

IN THE COURT OF CLAIMS OF OHIO

CHRISTOPHER R. HICKS

Requester

v.

COURT OF CLAIMS

Respondent

Case No. 2024-00515PQ

Judge David E. Cain

JUDGMENT ENTRY

{¶1} In this public-records case, a Special Master has issued a Recommendation For Dismissal. The Special Master “find[s] that this case presents entirely novel questions for the decision of the court, and cannot be governed by any existing precedent” (Recommendation For Dismissal, 4) and the Special Master “find[s] that this case involves more than questions of interest primarily to the parties involved.” (Recommendation For Dismissal, 5.) The Special Master states, “Resolution of the legal issues in this case would have the broad effect of clarifying whether the Court of Claims is subject to suit in the Court of Claims for a violation of the public records act and whether the mediation privilege includes triage communications as identified in requester’s complaint.” (Recommendation For Dismissal, 5.) The Special Master “recommend[s] that the complaint be dismissed without prejudice pursuant to R.C. 2743.75(C)(2) and that requester be directed to commence a mandamus action in the court of appeals with appropriate jurisdiction as provided in R.C. 149.43(C)(1).” (Recommendation For Dismissal, 5.)

{¶2} Under R.C. 2743.75(D)(2), upon the recommendation of a special master, this Court on its own motion may dismiss a public-records complaint brought under R.C. 2743.75 at any time.¹ Additionally, R.C. 2743.75(C)(2) provides:

If the allegedly aggrieved person files a complaint under this section and the court of claims determines that the complaint constitutes a case of first impression that involves an issue of substantial public interest, the court shall dismiss the complaint without prejudice and direct the allegedly aggrieved person to commence a mandamus action in the court of appeals with appropriate jurisdiction as provided in division (C)(1) of section 149.43 of the Revised Code.

{¶3} Upon careful consideration, the Court determines that, in this case, the Complaint brought under R.C. 2743.75 constitutes a case of first impression that involves an issue of substantial public interest. In accordance with R.C. 2743.75(C), the Court dismisses Requester's Complaint without prejudice and directs Requester to commence a mandamus action in the court of appeals with appropriate jurisdiction as provided in R.C. 149.43(C)(1). Court costs are assessed to Requester. The Clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DAVID E. CAIN
Judge

Filed July 10, 2024
Sent to S.C. Reporter 8/8/24

¹ According to R.C. 2743.75(D)(2), "[n]otwithstanding any provision to the contrary in [R.C. 2743.75], upon the recommendation of the special master, the court of claims on its own motion may dismiss the complaint at any time."