

Litigaide, Inc. v. Custodian of Records for Lakewood Police Department.

[Cite as *Litigaide, Inc. v. Custodian of Records for Lakewood Police Dept.* (1996),

Ohio St.3d .]

*Mandamus to compel Custodian of Records for Lakewood Police Department to provide requested police report and to enjoin the custodian from requiring persons requesting public records to provide personal information prior to being afforded access to the records -- Cause dismissed, when.*

(No. 95-2002 -- Submitted April 15, 1996 -- Decided May 29, 1996.)

In Mandamus.

Relator, Litigaide, Inc. (“Litigaide”), provides litigation support services to attorneys and other clients. In August 1995, Litigaide’s sole employee, Randall G. Buckosh, requested a copy of a police report from respondent, Custodian of Records for Lakewood Police Department. After respondent refused Litigaide’s request, Litigaide instituted this action for a writ of mandamus to compel respondent to provide the requested police report and to enjoin respondent from requiring persons requesting public records to provide personal information prior to being afforded access to records.

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*Debra J. Dixon*, for relator.

*Calfee, Halter & Griswold, Albert J. Lucas and Stanley J. Dobrowski*; and

*Michael E. Murman*, Lakewood Director of Law, for respondent.

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*Per Curiam.* Litigaide's action is subject to dismissal for the following reasons. Litigaide failed to comply with R.C. 2731.04 because its complaint was not brought in the name of the state on relation of Litigaide. Respondent raised this objection in its answer and brief on the merits, but Litigaide failed to seek leave to amend its complaint to comply with R.C. 2731.04. Therefore, Litigaide's mandamus action must be dismissed. See *State ex rel. Huntington Ins. Agency, Inc. v. Duryee* (1995), 73 Ohio St.3d 530, 532-533, 653 N.E.2d 349, 352-353; Civ.R. 17(A); *Maloney v. Sacks* (1962), 173 Ohio St. 237, 238, 19 O.O.2d 51, 52, 181 N.E.2d 268, 269.

In addition, to the extent that Litigaide requests injunctive relief, its claim must be dismissed for lack of jurisdiction. *State ex rel. Governor v. Taft* (1994), 71 Ohio St.3d 1, 3, 640 N.E.2d 1136, 1137-1138.

Accordingly, the cause is dismissed, and Litigaide's request for attorney fees is denied.

*Cause dismissed.*

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and  
STRATTON, JJ., concur.