

Bond Case Briefs

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PUBLIC RECORDS - MISSOURI

Wyrick v. Henry

Missouri Court of Appeals, Western District - November 12, 2019 - S.W.3d - 2019 WL 5874668

Records requester whose mother died after sustaining injuries in motor vehicle accident filed petition against city clerk seeking a declaration that clerk purposefully violated the Sunshine Law's open records requirement by failing to disclose the requested traffic records after requester sent a notice of claim city.

The Circuit Court granted partial summary judgment in favor of requester. Clerk appealed.

The Court of Appeals held that:

- As a matter of first impression, requested records did not possess, by their inherent nature, a clear nexus to litigation, and thus were not exempt from disclosure under the Sunshine Law;
- Substantial evidence supported trial court's finding that clerk knowingly and purposefully violated the Sunshine Law, as would allow imposition of civil penalty on city;
- Trial court's award of attorney's fee in the amount of \$38,550 in favor of requester was not unreasonable;
Substantial evidence supported imposition of civil penalties amounting to \$4,000 against city for clerk's knowing and purposeful violation of the Sunshine Law; and
- Imposition of civil penalties in the amount of \$4,000 against city did not prejudice city, and thus was appropriate.

Requested traffic records relating to accidents or complaints involving the intersection where requester's mother died after sustaining injuries in a motor vehicle accident did not possess, by their inherent nature, a clear nexus to litigation, and thus were not exempt from disclosure under the Sunshine law, even if the records might have been relevant, that is, discoverable or admissible, in potential litigation between city and requester who sent a notice of claim to city before making request for the records.