advocated the rape of women at a university, and to produce criminal records for the past five years that were incorrectly sealed with a journal entry referencing an incorrect statute, and writ of prohibition to prevent him from enforcing his orders. Cases were consolidated.	The Supreme Court, Lanzinger held that the 3-day response to the request was reasonable and that a mandamus order was not warranted for judge to produce criminal records for the past five years due to lack of evidence of improper sealing.	Writs denied	7 to 0	O'Connor, French, O'Neill, O'Donnell, Pfeifer, Sadler, Lanzinger	N/A	N/A	Sadler concurs in judgment only	Lisa L. Sadler of the Tenth Appellate District sitting for Kennedy	No
Personal Privacy	2013-0881	The State ex rel. Davis v. Metzger	6/4/2014	Requester brought original action for writ of mandamus to compel fire district to provide access to records from district employees' personnel files. The Court of Appeals, Licking County, found that district's production of requested documents was reasonable, and awarded district attorney fees and costs. Requester appealed.	The Supreme Court held that district's response to the public-records request was reasonable, and court of appeals was required to hold a hearing before determining that requester had engaged in frivolous conduct.	Affirmed in part and reversed in part, and remanded	7 to 0	N/A	N/A	O'Connor, Pfeifer, O'Donnell, Lanzinger, Kennedy, French, O'Neill	N/A	See Note 2 below	Mixed

Note 2: The Supreme Court affirmed the court of appeals' grant of summary judgment dismissing the complaint for a writ of mandamus since the district substantially complied with Davis's public-records requests in a reasonable time. However, because the court of appeals did not hold a hearing before determining that Davis had engaged in frivolous conduct, the Court reversed the judgment as to that finding and remanded for the court of appeals to proceed in accordance with R.C. 2323.51(B).

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City Government	2012-1704	The State ex rel. DiFranco v. The City of South Euclid	2/19/2014	Records requester brought action seeking writ of mandamus requiring city to produce public records, and seeking damages and attorney fees. After city produced the records, the Court of Appeals, Cuyahoga County, 2012 WL 4462013, entered summary judgment in favor of city and denied requester's claims for damages and fees. Requester appealed.	The Supreme Court held that requestor was entitled to statutory damages but requestor was not entitled to attorney fees.	Reversed in part and affirmed in part, and remanded with instructions	6 to 1	O'Connor, Pfeifer, O'Donnell, Lanzinger, French, O'Neill	Kennedy	N/A	Kennedy concurs in part and dissents in part	See Note 3 below	No
Court Records	2013-0530	The State ex rel. Village of Richfield v. Laria, Clerk	1/24/2014	Village filed petition for writ of mandamus, seeking order compelling presiding judge of municipal court and its clerk to produce sealed criminal records that village claimed were public.	The Supreme Court held that appropriate vehicle for village to obtain records was rules of superintendence regulating public access to court records, and township had adequate remedy by way of appeal, precluding mandamus relief.	Writ denied	7 to 0	O'Connor, Pfeifer, O'Donnell, Lanzinger, Kennedy, French, O'Neill	N/A	N/A	N/A	N/A	No
State Government	2013-1268	Ullmann v. JobsOhio	12/3/2013	This case originated in this court on the filing of a complaint for a writ of mandamus.	Upon consideration of respondents' motion to dismiss, it is ordered by the court that the motion to dismiss is granted because JobsOhio is specifically exempted from the requirements of R.C. 149.43 by R.C. 187.04(C) (1). Accordingly, this cause is dismissed.	Dismissed	6 to 0	O'Connor, Pfeifer, Lanzinger, Kennedy, French, O'Neill	N/A	N/A	N/A	O'Donnell not participating	No
Police	2012-2132	The State ex rel. Miller v. Ohio State Highway Patrol	9/3/2013	Records requester brought mandamus action against State Highway Patrol, seeking to compel Patrol to release records relating to a traffic stop and arrest of a particular person. The Court of Appeals, Clermont County, No. CA2012-05-034, dismissed the action, and requester appealed.	The Supreme Court held that requester showed by clear and convincing evidence that request for records had been made and that Patrol had withheld records.	Judgment reversed, returned to Clermont County Court of Appeals for reconsideration	7 to 0	O'Connor, Pfeifer, O'Donnell, Lanzinger, Kennedy, French, O'Neill	N/A	N/A	N/A	See Note 4 below	Yes

Note 3: The Supreme Court reversed the judgment as to damages, and remanded for a determination of the proper amount of damages under all the pertinent statutory criteria. With regard to the claim for attorney fees, the Court concluded that DiFranco did not satisfy the statutory condition for an award of fees, and on that basis the Court affirmed the denial of attorney fees.

Note 4: The Supreme Court remanded the case to the Twelfth District to review the withheld records and determine whether they fall under the "confidential law enforcement investigatory record" exception to the Public Records Act, and specifically whether they would create a "high probability of disclosure" of "specific investigatory work product" as asserted by the Patrol.

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Private corporation	2012-0992	The State ex rel. Luken v. Corporation for Findlay Market of Cincinnati	4/24/2013	Public record requestor brought original action for mandamus to compel private nonprofit corporation that leased market from city, and managed it, to disclose unredacted records relating to its license agreements with merchants who subleased spaces in the market. Matter was referred to a magistrate, who prepared a decision denying the writ. Requester filed objections. The Court of Appeals, Hamilton County, Fischer, J., 972 N.E.2d 607, denied writ. Requestor appealed and corporation cross-appealed.	The Supreme Court held that terms and amounts of subleases were trade secrets under that statute and, thus, exempt from disclosure under the Public Records Act.	Affirmed denial of writ as modified	7 to 0	O'Connor, Pfeifer, O'Donnell, Lanzinger, Kennedy, French, O'Neill	N/A	N/A	N/A	N/A	No
State Government	2012-1264	The State ex rel. Motor Carrier Service, Inc. v. Rankin, Registrar	4/18/2013	Employer brought action seeking writ of mandamus requiring Bureau of Motor Vehicles (BMV) and Department of Public Safety (DPS) to provide, at cost, an unredacted copy of employee's driving record. The Court of Appeals, Franklin County, 2012 WL 2106223, denied the writ. Employer appealed. Subsequently, employer filed original action in Supreme Court seeking writ of mandamus requiring BMV and DPS to provide a different driving record. The cases were consolidated.	The Supreme Court held that Public Records Act did not require BMV and DPS to provide copies of records at cost. The Court ruled that the specific portions of the Code that allow the BMV to charge special rates for driving records beyond direct cost supersede the open records law and that state and Federal law prohibited release.	Affirmed denial of writ	6 to 0	O'Connor, Pfeifer, O'Donnell, Lanzinger, Kennedy, O'Neill	N/A	N/A	N/A	French not participating	No
State Government	2012-1394	The State ex rel. Motor Carrier Service, Inc. v. Rankin, Registrar	4/18/2013	Employer filed original action in Supreme Court seeking writ of mandamus requiring Bureau of Motor Vehicles (BMV) and Department of Public Safety (DPS) to provide a driving record. Employer had previously brought action seeking writ of mandamus requiring BMV and DPS to provide, at cost, an unredacted copy of employee's driving record. The Court of Appeals, Franklin County, 2012 WL 2106223, denied the writ and employer appealed. The cases were consolidated.	See comments under "holdings" in above case (number 2012-1264).	Writ denied	6 to 0	O'Connor, Pfeifer, O'Donnell, Lanzinger, Kennedy, O'Neill	N/A	N/A	N/A	French not participating	No

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County Government	2012-1296	The State ex rel. Gambill v. Opperman, Engineer	3/7/2013	Requestor brought action for writ of mandamus to compel county engineer to provide copies of records, including any electronic database of county properties and copies of maps and aerial photographs of all county properties.	The Supreme Court held that engineer was not required to provide requestor with paper copies of maps and aerial photographs of all county properties; database was a record under the Public Record Act; database was exempt from disclosure due to copyright law; and it was reasonable to include the over \$2,000 cost, which engineer's office would incur in extracting requested electronic data and copying it onto a hard drive, in actual cost of request.	Writ denied	6 to 1	O'Connor, O'Donnell, Lanzinger, Kennedy, French, O'Neill	Pfeifer	N/A	N/A	N/A	No
Attorney General	2012-0203	The State ex rel. Lanham v. DeWine, Attorney General	1/29/2013	Constituent of state representative, who allegedly simultaneously held the office of mayor's court magistrate, brought action for writ of mandamus to compel Attorney General to provide access to public records, which were withheld from disclosure on the basis of attorney-client privilege.	The Supreme Court held that assistant attorney general had sufficient personal knowledge to satisfy the requirements of rule which required affidavits to be made on personal knowledge; mentions of mediation in affidavits did not violate Rule of Practice of the Supreme Court which made mediation communications confidential; due process did not prevent the Supreme Court's consideration of the pertinent public records submitted under seal for in camera review; e-mails were properly withheld from a public records release as attorney-client privileged materials; documents gathered by assistant attorney general as part of investigation were properly withheld from response to public records request on the basis of attorney-client privilege.	Writ denied	7 to 0	O'Connor, Lanzinger, Kennedy, French, O'Neill, Pfeifer, Sadler	N/A	N/A	N/A	Lisa L. Sadler of the Tenth Appellate District sitting for O'Donnell	No
City Government	2012-0943	The State ex rel. Anderson v. The City of Vermilion	11/21/2012	Records requestor sought writ of mandamus to compel city to provide copies of certain itemized billing statements for attorney services rendered to the city. The Court of Appeals, Erie County, No. E-10-040, 2012 WL 1493744, denied request. Requestor appealed.	The Supreme Court held that requestor did not waive her mandamus claim or appeal by seeking and receiving summaries of information requested from city; city's belief that non-exempt portions of requested records would be "meaningless" without portions covered by attorney-client privilege and thus exempt from disclosure was not appropriate basis for refusal to provide non-exempt portions; and city was required to disclose non-exempt portion of records.	Affirmed in part, reversed in part, and remanded	7 to 0	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	N/A	N/A	See Note 5 below	Yes

Note 5: The court of appeals erred in granting summary judgment in favor of the city and denying Anderson's claim for a writ of mandamus. The Supreme Court reversed that portion of the judgment of the court of appeals and remanded the cause for further proceedings consistent with this opinion. The Court affirmed the portion of the judgment denying Anderson's request for statutory damages and attorney fees.

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Prison	2012-0105	Fernbach v. Brush	9/20/2012	An incarcerated criminal offender brought action seeking writ of mandamus for records relating to an inmate's criminal prosecution. Court of Appeals for Montgomery County denied the writ.	We affirm the judgment of the court of appeals denying the request of appellant, Richard Fernbach, for a writ of mandamus to compel appellee, Montgomery County Clerk of Courts Gregory A. Brush, to turn over certain records to him under R.C. 149.43, the Public Records Act. R.C. 149.43(B)(8) requires an incarcerated criminal offender who seeks records relating to an inmate's criminal prosecution to obtain a finding by the sentencing judge or the judge's successor that the requested information is necessary to support what appears to be a justiciable claim.	Affirmed judgment of Court of Appeals	7 to 0	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	N/A	N/A	N/A	No
Note: Green rows indicate routine prison-inmate case													
County Government	2010-1642	The State ex rel. McCaffrey v. Mahoning County Prosecutor's Office	9/20/2012	Attorney who represented criminal defendants in underlying criminal proceedings brought a public-records mandamus action against county prosecutor and his office.	The Supreme Court held that affidavits of two assistant prosecuting attorneys were inadmissible in support of opposition to a motion to strike; attorney waived any claim concerning the categories of records not specified in his complaint; attorney was not entitled to copies of the corresponding metadata to the categories of documents requested; attorney's belief that records existed was insufficient to constitute clear and convincing evidence of the existence of any such records; prosecutor's office was not required to produce records related to any complaints, claims, or grievances generated by or against prosecutor's office that concerned a grand jury proceeding in an underlying criminal matter, absent a showing that any such records existed; but attorney was entitled to requested copies of the entries in the personal calendars of county prosecutor and two of his assistant prosecuting attorneys that dealt with work-related activities; and prosecutor's office complied with attorney's request for copies of all records of hours worked and duties performed by county prosecutor and two of his assistant prosecuting attorneys for the period of time in question.	Writ granted in part and denied in part	7 to 0	N/A	N/A	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	See Note 6 below	Mixed
Note: Green rows indicate routine prison-inmate case													

Note 6: The relator has, for the most part, not established his entitlement to the requested extraordinary relief in mandamus for most of the requests that are the subject of his complaint, and the Supreme Court denies the writ for most of his claims. Relator, however, has established his entitlement to a writ of mandamus to compel respondents to provide copies of those portions of the requested calendars of Gains, Stratford, and Bricker that are work-related entries for the period of November 1, 2008, to July 2010, and the Court grants the writ to that limited extent.

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College/University	2012-0202	The State ex rel. Zidonis v. Columbus State Community College	9/19/2012	Former community college employee filed petition for writ of mandamus, seeking to require community college to produce documents in response to a public records request as part of termination appeal. The Court of Appeals, Franklin County, 2011 WL 6930336, denied the petition, and former employee appealed.	The Supreme Court held that request for access to complaint files and litigation files was overbroad; college was not required to organize its records so that work-related e-mails could be retrieved based on sender and recipient status; and college complied with duty to inform the requester "of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties."	Affirmed denial of writ	7 to 0	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	N/A	N/A	N/A	No
Court Records	2011-0132	The State ex rel. Vindicator Printing Co. v. Wolff, Judge	7/25/2012	Relators newspaper and television station filed action seeking writ of mandamus to compel Court of Common Pleas, Mahoning County, William H. Wolff, J., to vacate orders sealing records filed in criminal case against former and current public officials and other defendants, and writ of prohibition to prevent presumptive sealing of documents or records in case.	The Supreme Court held that relators were entitled to leave to amend complaint instanter relating to orders sealing records in criminal prosecution in order to allege facts and circumstances that occurred after filing of original complaint, submission of evidence, and merit briefs; State's bill of particulars, together with State's recitation of facts in its response to officials' motion to dismiss indictment, were "case documents" entitled to presumption of public access; documents were not discovery or work product, so as to come within exception to presumption of public access; trial court's determination that presumptive right of public access to documents was outweighed by prejudice to defendants' right to fair trial was not supported by clear and convincing evidence; defendants' privacy interests following State's dismissal of indictments did not outweigh presumption in favor of public access to court records; and relators were not entitled to award of attorney fees.	Writ granted	7 to 0	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	N/A	N/A	See Note 7 below	Yes

Note 7: In sum, relators have established their entitlement to the requested extraordinary relief. The Supreme Court grants a writ of mandamus to compel the judge to unseal and provide access to the bills of particulars and the factual portion of the state's memorandum in opposition to the Cafaro defendants' motion to dismiss the indictment. The Court also grants a writ of prohibition to compel the judge to vacate his prior sealing orders and to prevent him from issuing further orders presumptively sealing records in the criminal cases.

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College/ University	2011-1177	The State ex rel. ESPN, Inc. v. Ohio State University	6/19/2012	Sports-entertainment company filed action for writ of mandamus, seeking to compel state university to provide access to requested records relating to National Collegiate Athletic Association's investigation into alleged violations of athletic association regulations.	The Supreme Court held that public records law recognizes an exemption from disclosure for records whose release would violate Family Educational Rights and Privacy Act (FERPA); requested records constituted "education records" subject to FERPA; sports-entertainment company was entitled to redacted versions of records withheld under FERPA; and records covered by attorney-client privilege were not subject to disclosure under public records law.	Writ granted in part and denied in part	7 to 0	N/A	N/A	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	See Note 8 below	Mixed
Police, Personal Privacy	2011-1798	The State ex rel. Cincinnati Enquirer v. Craig, Chief	5/10/2012	Newspaper brought action for writ of mandamus, seeking to compel city police chief to disclose, pursuant to newspaper's request under public records statute, the identities of two police officers who had been wounded in gun battle with members of motorcycle gang. The Court of Appeals, Hamilton County, 2011 WL 3962999, denied the writ, and newspaper appealed.	The Supreme Court held that officers had constitutional privacy right to prevent disclosure of the information.	Affirmed denial of writ	7 to 0	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	N/A	N/A	N/A	No
State Government	2011-1873	The State ex rel. Watson v. Mohr	3/15/2012	Records requester brought action seeking writ of mandamus to compel officials of the Department of Corrections to provide records of parole hearings, and requesting damages under Public Records Act. The Court of Appeals, Franklin County, 2011 WL 5005817, entered judgment conditionally granting writ and denying request for damages. Requester appealed.	The Supreme Court held that requester was not entitled to damages.	Affirmed denial of writ	7 to 0	N/A	N/A	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	N/A	Mixed (records were released, damages not upheld)

Note 8: Because, for the most part, Ohio State established that FERPA and the attorney-client privilege prohibited the disclosure of the requested records, the Supreme Court denied the writ to that extent. For those limited records that should have been disclosed—at Respondent's Evidence, Vol. III, Part 2, pages 668, 829–835, 859–863, 999–1001, and 1009–1012, following the redaction of personally identifiable information, that is, the names of the student-athlete, his parents, his parents' addresses, and the person associated with the student-athlete mentioned therein—and were thus not exempt from disclosure based on FERPA, however, the Court granted the writ. The Court also denied ESPN's request for attorney fees.

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City Government	2011-1483	Strothers v. Norton, Mayor	3/15/2012	Records requestor brought action against city mayor, seeking writ of mandamus to compel mayor to provide access to review, inspect and copy various records relating to operation of jail, and requesting award of statutory damages for delay in making records available to him. The Court of Appeals, Cuyahoga County, 2011 WL 3211177, entered judgment denying writ but awarding damages. Parties appealed and cross-appealed.	The Supreme Court held that: requester's claim for mandamus was moot because the records were released and requester was not entitled to damages.	Affirmed in part and reversed in part	7 to 0	N/A	N/A	O'Connor, Pfeifer, Lundberg, Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	The Supreme Court affirmed denial of writ and reversed awarding of statutory damages.	Mixed (records were released but damages not upheld)
Private corporation	2010-2029	The State ex rel. Data Trace Information Services L.L.C v. Cuyahoga County Fiscal Officer	2/29/2012	Records requesters, private companies that stored and indexed electronic images of records and information taken from the records that county recorders have recorded, brought action seeking writ of mandamus to compel county fiscal officer to provide copies of electronic images of instruments recorded in county recorder's office on compact discs, to provide those copies based on actual costs rather than \$2 per electronic image of each page, and to amend office's public records policy to comply with law.	The Supreme Court held that: instruments recorded at county recorder's office were "records" subject to Public Records Act, and cost recorder's office was required to charge for the records was governed by Public Records Act, not statute providing \$2 special fee for photocopies of recorded instruments.	Writ granted in part and denied in part	7 to 0	O'Connor, Pfeifer, Lundberg, Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	N/A	N/A	See Note 9 below	Yes

Note 9: Because the county's existing public-records policy does not violate the requirement to charge the actual cost of these records, The Supreme Court denies the writ of mandamus insofar as it seeks to amend a policy that is no longer effective.

Case Type	Case Number	Case Name	Date Decided	Synopsis	Holdings	Ruling	Vote	Justices voting with majority	Justices voting with minority	Mixed vote	Other	Additional Notes	Did outcome favor open government?
County Government	2010-1536	The State ex rel. O'Shea & Associates Company, L.P.A. v. Cuyahoga Metropolitan Housing Authority	1/19/2012	Law firm filed petition for writ of mandamus seeking to compel metropolitan housing authority to release records firm had requested under the Public Records Act, including documents reflecting incidences of lead poisoning involving children. The Court of Appeals, 190 Ohio App.3d 218, 941 N.E.2d 807, ruled in favor of firm. Housing authority appealed.	The Supreme Court, Lundberg Stratton held that: firm's written public records request was appropriate, though it was initially overbroad; personal identifying information in housing authority documents reflecting incidences of lead poisoning involving children did not constitute "public records"; information other than personal identifying information in housing authority documents reflecting incidences of lead poisoning involving children, which included residence addresses, constituted a "public record"; portions of housing authority documents reflecting incidences of lead poisoning involving children that were "public records" were not exempt from disclosure under the federal Privacy Act; portions of housing authority documents reflecting incidences of lead poisoning involving children that were "public records" were not excepted from disclosure under medical record exception; portions of housing authority documents reflecting incidences of lead poisoning involving children that were "public records" were not excepted from disclosure under trial-preparation or work-product material exceptions; and firm was not entitled to attorney fees.	Affirmed in part, reversed in part, and remanded	5 to 2	O'Connor, Lanzinger, Cupp, McGee Brown, Pfeifer, O'Donnell, Lundberg Stratton	N/A	N/A	Pfeifer and O'Donnell concur in part and dissent in part (dissent with denying O'Shea attorney fees)	See Note 10 below	Yes
School District	2011-0145	The State ex rel. Dawson v. Bloom-Carroll Local School District	11/29/2011	Petitioner sought writ of mandamus to compel school district to disclose records.	Following grant of alternative writ and submission of additional evidence and briefs, the Supreme Court held that: petitioner was not entitled to submit additional evidence instant; school district was not required to provide itemized attorney-fee billing statements in response to record request as this was covered by attorney-client privilege; school district was not required to provide letter from its insurance company identifying school district's attorney in petitioner's lawsuit in response to record request; and school district did not waive any privilege applicable to letter from insurance company.	Writ denied	7 to 0	O'Connor, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown, Pfeifer	N/A	N/A	Pfeifer concurs in judgment only	N/A	No

Note 10: The Supreme Court reversed that portion of the court of appeals' judgment granting the writ of mandamus to compel CMHA to disclose the portions of the requested lead-poisoning documents that constitute personal identifying information, The Court remanded the cause to the court of appeals for further proceedings consistent with this opinion. The Court affirmed the portion of the court of appeals' judgment ordering the disclosure of the remaining portions of the requested documents. The Court reversed the award of attorney fees to O'Shea.

Case Type	Case Number	Case Name	Date Decided	Synopsis	Holdings	Ruling	Vote	Justices voting with majority	Justices voting with minority	Mixed vote	Other	Additional Notes	Did outcome favor open government?
Private corporation	2010-1836	The State ex rel. Bell v. Brooks	9/28/2011	Individual petitioned for writs of mandamus seeking to compel disclosure of records under Public Records Act by private non-profit corporation that functioned as joint self-insurance pool for governmental clients. The Court of Appeals, 2010 WL 3527580, denied writs. Individual appealed.	The Supreme Court held that: corporation that served as joint self-insurance pool was not functional equivalent of public office under Public Records Act, but determination was not dispositive with regards to request for financial and compensation records.	Affirmed in part, reversed in part, and remanded	7 to 0	N/A	N/A	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	See Note 11 below	Mixed
Court Records	2011-0570	The State ex rel. Striker v. Frary	9/21/2011	Relator filed complaint for peremptory writ of mandamus, naming as respondents a municipal court clerk and a common pleas court clerk, and seeking copies under the Public Records Act of records from a municipal court case that was transferred to common pleas court. The Court of Appeals, Richland County, No. 10 CA 01, 2011 WL 773416, denied relief. Relator appealed.	The Supreme Court held that court clerks had no duty to provide copies of records that the clerks did not possess.	Affirmed denial	7 to 0	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	N/A	N/A	N/A	No
City Government	2010-0963	Rhodes v. City of New Philadelphia	7/7/2011	Requester brought a civil action against city seeking forfeiture for police department's destruction of public records without an approved record-retention policy in place, in violation of the Public Records Act. Following trial, the Court of Common Pleas, No. 2007CV100806, Tuscarawas County, entered judgment on jury verdict for city. Requester appealed. The Court of Appeals, 2010 WL 1553571, reversed. City appealed.	The Supreme Court, McGee Brown, J., held that: a party is not aggrieved by the wrongful destruction of a public record so as to give rise to a forfeiture when the party's objective in requesting the record is not to obtain the record but to seek a forfeiture for the wrongful destruction of the record, and requester was not aggrieved by the improper destruction of the records he requested.	Reversed court of appeals decision	7 to 0	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	N/A	N/A	N/A	No
Court Records	2010-0433	The State ex rel. Striker v. Smith	6/21/2011	Relator sought writ of mandamus to compel Clerk of Courts to comply with Sunshine Law by giving relator documents from court file. The Court of Appeals, Gwin, P.J., 2010 WL 466051, denied writ in part and granted writ in part. Relator appealed.	The Supreme Court held that: Court of Appeals did not err in denying writ of mandamus, and Court of Appeals did not err in denying relator's request for statutory damages and attorney fees.	Affirmed denial of writ	7 to 0	N/A	N/A	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	N/A	Mixed (records were released, damages not upheld)

Note 11: The Supreme Court affirmed denial of CORSA's board-meeting minutes; reversed court of appeals' denial of financial and compensation records; remanded the cause to the court of appeals for further proceedings, including the submission of evidence and briefs on those remaining claims.

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Prison	2011-0051	The State ex rel. Barb v. Cuyahoga County Jury Commissioner	4/26/2011	Brother of inmate sought writ of mandamus to compel the production of lists of prospective jurors and jurors who served in three criminal cases involving inmate. The Court of Appeals, 2010-Ohio-6190, 2010 WL 5238632, denied writ. Brother appealed.	The Supreme Court held that the inmate used his brother as a surrogate and inmate could not circumvent requirement of public records statute that sentencing judge make finding of necessity in inmate cases.	Affirmed denial of writ	7 to 0	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	N/A	N/A	N/A	No
Note: Green rows indicate routine prison-inmate case													
Prison	2010-2020	The State ex rel. Dehler v. Mohr, Director	3/9/2011	Prisoner brought action seeking a writ of mandamus to compel prison officials to disclose records related to prison's purchase of peanut butter. The Court of Appeals, Franklin County, 2010 WL 4521997, denied the writ, and prisoner appealed.	The Supreme Court held that prisoner was not entitled to copies of the records under Public Records Act for various reasons, including security issues if the prison allowed personal inspection.	Affirmed denial of writ	7 to 0	O'Connor, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown, Pfeifer	N/A	N/A	Pfeifer concurs in judgment only	N/A	No
Note: Green rows indicate routine prison-inmate case													
County Government	2010-0728	The State ex rel. American Civil Liberties Union of Ohio, Inc. v. Cuyahoga County Board of Commissioners	2/16/2011	Civil liberties organization brought action against county, county commissioners, county transition advisory group and its members, and transition executive committee, which was established by two private entities to assist with county's transition to new charter, and its members for writ of mandamus to compel them to provide organization with access to public records and meeting minutes.	The Supreme Court held that: organization's action properly invoked Supreme Court's original jurisdiction; organization was not entitled to writ of mandamus to compel future compliance with Open Meetings Act; organization established neither clear legal right to writ of mandamus, nor a corresponding clear legal duty; committee and its work-groups were not public bodies under Open Meetings Act; committee and its work-groups were not functional equivalents of public offices for purposes of the Public Records Act; and organization failed to establish that it was entitled to public records of committee and its work-groups.	Writ denied	7 to 0	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	N/A	N/A	N/A	No
City Government	2010-1285	The State ex rel. DeGroot v. Tilsley, Director	1/26/2011	Member of city retirement system filed petition seeking a writ of mandamus to compel city and system's director to provide access to home addresses of all persons eligible to vote for the retiree-trustee of the system. Names, not addresses, were provided after original request. The Court of Appeals, Hamilton County, dismissed the petition. Member appealed.	The Supreme Court held that home addresses of city retirees were not records under the Public Records Act.	Affirmed dismissal of petition for writ	7 to 0	O'Connor, Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, McGee Brown	N/A	N/A	N/A	N/A	No

Case Type	Case Number	Case Name	Date Decided	Synopsis	Holdings	Ruling	Vote	Justices voting with majority	Justices voting with minority	Mixed vote	Other	Additional Notes	Did outcome favor open government?
Medical Records	2009-2293	The State ex rel. Mahajan v. State Medical Board of Ohio	12/15/2010	Licensed physician brought mandamus action to compel State Medical Board to provide access under Public Records Act to unredacted copies of records related to enforcement attorney who had deposed physician during Board's disciplinary investigation.	The Supreme Court held that: physician waived protection under confidentiality provision in statute governing State Medical Board's disciplinary procedures; information relating to questioning by Board employee of court reporter who had transcribed deposition conducted by enforcement attorney was a confidential medical record under the Americans with Disabilities Act; and physician was not entitled to attorney fees.	Writ granted in part and denied in part	7 to 0	N/A	N/A	Brown, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, Cupp	N/A	See Note 12 below	Mixed (some records were released)
Prison	2010-1240	The State ex rel. Dehler v. Spatny, Deputy Warden	12/1/2010	Prison inmate brought original proceeding seeking writ of mandamus to compel the director of the Ohio Department of Rehabilitation and Correction, and various officials, to provide him with access to all records of prison quartermaster's orders for and receipt of clothing and shoes for a period of over seven years. The Court of Appeals, Trumbull County, No. 2009-T-0075, 2010-Ohio-3052, 2010 WL 2636552, denied the request as overbroad. Inmate appealed.	The Supreme Court held that prison inmate was not entitled to mandamus relief to permit access, under Public Records Act, to the records sought. The court noted inmate declined opportunity to obtain copies of records if he prepaid and the court said complete duplication of a large file was not required by law.	Affirmed denial of request	6 to 1	Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, Cupp	Brown	N/A	N/A	N/A	No
Note: Green rows indicate routine prison-inmate case													
School District	2010-0217	The State ex rel. The Cincinnati Enquirer v. Ronan	11/24/2010	Newspaper filed complaint seeking writ of mandamus to compel school district to disclose, pursuant to the Public Records Act, all documents submitted by prospective candidates for superintendent position. After the district retrieved the documents from its post office box and provided redacted records, the Court of Appeals, Hamilton County, dismissed the complaint, including newspaper's request for attorney fees, as moot. Newspaper appealed. The Supreme Court, 124 Ohio St.3d 17, 2009-Ohio-5947, 918 N.E.2d 515, reversed the portion of the Court of Appeals' judgment dismissing newspaper's request for attorney fees based on mootness, but otherwise affirmed. On remand, the Court of Appeals denied newspaper's request for attorney fees. Newspaper appealed.	The Supreme Court held that: school district properly complied with newspaper's record request, and thus court of appeals did not abuse its discretion in denying newspaper's request for attorney fees; the mere receipt by school district of resumes and other materials sent by applicants for superintendent position did not make those documents records for purposes of the Act; and when school district opened its post office box and used resumes and other materials sent by applicants for superintendent position in its job-selection process, the documents became records subject to disclosure under the Act.	Affirmed judgment of Court of Appeals	7 to 0	Brown, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, Cupp	N/A	N/A	N/A	N/A	No

Note 12: The Supreme Court granted the writ for access to unredacted copy of May 17, 2007 email, portions of May 22, 2007 notes that refer to Mahajan, and parts of May 31, 2007 memorandum and June 2007 emails that note Mahajan's name. Writ denied in other respects and request for statutory damages attorney fees, and oral argument denied.

Case Type	Case Number	Case Name	Date Decided	Synopsis	Holdings	Ruling	Vote	Justices voting with majority	Justices voting with minority	Mixed vote	Other	Additional Notes	Did outcome favor open government?
County Government	2009-2140	The State ex rel. Bardwell v. Cuyahoga County Board of Commissioners	10/26/2010	Requester of public records from county prosecutor's office filed complaint for writ of mandamus to compel county to provide the documents after earlier requests were met. The Court of Appeals, 2009-Ohio-5573, 2009 WL 3387654, denied the writ, ordered requester to show cause why it should not impose sanctions, and imposed sanctions. Requester appealed.	The Supreme Court, Cupp, J., held that Court of Appeals did not abuse its discretion by imposing Rule 11 sanctions as a frivolous requester. The court upheld that draft documents were privileged until approved.	Affirmed judgment of Court of Appeals	5 to 2	Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, Cupp	Brown, Pfeifer	N/A	N/A	N/A	No
Sheriff's Office	2010-0057	The State ex rel. Rocker v. Guernsey County Sheriff's Office	7/20/2010	Parishioner filed complaint for writ of mandamus to compel sheriff's office to provide her with access to all records relating to criminal investigation of priest who had allegedly sexually assaulted her when she was child. The Court of Appeals, Guernsey County, denied writ, and parishioner appealed.	The Supreme Court held that records relating to investigation of priest were not exempt from disclosure under uncharged-suspect exception to disclosure under Public Records Act to extent that records were not inextricably intertwined with priest's identity, and could reveal the identity of an uncharged suspect.	Reversed and remanded	5 to 2	Brown, Pfeifer, O'Connor, Lanzinger, Cupp	Lundberg Stratton, O'Donnell	N/A	N/A	See Note 13 below	Yes
City Government	2009-2192	The State ex rel. Bardwell v. City of Cleveland	7/15/2010	Records requestor brought action seeking writ of mandamus to compel city and city police chief to organize and maintain public records received from pawnbrokers in a manner that allowed them to be made available for inspection and copying. The Court of Appeals, Cuyahoga County, 2009-Ohio-5688, 2009 WL 3478444, granted the writ and awarded statutory damages. City and police chief appealed.	The Supreme Court held that city and police chief had no duty, as an element of mandamus, to organize or store pawnbroker records in any particular form.	Reversed	7 to 0	Pfeifer, Lundberg Stratton, O'Connor, Lanzinger, Brown, O'Donnell, Cupp	N/A	N/A	Brown, O'Donnell, and Cupp concur separately from the majority	N/A	No

Note 13: The Supreme Court did an independent review of the requested records and reversed the judgment of the court of appeals and remanded the cause so that the court could review the sealed records and order the disclosure of those records following the redaction of those portions of the record that are subject to the uncharged-suspect exemption



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The Ohio Coalition for Open Government (OCOG) is a tax-exempt 501 (c)(3) corporation established by the Ohio Newspapers Foundation in June 1992. The Coalition is operated for charitable and educational purposes by conducting and supporting activities to benefit those who seek compliance with public access laws. It is also affiliated with a national network of similar state coalitions.

The Coalition serves as a clearinghouse for media and citizen grievances that involve open meetings and open records, and offers guidance to reporters in local government situations. The activities of the Coalition include monitoring government officials for compliance, filing "amicus" briefs in lawsuits, litigation and public education.

The annual memberships to OCOG, as approved by the board, entitle a group or individual the use of the FOI telephone hotline, handled directly by attorneys at Baker & Hostetler in Cleveland, and subscription to the newsletter.

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