

In The Supreme Court of Ohio

State ex rel.,	:	
ESTEPHEN CASTELLON,	:	
	:	Case No. 2024-0201
Relator,	:	
	:	
v.	:	
	:	Original Action in Mandamus
KELLY ROSE, et al.,	:	
	:	
Respondents.	:	

RESPONDENTS’ ANSWER TO RELATOR’S
PETITION FOR A WRIT OF MANDAMUS

DAVE YOST
Attorney General of Ohio

Estephen Castellon
107 A. North Summit Ave, #9
Gaithersburg, MD 20877

Pro Se

MATTHEW CONVERY (0095704)
Senior Assistant Attorney General
Ohio Attorney General’s Office
Criminal Justice Section
Corrections Litigation Unit
30 E. Broad Street, 23rd Floor
Columbus, Ohio 43215
614-644-7233/Fax: (877) 651-4820
Matthew.Convery@OhioAGO.gov

Counsel for Respondents

NOW COMES Kelly Rose and Ohio Department of Rehabilitation and Correction, by and through counsel, and hereby states the following as their Answer to the Petition:

1. Respondents admit this Court has jurisdiction to determine this matter. Respondents deny any remaining allegations contained in the “introduction (sic) and jurisdiction” of Relator’s Petition.
2. Respondents admit that Kelly Rose is an employee of the Ohio Department of Rehabilitation and Correction. Respondents further admit that Ohio Department of Rehabilitation and Correction is a public office. Respondents deny any remaining allegations contained in the section titled “Parties” of Relator’s Petition.
3. In response to the section of Relator’s Petition titled “Relief Sought,” Respondents affirm that they have provided the entirety of the records Relator requested. Respondents deny all remaining allegations within Relator’s section titled “Relief Sought.”
4. In response to section of Relator’s Petition titled “Facts” Respondents deny any allegations contained within this section.
5. The section of Relator’s Petition titled “claim for relief” does not require a response. Notwithstanding, Respondents have provided the entirety of the records Relator seeks. Moreover, Relator is a *pro se* litigant, not an attorney, and is therefore not entitled to attorney fees. Respondents deny any and all remaining allegations.
6. Respondents deny any and all other allegations not otherwise admitted as true or addressed herein.

AFFIRMATIVE DEFENSES

1. Respondents have provided the entirety of the records Relator seeks.
2. Relator failed to allow Respondents a reasonable amount of time to respond to his request.

3. Relator did not pay in advance for the copies of the requested document he sought.
4. Relator's request was vague or otherwise unintelligible, and Relator did not respond or otherwise cooperate with Respondents to assist in clarifying his request.
5. Relator's Petition is barred for mootness.
6. Relator is not entitled to a writ of mandamus.
7. Relator is not entitled to statutory damages pursuant to R.C. Section 149.43.
8. Although Respondents fully maintain that Relator is not entitled to the Writ of Mandamus he requests, if granted, Relator is only entitled to one day of damages, amounting to a total of \$100.00.
9. Additional records responsive to Relator's request do not exist.
10. Respondents complied with all necessary aspects of responding to Relator's public records request.
11. Respondents reserve the right to assert such additional affirmative defenses as may become appropriate upon prior notice to Relator.

WHEREFORE Respondent respectfully requests that this Court issue an order dismissing Relator's Petition with prejudice, assessing costs to Relator, and awarding any other relief deemed necessary and just by the Court.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/Matthew Convery
MATTHEW CONVERY (0095704)
Senior Assistant Attorney General
Ohio Attorney General's Office
Criminal Justice Section
Corrections Litigation Unit
30 E. Broad Street, 23rd Floor
Columbus, Ohio 43215
614-644-7233/Fax: (877) 651-4820
Matthew.Convery@OhioAGO.gov

Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Respondents' Answer to Relator's Petition for a Writ of Mandamus* has been electronically filed on June 20, 2024, and mailed to Relator Estephen Castellon, 107 A North Summit Ave. #9, Gaithersburg, MD 20877 via U.S. mail, postage prepaid.

s/Matthew Convery
MATTHEW CONVERY (0095704)
Senior Assistant Attorney General