

IN THE COURT OF CLAIMS OF OHIO

JONATHAN DOUGLAS SEIVERTH

Requester

v.

CITY OF PERRYSBURG

Respondent

Case No. 2022-00850PQ

Judge Lisa L. Sadler

JUDGMENT ENTRY

{¶1} In this public-records case, Requester Jonathan Douglas Seiverth seeks certain records from Respondent City of Perrysburg. After mediation failed to successfully resolve all disputed issues between the parties, Respondent moved to dismiss Requester’s complaint for failure to state a claim.

{¶2} Pursuant to R.C. 2743.75(F)(1), a Special Master has issued a Report and Recommendation (R&R). The Special Master recommends denying Respondent’s motion to dismiss. (R&R, 3-4). The Special Master further recommends:

- Respondent be ordered to produce to Requester unredacted copies of all records that were redacted based on attorney-client privilege and/or R.C. 3707.17 [sic].
- Respondent be ordered to produce to Requester all records filed with the court for in camera review.
- Requester recover his filing fee and the costs he incurred in connection with this case.

(R&R, 11.)

{¶3} Neither party has filed timely objections 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, 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

typographical errors referencing R.C. 3707.17, instead of R.C. 3701.17, in the Report and Recommendation. See R&R at 1, 11. The Court further finds, however, that the Special Master has correctly applied R.C. 3701.17. The Court also finds no error of law or other defect evident on the face of the Report and Recommendation. The Court adopts the Report and Recommendation, excepting the typographical errors.

{¶4} In accordance with the Special Master's recommendations, the Court DENIES Respondent City of Perrysburg's 12(B)(6) Motion To Dismiss Requester's Complaint (filed on June 14, 2023); the Court ORDERS Respondent to produce to Requester unredacted copies of all records that were redacted based on attorney-client privilege or R.C. 3701.17, or both, and all records filed with the Court for in camera review; and 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