

COURT OF CLAIMS OF OHIO

Bernadine K. Kent v. Ohio Department of Education and Workforce

2026-Ohio-1320 · No. 2025-00977PQ · Decided March 25, 2026

SUMMARY

The Ohio Court of Claims special master recommends judgment for the Ohio Department of Education and Workforce in a public-records dispute because the requester’s demand was overly broad and did not identify specific public records. The report also recommends granting the Department’s motion to strike mediation communications and ordering the requester to bear the costs of the case.

CASE DETAILS

COURT	Court of Claims of Ohio
WRITING FOR THE COURT	Sarah Pierce, Special Master
JURISDICTION	Ohio Court of Claims
DECIDED	March 25, 2026
DOCKET	2025-00977PQ
DISPOSITION	other
PROCEDURAL POSTURE	Requester brought an action under Ohio's public-records dispute-resolution procedures seeking production of records and relief for alleged delay. Following unsuccessful mediation, the special master considered the requester's evidence and the respondent's motion to strike mediation communications and issued this report and recommendation.
STANDARD OF REVIEW	A motion to strike evidentiary matter is reviewed under an abuse-of-discretion standard. The report also applied the statutory requirements governing entitlement to public-records relief and the mediation privilege.
PRECEDENTIAL VALUE	Published report and recommendation of a Court of Claims special master, subject to objection and adoption by the court.
PARTIES	Bernadine K. Kent v. Ohio Department of Education and Workforce

TOPICS

- civil procedure
- evidence
- privilege
- mediation
- remedies

PRACTICE AREAS

Ohio public records law

civil procedure

evidence and privilege

mediation

QUESTIONS PRESENTED

1. Whether Kent's public-records request was sufficiently identifiable and enforceable under R.C. 149.43.
2. Whether the Department violated the Public Records Act by failing to respond within a reasonable time.
3. Whether emails exchanged during mediation were privileged mediation communications subject to being stricken from the record.
4. Whether Kent or the Department should bear the costs of the action.

HOLDINGS

1. The request was overly broad and unenforceable because it required the Department to search across its approximately 640 employees for records referencing Kent or her email address without sufficiently identifying a subject, officials, department, or contextual incident; therefore, Kent was not entitled to production relief.
2. The Department did not violate the Public Records Act's response-explanation requirement because that obligation does not include a timeliness requirement when the request is denied.
3. The emails were mediation communications protected by the mediation privilege, and because the privilege was not waived, the emails should be stricken from the public docket and were not considered in the report.
4. Because no violation of the Public Records Act was found, Kent should bear the costs of the action.

KEY QUOTATIONS

"A request is overbroad if it seeks complete duplication of a whole category of records." (§ 6)

"In response to an overbroad request, a public office must make sufficient efforts to help the requester refine their request." (§ 9)

FACTUAL BACKGROUND

Kent requested records created, received, or maintained by the Department from August 8, 2025, to the date of the request that referenced her, including communications involving the Department's approximately 640 employees. The Department denied the request as overly broad. During the case, Kent filed emails exchanged while the parties were participating in mediation; the emails referred to mediation positions and preparation for a mediation conference.

PROCEDURAL HISTORY

Kent submitted a public-records request on September 4, 2025. The Ohio Department of Education and Workforce denied it as overly broad on November 17, 2025, and Kent filed this action on December 1, 2025. Mediation did not resolve the dispute. The special master recommends judgment for the Department, granting its motion to strike, and assigning costs to Kent, subject to objections under R.C. 2743.75(F)(2).

DISPOSITION

other

CASES CITED

- Welsh-Huggins v. Jefferson Cty. Prosecutor's Office, 2020-Ohio-5371, ¶ 26
- Salemi v. Cleveland Metroparks, 2014-Ohio-3914, ¶ 26 (8th Dist.)
- State ex rel. Zidonis v. Columbus State Community College, 2012-Ohio-4228, ¶ 21
- State ex rel. Dehler v. Spatny, 2010-Ohio-5711, ¶ 3
- State ex rel. Kesterson v. Kent State Univ., 2018-Ohio-5110, ¶¶ 25-26
- Rose v. Ohio DOC, 2023-Ohio-1488, ¶¶ 23, 25, adopted, 2023-Ohio-1856 (Ct. of Cl.)
- Cass v. Mercer Cty. Sheriff's Office, 2025-Ohio-478, ¶ 6, adopted, 2025-Ohio-477 (Ct. of Cl.)
- Kanter v. Cleveland Hts., 2018-Ohio-4592, ¶¶ 10-11, adopted, 2018-Ohio-5016 (Ct. of Cl.)
- Paramount Advantage v. Ohio Dept. of Medicaid, 2021-Ohio-4180, ¶ 29, adopted, 2021-Ohio-4441 (Ct. of Cl.)
- State ex rel. Culgan v. Jefferson Cty. Prosecutor, 2024-Ohio-4715, ¶ 16
- State ex rel. Morgan v. Strickland, 2009-Ohio-1901, ¶ 18
- Whitt v. Wolfinger, 2015-Ohio-2726, ¶ 13 (4th Dist.)