

IN THE COURT OF CLAIMS OF OHIO

JANINE MATIS

Requester

v.

TOLEDO POLICE DEPARTMENT

Respondent

Case No. 2023-00600PQ

Judge Lisa L. Sadler

JUDGMENT ENTRY

{¶1} In this public-records case, a Special Master has issued a Report and Recommendation (R&R) in which the Special Master recommends that:

- Respondent be ordered to produce unredacted copies of the records previously produced except for redactions any squarely supported by R.C. 149.43(A)(2)(d) within 30 days of an entry of a R.C. 2743.75(F)(2) order in this case.
- Respondent be ordered to produce copies of the records listed in table 1 to this report and recommendation subject to redactions squarely supported by R.C. 149.43(A)(2)(d) or to certify that no such records exist within 30 days of an entry of a R.C. 2743.75(F)(2) order in this case.
- Requester recover her filing fee and costs in this action.
- Respondent bear the balance of the costs in this case.
- That all other relief be denied.

(R&R, 12.)¹

¹ R.C. 149.43(A)(2) concerns “confidential law enforcement investigatory records.” Pursuant to R.C. 149.43(A)(2), a “confidential law enforcement investigatory record” “means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following: * * * (d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.”

{¶2} 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.

{¶3} In accordance with the Special Master’s recommendations, the Court ORDERS the following:

- (1) Respondent shall produce to Requester unredacted copies of the records previously produced except for redactions any squarely supported by R.C. 149.43(A)(2)(d) *within 30 days* of the date of this Judgment Entry.
- (2) Respondent shall produce to Requester copies of the records listed in Table 1 to the Special Master’s Report and Recommendation subject to redactions squarely supported by R.C.149.43(A)(2)(d) or to certify that no such records exist *within 30 days* of the date of this Judgment Entry.
- (3) 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 the Requester, excepting attorney fees.
- (4) Court costs are assessed against Respondent.
- (5) All other relief is denied.

{¶4} The Clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

LISA L. SADLER
Judge