



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTON  
ATTORNEY GENERAL

June 15, 1990

Mr. John J. Greene  
Assistant City Attorney  
Department of Law  
Brown Building  
708 Colorado  
P.O. Box 1088  
Austin, Texas 78767-8828

OR90-243

Dear Mr. Greene:

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# 9535.

The city of Austin received a request for copies of all monthly reports of aviation activity at the Municipal Airport from July 1989 to the present, and for all application for funding made by the city to the Federal Aviation Administration from 1988 to the present. You indicate that the city is involved in litigation relating to certain interim improvements of the airport. You claim that the information requested from the city would likely be directly involved in the litigation because the information relates to increased aviation activity at the airport that the suit seeks to enjoin. Thus, you seek to withhold the information under section 3(a)(3) of the Open Records Act.

We have considered the exception you claimed, and have reviewed the documents at issue. Previous determinations of this office, Open Records Decision Nos. 551 (1990) and 360 (1983), copies of which are enclosed, resolve your request. For this reason, you may withhold the requested information.

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 OR90-243.

Yours very truly,

A handwritten signature in cursive script that reads "David Newton".

David A. Newton  
Assistant Attorney General  
Opinion Committee

Mr. John J. Greene - Page 2 (OR90-243)

DAN/le

Ref.: ID# 9535

Enclosure: Open Records Decision No. 360, 551  
Documents Submitted

cc: John D. Pieratt  
Attorney at Law  
1601 West 38th Street  
201 Jefferson  
Austin, Texas 78731