

COURT OF CLAIMS OF OHIO

Kolkowski v. Ashtabula Area City School Dist.

2026-Ohio-1721 · No. 2025-01012PQ · Decided April 7, 2026

SUMMARY

This report and recommendation addresses a public-records action brought by Barbara Kolkowski against the Ashtabula Area City School District under Ohio Revised Code 2743.75. The special master recommends ordering production of specified records held by the school district's counsel under the quasi-agency doctrine, denying the respondent's motion to dismiss, and awarding the requester filing fees and costs. The recommendation upholds redactions based on attorney-client privilege and a personal email address, while finding that the approximately two-year delay in production was unreasonable.

CASE DETAILS

COURT	Court of Claims of Ohio
WRITING FOR THE COURT	Sarah Pierce, Special Master
JURISDICTION	Ohio
DECIDED	April 7, 2026
DOCKET	2025-01012PQ
DISPOSITION	other
PROCEDURAL POSTURE	Requester brought an Ohio public-records action under R.C. 2743.75 seeking additional production, relief concerning redactions and delay, reimbursement of her filing fee, and costs. The special master considered the parties' evidence and recommended production of responsive records, denial of the respondent's motion to dismiss, and an award of costs.
STANDARD OF REVIEW	The requester bears the burden of proving by clear and convincing evidence that requested records exist and are maintained by the public office. A public office claiming a public-records exception must clearly establish the exception, with doubts resolved in favor of disclosure. Whether a response was made within a reasonable time depends on the pertinent facts and circumstances.
PRECEDENTIAL VALUE	Published Ohio Court of Claims report and recommendation; final precedential effect is subject to adoption and any timely objections.

TOPICS

civil procedure

attorney client privilege

arbitration

motions to dismiss

costs

PRACTICE AREAS

Ohio public records law

civil procedure

evidence

remedies

QUESTIONS PRESENTED

1. Whether the District was required under the quasi-agency doctrine to obtain and produce responsive records held by its private legal counsel.
2. Whether the requester was entitled to records created after the date of her public-records request.
3. Whether the District's attorney-client privilege and personal-email redactions were proper.
4. Whether the District's approximately two-year delay in producing records was unreasonable.
5. Whether the requester was entitled to additional relief, reimbursement of her filing fee, and costs.

HOLDINGS

1. The District's employment and supervision of legal counsel for resolving the requester's grievances constituted a delegated public duty. The quasi-agency doctrine therefore required the District to obtain and disclose responsive records held by counsel unless a public-records exception applied.
2. The requester was entitled only to records that existed on or before August 21, 2023, the date of the public-records request, and was not entitled to an additional production of post-request records.
3. The attorney-client privilege redactions were proper because they covered confidential communications between the District and its attorneys concerning legal advice and grievance resolution. The requester was not entitled to relief concerning the redacted personal email address because she did not prove that the item was a public record.
4. The District's approximately two-year delay before its first production was unreasonable, although the requester appeared to have taken no action on the request during much of that period.
5. The court could order production of specific records and reimbursement of the requester's filing fee and costs, but could not grant relief beyond the authority provided by R.C. 2743.75(F)(3) or award statutory damages.

KEY QUOTATIONS

“The quasi-agency doctrine requires a public office to produce records in the possession of a private entity if those records are related to a public function the public office has delegated to that entity.” (¶ 14)

“The public office “does not meet [its] burden if it has not proven that the requested records fall squarely within the exception,” and courts “resolve any doubt in favor of disclosure.”” (¶ 23)

“The primary duty of a public office when it has received a public-records request is to promptly provide any responsive records within a reasonable amount of time and when a records request is denied, to inform the requester of that denial and provide the reasons for that denial.” (§ 30)

FACTUAL BACKGROUND

Kolkowski requested communications involving the School District, its counsel, and the Union concerning her grievances and the potential arbitration of those grievances. The District initially denied that responsive records existed and asserted that records held by its law firm were outside the Public Records Act or protected by attorney-client privilege and work-product doctrine. After the action began, the District produced records, including records with privilege and personal-email redactions, but withheld additional communications involving scheduling an arbitration and settlement negotiations.

PROCEDURAL HISTORY

Kolkowski submitted a public-records request to the Ashtabula Area City School District on August 21, 2023, and clarified it on August 22, 2023. After the District initially stated that no responsive records existed, it made productions in December 2025 and February 2026, with some redactions. The matter was referred to mediation, which did not resolve the dispute; the parties then submitted evidence and memoranda. The special master issued this report and recommendation, 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
- State ex rel. Culgan v. Jefferson Cty. Prosecutor, 2024-Ohio-4715
- Ackley v. Washington Court House Police Dept., 2025-Ohio-2882
- Dye v. City of Cleveland, 2025-Ohio-4330
- State ex rel. Oriana House, Inc. v. Montgomery, 2006-Ohio-4854
- State ex rel. Ames v. Baker, Dublikar, Beck, Wiley & Mathews, 2022-Ohio-3990
- Wysong v. City of Dayton City Hall, 2025-Ohio-1651
- State ex rel. Brown v. Columbiana Cty. Jail, 2024-Ohio-4969
- State ex rel. Armatas v. Plain Twp. Bd. of Trustees, State ex rel. Armatas v. Plain Twp. Bd. of Trustees, 2021-Ohio-1176
- State ex rel. Cincinnati Enquirer v. Dupuis, 2002-Ohio-7041
- Kearns v. Boardman Twp. Police Dept., 2025-Ohio-475
- State ex rel. Griffin v. Sehlmeier, 2021-Ohio-1419
- Hunt Eng., LLC v. Ohio EPA, 2022-Ohio-3141
- State ex rel. Lanham v. DeWine, 2013-Ohio-199

- State ex rel. Toledo Blade Co. v. Toledo-Lucas Cty. Port Auth., 2009-Ohio-1767
- 12312 Mayfield Rd., LLC v. High & Low Little Italy, LLC, 2024-Ohio-2717
- State ex rel. Dispatch Printing Co. v. Johnson, 2005-Ohio-4384
- Langer v. Ohio State Univ. Office of Univ. Compliance & Integrity, 2023-Ohio-2323
- State ex rel. Cordell v. Paden, 2019-Ohio-1216
- Diebert v. Lafferty, 2022-Ohio-2919
- State ex rel. Morgan v. Strickland, 2009-Ohio-1901
- State ex rel. Fluty v. Raiff, State ex rel. Fluty v. Raiff, 2023-Ohio-3285
- Doe v. Ohio State Univ., 2024-Ohio-5897