

# **Bond Case Briefs**

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## **PUBLIC RECORDS - OHIO**

### **State ex rel. Verhovec v. Washington Cty. Court of Common Pleas**

**Supreme Court of Ohio - October 15, 2013 - N.E.2d - 2013 -Ohio- 4518**

Edward Verhovec made a public-records request of the city of Marietta by certified mail. When more than two months had passed and he had not received an acknowledgement or response from Marietta, he filed a public-records mandamus action under R.C. 149.43 and 2731.04. Soon thereafter, Marietta provided Edward with the requested records, and the trial court dismissed his action. Edward appealed, and the court of appeals remanded the case for consideration of Edward's motion for attorney fees.

After the remand, Marietta moved the trial court for sanctions under R.C. 2323.51 and alleged that Edward had engaged in frivolous conduct by petitioning the trial court for a writ of mandamus. The trial court held a hearing on the motion for sanctions and indicated that a ruling would be forthcoming.

Edward filed a claim in prohibition in the Fourth District Court of Appeals before the trial court ruled on the motion for sanctions. He sought to prevent the trial court from issuing a ruling on the motion for sanctions. Marietta filed a motion to dismiss, and the Fourth District granted the motion. Edward appealed to the Supreme Court of Ohio.

The Supreme Court held that:

- Trial court in underlying action had jurisdiction to rule on motion for sanctions, and
- Requesters had adequate remedy at law via appeal.