

The ruling you have requested has been modified pursuant to a court order. The court judgment has been attached to this document.



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 13, 2008

Ms. Cheryl Byles
Assistant City Attorney
The City of Fort Worth
1000 Throckmorton Street, 3rd Floor
Fort Worth, Texas 76102

OR2008-15591

Re: Request for copy of Incident Report #08-75819 PIR #0383-09

Dear Ms. Byles:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 332338.

After reviewing your arguments and the submitted information, we have determined that your request does not present a novel or complex issue. Thus, we are addressing your claims in a memorandum opinion. You claim that the submitted information may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code. We have considered your arguments and the submitted information and have determined that in accordance with section 552.108(a)(1) you may withhold the submitted information. However, you must release the basic information pursuant to section 552.108(c) of the Government Code.

For more information on the cited exception, as well as information on the rights and obligations of governmental bodies and requestors, please refer to open government information contained on the Office of the Attorney General website at www.oag.state.tx.us. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc: Submitted documents

cc: Ms. Frances Pasillas
1418 Muse
Fort Worth, Texas 76112
(w/o enclosures)

CAUSE NO. D-1-GN-08-004327

SXC HEALTH SOLUTIONS, INC.
Plaintiff,

V.

GREG ABBOTT, IN HIS OFFICIAL
CAPACITY AS ATTORNEY GENERAL OF
THE STATE OF TEXAS,
Defendant.

§ IN THE DISTRICT COURT OF
§
§
§
§ TRAVIS COUNTY, TEXAS
§
§
§ 261ST JUDICIAL DISTRICT

Filed in The District Court
of Travis County, Texas

JL APR 30 2009
AT 4:14 P M.
Amalia Rodriguez-Mendoza, Clerk

AGREED FINAL JUDGMENT

On this date, the Court heard the parties' motion for agreed final judgment. Plaintiff SXC Health Solutions, Inc., and Defendant Greg Abbott, Attorney General of Texas, appeared, by and through their respective attorneys, and announced to the Court that all matters of fact and things in controversy between them had been fully and finally compromised and settled. This cause is an action under the Public Information Act (PIA), Tex. Gov't Code Ann. ch. 552. The parties represent to the Court that, in compliance with Tex. Gov't Code Ann. § 552,325(c), the requestors, Jennifer D. Molinar, Jeannet Maldonado, and Paul Blissenbach, were sent reasonable notice of this setting and of the parties' agreement that the Texas Retirement System (TRS) must withhold some of the information at issue; that the requestors were also informed of their right to intervene in the suit to contest the withholding of this information; and that no requestor has informed the parties of his or her intention to intervene. Neither has any requestor filed a motion to intervene or appeared today. After considering the agreement of the parties and the law, the Court is of the opinion that entry of an agreed final judgment is appropriate, disposing of all claims between these parties.

IT IS THEREFORE ADJUDGED, ORDERED AND DECLARED that:

1. Some of the information at issue, specifically, parts of SXC's proposal in response to TRS's RFP 323-PBM-07M, Proposal to Provide Pharmacy Benefit Manager

Services for the TRS-ActiveCare, effective September 1, 2008, as marked by the Attorney General, is excepted from disclosure by Tex. Gov't Code § 552.110(b), as follows:

- a. Questionnaire Section 10.6.8 Response to "The percentage of respondents very satisfied or satisfied with the services of your organization";
 - b. All numbers and percentages in the charts in attachment 12, Customer Satisfaction Surveys 2007, 2005, 2004;
 - c. Portions of responses to questionnaire section 10.9 (Clinical Management);
 - d. Portions of response to technical Proposal questionnaire sections 10.10.1, 10.10.2 and 13.1 through 13.8 (Financial Bid);
 - e. Task name column of response to technical proposal attachment 2, Texas TRS Pharmacy Services Implementation Work Plan; and
 - f. SXC's information in the TRS Summary of Financial Options Chart.
2. TRS must withhold from the requestors the information described in Paragraph 1 of this Agreed Final Judgment.
3. SXC no longer contests the disclosure of the remaining portions of its proposal. TRS must release to the requestors SXC's proposal to the RFP with the information described in Paragraph 1 of this Agreed Final Judgment redacted.
4. All costs of court are taxed against the parties incurring the same;
5. All relief not expressly granted is denied; and
6. This Agreed Final Judgment finally disposes of all claims between Plaintiff and Defendant and is a final judgment.

SIGNED this the 30th day of April, 2009.


PRESIDING JUDGE

APPROVED:



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