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Carin Carroll
District Clerk
Titus County, Texas
Debbie Swindler

CAUSE NO. 44437

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

PETITIONER'S RESPONSE TO SEPTEMBER 10 LETTER REGARDING THE SEPTEMBER 18 HEARING

TO THE HONORABLE JUDGE OF SAID COURT:

Petitioner Kyle Douglas Moring responds to Respondent's September 10, 2026 letter stating that he "still has not identified the documents" he claims the City refused to provide. Attachment 1, letter at 1. The prior filings below identify specific records bearing on the City's plea and the requested TPIA relief.

I. RECORDS IDENTIFIED AFTER THE AUGUST 10 HEARING

Petitioner recognizes the Court's August 10 direction to provide a concise, specific list of documents he contends remain unproduced. The City disputes whether his August 11 submission met that direction. The later correspondence and filings supply additional identification and should also be considered. City's Plea at 3–4; Ex. B at 1–2.

The City's Exhibit B records the August 11 submission, August 12 acknowledgment and August 21 follow-up seeking conference and search status. Its search-statistics screen says "Last completed: August 13, 2026"; the substantive August 25 letter followed 12 calendar days later. City's Plea, Ex. A at PDF pages 1 and 12; Ex. B at 2–6. Petitioner credits Ream's availability explanation and Beck's August 25 and 27 letters. His August 26 reply enumerated five remaining C/E/F/G/I issues and renewed his availability. Id., Ex. B at 1–6; Plea at 3–4.

The plea is stamped August 28, 2026, at 8:49 a.m. Petitioner recalls that afterward, during the hearing, he saw Candias Webster hand the USB to Austin Beck, who handed it to him in the hallway. He recalls personally informing the Court of that delivery upon returning to the courtroom. His August 30 supporting declaration ¶2 records receipt and review of the two-folder production. The August 30 Response and September 9 Exhibit AD address that delivery and should inform the assessment of remaining records.

Petitioner proposed searches to locate existing responsive records and compare them with production so he could identify further omissions. He could identify known examples but could not name every unseen City record. His August 26 reply described the protocols as implementation aids, not new requests or

substitutes for requested information. City's Plea, Ex. B at 1–2. He does not contend that the Court ordered his syntax or that proposing searches alone satisfies its direction to identify missing documents.

The City's January 13 Moring-related screen reports 6,316 estimated matches and describes review or export for fuller examination. City's Plea, Ex. A at PDF page 10. The later August 13 screen begins "kind:email," limiting that displayed query to email. Id. at PDF pages 12 and 14. These screens identify searches to examine; they do not show which results were produced, that every match was responsive or releasable, or what separate searches occurred in other requested systems.

For the Walmart request, Items 1 and 2 independently seek domain-based emails and, "In addition," keyword-bearing records. September 9 Exhibit F, page 1. The City's August 27 letter expressly confirms that its builder joined those conditions with AND. City's Plea, Ex. C at 3; Ex. A at PDF page 13. That requires both conditions, potentially excluding internal City messages about Walmart without a Walmart-address participant. The screen alone does not establish whether separate searches supplied those records; Petitioner seeks that reconciliation.

The August 26 Limited Supplemental Hearing Brief also predates the plea: paragraph 23, page 7, identifies the September 17 DSHS message; paragraph 24 and pages 8–9 supply a five-request table. The August 30 response to the plea ("August 30 Response") identifies the following concrete records or defined record categories:

1. Count III — Chief Buhman's call-history and voicemail logs. The August 26 reply, item 1, identified still-unsupplied maintained call-history and voicemail-log fields within the original October 22–29, 2025 scope for MPPD Case 25-17553. City's Plea, Ex. B at 1; September 9 Exhibit C, page 1. Petitioner credits the two later call screenshots but disputes whether they account for all requested maintained fields and voicemail entries. August 30 Response at 8; Appendix PR-B. The August 25 letter attributes C-2 and C-3 to November 2025 production. The August 27 letter acknowledges omitting those attachments and applies its earlier-delivery claims for C-2 text screenshots to C-3 call screenshots. City's Plea, Ex. A at 2–3; Ex. C at 1. Yet Webster's May 7 answer about call logs stated Petitioner had not received screenshots; her May 12 email transmitted the two call images to Richardson and Beck. September 9 Exhibit AB, pages 3–5. The Finder views for both images also display "Content created" as May 11, 2026, at 3:33 p.m., while the separate "Created" and "Modified" fields show June 2, 2026. September 9 Exhibit AB, pages 7–8. These dates concern the image files, not the October 22, 2025 calls, and provide additional context for evaluating the City's earlier-production account. This chronology discrepancy alone does not prove additional entries, deletion or alteration.

2. Count V — November 26, 2025 Webster email. The 9:13 a.m. email to Petitioner beginning "Austin, Will you please respond to him?" is identified by its exact Message-ID. The response states that neighboring messages were supplied but that this exact ID was not located in the February 2 Moring production or August 28 DTRG folder. August 30 Response at 6; supporting declaration ¶14; Appendix PR-J.

3. Counts VI and IX — DSHS correspondence and inspection attachment. Mari Anguiano's August 20, 2025 email to John Ankrum attaches the two-page "Notice of Inspectional Observations" for Walmart Store 131, Inspection No. 308620, dated July 28, 2025 (filename: "WalMart Supercenter 131 NIO.pdf"). August 20 is the email date, not the inspection date. The September 17, 2025 reply to Juan Ramirez copies Candias Webster and John Ankrum. The August 30 Response reports that neither exact email was located in the reviewed City productions and identifies the DSHS-supplied records. Id. at 6; declaration ¶13. Appendix PR-I already reproduces the August 20 email at PDF page 70, its notice at PDF pages 71–72, and the September 17 reply at PDF page 73.

4. Count VI — City-to-Titus CAD emails and attachments. The August 30 declaration ¶15 identifies John Ankrum's March 11, 2025 "RE: PERMITS AND FIRE REPORTS" email with monthly permit reports, and his September 2, 2025 "RE: Application.pdf" replies at 1:48 and 2:28 p.m. about Walmart permit CAR25958. It reports the selected parent Message-IDs and September 2 correction/history attachments were not located in the reviewed City productions. Petitioner received these from Titus CAD and credits the monthly reports and underlying permit pages supplied elsewhere. Appendix PR-K; September 9 Exhibit F, pages 12–16. The remaining comparison concerns those exact emails and attachments, not another copy of the already-supplied reports.

5. Count VII — attorney fee and payment records. The response identifies fee and payment records requested February 14, 2026, within the request's Kyle/Walmart limitation, and reports none located in the reviewed August 28 DTRG folder. It does not claim every invoice referenced in the broader Finance email is responsive. August 30 Response at 7; declaration ¶¶7, 14; Appendix PR-J.

6. Count XII — July 25 and July 26, 2025 complaint submissions. The declaration's schedule identifies existing City complaint/intake records for these two MyHealthDepartment submissions concerning Walmart Store 131, including maintained fields, uploads and handling records. August 30 Response, declaration schedule at printed page 12 (PDF page 25); Appendix PR-F; First Amended Petition ¶¶94–96.

Count IX's link and production issues were identified in the August 26 reply, item 5. City's Plea, Ex. B at 1. The August 25 letter omits May 21 from its production chronology; the August 27 letter adds it. Both list April 1 and April 21 as separate productions. Id., Ex. A at 6–7; Ex. C at 4. Petitioner first saw and downloaded the April-folder contents on April 21; his earlier saved views showed

the folder empty. September 9 Exhibit AD, pages 2–4. A folder's modification date does not establish delivery.

The August 27 letter supplied a "current working link," represented that its documents were "identical" to May 21, and announced the August 28 USB. City's Plea, Ex. C at 4. Petitioner credits later access; September 9 Exhibit AC, pages 2–3, preserves earlier removal messages. Exhibit AD, page 2, identifies Keith Kaiser's November 3, 2025 Schneider email in the May 21 download but not located in the USB by the stated comparisons. Petitioner retains that email. This compares the USB, not the full August 27 online folder; the missing April folder name alone does not establish missing records. These discrepancies concern production history; the Count IX examples above identify remaining-record disputes.

Petitioner preserves all thirteen counts and the August 30 Response's and September 9 Notice's qualifications, production credits and corrections. These examples are not an exhaustive inventory. He seeks production reconciliation; estimated matches and unmatched identifiers alone do not establish unlawful withholding.

II. THE PLEA SHOULD BE DECIDED ON THE RELEVANT RECORD

Petitioner recognizes that jurisdiction must be resolved before the merits. In *Paxton v. City of Austin*, No. 24-1078, slip op. at 2–3, 6–8 (Tex. May 22, 2026), the Supreme Court directed the trial court to rule on the plea but did not decide whether the State's jurisdictional arguments were correct. Petitioner does not seek to bypass the plea or frustrate appellate rights.

Texas Government Code §552.321(a) authorizes mandamus when a governmental body refuses to supply public information. A pending OAG ruling request does not require the requestor to await that ruling before suing. *Kallinen v. City of Houston*, 462 S.W.3d 25, 28–29 (Tex. 2015) (per curiam). Partial production, ongoing review and professed willingness to disclose do not, by themselves, negate refusal. *Morrell v. Texas Commission on Environmental Quality*, No. 15-25-00212-CV, slip op. at 12–13 (Tex. App.—15th Dist. Apr. 14, 2026) (mem. op.). TCEQ acknowledged withholding in Morrell; here the City claims completion. Petitioner therefore relies on the specific remaining-record evidence identified above and in the August 30 Response at 2–3, not merely on unanswered correspondence.

The August 28 plea and Exhibits A–C supply correspondence and search screenshots, but no sworn explanation of the searches and production. Petitioner's August 30 Response at 1–4 disputes that showing and identifies contrary records. He does not contend an affidavit is the only permissible proof; he contends the specific remaining-record disputes are unresolved.

The August 25 letter characterizes Petitioner as dissatisfied with the volume and content of production. City's Plea, Ex. A at 7. His March 31 phrase "materially overinclusive and likely incomplete" addressed relevance and completeness. His later May 21 and May 28 notices raised additional concerns about unrelated Schneider materials containing ACH/wire information and thousands of utility

customer entries, and an unredacted MPPD report. Beck's May 28 reply acknowledged apparent inadvertent disclosure. Petitioner also notified DOJ on May 28 about the report, which he understood to concern a federal criminal case. These were concerns about records handling, alongside missing responsive records. He does not seek disclosure of protected information or adjudication of those separate disclosure concerns in this mandamus proceeding.

A factual jurisdictional challenge requires relevant evidence when necessary. Reasonable targeted discovery may be needed to develop jurisdictional facts. *Tex. Dep't of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 227–29, 233 (Tex. 2004).

On September 8, 2026, Petitioner sent a draft limited discovery and preservation motion to Respondent's counsel for conferral. Counsel's office confirmed receipt and access on September 9. These steps preceded the City's September 10 hearing notice and letter. Petitioner intends to file the motion separately after documenting his efforts to confer about discovery. This response requests no discovery order.

III. REQUESTED HANDLING OF THE SEPTEMBER 18 HEARING

Petitioner's requests concern his OSHA whistleblower matter, Walmart permitting and inspections, related agency communications, and [redacted]. These subjects concern public safety and governmental duties. He seeks responsive, nonexempt records within the pleaded requests, without asking this Court to adjudicate the underlying workplace, permitting or criminal allegations.

The Act recognizes public access to governmental affairs and official acts. Tex. Gov't Code §552.001(a). A general reference to taxpayer resources does not resolve whether identified information remains unsupplied. Petitioner's conferral efforts, production credits and reorganized exhibits seek to narrow disputes and conserve resources. City's Plea, Ex. B at 1–2; September 9 Notice §§I–II and Attachments 1–2.

Petitioner also submitted two §552.3215 complaints to District Attorney Bailey on August 13 alleging noncompliance with separate OAG rulings: OR2026-018153 (June 2), directing release of the unmarked remainder of submitted fire-suppression materials, and OR2026-027532 (June 30), directing release of the requested vendor-impersonation theft records. These identified specific production obligations. The complaints are allegations, not findings of post-ruling noncompliance, and expressly seek enforcement outside this case. The Rodriguez matter appears as context in First Amended Petition ¶107 (pages 33–34) and September 9 Exhibit N, pages 1–2; neither complaint adds a claim here.

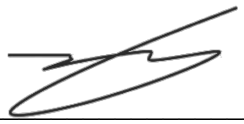
Petitioner recalls Candias Webster testifying at the August 10 hearing that HS GovTech/HS CloudSuite lacked electronic export capability and required printing and scanning. The City's contract describes reporting functions and electronic return of City data in SQL backup or comma-delimited form. September 9 Exhibit Z, pages 5 and 7 (§10(a); Appendix A). The return-of-data clause applies

when the contract ends and is subject to its conditions; it does not establish every option available to City staff during ordinary use. These provisions warrant clarification of why the requested inspection records could only be supplied as scanned copies.

Petitioner reports that reconsideration review of his §552.3215 complaint against DSHS remains pending. Richardson's July 7, 2026 email explains that DSHS supplied records in response to questions prompted by that request. This is acquisition history, not a finding against the City. The remaining-record examples above rely on the August 30 Response and declaration; July 7 is a separate source.

Petitioner requests consideration of the cited filings and an opportunity to offer and establish the foundation for exhibits bearing on disputed jurisdictional facts, subject to the Court's rulings. He maintains the August 30 Response's request to deny the plea or permit amendment if a pleading deficiency is curable. *Miranda*, 133 S.W.3d at 226–27. Filing did not itself admit the exhibits. This response adds no count or new TPIA request. Attachment 1 supplies the letter being answered and its hearing-notice enclosure. If a listed item needs a different format or further detail, Petitioner requests an opportunity to clarify it.

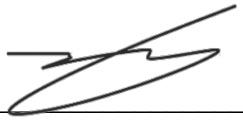
Respectfully submitted,



Kyle Douglas Moring
Petitioner, Pro Se
[redacted]

CERTIFICATE OF SERVICE

I certify that on September 11, 2026, I served a true and correct copy of this Petitioner's Response to September 10 Letter Regarding the September 18 Hearing, including Attachment 1, upon Austin R. Beck and Lea A. Ream, counsel for Respondent, and all other required service contacts of record by electronic service through eFileTexas in accordance with Texas Rule of Civil Procedure 21a.



Kyle Douglas Moring
Petitioner, Pro Se
[redacted]

ATTACHMENT 1

September 10, 2026 Letter from Lea A. Ream to Judge Lauren Parish and Hearing-Notice Enclosure

The following three pages reproduce the complete document received with counsel's September 10, 2026 email: the two-page letter and its one-page hearing-notice enclosure.

The enclosure is reproduced as received, including its blank time and signature fields. Its inclusion does not represent that the Court signed it or changed the setting.

DAVIDSON
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ATTORNEYS AT LAW

Lea A. Ream
210.442.2313 Direct
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September 10, 2026

Judge Lauren Parish
c/o Titus County District Clerk
76th/276th Judicial District Courts
105 W. 1st Street
Mount Pleasant, Texas 75455

Sent Via Email: districtclerk@co.titus.tx.us
Sent Via Email: [redacted]

Re: *Kyle Moring v. The City of Mount Pleasant*, Cause No. 44437, 76th Judicial District Court, Titus County, Texas

Dear Judge Parish,

The Court set the above-referenced matter for hearing on September 18, 2026. This will be the third hearing since the case was filed by Petitioner, Kyle Moring, on June 16, 2026.

As Respondent, the City of Mount Pleasant has asserted, at each hearing and in its filings, that the Court's jurisdiction in this matter is very limited—namely, **only to consider mandamus relief for documents that Mr. Moring has requested under the Texas Public Information Act ("TPIA") and that the City has refused to provide.** *See* Tex. Gov't Code § 552.321(a).

Mr. Moring has not identified any such documents that he claims that the City has refused to provide, or requests to which the City has not responded.

After the first hearing on August 10, 2026, the Court instructed Mr. Moring to provide a succinct list of documents that he claimed were not provided by the City, to allow the City to provide such documents. Mr. Moring did not provide such a list; instead, he identified "Exhibits C, E, F, G and I" and raised questions and issues. The City nevertheless reviewed Mr. Moring's exhibits and the issues he raised and provided additional documents—many of which had already been produced under the TPIA.

Despite these efforts, Mr. Moring continues to file various documents with the Court. However, to date, Mr. Moring still has not identified the documents that he claims the City has refused to provide to him in response to one of his TPIA requests.

In the interest of judicial economy and to prevent the waste of taxpayer resources, we ask that the Court consider the City's Plea to the Jurisdiction filed on August 28, 2026, and any amendments thereto, as an **initial matter** at the hearing on September 18, 2026. See *Paxton v. City of Austin*, No. 24-1078, 69 Tex. Sup. Ct. J. 810, 2026 Tex. LEXIS 453, at *1 (May 22, 2026). Respectfully,

the Court should not entertain requests for hearing or relief by Mr. Moring that are not related to an alleged refusal to provide documents in response to one of his TPIA requests.

We attach the Notice of Hearing setting the City's Plea to the Jurisdiction for hearing. The City respectfully contends that the Plea to the Jurisdiction should be granted and that the Court should not continue entertaining Mr. Moring's varied arguments that are outside the Court's jurisdiction.

In the meantime, the City will confer with Mr. Moring regarding his exhibits, as instructed by the Court.

Sincerely,

/s/ Lea A. Ream
Lea A. Ream
For the Firm

CC:
Kyle Douglas Moring *Sent Via Email:* [redacted]
Petitioner, *pro se*

CAUSE NO. 44437

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

NOTICE OF HEARING ON CITY OF MOUNT PLEASANT'S PLEA TO THE JURISDICTION

BE IT KNOWN that the above-styled case has been set for a hearing regarding the City of Mount Pleasant's Plea to the Jurisdiction and any amendments thereto. Such hearing shall take place on **September 18, 2026,** at _____ o'clock a.m. at the Titus County Annex, 105 W. First Street, Mount Pleasant, Texas 75455.

Signed this _____ day of September, 2026.

_____
JUDGE PRESIDING

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Status as of 9/15/2026 2:18 PM CST

Case Contacts

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Marla Dial		mdial@dtrglaw.com	9/11/2026 8:38:50 AM	SENT