



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

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ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 11, 2009

Ms. Heather Silver
Assistant City Attorney
City of Dallas
1500 Marilla Street, Room 7BN
Dallas, Texas 75201

OR2009-01387A

Dear Ms. Silver:

This office issued Open Records Letter No. 2009-01387 (2009) on February 3, 2009. We have examined this ruling and determined that an error was made in its issuance. Where this office determines that an error was made in the decision process under sections 552.301 and 552.306 of the Government Code, and that error resulted in an incorrect decision, we will correct the previously issued ruling. Consequently, this decision serves as the corrected ruling and is a substitute for the decision issued on February 3, 2009. *See generally* Gov't Code § 552.011 (providing that Office of Attorney General may issue decision to maintain uniformity in application, operation, and interpretation of Public Information Act ("Act")). This ruling was assigned ID# 339688.

The City of Dallas (the "city") received a request for seventeen categories of information pertaining to the Dallas Convention Center (the "center"), the Dallas Convention Center Hotel (the "hotel"), the Dallas Convention Center Hotel Development Corporation (the "corporation"), and the Chavez Property.¹ You state the city will release some of the requested information to the requestor. You claim the remaining information is excepted from disclosure under sections 552.104, 552.105, 552.107, 552.111, 552.131, and 552.136 of the Government Code and privileged under Texas Rule of Evidence 503. You also state release of some of the requested information may implicate the proprietary interests of third parties. You inform us, and have provided documentation showing, you have notified these third parties of the request and of their opportunity to submit comments to this office as to

¹We note the city sought and received clarification from the requestor for several of the categories of information requested. *See* Gov't Code § 552.222 (if request for information is unclear, governmental body may ask requestor to clarify request); *see also* Open Records Decision No. 31 (1974) (when presented with broad requests for information rather than for specific records, governmental body may advise requestor of types of information available so that request may be properly narrowed).

why the requested information should not be released to the requestor.² See Gov't Code § 552.305(d); see also Open Records Decision No. 542 (1990) (determining that statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain the applicability of exception to disclose under Act in certain circumstances). Representatives from 5G, Foster, and Woodbine have submitted comments to our office, each claiming portions of their information are excepted under section 552.110 of the Government Code.³ We have considered the submitted arguments and reviewed the submitted representative samples of information.⁴ We have also considered comments submitted by the requestor. See Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, we note the requestor, in her clarification to the city, stated she had "no objection to access device numbers excepted from disclosure under section 552.136 of the Act being redacted from responsive documents." Thus, this information contained within the submitted documents, including Exhibit W, is not responsive to the present request. Our ruling does not address this non-responsive information, and the city need not release it in response to the request.⁵

Next, you inform us some of the responsive information was the subject of previous requests for information, in response to which this office issued Open Records Letter Nos. 2008-11334 (2008), 2008-10270 (2008), and 2008-06390 (2008). Additionally, we note some of the requested information may be subject to Open Records Letter No. 2009-00887 (2009). To the extent the pertinent facts and circumstances have not changed since the issuance of these rulings, the city may continue to rely on Open Records Letter Nos. 2009-00887, 2008-11334, 2008-10270, and 2008-06390 for the information that was at issue in these prior rulings. See Open Records Decision No. 673 (2001)

²We understand the following third parties were notified: 5G Studio Collaborative ("5G"), Citigroup Global Markets, Inc. ("Citigroup"), FaulknerUSA ("Faulkner"), Foster+Partners ("Foster"), Hamilton Properties ("Hamilton"), HVS Consulting ("HVS"), Marriott Hotels and Resorts ("Marriott"), Matthews Holdings Southwest, Inc. ("Matthews"), Omni Hotels ("Omni"), and Woodbine Development Corporation ("Woodbine").

³Woodbine claims its information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 552.110. This office has concluded section 552.101 does not encompass other exceptions found in the Act. See Open Records Decision Nos. 676 at 1-2 (2000), 575 at 2 (1990).

⁴We assume the "representative samples" of records submitted to this office are 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 those records contain substantially different types of information than that submitted to this office.

⁵As such, we need not address your claim under section 552.136 of the Government Code, except to note that an access device number is one that may be used to (1) obtain money, goods, services, or another thing of value, or (2) initiate a transfer of funds other than a transfer originated solely by paper instrument, and includes a banking account and routing number. See Gov't Code § 552.136(a).

(governmental body may rely on prior ruling as a previous determination when (1) the records or information at issue are precisely the same records or information that were previously submitted to this office pursuant to section 552.301(e)(1)(D); (2) the governmental body which received the request for the records or information is the same governmental body that previously requested and received a ruling from the attorney general; (3) the prior ruling concluded that the precise records or information are or are not excepted from disclosure under the Act; and (4) the law, facts, and circumstances on which the prior ruling was based have not changed since the issuance of the ruling). To the extent the responsive information is not the same as the information previously ruled upon, we will address the submitted arguments.

We begin by addressing the city's arguments against disclosure. You contend Exhibits J, K, L, M, N, P, Q, and S are excepted from required public disclosure pursuant to section 552.104 of the Government Code. Section 552.104 excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104. The purpose of section 552.104 is to protect a governmental body's interests in competitive bidding situations. ~~See Open Records Decision No. 592 at 8 (1991).~~ Section 552.104 requires a showing of some actual or specific harm in a particular competitive situation; a general allegation that a bidder will gain an unfair advantage will not suffice. Open Records Decision No. 541 at 4 (1990). Moreover, section 552.104 does not except from disclosure information relating to competitive bidding situations once a contract has been executed. Open Records Decision Nos. 306 (1982), 184 (1978).

You explain the information at issue pertains to the city's Request for Proposals ("RFP") and Invitation for Further Negotiation for Development Services ("IFN") related to the hotel project. You inform us that although the city and the corporation have entered into a Pre-Development Agreement with one of the proposers to the RFP and IFN, the city is still in negotiations and "has not yet approved a final Development Agreement with a Master Developer for the [hotel] project." You argue that in the event negotiations with this proposer fail, release of any RFP response would result in an advantage to another proposer and "hinder the city's ability to receive the best possible offer." You further argue that until the city completes its negotiations with one proposer and executes a final Development Agreement, the information at issue should remain exempt from disclosure. Based on your arguments and our review of the information at issue, we agree release of this information would give advantage to a competitor or bidder. Therefore, the city may withhold Exhibits J, K, L, M, N, P, Q, and S under section 552.104 of the Government Code.⁶ We note the city may no longer withhold this information under section 552.104 once a final Developer Agreement has been executed.

⁶In light of this conclusion, we need not address your remaining arguments against disclosure under section 552.105 or section 552.131 of the Government Code for these exhibits. We also need not address Woodbine's argument against disclosure for its information.

Next, you assert Exhibits T, T-I, U, and V are excepted from required public disclosure under section 552.107 of the Government Code.⁷ Section 552.107(1) protects information that comes within the attorney-client privilege.⁸ 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 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 Texas 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 a capacity other than that of attorney). Third, the privilege applies only to communications between or among clients, client representatives, lawyers, and lawyer representatives. *See* TEX. R. EVID. 503(b)(1). 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, 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).

⁷We note the requestor, in her clarification to the city, also excluded any “privileged information” from the part of her request for notes made by any city employee or attorney during meetings, presentations, or conversations. Thus, any privileged information of this type is not responsive to the instant request, and the city need not release nonresponsive information in response to this request. However, as you have submitted information for which you claim the attorney-client privilege, we will address your argument.

⁸You also argue Exhibit T is privileged under rule 503 of the Texas Rules of Evidence. We note that as this information is not subject to section 552.022 of the Government Code, rule 503 does not apply in this instance. *See* Open Records Decision No. 676 at 4 (2002).

You inform us Exhibits T and T-1 constitute confidential communications between city attorneys, outside legal counsel, and a city department. You state these e-mail communications were made for the purpose of rendering or seeking professional legal services for the city. You also indicate these communications were confidential when made and have remained confidential. Based on these representations and our review of the information at issue, we agree most of the information in Exhibits T and T-1 constitutes privileged attorney-client communications. We note some of the e-mails in Exhibit T are subject to the previous determination in Open Records Letter No. 2009-00887, and the city must continue to rely on that ruling for the e-mails at issue in that ruling. Further, we find you have not demonstrated that one of the remaining documents in Exhibit T, which we have marked, constitutes a communication between privileged parties; thus, this document may not be withheld under section 552.107. Accordingly, the city must continue to rely on Open Records Letter No. 2008-00887 for the e-mails in Exhibit T that were at issue in the previous ruling. Except for the document we have marked, the city may withhold the rest of the e-mail communications in Exhibits T and T-1 pursuant to section 552.107 of the Government Code. As you raise no other exceptions to disclosure for Exhibit T, the document we have marked must be released.

You inform us Exhibit U consists of notes prepared by city attorneys in internal staff meetings with city attorneys, outside counsel, city staff, and outside consultants. You also inform us Exhibit V consists of notes prepared by an assistant city attorney during an open Economic Development Committee Special Called Meeting and during the closed executive session of the meeting. Upon review of your arguments and the information at issue, we find Exhibit U and some of the information in Exhibit V documents privileged attorney-client communications. However, we have marked some of the information in Exhibit V, consisting of an assistant city attorney's notes from an open Economic Development Committee Meeting, that does not document confidential communications between privileged parties. Therefore, this marked document may not be withheld under section 552.107, and as you raise no other exceptions to disclosure for this document, it must be released. The remaining communications in Exhibits U and V may be withheld under section 552.107 of the Government Code.

Next, section 552.111 of the Government Code, which you raise for Exhibit R, excepts from public disclosure "an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." Gov't Code § 552.111. This section encompasses the deliberative process privilege. See Open Records Decision No. 615 at 2 (1993). The purpose of this exception is to protect advice, opinion, and recommendation in the decisional process and to encourage open and frank discussion in the deliberative process. See *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.—San Antonio 1982, no writ); Open Records Decision No. 538 at 1-2 (1990).

In Open Records Decision No. 615, this office re-examined the statutory predecessor to section 552.111 in light of the decision in *Texas Department of Public Safety v.*

Gilbreath, 842 S.W.2d 408 (Tex. App.—Austin 1992, no writ). We determined section 552.111 excepts from disclosure only those internal communications that consist of advice, recommendations, and opinions that reflect the policymaking processes of the governmental body. See ORD 615 at 5. A governmental body's policymaking functions do not encompass routine internal administrative or personnel matters, and disclosure of information about such matters will not inhibit free discussion of policy issues among agency personnel. *Id.*; see also *City of Garland v. The Dallas Morning News*, 22 S.W.3d 351 (Tex. 2000) (Gov't Code § 552.111 not applicable to personnel-related communications that did not involve policymaking). A governmental body's policymaking functions do include administrative and personnel matters of broad scope that affect the governmental body's policy mission. See Open Records Decision No. 631 at 3 (1995). Moreover, section 552.111 does not protect facts and written observations of facts and events that are severable from advice, opinions, and recommendations. See ORD 615 at 5. But if factual information is so inextricably intertwined with material involving advice, opinion, or recommendation as to make severance of the factual data impractical, the factual information may be withheld under section 552.111. See Open Records Decision No. 313 at 3 (1982).

This office has also concluded a preliminary draft of a document that is intended for public release in its final form necessarily represents the drafter's advice, opinion, and recommendation with regard to the form and content of the final document, so as to be excepted from disclosure under section 552.111. See Open Records Decision No. 559 at 2 (1990) (applying statutory predecessor). Section 552.111 protects factual information in the draft that also will be included in the final version of the document. See *id.* at 2-3. Thus, section 552.111 encompasses the entire contents, including comments, underlining, deletions, and proofreading marks, of a preliminary draft of a policymaking document that will be released to the public in its final form. See *id.* at 2.

Section 552.111 can also encompass communications between a governmental body and a third-party consultant. See Open Records Decision Nos. 631 at 2 (section 552.111 encompasses information created for governmental body by outside consultant acting at governmental body's request and performing task that is within governmental body's authority), 462 at 14 (1987) (section 552.111 applies to memoranda prepared by governmental body's consultants). For section 552.111 to apply, the governmental body must identify the third party and explain the nature of its relationship with the governmental body.

You state Exhibit R consists of draft studies conducted by HVS. You inform us the city hired HVS to, among other things, analyze the developers' projections for the hotel project. You assert these draft studies contain the opinions of HVS, prepared at the city's request. You also assert these draft studies relate to general policy issues and reflect the policymaking processes of the city. You state the final version of these studies will be used by the city council in deciding how to proceed with financing for the hotel project, and these reports will be released to the public in their final form. Based on your representations and our review

of Exhibit R, we conclude the city may withhold Exhibit R under section 552.111 of the Government Code.

We now address the third parties' interests. We note an interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, Citigroup, Faulkner, Hamilton, HVS, Marriott, Matthews, and Omni have not submitted to this office any reasons explaining why the requested information should not be released. Therefore, because these third parties have not demonstrated any of the submitted information is proprietary for purposes of the Act, the city may not withhold any of these third parties' information to protect their interests. *See id.* § 552.110; *see also* Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3 (1990). We note information pertaining to Faulkner, Hamilton, HVS, Marriott, Matthews, and Omni, and a portion of Citigroup's information, may be withheld by the city under the exceptions discussed above. However, as the city raises no exceptions to disclosure for Exhibit S-1, Citigroup's information in Exhibit S-1 must be released.

Exhibit B-2 consists of information submitted by 5G, which 5G asserts is confidential pursuant to a confidentiality agreement between 5G and the city. We note information is not confidential under the Act simply because the party submitting the information anticipates or requests that it be kept confidential. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W. 2d 668, 677 (Tex. 1976). In other words, a governmental body cannot, through an agreement or contract, overrule or repeal provisions of the Act. *See* Attorney General Opinion JM-672 (1987); Open Records Decision Nos. 541 at 3 (1990) ("[t]he obligations of a governmental body under [the predecessor to the Act] cannot be compromised simply by its decision to enter into a contract."), 203 at 1 (1978) (mere expectation of confidentiality by person supplying information does not satisfy requirements of statutory predecessor to Gov't Code § 552.110). Consequently, unless 5G's information comes within an exception to disclosure, it must be released, notwithstanding any expectation or agreement to the contrary.

We understand 5G and Foster to assert their information is excepted from disclosure under section 552.110 of the Government Code.⁹ Section 552.110 protects the proprietary interests

⁹We note that Foster has submitted the information that it seeks to have withheld from disclosure. This decision is applicable only to the information that the city submitted to this office. *See* Gov't Code § 552.301(e)(1)(D) (governmental body must submit information at issue or submit representative samples if information is voluminous).

of private parties by excepting from disclosure two types of information: trade secrets and commercial or financial information the release of which would cause a third party substantial competitive harm. Section 552.110(a) of the Government Code excepts from disclosure “[a] trade secret obtained from a person and privileged or confidential by statute or judicial decision.” Gov’t Code § 552.110(a). The Texas Supreme Court has adopted the definition of trade secret from section 757 of the Restatement of Torts. *Hyde Corp. v. Huffines*, 314 S.W.2d 763 (Tex.1958); *see also* ORD 552 at 2. Section 757 provides that a trade secret is:

any formula, pattern, device or compilation of information which is used in one’s business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. It may be a formula for a chemical compound, a process of manufacturing, treating or preserving materials, a pattern for a machine or other device, or a list of customers. It differs from other secret information in a business . . . in that it is not simply information as to single or ephemeral events in the conduct of the business . . . A trade secret is a process or device for continuous use in the operation of the business . . . [It may] relate to the sale of goods or to other operations in the business, such as a code for determining discounts, rebates or other concessions in a price list or catalogue, or a list of specialized customers, or a method of bookkeeping or other office management.

RESTATEMENT OF TORTS § 757 cmt. b (1939); *see also Huffines*, 314 S.W.2d at 776. In determining whether particular information constitutes a trade secret, this office considers the Restatement’s definition of trade secret as well as the Restatement’s list of six trade secret factors.¹⁰ This office has held that if a governmental body takes no position with

¹⁰The following are the six factors the Restatement gives as indicia of whether information constitutes a trade secret:

- (1) the extent to which the information is known outside of the company;
- (2) the extent to which it is known by employees and others involved in the company’s business;
- (3) the extent of measures taken by the company to guard the secrecy of the information;
- (4) the value of the information to the company and its competitors;
- (5) the amount of effort or money expended by the company in developing the information;
and
- (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.

RESTATEMENT OF TORTS § 757 cmt. b (1939); *see also* Open Records Decision Nos. 319 at 2 (1982), 306 at 2 (1982), 255 at 2 (1980).

regard to the application of the trade secret branch of section 552.110 to requested information, we must accept a private person's claim for exception as valid under that branch if that person establishes a *prima facie* case for exception and no argument is submitted that rebuts the claim as a matter of law. ORD 552 at 5-6. However, we cannot conclude section 552.110(a) applies unless it has been shown that the information meets the definition of a trade secret and the necessary factors have been demonstrated to establish a trade secret claim. See Open Records Decision No. 402 (1983).

Section 552.110(b) excepts from disclosure "[c]ommercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained." Gov't Code § 552.110(b). Section 552.110(b) requires a specific factual or evidentiary showing, not conclusory or generalized allegations, that substantial competitive injury would likely result from release of the requested information. See ORD 661 at 5-6 (business enterprise must show by specific factual evidence that release of information would cause it substantial competitive harm).

Having considered 5G's arguments, we conclude 5G has failed to demonstrate that any portion of its information constitutes a trade secret, nor has 5G demonstrated the necessary factors to establish a trade secret claim for its information. Thus, none of 5G's information may be withheld under section 552.110(a). Upon review of Foster's arguments and its information, we find that Foster has established that its pricing information, which we have marked, constitutes commercial or financial information, the release of which would cause the company substantial competitive harm. Therefore, the city must withhold the information we have marked under section 552.110(b) of the Government Code. However, we find Foster and 5G have not made the specific factual and evidentiary showing required by section 552.110(b) that release of any of the remaining information at issue would cause the companies substantial competitive harm. See ORD 661 at 5-6 (for information to be withheld under commercial or financial information prong of section 552.110, business must show by specific factual evidence that substantial competitive injury would result from release of particular information at issue). Thus, the city may not withhold any of 5G's information or any of Foster's remaining information under section 552.110(b).

However, 5G claims, and we agree, its information is subject to copyright law. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Attorney General Opinion JM-672 (1987). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.* If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit. See Open Records Decision No. 550 (1990). It does not appear that Foster's information is protected by copyright.

In summary, the city need not release nonresponsive information in response to this request. The city may continue to rely on Open Records Letter Nos. 2009-00887, 2008-11334,

2008-10270, and 2008-06390 for the information that was at issue in these prior rulings, to the extent the pertinent facts and circumstances have not changed since the issuance of these rulings. The city may withhold (1) Exhibits J, K, L, M, N, P, Q, and S under section 552.104 of the Government Code, (2) Exhibits T, T-1, U, and V under section 552.107 of the Government Code, except as we have marked for release, (3) the information we have marked in Exhibit B-1 under section 552.110, and (4) Exhibit R under section 552.111 of the Government Code. The remaining information in Exhibits B-1, B-2, S-1, T, V, and W must be released, but any information protected by copyright must be released in accordance with the copyright law.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Paige Savoie
Assistant Attorney General
Open Records Division

PS/eeg

Ref: ID# 339688

Enc. Submitted documents

cc: Requestor
(w/o enclosures)

cc: Mr. Mitchell S. Milby
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(w/o enclosures)

Mr. William Corrado
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(w/o enclosures)

Ms. Laura Roe
FaulknerUSA
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Woodbine Development Corp
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Mr. John H. Matthews
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Mr. Mike Garcia
TRT Holdings, Inc.
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THE CITY OF DALLAS, TEXAS, <i>Plaintiff,</i>	§ § § § § § § §	CAUSE NO. D-1-GN-09-000549 IN THE DISTRICT COURT 98 TH JUDICIAL DISTRICT TRAVIS COUNTY, TEXAS
v.		
GREG ABBOTT, ATTORNEY GENERAL OF TEXAS, <i>Defendant.</i>		

Filed in the District Court
 of Travis County, Texas
 APR 04 2011
 1:53 P.
 Amalia Rodriguez-Mendoza, Clerk

AGREED FINAL JUDGMENT

On this date, the Court heard the parties' motion for agreed final judgment. Plaintiff City of Dallas 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.

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.

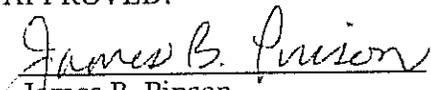
IT IS THEREFORE ADJUDGED, ORDERED AND DECLARED that:

1. In settlement of this dispute, the City of Dallas and the Attorney General have agreed that in accordance with the PIA and under the facts presented, the City may withhold the information at issue, specifically, a portion of Exhibit "T" containing 14 pages of attorney-client communications;
2. The City has released all other information at issue to the requestor, except that described in ¶ 1, above;
3. All costs of court are taxed against the parties incurring the same;
4. All relief not expressly granted is denied; and
5. This Agreed Final Judgment finally disposes of all claims between Plaintiff and Defendant and is a final judgment.

SIGNED this the 4th day of April, 2011.


PRESIDING JUDGE

APPROVED:


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