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POLITICAL SUBDIVISIONS - NORTH DAKOTA

Hagen v. North Dakota Insurance Reserve Fund

Supreme Court of North Dakota - March 17, 2022 - N.W.2d - 2022 WL 803334 - 2022 ND 53

Records requester brought petition for writ of mandamus against insurer, a government self-insurance pool, seeking to require disclosure of documents under open records law.

The District Court granted petition. Insurer appealed and requester cross-appealed.

The Supreme Court held that:

- Requester's amended petition related back to original petition and thus was timely;
- As a matter of apparent first impression, insurer was an "agency" of city and thus was a public entity subject to open records law;
- Past liability cannot form the basis for the "potential liability" exception to required disclosure under the open records law; and
- Trial court acted within its discretion in declining to award costs and fees to requester.

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