

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

MATT KNIGHTEN,	Plaintiff)	
)	
)	Civil Action No.
vs.)	
)	
GEORGIA DEPARTMENT OF PUBLIC)	
SAFETY,	Defendant)	
)	

VERIFIED COMPLAINT

Plaintiff Matt Knighten states the following as his Complaint:

1. Plaintiff is a natural person who resides in Rome, Georgia.
2. Defendant is a department of the State of Georgia, and such department's address is 959 E. Confederate Avenue; Atlanta, Georgia 30316.
3. Defendant is a "public agency," as that term is used in the Georgia Open Records Act ("ORA"), O.C.G.A. § 50-18-70, *et. seq.*
4. On May 11, 2006, Plaintiff sent an Open Records Request ("ORR") to Defendant, pursuant to the ORA. A true and correct copy of that ORR ("First ORR") is attached as Exhibit 1.
5. On May 18, 2006, Defendant responded to the First ORR via a letter from Defendant's employee, Shana L. Brown. A true and correct copy of that response ("First ORR Response") is attached as Exhibit 2.
6. In the First ORR Response, Defendant did not indicate that the information requested was not available, but Defendant stated that the information would not be provided until after two weeks.

7. On May 24, 2006, Plaintiff called Ms. Brown and asked if the documents described in the First ORR Response were available electronically. Ms. Brown told Plaintiff that they were not.
8. Plaintiff subsequently paid for, and received from Defendant, copies of the documents described in the Firsts ORR Response.
9. On June 21, 2006, Plaintiff sent Defendant another ORR (the “Second ORR”), in which he specifically requested electronically available documents. A true and correct copy of the Second ORR is attached as Exhibit 3.
10. On June 28, 2006, Defendant sent Plaintiff a response to the Second ORR via its employee, Shana L. Brown. A true and correct copy of that response (the “Second ORR Response”) is attached as Exhibit 4.
11. In the Second ORR Response, Defendant did not indicate that the information requested was not available, but Defendant stated that the information would not be provided until after two weeks.
12. The Second ORR Response identified only paper documents that Defendant asserted were responsive to the Second ORR. The Second ORR Response did not identify any electronically available documents.
13. Plaintiff subsequently paid for, and received from Defendant, copies of the paper documents identified in the Second ORR Response.
14. On or about August 17, 2006, Plaintiff discovered that Defendant filed with the United States District Court for the Northern District of Georgia an electronic version of the documents requested in the Second ORR. The documents were

filed on a compact disk as Docket Entry No. 35 in *Camp v. Cason et. al.*, Case No. 1:06-CV-1586-CAP.

15. On September 12, 2006, Plaintiff called Defendant to reiterate his request that the information sought in the Second ORR be made available electronically. The person with whom Plaintiff spoke told Plaintiff that the CDs (such as the one filed in federal court) were only made available for the use of probate court judges, and not to the general public.
16. During the September 12, 2006 call, Defendant asked why Plaintiff wanted the information electronically, told Plaintiff that the paper documents should be adequate, and accused Plaintiff of “harassing” Defendant by reiterating his request for the information electronically.
17. Also during the September 12, 2006 call, Defendant told Plaintiff that it would review the Second ORR and determine if he “qualifies” to receive the information electronically.
18. As of the filing of this Complaint, Defendant has not responded to Plaintiff’s renewed request for the electronic information.
19. Upon information and belief, the information requested in the First ORR is available electronically.
20. Upon information and belief, the information requested in the Second ORR is available electronically.
21. Upon information and belief, the information requested in the First ORR was available at the time the First ORR Response was prepared by Defendant.

22. Upon information and belief, the information requested in the Second ORR was available at the time the Second ORR Response was prepared by Defendant.
23. By failing to provide the information requested in the First ORR electronically, as requested by Plaintiff, Defendant violated the ORA at O.C.G.A. § 50-18-70(g).
24. By failing to provide the information requested in the First ORR electronically, Defendant failed to provide the information by the most economical means available, in violation of the ORA at O.C.G.A. § 50-18-71(e).
25. By failing to make the information requested in the First ORR available within three business days, Defendant violated the ORA at O.C.G.A. § 50-18-70(f).
26. By failing to provide the information requested in the Second ORR electronically, as requested by Plaintiff, Defendant violated the ORA at O.C.G.A. § 50-18-70(g).
27. By failing to provide the information requested in the Second ORR electronically, Defendant failed to provide the information by the most economical means available, in violation of the ORA at O.C.G.A. § 50-18-71(e).
28. By failing to make the information requested in the Second ORR available within three business days, Defendant violated the ORA at O.C.G.A. § 50-18-70(f).
29. Defendant lacked substantial justification in failing to provide the information requested in the First ORR electronically.
30. Defendant lacked substantial justification in failing to make the information requested in the First ORR available within three business days.
31. Defendant lacked substantial justification in failing to provide the information requested in the Second ORR electronically.

32. Defendant lacked substantial justification in failing to make the information requested in the Second ORR available within three business days.

Prayer for Relief

Based on the foregoing, Plaintiff demands the following relief:

1. A declaration that Defendant violated the ORA.
2. An injunction requiring Defendant to provide to Plaintiff the information requested in the First ORR and the Second ORR, electronically, at no additional charge to Plaintiff.
3. Damages in amount to be determined at trial.
4. A permanent injunction, ordering Defendant to provide information electronically when 1) such information is subject to the ORA, and 2) is available electronically, and 3) either the requester asks for the information electronically or providing the information electronically is the most economic means available.
5. Attorneys fees and litigation costs, pursuant to O.C.G.A. § 50-18-73(b).
6. A jury to try this case.

John R. Monroe,
Attorney for Plaintiff
9640 Coleman Road
Roswell, GA 30075
678-362-7650
State Bar No. 516193

VERIFICATION

I, Matt Knighten, plaintiff in this case, upon oath swear or affirm that I know of my own knowledge that the factual allegations stated in this Complaint are true.

Matt Knighten

The above named Matt Knighten appeared before me on the ____ day of September, 2006, and swore and subscribed to this document in _____ County, Georgia.

Notary Public

My commission expires _____