

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

THE REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS,

AMERICAN CIVIL LIBERTIES UNION OF
MISSOURI FOUNDATION

and

CHRISTOPHER S. MCDANIEL,

Plaintiffs,

v.

MISSOURI DEPARTMENT OF
CORRECTIONS,

Defendant.

Case No. 14AC-CC00254

JUDGMENT

This is a final judgment pursuant to § 610.010, *et seq.* (the “Sunshine Law”) in favor of plaintiffs the Reporters Committee for Freedom of the Press (“Reporters Committee”), the American Civil Liberties Union of Missouri Foundation (“ACLU”), and Christopher McDaniel (“McDaniel”) (collectively, “Plaintiffs”).

The Court incorporates the findings of fact made in its July 15, 2015 Order sustaining Plaintiffs’ motion for summary judgment. The Court also incorporates its conclusions of law as stated in the same order.

At issue in this case are Documents 003 and 004 which are responsive to the Plaintiff's requests, but are claimed to be "privileged" or closed under the Sunshine Law. Specifically, the Court reaffirms that defendant Missouri Department of Corrections ("Defendant" or "DOC") is a government body subject to the Sunshine Law, that documents identified as DOC 003 and DOC 004 are public records, that no statutory exemption cited by Defendant applies to these specific public records sought by Plaintiffs, and that Defendant's withholding of such records violates the Sunshine Law. In reaching this conclusion, the Court has reviewed the documents logs submitted by Defendant, which identify responsive records that Defendant believes contain information that might be closed as well as the basis for that belief. Having reviewed the logs as well as the evidence adduced at the September 17, 2015 hearing, the Court finds that M6 who is a person, but does not provide direct support for the administration of lethal chemicals nor is present in the execution chamber. As such, records identifying M6 are not justifiably closed by DOC. Accordingly, DOC is directed to immediately turn over documents DOC 003 and DOC 004 to Plaintiffs. Additionally, any remaining records responsive to Plaintiffs' Sunshine Law requests, but not listed in DOC's privilege log, are to be disclosed.

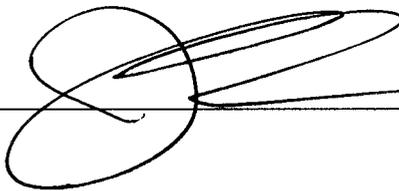
"Section 610.027 authorizes the trial court to award attorney's fees to any party who successfully establishes a purposeful or knowing violation of the Sunshine Law." *R.L. Polk & Co v. Missouri Dep't of Revenue*, 309 S.W.3d 881, 886 (Mo. App. W.D. 2010). In its July 15, 2015 Order the Court found that Defendant's violation of the Sunshine law was knowingly done because the plain language of the statutes upon which Defendants rely does not support the closure of at least some of the information requested. The Court further ordered the parties to submit evidence and briefing on the issue of attorneys' fees. Upon consideration of this evidence, including the evidence at the September 17 hearing, and the parties' arguments, the

Court reaffirms its holding that Defendant's violation of the Sunshine Law was knowingly done. The Court finds that the costs and attorneys fees submitted by Plaintiffs are reasonable, and therefore pursuant to § 610.027 the Court orders DOC to pay \$ 41,230.18 to Plaintiffs as follows: \$10,141.68 to Christopher McDaniel; \$9,271.00 to the ACLU; and \$21,817.50 to the Reporters Committee.

The Defendant's obligation to comply with this judgment shall be stayed until the same is determined to be final, either by operation of law or by exhaustion of all appeals. This stay does not apply to the production of records which are responsive to the Plaintiffs' requests and are not listed on Defendant's privilege logs.

So Ordered.

3/20/14
Date



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