

IN THE DISTRICT COURT OF OKLAHOMA COUNTY,
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

A PERFECT CAUSE 2013, INC)
(d.b.a. A PERFECT CAUSE);)
THE OKLAHOMA OBSERVER;)
Plaintiffs,)

NOV 14 2016

RICK WARREN
COURT CLERK

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vs.)

Case No: CV-2015-2098

MARY FALLIN, in her official)
capacity as GOVERNOR OF THE)
STATE OF OKLAHOMA;)
Defendant.)

Assigned Judge: Stuart

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

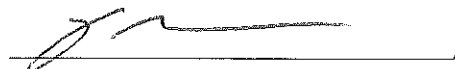
COME NOW, the Plaintiffs herein, by and through their counsel of record, and hereby move this honorable Court for an order granting summary judgment in the above-styled cause. In support of this Motion, Plaintiffs state the following:

1. Plaintiffs hereby incorporate all allegations from Plaintiffs' Petition for Injunctive and Declaratory Relief, filed previously herein, which seeks prompt and reasonable access to two specifically-requested sets of public records within Defendant's possession.
2. Plaintiffs are parties claiming relief, which filed their original Petition more than twenty days prior to this Motion, as mandated by 12 O.S. §2056.
3. By its plain language, the Oklahoma Open Records Act places the burden on public officials and public bodies to allow "prompt, reasonable access" to records absent specific and explicit exceptions allowing denial. 51 O.S. §24A.5(5).

4. In the instant case, it is undisputed by the parties that Plaintiff A Perfect Cause requested access to its selected records on May 13, 2014, and that Plaintiff Oklahoma Observer requested its selection of public records on June 16, 2014. *See* Def's Answer, ¶1.
5. There is no genuine factual dispute that neither set of records has been produced, following (so far) 915 days as to A Perfect Cause's request and 848 days as to the Oklahoma Observer's request.
6. As required by Rule 13 of the Rules for District Courts of Oklahoma before summary judgment may be granted, there is no substantial controversy as to any material fact in this case.
7. As a matter of law, Plaintiff is entitled to summary judgment ordering the immediate release of all responsive public records not exempted under the Oklahoma Open Records Act.
8. Plaintiff has filed with this Motion a Brief in Support, detailing the application of Oklahoma law to the present controversy.

WHEREFORE, premises considered, Plaintiffs pray this Honorable Court grant this Motion for Summary Judgment and issue an Order compelling Defendant to grant immediate access to the requested records, to which Plaintiffs are entitled under the Oklahoma Open Records Act. Plaintiff reserves the right to supplement and/or amend this pleading if appropriate and to move for an Order awarding attorney fees and costs, should this Motion for Summary Judgment be granted or Plaintiff otherwise prevail on the merits.

Respectfully Submitted,



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Attorneys for Plaintiffs

CERTIFICATE OF DELIVERY

The undersigned does hereby certify that on the day of filing, a true and correct copy of the above and foregoing is being delivered to Assistant Attorney General Jeb Joseph, counsel for Defendant Fallin, at the office of the Attorney General of Oklahoma, via First Class U.S. Mail, postage prepaid.

A handwritten signature in black ink, appearing to be "JR", is written over a horizontal line.