



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 16, 1998

Mr. John D. Armstrong
Assistant City Attorney
Askins & Armstrong, P.C.
P.O. Box 1218
La Porte, Texas 77572-1218

OR98-2440

Dear Mr. Armstrong:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118824.

The City of La Porte (the "city"), which you represent, received a request for the current leases for Tri-Star Aviation, Inc., Gulf Central Aviation, Inc., and D.E. Aviation, Inc. You claim that the requested information is excepted from required public disclosure under section 552.103 of the Government Code. We have considered your arguments and reviewed the submitted records.

To be excepted under section 552.103, the city must demonstrate that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to that litigation. *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 at 4 (1990). You argue that the requested information is related to a pending lawsuit, *City of La Porte v. Cliff Hyde Flying Serv., Inc.* (127th Dist. Ct., Harris Co.). By showing that litigation is pending, you have satisfied the first prong of section 552.103. However, you have not satisfied the second prong as you have not explained how the requested information relates to the pending litigation. Thus, you may not withhold the requested information pursuant to section 552.103.

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 on as a previous

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

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/ch

Ref.: ID# 118824

Enclosures: Submitted documents

cc: Ms. Nadeen Hyde
10415 Rustic Gate Road
La Porte, Texas 77571
(w/o enclosures)