[Cite as *State ex rel. Bristow v. Wilson*, 2018-Ohio-1973.]

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
ERIE COUNTY

State of Ohio, ex rel. Lonny Bristow
Relator

v.

Luvada Wilson, et al.
Respondents

and

State of Ohio, ex rel. Lonny Bristow
Relator

v.

Tygh Tone, Judge
Respondent

and

State of Ohio, ex rel. Lonny Bristow
Relator

v.

Kevin Baxter, et al.
Respondents

Court of Appeals No. E-17-060

Court of Appeals No. E-17-067

Court of Appeals No. E-17-070

DECISION AND JUDGMENT

Decided: May 18, 2018

* * * * *

Lonny Bristow, pro se.

Kevin J. Baxter, Erie County Prosecuting Attorney,
Gerhard R. Gross, and Mark P. Smith, Assistant Prosecuting
Attorneys, for respondents.

* * * * *

PER CURIAM.

{¶ 1} This consolidated matter is before the court on cross-motions for summary judgment filed by the parties. Respondents, Luvada Wilson, Roger Binette, Paul Sigsworth, Kevin Baxter, Gerhard Gross, and Tygh Tone, filed a motion to dismiss on January 19, 2018, that we converted to a motion for summary judgment by order issued on March 15, 2018. Relator, Lonny Bristow, filed a motion for summary judgment on January 22, 2018.[1] Pursuant to our March 15 order, both parties filed supplemental memoranda. Bristow filed his memorandum on March 16, 2018, and respondents filed theirs on April 13, 2018. Also before the court is Bristow's January 22, 2018 motion for sanctions. Respondents filed an opposition on February 2, 2018. Bristow filed a reply on February 5, 2018. These matters are now decisional.

[1] In our March 15 order we mistakenly stated that Bristow's motion for summary judgment did not include any exhibits. The exhibits were with the motion, and we will consider them as allowed by Civ.R. 56(C).

I. Motions for Summary Judgment

A. Background

{¶ 2} Although we comprehensively addressed the background of this case in our March 15 order, we will briefly summarize the facts pertinent to the motions for summary judgment. The issues before us stem from three petitions for writs of mandamus that Bristow filed on December 6, 2017, January 4, and March 16, 2018.[2] Bristow's petitions seek orders compelling respondents, who are all (with the exception of Gross) Erie County elected officials, to comply with Bristow's public records requests for a variety of emails, employment applications, and personnel files. Despite initially requesting more records, Bristow narrowed his requests in his motion for summary judgment and his amended petition in case No. E-17-060. Based on Bristow's filings, only the following disputed requests remain for our consideration:[3] all emails sent and received by Wilson and one of her employees from September 3 to October 3, 2017; all emails sent and received by Sigsworth and one of his employees from September 3 to October 3, 2017; all emails sent and received by Binette from September 3 to October 3,

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[2] The petition in case No. E-17-060 was originally filed on December 6, 2017, but pursuant to our March 15 order, Bristow filed an amended petition on March 16, 2018.

[3] We need not address claims raised in a petition for a writ of mandamus but not specifically argued in the merit briefs. *State ex rel. Glasgow v. Jones*, 119 Ohio St.3d 391, 2008-Ohio-4788, 894 N.E.2d 686, ¶ 26, citing *State ex rel. Ohio Gen. Assembly v. Brunner*, 114 Ohio St.3d 386, 2007-Ohio-3780, 872 N.E.2d 912, ¶ 26, fn. 4. To the extent that Bristow's petitions seek any documents other than the ones listed, we find that Bristow abandoned those claims and we decline to consider them.

2017; the personnel files for Baxter and two of his employees; all emails sent and received by Tone from September 3 to October 3, 2017; and all emails sent and received by Baxter and 12 of his employees from October 13 to November 13, 2017.

{¶ 3} In his motion for summary judgment, Bristow argues that the records he requested from respondents are all public records and respondents have wrongfully refused to provide him with the records. Respondents counter that Bristow's requests for "every incoming and outgoing e mail [sic]" in case Nos. E-17-060 and E-17-067, and "all incoming and outgoing e mails [sic]" in case No. E-17-070 are ambiguous and overly broad, Baxter does not maintain a personnel file on himself, and any personnel files that Baxter maintains on his employees do not fall within the definition of a public record in R.C. 149.43.

B. Summary Judgment Standard

{¶ 4} The court can grant a motion for summary judgment only when the moving party demonstrates:

> (1) that there is no genuine issue as to any material fact; (2) that the moving party is entitled to judgment as a matter of law; and (3) that reasonable minds can come to but one conclusion, and that conclusion is adverse to the party against whom the motion for summary judgment is made, who is entitled to have the evidence construed most strongly in his

favor. *Harless v. Willis Day Warehousing Co.*, 54 Ohio St.2d 64, 66, 375 N.E.2d 46 (1978); Civ.R. 56(C).

{¶ 5} The party seeking summary judgment must specifically delineate the basis upon which the motion is brought and identify those portions of the record that demonstrate the absence of a genuine issue of material fact. *Dresher v. Burt*, 75 Ohio St.3d 280, 293, 662 N.E.2d 264 (1996); *Mitseff v. Wheeler*, 38 Ohio St.3d 112, 526 N.E.2d 798 (1988), syllabus. When a properly supported motion for summary judgment is made, an adverse party may not rest on mere allegations or denials in the pleadings, but must respond with specific facts showing that there is a genuine issue of material fact. Civ.R. 56(E); *Riley v. Montgomery*, 11 Ohio St.3d 75, 79, 463 N.E.2d 1246 (1984). The opposing party must do so using "pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact * * *." Civ.R. 56(C). A "material" fact is one that would affect the outcome of the suit under the applicable substantive law. *Russell v. Interim Personnel, Inc.*, 135 Ohio App.3d 301, 304, 733 N.E.2d 1186 (6th Dist.1999); *Needham v. Provident Bank*, 110 Ohio App.3d 817, 827, 675 N.E.2d 514 (8th Dist.1996), citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986).

C. Law and Analysis

{¶ 6} Bristow seeks writs of mandamus compelling respondents to provide him with documents that he alleges are public records. Respondents maintain that Bristow is not entitled to any of the records that he requests.

{¶ 7} "Ohio's Public Records Act requires a public office or person responsible for public records to promptly disclose a public record * * *," subject to the exceptions in R.C. 149.43(A)(1). *State ex rel. Toledo Blade Co. v. City of Toledo*, 6th Dist. Lucas No. L-12-1183, 2013-Ohio-3094, ¶ 6. Under R.C. 149.43(A)(1), a "public record" is defined as "records kept by any public office * * *." A "public office" is "any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government." R.C. 149.011(A). "Records" include "any document, device, or item, regardless of physical form or characteristic, including an electronic record * * *, created or received by or coming under the jurisdiction of any public office * * *, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office." R.C. 149.011(G). The content of a record maintained by a public office determines whether it is a "public record," as defined in R.C. 149.43 and 149.011. *See State ex rel. Wilson-Simmons v. Lake Cty. Sheriff's Dept.*, 82 Ohio St.3d 37, 41, 693 N.E.2d 789 (1998), quoting *State ex rel. Steffen v. Kraft*, 67 Ohio St.3d 439, 440, 619 N.E.2d 688 (1993) ("R.C. 149.43(A)(1) 'does not define a "public record" as

any piece of paper on which a public officer writes something.'"); *Wagner v. Huron Cty. Bd. of Cty. Commrs.*, 6th Dist. Huron No. H-12-008, 2013-Ohio-3961, ¶ 22.

{¶ 8} Mandamus is the appropriate remedy for compelling compliance with the Public Records Act. *State ex rel. Cincinnati Enquirer v. Sage*, 142 Ohio St.3d 392, 2015-Ohio-974, 31 N.E.3d 616, ¶ 10. A person seeking a writ of mandamus to compel a public office to comply with a public records request must establish two elements by clear and convincing evidence: (1) the relator has a clear legal right to the requested relief and (2) the opposing party has a clear legal duty to provide the relief. *State ex rel. Carr v. London Corr. Inst.*, 144 Ohio St.3d 211, 2015-Ohio-2363, 41 N.E.3d 1203, ¶ 20. Although the Public Records Act is liberally construed in favor of the party seeking access, the relator must still establish his right to a writ of mandamus by clear and convincing evidence. *Id.* at ¶ 19.

1. Bristow's Requests for Emails are Overly Broad

{¶ 9} The first category of records that Bristow seeks to access is "every incoming and outgoing e mail [sic]" sent by respondents and their employees for various one-month periods. Respondents denied the requests because, among other reasons, they were overly broad and ambiguous. We agree with respondents that Bristow's requests are so broad that respondents cannot be required to provide the requested records.

{¶ 10} Both R.C. 149.43(B)(2) and Ohio case law restrict public records requests to those that are not ambiguous, overly broad, or all encompassing. *See State ex rel.*

Zidonis v. Columbus State Community College, 133 Ohio St.3d 122, 2012-Ohio-4228, 976 N.E.2d 861, ¶ 21-22. Overly broad requests do not trigger a public office's duty under R.C. 149.43 to permit inspection or copying of public records because the Public Records Act does not contemplate that a person is entitled to a "complete duplication" of a public office's "voluminous files." *Glasgow*, 119 Ohio St.3d 391, 2008-Ohio-4788, 894 N.E.2d 686, at ¶ 17; *State ex rel. Verhovec v. City of Northwood*, 6th Dist. Wood No. WD-13-002, 2013-Ohio-5074, ¶ 21. Correspondingly, Ohio courts widely hold that requests for broad categories of information (as opposed to specific information) are overly broad requests to which a public office need not respond. *See, e.g.*, *Zidonis* (request for "complaint files and litigation files" for the six-year period designated in the public office's records retention schedule was overly broad); *Glasgow* (request for "all" emails, text messages, and correspondence sent and received by a state representative over a six-month period was overly broad, although relator's request for "all" emails relating to a certain subject was proper under R.C. 149.43); *State ex rel. Dillery v. Icsman*, 92 Ohio St.3d 312, 750 N.E.2d 156 (2001) (in appeal regarding attorney fees in a public records case, the court noted that relator's request for "any and all" records referencing relator was overly broad); *Verhovec* (request for all digital images captured by a city's traffic photo-enforcement program over a six-year period was overly broad); *State ex rel. Zauderer v. Joseph*, 62 Ohio App.3d 752, 577 N.E.2d 444 (10th Dist.1989) (request for "any and all traffic accident reports of record" was overly broad). *Compare*

Carr, 144 Ohio St.3d 211, 2015-Ohio-2363, 41 N.E.3d 1203 (an inmate's request for emails sent by an identified individual to an identified department over a two-month period was not overly broad).

{¶ 11} The person requesting public records is responsible for identifying the records he wants with reasonable clarity so that the public office can respond appropriately. *State ex rel. Morgan v. Strickland*, 121 Ohio St.3d 600, 2009-Ohio-1901, 906 N.E.2d 1105, ¶ 14. When a public office receives a request that is overly broad "such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested * * *," the office is permitted to deny the request, but is required to provide the requester with an opportunity to revise the request "by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties." R.C. 149.43(B)(2). We look to the totality of the facts and circumstances of the case to determine whether a request is overly broad. *Zidonis* at ¶ 26.

{¶ 12} In this case, we find that Bristow's requests for every email sent and received by respondents and their employees are overly broad. Bristow essentially seeks a complete duplication of the respondents' email files, albeit in one-month increments. Ohio's public records cases establish that public records requests must be more narrowly-tailored than a blanket request for all documents of a certain type. *See Zidonis*; *Glasgow*; *Verhovec*. Bristow's requests fail to meet this standard.

{¶ 13} We also find that respondents complied with R.C. 149.43(B)(2) when they denied Bristow's requests for emails. Respondents denied each of Bristow's requests as ambiguous and overly broad, but invited Bristow to revise his requests (which Bristow declined to do). Although respondents' denials do not mirror the statutory language, we nonetheless find that respondents' offer of an opportunity to narrow the requests to "specific topics or subject matter"—indicating that respondents organize their email files by subject—is sufficient to comply with R.C. 149.43(B)(2) and achieve the Public Records Act's overarching goal of "expos[ing] government activity to public scrutiny, which is absolutely essential to the proper working of a democracy." *State ex rel. Gannett Satellite Information Network v. Petro*, 80 Ohio St.3d 261, 264, 685 N.E.2d 1223 (1997).

{¶ 14} Moreover, Bristow's contention that his requests are not overly broad because he limits each request to a one-month period is misplaced. In support of this argument, Bristow relies on our prior judgment in *State ex rel. Bristow v. Rinna*, 6th Dist. Lucas No. L-11-1118 (Dec. 14, 2011). In *Rinna*, Bristow filed a public records request with Rinna, the records custodian for Toledo Correctional Institution, seeking all use-of-force reports for a one-month period. Rinna denied the request, and Bristow filed a petition for a writ of mandamus compelling Rinna to provide the reports. One of Rinna's reasons for denying the request was that it was ambiguous and overly broad because Bristow did not specify whether he wanted supervisor's reports or committee reports.

We summarily rejected this argument. Contrary to Bristow's belief, however, we did not hold that requesting one month's worth of public records is never ambiguous or overly broad. Rather, we determined that Bristow's request *in that case* was not ambiguous or overly broad.

{¶ 15} Whether a public records request is properly denied can only be determined by examining the facts and circumstances of the case. *Zidonis*, 133 Ohio St.3d 122, 2012-Ohio-4228, 976 N.E.2d 861, at ¶ 26. In *Rinna*, we found, based on the facts and circumstances of the case, that Bristow's request for a specific, narrow category of reports for a discrete period of time was not overly broad or ambiguous. In this case, however, Bristow's general requests for every email sent and received by certain public employees—without more—do not supply sufficient information to allow respondents to provide him with responsive documents. That Bristow only requested every email for short periods of time does not cure the ambiguity and overbreadth of such generic requests.

{¶ 16} Because Bristow's requests for emails are overly broad, we find that the requests did not trigger respondents' duty under R.C. 149.43(A)(1) to promptly provide public records. Thus, Bristow is not clearly and convincingly entitled to a writ of mandamus compelling respondents to comply with his requests for emails.

2. Bristow's Requests for Personnel Records are Moot

{¶ 17} The second category of records that Bristow seeks is personnel records. Bristow requested the files for Baxter and two prosecutor's office employees. Baxter and Gross, who is responsible for responding to public records requests sent to the prosecutor's office, initially told Bristow that they did not have any records responsive to the request for Baxter's personnel file and denied the requests for the employees' files because the requested documents are not public records. But in the April 13, 2018 affidavit submitted by respondents with their supplemental memorandum on summary judgment, Mark Smith, the assistant prosecuting attorney who is representing respondents, avers that he "has personal knowledge that Lonny Bristow was sent and received the personnel files as requested in Amended Petition for Mandamus in Case E-17-0060 [sic], for Kevin Baxter, Paul Schnittker, and Brenda Oeder." Although Bristow's affidavit included with his January 22 motion for summary judgment indicates that he had not received any of the personnel file documents that he requested, he did not make the same claim in his affidavit included with his March 16 supplemental memorandum, nor did he seek leave to file an affidavit or other proof that might refute Smith's April 13 affidavit.

{¶ 18} Based on the parties' filings, we find that Bristow's request for personnel files is moot. A public office's provision of requested records moots a relator's mandamus claim. *See Glasgow*, 119 Ohio St.3d 391, 2008-Ohio-4788, 894 N.E.2d 686,

at ¶ 27, citing *State ex rel. Toledo Blade Co. v. Ohio Bur. of Workers' Comp.*, 106 Ohio St.3d 113, 2005-Ohio-3549, 832 N.E.2d 711, ¶ 16. The evidence shows that respondents have abandoned their opposition to providing the personnel files and have given Bristow access to the files. Accordingly, we find that Bristow's petition for a writ of mandamus in case No. E-17-060 is moot to the extent that it requests records that respondents have already provided.

II. Bristow is not entitled to Sanctions against Respondents

{¶ 19} The final motion pending in this matter is Bristow's motion for sanctions under Civ.R. 11 and R.C. 2323.51. He alleges that respondents engaged in multiple incidents of sanctionable conduct. Respondents contend that they did not engage in frivolous conduct and Bristow's assertions to the contrary are baseless. After reviewing the record, we conclude that sanctions against respondents or their counsel are not warranted under Civ.R. 11 or R.C. 2323.51.

A. Allegations of Misconduct

{¶ 20} Bristow points to four acts of sanctionable conduct allegedly committed by respondents and their counsel. First, Bristow alleges that respondents acted frivolously by attaching exhibits to their Civ.R. 12(B)(6) motion to dismiss and arguing the Civ.R. 56 summary judgment standard in the motion, despite knowing that a Civ.R. 12(B)(6) motion is limited to the allegations in the complaint. Respondents counter that their inclusion of exhibits and discussion of the summary judgment standard was justified

because Civ.R. 12(B) "expressly contemplate[s] a 'motion to dismiss for failure to state a claim upon which relief can be granted present[ing] [sic] matters outside the pleading,' * * *."

{¶ 21} Next, Bristow alleges that respondents and their counsel falsely stated in their December 19, 2017 motion to show cause that Bristow purchased a "new" car when the car was actually used and purchased for him by a relative. Respondents reply that their use of the word "new" meant "new-to-him," not "brand new," and they "cannot be responsible for what [Bristow] may have inferred from the use of that term."

{¶ 22} In Bristow's third allegation, he contends that respondents and their counsel engaged in sanctionable conduct by including in their motion to dismiss the "deliberately false" statement that respondents pointed out discrepancies in Bristow's affidavit of indigence. In support of this alleged misconduct, Bristow relies on our January 8, 2018 order denying the motion to show cause. In his motion for sanctions, Bristow quotes the following to support his argument: "'The respondents have not presented ANY EVIDENCE TO REFUTE THE INFORMATION IN HIS AFFIDAVIT…WE FIND THAT THE RESPONDENTS' MOTION IS NOT WELL TAKEN [sic].'" Respondents contend that Bristow misconstrues our summary of Bristow's argument against the motion to show cause as our factual finding. The pertinent part of the January 8 order actually says:

Bristow filed a response on December 20, 2017, arguing that he filed the affidavit of indigence that 6th Dist.Loc.App.R. 7(A) requires to allow him to proceed without paying a cost deposit and the respondents have not presented any evidence to refute the information in his affidavit.

After due consideration, we find that the respondents' motion is not well-taken.

{¶ 23} In his final allegation of sanctionable conduct, Bristow contends that respondents and their counsel frivolously argued in their November 13, 2017 response to Bristow's motion for leave to proceed in case No. E-17-060 that we should deny Bristow's motion because Bristow did not include a certificate of service with his motion. Respondents classify their arguments against the motion for leave to proceed as "a contrary legal interpretation," which, they contend, does not make the arguments frivolous or sanctionable.

B. Counsel's Conduct is not Sanctionable Under Civ.R. 11

{¶ 24} We first address Bristow's request for sanctions under Civ.R. 11.

{¶ 25} The purpose of Civ.R. 11 is to ensure that a pleading or motion is filed in good faith and with adequate supporting grounds. Sanctions under Civ.R. 11 can only be awarded against an attorney or pro se party. *Charlie Asmus Family Farm, Inc. v. Village of Haskins*, 6th Dist. Wood No. WD-08-050, 2009-Ohio-5180, ¶ 17. Before imposing sanctions pursuant to Civ.R. 11, the court must consider whether the attorney or pro se

party who signed the document: (1) read it; (2) to the best of his knowledge, had good grounds for filing it; and (3) did not file it for the purpose of delaying the proceedings. *Bergman v. Genoa Banking Co.*, 6th Dist. Ottawa No. OT-14-019, 2015-Ohio-2797, ¶ 33. Sanctions are proper only for willful, bad faith violations of Civ.R. 11—not merely negligent ones. *State ex rel. Bardwell v. Cuyahoga Cty. Bd. of Commrs.*, 127 Ohio St.3d 202, 2010-Ohio-5073, 937 N.E.2d 1274, ¶ 8; *Gallagher v. AMVETS*, 6th Dist. Erie No. E-09-008, 2009-Ohio-6348, ¶ 33. If the court finds that an attorney willfully violated Civ.R. 11, the rule allows the court to award the moving party "expenses and reasonable attorney fees."

{¶ 26} Based on the information in the record, we find that respondents' counsel did not violate Civ.R. 11. Although some of counsel's legal reasoning is misguided and some facts are different than counsel initially believed them to be, nothing indicates that, to the best of counsel's knowledge, he lacked good grounds for filing the motions and reciting the facts to which Bristow objects. Nor is there any evidence that counsel made the filings for the purpose of delaying the proceedings. Even assuming that counsel did violate Civ.R. 11, there is no evidence that counsel did so willfully or in bad faith, which is required before a court can impose sanctions. Bristow's motion for sanctions against respondents' counsel under Civ.R. 11 is not well-taken.

C. Neither Respondents' nor Counsel's Conduct is Sanctionable Under R.C. 2323.51

{¶ 27} We now turn to Bristow's request for sanctions against respondents and their counsel under R.C. 2323.51.

{¶ 28} In contrast to the subjective standard in Civ.R. 11, R.C. 2323.51 employs an objective standard to determine whether an attorney's or party's conduct is sanctionable. *Bergman*, 6th Dist. Ottawa No. OT-14-019, 2015-Ohio-2797, at ¶ 25. A court can award "court costs, reasonable attorney's fees, and other reasonable expenses" against an attorney or a party under R.C. 2323.51 if it finds that the attorney's or party's conduct was frivolous and any other party was affected by the frivolous conduct. R.C. 2323.51(B)(1), (4); *Charlie Asmus*, 6th Dist. Wood No. WD-08-050, 2009-Ohio-5180, at ¶ 12. As applicable here, conduct is "frivolous" if:

> (i) It obviously serves merely to harass or maliciously injure another party * * * or is for another improper purpose, including, but not limited to, causing unnecessary delay or a needless increase in the cost of litigation.
>
> (ii) It is not warranted under existing law, cannot be supported by a good faith argument for an extension, modification, or reversal of existing law, or cannot be supported by a good faith argument for the establishment of new law.
>
> (iii) [It] consists of allegations or other factual contentions that have no evidentiary support * * *.

(iv) [It] consists of denials or factual contentions that are not warranted by the evidence * * *. R.C. 2323.51(A)(2)(a).

Revised Code 2323.51 is not designed to punish misjudgments or tactical errors; rather, it is designed to punish egregious conduct. *State ex rel. DiFranco v. City of S. Euclid*, 144 Ohio St.3d 571, 2015-Ohio-4915, 45 N.E.3d 987, ¶ 15; *Ohio Power Co. v. Ogle*, 4th Dist. Hocking No. 12CA14, 2013-Ohio-1745, ¶ 29, quoting *Hickman v. Murray*, 2d Dist. Montgomery No. CA15030, 1996 Ohio App. LEXIS 1028 (Mar. 22, 1996). Merely proving that a party's factual assertion was incorrect is not sufficient to demonstrate that the party's conduct was frivolous. *DiFranco* at ¶ 15.

{¶ 29} The record before us does not support sanctions against respondents or their counsel under R.C. 2323.51. Using the objective standard in R.C. 2323.51, we are compelled to find that respondents and counsel's incorrect legal positions and statements of fact technically fall under the definition of frivolous conduct in R.C. 2323.51(A)(2)(a). But awarding sanctions under the statute requires that the conduct at issue be egregious. *DiFranco* at ¶ 15. At worst, some of respondents' and counsel's conduct can be characterized as mistakes, but being wrong—without more—is not a sufficient basis for the court to impose sanctions. *Id.* Consequently, we find that Bristow's motion for sanctions against respondents and counsel under R.C. 2323.51 is not well-taken and is denied.

III. Conclusion

{¶ 30} Having considered the parties' filings and the evidence properly before us under Civ.R. 56(C), we find that respondents have shown that they are entitled to judgment as a matter of law and Bristow has not shown that he is entitled to judgment as a matter of law. Bristow's requests for "every incoming and outgoing e mail [sic]" and "all incoming and outgoing e mails [sic]" sent by various Erie County elected officials and their employees are overly broad, even though each request only encompasses a one-month time period. We find that Bristow has failed to prove by clear and convincing evidence that he is entitled to a writ of mandamus compelling respondents' compliance with his requests for emails. Because respondents complied with Bristow's requests for personnel records, we find that Bristow's mandamus petitions are moot as to the personnel records. Accordingly, we find that respondents' motion for summary judgment is well-taken, and that Bristow's motion for summary judgment not well-taken. Bristow's petitions for writs of mandamus are hereby dismissed.

{¶ 31} Regarding Bristow's motion for sanctions, we find that neither respondents nor their counsel engaged in conduct that is sanctionable under Civ.R. 11 or R.C. 2323.51. Therefore, we find that Bristow's motion for sanctions is not well-taken and is denied.

{¶ 32} Bristow is ordered to pay the costs of this consolidated action. It is so ordered.

Writ denied.

Thomas J. Osowik, J.

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JUDGE

James D. Jensen, J.

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JUDGE

Christine E. Mayle, P.J.
CONCUR.

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JUDGE