

IN THE COURT OF CLAIMS OF OHIO

BRODY DYER

Requester

v.

GREAT PARKS OF HAMILTON
COUNTY

Respondent

Case No. 2025-01029PQ

Special Master Sarah Pierce

RECOMMENDATION FOR DISMISSAL

{¶1} This matter is before me following a R.C. 2743.75(D)(2) examination of the complaint and amended complaint. Based on that examination, I recommend that this case be dismissed because it fails to state a claim.

I. Background

{¶2} On December 22, 2025, Requester Brody Dyer filed his original public records complaint. In that filing, Mr. Dyer alleged that he made a public records request on November 22, 2025. Mr. Dyer generally claimed that his request asked for “records relating to unrecovered-deer incidents in the Great Parks bowhunting program” and that he

sought copies of existing records, including but not limited to: a. Records concerning the unrecovered deer incident involving Steve Townsley in November 2022; b. Documentation regarding tagging, game check, or reporting of that deer; c. Internal communications relating to the incident; and d. Any discipline, review, or determination records associated with the incident.

Complaint, filed Dec. 22, 2025, p. 1, 3.

{¶3} After reviewing the original complaint, I did not find a copy of the November 22 public records request attached. I therefore ordered Mr. Dyer to file an amended complaint that attached the November 22 public records request. *Order, entered Jan. 5, 2026.*

{¶4} On January 7, 2026, Mr. Dyer timely filed an amended complaint. That filing, however, did not contain a copy of the November 22 public records request as ordered. *See generally, Am. Complaint, filed Jan. 7, 2026.*

II. Analysis

{¶5} Revised Code 2743.75(D)(2) authorizes the special master to recommend dismissal of public records complaints in appropriate cases. Dismissal is appropriate if the complaint fails to state a claim upon which relief can be granted. *Thompson v. Cuyahoga Cty. Sheriff's Dept.*, 2018-Ohio-1577, ¶ 11 (Ct. of Cl.); *Paramount Advantage v. Ohio Dept. of Medicaid*, 2021-Ohio-4180, ¶ 27 (Ct. of Cl.); *see also State ex rel. Fogle v. Steiner*, 74 Ohio St.3d 158, 161 (1995) (noting “sua sponte dismissal without notice is appropriate where . . . the claimant obviously cannot prevail on the facts alleged in the complaint”).

{¶6} Revised Code 2743.75(D) requires a requester to “attach to the complaint copies of the original records request[.]” This initial submission is important because this statutory public records dispute process is intended to be expeditious and economical. R.C. 2743.45(A). This court has limited fact-finding ability. *See* R.C. 2743.45(E)(3). A requester must therefore make an initial showing that there is a pending, valid public records request to adjudicate. *Welsh-Huggins v. Jefferson Cty. Prosecutor's Office*, 163 Ohio St.3d 337, 2020-Ohio-5371, 170 N.E.3d 768, ¶ 33 (holding a party invoking R.C. 2743.75 must “plead . . . facts showing that the requester sought an identifiable public record pursuant to R.C. 149.43(B)(1)”). A requester’s right to judicial relief is fixed by the scope of the request pending when the case is filed and cannot be amended through the litigation process. *Ryan v. City of Ashtabula*, 2023-Ohio-621, ¶ 11, adopted 2023-Ohio-1487 (Ct. of Cl.).

{¶7} The public records request Mr. Dyer seeks to adjudicate is unclear. On the one hand, Mr. Dyer’s complaint alleges that, through his November 22 request, he generally sought “records relating to unrecovered-deer incidents in the Great Parks

bowhunting program[.]” *Compl.*, p. 1; *Am. Compl.*, Dec. 12, 2025 complaint form. Mr. Dyer further states in his complaint that he seeks “copies of existing records, *including but not limited to*: a. Records concerning the unrecovered deer incident involving Steve Townsley in November 2022, [etc.]” *Compl.*, p. 3 ¶ 5; *Am. Compl.*, p. 1 ¶ 5 (emphasis added). This request is both more specific than the complaint form (narrowing the request to a particular incident in November 2022) and more inclusive (asking for records not limited to this incident).

{¶8} The remaining documents attached to Mr. Dyer’s complaint do not provide any more clarity. Mr. Dyer includes a response letter he received from Respondent’s counsel on December 19, 2025. *Compl.*, p. 6-10; *Am. Compl.*, attached letter. That letter appears to both re-state Mr. Dyer’s public records request and provide a response. This response letter, however, was provided after Respondent received Mr. Dyer’s R.C. 149.43(C) cure complaint. *Compl.*, p. 4 ¶ 9-11; *Am. Compl.*, p. 2 ¶ 9-11. It is not clear if the response letter quotes the original public records request, or some restatement of the request that appeared in Mr. Dyer’s cure complaint. Further, the request language quoted in the response letter does not align with the allegations elsewhere in Mr. Dyer’s complaint. The request language cites other specific deer recovery incidents, asks for “discipline records” about several named individuals, and asks for “internal discipline” records used by Respondent.

{¶9} In short, the complaint does not demonstrate that a request for specific, identifiable public records was made. It therefore provides no basis for a claim. *See Hunt Eng., LLC v. Ohio EPA*, 2022-Ohio-3141, ¶ 15, 16, adopted 2022-Ohio-3557 (Ct. of Cl.) (dismissing case because lack of R.C. 2743.45(D)(1) documentation prevented the court from accurately analyzing the claims asserted). Mr. Dyer had an opportunity to cure this deficiency and did not do so. *See Ohio Crime Victim Justice Ctr. v. City of Cleveland Police Div.*, 2017-Ohio-8950, ¶ 6, adopted Dec. 12, 2017 (Ct. of Cl.) (requester filed original public records request as ordered by court, curing deficiency); *Andes v. Ohio Attorney General’s Office*, 2017-Ohio-4251, ¶ 7, adopted May 31, 2017 (Ct. of Cl.) (same). I therefore recommend this case be dismissed.

III. Conclusion.

{¶10} Based on the foregoing, I recommend that the court:

- A. Dismiss this case pursuant to R.C. 2743.75(D)(2) without prejudice.
- B. Assess costs against requester.

SARAH PIERCE
Special Master

Filed January 15, 2026
Sent to S.C. Reporter 2/13/26