

**THE STATE EX REL. THE PLAIN DEALER PUBLISHING COMPANY v. CITY OF
CLEVELAND.**

**[Cite as *State ex rel. Plain Dealer Publishing Co. v. Cleveland*,
1996-Ohio-379.]**

*Public records—R.C. 149.43(C)—Determination on application for attorney fees
and costs.*

(No. 95-594—Submitted July 10, 1996—Decided August 21, 1996.)

IN MANDAMUS.

ON APPLICATION for Costs and Attorney Fees.

{¶ 1} This matter is before the court on the application of the relator, Plain Dealer Publishing Company, for attorney fees and costs pursuant to R.C. 149.43, in the total amount of \$71,896.64.

{¶ 2} Of the requested amounts the following portions are denied: \$14,818.75 in attorney fees incurred after August 3, 1995 which are unsupported by any detail; \$4,378.75 for fee application preparation; and \$7,329.09 and \$2,478.80, respectively, for litigation and deposition expenses as not being within the ambit of R.C. 149.43(C) and not within the definition of “costs.” Relator is entitled to a refund of the \$100 security deposit and \$40 docket fee as costs, since they are specifically taxable as costs. S.Ct. Prac. R. XV(1) and (2).

{¶ 3} Therefore, relator is allowed its attorney fees in the amount of \$42,891.25 and a refund of costs in the amount of \$140. Relator’s motion to amend its application for fees is denied as being moot.

MOYER, C.J., RESNICK, F.E. SWEENEY and COOK, JJ., concur.

DOUGLAS, J., concurs in part and dissents in part.

PFEIFER, J., dissents.

SUPREME COURT OF OHIO

STRATTON, J., not participating.

DOUGLAS, J., concurring in part and dissenting in part.

{¶ 4} The only portion of the \$71,896.64 for attorney fees and costs requested by relator that I would deny is the amount detailed for fee application preparation (\$4,378.75). I would grant to relator the balance requested for fees and costs (\$67,517.89). The more we make the violation of R.C. 149.43 hurt, the less the statute will be violated.
