



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

March 27, 1990

Mr. Lawrence A. Lynn
Coats, Rose, Yale, Holm, Ryman & Lee
Attorneys for Cypress Klein
Utility District
6671 Southwest Freeway, Suite 500
Houston, Texas 77074

OR90-123

Dear Mr. Lynn:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8991.

The Cypress Klein Utility District received an open records request for information relating to work on an elevated storage tank project that is currently the subject of litigation. While the district released some of the requested information, it seeks to withhold other information related to the litigation.

We have considered the exception you claimed, specifically section 3(a)(3), and have reviewed the documents at issue and the pleadings in the suit to which you claim the information relates. We conclude that the information sought directly relates to the issues raised in the pleadings, and that the release of it would be likely to adversely affect the district's litigation interests. You may therefore withhold the information. If any of the information has been released to any party in the litigation, section 3(a)(3) would no longer apply. See Open Records Decision No. 349 (1982).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a

published open records decision. If you have questions about this ruling, please refer to OR90-123.

Yours very truly,



David A. Newton
Assistant Attorney General
Opinion Committee

DAN/le

Ref.: ID# 8991, 7254, 7216

cc: William J. Philbin, Jr.
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