

Affidavit of facts, Esrati vs Dayton Metro Library

1. On August 19, 2017, 1 year and 1 day after his father's death, Esrati had planned a day of meditation in memory of his father, a journalist, and was engaged in a peaceful day of photography
2. Around 3pm Esrati entered the Downtown branch of the Dayton Metro Library, 215 East Third Street Dayton, Montgomery County, Ohio 45402, for his first time since its grand opening. His first photo, was of 2 guards by the door, looking bored in a corner.
3. He proceeded through the building, stopping to talk to a neighbor who works in the children's section and to two teens in the green screen room.
4. On the top floor, he sat down to change lenses, and then turned to quickly take a candid of the only person he'd seen reading an actual book in the library.
5. A guard, later identified as Edward Hynes, challenged him asking if he had her permission.
6. Esrati replied, he didn't need permission, as it was a public place and a public space and there is no guarantee of privacy. He then asked the guard to leave him alone and walked away.
7. He proceeded over to an area where the roof was leaking on the multi-million dollar tax funded palace and decided not to take a photo.
8. Then as he was trying to take a photo of the Terry Welker mobile installation a guard wearing sergeant's stripes, later identified as Donald J. Donovan, started talking to him.
9. The instructions were to stop taking photos, and to leave the building. At this point, Esrati started to record video of the guard despite being told Ohio Revised Code forbade recording him with video.

10. With 3 guards around him, and the guard having said something sounding like he'd called police, Esrati cooperated fully as he was led out of the library.
11. On the stairs going out, Sergeant Donovan, suggested Esrati may be a child molester/sex offender.
12. Once he had left the library, Donovan and Sgt. Rodney Bullock, continued to accompany and harass Esrati all the way around the building to Cooper Park, despite repeated requests from Esrati to leave him alone.
13. The Sergeant then told Esrati he was banned from the Library for 30 days.
14. Esrati called DML executive director Tim Kambitsch on his personal cell phone to discuss the issue and left a message.
15. Esrati continued his day, walking over to Riverscape to take photos of people at play, including kids in the fountain. He felt several Metroparks rangers were giving him extra scrutiny and was still upset over the library incident.
16. Kambitsch returned Esrati's call as he was walking back across the Oregon/South Park pedestrian bridge, and suggested that Esrati had done something wrong.
17. Esrati hired counsel and began process of a public records request to secure the security tapes.
18. Oct 3 3017, Meeting between Esrati and his former counsel, Dan Durocher, and Kambitsch and his counsel, at the library where the library admitted Esrati did nothing wrong and blamed it on a guard making a misrepresentation, which they confirmed by watching the security tapes that Esrati still hasn't had access to.

- 19. Esrati went to the Board of Trustees meeting on Nov 15, 2017 to attempt to mediate the issue and was cut off half-a-minute early. This was the first meeting he could attend after the 30 day ban had expired.
- 20. On Feb 1, 2018, Esrati, via counsel, filed a mandamus action to release public record security video of his ejection from the library.
- 21. The library, via the Public Prosecutors office, delayed, and used legal maneuvers to attempt to discredit Esrati, and to increase his legal fees at every turn.
- 22. On July 29, 2019, Judge Gerald Parker found for Esrati and granted relator's motion for summary judgement, ordering the library to pay the maximum statutory damages of \$1000 and to reimburse court costs, and to supply redacted copies of the video within 90 days. However, he did not award attorney fees to Esrati, in effect, fining him for enforcing the Ohio Open Records laws.

David Esrati has set his hand this 19 day of August, 2019.



State of OHIO County of

Montgomery, ss.

The foregoing instrument was acknowledged before me this 19 day of August 2019

by DAVID Esrati

Notary Public Shelby Crumpler, 08/19/2019

This instrument prepared by David Esrati



SHELBY CRUMPLER, Notary Public  
In and for the State of Ohio  
My Commission Expires Jan 15, 2024