

The ruling you have requested has been amended as a result of litigation and has been attached to this document.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 2, 2006

Ms. Julie Joe  
Assistant County Attorney  
Travis County  
P.O. Box 1748  
Austin, Texas 78767

OR2006-05809

Dear Ms. Joe:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 250606.

The Travis County District Attorney's Office (the "district attorney's office") received a request for five categories of information related to the expenditure of funds by the district attorney's office for its investigation of Tom Delay. You state that some of the requested information has been released to the requestor. You assert some of the responsive information is not subject to the Act pursuant to section 552.003 of the Government Code and the remainder is excepted from public disclosure under sections 552.101, 552.103, 552.107, 552.108, 552.136 and 552.137 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and reviewed the submitted sample of information.<sup>2</sup>

Initially, you inform us that the district attorney's office asked the requestor to clarify category five of the request. We note that a governmental body may communicate with a

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<sup>1</sup>Although you initially raised sections 552.111, 552.117, 552.130, and 552.147 of the Government Code as exceptions to disclosure, you did not submit to this office written comments stating the reasons why these sections would allow the information to be withheld; we therefore assume you no longer assert these exceptions. See Gov't Code §§ 552.301, .302.

<sup>2</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

requestor for the purpose of clarifying or narrowing a request for information. *See* Gov't Code § 552.222(b); Open Records Decision No. 663 at 2-5 (1999). You state that the district attorney's office has not received a response to its request for clarification. Accordingly, we find that the district attorney's office has no obligation at this time to release any information that may be responsive to that portion of the request for information. Please note, however, that if the district attorney's office receives a response to its request for clarification and wishes to withhold any information to which the requestor seeks access, the district attorney's office must request another decision from this office. *See* Gov't Code §§ 552.301, 552.302.

Next, we address your statement that the submitted documents contain grand jury information. The judiciary is expressly excluded from the requirements of the Act. *See* Gov't Code § 552.003(1)(B) (judiciary is excluded from definition of "governmental body" subject to the Act). This office has determined that a grand jury, for purposes of the Act, is a part of the judiciary and therefore not subject to the Act. *See* Open Records Decision No. 411 (1984). Further, records kept by another person or entity acting as an agent for a grand jury are considered to be records in the constructive possession of the grand jury and therefore are not subject to the Act. *See* Open Records Decisions Nos. 513 (1988), 411 (1984), 398 (1983); *but see* Open Records Decision No. 513 at 4 (1988) (defining limits of judiciary exclusion). The fact that information collected or prepared by another person or entity is submitted to the grand jury does not necessarily mean that such information is in the grand jury's constructive possession when the same information is also held in the other person's or entity's own capacity. Information held by another person or entity but not produced at the direction of the grand jury may well be protected under one of the Act's specific exceptions to disclosure, but such information is not excluded from the reach of the Act by the judiciary exclusion. *See* Open Records Decision No. 513 (1988).

You state that a small portion of the responsive information consists of invoices prepared and submitted by the stenographer for a grand jury for the preparation of transcripts of witness testimony before a grand jury, and thus constitute records of the judiciary. To the extent that the district attorney's office has possession of this information as agent of the grand jury, such information is in the grand jury's constructive possession and is not subject to disclosure under the Act. This decision does not address the public availability of any such information. To the extent that the district attorney's office does not have possession of the information at issue as the grand jury's agent, the information is subject to the Act and must be released, unless it falls within an exception to public disclosure.

We note that portions of the submitted information are made expressly public under section 552.022 of the Government Code. Section 552.022(a) provides for the required public disclosure of "information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body," unless the information is expressly confidential under other law. Gov't Code § 552.022(a)(3). We have marked information that is subject to section 552.022(a)(3). Although you seek to withhold this information under sections 552.103, 552.107, and 552.108, these sections are discretionary

exceptions to disclosure that a governmental body may waive. *See Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); Open Records Decision Nos. 665 at 2 n.5 (2000) (discretionary exceptions generally), 663 (1999) (section 552.103 may be waived), 630 at 4-5 (1994) (statutory predecessor to section 552.107 may be waived), 586 (1991) (governmental body may waive section 552.108). As such, sections 552.103, 552.107, and 552.108 are not other laws that make information confidential for the purposes of section 552.022. Thus, none of the information subject to section 552.022 may be withheld on these bases.

The district attorney's office also seeks to withhold some of the submitted information under article 39.14 of the Code of Criminal Procedure. Article 39.14 of the Code of Criminal Procedure governs the discovery of information and the testimony of witnesses in criminal proceedings. Article 39.14 does not expressly make information confidential. *See* Open Records Decision Nos. 658 at 4 (1998) (statutory confidentiality under section 552.101 must be express, and confidentiality requirement will not be implied from statutory structure), 478 at 2 (1987) (statutory confidentiality requires express language making certain information confidential or stating that information shall not be released to public); *see also* Open Records Decision No. 575 at 2 (1990) (explicitly stating that discovery privileges are not covered by statutory predecessor to section 552.101). Furthermore, although the Texas Supreme Court has held that "[t]he Texas Rules of Civil Procedure and Texas Rules of Evidence are 'other law' within the meaning of section 552.022," article 39.14 is not one of the Texas Rules of Civil Procedure or Texas Rules of Evidence. *In re City of Georgetown*, 53 S.W.3d 328 (Tex. 2001). Therefore, the district attorney's office may not withhold any of the submitted information under article 39.14 of the Code of Criminal Procedure.

As noted above, the Texas Rules of Evidence are "other law" within the meaning of section 552.022. *See id.* The attorney-client privilege is found at Texas Rule of Evidence 503. Therefore, we will address your assertion of the attorney-client privilege under rule 503 for the information subject to section 552.022. We will also address your claims under sections 552.136 and 552.137 of the Government Code, because they also constitute "other law" for purposes of section 552.022.

Rule 503 of the Texas Rule of Evidence encompasses the attorney-client privilege and provides:

A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client:

(A) between the client or a representative of the client and the client's lawyer or a representative of the lawyer;

(B) between the lawyer and the lawyer's representative;

(C) by the client or a representative of the client, or the client's lawyer or a representative of the lawyer, to a lawyer or a representative of a lawyer representing another party in a pending action and concerning a matter of common interest therein;

(D) between representatives of the client or between the client and a representative of the client; or

(E) among lawyers and their representatives representing the same client.

TEX. R. EVID. 503(b)(1). A communication is "confidential" if not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication. *Id.* 503(a)(5).

Accordingly, in order to withhold attorney-client privileged information from disclosure under rule 503, a governmental body must: (1) show that the document is a communication transmitted between privileged parties or reveals a confidential communication; (2) identify the parties involved in the communication; and (3) show that the communication is confidential by explaining that it was not intended to be disclosed to third persons and that it was made in furtherance of the rendition of professional legal services to the client. *See* Open Records Decision No. 676 (2002). Upon a demonstration of all three factors, the entire communication is confidential under rule 503 provided the client has not waived the privilege or the communication does not fall within the purview of the exceptions to the privilege enumerated in rule 503(d). *Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein); *In re Valero Energy Corp.*, 973 S.W.2d 453, 4527 (Tex. App.—Houston [14th Dist.] 1998, no pet.) (privilege attaches to complete communication, including factual information). Based on your representations and our review of the submitted information, we find that the district attorney's office has established some of the information you seek to withhold on this basis is protected by the attorney-client privilege. We have marked the information that may be withheld pursuant to rule 503. However, we find that the district attorney's office has failed to establish the applicability of rule 503 to any of the remaining information at issue. Therefore, none of the remaining information may be withheld on this basis.

The submitted information contains account numbers. Section 552.136 of the Government Code states "[n]otwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." Gov't Code § 552.136. Therefore, the district attorney's office must withhold the account numbers we have marked under section 552.136.

You also assert section 552.137 of the Government Code for a portion of the submitted information that is subject to section 552.022. Section 552.137 provides:

(a) Except as otherwise provided by this section, an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under this chapter.

(b) Confidential information described by this section that relates to a member of the public may be disclosed if the member of the public affirmatively consents to its release.

(c) Subsection (a) does not apply to an e-mail address:

(1) provided to a governmental body by a person who has a contractual relationship with the governmental body or by the contractor's agent;

(2) provided to a governmental body by a vendor who seeks to contract with the governmental body or by the vendor's agent;

(3) contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to a governmental body in the course of negotiating the terms of a contract or potential contract; or

(4) provided to a governmental body on a letterhead, coversheet, printed document, or other document made available to the public.

(d) Subsection (a) does not prevent a governmental body from disclosing an e-mail address for any reason to another governmental body or to a federal agency.

Gov't Code § 552.137. Under section 552.137, a governmental body must withhold the e-mail address of a member of the general public, unless the individual to whom the e-mail address belongs has affirmatively consented to its public disclosure. *See id.* § 552.137(b). The types of e-mail addresses listed in section 552.137(c) may not be withheld under section 552.137. Likewise, this section is not applicable to an institutional e-mail address, an Internet website address, or an e-mail address that a governmental entity maintains for one of its officials or employees. Upon review, we note that the email addresses at issue are the email addresses of a hotel and not of a member of the general public. Thus, none of the email addresses you have marked in the section 552.022 documents may be withheld on this basis.

We now address your arguments for the remaining information that is not subject to section 552.022. Section 552.108 provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

...

(4) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) represents the mental impressions or legal reasoning of an attorney representing the state.

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure] if:

(3) the internal record or notation:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) represents the mental impressions or legal reasoning of an attorney representing the state

Gov't Code § 552.108(a)(1), (a)(4), (b)(3). Generally a government body claiming section 552.108 must explain how and why the release of the information would interfere with a particular criminal investigation or prosecution. See Gov't Code §§ 552.108(a)(1), .301(e)(1)(A); see also *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

Section 552.108(a)(4) is applicable to information that was prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation or that reflects the mental impressions or legal reasoning of an attorney representing the state. You state the submitted information "reveals steps the District Attorney's Office is taking to prepare for trial in several pending criminal cases." Upon review, we agree that a portion of the remaining information reveals the mental impressions and legal reasoning of attorneys representing the state. Accordingly, the district attorney's office may withhold

the information we have marked under section 552.108(a)(4). However, we note that the remaining information was not prepared by an attorney for the district attorney's office, and you have not adequately explained how this information reflects the mental impressions of a prosecutor. Therefore, we conclude that you may not withhold the remaining information under section 552.108(a)(4) or 552.108(b)(3). We also find that you have failed to demonstrate how the release of the remaining information would interfere with the detection, investigation, or prosecution of crime. Thus, none of the remaining information may be withheld under section 552.108(a)(1) of the Government Code.

Section 552.107(1) of the Government Code protects information coming within the attorney-client privilege. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. Open Records Decision No. 676 at 6-7 (2002). First, a governmental body must demonstrate that the information constitutes or documents a communication. *Id.* at 7. Second, the communication must have been made "for the purpose of facilitating the rendition of professional legal services" to the client governmental body. TEX. R. EVID. 503(b)(1). The privilege does not apply when an attorney or representative is involved in some capacity other than that of providing or facilitating professional legal services to the client governmental body. *In re Tex. Farmers Ins. Exch.*, 990 S.W.2d 337, 340 (Tex. App.—Texarkana 1999, orig. proceeding) (attorney-client privilege does not apply if attorney acting in capacity other than that of attorney). Governmental attorneys often act in capacities other than that of professional legal counsel, such as administrators, investigators, or managers. Thus, the mere fact that a communication involves an attorney for the government does not demonstrate this element. Third, the privilege applies only to communications between or among clients, client representatives, lawyers, and lawyer representatives. TEX. R. EVID. 503(b)(1)(A), (B), (C), (D), (E). Thus, a governmental body must inform this office of the identities and capacities of the individuals to whom each communication at issue has been made. Lastly, the attorney-client privilege applies only to a confidential communication, *id.* 503(b)(1), meaning it was "not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication." *Id.* 503(a)(5).

Whether a communication meets this definition depends on the intent of the parties involved at the time the information was communicated. *Osborne v. Johnson*, 954 S.W.2d 180, 184 (Tex. App.—Waco 1997, no writ). Moreover, because the client may elect to waive the privilege at any time, a governmental body must explain that the confidentiality of a communication has been maintained. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein). Upon review of your representations and the submitted information, we find that you have failed to demonstrate the applicability of the attorney-client privilege to any portion of the

remaining submitted information. Accordingly, none of the remaining information may be withheld under section 552.107.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. The informer's privilege, incorporated into the Act by section 552.101, has long been recognized by Texas courts. *Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969); *Hawthorne v. State*, 10 S.W.2d 724, 725 (Tex. Crim. App. 1928). It protects from disclosure the identities of persons who report activities over which the governmental body has criminal or quasi-criminal law-enforcement authority, provided that the subject of the information does not already know the informers identity. Open Records Decision Nos. 515 at 3 (1998), 208 at 1-2 (1978). The informer's privilege protects the identities of individuals who report violations of statutes to the police or similar law-enforcement agencies, as well as those who report violations of statutes with civil or criminal penalties to "administrative officials having a duty of inspection or of law enforcement within their particular spheres." Open Records Decision No. 279 at 2 (1981) citing Wigmore, Evidence, § 2374, at 767 (McNaughton rev. ed. 1961). The report must be of a violation of a criminal or civil statute. See Open Records Decision Nos. 582 at 2 (1990), 515 at 4-5 (1988). However, the informer's privilege protects the content of the communication only to the extent that it identifies the informant. *Roviaro v. United States*, 353 U.S. 53, 60 (1957).

We have reviewed the information at issue and find that it does not consist of identifying information of complainant. Instead, the information consists of the name of a private investigation firm hired by the district attorney's office. Thus, none of the submitted information may be withheld under section 552.101 on this basis.

You claim that the remaining submitted information is excepted from disclosure under section 552.103 of the Government Code. Section 552.103 provides as follows:

(a) Information is excepted from [required public disclosure] if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party.

...

(c) Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.

Gov't Code § 552.103(a), (c). A governmental body has the burden of providing relevant facts and documents to show that the section 552.103(a) exception is applicable in a particular situation. The test for meeting this burden is a showing that (1) litigation was

pending or reasonably anticipated on the date the governmental body received the request for information, and (2) the information at issue is related to that litigation. *Univ. of Tex. Law Sch. v. Tex. Legal Found.*, 958 S.W.2d 479, 481 (Tex. App.—Austin 1997, no pet.); *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 at 4 (1990). A governmental body must meet both prongs of this test for information to be excepted under section 552.103(a).

You state that the State of Texas, represented by the district attorney's office, is a party to pending criminal cases. However, you fail to demonstrate how the remaining submitted information is related to any of these pending criminal cases. Thus, none of the remaining information may be withheld under section 552.103.

Lastly, we note that section 552.147 of the Government Code provides that "[t]he social security number of a living person is excepted from" required public disclosure under the Act. Therefore, the social security number you have marked must be withheld pursuant to section 552.147.<sup>3</sup>

In summary, to the extent that the district attorney's office has possession of the stenographers invoice as agent of the grand jury, such information is in the grand jury's constructive possession and is not subject to disclosure under the Act. However, if the district attorney's office does not have possession of the information at issue as the grand jury's agent, this information is subject to the Act and this ruling. The information we have marked pursuant to section 552.022 must be released. However, the district attorney's office must withhold all of the account numbers we have marked. The information we have marked under rule 503 of the Texas Rules of Evidence may be withheld. The district attorney's office may withhold the information we have marked under section 552.108(a)(4). The marked social security number must be withheld under section 552.147. The remaining information must be released to the requestor.<sup>4</sup>

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by

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<sup>3</sup>We note that section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

<sup>4</sup>As our ruling is dispositive, we need not address your remaining arguments.

filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

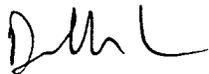
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Debbie K. Lee  
Assistant Attorney General  
Open Records Division

DKL/eb

Ref: ID#250606

Enc: Submitted documents

c: Mr. Mike Hedges  
Houston Chronicle  
1850 K Street Northwest, Suite 1000  
Washington, DC 20006  
(w/o enclosures)

RONALD EARLE, §  
 TRAVIS COUNTY DISTRICT ATTORNEY §  
 Plaintiff §  
 V. §  
 GREG ABBOTT, §  
 STATE OF TEXAS ATTORNEY GENERAL §  
 Defendant §  
 and §  
 HOUSTON CHRONICLE PUBLISHING §  
 COMPANY and MIKE HEDGES, §  
 Intervenors and Counter/Plaintiffs §

IN THE DISTRICT COURT OF

TRAVIS COUNTY

250<sup>th</sup> JUDICIAL DISTRICT

Filed in The District Court of Travis County, Texas

NOV. 21 2006  
 11:40 A.M.  
 Amalia Rodriguez-Mendoza, Clerk

**FINAL JUDGMENT**

On October 26, 2006, the above-entitled and numbered cause came on for trial. All parties appeared thought their respective attorneys of records and announced ready for trial. The Court having considered the testimony and documentary evidence, the pleadings, the stipulations of the parties and the arguments of counsel is of the opinion that Plaintiff has shown that portions of the information at issue are excepted from disclosure under the Public Information Act, TEX. GOV'T CODE §§ 552.001, *et seq.* (the PIA).

IT IS THEREFORE ADJUDGED, ORDERED AND DECLARED that:

1. Article 39.14 of the Texas Code of Criminal Procedure is "other law" as that term is used in section 552.022 of the PIA.
2. The documents in Plaintiff's Exhibit A that are bate-stamped 16, 32-34, 36, 45, 49, and 68-71 are confidential under Tex. R. Evid. 503, as ordered by the Court in the

Order Regarding Exceptions to Disclosure, which is incorporated herein by reference. The yellow highlighted portions of the documents in Plaintiff's Exhibit A bate-stamped 1, 7, 9, 30, 35, 37, 40, 41, 48, 50 - 71, and 75, the name of the vendor identified on the document bate-stamped 72, and the documents, in their entirety, bate-stamped 32-34 and 36 of Plaintiff's Exhibit A are confidential under Tex. Code Crim. Pro. art. 39.14, as ordered by the Court, by its Order Regarding Exceptions to Disclosure, with the exception of the names and addresses of the two recipients on the Federal Express invoice (bate-stamped 41), as Plaintiff withdrew, at trial, his assertions of privilege concerning this information.

3. Plaintiff may redact all of the information that is held confidential by this Judgment and the Order Regarding Exceptions to Disclosure, and, if he has not already done so, Plaintiff shall release to Intervenors the documents bate-stamped 1, 7, 9, 15, 30, 35, 37, 40, 41, 48, 50 - 71, 72 and 75, in redacted form, within five days of the signing of this order.

4. Plaintiff may redact all account numbers contained in Plaintiff's Exhibit A and in all other documents responsive to Mike Hedges' March 15, 2006 request under the PIA for information.

5. Plaintiff shall release to Intervenors within five days of the signing of this order the documents bate-stamped 4, 6, 11, 19, 22-25, 27, and 28, without redactions, and the document bate-stamped 44 with only the account numbers redacted.

6. All costs of court are taxed against the parties incurring the same.

NOV-08-2006 10:00

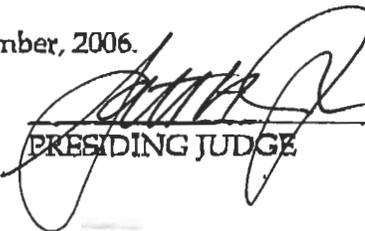
TRAVIS CO ATTORNEY

512 854 4808 P.13

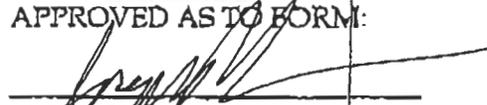
7. This judgment finally disposes of all claims between the parties and is a final judgment.

8. All relief not expressly granted is denied.

SIGNED this 21st day of November, 2006.

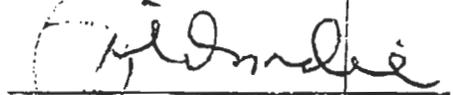
  
PRESIDING JUDGE

APPROVED AS TO FORM:

  
JOSEPH R. LARSEN  
Ogden, Gibson, Broocks & Longoria, L.L.P.  
1900 Peritzoill South Tower  
711 Louisiana Street  
Houston, Texas 77002  
Telephone: 713.844.3000  
Fax: 713.844.3030  
State Bar No. 11955425

  
BRENDA LOUDERMILK  
Chief, Open Records Litigation  
Administrative Law Division  
Office of the Attorney General  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548  
Telephone: 475-4292  
Fax: 320-0167  
State Bar No. 12585600  
ATTORNEY FOR DEFENDANT

ATTORNEY FOR INTERVENORS

  
Tim Labadie  
Assistant Travis County Attorney  
P. O. Box 1748  
Austin, Texas 78767  
Telephone: 854.5864  
Fax: 854.4808  
State Bar No. 11784853

ATTORNEY FOR PLAINTIFF