

[Cite as *Hunt Eng., L.L.C. v. Ohio Environmental Protection Agency*, 2022-Ohio-3557.]

HUNT ENGINEERING, LLC

Requester

v.

OHIO ENVIRONMENTAL PROTECTION
AGENCY

Respondent

Case No. 2022-00243PQ

Judge Patrick E. Sheeran

JUDGMENT ENTRY

{¶1} On August 23, 2022, a Special Master issued a Report and Recommendation (R&R) in this public-records case. The Special Master

recommends the court dismiss the claim for production of a privilege log for failure to state a claim for which relief may be granted. The Special Master recommends the court find that respondent failed to properly raise the defense of ambiguity or overbreadth as required by R.C. 149.43(B)(2). The Special Master recommends the court deny the claim for production of records for failure of proof by clear and convincing evidence that additional responsive records exist. The Special Master further recommends the court find that three months between each of requester’s revised requests and the first production of records was an unreasonable period of time in violation of R.C. 149.43(B)(1). It is recommended that costs be assessed equally between the parties.

(R&R, 10-11.)

{¶2} Neither party has timely objected to the Report and Recommendation, as permitted by R.C. 2743.75(F)(2). Pursuant to R.C. 2743.75(F)(2), if neither party timely objects to a special master’s report and recommendation, then this Court is required to “promptly issue a final order adopting the report and recommendation, unless it

determines that there is an error of law or other defect evident on the face of the report and recommendation.”

{¶3} Upon review, the Court determines that there is no error of law or other defect evident on the face of the Report and Recommendation. The Court therefore adopts the Report and Recommendation in accordance with R.C. 2743.75(F)(2). Because Respondent denied Requester access to public records in violation of R.C. 149.43(B), Requester is entitled to recover from Respondent the amount of the filing fee of twenty-five dollars and any other costs associated with the action that are incurred by Requester, excepting attorney fees. Court costs are assessed equally to Requester and Respondent. The Clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

PATRICK E. SHEERAN
Judge