

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Brown v. Wauford*, Slip Opinion No. 2011-Ohio-2858.]

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**SLIP OPINION NO. 2011-OHIO-2858**

**THE STATE EX REL. BROWN, APPELLANT, v. WAUFORD, DIR., APPELLEE.**

**THE STATE EX REL. BROWN, APPELLANT, v. OLIVER, DIR., APPELLEE.**

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*Res judicata* — Claim for access to documents under R.C. 3125.16 already litigated.

(Nos. 2011-0137 and 2011-0138 — Submitted June 8, 2011 — Decided June 16, 2011.)

APPEALS from the Court of Appeals for Hancock County, No. 5-10-24, and the Court of Appeals for Seneca County, No. 13-10-31.

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**Per Curiam.**

{¶ 1} We affirm the judgments of the courts of appeals dismissing the complaints of appellant, Frank C. Brown, a child-support obligor, for writs of mandamus to compel appellees, Hancock County Department of Job and Family Services Director Judith A. Wauford and Seneca County Department of Job and

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Family Services Director Kathy Oliver, to provide access to and copies of certain child-support records under R.C. 3125.16, Ohio Adm.Code 5101:12-1-20.1, the United States Constitution, and other provisions. Because these appeals raise similar issues, we consolidate them for purposes of decision.

{¶ 2} As the courts of appeals correctly concluded, Brown having previously unsuccessfully raised these claims in both counties by motions filed in juvenile courts and appeal, see, e.g., *In re Brown*, Seneca Cty. C.P., Juv. Div. No. 20720086, and *Hageman v. Brown*, Hancock App. Nos. 5-09-20 and 5-09-21, 2009-Ohio-5432, res judicata barred all subsequent actions, including Brown’s mandamus claims, based upon any claim arising out of the transactions or occurrences that were the subject matter of the previous actions. See *State ex rel. Trafalgar Corp. v. Miami Cty. Bd. of Commrs.*, 104 Ohio St.3d 350, 2004-Ohio-6406, 819 N.E.2d 1040, ¶ 22. “Mandamus is not a substitute for an unsuccessful appeal.” *State ex rel. Marshall v. Glavas*, 98 Ohio St.3d 297, 2003-Ohio-857, 784 N.E.2d 97, ¶ 6.<sup>1</sup>

Judgments affirmed.

O’CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O’DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

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Frank C. Brown Jr., pro se.

Mark C. Miller, Hancock County Prosecuting Attorney, for appellee  
Judith A. Wauford.

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<sup>1</sup> We deny the motion by Oliver in case No. 2011-0138 for an order striking Brown’s merit brief and for an order dismissing his appeal. Although we agree that Brown’s brief does not comply with some of the mechanical requirements of S.Ct.Prac.R. 8.4(A), “[i]n order to promote justice, the court exercises a certain liberality in enforcing a strict attention to its rules, especially as to mere technical infractions.” *Drake v. Bucher* (1966), 5 Ohio St.2d 37, 40, 34 O.O.2d 53, 213 N.E.2d 182; *State ex rel. Morgan v. New Lexington*, 112 Ohio St.3d 33, 2006-Ohio-6365, 857 N.E.2d 1208, ¶ 22. This is consistent with “the fundamental tenet of judicial review in Ohio \* \* \* that courts should decide cases on their merits.” *State ex rel. Becker v. Eastlake* (2001), 93 Ohio St.3d 502, 505, 756 N.E.2d 1228.

January Term, 2011

Derek W. DeVine, Seneca County Prosecuting Attorney, and David J. Claus, Assistant Prosecuting Attorney, for appellee Kathy Oliver.

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