



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 20, 1993

Mr. David J. LaBrec
Attorney for City of Marlin
Strausburger & Price, L.L.P.
901 Main Street, Suite 4300
Dallas, Texas 75202

OR93-520

Dear Mr. LaBrec:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code, formerly article 6252-17a, V.T.C.S. Your request was assigned ID# 19972.

The City of Marlin received an open records request for certain records that you contend may be withheld from the public pursuant to section 3(a)(3) of V.T.C.S. article 6252-17a, now section 552.103 of the Government Code. To secure the protection of section 552.103, a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990). In this instance you have made the requisite showing that the requested information relates to pending litigation for purposes of section 552.103; the requested records may therefore be withheld.

In reaching this conclusion, however, we assume that the opposing party to the litigation has not previously had access to the records at issue; absent special circumstances, once information has been obtained by all parties to the litigation, *e.g.*, through discovery or otherwise, no section 552.103 interest exists with respect to that information. Open Records Decision Nos. 349, 320 (1982). If the opposing parties in the litigation have seen or had access to any of the information in these records, there would be no justification for now withholding that information from the requestor pursuant to section 552.103. We also note that the applicability of section 552.103 ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (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 contact our office.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/jmn

Ref.: ID# 19972

Enclosures: Submitted documents

cc: Mr. Scottie Henderson
Acting President
1st Vice President
Marlin-Falls County NAACP
Marlin, Texas 76661
(w/o enclosures)