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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 MOTION FOR LIMITED JURISDICTIONAL DISCOVERY AND PRESERVATION AND TO DEFER RULING ON RESPONDENT'S PLEA TO THE JURISDICTION

Petitioner Kyle Douglas Moring asks the Court to deny Respondent's plea on the pleadings and evidence properly before it. If the Court needs additional jurisdictional facts, he alternatively requests limited discovery and preservation concerning the searches, identified native email records, production locations and phone records on which the City relies. The purpose is to determine what source records were checked and whether the disputed requested information was supplied before the Court dismisses an affected count. This first phase concerns Counts I, III, V, VI, VII and IX; Petitioner preserves all thirteen pleaded counts and does not expand the underlying TPIA requests.

I. RELEVANT PROCEDURAL POSTURE

1. This is a mandamus action under Texas Government Code § 552.321. The City filed its plea to the jurisdiction on August 28, 2026, asserting that its responses and productions defeat the claimed refusal to supply information. Petitioner filed his response on August 30 and now seeks defined discovery addressing disputed facts underlying those assertions.

2. The City's August 25 and August 27 correspondence described searches, reviews, production locations and delivery arrangements. Separately, the City supplied a USB on August 28. The requests below distinguish those letters from the later handoff and give credit for information already supplied. See Petitioner's Exhibits Y and AA and the August 30 response to the plea.

3. Counts V and VI concern the separate Moring-related and Walmart-related requests. The City supplied search-builder images and an internal location identified substantially as 'Open Records Request > Moring, Kyle > Search for Kyle Moring [redacted] whistleblower OSHA (01012024-12292025).' The pictured search terms do not by themselves identify every source actually searched or connect the resulting items to the delivered files. Existing executed queries, selected sources and export records can resolve that specific gap. Petitioner does not seek direct access to the internal location.

4. For Count VI, the Walmart request contained independent categories. Petitioner seeks the actual search text, including any KeyQL expression, date restrictions and selected locations, to determine whether the search the City relies on covered those categories. 'KeyQL' means the written search instructions used by Microsoft's search system; a saved picture of the search builder may not establish which version was actually run.

5. For Count VII, the City described an ongoing review on August 25 and stated on August 27 that records were being supplied. The August 28 USB included 'Texas Public Information Act Request - Communications Involving City Attorney Concerning Kyle Moring and Walmart (06012025 - Present).' Petitioner credits those messages. The requested search and export records would identify the material reviewed and connect that review to the delivery; the existence of a message folder does not itself resolve the separately pleaded request for responsive legal-expense records.

6. For Count IX, the City relied on regulatory-agency production links and later supplied 'Regulatory Agency Correspondence (May 1, 2025-Present)' on the USB. Exhibits AC and AA document different access and delivery events. Existing activity records can show what happened to the identified files, folders and links. An inaccessible link or a changed URL does not by itself establish deletion of the underlying records, and Petitioner seeks no such finding through this motion.

7. The City's March 10, 2026 IT-documentation production contains eight native MSG emails from Webster to Seth Bryan, including her September 15, 2025 assignment concerning Juan Ramirez emails, her November 14 forwarding of the November 13 police-record request, and her January 12, 2026 assignment of both keyword requests. The January message physically contains the Count V and Count VI requests as embedded emails. The City's August 27 letter identifies the previously supplied F-2 search-builder screenshot as a January 12, 2026 search. These records establish an assignment and the date the City attributes to a search; they do not identify every source searched or reconcile search results with delivered files. See Attachment 3, pages 1–6 and 8 (revised Exhibits E, A and AA).

7a. The September 15 and November 14, 2025 Webster-to-Bryan messages are already received comparison examples, not emails still awaiting production. Both fall within the pleaded 2024–2025 period and contain name/email and Walmart-related terms. The software- and ChatGPT-assisted comparison in Attachment 3, page 7, did not locate their exact Message-IDs in the original February 2 Moring ZIP (362 MSG files) or Walmart ZIP (19 MSG files). It does not establish absence from the original search results or exclude equivalent quoted content. Requests 2 and 3 seek existing execution, exclusion and export records for the work identified by those assignments as well as the later searches. The January 12 assignment is used to identify that work, not as an email within the earlier content cutoff.

7b. Item 5 of the March 10 response directs Petitioner to the link that supplied the assignment emails. That production does not itself supply a completed-search job record, export report or result-count report. The underlying request allowed records sufficient to show the requested information, including communications, tickets or support notes; the City's response does not establish that every alternative record type exists. The present requests seek retained records connecting the assignments to the searches and deliveries, while crediting the search screenshots and other records already received.

7c. Count I also concerns the November 13, 2025 request for communications and records involving MPPD cases [redacted] and 25-17553. That request sought electronic copies in PDF/MSG/EML form and associated message metadata where feasible. Petitioner's December 3 correspondence identifies the "Emails for request" PDF supplied December 2. The Juan Ramirez examples include City-produced printed or scanned emails and DSHS-produced correspondence and an electronic inspection attachment; those received materials are credited. Request 7 identifies the retained native counterparts and the remaining header and attachment relationships sought. See First Amended Petition, Count I, paragraphs 40–43; revised Exhibits A, F and I; and the assignments in Attachment 3, pages 5–6. In Item 3 of its March 10 response, the City describes native PST/MSG exports that preserve data and routing headers (Attachment 3, page 2). Neither the PDF format alone nor the later ability to export another MSG establishes a TPIA violation. The requested native records and related production history bear on the City's assertion that the particular requested information was fully supplied.

8. Count III concerns the December 4, 2025 request for Chief Buhman's personal-phone call history and voicemail logs for October 22–29, limited to Walmart criminal-trespass case 25-17553 and the specified Walmart/MPPD contacts. It permitted screenshots or native exports and redaction of personal numbers. The December 17 response supplied a typed list of two outgoing calls and stated 'No further.' The later screenshots display those same calls. See Exhibit C and the August 30 response, Appendix PR-B.

9. The City's May correspondence adds a specific collection and delivery question. In her May 7 response, Webster acknowledged that Petitioner had not received screenshots; on May 12 she sent Richardson and Beck phone documents naming IMG_0486.PNG and IMG_0487.PNG. Attachment 2 reproduces the relevant three-page excerpt. Appendix PR-B addresses the May 11 dates stored in the image files and their June 2 production, contrasted with the August 27 account of earlier deliveries. The images show individual call Details views, not an opened complete history for the requested period. These facts support inquiry into the source checked and the basis for completeness; they do not prove an additional responsive call, alteration or deletion.

10. These records can identify the source used for the typed response, the collection and delivery of the two images, and any retained responsive call or voicemail-

log entries not represented there. The request is limited to the original public-business subject. The separate office-line issue in Exhibit M/Count XI is preserved but is not combined with this personal-phone request.

11. Petitioner's November 3, 2025 preservation notice appears in revised Exhibit Q, pages 1–2, and his June 1, 2026 supplemental notice appears at pages 3–7. They support notice and a defined preservation request. Retained event data can be subject to expiration; Petitioner does not assume the City's actual retention settings or that expired events can be recreated. He seeks preservation of what remains, not a spoliation ruling.

II. THE REQUESTED DISCOVERY IS AUTHORIZED AND JURISDICTIONAL

Texas Government Code §§ 552.005(a)–(b) and 552.0055 preserve the distinction between civil discovery and public-information requests. Attachment 1 proposes litigation discovery concerning facts raised by the plea, not a new TPIA demand or substantive count. The City may assert applicable discovery privileges; a TPIA exception alone does not create a new discovery privilege.

Rules 191.1, 192.3, 192.4 and 196 authorize appropriate discovery of relevant, reasonably available information within the City's possession, custody or control. Attachment 1 specifies the electronic data and requested forms. It seeks ordinary exports of existing retained information, rather than system access or a new investigative report. Any dispute about extraordinary retrieval or expense remains subject to Rule 196.4 and further court order.

A factual plea may require a reasonable opportunity to develop jurisdictional evidence. *Tex. Dep't of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 227–29 (Tex. 2004). In *4 Families of Hobby, LLC v. City of Houston*, No. 24-0796, slip op. at 6, 8–9 (Tex. Jan. 9, 2026) (per curiam), the Supreme Court remanded to allow jurisdictional discovery on a concrete factual issue. That procurement decision supplies a procedural analogy, not a TPIA holding or an automatic entitlement to every requested item.

Here, the source histories and execution records are largely held by the City or its custodians. They could test whether the specific requested information was located and delivered, and whether later production actually resolved a pleaded refusal. Petitioner seeks that evidence only to the extent necessary to decide the jurisdictional facts the City disputes. Historical delay alone is not offered as proof that a claim remains live after complete production.

III. THE REQUEST IS NARROW AND PROPORTIONAL

1. The Microsoft work concerns Counts I, V, VI, VII and IX. The event periods are September 15, 2025–August 28, 2026 for the identified Ramirez-email assignment, November 13, 2025–August 28, 2026 for the identified police-record request, and December 30, 2025–August 28, 2026 for the other specified productions. Each period applies only to its identified work. Request 7

separately identifies native emails within the original requests' subject and content-date limits; the event periods do not enlarge those limits. Count III remains limited to call entries from October 22–29, 2025 and collection/transmission events from December 4, 2025–August 28, 2026. Retention records concern only these defined records.

2. No direct device or account access, forensic imaging, outside examiner or reconstruction is requested. Any later request for such relief would require its own factual showing and safeguards. *See* In re Weekley Homes, L.P., 295 S.W.3d 309, 317–22 (Tex. 2009). The initial requests seek retained source records and existing collection records. If they leave a specific unanswered jurisdictional question, Petitioner may seek limited custodian testimony or interrogatories through a separate request.

3. In Item 4 of its March 10 response, the City stated that Bryan IT "executes complex mailbox searches at the City's direction." Attachment 3, page 3 (revised Exhibit E, page 7). That statement supports seeking records of the work performed for the City, subject to Rule 192.7(b). The requests reach contractor or temporary-custodian material only to the extent the City has possession, custody or control, including the requisite legal right to obtain it. They permit identification of records already produced and proportionate redaction of unrelated private information and sensitive security values. The motion does not presume control over every provider record, personal account, carrier record or backup.

4. Petitioner asks the Court to direct reasonable preservation of the defined information that still exists, including retained audit data, saved search/export records, identified native emails with existing headers and attachments, and responsive phone-source information. Existing accessible backups containing that information should be preserved within the City's control. No new audit log, forensic reconstruction or universal suspension of unrelated City operations is sought. If preservation or production poses a specific burden, the City may identify it and seek a protective order.

IV. REQUESTED TIMING AND CONSIDERATION

On September 9, 2026, the Court Coordinator relayed Judge Parish's direction that the September 18 setting would be limited to allowing Petitioner to offer supporting exhibits, subject to the City's objections. The City thereafter served a September 10 notice identifying its plea to the jurisdiction for September 18. Petitioner requests consideration of this motion before a factual jurisdictional ruling, at a hearing or by submission as the Court directs. He does not represent that this motion has been set for September 18 or that the City's notice changes the Court's direction. Filing this motion does not itself change a deadline or setting.

Petitioner proposes written responses and objections five business days after service of the authorized, separately signed requests and signed order, and non-objected-to production seven business days after that service, with rolling delivery

as available. Business days exclude weekends and legal holidays. He requests five business days after completed production to supplement his response, followed by five business days for the City to respond. The Court may adopt a different workable schedule upon a specific showing of burden.

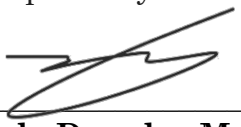
Petitioner asks the Court to defer a factual jurisdictional ruling on the affected counts until the parties have the foregoing opportunity and to set any necessary further hearing. He does not ask to cancel the September 18 setting or postpone his opportunity to offer supporting exhibits. The Court may direct the sequence of consideration. Specific unresolved discovery objections may be presented promptly after conference; no automatic additional discovery or indefinite delay is requested.

Following his September 8 and 9 email requests, Petitioner conferred with the City's counsel on September 11, 2026. The City opposed discovery and requested written preservation clarification. Petitioner sent it September 13. Ms. Dial's September 14 response sought time for review and client consultation without committing to a schedule or addressing preservation. Petitioner's suggested dates were not agreed deadlines. The certificate below records these unresolved matters. The current proposal adds the two earlier assignments and Request 7's identified native emails; Petitioner does not represent that these additions were separately discussed September 11.

PRAYER

Petitioner respectfully requests denial of the City's plea on the existing record. Alternatively, he requests an order: **(1)** preserving the defined existing information; **(2)** authorizing the seven requests in Attachment 1 with expedited responses and production as proposed above or on another workable schedule; **(3)** allowing both parties a fair opportunity to use the discovery before a factual jurisdictional ruling on the affected counts; and **(4)** permitting appropriate confidentiality protections and resolution of specific objections. Petitioner preserves every pleaded count and requests no finding of spoliation or entitlement to unrelated personal information.

Respectfully submitted,



Kyle Douglas Moring
Petitioner, Pro Se
[redacted]

CERTIFICATE OF CONFERENCE

I certify that, following my September 8 and 9 email requests, I conferred by Microsoft Teams on September 11, 2026 with Lea A. Ream and Austin R. Beck, counsel for the City, with Marla Dial also participating. The proposal then contained six requests. Ms. Ream stated that the City opposes discovery, and our reasonable effort to resolve that dispute without court intervention failed. This version includes the two earlier assignments and Request 7's identified native emails; I do not represent that those additions were separately discussed September 11 or that counsel has stated a separate position on each addition. At Ms. Ream's request, I sent a separate preservation clarification on September 13. Ms. Dial acknowledged the documents September 14 and explained that counsel needed time for review and client consultation, without committing to a timeline that day. Her response gave no preservation position. Preservation remains unresolved; no refusal to preserve or agreement to the requested relief is asserted.

On September 14, 2026, I emailed the revised seven-request motion and proposed order to Ms. Ream and Mr. Beck, copying Ms. Dial, for further review and conferral concerning the additions. I asked whether the City maintained its opposition or would agree to any portion or narrower alternative, and offered a prompt discussion. As of 7:36 a.m. Central on September 15, 2026, I had received no response to that email. I do not characterize that lack of response as a separate refusal or agreement.



Kyle Douglas Moring

CERTIFICATE OF SERVICE

I certify that on September 15, 2026, a true and correct copy of this motion, Attachments 1 through 3, and the proposed order was served through eFileTexas electronic service on Austin R. Beck (abeck@dtrglaw.com) and Lea A. Ream (lream@dtrglaw.com), counsel for Respondent, and Marla Dial (mdial@dtrglaw.com). This certificate concerns the motion packet; it does not certify separate service of the proposed discovery requests as an operative request set.



Kyle Douglas Moring

ATTACHMENT 1

PROPOSED LIMITED REQUESTS FOR PRODUCTION

Seven requests concerning Microsoft records, identified native emails and Buhman call records

These proposed requests are attached in support of the motion. After any order authorizing them, Petitioner will separately sign and serve this request set under Rules 191 and 196, with the signed order. Attaching a proposal to the motion does not certify that discovery service occurred. These requests concern Counts I, III, V, VI, VII and IX and do not add a TPIA request or abandon another count.

DEFINITIONS AND SCOPE

1. 'Microsoft Subject Locations' means the source/staging locations for: **(a)** the Moring keyword production described in Part I, paragraph 3 of the motion; **(b)** the corresponding Walmart keyword production; **(c)** the DTRG/City Attorney production in Part I, paragraph 5; and **(d)** the regulatory-agency productions in Part I, paragraph 6, including the March 27, April 21, May 21 and August 27 delivery links and the '04-01-2026' folder. It also includes the City mailbox/source and staging/export locations actually used for **(e)** Webster's September 15, 2025 Ramirez-email assignment to Bryan and **(f)** the November 13, 2025 police-record request forwarded to Bryan November 14, including the December 2 'Emails for request' PDF delivery. This definition reaches those identified productions and their processing, not unrelated City mailbox or Open Records activity.

2. 'Microsoft records' means existing retained Purview, SharePoint, OneDrive, eDiscovery or equivalent event, query, search-job and export information maintained for the identified City productions. 'KeyQL' includes the actual saved and executed query text and any maintained versions or conditions. An export manifest means an existing list describing the items included in an export.

3. Requested electronic form means the form ordinarily maintained or reasonably exportable: CSV with the complete AuditData or equivalent field, JSON, XLSX, MSG/EML or another ordinary system format suited to the record. Preserve available timestamps and time-zone information, identifiers and field relationships. A reasonably usable equivalent may be agreed or ordered; any objection to form or reasonable retrievability must be stated under the applicable rules.

4. Requests 1–3 cover events from September 15, 2025 through August 28, 2026 only for definition 1(e); November 13, 2025 through August 28, 2026 only for definition 1(f); and December 30, 2025 through August 28, 2026 for definition 1(a)–(d). Earlier source messages may appear in events within the applicable period. These are processing-event periods, not enlarged content-date limits. Request 7 specifies the native messages and original request limits separately.

Request 5 retains its October 22–29 call-entry period; Request 6 retains its December 4–August 28 collection period. Request 4 concerns existing settings and notices governing these defined records, including retained copies or exports.

INSTRUCTIONS

- Produce responsive information as ordinarily kept or organize and label it by request. Identical records already supplied may be identified by exact production, path/filename or Bates identifier instead of duplicated, provided the identified copy remains available to Petitioner.
- For event and search/export data, preserve the nonprivileged fields maintained with responsive entries, including date/time, actor, operation, object/site/path, filename, query/job identifier, result count, status, correlation identifiers and AuditData or equivalent details where available. No field, event or audit function is presumed to exist merely because it is named here.
- Redact passwords, live sharing tokens, unrelated private identifiers and genuinely sensitive security values as appropriate. Preserve a consistent nonsecret identifier where needed to connect responsive entries. Seek protection for any specific unresolved confidentiality issue; do not expose unrelated private phone communications.
- This set reaches only material in the City's possession, custody or control under Rule 192.7(b), including material held by Bryan IT, another contractor or a temporary custodian that the City has a legal right to obtain. It does not assume such a right over every personal account, carrier or backup.
- Respond under Rule 196.2, including its diligent-search response where applicable. Ordinary export of existing retained information is requested; creating a new audit history, rerunning the underlying keyword searches, reconstructing deleted records or preparing a new forensic opinion is not required by this set.
- Assert specific objections and any privilege in compliance with Rules 193 and 196, and produce non-objected-to portions. TPIA exceptions do not alone create discovery privileges. No extraordinary retrieval or forensic examination is ordered without resolution under Rule 196.4.

REQUEST 1 IDENTIFIED FILE FOLDER AND LINK EVENTS

Produce existing Microsoft records sufficient to show creation, upload, modification, move, rename, copy, deletion/recycling, restoration, export/download, sharing, permission change and link creation, change, expiration, disablement or removal for the Microsoft Subject Locations and their responsive contents during the defined event period. Include recorded external-access events and existing file/version history sufficient to identify a disputed change. Exclude routine internal access unrelated to those events. Include available stable identifiers so an old link, later link, folder or file can be compared without disclosing live access tokens.

REQUEST 2 EXECUTED SEARCHES AND EXPORT RECORDS

Produce the actual saved/executed queries, including KeyQL text and maintained versions; selected sources/custodians and date conditions; search/job identifiers; run dates; status and estimate/result counts; export manifests/reports; omission, truncation or error records; and completion records for: **(a)** the January Moring and Walmart searches described in the August letters; **(b)** the identified August reruns or supplemental searches; **(c)** the regulatory-agency production searches; **(d)** the search/review underlying the August 28 DTRG folder; **(e)** the collection/search/export work assigned by Webster to Bryan September 15, 2025 concerning Juan Ramirez emails; and **(f)** the work on the November 13, 2025 police-record request forwarded November 14, including the December 2 "Emails for request" PDF delivery. Apply definition 4's separate event periods.

For **(e)** and **(f)**, include any retained export package or manifest and existing records of native extraction, conversion to PDF or print/scan, attachment handling and delivery. This does not assume Purview was used or a PST was created; any retained PST or other ordinary export is requested only to the extent it contains the identified responsive messages, with unrelated contents excluded.

For the January searches, include existing records showing whether either identified Webster-to-Bryan message was returned, exported, deduplicated, excluded or affected by an error:

1. September 15, 2025, Message-ID <CYYPR16MB55347C11FB8829547FD3C79DB715A @CYYPR16MB5534.namprd16.prod.outlook.com>; and,

2. November 14, 2025, Message-ID <CYYPR16MB553468C1FCCCA08DEB7F4C28B7CAA @CYYPR16MB5534.namprd16.prod.outlook.com>.

Both were later produced in the March 10 IT-documentation ZIP and are credited as received. They are comparison examples, not a representation of additional current omissions. No new comparison or rerun is demanded.

REQUEST 3 CITY AND BRYAN IT EXECUTION RECORDS

Produce existing tickets, task records, search/job submissions, completion messages and export-delivery transmittals sufficient to identify the person, date, system, query/job, selected sources and export delivered for Request 2's searches. Include execution records for the September 15 and November 14, 2025 Webster-to-Bryan assignments identified by Message-ID in Request 2, and records linked to Webster's January 12, 2026 message to Bryan assigning the Moring and Walmart requests, Message-ID <DS0PR16MB690209306F1F1C21C5A65DBDB781A @DS0PR16MB6902.namprd16.prod.outlook.com>.
The already-produced assignment messages need not be duplicated. This request does not seek all City–Bryan correspondence or privileged legal advice.

REQUEST 4 RETENTION AND AVAILABILITY RECORDS

If information responsive to Requests 1–3 or 5–7 is said to be unavailable or no longer retained, produce existing records sufficient to show the applicable retention, availability and backup settings or policies and any existing expiration, deletion, unavailability or export-failure notice for that information. For Microsoft records, include applicable audit licensing/retention records. For Request 7's emails, include retained availability or export-limitation records concerning the identified originals, existing headers and attachments. For phone records, limit this to settings or notices governing the responsive source or collection files within the City's control. Do not create a new technical explanation, inventory or deletion log.

REQUEST 5 RESPONSIVE BUHMAN CALL AND VOICEMAIL LOGS

Produce existing retained call-history and voicemail-log records responsive to the December 4, 2025 request concerning Walmart criminal-trespass case 25-17553: October 22, 2025 at 00:00 through October 29, 2025 at 23:59 Central Time, limited to communications involving Carrie Mahon or other Walmart contacts and John Beasley or other involved MPPD personnel about that matter. Include retained incoming, outgoing and missed-call entries and available date/time, direction, duration, contact label and associated record/source identifiers. Produce an ordinary export or reasonably usable electronic copy preserving those fields. Identical IMG_0486.PNG and IMG_0487.PNG copies may be identified rather than duplicated. This includes responsive retained information in an ordinarily accessible synchronized or backup source only within the City's control and subject to Rule 196.4; it does not authorize recovery of deleted information. Personal numbers and unrelated private information may be redacted consistently. Voicemail-log entries are sought, not unrelated voicemail content.

REQUEST 6 PHONE RECORD COLLECTION AND TRANSMISSION

Produce existing nonprivileged records sufficient to show the collection, selection, extraction and transmission of the information used for the December 17, 2025 two-call response and IMG_0486.PNG and IMG_0487.PNG, limited to collection/production events from December 4, 2025 through August 28, 2026. Include existing export reports, original-file metadata, source-identifying records, collection instructions and delivery messages. Include an existing audit/change record concerning the responsive call entries only if such a record is maintained. No new phone audit, forensic examination or reconstruction is demanded. Identify exact prior production of identical records, including the May correspondence in Attachment 2, instead of duplicating it.

REQUEST 7 IDENTIFIED NATIVE EMAIL COUNTERPARTS

Produce the following existing City-held native email records, to the extent not already supplied in the requested electronic form. Limit this request to the identified messages and separately retained messages actually reproduced or quoted in the specified productions; it does not seek every Juan Ramirez email or expand any pleaded TPIA request:

(a) Count I: the native counterparts of the distinct emails reproduced or quoted in the "Emails for request" PDF delivered December 2, 2025 in response to the November 13 request involving MPPD cases [redacted] and 25-17553. Apply that request's September 2–November 13, 2025 content period and its stated custodians, subject matter and terms. Include the retained parent messages, embedded messages and actual attachments responsive to that original scope. Identify already-produced native counterparts by their exact prior production and file location.

(b) Juan Ramirez/Walmart inspection chain: the August 23, 2025 Devin Wallace-to-Ramirez inquiry; the August 25 Ramirez-to-Wallace report transmittal and Wallace acknowledgment, subject "8-20 Inspection"; Ramirez's September 11 forward to Mari Anguiano, copying Webster and Ankrum, subject "Fw: Walmart 8-20 Inspection"; and Ramirez's September 15 forwards to Ankrum at the displayed times 7:57 and 7:58 a.m. The City supplied this chain in September paper/scanned materials and the February 25, 2026 "Email from Juan o Walmart.pdf." The separate "Code Enforcement Inspection.pdf" and DSHS-provided versions are credited. The remaining request concerns native messages, retained full headers and the actual parent/attachment relationships.

(c) September 16, 2025 chain, "Complaint Forwarded from USDA eCCF": Ankrum's 8:26 a.m. reply to Jaime Sepulveda, copying Ramirez; Sepulveda's 8:28 a.m. acknowledgment; Ankrum's 8:32 a.m. forward to Ramirez; Ramirez's 3:55 p.m. report transmittal to Sepulveda and Ankrum; and Sepulveda's 4:02 p.m. acknowledgment. These messages appear in the City's October 2 "Emails.pdf" and "Emails with DSHS.pdf." Credit the received complaint attachment, inspection report, record history and photographs. Produce the retained native messages and their actual attachment relationships, including the attachment identified as "Walmart Inspection 9-16-25.pdf," or identify its already-produced counterpart. The displayed times in (b) and (c) do not establish a time zone.

(d) September 17, 2025, displayed 9:54 a.m.: Mari Anguiano's reply to Ramirez, copying Webster and Ankrum, subject "RE: Walmart 8-20 Inspection." The DSHS-produced PDF is credited; the remaining request is for the City-held native counterpart and existing full headers. This is distinct from the 10:26 a.m. internal DSHS forward. Items (b)–(d) concern the identified 2025 Walmart communications within Count VI's January 1, 2024–December 29, 2025 period and the City–agency records within Count IX's May 1, 2025–search-date scope. Count V applies only where a particular record contains its requested terms.

For this request, produce retained MSG files, EML files preserving the same existing information, or another reasonably usable equivalent agreed or ordered under Rule 196.4. Preserve the readable message body, available sender/To/Cc/date/Message-ID and transport fields, and actual attachments or embedded messages with their maintained relationships. A PDF or quoted fragment is credited for the information it contains; it does not substitute for separately

retained requested electronic fields or attachments absent from that copy. Do not recreate missing metadata, invent a new message, or produce identical mailbox duplicates. Distinct retained forwards, replies, attachments or header content remain within scope. State specific objections to form, availability or privilege under the existing instructions.

PROPOSED RESPONSE AND PRODUCTION SCHEDULE

If the Court adopts the proposed schedule, Day 0 is service of this separately signed request set together with the signed order. Written responses and objections are due five business days after Day 0; non-objected-to responsive production is due seven business days after Day 0, with rolling production as available. Business days exclude Saturdays, Sundays and legal holidays. Ordinary deadlines remain applicable unless changed by enforceable agreement or court order. Production may be made securely to [redacted] or through an agreed electronic transfer. The parties may propose another workable schedule for court approval.

The proposed requests have not been certified as served through this attachment. A signed service copy and its actual service certificate will identify the service date and method.

Respectfully submitted,

_____

Kyle Douglas Moring
Petitioner, Pro Se
[redacted]

SERVICE CERTIFICATE FOR THE SEPARATE REQUEST SET

To be completed only on the separately served copy: I certify that on **[ACTUAL DISCOVERY SERVICE DATE]**, I served this signed request set and the signed order under Rule 21a by **[ACTUAL METHOD]** upon Austin R. Beck, Lea A. Ream and all required service contacts of record.

_____

Kyle Douglas Moring

From: Candias Webster
To: Kent Richardson; Austin Beck
Subject: RE: PIA Complaint - Kyle Moring
Date: Tuesday, May 12, 2026 7:25:00 AM
Attachments: IMG_0487.PNG
image001.png
image005.png
image013.png
image014.png
image015.png
image017.png
IMG_0486.PNG
image003.png
image006.png
image007.png

Kent,
Here are the documents from the phone.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4000
Cell: [redacted]
Fax: 903-577-1828

This document/description/text may have been generated by Microsoft Copilot and edited by me

ATTENTION OFFICIALS: A "Reply to All" on this e-mail or reply or forward to one other official could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIALITY NOTICE: This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from your computer.

From: Kent Richardson <Kent.Richardson@oag.texas.gov>
Sent: Friday, May 8, 2026 11:12 AM
To: Candias Webster <cwebster@mtpleasanttx.gov>; Austin Beck <abeck@dtrglaw.com>
Subject: RE: PIA Complaint - Kyle Moring

Report This Email

Candias,

I think I forgot to ask about the request below.

5. Mr. Moring complains that he didn't get the responsive documents in native (email, text message) format. Did he request this way? If so, can they be provided in that format instead print-outs of the messages?

Thank you.

Kent Richardson
Deputy Division Chief
Criminal Prosecutions Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 922-6124
(512) 397-1642 Fax
kent.richardson@oag.texas.gov

From: Candias Webster <cwebster@mtpleasanttx.gov>
Sent: Thursday, May 7, 2026 5:14 PM
To: Kent Richardson <Kent.Richardson@oag.texas.gov>; Austin Beck <abeck@dtrglaw.com>
Subject: RE: PIA Complaint - Kyle Moring

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4000
Cell: [redacted]
Fax: 903-577-1828

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From: Kent Richardson <Kent.Richardson@oag.texas.gov>
Sent: Thursday, May 7, 2026 4:32 PM
To: Candias Webster <cwebster@mtpleasanttx.gov>; Austin Beck <abeck@dtrglaw.com>
Subject: RE: PIA Complaint - Kyle Moring

Candias,

I have reviewed the spreadsheet responses, and I have a few follow-up questions. I will reference them based on the line number in the sheet.

2. You indicate that the records produced for this request have been submitted to the OAG. Does that mean a request for ruling was made for this request or does this mean all of the responsive documents have been released to him? No, he filed a complaint and I responded to the complaint. I attached the documentation in the file folder.

7. Mr. Moring noted that your previous response noted emails would be sent to the OAG for ruling. Is this correct or is he confusing requests? Were the emails not able to be produced in native format? All the information I had at the time was sent to Mr. Moring

8. Mr. Moring noted a specific complaint FS-473844. Can you confirm that the city doesn't have those records? I think you say this by saying that DSHS has records you don't have. We do not have record of that complaint

10. For this one, did the city transcribe the call log data instead of producing the actual records? I think the actual records need to be produced and redactions may be possible without a ruling if a qualifying exception applies. Otherwise, a ruling would need to be requested unless a prior ruling would apply in this situation. This was his personal cell phone and no he did not get screenshots. He was wanted metadata from his phone.

11. Mr. Moring notes that the wrong date range was applied to the produced records. Can you confirm that the range he requested was used? His date range was October 14, 2025 through October 23, 2025 (Central Time) and we gave him October 13 through November3

12. Cam you confirm that the other categories of information had no responsive records? The new 552.221(f) provision may require specific response of "no responsive records" for each item or category of records. That was all the information we have

From: **Candias Webster** cwebster@mpcity.org
Subject: RE: Public Information Request (Texas Gov't Code ch. 552) – City Email Platform, Retention, and Search/Export Capability
Date: March 10, 2026 at 4:48 PM
To: Kyle Moring [redacted]
Cc: Rob Vine rvine@mpcity.org, Austin Beck abeck@dtrglaw.com, Lea Ream lream@dtrglaw.com, Wesley Lyon wlyon@mpcity.org, Carl Hinton CHinton@mpcity.org, Debbie Corbell DCorbell@mpcity.org, Kelly Redfearn KRedfearn@mpcity.org, Melanie Knight melanie.knight@mpcity.org, Jonathan Hageman JHageman@mpcity.org, [redacted]

Good afternoon, Mr. Moring,

Please see the responses below and the link attached for all the information you requested.

Email Platform

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4000
Cell: [redacted]
Fax: 903-577-1828

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From: Kyle Moring [redacted]
Sent: Friday, February 27, 2026 1:38 PM
To: Candias Webster <cwebster@mpcity.org>
Cc: Rob Vine <rvine@mpcity.org>; Austin Beck <abeck@dtrglaw.com>; Lea Ream <lream@dtrglaw.com>; Wesley Lyon <wlyon@mpcity.org>; Carl Hinton <CHinton@mpcity.org>; Debbie Corbell <DCorbell@mpcity.org>; Kelly Redfearn <KRedfearn@mpcity.org>; Melanie Knight <melanie.knight@mpcity.org>; Jonathan Hageman <JHageman@mpcity.org>; [redacted]
Subject: Public Information Request (Texas Gov't Code ch. 552) – City Email Platform, Retention, and Search/Export Capability

Good afternoon,

Pursuant to the Texas Public Information Act (Texas Government Code, Chapter 552), I request access to and copies of existing public information maintained by the City of Mount Pleasant regarding the City's email platform and the City's capability to retain, search, and export email in response to public information requests.

To reduce cost and volume, for each category below you may produce "records sufficient to show" the requested information.

Time period:

- **Items 1–5:** January 01, 2024 through the date the City receives this request.
- **Item 6:** January 01, 2018 through present.

Requested records:

1. **Email platform in use (records sufficient to identify)** The City utilizes Microsoft 365 (Business/Enterprise) within Microsoft's North American data centers.

   a. The product/service name(s) and edition (e.g., Exchange Online/Microsoft 365, on-prem Exchange, Google Workspace, hosted Exchange).

   b. Whether the environment is cloud-hosted, on-premises, or hybrid.

   c. Any records sufficient to show the date of the most recent migration/transition affecting City email (if any) within the time period.

2. **Email retention/archiving** The City utilizes Microsoft 365's native data governance and "Litigation Hold" features to maintain email records in accordance with standard municipal retention schedules.

   a. The City's email retention policy/policies and applicable records retention schedule entries used for email.

   b. Any written procedures used to preserve mailboxes or place litigation holds (records sufficient to show), excluding sensitive security details.

3. **Search and export capability for TPIA/eDiscovery purposes (records sufficient to show)** E-discovery and TPIA searches are conducted utilizing the Microsoft Purview compliance suite. This allows for comprehensive searches across metadata and content. Responsive items are exported natively in .pst or .msg formats to ensure data integrity and preserve routing headers.

   a. Written procedures/SOPs/runbooks/checklists used by City staff or City IT (or its provider) to search for responsive email across one or more mailboxes for a TPIA response.

   b. Documentation identifying the tool(s) used to perform those searches (eDiscovery/compliance search/archive search), the searchable fields (sender/recipient, subject, date, keywords, attachments), and the available export formats (native/PST/MSG/EML, PDF, etc.).

   c. Any documentation describing search syntax/operators or query mechanisms used by the tool(s) (including any query language, API, reporting tool, or equivalent), if maintained.

4. **Administrative access/responsibility (records sufficient to show)** Bryan IT acts as the primary technical administrator for the City's Microsoft 365 tenant and executes complex mailbox searches at the City's direction

   Records sufficient to identify the City department or IT provider responsible for administering the email platform and performing mailbox searches/exports for TPIA responses, including any sections of an SOW describing those responsibilities.

5. **Vendor/IT support communications narrowly limited to search/export/retention (records sufficient to show)** **Please link attached**

   Records sufficient to show communications, tickets, or support notes (internal or with a vendor/managed service provider) specifically concerning: **(i)** ability to search across custodians, **(ii)** exporting/producing email for TPIA/litigation, **(iii)** retention/archiving settings, or **(iv)** any claim that production requires "print-to-scan."

6. **Contracts/procurement** **We have no record of this request**

   Executed contracts/SOWs and amendments/renewals for the City's email hosting and any separate archiving/eDiscovery/compliance search services used for email.

Clarification on third-party records: If responsive information is maintained by a managed service provider or other contractor for the City and the City owns the information or has a right of access to it, please retrieve and produce the responsive information maintained for the City.

Production format: Please provide records electronically (PDF for documents; native format where maintained when feasible) via email or download link. I am not requesting passwords, private keys, security tokens, or configuration details that would reasonably expose system vulnerabilities; please redact only protected portions and release the remainder.

If charges will exceed $40, please provide an itemized written estimate before work begins so I may narrow the request.

With gratitude,

Kyle Moring

[redacted]

From: Candias Webster
Subject: Request for records
Date: Mon, 12 Jan 2026 07:56:06 -0600
To: Seth Bryan <Seth.Bryan@bryanitcorp.com>
Attachments: Email: Texas Public Information Act Request - Search for “Kyle Moring / [redacted] / whistleblower / OSHA” (01/01/2024–12/29/2025); Email: Texas Public Information Act Request - Walmart-related email communications and keyword search (01/01/2024–12/29/2025)

Good morning,

Can you please gather this information for me?

From: Candias Webster
Subject: FW: TPIA Request - Communications & Records re Walmart Store #131, CT (10/22/2025), and MPPD Case [redacted]
Date: Fri, 14 Nov 2025 09:52:04 -0600
To: Seth Bryan <seth.bryan@bryanitcorp.com>

Good morning, Seth,

Here is another request. How long will it take to gather this information?

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4000
Cell: [redacted]
Fax: 903-577-1828

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From: Candias Webster
Subject: FW: TPIA Request — Inspector Authority, Training, and SOPs for Retail Food Establishment Inspections (Wal-Mart Bakery, Deli, Grocery)
Date: Mon, 15 Sep 2025 07:37:42 -0500
To: Seth Bryan <Seth.Bryan@bryanitcorp.com>

Good morning,

Can you please gather this information from Juan Ramirez's email?

1. **Correspondence (Email/Letters/Texts/IM)**

   * All correspondence to/from or about Juan Ramirez that references inspections, inspection authority, credentials (RS/SIT/CIT), FDA "Standard 2," or Wal Mart (2311 S Jefferson).

   * Please include email metadata (From/To/Subject/Date/Time) and bodies/attachments.

Thank you,
Candias Webster, TRMC, CMC
Assistant City Manager/ City Secretary
City of Mt. Pleasant
Office: 903-575-4154
Cell: [redacted]
Fax: 903-577-1828

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Prepared comparison aid with software and ChatGPT assistance; source sets, method and limits are identified. Hearing page E-013.

Two emails received in March

Prepared comparison aid - September 8, 2026
Software and ChatGPT assistance were used. This page is not a City record or an expert opinion.

What the preserved productions contain

City email	February 2 Moring ZIP	February 2 Walmart ZIP	March 10 IT ZIP
September 15, 2025 Webster to Bryan	Exact ID not found	Exact ID not found	Received
November 14, 2025 Webster to Bryan	Exact ID not found	Exact ID not found	Received

How the comparison was performed

The original Moring ZIP contains 362 MSG files; the original Walmart ZIP contains 19. Software checked their stored Message-ID fields, including embedded messages, against the two identifiers below. It also checked for those identifiers in plain-text body/header fields. No match or parsing error was reported.

Moring source: OneDrive_1_2-2-2026-Moring.zip
Walmart source: OneDrive_1_2-2-2026-Walmart.zip
The source register identifies the retained archives, file fingerprints and verification record. A separately named Walmart ZIP has identical bytes and is not a third independent production.

What this establishes and what remains open

Both messages were later supplied in March and are credited as received. Their absence by exact identifier from the February ZIPs does not establish that the original search missed them, that equivalent quoted text was absent, or that anyone withheld or deleted them.

The existing search and export records may explain where the City looked, what it found and how the results became the files delivered. This comparison does not reconstruct that process or count records still owed.

Exact comparison identifiers

September 15: <CYYPR16MB55347C11FB8829547FD3C79DB715A@CYYPR16MB5534.namprd16.prod.outlook.com>
November 14: <CYYPR16MB553468C1FCCCA08DEB7F4C28B7CAA@CYYPR16MB5534.namprd16.prod.outlook.com>

Source reading copies: E-012 and A-005. Related assignment: E-004; City platform response: E-005 through E-007; City search-date explanation: AA-003.

As you stated, "The visible query appears to join the participant-domain condition to the Walmart-term condition with AND, although the request contains two independent branches. The supplied statistics image also appears to concern the August 13 Moring-related search. Please advise whether both original F branches were separately searched and reconciled and whether all existing, nonduplicate responsive records have been produced."

The screenshot of the City's search-term builder does have an "AND" condition -- so the search shown would populate any of those phrases if it had a Walmart e-mail associated with it. (The screenshot previously supplied to you as Exhibit F-2 is the search from January 12, 2026; it does not differ in any material aspect from additional, subsequent search results.)

With this clarification, the City has no further response on this TPIA request and considers it closed.

Item 4:

Date of Request (Per August 11 conferral)	Petitioner's Exhibit G	Status of Responsive Documents
February 14, 2026	Communications Involving City Attorney Concerning Kyle Moring and Walmart (June 1, 2025-Present)	City provided some responsive documents March 10, 2026 Additional review of attorney-client privileged material is ongoing – August 25, 2026

As we stated in our August 25 letter, we identified 344 separate emails that are potentially responsive, and a privilege review was under way. You noted in your response that "[t]hat status has not been reconciled with your May 13 statement to Kent Richardson that more than 3,000 responsive pages had been identified, approximately one percent was privileged, identification and separation were complete, an Attorney General ruling request would be submitted that evening, and the remaining records would be released." You requested the anticipated completion date, whether any additional nonprivileged records would be produced before August 28, and any applicable Attorney General tracking number or previous determination relied upon for withholding. You stated that you do not seek "privileged substance."

While you state that you "do not seek privileged substance," the City Attorney's office nevertheless is ethically obligated to our clients to complete a review for attorney-client privilege. That said, we have completed the review in preparation for our hearing this week. While we believe that the vast majority of the documents have been supplied to you previously, we are providing them specifically in response to this request via email, alongside this letter.

With that submission, the City has no further response on this TPIA request and considers it closed.

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 119917234
Filing Code Description: Motion (No Fee)
Filing Description: Petitioner???s Motion for Limited Discovery, Preservation, and Deferral
Status as of 9/15/2026 11:36 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Austin R. Beck		abeck@dtrglaw.com	9/15/2026 10:49:56 AM	SENT
Lea A. Ream	16636750	lream@dtrglaw.com	9/15/2026 10:49:56 AM	SENT
Marla Dial		mdial@dtrglaw.com	9/15/2026 10:49:56 AM	SENT