

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
ERIE COUNTY

State of Ohio, ex rel. Lonny Bristow

Court of Appeals No. E-14-008

Relator

v.

Chief of Police, Cedar Point
Police Department

DECISION AND JUDGMENT

Respondent

Decided: July 31, 2014

* * * * *

Lonny Bristow, pro se.

Justin D. Harris, for respondent.

* * * * *

JENSEN, J.

{¶ 1} In this original action, relator Lonny Bristow has petitioned for a writ of mandamus to compel respondent Chief of Police, Cedar Point Police Department, to provide certain records relating to tire cutting or slashings at the Cedar Point Amusement Park in September and October, 2012.

{¶ 2} On April 25, 2014, the Chief of Police filed a motion to dismiss the mandamus action. In response to our order for a supplemental memorandum addressing the Chief of Police’s status as a “government entity or employee,” the Chief filed a reply asserting, without supporting evidence or authority, that “it is a private entity and therefore not subject to the ordinary requirements of the Ohio Public Records Act.” Upon careful consideration of the record, we denied the motion and ordered the Chief to file an answer to relator’s petition pursuant to Civ.R. 8.

{¶ 3} On July 1, 2014, the Chief of police filed a notice with the Clerk of Court, attaching the “public records” requested by relator in his petition for writ of mandamus. Given the Chief’s apparent compliance with the public records request, we deny relator’s mandamus action as moot. *See State ex rel Toledo Blade Co. v. Seneca Cty. Bd of Commrs.*, 120 Ohio St.3d 372, 2008-Ohio-6253, 899 N.E.2d 961, ¶ 43 (“[I]n general, providing the requested records to the relator in a public-records mandamus case renders the mandamus claim moot.”).

{¶ 4} In his May 6, 2014 motion for sanctions, relator asserts that the Chief of Police and his counsel “maliciously falsified * * * false information” when he stated, in his motion to dismiss, that

Relator is not entitled to a Writ of Mandamus as the documentation that he is seeking relative to a tire/slashing incident he was involved in is related to a pending proceeding with respect to which the requested documents would be material.

{¶ 5} Having reviewed the record and petitioner's response to the motion, we find no evidence of a willful or malicious false statement warranting sanctions. Accordingly, relator's motion for sanctions is denied. All pending motions are denied as moot. Petition dismissed at relator's costs.

{¶ 6} The clerk is directed to immediately serve upon all parties a copy of this order in a manner prescribed by Civ.R. 5(B).

Writ Denied.

Arlene Singer, J.

JUDGE

Stephen A. Yarbrough, P.J.

JUDGE

James D. Jensen, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
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