

ORIGINAL

IN THE SUPREME COURT OF OHIO

Case No. 2014-1122

STATE OF OHIO ex rel. Stephanie Y. Clough

Relator

v.

FRANKLIN COUNTY CHILDREN'S SERVICES, OHIO et al.,

Respondents

EMERGENCY MOTION TO STAY DESTRUCTION OF DOCUMENTS SPECIFIED
UNDER ORIGINAL ACTION IN MANDAMUS

Stephanie Y. Clough
8060 Wright Road
Broadview Heights, Ohio 44147
Phone: 440-417-3382
stephanieclough@hotmail.com

RELATOR, PRO SE

Franklin County Children's Services, Ohio
Charles M. Spinning, Executive Director
855 W. Mound Street
Columbus, Ohio 43223
Phone: 614-275-2571

and

Franklin County Children's Services, Ohio
Anne O'Leary, Chief Legal Counsel
855 W. Mound Street
Columbus, Ohio 43223
Phone: 614-275-2571

RESPONDENTS

Franklin County Prosecuting Attorney
Ronald J. O'Brien 17245
373 S. High Street
14th Floor
Columbus, OH 43215
Phone: 614-525-3555

COUNSEL OF RECORD

RECEIVED

MAR 23 2015

CLERK OF COURT
SUPREME COURT OF OHIO

FILED

MAR 23 2015

CLERK OF COURT
SUPREME COURT OF OHIO

Now comes the State of Ohio, on relation to one of its citizens, Stephanie Y. Clough (hereinafter, "Relator"), who hereby requests that this Court immediately issue an injunction to prohibit Franklin County Children's Service from destroying any documents specified under Relator's complaint for a writ of mandamus.

As previously noted Relator has sought and has been unlawfully and improperly denied access to inspect and copy records pertaining to herself and her minor child maintained by Franklin County Children's Services for nearly five years. As filed with the Ohio Department of Administrative Services, the retention schedule for the Ohio Department of Jobs and Family Services investigative records pertaining to child abuse cases is one year in office and four years in storage (see Appendix A). As the last review of Relator's case was with the Franklin County Children's Service Board of Directors on April 29, 2010, the five year retention period is about to expire. In the interests of justice and to prevent Relator's specified documents from being destroyed pursuant to the records retention schedule Relator requests this Court immediate issue a restraining order prohibiting Franklin County Children's Service from destroying the records specified under Relator's writ of mandamus. Relator has no other legal recourse and will be irreparably harmed should the records be destroyed prior to Relator having access to inspect and copy any records pertaining to her and her minor child.

The history of this case is as follows:

On July 3, 2014 – Relator filed an Original Action in Mandamus with this Court in order to inspect and/or copy investigative records pertaining to her Franklin County Children Services case file # 1866149, naming Respondents Spinning and O'Leary, Executives of FCCS.

On July 7, 2014 – This Court issued a summons and complaint to Respondents Spinning and O'Leary.

On July 22, 2014 – This Court referred the case to mediation.

On August 28, 2014 – The case was returned to the regular docket and response to complaint was due within 28 days.

Respondents reply to the complaint was due on or about September 18, 2014.

Respondents failed to reply.

On November 5, 2014 – This Court issued an Alternative Writ.

On November 20, 2014 – Relator filed her Submission of Evidence.

On November 21, 2014 – Relator filed her Merit Brief.

On November 24, 2014 – Respondents filed their Submission of Evidence.

On December 11, 2014 – Respondents filed their Merit Brief.

On December 17, 2014 – Relator filed her Reply Brief.

On February 26, 2014 – Relator filed an Emergency Motion to Expedite its Decision for Relator's Original Action in Mandamus.

On March 16, 2015 – Relator Renewed her Emergency Motion to Expedite its Decision for Relator's Original Action in Mandamus.

WHEREFORE, Relator requests that this Honorable Court immediately issue a restraining order to Franklin County Children's Services prohibiting them from destroying any documents and notes pertaining to the Relator and her minor child as specified and covered under Relator's complaint of mandamus. For this Court's convenience Relator has attached a proposed judgment entry.

Respectfully submitted



Stephanie Y. Clough
8060 Wright Road
Broadview Heights, Ohio 44147
Phone: 440-417-3382
stephanieclough@hotmail.com

CERTIFICATE OF SERVICE

I hereby certify that I served the above *Emergency Motion to Stay Destruction of Documents Specified Under Original Action in Mandamus filed by Relator Stephanie Y. Clough* to the following by regular U.S. Mail this 20 day of March, 2015.

Franklin County Children's Services, Ohio
Charles M. Spinning, Executive Director
855 W. Mound Street
Columbus, Ohio 43223
Phone: 614-275-2571

and

Franklin County Children's Services, Ohio
Anne O'Leary, Chief Legal Counsel
855 W. Mound Street
Columbus, Ohio 43223
Phone: 614-275-2571

RESPONDENTS

Franklin County Prosecuting Attorney
Ronald J. O'Brien 17245
373 S. High Street
14th Floor
Columbus, OH 43215
Phone: 614-525-3555

COUNSEL OF RECORD


Stephanie Y. Clough, Relator Pro se
8060 Wright Road
Broadview Heights, Ohio 44147
Phone: 440-417-3382
stephanieclough@hotmail.com

Appendix A



for Contractors/Vendors

for Government Entities

for State Employees

for the Public

View Schedule

- Return to Welcome
- Schedule
 - General Schedule List
- Search
- Agency/Division/Section List
- Login Help

- Site Map
- Search
- DAS Home
- State Home
- Agency Contacts

Series Authorization No: 400-0755	Agency: JFS	Division: OFCS	Section: NA	Revision: 1
Agency Series No.: OCF-CA&NPO		Record Series Title: Child Abuse & Neglect Program Operations		
Record Series Description: Reports, correspondence, and/or memos relating to administration of the Child Abuse and Neglect Program.				
Agency Web Link:				

<input checked="" type="checkbox"/> Confidential Description	Vital Description
May contain personal information.	

Media	Retention Period	Retention Justification	Method of Disposal
Paper	Retain one year in office, four years Records Center. Review by State Archives for possible transfer. Destroy if of no historical value to State Archives.		Shred

Approvals:

Created		Date: 5/16/2013
Approved	Shelia Robinson, Records Officer	Date: 6/10/2013
Approved	Bunnie Jones, Record Administrator	Date: 6/18/2013
Approved	Martin Meeks, State Auditor	Date: 6/20/2013
Approved	Fred Previts, State Archivist	Date: 6/27/2013

Notes:

Note Date	Note Description	User

The Supreme Court of Ohio

State of Ohio ex rel. Stephanie Y. Clough

Case No. 2014-1122

v.

IN MANDEMUS

Franklin County Children's Service, Ohio et al.

ENTRY

This cause originated in this court on the filing of an Emergency Motion to Stay the Destruction of Documents specified under complaint for a writ of mandamus.

Upon consideration thereof, it is ordered by the court, sua sponte, that Franklin County Children's Service is prohibited from destroying the records specified in the complaint until further notice.

Maureen O'Conner
Chief Justice