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Colquhoun v. City of Nashua

Supreme Court of New Hampshire - October 26, 2022 - A.3d - 2022 WL 14664688

Records requester brought action against city after city denied request for certain e-mail communications between city employees pursuant to Right-to-Know Law.

The Superior COURT entered judgment in favor of requester but denied requester's motion for attorney's fees. Requester appealed.

The Supreme Court held that:

- City should have known that denial of request on basis that records were not reasonably described violated Right-to-Know Law, as would require award of fees, and
- City also should have known that denial of request on basis that it was unduly burdensome violated Right-to-Know Law, as would require award of fees.

City should have known that denial of records request, which sought all email communications between two city employees during specified two-month period, on basis that records were not reasonably described violated Right-to-Know Law, as would require award of attorney's fees to requester after trial court found in her favor in her action against city for violation of Right-to-Know Law; although city asserted that caselaw indicated use of "all" rendered request deficient, such caselaw was distinguishable, and city's own actions in quickly finding the responsive documents after requester filed suit demonstrated that requester's description was sufficient to permit city to find documents.

City should have known that denial of records request, which sought all email communications between two city employees during specified two-month period, on basis that request was unduly burdensome violated Right-to-Know Law, as would require award of attorney's fees to requester after trial court found in her favor in her action against city for violation of Right-to-Know Law; caselaw clearly demonstrated that, even if request was unduly burdensome, city could not simply categorically deny the request in its entirety but rather was required to undertake reasonable search.

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