



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 29, 1995

Mr. Frank Stenger-Castro
General Counsel
Texas Workers' Compensation
Insurance Facility
8303 MoPac Expressway North, Suite 310
Austin, Texas 78759-8396

OR95-1634

Dear Mr. Stenger-Castro:

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# 34569.

The Texas Workers' Compensation Insurance Facility (the "facility") received a request for information concerning Bludworth Bond Shipyard, Inc., and Odyssey Management Co., Inc. You contend that the requested information is excepted from required public disclosure under sections 552.101, 552.103, 552.110, and 552.111 of the Government Code.

To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990). However, once information has been obtained by all parties to the litigation, for example, through discovery or otherwise, no section 552.103(a) interest exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). Finally, the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

You state that litigation and an administrative appeal involving Bludworth Bond are currently pending. You explain that Bludworth Bond has initiated litigation against the facility in connection with Bludworth Bond's application for workers' compensation insurance. You further explain that Bludworth has brought claims against Odyssey Management Co. in its amended petition alleging that Odyssey Management is also

responsible for damages incurred by Bludworth in connection with the facility's denial of Bludworth's application. We also note that in correspondence with this office Bludworth states that the company is in litigation with the facility. Moreover, Bludworth's communications support the facility's assertion that the Odyssey Management information is related to the pending litigation and the administrative appeal. Accordingly, you have made the requisite showing that the requested information relates to pending litigation for purposes of section 552.103(a). Accordingly, except for those records previously obtained by or disclosed to the other parties in the litigation, the requested records may be withheld.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/LBC/rho

Ref: ID# 34569

Enclosures: Submitted documents

cc: Ms. Karen K. Milhollin
Phelps Dunbar, L.L.P.
4 Houston Center, Suite 501
1331 Lamar Street
Houston, Texas 77010
(w/o enclosures)