

CONTACT
Leonard V. Schneider IV
TELEPHONE
(713) 432-7474
FACSIMILE
(713) 456-2079
CELL
(832) 527-4572
E-MAIL lschneider@lilesparker.com

March 9, 2021

The Honorable Ken Paxton
Texas Attorney General
ATTN: Open Records Division
Texas Attorney General
209 West 14th Street, 6th Floor
Austin, TX 78701

Via Electronic Filing &
Federal Express

Dear General Paxton:

The City of Huntsville (the “City”) received a Public Information request on February 23, 2021 via email (after 5pm) and a copy of the request is attached. In accordance with section 552.301 of the Government Code, the City is sending this request for decision within ten business days of the date the request was received.

By copy of this letter the City is informing the Requestor that the City is seeking a decision from your office because the City believes responsive information is excepted from public disclosure pursuant to Sections 552.001, and 552.103 of the Government Code, and Texas court cases.

Request

The request is below:

1-Any documents that have been pulled from the personnel files of former city secretary Brenda Poe or city manager Aron Kulhavy.

2-Complete personnel file for city manager Aron Kulhavy.

The personnel file of the City Manager has been released pursuant to agreement with the requestor.

Background

There is one document responsive to the first requested item. This document concerns an individual, Jason January, who has sued the City of Huntsville alleging his termination violated the American with Disabilities Act and the Rehabilitation Act. Mr. January filed his lawsuit on January 29, 2021 in Cause No. 4:21cv303; *Jason January v City of Huntsville*, In the United States District Court for the Southern District of Texas/Houston Division. The PIR request is dated February 23, 2021 almost 4 weeks after the litigation was filed.

Mr. January was terminated on April 12, 2019. The document concerns Mr. January meeting with the staff HR Coordinator at the City Hall to receive paperwork on the day he was terminated, paperwork relating to his termination, and reasonably relates to his claims against the City in the lawsuit he has filed.

Argument and Authority

Section 552.103

The document in the attached Exhibit "A" may be withheld because litigation has been filed and there is concrete evidence of pending litigation against the City before the date of the PIR request. Further the document reasonably relates to this lawsuit against the City. Consequently, the City wishes to withhold Exhibit A pursuant to Section 552.103 of the Texas Government Code.

If you need additional information, please contact the undersigned.

Sincerely,

Leonard V. Schneider

Leonard V. Schneider
Liles Parker PLLC
Attorneys for the City of Huntsville, Texas

Enclosures: PIR request and Exhibit "A"

Cc: Requestor (w/o Ex A)
Requestor via email: jbrown@itemonline.com
The City