

In the
Supreme Court of Ohio

STATE OF OHIO, *ex rel.*
ANNA SCHIFFBAUER
c/o Tan & Cardinal/Otterbein360.com
1 South Grove Street
Westerville, Ohio 43081

Case No.

14-0244

Relator,

vs.

AFFIDAVIT OF
ANNA SCHIFFBAUER

LARRY BANASZAK
Director of Campus Police
Otterbein University
194 West Main Street
Westerville, Ohio 43081

and

ROBERT M. GATTI
Vice President & Dean for Student Affairs
Otterbein University
1 South Grove Street
Westerville, Ohio 43081

Respondents.

JOHN C. GREINER (0005551)*

**Counsel of Record*

GRAYDON HEAD & RITCHEY LLP

1900 Fifth Third Center

511 Walnut Street

Cincinnati, OH 45202-3157

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COUNSEL FOR RELATOR ANNA SCHIFFBAUER

FILED
FEB 13 2014
CLERK OF COURT
SUPREME COURT OF OHIO

RECEIVED
FEB 13 2014
CLERK OF COURT
SUPREME COURT OF OHIO

Affidavit for Anna Schiffbauer

1. My name is Anna Schiffbauer. I am over the age of 18 and make this affidavit on the basis of personal knowledge.
2. I am presently on staff as news editor for Otterbein360.com, a student-run media website on Otterbein University's campus in Westerville, Ohio. [Note: Otterbein360.com was the online version of the Tan & Cardinal student newspaper until the students decided to cease printing a weekly newspaper and focus on a digital-first, website format in the fall of 2013.]
3. On January 16, 2014, I mailed a letter through Certified Mail to the chief of the Otterbein Police Department, Larry Banaszak, on behalf of Otterbein360. The letter, dated January 16, 2014, requested the criminal reports for individuals (students and non-students) whose cases were referred to Westerville's Mayor's Court. An accurate copy of the January 16 request is attached here as Exhibit A.
4. On January 22, 2014, I received an email from the Dean for Student Affairs, Robert Gatti, in which he attached a digital version of the letter denying the records request. An accurate copy of his January 22 emailed response is attached as Exhibit B.
5. Robert Gatti also sent the letter denying the records request through the United States Postal Service. I received the mailed letter on February 4, 2014. An accurate copy of the letter, dated January 21, is attached as Exhibit C.
6. To date, Otterbein360 has not received any records in response to my January 16 request for criminal reports.

Anna Schiffbauer
Anna Schiffbauer

ODL TH 864746
Anna Schiffbauer

Feb. 5, 2014
Date

Feb 5, 2014 Bharati N Shah
Notary Public



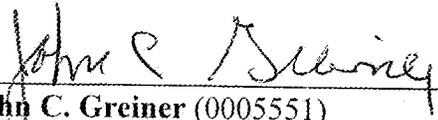
BHARATI N SHAH
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
February 21, 2015

My Commission Expires

PRAECIPE FOR SERVICE

TO THE CLERK:

Please issue a copy of this *AFFIDAVIT OF ANNA SCHIFFBAUER* along with the Summons and Complaint to the Respondents identified in the caption on page one via Certified Mail, return receipt requested.



John C. Greiner (0005551)

Otterbein University
33 Collegeview Road
Westerville, Ohio 43081
(614) 823-1159

January 16, 2014

Dear Chief Banaszak,

I would like to request the Criminal Reports for the following individuals. Offense dates are in parentheses.

2013

- Enrique Suber (7-1)
- Quintin Freeman (7-8)
- Michael Dannenhauer (7-8)
- Grey Owens (7-8)
- Steven Frost (7-10)
- Thomas Ansley (7-22)
- Robert Moreland (8-12)
- Peter Clack (8-19)
- Derek Gulley (8-19)
- Douglas Haubert (8-19)
- Tiffany Green (8-22)
- Esther Brueggemann (8-26)
- James Sanders (8-28)
- Afton Welch (8-29)
- Alyssa Johnson (9-3)
- Ashley Didinger (9-9)
- Quinton Ferenbaugh (9-9)
- Samuel Franklin (10-9)
- Bryan Mackenzie (9-13)
- Alexander Randall (9-13)
- Alex Armesto (9-19)
- Morgan Feeney (9-25)
- Marc McCuen (9-30)
- Ladislav Vosahlo (10-1)
- Nancy Skaggs (10-9)
- Samuel Franklin (10-9)
- James Eastep (10-11)
- Hannah Ritter (10-21)
- Michael Kuhn (10-21)
- James Robinson (10-21)
- Jaime Siddell (10-24)
- Ryan Sadvnychy (10-28)
- Chase Thompson (11-11)
- Joshua Padgett (11-16)

- Mohamed Jalloh (11-19)
- James Scappucci (11-25)
- Charles Austin Piper (11-25)
- Amy Gadd (11-26)
- Chelsea Musselman (11-26)
- Sydney McSweeney (11-26)
- Brandon Bruner (12-5)
- David Buechner (12-9)
- Phillip Hight (12-19)
- Tommy Clark (12-23)

2014

- Xing Dong Wu (1-2)
- Alexander Jay Lindow (1-6)
- Tyler Royer (1-6)

My phone number is (614) 314-1326 if you would like to reach me by phone.

Thank you for your time,

Anna Schiffbauer
News Editor, Otterbein360.com



Fwd: Letter to T&C

Gatti, Robert <rgatti@otterbein.edu>
To: Anna Schiffbauer <anna.schiffbauer@otterbein.edu>

Wed, Jan 22, 2014 at 6:07 PM

Hi Anna,

Attached is a response to your request to OPD. I've also sent you a hard copy through US mail. Please acknowledge receipt of this email.

Robert M. Gatti
Vice President and Dean
for Student Affairs
Otterbein University
1 South Grove Street
Westerville, OH 43081
614.823.1250
rgatti@otterbein.edu



Letter to A Schiffbauer re release of indiv crim records lhd.docx
710K

EXHIBIT B



**OTTERBEIN
UNIVERSITY**

OFFICE OF STUDENT AFFAIRS

1 South Grove Street
Westerville, OH 43081-2006
TEL (614) 823-1250
www.otterbein.edu

January 21, 2014

Anna Schiffbauer, News Editor
Otterbein360.com
33 Collegeview Road
Westerville, OH 43081

Dear Anna,

Your request for criminal reports for individuals on January 16, 2014 to Chief of Police Larry Banaszak has been referred to me. Per my e-mail to you on December 2, 2013, as a private university, Otterbein believes we are not subject to Public Records and therefore do not make our records public.

Sincerely,

Robert M. Gatti
Vice President and Dean
for Student Affairs

RMG:d!

EXHIBIT C