



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 11, 1995

Mr. Christopher T. Wilson
Open Records Liaison
Consumer Protection Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR95-1398

Dear Mr. Wilson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34462.

The Office of the Attorney General (the "OAG") received a request for copies of the names, addresses, and telephone numbers of anyone filing complaints either against One Stop Leasing or Quick Stop Leasing and a copy of the sworn statement of Mark Evans. The documents you submitted indicate that the OAG will release the sworn statement as soon as it is available. You contend that the remaining information is excepted under section 552.103 of the Government Code.

To be excepted under section 552.103(a), information must relate to litigation that is pending or reasonably anticipated. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 (1990) at 4. In this case, you have demonstrated that litigation is reasonably anticipated. However, once information has been obtained by all parties to the litigation, no section 552.103(a) interest exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). We have marked the information indicating on its face that it was provided to the opposing party. You may not withhold this information, or any other information not submitted for our review that the opposing party has had access to or seen, under section 552.103. The remaining information may be withheld under the litigation exception.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/LBC/rho

Ref: ID# 34462

Enclosures: Marked documents

cc: Mr. William C. Boyd
Patterson, Boyd & Lowery, P.C.
2101 Louisiana Street
Houston, Texas 77002
(w/o enclosures)