

IN THE
INDIANA COURT OF APPEALS
CASE NO. 23A-PL-00705

THEODORE EDWARD ROKITA,)
)
Defendant-Appellant,)
)
vs.)
)
BARBARA TULLY,)
)
Plaintiff-Appellee.)

Trial Court No. 49D06-2107-PL-025333
The Hon. Kurt Eisgruber, Judge

**APPELLEE’S MOTION FOR IN CAMERA REVIEW OF
DISPUTED PUBLIC RECORD**

Appellee Barbara Tully (Plaintiff below) hereby moves this Court to review *in camera* the January 15, 2021, opinion of the Indiana Inspector General that is the subject of her action under the Access to Public Records Act (APRA), and in support states:

1. Tully brought this action pursuant to APRA, Ind. Code section 5-14-3-1, *et seq.*, seeking to inspect and/or copy a January 15, 2021, opinion of the Indiana Inspector General dealing with the ethical issues arising out of Rokita’s continuing to accept compensation from a private employer, Apex Benefits, after he was sworn in as Indiana Attorney General.

2. On May 20, 2022, the trial court granted Tully’s motion to inspect that opinion *in camera* as permitted by I. C. 5-14-3-9(h). That report is part of the record on appeal but remains under seal.

3. This Court has held upon proper motion that public records reviewed *in camera* by the trial court must also be reviewed on appeal as a requirement of due process. *Groth v. Pence*, 67 N.E.3d 1104, 1113 (Ind. Ct. App. 2017).

4. In subsequent appeals involving APRA, this Court has granted motions to review public records *in camera* that the trial court had previously reviewed but which remained under seal on appeal. *Sullivan v. National Elections Defense Coalition*, 182 N.E.3d 859 (Ind. Ct. App. 2022); *Tax Analysts, et al. v. Ind. Econ. Development Comm'n*, 162 N.E.3d 1111, 1113 (Ind. Ct. App. 2020).

WHEREFORE, Tully respectfully moves this Court to review *in camera* the unredacted January 15, 2021, opinion of the Indiana Inspector General that is the public record in dispute in this matter.

DATED: May 25, 2023.

Respectfully submitted,

/s/ William R. Groth
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Attorneys for Appellee Barbara Tully

Certificate of Filing and Service

I certify that on May 25, 2023, the foregoing document was filed using the Indiana E-filing System. I also hereby certify that on May 25, 2023, the foregoing action served the foregoing document on the following via IEFS:

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