

IN THE COURT OF CLAIMS OF OHIO

MATTHEW STATON

Requester

v.

VILLAGE OF TIMBERLAKE

Respondent

Case No. 2023-00128PQ

Judge Lisa L. Sadler

JUDGMENT ENTRY

{¶1} In this public-records case, a Special Master has issued a Report and Recommendation (R&R). The Special Master recommends that Requester’s filing of April 18, 2023, which is labeled “Motion in Opposition to Respondent’s Motion to Dismiss or in the Alternative Relief,” be treated as one to amend Requester’s complaint and that Requester’s amendment be allowed. In support, the Special Master notes: “Although [Requester] did not expressly state that he was seeking to amend his complaint, [Requester’s] intent to add that new claim is clear.” (R&R, 3.) The Special Master further notes that Respondent was provided with “an opportunity to address the propriety of adding the claim, and [Respondent] did not object. The result is also supported by the lack of prejudice; [Respondent] was given, and used, the opportunity to respond to the claim on the merits. Finally, that result would be consistent with Civ. R. 15(A)’s direction that amendments be freely allowed.” (R&R, 3.)

{¶2} Additionally, the Special Master recommends the following:

- (1) Requester’s claim for production of certain unredacted police reports be denied as moot;
- (2) Requester’s claim that Respondent’s delay in producing the unredacted police reports violated R.C. 149.43(B)(1) be sustained;
- (3) Requester recover his filing fees and the costs of this case; and
- (4) Requester be denied the other relief he seeks.

(R&R, 7.)

{¶3} Neither Requester nor Respondent has filed timely written objections to the Report and Recommendation in accordance with R.C. 2743.75(F)(2). Pursuant to R.C. 2743.75(F)(2), if neither party timely objects, then this Court “shall 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.” Upon independent review, the Court finds 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.

{¶4} In accordance with the Special Master’s recommendations, Requester’s filing of April 18, 2023, is construed as motion for leave to amend the Complaint. The Court GRANTS Requester’s motion, as construed, and ACCEPTS Requester’s amendment. The Court denies Requester’s claim for production of certain unredacted police reports as moot, sustains Requester’s claim that Respondent’s delay in producing the unredacted police reports violated R.C. 149.43(B)(1), and denies the other relief sought by Requester. The Court ORDERS that 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 to Respondent. The Clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

LISA L. SADLER
Judge