

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
TWENTY-FIRST JUDICIAL CIRCUIT

STATE OF MISSOURI
13SL-CC02532

RECEIVED
CIRCUIT COURT
OF
ST. LOUIS
COUNTY

2013 JUL 19 PM 3:26

John Chasnoff,

Plaintiff,

v.

St. Louis County Police Department

SERVE:

Patricia Redington
County Counselor
County Government Center
41 South Central, 9th Floor
Clayton, Missouri 63105

Defendant.

JOAN M. GILMER
CIRCUIT CLERK

NO.:

DIVISION:

41

PETITION

1. This action is brought pursuant to the Missouri Sunshine Law, Chapter 610 of the Missouri Revised Statutes, to require public disclosure of certain documents maintained by the St. Louis County Police Department ("Department").
2. This Court has jurisdiction over this action pursuant to Mo. Rev. Stat. § 610.100, *et seq.*
3. This Court has jurisdiction to issue injunctions to enforce provisions of the Sunshine Law pursuant to Mo. Rev. Stat. § 610.030.
4. Venue for this action is proper in this Court because the principal place of business of the St. Louis County Police Department is in St. Louis County.

Parties

5. Plaintiff John Chasnoff is a citizen and taxpayer of Missouri and, at all times relevant herein, has resided in and currently resides in St. Louis County, Missouri.

6. Defendant, St. Louis County Police Department, is a department of St. Louis County, which is a political subdivision of the State of Missouri.

Factual Allegations

7. Defendant is a “[p]ublic governmental body” within the definition of Mo. Rev. Stat. § 610.010(4).
8. As a resident of, and taxpayer to, St. Louis County, Plaintiff is interested in a recent complaint made to the Department about the conduct of former Lt. Patrick Hayes.
9. On February 7, 2013, Plaintiff made a written request to Defendant’s custodian of records seeking a copy of the complaint.
10. Specifically, Plaintiff sought a copy of the anonymous letter sent to the Department that alleged Hayes engaged in racial profiling.
11. On February 8, 2013, the Department’s custodian of records sent an email to Plaintiff stating the letter he requested was not an open record because it was an active internal investigation.
12. Plaintiff responded by email on February 22, 2013, that the letter was an open record pursuant to *Guyer v. City of Kirkwood*, 38 S.W.3d 412 (Mo. 2001).
13. The Department’s custodian of records responded the same day by email. He stated that the requested letter was a closed record pursuant to §§ 610.021(3) and 610.021(13) R.S.Mo.
14. On February 25, 2013, counsel for Plaintiff wrote to the Department’s custodian of records demanding Defendant turn over the letter requested by Plaintiff. He informed the Department’s custodian of records that Plaintiff would assume that

- the Department's failure to comply with the Sunshine Law was purposeful if the Department did not produce the requested letter by March 1, 2013.
15. Defendant did not respond.
 16. On May 9, 2013, counsel for Plaintiff wrote to the St. Louis County Counselor, Patricia Redington, and demanded the Department produce the requested letter. He reiterated Plaintiff's position that the failure to produce the requested letter was a purposeful violation of the Sunshine Law.
 17. On May 23, 2013, Redington responded to Plaintiff's counsel. She reiterated the Department's position that the letter was a closed record.
 18. The record described in ¶ 10 is a record retained by, or of, a public governmental body.
 19. The record described in ¶ 10 is an incident report as defined by § 610.100.1(4) R.S.Mo.
 20. All incident reports are open records.
 21. Defendant's failure to produce the requested records is a purposeful, or, in the alternate, knowing violation of the Sunshine Law.

WHEREFORE, Plaintiff prays that this Court enter judgment in his favor and against Defendant and:

- A. Declare that the records described in ¶ 10 are public records under the Sunshine Law and are not subject to any exception that would require, or permit, Defendant to close the records or any portion thereof;

- B. Enter an injunction requiring Defendant to provide Plaintiff a copy of the public record he requested;
- C. Find Defendant purposely, or in the alternate, knowingly, violated the Sunshine Law;
- D. Impose a civil penalty against Defendant pursuant to the Sunshine Law;
- E. Award Plaintiff's attorneys' fees and costs of litigation as authorized by the Sunshine Law; and
- F. Grant to Plaintiff such other and further relief as is just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to be a combination of the names Anthony E. Rotherth and Grant R. Doty, written in a cursive, stylized script.

ANTHONY E. ROTHERT, #44827
GRANT R. DOTY, #60788
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Attorneys for Plaintiff