

[Cite as *Grant v. Ohio Dept. of Rehabilitation & Corr.*, 2022-Ohio-1356.]

DENNIS D. GRANT	Case No. 2022-00114PQ
Requester	Special Master Jeff Clark
v.	<u>RECOMMENDATION TO DISMISS</u> <u>WITHOUT PREJUDICE</u>
OHIO DEPARTMENT OF REHABILITATION AND CORRECTION, CORRECTIONAL RECEPTION CENTER	
Respondent	

{¶1} The Ohio Public Records Act (PRA) requires copies of public records to be made available to any person upon request. R.C. 149.43(B)(1). This action is filed under R.C. 2743.75, which is intended “to provide for an expeditious and economical procedure” to enforce the PRA in the Court of Claims. R.C. 2743.75(A)

{¶2} On May 12, 2021, July 8, 2021, August 12, 2021, August 13, 2021, August 16, 2021, August 17, 2021, September 23, 2021, November 17, 2021, and January 11, 2022, requester Dennis Grant sought records from respondent Ohio Department of Rehabilitation and Correction, Correctional Reception Center (ODRC/CRC)

generally pertaining to employees of the ODRC whom [Grant's client] believed would constitute valid “comparables” in connection with her pending employment civil rights violation allegations.

(Complaint at 2.) By requester's count the complaint includes approximately 115 partially overlapping records requests, almost all allegedly unfulfilled. (*Id.* at 2-7.) The complaint establishes that litigation of these requests would require determination of numerous and diverse claims, an undetermined but large number of documents, and public records exceptions and other defenses including but not limited to:

- ambiguity, overbreadth, and voluminosity
- requests for information rather than records
- non-existence of records

- mootness
- exceptions under R.C. 4141.21
- exceptions under R.C. 5120.21(F)
- likely multiple security and privacy exceptions related to law enforcement
- extent of redaction

{¶3} In this special statutory action, the special master may *sua sponte* consider whether a complaint should be dismissed for any reason. “Upon the recommendation of the special master, the court of claims on its own motion may dismiss the complaint at any time.” R.C. 2743.75(D)(2). On review, the special master concludes that resolution of this dispute is unlikely to be expeditiously litigated under the procedures available in R.C. 2743.75. The public records law sophistication of the parties suggests that mediation is unlikely to resolve any substantial portion of the unfulfilled requests. Because the parties may not conduct discovery, R.C. 2743.75(E)(3)(a), the determination of fact-dependent claims would likely require multiple factual inquiries by the special master under R.C. 2743.75(E)(3)(c). Records subject to judicial review in camera for applicability of claimed exceptions and extent of permitted redaction would likely be voluminous. In contrast, civil discovery and less restrictive timelines are available to the requester through his alternative remedy in a mandamus action pursuant to R.C. 149.43(C)(2). The volume and variety of requests, legal issues, and factual questions in requester’s complaint is simply inconsistent with the statutory intent, timelines, and procedures provided in R.C. 2743.75.

{¶4} The special master therefore recommends that the complaint be dismissed without prejudice pursuant to R.C. 2743.75(C)(2).¹

JEFF CLARK
Special Master

Filed March 8, 2022
Sent to S.C. Reporter 4/25/22

¹ The special master's determinations and recommendation made under the particular facts and circumstances of this case are not intended to set any bright line precedent for future recommendations.