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Carin Carroll
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Titus County, Texas
Debbie Swindler

CAUSE NO. 44437

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

UNSWORN DECLARATION OF KYLE DOUGLAS MORING

In support of Petitioner's Pre-Hearing Brief

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

Pursuant to Texas Civil Practice and Remedies Code § 132.001, I, Kyle Douglas Moring, declare as follows:

1. My name is Kyle Douglas Moring. I am over eighteen years of age, of sound mind, capable of making this declaration, and competent to testify. The facts stated here are within my personal knowledge and are true and correct.

2. I am the Petitioner and the requestor for each public-information request pleaded in my First Amended Petition. I personally sent or received the request correspondence, downloaded and reviewed the City's productions, and maintained the source records described below, subject to the limitations concerning the affected original Count IX ZIP archive and the unredacted MPPD report described in paragraph 16.

3. The stamped Exhibit Binder Volumes 1 and 2, the June 23, 2026 court-returned, accepted Supplemental Volume 3, and the August 3, 2026 file-stamped Supplemental Exhibit R contain true and correct copies of records I sent or received in the public-information matters, except that analytical memoranda and demonstratives are identified as such. I did not alter the content of the source records. I organized and labeled them, and any

redactions or markings in the source materials were already present when I received them.

4. I preserved the City's electronic productions in the formats received, including .msg files, PDFs, spreadsheets, ZIP files, SharePoint downloads, and attachments, subject to the exception described in paragraph 16. As of the date I sign this declaration and to the best of my knowledge, the unredacted MPPD report and the affected original Count IX ZIP archive are no longer within my possession, custody, or control. For that archive, I retain only a non-content directory-level listing of filenames, production paths, file types, and counts. The unredacted report is excluded from my proof and is not offered, relied on, disclosed, or sought for reproduction. For court presentation, I will rely only on file-stamped or court-returned accepted materials unless the Court accepts an additional filing or admits another exhibit.

5. As of the date I sign this declaration, I have not received all records and categories identified as remaining in Counts I through XIII of my First Amended Petition. The count-by-count summary in the Pre-Hearing Brief identifies the specific live categories on which I rely.

6. For Count V, I reviewed the original ZIP supplied by the City. The City's February 2 correspondence characterized the production as "366 emails." My directory-level verification of the original ZIP identifies 362 .msg files. The 362 figure is the count of .msg files in the preserved ZIP, not a count of every non-.msg item. I extracted and compared the Internet Message-ID field for each .msg file. There are 230 unique Message-IDs and 132 additional files sharing a Message-ID with another produced file. I also compared the production against a defined ninety-one-file native-email inventory in my preserved Moring/OSHA materials. The inventory includes messages I received and messages I sent. All ninety-one files have unique Message-IDs, and none has an exact Message-ID match in the Count V production.

7. The comparison described in paragraph 6 is reproducible from the preserved files. I did not treat a different recipient copy of the same Message-ID as a separate unique message, and I did not infer that two messages matched merely because their subjects were similar. The ninety-one-file inventory is the defined set I used for this comparison. Eighty-eight of those messages are dated no later than December 29, 2025. I rely only on those eighty-eight to establish the Count V omission count, not on the three files dated December 30, 2025. A broader mailbox screening may flag additional unmatched identifiers, but I do not offer that broader screening count as proof that each additional message was omitted.

8. The records supporting Exhibits G and K-5 show that on May 13, 2026 City counsel Austin Beck told the Attorney General that the Count VII DTRG request had yielded more than 3,000 pages of responsive information, that the vast majority consisted of emails from me to City officials, that perhaps one percent consisted of attorney-client communications, and that he had completed identifying and separating those communications.

9. After counsel's May 13 representation and as of the date I sign this declaration, I did not receive the promised ruling-request copy, an Open Records Division tracking number, the nonprivileged remainder, or a reconciliation identifying which Moring-to-City messages dated on or before December 29, 2025 appeared in the Count V production. I do not equate 3,000 pages with 3,000 emails. On August 3, 2026, I searched the OAG public PIA Decision Database for the period February 1 through August 3, 2026. A "Mount Pleasant" search displayed only two City entries, OR-26-009561-RR / OR2026-018153 and OR-26-020929-RR / OR2026-027532. A separate "Moring" search displayed two additional pending rows but did not identify a governmental body or subject for them. The public display did not identify any listed matter as the Count VII DTRG request. I offer these search results only as limited corroboration of my nonreceipt, not as conclusive proof that

OAG received no unlisted submission. The two OAG database pages reproduced as Conditional Hearing Exhibits S-2 and S-3 are true and correct copies of the public-facing pages I viewed and saved during those searches on August 3, 2026.

10. I reviewed the City's March 10, 2026 IT-documentation production and related native messages. The filed record shows that the City repeatedly routed TPIA search work to Seth Bryan. On February 9, 2026, Ms. Webster sent him the Regulatory Agency Correspondence request pleaded in Count IX and asked him to gather the information.

11. On March 3, 2026, Ms. Webster sent Seth Bryan my separate request concerning the City's email platform, retention, and search/export capability. On March 10, I received the City's response from Ms. Webster. The City's substantive technical answers are shown in red font. Those answers identify Bryan IT as the primary administrator of the City's Microsoft 365 tenant, Microsoft Purview as the tool for e-discovery and public-information searches, and .pst or .msg as available native export formats.

12. For Count IX, I retained and reviewed a non-content directory-level inventory of the three City ZIP archives as delivered. The inventory records 945 file entries: 890 .msg files and 55 non-.msg entries. The March 27 archive contains 480 .msg files and 51 other entries; the April 21 archive contains 290 .msg files and four standalone PDFs; and the May 21 archive contains 120 .msg files. This corrects the 941-file and 51-other-file tally in accepted Supplemental Volume 3, Exhibit K-8, whose companion list omitted the four standalone PDFs in the April archive. The corrected 945-entry total does not change the historical directory count of 890 .msg entries. In my previously completed analysis of the production, I identified 231 messages sent by a Law360-domain sender and fifteen messages involving a sender or recipient using a dshs.texas.gov address. In that completed review, those fifteen messages were largely training, conference, and calendar items; I did not

locate within that fifteen-message subset the substantive Walmart inspection correspondence later produced by DSHS. I report those figures as results of that prior analysis, not as a presently reproducible analysis from an intact Count IX ZIP corpus. I also reviewed accepted Supplemental Volume 3, Exhibit K-13. Its chronology, crosswalk, and native-file manifest identify the September 11, 2025 Ramirez-to-DSHS message family and a DSHS-produced native .msg. Its City-side scan at PDF pages 457–464 expressly identifies "Code Enforcement Inspection.pdf" as an attachment, but the scan does not preserve the native message or the attachment as a separate linked electronic file. I rely on this comparison to identify a missing communication/attachment context, not to opine on the software platform that generated the attachment or on anyone's intent.

13. The City's disclosed Purview query for Count IX used a date ending February 9, 2026. The request called for records through the date of the City's search. The City continued its rolling production through May 21, 2026, but I have not received a statement identifying the query's execution date or reconciling that cutoff with the rolling-production process.

14. After the City required a bond equal to its $234 estimate for the Regulatory Agency Correspondence request, I paid the City $234 by Visa on March 23, 2026. The City-issued customer receipt reproduced in stamped Volume 1, Exhibit I records the transaction as a "Sale" for $234.00. The City delivered records through a SharePoint link, from which I downloaded and reviewed three ZIP archives as delivered.

15. I retained a non-content directory listing of the three archives as delivered. That listing records filenames, production paths, file types, and file counts, but does not contain the contents of the listed records. My numerical inventory of the production is based on that directory listing.

16. One of the original Count IX ZIP archives contained an unredacted MPPD report. On June 2, 2026, an Assistant United States Attorney requested that I delete the referenced record and provide written confirmation that it had been deleted and not copied or forwarded. I provided the requested written confirmation. I completed a final review of my active file locations. As of the date I sign this declaration and to the best of my knowledge, neither the unredacted report nor the affected original Count IX ZIP archive remains within my possession, custody, or control. For the affected archive, I retain only the corresponding non-content directory information contained in the listing of all three archives described in paragraph 15. I exclude the unredacted report and its contents from my proof: I do not offer them, rely upon them, disclose them, or seek an order requiring their reproduction. I refer to the incident only to explain why I rely on a non-content directory inventory rather than the affected original archive in intact form.

17. On August 3, 2026, I checked the same SharePoint link again and saved a PDF printout. It continued to display "This link has been removed" and "Sorry, access to this document has been removed." The SharePoint page reproduced as Conditional Hearing Exhibit S-1 is a true and correct copy of the page I viewed and saved on August 3, 2026.

18. As of the date I sign this declaration, I have received no additional rolling production after May 21, no final completion notice, and no final accounting stating whether the three archives as delivered constituted the complete paid production or whether any part of the payment remained unused. I offer these payment and accounting facts only as production context, not as a standalone cost-overcharge claim.

19. For Count XII, I reviewed the original response, Ms. Webster's October 22, 2025 OAG ORD certification, and the February 2, 2026 .msg production. She certified that the City had made available all existing responsive information it owned, controlled, or had a right of access to. FS-473357 was absent. I

found it only by extracting the four embedded attachments from Ankrum's August 1 .msg forwarding record to Webster for this exact request; the City had not separately identified it as the omitted inspection record. I now possess the PDF, but the certification did not account for FS-473357, and native-message review preserved the routing context. Exhibit O records DSHS's materially different same-day findings; I use that comparison only to test completeness, not to ask the Court to decide food-safety issues.

DECLARATION UNDER PENALTY OF PERJURY

My name is Kyle Douglas Moring, my date of birth is [redacted], and my address is [redacted], United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Franklin County, State of Texas, United States of America, on August 3, 2026.



_____

Kyle Douglas Moring, Declarant

CERTIFICATE OF SERVICE

I certify that on August 3, 2026, a true and correct copy of this Unsworn Declaration was served electronically through the electronic filing manager on all counsel and service contacts of record for Respondent City of Mount Pleasant, Texas, in accordance with Texas Rules of Civil Procedure 21 and 21a.



_____

Kyle Douglas Moring

Automated Certificate of eService

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