



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 20, 1996

Ms. Tracy B. Calabrese  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR96-0991

Dear Ms. Calabrese:

You have asked 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# 100231 (previously ID# 32683).

The City of Houston (the "city") received a request for a copy of the Houston Emergency Medical Service ("EMS") report and other reports concerning the requestor, who apparently slipped and fell at the Houston Intercontinental Airport on December 27, 1994. In Open Records Letter No. 95-682 (1995), we addressed only the issue regarding the releasability of EMS records. We concluded that the city may not release the EMS report without appropriate consent pursuant to chapter 773 of the Health and Safety Code.

However, as to the one responsive document at issue that was not subject to chapter 773, you contend that the requestor has filed a claim for personal injury against the city, because the requestor's husband submitted a handwritten letter detailing the accident. We explained in Open Records Letter No. 95-682 (1995) that whether such a claim is sufficient to establish that litigation is reasonably anticipated under section 552.103(a) was the subject of a pending open records decision, RQ-804. That decision was issued as Open Records Decision No. 638 (1996).

In determining whether litigation is reasonably anticipated, this office must make a case-by-case determination based on the information provided to this office. Open Records Decision No. 452 (1986) at 4. A governmental body must provide concrete evidence that litigation is realistically contemplated. Open Records Decision No. 518 (1989) at 5. However, in this situation, you have not provided information sufficient to show that litigation is reasonably anticipated. See Open Records Decision No. 638 (1996). Therefore, the city must release the requested information to the requestor.

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,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/SAB/ch

Ref: ID#s 100231 (previously ID#32683)

Enclosures: Open Records Decision No. 638 (1996)  
Submitted documents

cc: Ms. Maria Cristina Byrne  
12257 Valleyheart Drive  
Studio City, California 91604  
(w/o submitted documents-w/Open Records Decision No. 638 (1996))