



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 12, 1998

Ms. JoAnn Wright
Walsh, Anderson, Brown, Shulze & Aldridge, P.C.
P.O. Box 168046
Irving, Texas 75016-8046

OR98-2405

Dear Ms. Wright:

On behalf of the Marlin Independent School District (the "school district"), you ask this office to reconsider our decision in Open Records Letter No. 98-1702 (1998). Your request for reconsideration was assigned ID# 118770.

Open Records Letter No. 98-1702, which involved a request for a settlement agreement and deposition concerning a certain case, determined that the school district had not established the applicability of section 552.103 of the Government Code to the requested information. Section 552.103 excepts from disclosure information that relates to pending or reasonably anticipated litigation to which a governmental body is a party. The school district had asserted that the information at issue relates to reasonably anticipated litigation. You now ask that we reconsider our section 552.103 decision on the basis of a letter you as attorney for the school district received on May 22, 1998. The letter is from the attorney for the potential party. The attorney states that, on behalf of Mr. Hay and Mrs. Johnson, she intends to file suit next week against the school district for breach of contract and equal protection clause violations. You have not provided us with information that the attorney carried through with her threat to sue the school district.

This office has stated that the Open Records Act requires a governmental body raising section 552.103 to provide this office with information about developments concerning anticipated litigation in a timely manner. Open Records Decision No. 638 at 3 (1996). A governmental body must submit to this office information about a change in the circumstance of anticipated litigation as soon as possible after the governmental body receives notice of that change. *See id.* at 4. We note that you received the attorney's letter on May 22, 1998 and this office issued Open Records Letter No. 98-1702 on July 22, 1998. We therefore affirm Open Records Letter No. 98-1702.

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

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/ch

Ref.: ID# 118770

Enclosures: Submitted documents

cc: Ms. Katherine Duff
Law Offices of Katherine L. Duff, P.C.
23 Meandering Way, Ste. B
Round Rock, Texas 78664
(w/o enclosures)