

[Cite as *State ex rel. Gibson v. Cleveland*, 2016-Ohio-5254.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 104280

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**STATE OF OHIO, EX REL.  
DUANE GIBSON**

RELATOR

vs.

**CITY OF CLEVELAND**

RESPONDENT

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**JUDGMENT:  
COMPLAINT DISMISSED**

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Writ of Mandamus  
Motion No. 495649  
Order No. 497775

**RELEASE DATE:** August 3, 2016

**FOR RELATOR**

Duane Gibson, pro se  
855 Carpenter Street  
Akron, Ohio 44310

**ATTORNEYS FOR RESPONDENT**

Barbara A. Langhenry, Director  
City of Cleveland Law Department  
By: Elizabeth M. Williamson  
City Prosecutor  
601 Lakeside Avenue  
Room 106  
Cleveland, Ohio 44114

MARY J. BOYLE, J.:

{¶1} Duane Gibson has filed an amended complaint for a writ of mandamus pursuant to R.C. 149.43, the Ohio Public Records Act. Gibson seeks a copy of a video deposition that was conducted by the East Cleveland Police Department with regard to a murder investigation. Gibson argues that the video deposition is a public record pursuant to R.C. 149.43. Gibson further argues that the city of Cleveland, Barbara Langhenry, Cleveland Director of Law, Timothy McGinty, Cuyahoga County Prosecutor, and Kelli Perk, Assistant Cuyahoga County Prosecutor, possess the requested video deposition and are required to provide a copy of the requested video deposition under R.C. 149.43.

{¶2} Gibson's amended complaint is defective because he failed to name the proper respondents and did not include their addresses in the caption of the amended complaint. Civ.R. 10(A); *State ex rel. Sherrills v. State*, 91 Ohio St.3d 133, 742 N.E.2d 651 (2001); *State ex rel. Keener v. Amberley*, 80 Ohio St.3d 292, 293, 685 N.E.2d 1247 (1997); *State ex rel. Tate v. Callahan*, 8th Dist. Cuyahoga No. 85615, 2005-Ohio-1202; *State ex rel. Jackson v. Lucas Cty.*, 6th Dist. Lucas No. L-96-049, 1996 Ohio App. LEXIS 1138 (Mar. 5, 1996); *State ex rel. Lacavera v. Court of Common Pleas*, 8th Dist. Cuyahoga No. 77359, 2000 Ohio App. LEXIS 773 (Mar. 2, 2000).

{¶3} Accordingly, we dismiss Gibson's complaint for a writ of mandamus. Costs to Gibson. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{¶4} Complaint dismissed.

MARY J. BOYLE, JUDGE

EILEEN A. GALLAGHER, P.J., and  
EILEEN T. GALLAGHER, J., CONCUR