



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 23, 1996

Mr. Paul C. Isham  
City Attorney  
City of Grand Prairie  
P.O. Box 534045  
Grand Prairie, Texas 75053-4045

OR96-0072

Dear Mr. Isham:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37889.

The City of Grand Prairie (the "city") received a request for the settlement amount that the city paid in *Bates v. Brimmer*, Civil Action No. 3-92-CV-0874-R. You assert that this information is excepted from disclosure by section 552.103 of the Government Code.

Section 552.103(a) excepts from disclosure information relating to litigation to which the city is or may be a party. The city has the burden of providing relevant facts and documents to show that section 552.103(a) is applicable in a particular situation. In order to meet this burden, the city must show that (1) litigation is pending or reasonably anticipated, and (2) the information at issue is related to that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 (1990) at 4.

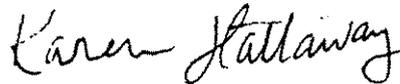
You have referenced a pending suit filed by the requestor, *Strong v. City of Grand Prairie*, Civil Action No. 3-95-CV-2605-T. As you have not demonstrated the relationship of the requested information to this, you must disclose the amount of the settlement in *Bates v. Brimmer*.<sup>1</sup>

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<sup>1</sup>A governmental body may not generally withhold from disclosure the terms of a settlement unless the terms are made confidential by court order. See Gov't Code §§ 552.022(18), 552.107(2); Attorney General Opinion H-258 (1974) at 3; Open Records Decision No. 415 (1984) at 2.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular information at issue under the facts presented to us in this request and is not a previous determination regarding any other information. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref.: ID# 37889

cc: Mr. Bill S. Strong  
2001 N. Carrier Parkway  
Grand Prairie, Texas 75050