



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

February 12, 1991

Mr. Michael A. Moss
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR91-082

Dear Mr. Moss:

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# 11441.

We have considered the exception you claimed, specifically section 3(a)(3), and have reviewed the documents at issue. Section 3(a)(3) excepts from disclosure information related to pending litigation or litigation that is reasonably anticipated. However, the protection of section 3(a)(3) ordinarily ceases once the litigation comes to an end. See generally Open Records Decision No. 551 (1990) at 4.

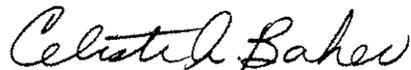
Your letter dated January 10, 1991, states that the submitted documents are central to the issues raised in litigation pending in federal district court. Your letter also states that alternative motions to dismiss were filed in that litigation, which has been assigned C.A. No. H-90-787. We have received a copy of an agreed order that was issued dated January 28, 1991, dismissing the litigation without prejudice. Since the litigation has ended, you must disclose the information. We have enclosed a copy of a previous determination of this office, Open Records Decision No. 551, which resolves your request. With regard to information requested that the city does not possess, the Open Records Act does not require the city to either create information or request the information from other governmental agencies who may possess that information. See Open Records Decision No. 464 (1987).

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

Mr. Michael A. Moss - Page 2 (OR91-082)

published open records decision. If you have questions about this ruling, please refer to OR91-082.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/le

Ref.: ID# 11441

Enclosure: Open Records Decision No. 551

cc: Ms. Mary Alice Van Kerrebrook
Sierra Club
1413 Westheimer
Houston, Texas 77006