

IN THE SUPREME COURT OF OHIO

STATE ex rel. GATEHOUSE MEDIA OHIO	:	Case No. 2023-1327
HOLDINGS II, INC. D/B/A THE	:	
COLUMBUS DISPATCH,	:	Original Action in Mandamus
	:	
Relator,	:	
	:	
v.	:	
	:	
THE CITY OF COLUMBUS POLICE	:	
DEPARTMENT	:	
	:	
Respondent.	:	

ANSWER TO COMPLAINT FOR WRIT OF MANDAMUS

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STATE ex rel. GATEHOUSE MEDIA OHIO	:	Case No. 2023- 1327
HOLDINGS II, INC. D/B/A THE	:	
COLUMBUS DISPATCH,	:	Original Action in Mandamus
	:	
Relator,	:	
	:	
v.	:	
	:	
THE CITY OF COLUMBUS POLICE	:	
DEPARTMENT	:	
	:	
Respondent.	:	

ANSWER TO THE COMPLAINT FOR WRIT OF MANDAMUS

For its answer to the Complaint for Writ of Mandamus, Respondent, the City of Columbus, avers as follows:

FIRST DEFENSE

1. States that the allegations contained in Paragraph 1 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
2. States that the allegations contained in Paragraph 2 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
3. States that the allegations contained in Paragraph 3 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
4. States that the allegations contained in Paragraph 4 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.

5. States that the allegations contained in Paragraph 5 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
6. States that the Allegations contained in Paragraph 6 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
7. Admits that law enforcement is required to redact “identifying information” under Marsy’s Law and R.C. 149.43 and 2930.07, as alleged in Paragraph 7 of the Complaint. Furthermore, states that the rest of Paragraph 7 of the Complaint calls for a legal conclusion and contains legal arguments for which no response is necessary.
8. Denies that Respondent’s construction of R.C. 2930.07 is unreasonable and inconsistent with the decision in *City of Centerville v. Knab*, 162 Ohio St.3d 623, 2020-Ohio-5219, as alleged in Paragraph 8 of the Complaint. Furthermore, states that the remaining allegations in Paragraph 8 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
9. States that the allegations contained in Paragraph 9 call for a legal conclusion and contain legal arguments for which no response is necessary.
10. States that the allegations contained in Paragraph 10 call for a legal conclusion and contain legal arguments for which no response is necessary.
11. Admits the allegations in Paragraph 11 of the Complaint.
12. Admits the allegations in Paragraph 12 of the Complaint.
13. States that the Columbus Police Division Directive No. 2.01, as described in Paragraph 13 of the Complaint, speaks for itself. Furthermore, states that the remaining allegations in Paragraph 13 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.

14. Admits that CPD police cruisers are equipped with dashboard cameras, as alleged in Paragraph 14 of the Complaint. Furthermore, states that the remaining allegations in Paragraph 14 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
15. Admits that CPD officers wear body cameras, as alleged in Paragraph 15 of the Complaint. States that Columbus Police Division Directive No. 11.07 speaks for itself and thus no response is deemed necessary. Furthermore, states that the remaining allegations in Paragraph 15 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
16. Admits the allegations in Paragraph 16 of the Complaint
17. Admits the allegations in Paragraph 17 of the Complaint.
18. Admits the allegations in Paragraph 18 of the Complaint.
19. Admits the allegations in Paragraph 19 of the Complaint.
20. Admits that CPD issued the press released escribed in Paragraph 20 of the Complaint. Further answering, denies that CPD failed to respond to the request for UOFRs relating to the I-70 incident.
21. Admits the allegations in Paragraph 21 of the Complaint.
22. Admits the allegations in Paragraph 22 of the Complaint.
23. Denies the allegations in Paragraph 23 of the Complaint.
24. States that the allegations in Paragraph 24 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
25. States that R.C. 149.43(B)(1) is a statute and speaks for itself, and therefore no response is necessary to the allegations in Paragraph 25 of the Complaint. Further answering, states

that the remaining allegations in Paragraph 25 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.

26. States that R.C. 149.43(B)(3) is a statute and speaks for itself, and therefore no response is necessary to the allegations in Paragraph 26 of the Complaint. Further answering, states that the remaining allegations in Paragraph 26 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.

27. States that the allegations contained in Paragraph 27 of the Complaint call for a legal conclusion and contain legal arguments for which no response is deemed necessary.

28. States that the allegations in Paragraph 28 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.

29. States that the allegations in Paragraph 29 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.

30. Respondent repeats and restates its responses to paragraphs 1 through 29 of the Complaint.

31. Admits the allegation stated in Paragraph 31 of the Complaint.

32. Admits the allegations stated in Paragraph 32 of the Complaint.

33. States that R.C. 149.43(B)(1) is a statute and speaks for itself, and therefore no response is necessary to the allegations in Paragraph 33 of the Complaint.

34. States that the allegations contained in Paragraph 34 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.

35. Admits that the Dispatch made a public records request on July 7, 2023 by electronic submission to the CPD's public records unit at publicrecords@columbuspolice.org, as alleged in Paragraph 35 of the Complaint. Furthermore, respondent denies that Relator has

not received a response and denies the remaining allegations in Paragraph 35 of the Complaint.

36. States that R.C. 149.43(C)(3)(b)(i) is a statute and speaks for itself, and therefore no response is necessary to the allegations in Paragraph 36 of the Complaint.

37. States that R.C. 149.43(C)(3)(b)(i) is a statute and speaks for itself, and therefore no response is necessary to the allegations in Paragraph 37 of the Complaint.

38. Denies the allegation in Paragraph 38 of the Complaint.

39. Denies the allegation in Paragraph 39 of the Complaint.

40. Denies the allegation in Paragraph 40 of the Complaint.

41. Respondent repeats and restates its responses to paragraphs 1 through 40 of the Complaint.

42. Admits the allegation in Paragraph 42 of the Complaint.

43. Admits the allegation in Paragraph 43 of the Complaint.

44. Admits the allegations in Paragraph 44 of the Complaint

45. Admits that CPD has redacted identifying information because these police officers were “victims,” within the meaning of R.C. 2930.07. Furthermore, states that R.C. 149.43(A)(1)(rr) is a statute and speaks for itself, and therefore no response is necessary to the remaining allegations in Paragraph 45 of the Complaint.

46. States that R.C. 149.43(A)(1)(rr) is a statute and speaks for itself, and therefore no response is deemed necessary. Furthermore, states that the allegations contained in Paragraph 46 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.

47. States that R.C. 2930.07(C) is a statute and speaks for itself, and therefore no response is necessary to the allegations in Paragraph 47 of the Complaint.

48. States that R.C. 2930.07(D) is a statute and speaks for itself, and therefore no response is necessary to the allegations in Paragraph 48 of the Complaint.
49. States that R.C. 2930.01(H) is a statute and speaks for itself, and therefore no response is necessary to the allegations in Paragraph 49 of the Complaint.
50. States that the Ohio Supreme Court Decision of *City of Centerville v. Knab*, 162 Ohio St.3d 623, 2020-Ohio-5219, speaks of itself, and therefore no response is necessary to the allegations in Paragraph 50 of the Complaint.
51. States that Chief Justice Kennedy's concurring opinion in *City of Centerville v. Knab*, 162 Ohio St.3d 623, 2020-Ohio-5219, speaks for itself, thus no response is deemed necessary.
52. States that the allegations in Paragraph 52 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
53. States that R.C. 2744.03(A)(6) is a statute and speaks for itself, and therefore no response is necessary to the allegations in Paragraph 53 of the Complaint. Further answering, states that the allegations in Paragraph 53 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
54. Denies the allegation regarding what Ohio voters would have understood or intended a term to mean. Further answering, states that Section 10(a) of the Ohio Constitution speaks for itself, and therefore no response is necessary. Further answering, states that the allegations in Paragraph 54 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
55. States that the allegations in Paragraph 55 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.

56. Denies that the term “victim” excludes peace officers against whom a criminal offense or delinquent act is committed in the line of duty, as alleged in Paragraph 56 of the Complaint.
57. States that Article 1 and Sections 1, 3, 11, and 16 of the Ohio Constitution speak for themselves and thus no response is necessary.
58. States that the allegations in Paragraph 58 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
59. States that the allegations in Paragraph 59 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
60. States that the allegations in Paragraph 60 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
61. Denies the allegations in Paragraph 61 of the Complaint.
62. Denies the allegations in Paragraph 62 of the Complaint.
63. Denies the allegations in Paragraph 63 of the Complaint.
64. Denies the allegations in Paragraph 64 of the Complaint.
65. Denies the allegations in Paragraph 65 of the Complaint.
66. Denies the allegations in Paragraph 66 of the Complaint.
67. Respondent repeats and restates its responses to paragraphs 1 through 66 of the Complaint.
68. Admits that the Dispatch UOFR Request sought copies of use of force reports for the I-70 Incident. Further answering, states that the remaining allegations in Paragraph 68 of the Complaint call for a legal conclusion and contain legal arguments for which no response is necessary.
69. Denies the allegations contained in Paragraph 69 of the Complaint.

70. Relator incorporates by reference all the defenses herein and denies each and every allegation contained in the Complaint that is not expressly admitted herein.

SECOND DEFENSE

71. Relator fails to state a claim for which relief may be granted.

THIRD DEFENSE

72. Respondent complied with all duties and obligations under the Public Records Act and other Ohio laws.

FOURTH DEFENSE

73. At all times referred to in Relator's Complaint, Respondents acted properly, and acted in good faith that their actions did not violate the spirit of the Ohio Public Records Act. Respondent proceeds in good faith and with a reasonable basis for denial of identifying information in the request. Respondent reasonably believes, based on the ordinary application of statutory law and case law as it existed at the time of the request, that the subject records contain exempt information under R.C. 149.43.

FIFTH DEFENSE

74. To the extent that Relator challenges the constitutionality of an enacted statute of the Ohio General Assembly, the Ohio Attorney General must be served with the pleadings.

SIXTH DEFENSE

75. The complaint is not ripe.

SEVENTH DEFENSE

76. Respondents respectfully reserve the right to amend their Answer to add such affirmative or factual defenses as may be disclosed during the course of this proceeding.

WHEREFORE having fully answered the Petition, Respondents respectfully request that this Court dismiss Relator's Complaint/Petition at Relator's Costs.

Respectfully submitted,

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COLUMBUS CITY ATTORNEY

/s/ Joshua Monroe

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Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Answer to Relator's Complaint for Writ of Mandamus* has been e-filed with the Ohio Supreme Court and sent via electronic mail on this 17th day of November, 2023 to the following:

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/s/ Joshua P. Monroe

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