



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1997

Ms. Tracy B. Calabrese
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR97-2838

Dear Ms. Calabrese:

You ask this office to reconsider our ruling in Open Records Letter No. 97-2318 (1997). Your request for reconsideration was assigned ID#112076.

The City of Houston (the "city") received a request for "a copy of any statements taken from our client and photographs, if any" concerning a particular automobile accident. In Open Records Letter No. 97-2318 (1997), this office concluded that the city could not withhold the requested information under section 552.103 of the Government Code because the city had not established that litigation is reasonably anticipated in this matter.

We have reviewed your original arguments for withhold the information under section 552.103. Although the requestor states that she has been retained to represent her client in a claim of bodily injury against the city, we believe that the city has not established that litigation is reasonably anticipated under these circumstances. *See* Open Records Decision No. 638 (1996) at 3 (mere fact that individual hires attorney and alleges damages does not establish reasonably anticipated litigation).

You have also provided us with additional arguments in an attempt to demonstrate the applicability of section 552.103 to this request for information. A governmental body must explain the reasons why the stated exceptions apply within fifteen days of receiving the request. *See* Gov't Code § 552.301(a),(b)(1). Moreover, a governmental body is required to timely notify this office of any changed circumstances regarding its claims of anticipated litigation. *See* Open Records Decision No. 638 (1996). You did not timely notify our office

of any change in circumstances regarding your claims of anticipated litigation, and you did not submit all your arguments under section 552.103 in connection with the city's original request for a ruling. We, therefore, affirm Open Records Letter No. 97-2318 (1997).

If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Loretta R. DeHay". The signature is written in a cursive, flowing style.

Loretta R. DeHay
Deputy Chief
Open Records Division

LRD/rho

Ref.: ID# 112076

Enclosures: Submitted documents

cc: Ms. Cassandra A. Evans
Attorney at Law
P.O. Box 300976
Houston, Texas 77230-0976
(w/o enclosures)