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FOR IMMEDIATE RELEASE: Tuesday, November 19, 2013

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Judge Orders the City of Clinton to Release Records to Public Regarding \$4.5 Million Emergency Medical Service Lawsuit

Clinton, Iowa — As part of a lawsuit by Citizens for Open Government, a Clinton County District Court judge today ordered the City of Clinton to release records from meetings regarding its improper ambulance billings that resulted in \$4.5 million in fines and damages.

In March 2012, the ACLU of Iowa filed a lawsuit on behalf of the citizens' group to find out what happened during a series of closed sessions of the Clinton City Council. The closed sessions were held to discuss a separate lawsuit against the city that resulted in a stunning \$4.5 million settlement for improper ambulance billings.

This summer, Citizens for Open Government was given transcripts, recordings, and tapes from six closed session meetings held in 2009 and 2010 relating to the improper EMS lawsuit and fine settlement. The meeting records were given to the group so it could identify what portions of the Iowa open meetings law were violated and on the condition that the materials not be shared.

In today's ruling, the judge rules that the materials are to be made public for anyone to review.

Randall Wilson, ACLU of Iowa legal director, said "The city has put a lot of time and energy into fighting this disclosure, but in a democracy, it's important for citizens to advocate for open government and for the right to know what happened with their tax money."

Once the transcripts were released to the group (with confidentiality restrictions), as part of the lawsuit, the members took months to go through and identify dozens of violations of Iowa's open meetings law. "I applaud Citizens for Open Government for persevering," Wilson said.

Ed O'Neill, one of the five members of Citizens for Open Government, said it's critical that governments work openly. "A democracy that works in secret isn't a democracy anymore, especially when it's information on how they're spending money, in this case more than \$4 million. Government suffers a lot of more from secrecy than it would from transparency." Other members of the Citizens for Open Government are Marty Nitschke, Rick Hale, Larry Ketelsen, and Jan Hansen.

Michael J. McCarthy in Davenport and Blake Parker in Clinton are the ACLU cooperating attorneys representing Citizens for Open Government. The two attorneys did much of the work in the case.

In December 2011, a group of area residents, which organized into Citizens for Open Government, became frustrated with the city's lack of transparency with the EMS payment lawsuit and fines. It formally

requested in writing city records regarding the \$4.5 million settlement, including all minutes, records, and notes pertaining to the secret sessions of the city council. The city refused.

The improper billings came to light when a former Clinton firefighter claimed the city had been improperly coding emergency calls to collect reimbursement money from Medicare at a higher rate than justified. Following the settlement, the Clinton fire chief and emergency medical services director were fired and then subsequently rehired.

Today the judge issued a *partial* summary judgment, which does not include a ruling on whether penalties will be assessed.

A trial has been set in the case for tomorrow for 9:00 a.m. in the third floor of the Clinton County courthouse. It will deal with remaining issues not covered in the partial summary judgment, such as penalties and attorney fees.

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The ACLU of Iowa is a private, non-partisan organization that fights to advance civil liberties for all. It is the state affiliate of the national American Civil Liberties Union. The ACLU prides itself in upholding everyone's civil liberties, no matter who they are or what they believe. We have worked to assure the rights of all Iowans – from atheists to devout Christians, from labor unions to businesspeople and more – to make sure the constitutional rights of all are preserved. For more information, go to <http://www.aclu-ia.org>

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