

[Cite as *Hinners v. Huron*, 2018-Ohio-4362.]

JASON R. HINNERS	Case No. 2018-00549PQ
Requester	Judge Patrick M. McGrath
v.	<u>ENTRY ADOPTING</u>
CITY OF HURON	<u>RECOMMENDATION OF</u>
Respondent	<u>SPECIAL MASTER</u>

{¶1} On February 12, 2018, requester Jason Hinners made public records requests to respondent City of Huron for a variety of documents. (Complaint, Exhibit A.) From March 2 through March 19, 2018, the City provided all documents responsive to the requests except two employee calendars and twenty-one email chains withheld in whole or part on the assertion of attorney-client privilege. (*Id.*, Exhibits G, I, K.)

{¶2} On March 27, 2018, Hinners filed this action under R.C. 2743.75 alleging denial of access to public records in violation of R.C. 149.43(B). The case was referred to mediation, during which the City produced the requested calendars. (Reply at 1; Response at 4.) On May 29, 2018, the court was notified that the case was not fully resolved in mediation. On June 12, 2018, the City filed its combined answer and motion to dismiss (Response). On July 26, 2018, the City filed a pleading identifying the specific portions of five withheld and redacted emails alleged to constitute attorney-client privileged material, or alleged to be non-responsive to the requests. Respondent waived the attorney-client privilege as to all other withheld records.

{¶3} On August 6, 2018, Special Master Jeffery Clark issued a report finding that that the City failed to show that any material in the withheld records fell squarely under the attorney-client privilege. The Special Master further found that all of the allegedly non-responsive documents had been included by the sender of an email chain as part of the concluding email and was therefore responsive to the request. The Special

Master recommended the court find requester's claims moot as to the records produced prior to the issuance of the report and recommendation. The Special Master further recommended the court issue an order granting requester's claim for production of all remaining withheld records.

{¶4} R.C. 2743.75(F)(2) states, in part: "Either party may object to the report and recommendation within seven business days after receiving the report and recommendation by filing a written objection with the clerk * * *." No objections were filed by either party. The court determines that there is no error of law or other defect evident on the face of the special master's decision. Therefore, the court adopts the special master's report and recommendation as its own, including findings of fact and conclusions of law contained therein.

{¶5} Requester is entitled to recover from respondent the costs associated with this action, including the twenty-five dollar filing fee. R.C. 2743.75(F)(3)(b). Court costs are assessed against the respondent. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

PATRICK M. MCGRATH
Judge