

[Cite as *State ex rel. Gibson v. Cleveland*, 2016-Ohio-5254.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 104280

STATE OF OHIO, EX REL.
DUANE GIBSON

RELATOR

vs.

CITY OF CLEVELAND

RESPONDENT

JUDGMENT:
COMPLAINT DISMISSED

Writ of Mandamus
Motion No. 495649
Order No. 497775

RELEASE DATE: August 3, 2016

FOR RELATOR

Duane Gibson, pro se
855 Carpenter Street
Akron, Ohio 44310

ATTORNEYS FOR RESPONDENT

Barbara A. Langhenry, Director
City of Cleveland Law Department
By: Elizabeth M. Williamson
City Prosecutor
601 Lakeside Avenue
Room 106
Cleveland, Ohio 44114

MARY J. BOYLE, J.:

{¶1} Duane Gibson has filed an amended complaint for a writ of mandamus pursuant to R.C. 149.43, the Ohio Public Records Act. Gibson seeks a copy of a video deposition that was conducted by the East Cleveland Police Department with regard to a murder investigation. Gibson argues that the video deposition is a public record pursuant to R.C. 149.43. Gibson further argues that the city of Cleveland, Barbara Langhenry, Cleveland Director of Law, Timothy McGinty, Cuyahoga County Prosecutor, and Kelli Perk, Assistant Cuyahoga County Prosecutor, possess the requested video deposition and are required to provide a copy of the requested video deposition under R.C. 149.43.

{¶2} Gibson's amended complaint is defective because he failed to name the proper respondents and did not include their addresses in the caption of the amended complaint. Civ.R. 10(A); *State ex rel. Sherrills v. State*, 91 Ohio St.3d 133, 742 N.E.2d 651 (2001); *State ex rel. Keener v. Amberley*, 80 Ohio St.3d 292, 293, 685 N.E.2d 1247 (1997); *State ex rel. Tate v. Callahan*, 8th Dist. Cuyahoga No. 85615, 2005-Ohio-1202; *State ex rel. Jackson v. Lucas Cty.*, 6th Dist. Lucas No. L-96-049, 1996 Ohio App. LEXIS 1138 (Mar. 5, 1996); *State ex rel. Lacavera v. Court of Common Pleas*, 8th Dist. Cuyahoga No. 77359, 2000 Ohio App. LEXIS 773 (Mar. 2, 2000).

{¶3} Accordingly, we dismiss Gibson's complaint for a writ of mandamus. Costs to Gibson. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{¶4} Complaint dismissed.

MARY J. BOYLE, JUDGE

EILEEN A. GALLAGHER, P.J., and
EILEEN T. GALLAGHER, J., CONCUR