



Office of the Attorney General
State of Texas

March 27, 1992

DAN MORALES
ATTORNEY GENERAL

Mr. Terrence S. Welch
Vail, Hamilton, Koch & Knox
1717 Main Street, Suite 4400
Dallas, Texas 75201

OR92-121

Dear Mr. Welch:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14593.

You have received a request for information relating to attorneys fees and attorney fee agreements generated in the course of litigation between the Town of Sunnydale (the "town") and plaintiffs suing the town over denial of their request for planned development approval. We have considered the exception you claimed, specifically section 3(a)(3), which protects

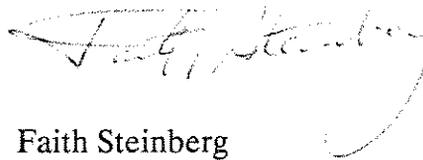
information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection.

You have shown us that the relevant litigation is still pending. As the requested information relates to the amount of attorneys fees incurred by the town, a likely issue in the litigation, we find that it is within the section 3(a)(3) exception. See Open Records Decision No. 551 (1990). For this reason, you may withhold the

requested information. Please note that the litigation exception only extends to information while the litigation is still pending or is reasonably anticipated.

Because case law and 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 OR92-121.

Yours very truly,



Faith Steinberg
Assistant Attorney General
Opinion Committee

FS/nhb

Ref.: ID# 14593

Enclosure: Open Records Decision No. 551

cc: Mr. Charles Siemon
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