

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DIANA ASTIZ,

Plaintiff,

v.

STATE OF WEST VIRGINIA OFFICE OF THE
GOVERNOR,

Defendant.

Civil Action No. 23-P-218

Judge: Hon. Jennifer F. Bailey

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

NOW COMES Plaintiff, Diana Astiz, by and through undersigned counsel, pursuant to Rule 56 of the West Virginia Rules of Civil Procedure, and moves this Honorable Court for entry of summary judgment in her favor on the Plaintiff’s claims.

Plaintiff filed this action to seek the release of public documents created and maintained by the Governor’s Office, a public body, under West Virginia’s Freedom of Information Act, W. Va. Code § 29B-1-1 *et seq.* The Defendant’s denial of the Plaintiff’s request for public records is a clear violation of FOIA as a matter of law. The Plaintiff is entitled to Summary Judgment on all Counts.

The Plaintiff incorporates by reference her Memorandum of Law in Support of her Motion for Summary Judgment as if fully set forth here at length.

WHEREFORE, the Plaintiff, Diana Astiz, now moves this Honorable Court to grant summary judgment in her favor, enter a declaratory judgment that the Governor’s Office must disclose the requested records, enter an injunction ordering the Governor’s Office to do so, award Plaintiff her attorneys’ fees and costs for bringing this action, and award the Plaintiff with any further relief this Court deems just and proper.

July 26, 2023

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing **Plaintiff's Motion for Summary Judgment, Memorandum in Support, and Affidavit** were served to the individuals listed below via First Class Mail on this 26th of July, 2023:

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