



Boeing Co. and Greater Kelly Development Authority v. Ken Paxton, as Texas Attorney General
from Travis County and the Austin Court of Appeals

For petitioners: Scott A. Brister, Austin

For respondent: Richard B. Farrer, Austin

The principal issues in this contest to get the price Boeing paid for maintenance facilities at the former Kelly Air Force Base in San Antonio are (1) whether lease information is exempt from public disclosure under Texas Public Information Act section 552.104 (protecting information that would give advantage to a competitor) and (2) whether the information falls under section 552.110's trade-secrets exemption. A former Boeing employee requested the lease information from the Kelly development entity. Boeing sued the attorney general after the attorney general, in an opinion Boeing requested, determined that Boeing's leasing costs for the Kelly space was subject to disclosure under the open-records law. The trial court agreed and the appeals court affirmed its decision.

Boeing argues that its military aircraft-maintenance business, the reason it leased former maintenance hangars at Kelly, is highly competitive, so by knowing what it paid for the Kelly lease its competitors could bid for cheaper facilities elsewhere and underbid Boeing for military contracts. The attorney general contends that section 552.104's exemption for information benefitting a competitor protects the government's interests, not a private company's, and that Boeing did not prove the information it was seeking to protect was a trade secret exempted by section 552.110.

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JLG. Trucking LLC v. Lauren R. Garza
from Zapata County and the San Antonio Court of Appeals

For petitioner: David M. Gunn, Houston

For respondent: Lisa Bowlin Hobbs, Austin

The principal issues in this personal-injury case involving a car-truck accident are (1) whether the trial court erred by excluding evidence that a second car accident fewer than three months later may have caused Garza's injury and (2) whether the trial court's barring the evidence probably resulted in an improper judgment. Several days after the first accident Garza's doctor ordered X-rays and diagnosed tense muscles for her neck and back pain. Almost three months later, after her car was hit broadside in the second accident, she complained of head and neck pain but hospital X-rays showed no evident injuries.

Three weeks later she returned to the orthopedic doctor who treated her after the first accident, this time for radiating pain in her arms and back. A magnetic resonance image — MRI — showed two herniated discs. Another MRI more than a year later revealed two additional herniated discs. In her negligence suit against the trucking company Garza alleged her back injury resulted from the first accident. The doctor who first treated her testified the herniated discs resulted from accident trauma in the first wreck, but he testified he had not reviewed her medical records from the second accident. JPL contends the MRI shows Garza's back injury did not result from trauma at all. JLG sought to introduce evidence of the second accident, but the trial judge barred any reference to the second accident as not relevant because of JLG's theory that the back injury was degenerative or caused by her weight. The jury returned a \$1.1-million verdict for Garza. The court of appeals affirmed.

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