

[Cite as *State ex rel. Lemley v. Mills*, 2013-Ohio-3886.]

COURT OF APPEALS
MORROW COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO, EX REL.,
ROGER W. LEMLEY

Relator

-vs-

VANESSA MILLS

Respondent

JUDGES:

Hon. John W. Wise, P. J.
Hon. Patricia A. Delaney, J.
Hon. Craig R. Baldwin, J.

Case No. 2013 CA 0005

OPINION

CHARACTER OF PROCEEDING:

Writ of Mandamus

JUDGMENT:

Dismissed

DATE OF JUDGMENT ENTRY:

September 9, 2013

APPEARANCES:

For Relator

For Respondent

ROGER W. LEMLEY
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Post Office Box 5398
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CHARLES S. HOWLAND
PROSECUTING ATTORNEY
60 East High Street
Mt. Gilead, Ohio 43338

Wise, P. J.

{¶1} Relator, Roger W. Lemley, has filed a complaint for writ of mandamus against Respondent, Vanessa Mills, who is the clerk of the Morrow County Court of Common Pleas.

{¶2} This cause of action arises out of public records requests made by Relator to Respondent for a copy of “Judgment Entry of Appellate case No. 2006CA0004 in the Fifth District Court of Appeals.”

{¶3} Respondent has filed a motion to dismiss stating that the requested record has been provided to Relator. Relator has not responded to the motion to dismiss.

{¶4} “Mandamus is the appropriate remedy to compel compliance with R.C. 149.43, Ohio's Public Records Act.” *State ex rel. Physicians Commt. for Responsible Medicine v. Ohio State Univ. Bd. of Trustees*, 108 Ohio St.3d 288, 2006-Ohio-903, 843 N.E.2d 174, ¶ 6; R.C. 149.43(C).

{¶5} The Supreme Court has held, “In general, providing the requested records to the relator in a public-records mandamus case renders the mandamus claim moot.” *State ex rel. Toledo Blade Co. v. Toledo–Lucas Cty. Port Auth.*, 121 Ohio St.3d 537, 2009–Ohio–1767, 905 N.E.2d 1221, ¶ 14.

{¶6} Because Relator has been provided the requested records, the instant complaint is moot. For this reason, the motion to dismiss is granted.

By: Wise, P. J.

Delaney, J., and

Baldwin, J., concur.

/s/ John W. Wise
HON. JOHN W. WISE

/s/ Patricia A. Delaney
HON. PATRICIA A. DELANEY

/s/ Craig R. Baldwin
HON. CRAIG R. BALDWIN

JWW/d 0820

