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August 25, 2026

Mr. Kyle Moring
Petitioner, *pro se*
[redacted]

Sent Via Email: [redacted]

Re: **Cause No. 44437**
Follow-Up Matters Related to August 10 Hearing

Dear Mr. Moring,

As a follow-up to the August 10 hearing before Judge Parish, you provided us with three documents on August 11: 1) a "Focused Conferral Submission" related to your Exhibits C, E, F, G, and I (4 pages); 2) the "Complete Written Requests" referencing what you infer to be the original TPIA requests to the City, underlying Exhibits C, E, F, G, and I (10 pages); and 3) the "Proposed Search Protocols" you have suggested related to each of the five above-listed exhibits (13 pages).

First, we would like to thank you for your patience as we have studied the documents you provided. While the City has complied with the TPIA in responding to your TPIA requests, we have continued to address the concerns you have raised.

Second, we do not believe that your "conferral submissions" of August 11 align with the judge's order to submit a concise, enumerated list of documents that you contend the City has *refused* to provide in response to any of your TPIA requests. Nevertheless, we are continuing in good faith to work with you on the issues identified, and we are sharing with you the status and results of those efforts in hopes of narrowing the scope of the matters at issue before Judge Parish.

Please find our enumerated list and timelines below.

Item 1:

Date of Request *(Per August 11 conferral)*	**Petitioner's Exhibit C**	**Status of Responsive Documents**
December 4, 2025	Temporary Custodian Records (Police Chief Mark Buhman's personal phone call history) related to MPPD Case 25-17553 *(criminal trespass warning from Walmart issued to Petitioner)*	City provided responsive documents **November 3-13, 2025**

Timeline of Request at Issue:

- **October 22, 2025** – Petitioner received criminal trespass warning from Walmart Store #131 (MPPD Case 25-17553).

- **October 23** – Petitioner submitted an ORR to Mount Pleasant Police Department for records related to the above-listed case.

- **October 27** – Police Chief provided text messages between himself, Walmart supervisor Carrie Mahon and Sgt. John Beasley related to request for, and execution of, criminal trespass warning.

- **November 3** – Mount Pleasant Police Department provided its call-for-service log, vehicle-camera and body-camera footage for Sgt. Beasley and Officer Torres, and a copy of the October 22 criminal trespass warning to Petitioner. MPPD further advised that its radio recordings and screen shot images from Chief Buhman's cell phone would be placed a CD, with a charge of $1, and **the Department had no other responsive records**.

- **November 3** – Petitioner sent an "addendum" to his prior requests on this issue, seeking additional text messages, voicemails and emails, phone records and call logs from October 15-November 3, 2025, the CAD event file for the criminal trespass call, and any after-action/supervisory materials.

- **November 12** – Petitioner sent an additional request "to ensure a complete compliant production under Gov't Code ch. 552" concerning this request. MPPD requested City Attorney assistance with response.

- **November 13** – After verifying that no other identified officers had other contact with Walmart employees or Petitioner via text or email concerning the criminal trespass warning, City Attorney Austin Beck responded: "Mr. Moring: **All responsive information has been provided to you by the City regarding this request, and it is therefore closed."**

- **December 3** – Petitioner submitted a follow-up to his "supplemental clarification to my October 29, 2025 TPIA request," seeking an update on status.

- **December 4 –** Petitioner renewed TPIA request as shown per Exhibit C.

The responsive documents, other than radio recordings, that were provided to Petitioner in November 2025 are re-attached as **Exhibits C-2 and C-3** to this letter.

Item 2:

Date of Request *(Per August 11 conferral)*	**Petitioner's Exhibit E**	**Status of Responsive Documents**
December 30, 2025	Keyword search of City documents for "Kyle Moring/ [redacted] whistleblower / OSHA", January 1, 2024-December 29, 2025	City provided responsive documents **February 2, 2026** *Additional screenshots enclosed hereto*

Timeline of Request at Issue:

- **December 30, 2025** – Petitioner submitted PIA request for "existing public information maintained by the City of Mount Pleasant, Texas (including all departments) and the Mount Pleasant Police Department) for the date range January 1, 2024-December 30, 2025 (inclusive). The request sought documents containing identified keywords in the subject line, message body, and/or attachments):
  - "Kyle Moring", "Moring", "Kyle Morning", "Mr. Morning";
  - [redacted];
  - "whistleblower" and ("whistle blower, if searchable);
  - "OSHA" (and "Occupational Safety and Health Administration," if searchable.

- **January 13, 2026** – City custodians found 6,316 possible matches in 290 of the 910 electronic locations searched.

- **January 14, 2026** – A $99 cost estimate was generated and accepted by Petitioner.

- **February 2, 2026** – Responsive documents were provided via OneDrive link to Petitioner.

Screenshots of the search terms used, and resulting data logs are attached as **Exhibits E-3** and **E-4** to this letter. Screenshots of resulting data logs, including custodians of responsive records, are attached as **Exhibits E-2 and E-5** to this letter. The City has no further responsive documents to provide at this time.

Item 3:

Date of Request *(Per August 11 conferral)*	**Petitioner's Exhibit F**	**Status of Responsive Documents**
December 30, 2025	Keyword search of City documents for Walmart-related emails, based on domain names and specific keywords in the subject line, body and/or attachments - January 1, 2024-December 29, 2025	City provided responsive documents **February 2, 2026** *Additional screenshots enclosed hereto*

Timeline of Request at Issue:

- **December 30, 2025** - Petitioner submitted PIA request for "existing public information maintained by the City of Mount Pleasant, Texas (including all departments) and the Mount Pleasant Police Department (MPPD) for the date range January 1, 2024-December 29, 2025 (inclusive). The request sought documents containing identified keywords in the subject line, message body, and/or attachments:
  - @walmart.com;
  - @walm-mart.com;
  - Walmart Store #131;
  - Walmart Store 131;
  - Walmart #131;
  - Store #131 (when used in connection with Walmart);
  - "Wal-mart" / "Wal-Mart" / "Wal Mart"
  - "Walmart"
  - "Walmart Supercenter" / "Walmart Super Center"

- **January 13, 2026** – City custodians found 5,991 possible matches in 174 of the 984 electronic locations searched.

- **January 14** – A $54 cost estimate was generated and accepted by Petitioner. However, Petitioner also asked City to provide information about specific search queries used, where it searched, custodians, departments or email addresses searched, breakdowns of time spent, and information about who performed and/or supervised the search. The City Attorney determined that the City is not required to respond to such questions under ch. 552.

- **February 2** – Responsive documents were provided via OneDrive link to Petitioner.

Screenshots of the search terms used and resulting data logs are attached as **Exhibits F-2** and **F-3** to this letter. The City has no further responsive documents to provide at this time.

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*

Timeline of Request at Issue:

- **February 14, 2026** - Petitioner submitted PIA request for "communications involving City Attorney concerning Kyle Moring and Walmart" for the date range June 1, 2025 through "the date the City conducts its search." The request specified communications between City Attorney and staff with any City/MPPD official or employee, in which the stated search terms appeared in any written communications or attachments, as well as a request for "attorney fee bills and public fund payment records related to these matters."

- **March 3** – Petitioner sent a "Deadline Notice" reminder to City regarding this request.

- **March 6** – Petitioner sent a follow-up to his March 3 reminder, requesting a response by 5 p.m. on March 9. City Attorney Austin Beck replied to say that the City was still gathering responsive records, and anticipated a reply by the end of the week.

- **March 10** – City provided emails gathered relative to one aspect (non-privileged communications) of Petitioner's request.

- **March 16** – Responsive documents subject to attorney-client privileged sent to City Attorney offices for privilege review.

- **March 22** – Petitioner sent another follow-up to his requested, advised that a complaint had been filed with Office of the Attorney-General.

- **March 27** – Petitioner sent another follow-up, requesting response by close of business on March 30 and advising that he intended to supplement his complaint to the OAG.

- **April 7** – Petitioner following up on this request.

- **April 13** – Petitioner following up on this request.

At this time, the City has identified 344 separate emails that are potentially responsive to this request, and a privilege review is still under way by the City Attorney's office. While we believe the responsive information has been previously released, a second review has commenced that could result in minor additional production.

Item 5:

Date of Request *(Per August 11 conferral)*	**Petitioner's Exhibit I**	**Status of Responsive Documents**
February 8, 2026	Regulatory Agency Correspondence with City - May 1, 2025-Present	City provided rolling production of responsive documents **March 27, 2026** **April 1, 2026** **April 21, 2026**

<u>Timeline of Request at Issue</u>:

- **February 8, 2026** - Petitioner submitted PIA request for "all written or electronic correspondence, communications, records, and documents (including emails, letters, text messages, notices, reports, memoranda, and attachments) between any officer, employee, elected official, appointed official, department head, or agent of the City of Mount Pleasant ("City") and any state or federal regulatory, enforcement, or investigative agency, for the period from May 01, 2025 through the date the City conducts its search for responsive records." Specified agencies included:
    - U.S. Environmental Protection Agency (EPA), including EPA Region 6;
    - U.S. Occupational Safety and Health Administration (OSHA);
    - U.S. Department of Labor (DOL);
    - U.S. Department of Agriculture (USDA);
    - U.S. Food and Drug Administration (FDA);
    - Texas Commission on Environmental Quality (TCEQ), including the Environmental Crimes Unit;
    - Texas Department of State Health Services (DSHS);
    - Texas Department of Agriculture (TDA);
    - Office of the Texas Attorney General (OAG), including the Open Records Division;
    - Texas Department of Public Safety (DPS), including the Texas Rangers and Public Integrity Unit; and
    - All City departments, including but not limited to the City Manager's Office, City Attorney's Office, City Secretary's Office, Police Department, Fire Department, Public Works Department, Utilities Department, Wastewater Department, Code Enforcement, Building Inspections, Planning and Zoning, Finance Department, Human Resources, and "any other City department or division."

- **February 23** – City provided a $234 cost estimate. Petitioner accepted the charge, noting his right to challenge any amounts exceeding that number.
- **February 27** – Petitioner submitted questions about the City's estimated 13 hours of staff time associated with this request; specified additional request for a complete copy of the text query to be run (not a screenshot), other details.
- **March 17** – Petitioner sent a follow-up on this request; City Secretary responded to say that she was "still going through the over 12,000 emails that were populated from this search."
- **March 17** – Petitioner thanked City Secretary for response but noted several issues were still unresolved, including a request for "the date and hour when responsive information will be made available," among other subpoints raised.
- **March 23** – Petitioner sent follow-up correspondence, seeking confirmation that his payment for responsive records had been processed.
- **March 24** – City Secretary responded to note that City was still working through the emails generated by the requested search, and would provide a link with a large number of documents for Petitioner's review by the end of the week. A receipt for his payment was provided.
- **March 27** – Partial production provided to Petitioner via OneDrive link.
- **March 31** – Petitioner communicated dissatisfaction with first tranche of production, stating that it "appears materially overinclusive and likely incomplete." Revised parameters of request, seeking response by April 2.
- **April 1** – City provided additional rolling production responsive to original February 8 request.
- **April 7** – Petitioner sends follow-up on February 8 request and "materially overinclusive" responses, seeks anticipated date and hour of next production.
- **April 13** - Petitioner sends follow-up on February 8 request and "materially overinclusive" responses, seeks anticipated date and hour of next production.
- **April 21** – City provided third tranche of responsive documents via OneDrive link to Petitioner.

The City has not identified any other documents that are potentially responsive to this request. The OneDrive link containing the responsive documents remains available to you, without restrictions or an expiration date.

Although we understand you were dissatisfied by the volume of responsive documents and seemingly by the content of those documents, the City cannot assume the responsibility to filter the public documents deemed responsive to specified search parameters on behalf of any Requestor. We have deemed this request to be fully responded to and closed.

Additional Post-Hearing Correspondence
Finally, we are in receipt of the August 23 "Cross-Request Record-Family Reconciliation Schedule and Hearing Roadmap" that you provided in advance of filing your Third Supplemental Exhibit and Witness List.

While the "ask" of this document is not entirely clear – at least insofar as it concerns the City – we would assert that the reconciliation schedule and roadmap falls outside the scope of the Court's August 10 instructions. If, on the other hand, it is intended as some type of discovery request, please be advised that such procedures are not yet ripe at this stage of litigation. (We do understand that your pretrial witness and exhibit lists, along with their supplements, have been filed "out of an abundance of caution" and that a response is not expected at this time.)

We look forward to next steps in resolving this matter.

Very truly yours,

Austin R. Beck
FOR THE FIRM
ATTORNEYS FOR THE
CITY OF MOUNT PLEASANT, TEXAS