

**SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

BENTLEY MEDIA GROUP,

Plaintiff,

v.

FULTON COUNTY DISTRICT  
ATTORNEY'S OFFICE

Defendant.

Civil Action No.:

**COMPLAINT TO ENFORCE COMPLIANCE  
WITH THE GEORGIA OPEN RECORDS ACT**

Plaintiff Bentley Media Group files this Complaint to ensure that the Fulton County District Attorney's Office provides public access to documents in accordance with the Georgia Open Records Act, O.C.G.A. §§ 50-18-70 et seq.

**PARTIES**

1. The Plaintiff, Bentley Media Group, operates "Just The News" ("JTN"), a web-based news organization with adjacent television and podcast operations. John Solomon is JTN's Chief Executive Officer and Editor in Chief. He is an award-winning investigative journalist, author, and digital media entrepreneur who has reported for The Associated Press, The Washington Post, The Washington Times, Newsweek, The Daily Beast, and The Hill. JTN's website may be found at <https://justthenews.com>. JTN has consistently reported on criminal investigations and trials of national significance.

2. The Defendant, the Fulton County District Attorney's office, is an "agency," as that term is defined by O.C.G.A. § 50-18-70(b)(1), and is subject to the Georgia Open Records Act.

### **JURISDICTION AND VENUE**

3. This Court has jurisdiction to enforce compliance with the Georgia Open Records Act pursuant to O.C.G.A. § 50-18-73(a).

4. Venue is proper in this Court.

### **STATEMENT OF FACTS**

5. On January 11, 2024, JTN Investigative Reporter Steven Richards submitted an Open Records Request to Fulton County, requesting:

[A]ll records of meetings between District Attorney Fani Willis, special prosecutor Nathan Wade, or any other staff of the District Attorney's Office with any White House or federal Department of Justice officials both in Georgia and the District of Columbia from Jan. 1, 2021[,] to the present [and] all communications between DA Willis or special prosecutor Wade with White House or Department of Justice officials from Jan. 1, 2021[,] to the present.

*See Exhibit 1 at 2.*

6. On January 11, 2024, JTN received a letter stating that the "Fulton County District Attorney office is in receipt of [the] open records request." Exhibit 2; *see also* Exhibit 1 at 2.

7. JTN's request was assigned the reference number R000402-011124 for tracking purposes. Exhibit 1 at 2.

8. On February 12, 2024, JTN received a letter stating that the "Office of the Fulton County District Attorney does not maintain records responsive to your

request (R000402-011124). At this time, there are no records that are responsive to this open records request.” Exhibit 3; *see also* Exhibit 1 at 1.

9. But on January 25, 2024, in a hearing before the Fulton County Superior Court, the attorney from the Office of the Fulton County District Attorney admitted that it communicated with the White House in two written letters about “logistics and procedures.” Steven Richards, *Fulton County DA Discloses Two Communications With Biden White House in Court Hearing*, JUST THE NEWS (Jan. 25, 2024), <http://tinyurl.com/3jc5wz5c> (citing Judge Scott McAfee, *State v. Clark Motion to Compel 23SC188947*, YOUTUBE (Jan. 25, 2024), <http://tinyurl.com/yc64pu4k>).

10. In response to Judge McAfee’s question regarding the extent of the Office of the Fulton County District Attorney’s communications with the Office of the White House Counsel, the attorney answered, “One written letter ... well[,] there were two written letters.” *Id.*

11. These letters are responsive to JTN’s request for communications “with White House or Department of Justice officials from Jan. 1, 2021 to the present.” *See* Exhibit 1 at 2.

12. Moreover, the attorney from the Office of the Fulton County District Attorney agreed with Judge McAfee’s statement that “a meeting did occur.” Judge Scott McAfee, *State v. Clark Motion to Compel 23SC188947*, YOUTUBE (Jan. 25, 2024), <http://tinyurl.com/yc64pu4k>.

13. Records of that meeting are responsive to JTN’s request for “[A]ll records of meetings between District Attorney Fani Willis, special prosecutor Nathan Wade,

or any other staff of the District Attorney's Office with any White House or federal Department of Justice officials both in Georgia and the District of Columbia from Jan. 1, 2021, to the present." *See* Exhibit 1 at 2.

14. Despite the Defendant's knowledge of the existence of these responsive records on January 25, 2024, the Defendant stated that "there are no records that are responsive to [JTN's] open records request" on February 12, 2024. Exhibit 3.

### **CLAIM FOR RELIEF**

15. The Plaintiff repeats paragraphs 1–14.

16. The Georgia Open Records Act "declares that the strong public policy of this state is in favor of open government; [and] that open government is essential to a free, open, and democratic society[.]" O.C.G.A. § 15-18-70(a). Further, "public access to public records should be encouraged to foster confidence in government and so that the public can evaluate the expenditure of public funds and the efficient and proper functioning of its institutions." *Id.*

17. The Georgia General Assembly has found and declared "that there is a strong presumption that public records should be made available for public inspection without delay." *Id.*

18. The Georgia Open Records Act "shall be broadly construed to allow the inspection of governmental records. The exceptions . . . shall be interpreted narrowly to exclude only those portions of records addressed by each exception." *Id.*

19. “All public records shall be open for personal inspection and copying, except those which by order of a court of this state or by law are specifically exempted from disclosure.” O.C.G.A. § 50-18-71(a).

20. The Defendant is an agency subject to the Georgia Open Records Act under O.C.G.A. § 50-18-70(b)(1).

21. The Plaintiff is a corporation entitled to enforce the Georgia Open Records Act under O.C.G.A. § 50-18-73(a).

22. The Plaintiff properly requested public records as defined in O.C.G.A. § 50-18-70(a).

23. In its response, the Defendant did not withhold any documents in accordance with O.C.G.A. § 50-18-71(d).

24. The Defendant has failed to produce for inspection all records responsive to the Plaintiff’s request under O.C.G.A. § 50-18-71(b)(1)(A), and therefore, violated the Georgia Open Records Act.

**PRAYER FOR RELIEF**

The Plaintiff respectfully requests this Court:

- i. Declare that the records sought by the request, as described in the preceding paragraphs, must be disclosed pursuant to O.C.G.A. § 50-18-71(b)(1)(A);
- ii. Grant the Plaintiff declaratory relief declaring that the Defendant violated the Georgia Open Records Act when it failed to produce all records responsive to the Plaintiff’s request under O.C.G.A. § 50-18-71(b)(1)(A);

- iii. Order the Defendant to comply with the Plaintiff's request pursuant to the Georgia Open Records Act and to provide any applicable records;
- iv. Grant the Plaintiff reasonable attorney's fees and costs incurred in filing this action; and
- v. Provide such further relief as this Court deems just and proper.

Dated: February 21, 2024

Respectfully submitted,

/s/ Gene P. Hamilton  
Gene P. Hamilton  
Georgia Bar No. 516201  
Michael Ding\*  
DC Bar No. 1027252  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Avenue SE #231  
Washington, DC 20003  
Email: gene.hamilton@aflegal.org

*Attorneys for Plaintiff*

*\*Application for admission pro hac vice forthcoming*