



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

October 3, 1990

Ms. Susan T. Taylor
Senior Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR90-467

Dear Ms. Taylor:

By letter of April 13, 1989, you inquired whether certain information was subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 6168.

You received a request for files of the LEM Construction Company Contract on the 69th Street Sludge Disposal Plant Project (L.D. File No. 68-87113-05). By your letter of April 13, 1989, you stated that you were reviewing a claim for an equitable adjustment in costs and that there was a high probability that litigation would ensue. Accordingly, you claimed that section 3(a)(3), the litigation exception, applied to the requested documents.

We contacted you earlier this year to inquire about the status of the litigation you referred to. By letter of March 28, 1990, designated ID# 9265, you informed us that a settlement was reached on March 21, 1990, and that you expected to withdraw your request for an opinion in the very near future. Since then, we have had no additional communications from you on this matter. We will therefore proceed to address your request for a decision from this office.

Now that a settlement has been reached, there is no longer any likelihood that litigation will result from the dispute you mentioned in your letter of April 13, 1989. Therefore, litigation is no longer anticipated, and section 3(a)(3) does not apply to the documents. See Open Records Decision No. 331 (1982). You must make the documents available to the requestor.

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-467.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/le

Ref.: ID# 6168, 6191, 6504, 9265

Enclosure: Open Records Decision No. 331

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