



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 5, 1997

Mr. Norbert J. Hart
Assistant City Attorney
City of Corpus Christi
Legal Department
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR97-2658

Dear Mr. Hart:

You ask this office to reconsider our decision in Open Records Letter No. 97-2229 (1997). We assigned your request for reconsideration ID# 111468.

The City of Corpus Christi (the "city") received a request for "police reports pertaining to the shooting of Edward Seth Rogers, and actions Rogers took prior to his shooting," as well as "the disciplinary and commendation records of Charles Williams, Mike Delgado and Edward Solis." In your original request for an opinion, you claimed that the requested information relates to pending litigation and is, therefore, excepted from required public disclosure under section 552.103(a) of the Government Code. In Open Records Letter No. 97-1622 (1997), we concluded section 552.103(a) does not except the information from disclosure because you did not establish that litigation is reasonably anticipated. In Open Records Letter No. 97-2229 (1997), we affirmed the conclusion we reached in Open Records Letter No. 97-1622 (1997) with regard to section 552.103(a) of the Government Code.

You have provided us with additional arguments in an attempt to demonstrate the applicability of section 552.103(a) to the requested information. You explain that the family of the deceased has filed a lawsuit against the city regarding this matter. The lawsuit was apparently filed on September 25, 1997. The original request for records to the city is dated April 16, 1997, and we ruled on that original request for records July 16, 1997. The city requested reconsideration of the applicability of section 552.103 to the records first on August 4, 1997, and then for a second time on October 14, 1997. After reviewing your arguments, and taking into consideration the time that has elapsed since the original request and ruling, we decline to review the city's subsequent claims regarding this matter. We believe that, at the time we issued the ruling, taking into consideration all the facts presented to us by the city at that time, litigation was not reasonably anticipated as of the date the city

received the request for records. To permit the city to continue to raise additional reasons under the litigation exception, six months after receiving the original request, would be an unreasonable extension of the deadlines provided for in the Open Records Act. *See* Govt Code sections 552.301, 552.306.

We, therefore, affirm the conclusion we reached in Open Records Letter No. 97-1622 (1997) and Open Records Letter No. 97-2229 (1997) with regard to section 552.103(a) of the Government Code. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 111468

Enclosures: Submitted documents

cc: Ms. Mary Lee Grant
Corpus Christi Caller-Times
820 Lower North Broadway
Corpus Christi, Texas 78401
(w/o enclosures)