Titus County - District Clerk

Filed: 6/1/2026 12:06 PM
Carin Carroll
District Clerk
Titus County, Texas

Debbie Swindler

CAUSE NO. 44437

KYLE DOUGLAS MORING,	§	IN THE DISTRICT COURT OF
	§	
Petitioner,	§	
	§	TITUS COUNTY, TEXAS
v.	§	
	§	
CITY OF MOUNT PLEASANT, TEXAS,	§	76th _____ JUDICIAL DISTRICT
	§	
Respondent.	§	

PETITIONER'S ORIGINAL PETITION FOR WRIT OF MANDAMUS

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner Kyle Douglas Moring files this Original Petition for Writ of Mandamus against Respondent City of Mount Pleasant, Texas, and respectfully shows the Court as follows:

I. DISCOVERY CONTROL PLAN

1. Discovery in this case is intended to be conducted under Level 2 of Texas Rule of Civil Procedure 190.

II. RELIEF SOUGHT

2. The relief sought is within the jurisdictional limits of this Court. Pursuant to Texas Rule of Civil Procedure 47(c)(5), Petitioner seeks only non-monetary relief, together with statutory costs of litigation, costs of court, and any other relief authorized by law. Petitioner does not seek monetary damages.

III. PARTIES

3. Petitioner Kyle Douglas Moring is an individual residing at [redacted]. Petitioner is a citizen of Texas and has standing to bring this action as a requestor of public information under Chapter 552 of the Texas Government Code.

4. Respondent City of Mount Pleasant, Texas is a home-rule municipality organized under the laws of Texas, with its main offices located at 501 North Madison Avenue, Mount Pleasant, Titus County, Texas 75455. Respondent is a "governmental body" as defined by Texas Government Code § 552.003(1)(A).

IV. JURISDICTION AND VENUE

5. This Court has jurisdiction pursuant to Texas Government Code § 552.321(a), which authorizes a requestor to file suit for writ of mandamus compelling a governmental body to make public information available when the governmental body refuses to request an Attorney General decision as provided by Subchapter G or refuses to supply public information.

6. Venue is proper in this Court pursuant to Texas Government Code § 552.321(b), because the City's main offices are located in Titus County, Texas.

7. Petitioner is not required to defer suit while awaiting further action by the Office of the Attorney General. See Kallinen v. City of Houston, 462 S.W.3d 25, 30 (Tex. 2015); Tex. Gov't Code § 552.321(a).

V. GENERAL FACTUAL BACKGROUND

8. Beginning on October 29, 2025, and continuing through February 14, 2026, Petitioner submitted the nine core public-information requests pleaded in Counts I through IX of this petition to the City of Mount Pleasant under the Texas Public Information Act, Chapter 552 of the Texas Government Code. These requests sought records relating to law-enforcement case files, food-safety inspections, temporary-

custodian records, regulatory correspondence, municipal fire-inspection records, City-attorney communications, and keyword-based searches of City electronic systems.

9. Petitioner had also submitted earlier and later TPIA requests to the City. Those earlier and later requests are not pleaded as independent mandamus counts in this petition unless expressly identified below. Some of those records are included as supplemental pattern evidence because they rebut City representations made during the OAG review and show that the same production, search, format, temporary-custodian, and closure practices continued.

10. As of the date of this filing, the City has not fully resolved the nine requests pleaded in Counts I through IX. Each of those nine requests has been the subject of a formal complaint filed with the Office of the Attorney General, associated with OAG File No. L260017200. Petitioner additionally pleads Count X, which concerns a later request submitted May 13, 2026 that is the subject of a separate Attorney General complaint, OAG File No. OR-26-027775-IC, and is independently subject to mandamus under Texas Government Code § 552.321.

11. Petitioner also pursued the statutory § 552.3215 complaint process through the Titus County District Attorney and the Office of the Attorney General. That process did not result in production of the outstanding City records, a binding production schedule, a verified request-by-request search declaration, or judicially enforceable relief.

12. This petition is brought solely against the City of Mount Pleasant under Texas Government Code § 552.321 as Petitioner's independent requestor remedy. Petitioner does not seek relief against the Titus County District Attorney, does not seek judicial review of the Titus County District Attorney's handling of the § 552.3215 complaint process, and does not ask this Court to review the OAG's enforcement discretion under § 552.3215.

13. The outstanding requests are summarized as follows:

Count	OAG Ref.	Request	Date	Current issue
I	OR-25-055840-IC	MPPD Case Nos. [redacted] / 25-17553	Nov. 13, 2025	Partial production; CD-only delivery; no complete index or search explanation
II	OR-25-057990-IC	Oct. 28 Walmart inspection / FS-473844	Oct. 29, 2025	Partial production; FS-473844 unresolved
III	OR-25-059503-IC	Chief Buhman temporary-custodian records	Dec. 4, 2025	Hand-typed call details substituted for source records
IV	OR-26-004942-IC	Jan. 13 inspection records	Jan. 13, 2026	Partial production; remaining categories unresolved
V	OR-26-006368-IC	Moring / OSHA keyword search	Dec. 30, 2025	Search scope, format, and completeness disputed
VI	OR-26-006369-IC	Walmart keyword search	Dec. 30, 2025	Later records show omitted Walmart-responsive materials
VII	OR-26-013327-IC	DTRG correspondence	Feb. 14, 2026	Privilege / ruling / production status unresolved
VIII	OR-26-014482-IC	MPFD follow-up fire inspection	Feb. 13, 2026	Referenced email record not produced
IX	OR-26-014805-IC	Regulatory-agency correspondence	Feb. 8, 2026	Rolling productions incomplete / overbroad; search issues unresolved
X	OR-26-027775-IC	Ankrum cell-phone call logs	May 13, 2026	Screenshot-only production; source / account records unresolved

14. Under the TPIA, an officer for public information must promptly produce public information for inspection, duplication, or both. Tex. Gov't Code § 552.221(a). "Promptly" means as soon as possible without delay and within a reasonable time. If a governmental body cannot produce requested information within ten business days, the officer for public information must certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available. Tex. Gov't Code § 552.221(d). If a governmental body seeks to withhold responsive information, it must request a decision from the Attorney General within the statutory deadline. Tex. Gov't Code § 552.301. Failure to timely request an Attorney

General decision creates a presumption that the information is public. Tex. Gov't Code § 552.302.

15. The requests at issue were submitted after September 1, 2025, and are subject to the 2025 amendments to the TPIA, including Texas Government Code § 552.221(f), which requires written no-records notice not later than the tenth business day after receipt if the governmental body determines it has no information responsive to a request. The 2025 amendments also added § 552.328, which authorizes a requestor to file a written complaint with the Attorney General when a governmental body fails to comply with § 552.221. Those administrative complaint procedures did not result in full production or enforceable relief.

16. Texas Government Code § 552.321 supplies a statutory mandamus remedy for a requestor when a governmental body refuses to request an Attorney General decision as provided by Subchapter G or refuses to supply public information. A requestor seeking mandamus under § 552.321 need only show that the governmental body has not complied with the Act. In any event, Petitioner also satisfies traditional mandamus considerations because Petitioner has a clear legal right to responsive public information, Respondent has a ministerial duty to produce responsive public information or timely invoke the Act's withholding procedures, and the administrative and § 552.3215 complaint processes have not resulted in complete production, a final production schedule, or verified resolution of the records disputes.

VI. OAG FINAL DETERMINATION AND DISPUTED CITY REPRESENTATIONS

17. On May 22, 2026, the OAG Criminal Prosecutions Division issued a final determination under Texas Government Code § 552.3215 concerning Petitioner's complaint against the City. The OAG declined to bring enforcement action. The determination relied in part on the City's representations that responsive information had been produced or was being produced on a rolling basis, and it determined that certain cost, ruling, and failure-to-respond matters were within

other OAG administrative processes. The determination did not compel production of the outstanding records, did not resolve the factual disputes identified below, and did not adjudicate Petitioner's independent requestor remedy under Texas Government Code § 552.321.

18. Petitioner disputes several City representations reflected in or relied on by the final determination.

19. First, the City represented that responsive messages were provided in native format. Petitioner disputes that representation. The City has acknowledged that Microsoft 365 / Purview can export responsive email in native .pst or .msg formats to preserve routing headers, but Petitioner's productions were repeatedly provided as print-to-PDF, print-to-scan, screenshots, or other non-native records that did not preserve ordinary metadata, routing headers, attachment structure, or source-record provenance. City records further show Bryan IT involvement and Microsoft 365 subscription activity predating City statements that characterized search/export capability as a newly acquired program or later development.

20. Second, the City represented that screenshots of call logs were provided. Petitioner disputes that representation as to the December 4, 2025 Chief Buhman temporary-custodian request. For that request, Petitioner received hand-typed call details and timestamps rather than screenshots, native call-history exports, carrier-generated call records, or account-level records. The City's own internal thread shows that Chief Buhman stated screenshots would include phone numbers and that he therefore "provided the requested information" as typed details instead of producing the actual call-log records.

21. Third, the City represented that additional Walmart-related records were produced in response to later requests because those later requests included additional keywords. Petitioner disputes that characterization. Later-produced Walmart-related emails and shared-link records were responsive to the original Walmart keyword-search request because they concerned Walmart communications,

City-shared Walmart repositories, and related records within the subject matter and date range of the original request.

22. Fourth, the City represented or implied that certain search-methodology, software, or export-capability records did not exist when requested. Petitioner disputes that representation. City records show Microsoft 365 / Purview capability, Bryan IT forwarding and search involvement, and Microsoft 365 subscription payments predating those later statements.

23. Fifth, the City represented that responsive information was produced or being produced on a rolling basis. Petitioner does not dispute that rolling production notices were sent. Petitioner disputes that those rolling productions resolved the requests. For the regulatory-agency correspondence request, the City provided rolling-production notices on March 27, April 21, and May 21, 2026, but never provided a final completion certification, search methodology, category-by-category accounting, no-records position, or explanation of what remained under review, withheld, or nonexistent. The May 21 production also included apparently nonresponsive Schneider/PC23P0040 materials, raising additional production-control and responsiveness-review concerns.

24. After the determination issued, Petitioner obtained the City's own line-by-line answers to the Attorney General's follow-up questions, produced to Petitioner through the District Attorney on May 29, 2026. In those answers the City Secretary stated that Petitioner "received every email message in its native format" and that "the screenshot is the only thing he didn't get"; acknowledged, as to the Chief Buhman matter, that it involved a personal cell phone and that "no he did not get screenshots"; stated that the City did "not have record of that complaint" as to FS-473844; acknowledged that she "didn't respond to each item" with a category-specific no-records determination; and explained later Walmart production by reference to a "Spark" keyword. The City's outside counsel separately represented on May 13, 2026 that a § 552.107 ruling request on the DTRG correspondence "will be submitted this evening," a ruling that was never filed. As detailed in the counts below and in Exhibit

K, these answers support Petitioner's position that the OAG final determination relied on disputed City representations rather than resolving the underlying production issues.

25. The City has represented that Microsoft 365 / Purview search and export tools are available to it or have been used for public-information searches. Petitioner therefore seeks a supplemental, verifiable search using Microsoft Purview / eDiscovery or an equivalent Microsoft 365 compliance-search tool available to the City, because the adequacy of the City's prior keyword searches, export formats, and rolling productions remains disputed. Microsoft Purview eDiscovery can identify, review, and manage content across Microsoft 365 services including Exchange Online, Microsoft Teams, OneDrive, and SharePoint, and can export results as PST files, individual messages, and native documents, while Microsoft Purview audit-log searches can be exported to verify search and export activity where production folders or access changed.

26. The February 18, 2026 meeting transcript further shows that City leadership had actual notice that Petitioner disputed the City's keyword searches and production completeness before later productions and before the final OAG determination. During that meeting, City officials discussed keywords, IT involvement, the low volume of Walmart-related emails, Petitioner's request for the raw data or actual search run, and whether the City could obtain what was run from IT / Seth. Mayor Wesley Lyon stated during the meeting that he was recording the meeting for transcription. The City-produced recording and transcript later appeared to end before the meeting concluded. Petitioner also made a contemporaneous audio recording for verification purposes. Petitioner has preserved his original audio recording and includes the full meeting transcript in the exhibit binder. See Exhibit K-2.

27. Petitioner has prepared a statement-by-statement discrepancy analysis identifying the City representations relied upon during the OAG review and the

contemporaneous records that contradict or materially qualify those representations. See Exhibit K-1.

28. Petitioner also disputes the City's withholding rationale in the Rodriguez fire-safety-plan matter. The City represented that additional Walmart Store #131 plans could not be released because they would reveal water, sewer, and gas-line locations and the location of safes. However, the City had already voluntarily produced the "Curbside addition and remodel 2024" plan set for Walmart Store #131 on June 11, 2025, including plan pages showing water, sewer, gas-line, fire-protection, and safe-location information. Petitioner does not ask this Court to decide the ORD ruling issue in the first instance. The prior production is included because it directly contradicts the City's stated withholding rationale and further shows that the City's representations regarding what it can withhold or has already disclosed are unreliable. See Exhibit K-6. To the extent the City failed to comply with its post-ruling obligations under Texas Government Code § 552.306(c)–(d), Petitioner reserves the right to supplement this petition or pursue separate relief regarding that post-ruling noncompliance.

29. Petitioner does not ask the Court to review the OAG's enforcement discretion. Petitioner seeks the independent requestor remedy provided by Texas Government Code § 552.321: production of existing responsive public information or, in the alternative, verified declarations identifying what was produced, withheld, determined not to exist, or still being reviewed, and what custodians, temporary custodians, systems, devices, archives, and record locations were searched.

30. Petitioner includes cost-estimate and payment facts only to show request status, reliance, delay, closure, and production history. Petitioner does not ask this Court to decide any cost complaint assigned to the Office of the Attorney General's separate cost-review process unless the cost issue directly bears on Respondent's refusal to supply public information under Texas Government Code § 552.321.

31. Each count below pleads: (1) a written request for existing public information; (2) Respondent's possession, custody, control, or temporary-custodian access to records responsive to the request; (3) Respondent's failure or refusal to produce all responsive non-exempt public information, request a timely Attorney General decision, provide a legally sufficient no-records notice, or provide a date and hour for delayed production; and (4) the specific mandamus relief requested.

COUNT I

OR-25-055840-IC — MPPD Case Nos. [redacted] and 25-17553

32. Petitioner incorporates the foregoing paragraphs as if fully set forth herein.

33. On November 13, 2025, Petitioner submitted a TPIA request for communications and records regarding MPPD Case Nos. [redacted] and 25-17553, including emails, text/iMessage/chat messages, referral-status records, report-creation/edit logs, and an October 22, 2025 email and related internal communications. The request sought electronic copies and associated metadata where feasible. See Exhibit A.

34. The City issued a cost estimate on November 26, 2025. Petitioner accepted and paid the estimate on December 2, 2025. After payment, the City represented that it produced materials corresponding to Items A, B, and E, later stated that no records existed for Item C, and conditioned production of Item D on CD-only delivery rather than the requested electronic format. See Exhibit A.

35. On December 3, 2025, Petitioner requested a production index identifying what the City considered produced for Items A–E, confirmation whether Items C and D existed, any Attorney General ruling information, and identification of the custodians, systems, and date ranges searched. Later that day, the City stated no records existed for Item C and that Item D records were saved to a CD for pickup. On

December 5, 2025, the City reiterated that Item D would be provided only by CD because the file was too large to email. See Exhibit A.

36. The City did not request an Attorney General ruling to withhold any portion of the request, did not provide a production index or search explanation sufficient to confirm completeness, and did not complete electronic production of Item D in the requested format or a comparable electronic delivery method. To the extent Respondent relies on a no-records position for Item C, the City's written notice was not provided by the tenth business day. Because the City maintained Item D in an electronic medium and used electronic delivery methods such as email and SharePoint links in other productions, the City had the technological ability to produce Item D in the requested electronic medium, or in another mutually acceptable electronic medium, as provided by Texas Government Code § 552.228. Petitioner filed a formal complaint with the OAG on December 3, 2025. See Exhibit A.

COUNT II

OR-25-057990-IC — October 28, 2025 Walmart Inspection / FS-473844 Clarification

37. Petitioner incorporates the foregoing paragraphs as if fully set forth herein.

38. On October 29, 2025, Petitioner submitted a TPIA request for records reflecting or arising from any City meeting or site visit with Walmart Store #131 management on or about October 28, 2025, including inter-agency communications, field notes, inspection records, photographs, directives, travel logs, and related materials. See Exhibit B.

39. The City produced a partial response on November 12, 2025, consisting of an HSCloud export and photographs. After reviewing that production, Petitioner identified an additional complaint number, FS-473844, referenced in the City's own

inspection record. On November 13, 2025, Petitioner clarified that records associated with FS-473844 were within the scope of the existing October 29 request and were not a new request. See Exhibit B.

40. The City stated that the October 28 visit was a joint inspection requested by DSHS and that the state inspector should have all the information Petitioner was seeking. But after Petitioner identified FS-473844 in the City's own HSCloud record, the City did not produce additional City records responsive to that clarification, did not seek an Attorney General ruling, and did not provide a substantive response identifying whether responsive City records existed for FS-473844. On December 3, 2025, Petitioner again requested a status update, production date, search details, and written no-records notices sufficiently specific to identify which item or category the City claimed had no responsive information as to FS-473844. The City did not provide a substantive response. See Exhibit B.

41. In later answers to the Attorney General, the City Secretary represented that the City did "not have record of that complaint" as to FS-473844. The City's own October 28, 2025 HSCloud / Inspection Manager record contradicts that representation: generated within the City's own "My Health Department" interface, it identifies Complaint Number FS-473844 at 2311 S. Jefferson Avenue (the Walmart Store #131 address), a Food Service Complaint type, a last inspection date of October 28, 2025, and assignment to a named City inspector. The City therefore possessed at least a system record identifying FS-473844 and connecting it to the Walmart Store #131 inspection, and its no-record representation does not satisfy its production obligation. See Exhibit B and Exhibit K.

42. Petitioner filed a formal complaint with the OAG on December 13, 2025. See Exhibit B.

COUNT III

OR-25-059503-IC — Chief Buhman Temporary-Custodian Records

43. Petitioner incorporates the foregoing paragraphs as if fully set forth herein.

44. On December 4, 2025, Petitioner submitted a TPIA request for call and voicemail log records held by MPPD Chief Mark Buhman as a temporary custodian in connection with Case No. 25-17553. The request sought screenshots or native exports of call history and voicemail logs, including date/time, call direction, duration, and contact labels, with redaction of confidential phone numbers if necessary. See Exhibit C.

45. On December 17, 2025, rather than producing the actual phone logs, the City provided only hand-typed call details and timestamps. The City did not cite an exception, did not seek an Attorney General ruling, and did not produce screenshots, native call-history exports, carrier-generated call-detail records, or account-level records. See Exhibit C.

46. The City later represented to OAG that screenshots of call logs had been provided. Petitioner disputes that representation as to the December 4, 2025 Chief Buhman request. The internal City thread shows that the City Secretary asked Chief Buhman to produce records from his cell phone, and Chief Buhman responded with typed call details, stating that screenshots would include individuals' phone numbers and that he had therefore provided the requested information. See Exhibit C and Exhibit K.

47. A hand-typed summary is not the same as the public information requested. The TPIA requires production of public information, not a governmental body's later characterization of that information. The City's later answers to the Attorney General confirm this defect. Asked whether the City had transcribed the call-log data instead of producing the actual records, the City Secretary answered that the matter involved Chief Buhman's personal cell phone and that "no he did not

get screenshots," confirming that the City produced a transcription rather than the requested call-log records and contradicting the representation, reflected in the OAG determination, that screenshots of the call logs had been provided. Petitioner filed a formal complaint with the OAG on December 20, 2025. See Exhibit C and Exhibit K.

COUNT IV

OR-26-004942-IC — January 13, 2026 Inspection Records

48. Petitioner incorporates the foregoing paragraphs as if fully set forth herein.

49. On January 13, 2026, after the City's posted business hours, Petitioner submitted a TPIA request for all records relating to a City official's visit to Walmart Store #131 on that date, including communications, internal records, assignment and dispatch logs, and complaint records. The request is treated as received on January 14, 2026. See Exhibit D.

50. On January 21, 2026, the City produced only three inspection reports and closed the request without addressing the remaining categories of requested information, including communications, internal records, assignment and dispatch logs, and complaint records. See Exhibit D.

51. The City did not seek an Attorney General ruling, did not certify a date and hour for any remaining production, and did not provide a written no-records notice sufficiently specific to identify which item or category it claimed had no responsive information. The City Secretary later admitted to the Attorney General that she did not respond to each item with a no-responsive-records determination, stating that the production was "all the information we have related to the request," even as the Attorney General noted that the new § 552.221(f) provision may require a specific "no responsive records" response for each item or category. Petitioner filed a formal complaint with the OAG on February 2, 2026. See Exhibit D and Exhibit K.

COUNT V

OR-26-006368-IC — Keyword Search: Moring / OSHA Records

52. Petitioner incorporates the foregoing paragraphs as if fully set forth herein.

53. On December 30, 2025, Petitioner submitted a TPIA request for a keyword search across City systems for terms including "Kyle Moring," "Moring," "Kyle Morning," "Mr. Moring," "Mr. Morning," "[redacted]," "whistleblower," and "OSHA," for the period January 1, 2024 through December 29, 2025. See Exhibit E.

54. The City issued a cost estimate on January 14, 2026. Petitioner accepted the estimate and paid the charge. On February 2, 2026, the City provided a partial production but closed the request without confirming the scope of its search, custodians searched, electronic systems or archives queried, or search methodology used. See Exhibit E.

55. The City's later statements attributed large search volumes in part to Petitioner's inclusion of "Morning" search variants. Petitioner included those variants because City employees repeatedly misspelled Petitioner's name as "Morning" in City correspondence. City records document multiple such misspellings, including by the City Secretary. See Exhibit K.

56. The City did not certify a date and hour for completion of any remaining production and did not provide a reliable completion position. To the extent Respondent contends no additional responsive information exists, Respondent did not provide a timely written no-records notice under § 552.221(f). Petitioner filed a formal complaint with the OAG on February 9, 2026. See Exhibit E.

COUNT VI

OR-26-006369-IC — Keyword Search: Walmart Records

57. Petitioner incorporates the foregoing paragraphs as if fully set forth herein.

58. On December 30, 2025, Petitioner submitted a TPIA request for Walmart-related email communications and keyword searches for the period January 1, 2024 through December 29, 2025. See Exhibit F.

59. The City issued a cost estimate on January 14, 2026. Petitioner accepted the estimate and paid the charge. On February 2, 2026, the City provided a partial production. See Exhibit F.

60. After reviewing records later produced by the City in other requests, Petitioner identified responsive Walmart-related emails and documents not included in the February 2 production, including a known @wal-mart.com email thread and records associated with a City-shared Walmart repository. On February 25, 2026, the City acknowledged that it had previously provided incorrect information, produced an email it represented had been sent on October 23, 2025, and then stated the request would be considered closed because all information had been provided. See Exhibit F.

61. Petitioner responded the same day identifying still-unproduced records, including the October 23, 2025 link-transmittal email referenced in the City's own thread, any forwards or distribution emails, link-property and sharing records, and folder-provenance information. See Exhibit F.

62. The City later represented to OAG that additional records were produced because a later request contained additional keywords. Petitioner disputes that characterization. The later-produced Walmart-related records were responsive to the original Walmart keyword-search request because they concerned Walmart communications and records within the subject matter and date range of the original

request. Their later production demonstrates that the February 2 production was incomplete, not that the records were outside the original request.

63. In later answers to the Attorney General, the City Secretary stated that Petitioner had received every piece of Walmart-related documentation and that later records were produced because Petitioner's second request asked about "Spark." That explanation does not account for the later-produced records, each of which was dated within the original December 30, 2025 request range and matched a search term already included in that original request, including "Walmart Store #131," "Wal-Mart," "Walmart," and the walmart.com domain. The City's later location and production of those records confirms they existed and were within the City's possession but were omitted from the February 2 production the City closed. See Exhibit F and Exhibit K.

64. The City did not certify a date and hour for completion of production, did not disclose a reliable final search scope or production position, and did not provide a timely written no-records notice for unproduced categories. Petitioner filed a formal complaint with the OAG on February 9, 2026. See Exhibit F.

COUNT VII

OR-26-013327-IC — DTRG City Attorney Correspondence

65. Petitioner incorporates the foregoing paragraphs as if fully set forth herein.

66. On February 14, 2026, a Saturday, Petitioner submitted a TPIA request for communications involving the City's outside counsel, Davidson Troilo Ream & Garza, P.C., concerning Petitioner and Walmart for the period June 1, 2025 to the date of search. Because the request was submitted on a Saturday and the following Monday was a City-observed Presidents' Day holiday, the request is treated as received on February 17, 2026. See Exhibit G.

67. On February 26, 2026, the City sent a non-substantive status response but produced no responsive records. On March 6, 2026, the City sent another status email but again produced no responsive records, did not identify any Attorney General ruling request, did not provide a date and hour for production, and did not provide a written explanation for the delay. See Exhibit G.

68. Petitioner sent follow-up communications on March 22, March 27, April 7, and April 13, 2026, requesting rolling production, a date and hour for production, any Attorney General ruling information, any cost estimate, or any written no-records response. See Exhibit G.

69. Petitioner acknowledges that some attorney-client or work-product material may be excepted from disclosure if properly asserted through the TPIA ruling process. However, the request also includes categories that are not necessarily privileged, including third-party communications forwarded to or from DTRG, non-privileged attachments and enclosures, billing or engagement-related records, and communications on which non-privileged third parties were included.

70. The OAG final determination stated that the City represented review had been completed, that a ruling request would be made under § 552.107 for privileged information, and that the remainder would be released. See Exhibit K. As of the date of this filing, Petitioner has not received complete production of non-privileged responsive records, a complete final production position, or a timely Attorney General ruling request covering information withheld from the February 14, 2026 request.

71. The City's own subsequent statements confirm the failure. On May 13, 2026, the City's outside counsel told the Attorney General that the DTRG request had yielded more than 3,000 pages of responsive information, that approximately one percent consisted of attorney-client privileged communications, that he had "completed identifying and separating" the privileged materials, and that the § 552.107 ruling request "will be submitted this evening," with the non-privileged remainder to be released to Petitioner and a copy of the ruling request provided to

the Attorney General that same evening. As of the date of this filing, no ruling request was submitted, no production followed, and the City has neither released the non-privileged remainder nor requested an Attorney General decision on the February 14, 2026 request. See Exhibit G and Exhibit K.

72. To the extent Respondent withheld responsive information without a timely Attorney General ruling, the information is presumed public under Texas Government Code § 552.302 unless Respondent establishes a compelling reason to withhold it. Petitioner seeks production of all non-exempt responsive information and, for any information Respondent claims remains excepted or confidential, a verified identification of the asserted exception, ruling request, prior determination, or compelling basis for withholding. Petitioner does not contend that the City's failure to make a timely ruling request, by itself, waives the attorney-client privilege or compels disclosure of privileged attorney-client communications. Petitioner filed a formal complaint with the OAG on March 16, 2026. See Exhibit G.

COUNT VIII

OR-26-014482-IC — MPFD Follow-Up Fire Inspection Records

73. Petitioner incorporates the foregoing paragraphs as if fully set forth herein.

74. On February 13, 2026, after business hours and on a Friday, Petitioner submitted a TPIA request for Mount Pleasant Fire Department follow-up fire-inspection records for Walmart Store #131 from January 9, 2026. Because the following Monday was a City-observed Presidents' Day holiday, the request is treated as received on February 17, 2026. See Exhibit H.

75. Internal City correspondence reflects that on January 7, 2026, the City Secretary advised relevant staff that counsel had stated the City did not have to respond to Petitioner's oversight email but should treat it like a complaint and conduct a follow-up inspection. On January 9, 2026, Deputy Chief Aristeo Rodriguez

reported that a follow-up inspection had been conducted and that all fire violations had been corrected. See Exhibit H.

76. On March 3, 2026, the City produced partial records, but the inspection summary references an email entry for which no corresponding record was produced. No written explanation for the omission was provided. See Exhibit H.

77. The City did not certify a date and hour for production of the missing record, did not seek an Attorney General ruling to withhold it, and did not provide a written no-records notice for the missing record. The City Secretary later told the Attorney General that all information the City had after searching its email system had been provided, and characterized Petitioner's position as assuming an email must exist because the inspection form says "email signature." The City's own January 9 inspection report, however, records the representative signature as "Signature of: E-Mail on 01/09/2026 15:02," one minute after the inspector's 15:01 signature, indicating an emailed signature transmission that the City's production did not account for. Petitioner filed a formal complaint with the OAG on March 23, 2026. See Exhibit H and Exhibit K.

COUNT IX

OR-26-014805-IC — Regulatory Agency Correspondence

78. Petitioner incorporates the foregoing paragraphs as if fully set forth herein.

79. On February 8, 2026, a Sunday, Petitioner submitted a TPIA request for all regulatory-agency correspondence involving the City from May 1, 2025 to the date of the City's search. The request encompassed correspondence between the City and federal or state regulatory, enforcement, or investigative agencies, including EPA, OSHA, DOL, USDA, FDA, TCEQ, DSHS, TDA, OAG, DPS, Texas Rangers, and related offices. Because the request was submitted on a Sunday, it is treated as received on February 9, 2026. See Exhibit I.

80. On February 23, 2026, the City issued a cost estimate. Petitioner accepted the estimate and paid or posted the required amount. The City represented that large-volume review was required. See Exhibit I.

81. On March 27, 2026, the City provided a rolling production notice stating that emails had been added to a link and that the City would send additional emails as they were moved over. Petitioner promptly requested clarification of the search used, including whether the City relied on the original "Feb_9th_Search," a participant-based query proposed by Petitioner, a revised query, or a manual selection process. Petitioner also requested hit counts, confirmation whether attachments were included, confirmation whether the production was complete, and identification of any withheld or redacted records. See Exhibit I.

82. On March 31, 2026, Petitioner provided a written analysis explaining that the March 27 production appeared materially overinclusive and likely incomplete, dominated by newsletters, automated bulletins, marketing emails, administrative material, and apparent duplicates rather than substantive correspondence between the City and regulatory agencies. Petitioner again requested the search methodology, completion status, supplemental production of actual responsive records, and any Attorney General ruling information. See Exhibit I.

83. On April 7 and April 13, 2026, Petitioner again requested confirmation whether production was complete, the date and hour of any next rolling production, and any Attorney General ruling information. See Exhibit I.

84. On April 21, 2026, the City sent another rolling production notice stating that additional emails were located in a folder titled "04-01-2026." On April 22, 2026, Petitioner again identified continuing concerns regarding search methodology, completeness, missing outgoing City agency correspondence, and file-modified dates predating the production notice. See Exhibit I.

85. On May 21, 2026, the City sent another notice stating only, "Here is a link to more emails." The City did not state whether the May 21 production completed the

request, did not identify the search used, did not state whether records were being withheld, and did not provide a category-by-category accounting. See Exhibit I.

86. Petitioner's May 22, 2026 analysis of the May 21 production showed that the batch continued to reflect the same overbroad search structure previously challenged. The production appeared to be driven largely by keyword hits and duplicate or nonresponsive material rather than a targeted search for correspondence between the City and regulatory agencies. Petitioner again requested the actual search methodology, hit counts, preservation of responsive records, and complete properly scoped production. See Exhibit I.

87. In later answers to the Attorney General, the City Secretary stated that Petitioner had provided the search keywords and that she searched what he asked for. The defect, however, was in the City's implementation rather than the keywords. The disclosed Microsoft Purview query used an OR structure that swept in keyword-only emails containing no regulatory-agency participant, compounded by a KeyQL syntax defect in which the "Subject:" operator applied only to the term immediately following it while later terms ran as full-text searches across message bodies and attachments. Petitioner's analysis of the City's own production showed that 483 of 890 produced emails contained no agency email address anywhere and were collected solely by keyword, and that 31 emails matched neither clause of the City's own query. See Exhibit I and Exhibit K.

88. The May 21 production also included apparently nonresponsive Schneider/PC23P0040 project materials, including utility-customer and contractor-payment materials, which Petitioner did not request in the regulatory-agency correspondence request. Petitioner notified the City that this raised separate concerns regarding search scope, responsiveness review, redaction review, OneDrive/SharePoint production controls, audit logging, and post-release handling. See Exhibit I.

89. After Petitioner notified the City that nonresponsive Schneider/PC23P0040 materials appeared in the regulatory-agency production, Petitioner observed that at least some of those materials were no longer available in the City's OneDrive production location. Petitioner requested preservation and an explanation of any release, removal, access disablement, recall, correction, replacement production, or audit-log activity. The City did not provide a substantive explanation before this filing. See Exhibit I.

90. As of the date of this filing, the SharePoint link through which the City produced regulatory-agency correspondence remains inaccessible. When Petitioner attempted to access the production link, the City's Microsoft SharePoint system returned the message, "This link has been removed," and "Sorry, access to this document has been removed," bearing a date and time of May 30, 2026, 7:33 a.m. The City's production therefore is not merely incomplete; the materials the City represented it had produced are no longer accessible to Petitioner, and the City has neither restored access nor explained the removal. See Exhibit I.

91. The May 21 batch also included a file identified as video.msg, dated October 28, 2025, involving a TCEQ participant. Petitioner's subsequent analysis identified the underlying message as outgoing correspondence from a City of Mount Pleasant police-department employee, Senior Dispatcher Amber James, to Randall Hodo at the Texas Commission on Environmental Quality (Randall.Hodo@tceq.texas.gov), sent October 28, 2025, asking TCEQ to forward a video to Police Chief Mark Buhman. As outgoing City-to-TCEQ email within the May 1, 2025 to date-of-search period covered by the regulatory-agency correspondence request—a request that carries no subject-matter limitation—that message was squarely responsive, and it exemplifies the missing outgoing City-to-agency correspondence Petitioner first identified on April 22, 2026. Petitioner specifically requested preservation and production of records related to that item, including attachments, embedded content, forwards, replies, and related agency correspondence. See Exhibit I.

92. The City's regulatory-agency correspondence production also released an unredacted Mount Pleasant Police Department report. Within the production folder, Petitioner located an email file titled "Undeliverable MPPD case report 25-15902.msg," an Exchange non-delivery-report wrapper enclosing an original October 27, 2025 email from a City employee to the Texas Department of Public Safety that carried as an attachment an unredacted MPPD report packet for Incident No. 2500015902. The packet appears to contain law-enforcement, criminal-justice, motor-vehicle, juvenile, and personal-identifying information that ordinarily requires document-by-document confidentiality review before any public release. On May 28, 2026, the City's outside counsel acknowledged in writing that "confidential information was inadvertently released" through the open-records process, asked Petitioner to delete the unredacted material, offered a redacted version, and cited Texas Government Code § 552.352. This inadvertent release of unredacted criminal-justice information, like the nonresponsive Schneider/PC23P0040 materials, reflects the absence of adequate responsiveness review, redaction review, and embedded-attachment review in the City's production process. See Exhibit I.

93. The City has not provided a clear final completion position, has not provided a category-by-category accounting of records produced, withheld, nonexistent, or still under review, has not resolved the missing outgoing-agency-correspondence issue, and has not resolved Petitioner's search-completeness concerns. Petitioner filed a formal complaint with the OAG on March 24, 2026. See Exhibit I.

COUNT X

OR-26-027775-IC — John Ankrum Cell-Phone Call-Log Records

94. Petitioner incorporates the foregoing paragraphs as if fully set forth herein.

95. On May 13, 2026, Petitioner submitted a TPIA request to the City for records held by or associated with John Ankrum, the City's Building Official, seeking

all existing call-log and related cell-phone records—including call-detail records, itemized phone records, phone bills, carrier usage records, call-history exports, screenshots, and internal records—for the period June 1, 2025 through the date of receipt, limited to calls involving Walmart, OSHA, DSHS, TCEQ, TDLR, or other regulatory agencies contacted about Walmart-related official business, complaints, inspections, permitting, code compliance, health, safety, environmental, building, occupancy, or enforcement matters. The request sought available non-exempt metadata, including date, time, call direction, duration, originating number, receiving number, and displayed contact name. It identified a specific responsive number, +1 [redacted], and attached an Exhibit A documenting a July 18, 2025 incoming call at 9:40 a.m. from that number, displayed as "John Ankrum," lasting approximately one minute, which Mr. Ankrum placed in response to Petitioner's Walmart complaint. The request asked the City to search records maintained by Mr. Ankrum, Development Services, the City Secretary's Office, the City Manager's Office, and any City department involved in Walmart-related matters, and to treat Mr. Ankrum as a temporary custodian of any responsive public information held on a personal device or cellular account. See Exhibit L.

96. On May 15, 2026, at 9:27 a.m., the City responded, "Here is all the information we have related to this request," and stated that the request was closed. The production appeared limited to phone-screen screenshots of a single contact displayed as "Devin Wallace - wal…," rather than carrier-generated call-detail records, itemized phone records, phone bills, carrier usage records, account-level records, native call-history exports, text messages, or message exports. The screenshots did not identify the underlying phone number for the displayed contact, the cellular account, the carrier, or the device source, or whether the entries were taken from a local phone-history screen or from carrier-generated records. See Exhibit L.

97. Petitioner disputed the completeness of that production the same day, at 9:52 a.m., explaining that he had not agreed to accept cropped phone-screen

screenshots as a substitute for the carrier-generated records, itemized records, account records, text messages, and message exports he had requested. Petitioner asked the City to confirm in writing whether Mr. Ankrum was asked to search for or provide carrier-generated call-detail records, itemized phone bills or cellular-account records, carrier usage records or account-portal exports, text messages and message threads, contact records for "Devin Wallace - wal…," and records identifying the underlying telephone number, and to treat Mr. Ankrum as a temporary custodian of public information held on any personal device, cellular account, or messaging application used for official City business. See Tex. Gov't Code §§ 552.003(7), 552.004, 552.203(4), 552.233. See Exhibit L.

98. The Texas Attorney General has long recognized that official-business information does not fall outside the Public Information Act merely because it is held by an individual official rather than the governmental body as a whole, including information maintained on a privately owned medium and actually used in the transaction of official business. See Open Records Decision No. 635 (1995); Open Records Decision No. 425 (1985). Applying that principle directly to personal cell-phone call records, the Attorney General concluded in Open Records Letter No. OR2019-14232 (2019) that a governmental body may not circumvent the Act by conducting official public business through a private medium, and that call-log information made in connection with public business must be released unless an exception applies—a conclusion affirmed in Fort Bend Independent School District v. Paxton, No. 03-22-00052-CV, 2023 WL 4495224 (Tex. App.—Austin July 13, 2023, pet. denied Jan. 31, 2025, reh'g denied Sept. 19, 2025). See also Open Records Letter Nos. OR2009-10843 and OR2013-07393. See Exhibit L.

99. The defect in the City's May 15, 2026 response is not merely that the City produced screenshots. The defect is that the City closed a temporary-custodian request after producing only limited phone-screen images, without producing or accounting for the other source records requested. Petitioner requested existing call-detail records, itemized phone records, phone bills, carrier usage records, call-history

exports, screenshots, text messages, message exports, contact records, and related internal records maintained by or associated with Mr. Ankrum. Respondent did not identify which of those sources were searched, whether Mr. Ankrum was asked to retrieve records from his device, cellular account, carrier account, voicemail log, message application, or contact records, whether additional responsive records existed, whether any category was withheld, or whether any category was claimed to be outside Respondent's possession, custody, or control. Respondent therefore did not resolve the request by producing selected screenshots and closing the matter. See Exhibit L.

100. The City did not cite any exception, did not seek an Attorney General decision to withhold any portion of the Ankrum records, and did not provide a legally sufficient written response identifying what records were searched, withheld, determined not to exist, or determined not to be within the City's possession, custody, or control. Any responsive public information withheld without a timely Attorney General ruling is presumed public under Texas Government Code § 552.302. Petitioner filed a formal complaint with the Office of the Attorney General concerning this request on May 27, 2026, which was assigned OAG File No. OR-26-027775-IC. The administrative complaint process has not resulted in production of the requested source records or a verified search explanation. See Exhibit L.

VII. SUPPLEMENTAL PATTERN EVIDENCE

101. The City's conduct after the original nine requests continued the same pattern of partial production, request closure, screenshot or summary substitution, no-records responses without meaningful search explanation, and unresolved temporary-custodian or source-record issues.

102. On April 9, 2026, Petitioner submitted a TPIA request concerning the City's pretreatment program, industrial-user controls, Pilgrim's Pride-related records, Juan Ramirez records, and TCEQ compliance history. The request sought existing records only and expressly included records maintained by City officers,

employees, former employees acting as temporary custodians, contractors, consultants, or agents in connection with official City business. See Exhibit L.

103. On April 13, 2026, less than two business days after the April 9 request and without describing any search, the City responded by attaching only a copy of Ordinance 2025-3 in response to Item 1(a) and marking nearly every remaining category "NO CITY RECORDS EXIST." The City applied that blanket no-records response to all annual pretreatment reports submitted to TCEQ (Item 1(b)), all TCEQ audit, inspection, and oversight records (Item 1(c)), all substantive City–TCEQ pretreatment correspondence (Item 1(d)), all program-reduction, reassignment, suspension, or discontinuation records (Items 2(a)–(d)), all inspection, sampling, monitoring, and enforcement records prepared by or under pretreatment operator Juan Ramirez (Items 3(b)–(c)), all Pilgrim's Pride industrial-user permits, self-monitoring reports, inspection results, and enforcement records (Items 4(a)–(d)), all records identifying significant or categorical industrial users and their control mechanisms (Items 5(a)–(c)), and all TCEQ enforcement, compliance-history, and program-requirement determinations (Items 6(a)–(d)). For the remaining Juan Ramirez items (Items 3(a), 3(d), and 3(e)), the City stated only that the information "WAS PROVIDED ON 09-15-2025," and the City closed the request the same day without seeking an Attorney General ruling. See Exhibit L.

104. Petitioner's same-day clarification identified facial inconsistencies in that response, including the City's reliance on a prior production date that did not correspond to the requested records, the treatment of a narrowing instruction as a produced records category, the lack of separation-related Juan Ramirez records, the blank adoption/signature information in the copy of Ordinance 2025-3, and the absence of any described search of email accounts, shared drives, departmental files, physical files, or records maintained by or transferred from former employees. See Exhibit L.

105. Petitioner's clarification further established that the City's asserted September 15, 2025 production date could not have satisfied the requested separation

records. Mr. Ramirez was still employed by the City on September 15, 2025, so records sufficient to show his separation date, whether his position was eliminated, reassigned, or left vacant, who assumed his responsibilities, and the disposition of the pretreatment program files upon his departure (Item 3(d)) could not have existed or been produced on that date. Petitioner also explained that he received no Juan Ramirez records on September 15, 2025; he picked up paper copies at City Hall on September 26, 2025, for a charge he believed excessive. And Item 3(e) was not a request for records at all, but a narrowing instruction excluding purely personal information, which the City nonetheless treated as a produced records category. The City did not identify what documents it contended satisfied Items 3(a) and 3(d), when those documents were created, or what prior request or file reference it was relying upon. See Exhibit L.

106. Ordinance 2025-3 states that the City is not currently required to have an approved pretreatment program under 40 C.F.R. § 403.8(a), but the ordinance also establishes industrial-waste controls and contemplates user permitting, monitoring, compliance, enforcement, and reporting. The copy produced to Petitioner also contained blank adoption and signature information. That makes the City's broad no-records response difficult to evaluate without a verified explanation of what locations were searched, including City email accounts, shared drives, departmental files, physical files, and records maintained by or transferred from former employees. See Exhibit L.

107. The City's handling of a separate May 14, 2026 request further illustrates both its no-records practice and the feasibility of the verified relief Petitioner seeks. That request sought records concerning the City's receipt, handling, routing, investigation, response, remediation, escalation, vendor communication, public communication, and records preservation regarding the City's OpenGov / "New Financial Transparency" website and related financial-transparency materials. On May 27, 2026, the City Secretary certified under penalty of perjury that the City conducted a reasonable and good-faith search, found no responsive records for Items

1 through 25, and identified only Petitioner's own communication as relating to the subject matter. Petitioner disputes that certification because City Manager Robert G. Vine had already sent a City-authored written acknowledgment, from his City email account, stating that the City would "investigate" and "work with our partners," a record that is not Petitioner's own communication and that appears responsive on its face. Petitioner filed an informal Open Records Division complaint regarding that certification on May 29, 2026, assigned OAG Ref. OR-26-028637-IC. See Exhibit L-3.

108. The City's May 13, 2026 updated cost estimate for a separate April 24, 2026 request also reflects the same broader request-handling pattern. After Petitioner repeatedly clarified that he did not request paper copies, the City removed a $100.00 paper-copy charge but increased personnel time from four hours to seven hours without explanation in the transmittal email, keeping the estimate above $100.00 and continuing to support a bond demand. Petitioner includes this only as supplemental pattern evidence, not as a request for this Court to decide an ORD cost complaint. See Exhibit L.

VIII. PATTERN OF NON-COMPLIANCE

109. Across the ten requests pleaded in Counts I through X, and as reflected in the supplemental pattern evidence, the City has engaged in a continuing pattern of conduct that violates or frustrates the TPIA, including:

(a) producing partial records and then closing requests without full compliance;

(b) failing to timely seek Attorney General rulings before withholding responsive records;

(c) substituting hand-typed summaries, screenshots, or non-native files for original responsive source records;

(d) prematurely closing requests without addressing all categories of requested information;

(e) failing to provide complete substantive responses to follow-up inquiries regarding outstanding production, withheld categories, claimed no-records positions, completion dates, production format, source records, temporary-custodian records, and remaining responsive records;

(f) accepting payment or requiring cost/bond compliance while failing to complete production;

(g) failing to set or communicate definitive production timelines;

(h) failing to certify a date and hour for production when the City could not produce records within ten business days;

(i) failing to provide timely written no-records notices when asserting that no responsive information exists for categories of a request;

(j) relying on rolling-production language without providing a final production position or category-by-category accounting; and

(k) producing large volumes of apparently nonresponsive or duplicative material while responsive source records, outgoing agency correspondence, native exports, or temporary-custodian records remain unresolved;

(l) providing no-records certifications that are contradicted by known City-authored records already in Petitioner's possession;

(m) asserting withholding rationales that are contradicted by records the City had already produced to Petitioner, including plan records the City later characterized as too sensitive to release; and

(n) relying on internal routing through counsel or staff to close, delay, or narrow requests while responsive records later appeared in other productions.

110. This pattern is not limited to isolated oversights. Petitioner filed formal complaints with OAG for each of the nine requests pleaded in Counts I through IX, and those complaints were reviewed under OAG File No. L260017200. Petitioner also filed a separate OAG complaint, OAG File No. OR-26-027775-IC, concerning the

request pleaded in Count X. OAG declined enforcement under § 552.3215 as to the L260017200 complaints, but that determination did not compel production, did not resolve the disputed City representations identified above, and did not provide judicial relief.

111. Petitioner has made repeated good-faith efforts to resolve these disputes without court intervention. The City has not fully cured the outstanding issues or produced the responsive records identified above. Petitioner therefore seeks mandamus relief under Texas Government Code § 552.321.

IX. PRAYER FOR RELIEF

112. Petitioner respectfully requests that this Court:

(a) Issue a writ of mandamus compelling Respondent City of Mount Pleasant to produce all responsive public information not excepted from disclosure for each of the ten outstanding requests identified in Counts I through X, including information presumed public under Texas Government Code § 552.302;

(b) Order Respondent to complete production of all such public information within a date certain set by this Court;

(c) Order Respondent, to the extent it contends production is ongoing, to provide a date-certain schedule for remaining rolling production and to identify the categories of responsive information still under review;

(d) In the alternative, if Respondent contends that responsive records have been fully produced, do not exist, are not in Respondent's possession, custody, or control, or are excepted from disclosure, order Respondent to file a verified declaration identifying, for each request:

(i) the categories of responsive information produced;

(ii) the format in which each category was produced, including whether the records were produced as native electronic records, screenshots, scanned

images, print-to-PDF files, hand-typed summaries, or source-system exports;

(iii) the categories of responsive information withheld;

(iv) any Attorney General ruling request or prior determination relied upon;

(v) any categories for which Respondent contends no responsive information exists;

(vi) the custodians, temporary custodians, systems, archives, devices, phone systems, email systems, shared drives, OneDrive/SharePoint folders, physical files, the search terms or queries used, the date ranges applied, and other record locations searched;

(vii) whether any responsive records were removed, disabled, recalled, replaced, or made inaccessible from any production folder after release; and

(viii) whether any responsive records remain under review.

(e) Order Respondent to conduct, or verify under oath that it has conducted, a supplemental, good-faith search reasonably calculated to locate all records responsive to Counts I through X, including a search of all Microsoft 365 repositories reasonably likely to contain responsive records, using Microsoft Purview eDiscovery / Content Search, Microsoft Purview audit-search tools, or any substantially equivalent Microsoft 365 compliance-search tool available to Respondent, including, as applicable, Exchange Online mailboxes, archived mailboxes, shared mailboxes, Microsoft Teams, OneDrive, SharePoint, Microsoft 365 Groups, and any other City-controlled Microsoft 365 repositories reasonably likely to contain responsive records, in each case capable of searching the relevant Microsoft 365 repositories reasonably likely to contain responsive records and of preserving reasonably available export metadata;

(f) Order Respondent to file a verified declaration, signed under penalty of perjury by the officer for public information or a qualified information-technology

custodian, identifying for each request: the custodians searched; the repositories searched; the date ranges applied; the search terms or KQL / KeyQL queries used; whether Microsoft Purview / eDiscovery or an equivalent tool was used; the hit counts returned; the export format selected; whether attachments and embedded files were included; whether any records were exported as .pst, .msg, .eml, native files, screenshots, PDFs, scans, or summaries; and whether any responsive records were withheld, determined not to exist, or remain under review; the verified declaration and supplemental-search orders requested in this prayer are sought as judicial relief necessary to resolve the mandamus claim under Texas Government Code § 552.321, and not as a new or independent Public Information Act production category;

(g) As to Count IX, order Respondent to conduct a supplemental Microsoft 365 search using a participant-based agency-domain search, or an equivalent search reasonably calculated to capture bilateral correspondence between the City and the agencies identified in the request, including outgoing City correspondence, and to identify separately in the verified declaration the results of participant-based searches, keyword-only searches, duplicate filtering, and any manual exclusions or responsiveness review;

(h) As to Counts V and VI, order Respondent to rerun or verify the keyword searches using the original date ranges, all reasonably implicated custodians, and all City-controlled Microsoft 365 repositories likely to contain responsive records, including archived and shared mailboxes where available;

(i) To the extent responsive emails, messages, attachments, or Microsoft 365 files are located, order Respondent to produce them in the electronic form in which they are maintained or in another electronic form that preserves reasonably available metadata, consistent with Texas Government Code § 552.228, unless Respondent demonstrates that native or metadata-preserving production is not reasonably available;

(j) Award Petitioner statutory costs of litigation and costs of court under Texas Government Code § 552.323(a);

(k) Grant all other relief to which Petitioner is justly entitled.

X. EXHIBIT INDEX

Exhibit A: OR-25-055840-IC — MPPD Case Nos. [redacted] / 25-17553

A-1 — TPIA Request

A-2 — City Response

A-3 — Payment Receipt

A-4 — City Response

A-5 — Petitioner Follow-Up

A-6 — City Response

A-7 — OAG Complaint Confirmation

Exhibit B: OR-25-057990-IC — Oct. 28 Walmart Inspection / FS-473844

B-1 — TPIA Request

B-2 — City Response

B-3 — Petitioner Follow-Up

B-4 — OAG Complaint Confirmation

Exhibit C: OR-25-059503-IC — Chief Buhman Temporary-Custodian Records

C-1 — Background / Context: Related Prior Closure Context

C-2 — City Attorney (DTRG) Correspondence

C-3 — TPIA Request

C-4 — City Response

C-5 — Petitioner Follow-Up

C-6 — OAG Complaint Confirmation

Exhibit D: OR-26-004942-IC — Jan. 13, 2026 Inspection Records

D-1 — TPIA Request

D-2 — City Response

D-3 — Petitioner Follow-Up

D-4 — OAG Complaint Confirmation

Exhibit E: OR-26-006368-IC — Moring / OSHA Keyword Search

E-1 — TPIA Request

E-2 — City Cost-Estimate Letter

E-3 — Petitioner Follow-Up

E-4 — City Response

E-5 — Petitioner Follow-Up

E-6 — OAG Complaint Confirmation

Exhibit F: OR-26-006369-IC — Walmart Keyword Search

F-1 — TPIA Request

F-2 — City Cost-Estimate Letter

F-3 — Petitioner Follow-Up

F-4 — City Response

F-5 — Petitioner Follow-Up

F-6 — OAG Complaint Confirmation

F-7 — Background / Context: Later-Produced Shared-Link Records and Completeness

F-8 — City Response

F-9 — Petitioner Follow-Up

Exhibit G: OR-26-013327-IC — DTRG City Attorney Correspondence

G-1 — TPIA Request

G-2 — Petitioner Follow-Up

G-3 — City Attorney (DTRG) Correspondence

G-4 — Petitioner Follow-Up

G-5 — OAG Complaint Confirmation

G-6 — Petitioner Follow-Up

Exhibit H: OR-26-014482-IC — MPFD Follow-Up Fire Inspection

H-1 — TPIA Request

H-2 — Background / Context: Underlying January 9 Follow-Up Inspection Origin

H-3 — City Response

H-4 — Petitioner Follow-Up

H-5 — OAG Complaint Confirmation

Exhibit I: OR-26-014805-IC — Regulatory Agency Correspondence

I-1 — TPIA Request

I-2 — City Cost-Estimate Letter

I-3 — Acceptance & Search-Methodology Follow-Ups

I-4 — March 31 Production-Completeness Analysis

I-5 — City Rolling-Production / Status Response

I-6 — URGENT Preservation Notice (Schneider/PC23P0040)

I-7 — URGENT Follow-Up (OneDrive Removal / Preservation)

I-8 — KeyQL / “Feb_9th_Search” Results Analysis

I-9 — Additional Regulatory-Correspondence Records

I-10 — James–TCEQ “video” Email Production Analysis

I-11 — MPPD 25-15902 Inadvertent-Release Notice & Counsel Acknowledgment

I-12 — City Counsel Beck Acknowledgment

I-13 — SharePoint Production Link Inaccessible

Exhibit J: Internal City Directives and Routing Correspondence Concerning Petitioner's Requests and Walmart-Related Communications

J-1 — Webster Staff Directive re Roofing-Permit Request (June 2025)

J-2 — Vine Instruction to Council — Forward, Do Not Engage (Oct. 17, 2025)

J-3 — Nipp Internal Escalation re City Attorney (Nov. 12, 2025)

J-4 — Webster / Beck / Nipp Routing Thread (Nov. 13, 2025)

J-5 — Webster / Ream Council Routing Thread (Nov. 25–26, 2025)

Exhibit K: OAG Final Determination and Evidence Disputing City Representations:

K-0 — OAG Final Determination and Transmittal

K-1 — Analysis of City Statements and Countering Evidence

K-2 — February 18, 2026 Meeting Transcript Prepared from Preserved Audio Recording; original audio recording preserved and available upon request

K-3 — Webster Cross-Reference Analysis / Microsoft 365 / Purview / Bryan IT Records

K-4 — Chief Buhman Call-Log Thread / Hand-Typed Call Summary

K-5 — May 7–8, 2026 City Answers to OAG Follow-Up Questions

K-6 — Rodriguez Fire-Safety Plans: Prior Production Contradicting Withholding Rationale

K-6(a) — Evidence Index Addendum (Enclosures 10a–10b)

K-6(b) — Counter Memorandum: Records Already Produced Contradict Withholding (Enclosure 10a)

K-6(c) — Already-Produced Plan Pages (Enclosure 10b / fire-alarm plans); not filed — redacted excerpts will be supplied upon the Court's request, and the full unredacted plan pages are preserved and available if requested by the Court

Exhibit L: Supplemental Pattern Evidence:

L-1 — April 9 Pretreatment Request and OR-26-022171-IC Materials

L-2 — Ankrum Cell-Phone Call-Log Binder and OR-26-027775-IC Materials

L-3 — OpenGov / Financial Transparency No-Records Certification and ORD Complaint OR-26-028637-IC, including the May 14, 2026 request, the May 27, 2026 City certification, City Manager Vine's April 28, 2026 acknowledgment, Petitioner's May 27, 2026 reply identifying the omitted record, and ORD confirmation dated May 29, 2026

L-4 — Updated Cost-Estimate Binder

L-5 — Related Post-Complaint Pattern Records

L-6 — Native City Records Corroborating Request-Handling Pattern

Webster Accidental Forward to Petitioner ("Austin, will you please respond to him?")

Gatewood Internal Scope Email to Webster (Nov. 13, 2025)

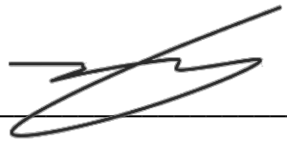
Webster–Ream Ordinance 2025-24 Internal Thread ("do not reply to Mr. Moring")

XI. UNSWORN DECLARATION UNDER PENALTY OF PERJURY

My name is Kyle Douglas Moring. My date of birth is [redacted]. I am over the age of eighteen years and am fully competent to make this declaration. My address is [redacted], United States.

I declare under penalty of perjury that the factual statements contained in the foregoing Petitioner's Original Petition for Writ of Mandamus are within my personal knowledge and are true and correct.

Executed in Franklin County, State of Texas, on the 30th day of May, 2026.



Kyle Douglas Moring

Petitioner, Pro Se

[redacted]