



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

September 25, 1991

Mr. Michael Shearn  
General Counsel  
Texas National Research Laboratory Commission  
1801 North Hampton Road, Suite 400  
DeSoto, Texas 75115

OR91-438

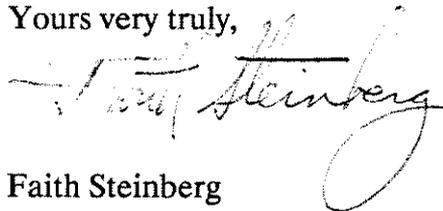
Dear Mr Shearn:

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# 12401.

This letter is in reply to your response to our letter ruling of April, 3, 1991, (OR91-205), which provided additional information regarding the status of the Equal Employment Opportunity Commission (EEOC) complaints germane to an open records request to your office. Our ruling denied your claim for exception under section 3(a)(3) of the Open Records Act, citing your failure to show that the requested information was related to reasonably anticipated litigation and should be withheld as determined by the attorney handling such litigation. Your letter of May 3, 1991, designated as ID# 12401 by this office, supplied information indicating that the EEOC complaints submitted for our inspection are indeed pending before the Equal Employment Opportunity Commission. You are correct in asserting that this office has recognized that the pendency of a complaint before such commission makes anticipation of related litigation involving the governmental entity reasonable. Open Records Decision No. 326 (1982). As General Counsel for the Texas National Research Laboratory Commission, you have determined that the requested information should be withheld to protect the commission's litigation interests. In light of this additional information, we reverse our former ruling, and allow you to withhold the requested information. Please refer to the discussion in Open Records Decision No. 551 (1990) regarding the limited duration of the litigation exception.

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 OR91-438.

Yours very truly,



Faith Steinberg  
Assistant Attorney General  
Opinion Committee

FS/lb

Ref.: ID# 12401, 12389

Enclosure: Open Records Decision No. 139

cc: Darren L. Reagan  
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