

Bond Case Briefs

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PUBLIC RECORDS - OHIO

State ex rel. DiFranco v. S. Euclid

Supreme Court of Ohio - December 2, 2015 - N.E.3d - 2015 WL 7766690 - 2015 -Ohio- 4915

Public records requester sought writ of mandamus compelling city to produce records. The Court of Appeals granted summary judgment to city after it produced the records, and, after remand from the Supreme Court awarded damages. Requester filed a motion for sanctions against city and its counsel, which the Court of Appeals denied. Requester appealed.

The Supreme Court of Ohio held that:

- Deadline for bringing motion was 30 days after the Court of Appeals' final order on the merits, and
- City did not engage in frivolous conduct.

Deadline for bringing motion for sanctions in public records requester's mandamus action was 30 days after entry of final order on merits in Court of Appeals, and therefore requester's motion filed after appeal and remand from Supreme Court on issue of statutory damages and attorney's fees was untimely, where requester's appeal to Supreme Court did not involve merits.

City did not engage in "frivolous conduct," as required to support award of attorney's fees as sanction, by asserting in mandamus action it had produced all public records responsive to request and later producing more documents when requester presented affidavit of accountant asserting that additional documents must have existed. City cooperated with accountant to determine what documents accountant considered still outstanding and produced those documents, and city did not deny accountant's conclusions or continue to claim that all documents had been produced when faced with evidence that some documents were still outstanding.