

**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

---

THIRD MOTION TO EXPEDITE DECISION FOR ORIGINAL ACTION IN MANDAMUS

---

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

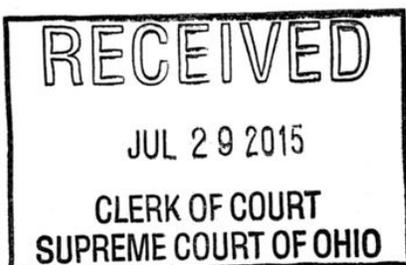
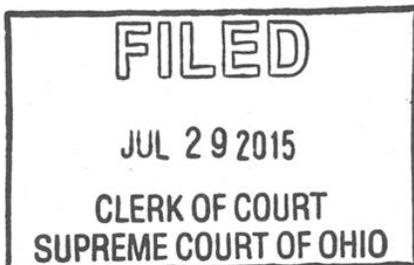
and

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  
Nick A. Soulas 0062166  
373 S. High Street  
13<sup>th</sup> Floor  
Columbus, OH 43215-6318  
Phone: 614-525-3520

COUNSEL OF RECORD



Now comes the State of Ohio, on relation to one of its citizens, Stephanie Y. Clough (hereinafter, "Relator"), who hereby files her Third Motion to Expedite its Decision for Relator's Original Action in Mandamus. Relator incorporates her Emergency Motion to Expedite its Decision for Relator's Action in Mandamus filed February 26, 2015, her Renewed Motion to Expedite its Decision for Relator's Action in Mandamus filed March 16, 2015, her Second Motion to Expedite its Decision for Relator's Action in Mandamus filed April 30, 2015 in their entirety as if contained in this motion. It has been over a year since Relator filed her original action and over a month since the last brief was filed. Relator has proven that she is entitled under law and Franklin County Children Services Board (FCCS) policy to inspect and copy her and her minor child's entire case file at issue in this matter. Relator has also shown that FCCS has not been truthful in responding to Relator's briefs or the Report of Special Master Judge Spicer.

#### HISTORY OF THE CASE

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, 2015 – 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.

On March 23, 2015 – Relator filed an Emergency Motion to Stay the Destruction of Documents Specified under the Original Action in Mandamus.

On March 24, 2015 – This Court requested that the Respondents file a response to Relator's Emergency Motion to Stay the Destruction of Documents Specified under the Original Action in Mandamus by March 30, 2015.

On March 30, 2015 – Respondent's filed a Memo in Opposition to Relator's Emergency Motion to Stay the Destruction of Documents Specified under the Original Action in Mandamus.

On April 24, 2015 – This Court granted Relator's Motion Staying the Destruction of Documents Specified under the Original Action in Mandamus pending review of the underlying records by a special master, Retired Judge Kenneth Spicer.

On April 30, 2015 – Relator filed a Second Motion to Expedite Decision for Original Action in Mandamus.

On April 30, 2015 – Retired Judge Jerome Spicer was appointed as Special Master.

On May 8, 2015 – Relator filed an Emergency Motion in Opposition to the Appointment of a Special Master for Original Action in Mandamus.

On May 28, 2015 – The Report of Special Master was filed.

On June 1, 2015 – Relator filed a Response to the Report of Special Master.

On June 8, 2015 – Respondent's filed a Motion to Clarify the May 28, 2015 Report of Special Master.

On June 11, 2015 – Relator filed a Motion to Withdraw Opposition to the Appointment of a Special Master for Original Action in mandamus.

On June 11, 2015 – Relator a Motion in Response to Motion of Respondents to Clarify the May 28, 2015 report of Special Master.

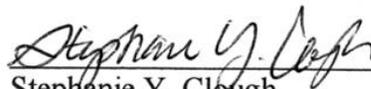
#### STATEMENT OF THE CASE

There are no pending matters requiring evidential briefing or hearing to resolve and just cause exists to swiftly resolve this case. It has been over one year since Relator filed her Original Action in Mandamus and over a month since the last brief was filed. Additionally, Relator has filed three other Motions to Expedite Decision on this matter. Relator has no other legal remedy, and Relator has clearly established her legal right under state statutes to inspect and copy Franklin County Children Services (FCCS) case records pertaining to her and her minor child. Relator has also established that Respondents have a clear legal duty to permit Relator to inspect the records under FCCS Board of Director's "Grievance and Consumer Rights". The right to

inspect public records is a cornerstone of our democracy and open government for and by the people. It is designed to ensure transparency and accountability in order to protect the citizenry. This Court must decide requests for inspection of records on the side of disclosure unless a clear exception exists. Respondents have failed to meet their burden of clearly establishing under law that the records Relator requested are subject to an exception to release. Also it is apparent when reading Special Master's Judge Spicer's report and Respondent's Motion to Clarify Report of Special Master that Chief Legal Counsel Anne O'Leary was not truthful in her affidavit and that improprieties and illegalities occurred resulting in a failure of FCCS to properly complete the investigation into the alleged abuse of Relator's minor daughter. Citizens have an expectation that the judiciary will follow the law and constitutional guarantees without exception. This case presents the very purpose behind establishing the right of citizens to inspect public records. It is essential to preserve transparency, accountability, and trust in our government.

WHEREFORE, Relator requests that this Honorable Court execute its authority granted under the US and Ohio Constitutions to issue extraordinary writs and issue a Writ of Mandamus without further delay to afford the Relator her right to inspect and copy her and her minor child's case file and notes authorized by state statutes and FCCS Board of Director's "Grievance and Consumer Rights" together with any award for statutory damages and costs associated with filing this original action in mandamus, as well as all other relief to which Relator may be entitled in law or in equity.

Respectfully submitted

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

**CERTIFICATE OF SERVICE**

I hereby certify that I served the above *Third Motion to Expedite Decision for Original Action in Mandamus filed by Relator Stephanie Y. Clough* to the following by regular U.S. Mail this 27<sup>th</sup> day of July, 2015.

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

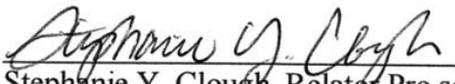
and

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  
Nick A. Soulas 0062166  
373 S. High Street  
13<sup>th</sup> Floor  
Columbus, OH 43215-6318  
Phone: 614-525-3520

COUNSEL OF RECORD

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