

IN THE OHIO SUPREME COURT

STATE, ex rel. THE CINCINNATI
ENQUIRER, a Division of GANNETT
SATELLITE NETWORK, INC.
312 Elm Street
Cincinnati, Ohio 45202

Petitioner,

vs.

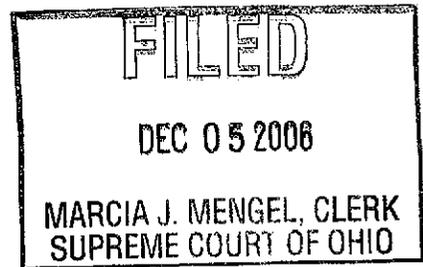
BARBARA RILEY, Director
OHIO DEPARTMENT OF
JOB AND FAMILY SERVICES
30 East Broad Street
Columbus, Ohio 43215-3414

Respondent.

Case No.

06-2239

COMPLAINT FOR
WRIT OF MANDAMUS



Petitioner, The Cincinnati Enquirer, a division of Gannett Satellite Information Network, Inc., ("The Enquirer") for its Complaint for Writ of Mandamus herein, states as follows:

COUNT ONE

1. The Enquirer operates and does business as The Cincinnati Enquirer, a newspaper of general circulation in Cincinnati, Hamilton County, Ohio.
2. Respondent Barbara Riley is a public official in the state of Ohio.
3. The Ohio Department of Jobs and Family Services ("ODJFS") is a public body as described by R.C. §149.011(A).
4. Records created, received by or coming under the jurisdiction of the ODJFS constitute public records as defined by R.C. §149.011(G). As the Director of ODJFS, Barbara Riley is the custodian of such records.
5. On or about September 15, 2006, Gregory Korte, a reporter for The Enquirer, delivered to Barbara Riley, a records request that requested "an electronic copy of the ODJFS

database containing the names and addresses of all foster associations, institutions or homes certified by the state under O.R.C. Chapter 5103.” (A copy of the request to Ms. Riley is attached as Exhibit A to the affidavit of Gregory Korte, and the requested records will be referred to as “the Foster Records.”)

6. The Foster Records are Public Records as defined in R.C. §149.43. Respondent is under a duty to provide the Foster Records promptly upon request.

7. The Enquirer has a clear legal right to inspect and copy the Foster Records and Respondent has a clear legal duty to make the Foster Records available to Petitioner for inspection and copying.

8. Respondent has refused to produce the Foster Records. The Foster Records are a matter of great concern and interest to the public and the press.

9. The Enquirer has no adequate alternative remedy in the ordinary course of the law.

10. Respondent has no legally valid excuse for refusing to permit The Enquirer and the public to inspect and copy the Foster Records.

COUNT TWO

11. The Enquirer incorporates by reference as if fully restated here the allegations set forth in paragraphs 1 – 10 above.

12. On or about October 30, 2006, Sheila McLaughlin, a reporter for The Enquirer requested from the Respondent the foster care application and home study of Jaysen Bell, a foster care provider currently accused of molesting two foster children in his care (“The Bell Records”).

13. On November 14, 2006, Ms. McLaughlin was informed that the ODJFS was denying the request for The Bell Records. (A copy of the ODJFS denial of the request for The Bell Records is attached as Exhibit A to the affidavit of Sheila McLaughlin.)

14. The Bell Records are Public Records as defined in R.C. §149.43. Respondent is under a duty to provide the Foster Records promptly upon request.

15. The Enquirer has a clear legal right to inspect and copy the Bell Records and Respondent has a clear legal duty to make the Bell Records available to Petitioner for inspection and copying.

16. Respondent has refused to produce the Bell Records. The Bell Records are a matter of great concern and interest to the public and the press.

17. The Enquirer has no adequate alternative remedy in the ordinary course of the law.

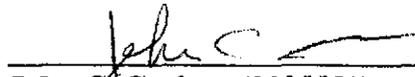
18. Respondent has no legally valid excuse for refusing to permit The Enquirer and the public to inspect and copy the Foster Records.

WHEREFORE, The Enquirer seeks a Peremptory Writ of Mandamus or, in the alternative, an Alternative Writ of Mandamus commanding Respondents to make available the Foster Records and the Bell Records for inspection and copying in accordance with R.C. §149.43(B), for an award of attorney's fees in accordance with R.C. §149.43(C), and for any other relief deemed just and proper by the Court.

Respectfully submitted,

Of Counsel:

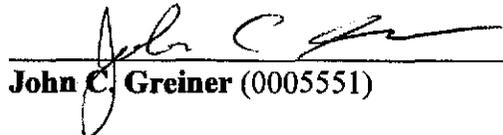
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PRAECIPE FOR SERVICE

TO THE CLERK:

Please issue a summons along with a copy of this Complaint to the Respondent identified in the caption on page one via U.S. Certified Mail, return receipt requested.


John C. Greiner (0005551)