

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

MARSDEN S. FURLOW,



Plaintiff,

v.

Civil No. 02-C-12-171925

ROBERT P. DUCKWORTH, Clerk
Circuit Court for Anne Arundel County
7 Church Circle
Annapolis, Maryland 21401

Defendant.

Also served on:

Attorney General for State of Maryland
Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202

* * * * *

COMPLAINT FOR INSPECTION OF PUBLIC RECORDS
AND COMPLAINT FOR WRIT OF MANDAMUS
WITH VERIFICATION

Comes now, Marsden S. Furlow, SMF files this action for release of public records pursuant to the Maryland State Public Information Act and requests this court to issue a Writ of *Mandamus*, and for this, states as follows:

PARTIES

1. Plaintiff is a citizen of Anne Arundel County within the State of Maryland.
2. Defendant, Robert P. Duckworth, is the Clerk of the Court for Anne Arundel County, a unit or instrumentality of the Maryland State Government and is the custodian of records for the Circuit Court of Anne Arundel County.

VENUE

3. Venue for this action is proper because both parties reside in Anne Arundel County and Anne Arundel County is the location to all the public records relevant to the present action.

JURISDICTION

4. Jurisdiction is provided by State Government Article § 10-623 and Rule 15-701.

FACTS

5. On July 27, 2012, Plaintiff served Defendant, by hand-delivery, a Public Information Act Request (**Exhibit 1**) to inspect and copy the legal file for the case titled J. Douglas Sanner v. Pamela Lee North, Case No. unknown.
6. When Plaintiff hand-delivered his Public Information Act Request to Defendant's Assistant Clerk, Kim Early, Ms. Early acknowledged the existence of the requested records and told Plaintiff such a request would require an "order of the court," adding, "you will need a subpoena to release the file."
7. On August 6, 2012, Defendant responded to Plaintiff's request with a non-responsive response (**Exhibit 2**).
8. Plaintiff is entitled to inspect and copy the original file listed in his Public Information Act Request, i.e., the case titled J. Douglas Sanner v. Pamela Lee North.

CLAIM FOR VIOLATION OF PUBLIC INFORMATION ACT

9. Plaintiff adopts and incorporates herein by reference the factual allegations of paragraphs 1 through 8 of this Complaint as though fully set forth herein.
10. The documents sought by Plaintiff, that are being withheld by the Defendant, are public records within the meaning of the Maryland Public Information Act, MD. CODE ANN., STATE GOV'T §§ 10-611 - 10-630 (2004 & Supp. 2007) (the "Act").
11. Defendant is without authority to deny Plaintiff access to the requested documents.

12. Plaintiff has reason to believe that the requested records are intentional being denied to him by a secret court order issued by Judge Nancy-Davis Loomis. Even if such an order exists, Plaintiff still has the right under the Maryland State Public Information Act to inspect and copy items within the record that cannot be exempted from disclosure by a court order.
13. Furthermore, if a Court Order seeks to exempt public records from inspection and copying, it is unlawful and without a statutory grant of jurisdiction.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, requests the following relief:

- A. That this Court enjoin the Defendant Robert P. Duckworth, from withholding public documents relating to the divorce case of *J. Douglas Sanner v. Pamela Lee North*;
- B. That this Court enter an order requiring Defendant Robert P. Duckworth to produce and allow Plaintiff to inspect and copy all public documents relating to the divorce case of *J. Douglas Sanner v. Pamela Lee North* including, but not limited to, the original complaint, summons, settlement agreement, and all orders issued in or relating to the divorce said case, and every other document located within the case file that has not been exempted from release by statutory grant of authority, and,
- C. Award costs, legal fees other and further relief as allowed by statute that this Court may deem appropriate.

CLAIM FOR WRIT OF MANDAMUS

14. Plaintiff adopts and incorporates herein by reference the factual allegations of paragraphs 1 through 13 of this Complaint as though fully set forth herein.
15. Plaintiff's request is made in accordance with the Maryland State Public Information Act and Defendant has intentionally and with malfeasance of office intentionally failed to comply with the law.

16. Defendant is statutorily obligated to respond to Plaintiff's Maryland State Public Information Act State Government pursuant to State Government Article § 10-614(b)(3). 10-614(b)(2).

WHEREFORE, Plaintiff, requests the following relief:

- A. That this Court issue a Writ of Mandamus requiring Defendant Robert P. Duckworth to properly respond to Plaintiff's request to inspect and copy the court files of *J. Douglas Sanner v. Pamela Lee North*; and,
- B. Award costs, legal fees other and further relief as this Court may deem appropriate.


Marsden Furlow, Plaintiff



VERIFICATION

I hereby swear and affirm under the penalties of perjury that the matters and facts stated herein are true and correct to the best of my personal knowledge, information, and belief.


Marsden Furlow

TRUE COPY,

TEST: Robert P. Duckworth, Clerk

By: 5ms Deputy

MARSDEN S. FURLOW


July 25, 2012

Hand Delivered

Robert P. Duckworth
Clerk of the Circuit Court for Anne Arundel County
7 Church Circle
Annapolis, MD 21012

Re: Maryland Public Information Act Request,
State Government Article § 10-611 *et seq.*
J. Douglas Sanner v. Pamela Lee North, Case No. (unknown)

Dear Mr. Clerk:

I hereby request to inspect and copy public records related to the original case file of *John Douglas Sanner v. Pamela Lee North* (Case No. unknown).

I also request to inspect and copy any **Order** by the Circuit Court of Anne Arundel County or any other court that would require you as custodian of these records to deny public access to these records pursuant to State Government Article § 10-615.

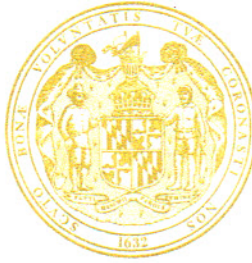
Pursuant to State Government Article § 10-614(b)(2) if the records are available you are required to produce the records within 30 days of this request. If you are going to deny access to these public records pursuant to State Government Article § 10-614(b)(3):

- (3) A custodian who denies the application shall:
 - (i) immediately notify the applicant;
 - (ii) within 10 working days, give the applicant a written statement that gives:
 - 1. the reasons for the denial;
 - 2. the legal authority for the denial; and
 - 3. notice of the remedies under this Part III of this subtitle for review of the denial; and
 - (iii) permit inspection of any part of the record that is subject to inspection and is reasonably severable.

Thank you for your public service.

Sincerely,


Marsden Furlow



Robert P. Duckworth, Clerk
Circuit Court for Anne Arundel County
Courthouse, Church Circle
Post Office Box 71
Annapolis, Maryland 21404

August 6, 2012

Marsden S. Furlow
[REDACTED]

Re: MD Public Information Act Request

Dear Mr. Marsden,

This is in response to your hand delivered letter dated July 27, 2012. The public has access to open court records through the Maryland Judiciary Case Search www.mdcourts.gov.

Sincerely,

Robert P. Duckworth, Clerk