

SUPREME COURT OF OHIO

State ex rel. Parker Bey v. Byrd

State ex rel. Parker Bey v. Byrd (Slip Opinion), 2020 Ohio 2766 (Ohio 2020) · No. 2019-0547 · Decided May 5, 2020

SUMMARY

The Ohio Supreme Court held that a public-records requester need not cite a specific statute or rule when making a request, but must do so when seeking a writ of mandamus to compel compliance. The court overruled **State ex rel. Husband v. Shanahan** to the extent it conflicted, and clarified that administrative court documents are subject to Sup.R. 44-47 regardless of creation date, while case documents from pre-July 1, 2009 actions are governed by the Public Records Act (R.C. 149.43). The case was remanded for the court of appeals to apply the Public Records Act to determine if the requester is entitled to mandamus, statutory damages, and costs.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	O'Connor, C.J.; French, J.; Fischer, J.; Donnelly, J.; Stewart, J.
JURISDICTION	Ohio
DECIDED	May 5, 2020
DOCKET	2019-0547
DISPOSITION	affirmed in part and reversed in part, and cause remanded
PROCEDURAL POSTURE	Appeal from the Court of Appeals for Cuyahoga County, Eighth District, denying a complaint for a writ of mandamus.
STANDARD OF REVIEW	Not explicitly stated; the court reviews the lower court's judgment de novo as to legal issues.
PRECEDENTIAL VALUE	published
PARTIES	Vincent A. Parker, a.k.a. Vincent El Alan Parker Bey v. Nailah K. Byrd, Cuyahoga County Clerk of Courts

TOPICS

public records statutory interpretation administrative law civil procedure remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court of appeals erred in denying Parker Bey's complaint for a writ of mandamus on the grounds that he did not invoke the Superintendence Rules as the basis for his request for court records.
2. Whether the court of appeals erred in denying Parker Bey's motion to strike Byrd's supplemental brief.
3. Whether the court of appeals erred in its summary judgment ruling.
4. Whether sanctions or a vexatious-litigator declaration should be imposed against Parker Bey.

HOLDINGS

1. The court of appeals erred because the Public Records Act applies to requests for case documents from actions commenced prior to July 1, 2009, and it is not necessary to cite a specific rule or statute in a records request until the mandamus stage.
2. The court overrules *State ex rel. Husband v. Shanahan* to the extent it conflicts with this decision.

KEY QUOTATIONS

“Generally, it is not necessary to cite a particular rule or statute in support of a records request until the requester attempts to satisfy the more demanding standard applicable when claiming that he is entitled to a writ of mandamus to compel compliance with the request.” (at ¶ 14)

*“To the extent that this decision conflicts with this court's decision in *State ex rel. Husband v. Shanahan*, 157 Ohio St. 3d 148, 2019-Ohio-1853, 133 N.E.3d 467, we overrule that decision as having been incorrectly decided and inconsistent with the clear terms of the Rules of Superintendence.” (at ¶ 15)*

“Accordingly, this action to compel the production of journal entries from a 1995 case was properly brought under the Public Records Act.” (at ¶ 11)

FACTUAL BACKGROUND

Parker Bey, an inmate, sent two public-records requests to the Cuyahoga County Clerk of Courts in September 2018, seeking journal entries from his 1995 criminal case and the clerk's records-retention schedule. The clerk did not respond to the first request and provided only one of the three journal entries requested in the second request. Parker Bey filed a mandamus complaint in the court of appeals, which denied the writ because he did not invoke the Rules of Superintendence. The court of appeals also declined to declare Parker Bey a vexatious litigator.

PROCEDURAL HISTORY

Parker Bey filed a mandamus complaint in the court of appeals to compel the clerk to produce journal entries and a records-retention schedule. The court of appeals denied the writ on the grounds that Parker Bey did not invoke the Rules of Superintendence. Parker Bey appealed.

DISPOSITION

affirmed in part and reversed in part, and cause remanded

REMAND INSTRUCTIONS

On remand, the court of appeals shall apply the Public Records Act to determine whether Parker Bey is entitled to a writ of mandamus to compel Byrd to produce the requested journal entries and whether Parker Bey is entitled to statutory damages and court costs.

CASES CITED

- State ex rel. Harris v. Pureval, 155 Ohio St. 3d 343, 2018-Ohio-4718, 121 N.E.3d 337
- State ex rel. Husband v. Shanahan, 157 Ohio St. 3d 148, 2019-Ohio-1853, 133 N.E.3d 467
- State ex rel. Physicians Commt. for Responsible Medicine v. Ohio State Univ. Bd. of Trustees, 108 Ohio St.3d 288, 2006-Ohio-903, 843 N.E.2d 174
- State ex rel. Fernbach v. Brush, 133 Ohio St. 3d 151, 2012-Ohio-4214, 976 N.E.2d 889
- State ex rel. Striker v. Smith, 129 Ohio St. 3d 168, 2011-Ohio-2878, 950 N.E.2d 952
- State ex rel. Cincinnati Enquirer v. Lyons, 140 Ohio St. 3d 7, 2014-Ohio-2354, 14 N.E.3d 989
- State ex rel. Cincinnati Enquirer v. Hamilton Cty., 75 Ohio St. 3d 374, 662 N.E.2d 334 (1996)
- State ex rel. Mora v. Wilkinson, 105 Ohio St. 3d 272, 2005-Ohio-1509, 824 N.E.2d 1000
- State ex rel. Cassels v. Dayton City School Dist. Bd. of Edn., 69 Ohio St. 3d 217, 631 N.E.2d 150 (1994)