



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

This ruling has been modified by court action.  
The ruling and judgment can be viewed in PDF  
format below.



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 31, 2012

Ms. Neera Chatterjee  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701

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

OR2012-01536

Dear Ms. Chatterjee:

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# 444107.

The University of Texas M.D. Anderson Cancer Center (the "university") received a request for copies of (1) the agenda and meeting minutes for a specified committee from a specified time period and (2) specified contracts between the university and Abbot Laboratories ("Abbott"), AstraZeneca Pharmaceuticals LP ("AstraZeneca"), Bristol-Myers Squibb ("Bristol"), Eli-Lilly and Co. ("Eli"), GlaxoSmithKline, P.L.C. ("Glaxo"), Johnson & Johnson Pharmaceuticals Research & Development LLC ("Johnson"), Merck Sharp & Dohme Corporation ("Merck Co."), Merck KGaA, Novartis Pharmaceuticals Corporation ("Novartis"), Pfizer, Inc. ("Pfizer"), Roche, Teva Branded Pharmaceutical Products R&D ("Teva"), and Wyeth Pharmaceuticals ("Wyeth") from a specified time period. You claim that the requested information is excepted from disclosure under sections 552.101, 552.104, and 552.110 of the Government Code. You also inform us release of the submitted information may implicate the proprietary interests of Applied Molecular Evolution ("Applied"), Abbott, Bristol, Eli, Glaxo, ICON, PLC ("ICON"), Johnson, Merck Co., Merck KGaA, Novartis, Pfizer, Roche, Teva, and Wyeth. Accordingly, you notified these third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See Gov't Code* § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the submitted

arguments and reviewed the submitted representative sample of information.<sup>1</sup> We have also considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, Bristol, ICON, Merck KGaA, and Roche assert some of the information submitted by the university is not responsive to the instant request because it does not consist of agreements between the university and the fourteen named entities. Additionally, Merck Co. asserts it entered the contracts at issue with the university in its capacity as a private entity and not a governmental body. We note the university entered the contract with ICON on behalf of Bristol. We also note the request seeks contracts with "Merck" and not just "Merck Co." and that Emo Serono is a subsidiary of Merck KGaA. We further note the university is a "governmental body" as defined in section 552.003(1)(A) of the Government Code. A governmental body must make a good-faith effort to relate a request to information that is within its possession or control. *See* Open Records Decision No. 561 at 8-9 (1990). In this case, the university has reviewed its records and determined the submitted documents are responsive to the request. Thus, we find the university has made a good-faith effort to relate the request to information within its possession or control. Accordingly, we will determine whether the university must release this information to the requestor under the Act.

Next, 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 information relating to that party should be withheld from public disclosure. Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from Teva or Wyeth explaining why the submitted information should not be released. Therefore, we have no basis to conclude these third parties have a protected proprietary interest in any of the submitted information. *See id.* § 552.110; 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. Accordingly, the university may not withhold any portion of the submitted information based upon the proprietary interests of Teva or Wyeth.

Next, we understand Abbott, Astrazeneca, and Novartis to assert portions of the submitted information should not be disclosed because of confidentiality agreements. Information is not confidential under the Act simply because the party that submits the information anticipates or requests that it be kept confidential. *See Indus. Found. v. Tex. Indus. Accident*

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<sup>1</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.

*Bd.*, 540 S.W.2d 668, 677 (Tex. 1976). In other words, a governmental body cannot overrule or repeal provisions of the Act through an agreement or contract. *See* Attorney General Opinion JM-672 (1987); Open Records Decision Nos. 541 at 3 (1990) (“[T]he obligations of a governmental body under [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 section 552.110). Consequently, unless the information at issue falls within an exception to disclosure, it must be released, notwithstanding any expectation or agreement to the contrary.

Abbott, Applied, Roche, and the university raise section 552.104 of the Government Code. However, we note section 552.104 is a discretionary exception that protects only the interests of a governmental body, as distinguished from exceptions which are intended to protect the interests of third parties. *See* Open Records Decision Nos. 592 (1991) (statutory predecessor to section 552.104 designed to protect interests of a governmental body in a competitive situation, and not interests of private parties submitting information to the government), 522 (1989) (discretionary exceptions in general). Accordingly, we do not address Abbott’s, Applied’s, or Roche’s arguments under section 552.104 of the Government Code. We will, however, consider the university’s arguments under section 551.104.

Section 552.104 of the Government Code excepts from disclosure “information that, if released, would give advantage to a competitor or bidder.” Gov’t Code § 552.104. This office has held that a governmental body may seek protection as a competitor in the marketplace under section 552.104 and avail itself of the “competitive advantage” aspect of this exception if it can satisfy two criteria. *See* Open Records Decision No. 593 (1991). First, the governmental body must demonstrate that it has specific marketplace interests. *See id.* at 3. Second, the governmental body must demonstrate a specific threat of actual or potential harm to its interests in a particular competitive situation. *See id.* at 5. Thus, the question of whether the release of particular information will harm a governmental body’s legitimate interests as a competitor in a marketplace depends on the sufficiency of the governmental body’s demonstration of the prospect of specific harm to its marketplace interests in a particular competitive situation. *See id.* at 10. A general allegation of a remote possibility of harm is not sufficient. *See* Open Records Decision No. 514 at 2 (1988).

The university informs us that the marketplace for grant funding and sponsored research funding is extremely competitive. You state “it is the innovative research, equipment, devices, and processes developed by [the university] that enable the institution to be competitive with other research facilities when funding for grants and research-related contracts with third parties is under consideration. The university asserts that release of the submitted information would “disclose [the university’s] unique approach to research” and therefore would benefit the university’s competitors and compromise its position in the marketplace. Having considered your arguments, we find you have only demonstrated a remote possibility of harm. You have not sufficiently demonstrated that release of the remaining information would harm the university’s specific marketplace interests in a

particular competitive situation. Therefore, the university may not withhold any of the submitted information under section 552.104 of the Government Code.

Next, we address the university's claim under section 552.101 of the Government Code in conjunction with section 161.032 of the Health and Safety Code. Section 552.101 excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information made confidential by other statutes. Section 161.032 provides in relevant part:

(a) The records and proceedings of a medical committee are confidential and are not subject to court subpoena.

...

(c) Records, information, or reports of a medical committee . . . and records, information, or reports provided by a medical committee . . . to the governing body of a public hospital . . . are not subject to disclosure under Chapter 552, Government Code.

...

(f) This section and Subchapter A, Chapter 160, Occupations Code, do not apply to records made or maintained in the regular course of business by a hospital, health maintenance organization, medical organization, university medical center or health science center, hospital district, hospital authority, or extended care facility.

Health & Safety Code § 161.032(a), (c), (f) (footnote omitted). Section 161.031(a) defines a "medical committee" as "any committee . . . of . . . (3) a university medical school or health science center[.]" *Id.* § 161.031(a)(3). Section 161.0315 provides in relevant part that "[t]he governing body of a hospital [or] university medical school or health science center . . . may form . . . a medical committee, as defined by Section 161.031, to evaluate medical and health care services[.]" *Id.* § 161.0315(a).

The precise scope of the "medical committee" provision has been the subject of a number of judicial decisions. *See, e.g., Memorial Hosp.—The Woodlands v. McCown*, 927 S.W.2d 1 (Tex. 1996); *Barnes v. Whittington*, 751 S.W.2d 493 (Tex. 1988); *Jordan v. Fourth Supreme Judicial Dist.*, 701 S.W.2d 644 (Tex. 1986). These cases establish that "documents generated by the committee in order to conduct open and thorough review" are confidential. This protection extends "to documents that have been prepared by or at the direction of the committee for committee purposes." *Jordan*, 701 S.W.2d at 647-48. Protection does not extend to documents "gratuitously submitted to a committee" or "created without committee

impetus and purpose.” *Id.* at 648; *see also* Open Records Decision No. 591 (1991) (construing, among other statutes, statutory predecessor to section 161.032).

You state the Institutional Review Board (the “IRB”) is a medical committee established pursuant to federal law in order “to review, to approve the initiation of, and to conduct periodic review of, biomedical research involving human subjects.”<sup>2</sup> 21 C.F.R. § 56.102(g). Based on your representations, we agree the IRB is a medical committee as defined by section 161.031. You state that the IRB agendas and meeting minutes submitted as Exhibit 6, and the research protocols and other documents you have indicated in Exhibit 7, were prepared for or at the direction of the IRB for the purpose of assessing research involving human subjects performed by university employees. You indicate the documents at issue are not made or maintained in the regular course of business. *Cf. Texarkana Mem’l Hosp., Inc. v. Jones*, 551 S.W.2d 33, 35 (Tex. 1977) (defining records made or maintained in regular course of business). Based on your representations and our review, we find Exhibit 6 and the information you indicated in Exhibit 7 consists of medical committee records that must be withheld under section 552.101 of the Government Code in conjunction with section 161.032 of the Health and Safety Code.<sup>3</sup>

We next address Merck Co.’s, Merck KGaA’s, and Novartis’s claims that portions of the remaining information are confidential under section 51.914 of the Education Code. Section 552.101 of the Government Code also encompasses section 51.914, which provides, in pertinent part:

(a) In order to protect the actual or potential value, the following information is confidential and is not subject to disclosure under [the Act], or otherwise:

(1) all information relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information (including computer programs) developed in whole or in part at a state institution of higher education, regardless of whether patentable or capable of being registered under copyright or trademark laws, that have a potential for being sold, traded, or licensed for a fee; [or]

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<sup>2</sup>*See* 42 U.S.C. § 289(a) (providing that Secretary of Health and Human Services shall by regulation require that each entity which applies for grant, contract, or cooperative agreement for any project or program which involves conduct of biomedical or behavioral research involving human subjects submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to Secretary that it has established “Institutional Review Board” to review biomedical and behavioral research involving human subjects conducted at or supported by such entity).

<sup>3</sup>As our ruling for this information is dispositive, we need not address the remaining arguments against its disclosure.

(2) any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a person, partnership, corporation, or federal agency that has been disclosed to an institution of higher education solely for the purposes of a written research contract or grant that contains a provision prohibiting the institution of higher education from disclosing such proprietary information to third persons or parties[.]

Educ. Code § 51.914(a)(1)-(2). As noted in Open Records Decision No. 651 (1997), the legislature is silent as to how this office or a court is to determine whether particular scientific information has “a potential for being sold, traded, or licensed for a fee.” Open Records Decision No. 651 at 9 (1997). Furthermore, whether particular scientific information has such a potential is a question of fact that this office is unable to resolve in the opinion process. *See id.* Thus, this office has stated that in considering whether requested information has “a potential for being sold, traded, or licensed for a fee,” we will rely on a governmental body’s assertion that the information has this potential. *See id. But see id.* at 10 (stating that university’s determination that information has potential for being sold, traded, or licensed for fee is subject to judicial review). We note that section 51.914 is not applicable to working titles of experiments or other information that does not reveal the details of the research. *See* Open Records Decision Nos. 557 at 3 (1990), 497 at 6-7 (1988).

Merck Co., Merck KGaA, and Novartis state the remaining information at issue reveals technical details about how to achieve the goals of the research conducted under certain agreements between these entities and the university. Merck Co., Merck KGaA, and Novartis also state that disclosure of this information would directly reveal the substance of the research conducted pursuant to the agreements at issue and permit third parties to appropriate such research. However, upon review of the information at issue, we find Merck Co., Merck KGaA, and Novartis have failed to explain, nor can we discern, how this information, which consists of pricing information and a general description of research, reveals details about the research at issue. Accordingly, the university may not withhold any of the remaining information under section 552.101 of the Government Code in conjunction with section 51.914 of the Education Code.

Next, we note the university raises section 552.110 of the Government Code for the submitted information. Section 552.110 is designed to protect the interests of third parties, not the interests of governmental bodies. Thus, we do not address the university’s arguments under section 552.110 of the Government Code.

Abbott, Applied, Astrazeneca, Eli, Glaxo, Johnson, Merck Co., Merck KGaA, Novartis, Pfizer, and Roche also raise section 552.110 of the Government Code for portions of the

remaining information. Section 552.110 protects (1) trade secrets, and (2) commercial or financial information, the disclosure of which would cause substantial competitive harm to the person from whom the information was obtained. *See* Gov't Code § 552.110(a)-(b). Section 552.110(a) protects trade secrets obtained from a person and privileged or confidential by statute or judicial decision. *Id.* § 552.110(a). The Texas Supreme Court has adopted the definition of trade secret from section 757 of the Restatement of Torts. *See Hyde Corp. v. Huffines*, 314 S.W.2d 763 (Tex. 1957); *see also* ORD 552. 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.<sup>4</sup> RESTATEMENT OF TORTS § 757 cmt. b (1939). This office must accept a claim that information subject to the Act is excepted as a trade secret if a *prima facie* case for the exception is made and no argument is submitted that rebuts the claim as a matter of law. *See* ORD 552 at 5. However, we cannot conclude that section 552.110(a) is applicable unless it has been shown that the information meets the definition of a trade secret and the

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<sup>4</sup>The Restatement of Torts lists the following six factors 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 other 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;
- (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).

necessary factors have been demonstrated to establish a trade secret claim. *See* Open Records Decision No. 402 (1983).

Section 552.110(b) protects “[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). This exception to disclosure requires a specific factual or evidentiary showing, not conclusory or generalized allegations, that substantial competitive injury would likely result from release of the information at issue. *Id.*; *see also* ORD 661 at 5-6 (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).

Abbott, Applied, Astrazeneca, Eli, Johnson, Merck KGaA, Novartis, Pfizer, and Roche assert that portions of the remaining information consist of trade secrets that are excepted from disclosure under section 552.110(a). Upon review, we find Abbott, Applied, AstraZeneca, Eli, Johnson, Merck KGaA, Novartis, Pfizer, and Roche have not demonstrated how any of the information at issue meets the definition of a trade secret, nor have these third parties demonstrated the necessary factors to establish a trade secret claim. *See* Open Records Decision Nos. 402 (section 552.110(a) does not apply unless information meets definition of trade secret and necessary factors have been demonstrated to establish trade secret claim), 319 at 3 (1982) (information relating to organization and personnel, market studies, qualifications and experience, and pricing are not ordinarily excepted from disclosure under statutory predecessor to section 552.110). We further note pricing information pertaining to a particular contract is generally not a trade secret because it is “simply information as to single or ephemeral events in the conduct of the business,” rather than “a process or device for continuous use in the operation of the business.” RESTATEMENT OF TORTS § 757 cmt. b; *see Huffines*, 314 S.W.2d at 776; ORD 319 at 3, 306 at 3. Therefore, the university may not withhold any of the remaining information under section 552.110(a) of the Government Code.

Abbott, Applied, Astrazeneca, Eli, Glaxo, Johnson, Merck Co., Merck KGaA, Novartis, and Roche claim release of portions of the remaining information would cause them substantial competitive harm. Upon review, we find these third parties have made only conclusory allegations that the release of any of the remaining information would cause the companies substantial competitive injury and have not provided any factual evidence to support such allegations. *See* Open Records Decision Nos. 661 (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), 509 at 5 (1988) (because costs, bid specifications, and circumstances would change for future contracts, assertion that release of bid proposal might give competitor unfair advantage on future contracts is too speculative), 319 at 3. We note the pricing aspects of a contract with a governmental entity are generally not excepted from

disclosure under section 552.110(b). *See* Open Records Decision No. 514 (1988) (public has interest in knowing prices charged by government contractors); *see generally* Dept of Justice Guide to the Freedom of Information Act 344-345 (2009) (federal cases applying analogous Freedom of Information Act exemption reason that disclosure of prices charged government is a cost of doing business with government). We also note that the terms of a contract with a governmental body are generally not excepted from public disclosure. *See* Gov't Code § 552.022(a)(3) (contract involving receipt or expenditure of public funds expressly made public); Open Records Decision No. 541 at 8 (1990) (public has interest in knowing terms of contract with state agency). Accordingly, the university may not withhold any of the remaining information under section 552.110(b) of the Government Code.

In summary, the university must withhold the information you have marked under section 552.101 of the Government Code in conjunction with section 161.032 of the Health and Safety Code. The remaining information must be released.

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](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, toll free at (888) 672-6787.

Sincerely,



Vanessa Burgess  
Assistant Attorney General  
Open Records Division

VB/dls

Ref: ID# 444107

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Novartis Pharmaceuticals  
c/o Mr. Kevin T. Jacobs  
Baker Botts, L.L.P.  
910 Louisiana  
Houston, Texas 77002-4995  
(Third party w/o enclosures)

AstraZeneca  
c/o Ms. Celina R. Joachim  
Baker & McKenzie, L.L.P.  
711 Louisiana Street, Suite 3400  
Houston, Texas 77002-2746  
(Third party w/o enclosures)

Eli-Lilly and Co.  
c/o Mr. Lee M. Tumminello  
Baker & Daniels, L.L.P.  
600 East 96<sup>th</sup> Street, Suite 600  
Indianapolis, Indiana 46240  
(Third party w/o enclosures)

Mr. Bill Christopher  
Assistant General Counsel  
GlaxoSmithKline, P.L.C.  
P.O. Box 13398  
Research Triangle Park  
North Carolina 27709-3398  
(Third party w/o enclosures)

Ms. Mary Beth Kozar  
Senior Counsel  
Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7002  
(Third party w/o enclosures)

Merck KGaA  
c/o Ms. Claire Swift Kugler  
Morgan, Lewis & Bocklus, L.L.P.  
1000 Louisiana Street, Suite 4000  
Houston, Texas 77002  
(Third party w/o enclosures)

Abbott Laboratories  
c/o Mr. George H. Fibbe  
YetterColeman, L.L.P.  
909 Fannin Street, Suite 3600  
Houston, Texas 77010  
(Third party w/o enclosures)

Bristol-Myers Squibb  
c/o Mr. C. Michael Moore  
SNR Denton  
2000 McKinney Avenue, Suite 1900  
Dallas, Texas 75201-1858  
(Third party w/o enclosures)

Ms. Susan Carpenter  
Applied Molecular Evolution/Eli Lilly  
Lilly Biotechnology Center  
10300 Campus Point Drive, Suite 200  
San Diego, California 92121  
(Third party w/o enclosures)

Mr. Joshua Weidner  
Manager, Legal Counsel  
ICON Clinical Research, Inc.  
212 Church Road  
North Wales, Pennsylvania 19454  
(Third party w/o enclosures)

Ms. Enid R. Stebbins  
Assistant Counsel  
Merck Sharp & Dohme Corp.  
P.O. Box 1000  
North Wales, Pennsylvania 19454-1099  
(Third party w/o enclosures)

Ms. Amanda Littell-Clark  
Senior Corporate Counsel  
Pfizer, Inc.  
35 Cambridge Park Drive  
Cambridge, Massachusetts 02140  
(Third party w/o enclosures)

Roche  
c/o Mr. Michael Listgartgen  
Associate General Counsel  
Genentech, Inc.  
1 DNA Way  
South San Francisco, CA 94080  
(Third party w/o enclosures)

Material Transfer Coordinator  
Wyeth Research  
87 Cambridge Park Drive  
Cambridge, Massachusetts 02140  
(Third party w/o enclosures)

Mr. Richard S. Egosi  
Corporate Vice President  
Teva Neuroscience, Incorporated  
425 Privet Road  
Horsham, Pennsylvania 19044  
(Third party w/o enclosures)

Legal Department  
Wyeth Pharmaceuticals, Inc.  
170 North Radnor-Chester Road  
St. Davids, Pennsylvania 19087  
(Third party w/o enclosures)

Christina M. Coughlin, M.D., Ph.D.  
Wyeth Pharmaceuticals, Inc.  
500 Arcola Road  
Collegeville, Pennsylvania 19426  
(Third Party w/o enclosures)

Filed in The District Court  
of Travis County, Texas

JUN 08 2015 MYR

At 845 A M.  
Valva L. Price, District Clerk

CAUSE NO. D-1-GN-12-000394

ASTRAZENECA  
PHARMACEUTICALS LP AND  
ASTRAZENECA AB,  
*Plaintiffs,*

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IN THE DISTRICT COURT

v.

53rd JUDICIAL DISTRICT

GREG ABBOTT,<sup>1</sup> IN HIS OFFICIAL  
CAPACITY AS ATTORNEY  
GENERAL OF THE STATE OF TEXAS  
AND THE UNIVERSITY OF TEXAS MD  
ANDERSON CANCER CENTER,  
*Defendants.*

TRAVIS COUNTY, TEXAS

**AGREED FINAL JUDGMENT**

This is an open records lawsuit brought under the Public Information Act (PIA), Tex. Gov't Code ch. 552, in which Plaintiffs AstraZeneca Pharmaceuticals LP and AstraZeneca AB (collectively, AstraZeneca) challenged Attorney General Open Records Letter Ruling OR2012-01536 (2012). AstraZeneca sought the withholding of certain information held by Defendant University of Texas MD Anderson Cancer Center (the University). All matters in controversy arising out of this lawsuit have been resolved, and the parties agree to the entry and filing of an agreed final judgment.

Texas Government Code section 552.325(d) requires the Court to allow the requestor of information a reasonable period of time to intervene after receiving notice of the proposed settlement. The Attorney General represents to the Court that, in compliance with Tex. Gov't Code § 552.325(c), the Attorney General sent notice by certified letter to requestor Mr. Lucius Lomax on May 14, 2015, providing reasonable notice of this setting. The requestor was informed of the parties' agreement that the

<sup>1</sup> Greg Abbott was named defendant in the cause in his official capacity as Texas Attorney General. Ken Paxton became Texas Attorney General on January 5, 2015, and is now the appropriate defendant in this cause.



University must withhold portions of the information at issue in this suit, as agreed upon between the parties. The requestor was also informed of his right to intervene in the suit to contest the withholding of the information. The requestor has neither informed the parties of his intention to intervene, nor has a plea in intervention been filed.

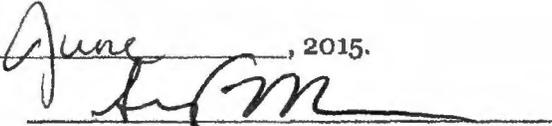
After considering the agreement of the parties and the law, the Court is of the opinion that entry of an agreed final judgment is appropriate, disposing of all claims between these parties in this suit.

**IT IS THEREFORE ADJUDGED, ORDERED AND DECLARED THAT:**

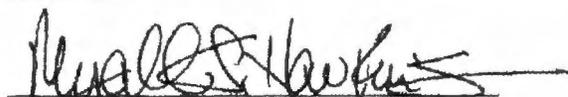
1. AstraZeneca, the Attorney General, and the University have agreed that, in accordance with the PIA and under the facts presented, portions of the information at issue, as indicated by a redacted copy of the information at issue provided to the University by AstraZeneca, are excepted from disclosure pursuant to Tex. Gov't Code § 552.110(b) (hereinafter, the Excepted Information);
2. The University must withhold the Excepted Information described in Paragraph 1 of this order, as well as those portions of the information at issue found to be confidential by Open Records Letter Ruling OR2012-01536, and release the remaining information at issue to the requestor (Bates-stamped AZ/AG 1 - 000628);
3. All court costs and attorney fees 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 AstraZeneca, the Attorney General, and the University in this cause, and is a final judgment.

SIGNED this 8<sup>th</sup> day of June, 2015.

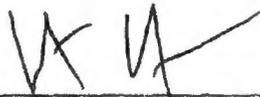
  
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 JUDGE PRESIDING

AGREED:

  
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MYALL S. HAWKINS  
 State bar No. 09250320  
 Baker & McKenzie LLP  
 711 Louisiana, Suite 3400  
 Houston, Texas 77002  
 Telephone: (713) 427-5020  
 Facsimile: (713) 427-5099  
 myall.hawkins@bakermckenzie.com

ATTORNEY FOR PLAINTIFF ASTRAZENECA  
 PHARMACEUTICALS LP AND ASTRAZENECA  
 AB

  
 \_\_\_\_\_

MATTHEW R. ENTSMINGER  
 State Bar No. 24059723  
 Assistant Attorney General  
 Open Records Litigation  
 Administrative Law Division  
 P.O. Box 12548, Capitol Station  
 Austin, Texas 78711-2548  
 Telephone: (512) 475-4151  
 Facsimile: (512) 457-4686  
 matthew.entsminger@texasattorneygeneral.gov

ATTORNEY FOR DEFENDANT KEN PAXTON,  
 IN HIS OFFICIAL CAPACITY AS ATTORNEY  
 GENERAL OF THE STATE OF TEXAS

  
 \_\_\_\_\_

ANN HARTLEY  
 State Bar No. 09157700  
 Assistant Attorney General  
 Financial and Tax Litigation Division  
 P.O. Box 12548  
 Austin, Texas 78711-2548  
 Telephone: (512) 936-1313  
 Facsimile: (512) 477-2348  
 ann.hartley@texasattorneygeneral.gov

ATTORNEY FOR DEFENDANT UNIVERSITY OF  
 TEXAS MD ANDERSON CANCER CENTER