



OFFICE OF THE CITY ATTORNEY

February 26, 2025

MAYOR

Renard U. Johnson

Via PIA Electronic Filing System

CITY COUNCIL

District 1

Alejandra Chávez

Attorney General of Texas
Attn: Open Records Division, MC 014
Office of the Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

District 2

Dr. Josh Acevedo

RE: Open Records Decision Request
Jason M. Williams – Jason.williams@dot.gov
Lesley Engle – lesley.engle@kvia.com
Laura Bagwell – lmbagwell@sbgvtv.com
Bob Jacquemotte – Robertjacquemotte@yahoo.com
City Reference #: 25-TPIA-618

District 3

Deanna M. Rocha

District 4

Cynthia Boyar Trejo

District 5

Ivan Niño

District 6

Art Fierro

District 7

Lily Limón

District 8

Chris Canales

Dear Attorney General Paxton:

I am writing this letter pursuant to Chapter 552.301 of the Texas Government Code to seek your opinion concerning whether certain requested information is exempted from release.

On February 12, 2025, Jason Williams (W171760-021325) submitted a request for records for the following, enclosed as **Exhibit A**:

“...RE: Sun Metro Bus Fire - 2/11/2025 Please provide as much detail as you know. If you have the police/fire report and can provide it that would save me some time. Model Year: Make: New Flyer Model: XN60 VIN: Any known issues with the bus: Recent Maintenance: Possible cause of fire:”

Additionally, please be advised that the City since received additional requests for the same responsive information, which are all summarized below and enclosed as **Exhibit A**.

Internal City PIA ID No.	Name of Requestor	Date Received by the City
W171717-021325	Lesley Engle	2/13/2025
W171744-021325	Laura Bagwell	2/13/2025
W171745-021325	Laura Bagwell	2/13/2025
W171750-021325	Laura Bagwell	2/13/2025
W171959-021825	Lesley Engle	2/19/2025
W172341-022225	Bob Jacquemotte	2/22/2025

Karla M. Nieman – City Attorney

P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0033 /Facsimile: 915-212-0034/ www.elpasotexas.gov
25-TPIA-618/ Requestors, Multiple/ W171760, W171717, W171744, W171745, W171750, W171759, W172341/ EDR



DELIVERING EXCEPTIONAL SERVICES



OFFICE OF THE CITY ATTORNEY

While certain City of El Paso (“City”) departments operate twenty-four hours a day due to operational necessity, under City Policy, all departments are required to operate a minimum of Monday through Friday, 8:00 a.m. – 5:00 p.m. Open records requests for the City are processed through the Office of the City Attorney. Accordingly, City business hours and business days for purposes of calculating the deadlines specified in the Public Information Act are based on the Office of the City Attorney’s schedule, which has regular business hours Monday through Friday, 8:00 a.m. to 5:00 p.m. Subsequent to the date of receipt of the first request received, the following have been business days for the City of El Paso: February 13, 14, 17, 18, 19, 20, 21, 24, 25, and 26, 2025.

In the interest of administrative efficiency, and because any ruling issued by your office regarding the initial request may be relied upon to withhold or release responsive information in response to subsequent requests for all or part of the same responsive information that is at issue here, the City is submitting this correspondence to request a ruling for all pending TPIA requests relating the responsive information. If the City receives any additional requests for the information at issue here, such request(s) shall be submitted to your office to be considered alongside the requests submitted herein **Exhibit A** so that all such requests may be consolidated for the purposes of issuing a ruling regarding applicable TPIA exceptions.

At this time, Sun Metro is unable to retrieve some of the records due to the building damage sustained in the explosion and subsequent fire at issue in these requests. See **Exhibit B**. The City believes that the request for body worn camera video is improper as a subject is not provided as required by Art. 2B.0112 Release of Information Recorded by Body Worn Camera of the Texas Code of Criminal Procedure. Therefore, the City will not process that portion of the requests.

The City believes that the records enclosed as **Exhibit C**, which constitute a limited representative sample of responsive records must be withheld pursuant to the following sections of the Texas Government Code:

Texas Government Code Section §552.103(a) Litigation Exception:

The City respectfully submits that Section 552.103(a) is intended to prevent the use of the Public Information Act as a method of avoiding the rules of discovery used in litigation. As such, release of this information potentially would allow parties to circumvent the system in order to obtain the requested information thus avoiding the rules of discovery and discovery procedures. See Open Records Decision 551 (1990).

Section 552.103(a) excepts from public disclosure information relating to litigation of a civil or criminal nature to which the state or political subdivision is or may be a party or

Karla M. Nieman – City Attorney

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OFFICE OF THE CITY ATTORNEY

to which an officer or employee of the state or political subdivision, as a consequence of the person's office or employment, is or may be a party.

The City respectfully submits that the remaining information is exempt from disclosure at this time because (1) litigation is pending or reasonably anticipated, and (2) the information requested relates to that litigation. That litigation is pending is evidenced by the attached **Exhibit D**, a law firm's Request for Preservation of Evidence letter that has been sent to multiple City departments. The City has already received several such letters.

The information requested relates to the anticipated litigation since all the submitted information arises from the incident which is the subject of the pending litigation.

Texas Government Code Section §552.108(a)(1) & (b)(1) Certain Law Enforcement, Corrections, and Prosecutorial Information:

The case the requested records are from is currently pending investigation with the El Paso Fire Department, El Paso Police Department, and Sun Metro Department. The City submits that the records attached as **Exhibit C** are part of an ongoing investigation and should be exempt from disclosure pursuant to Section 552.108(a)(1) and (b)(1) of the Government Code because the release of the information would interfere with the detection, investigation and/or prosecution of a crime.

Texas Government Code Section §552.101. Exception: Confidential Information

The City submits some of the information requested is protected by a statutory grant of confidentiality, a judicial grant of confidentiality, a common-law right of privacy, and/or a constitutional right of privacy and therefore, is exempt from release pursuant to Section 552.101 of the Government Code. Tex. Gov't Code Ann. § 552.1010.

Texas Government Code Section §552.1085 Confidentiality of Sensitive Crime Scene Image:

Section 552.1085 makes sensitive crime scene images in the custody of a governmental body confidential, regardless of the date the images were taken or recorded. Recently the Texas Supreme Court reaffirmed that sensitive crime scene images are confidential and may not be disclosed. *Univ. of Tex. at Austin v. GateHouse Media Tex. Holdings II Inc.*, 68 Tex. Sup. Ct. J. 277 (2024).

Karla M. Nieman – City Attorney

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25-TPIA-618/ Requestors, Multiple/ W171760, W171717, W171744, W171745, W171750, W171759, W172341/ EDR



OFFICE OF THE CITY ATTORNEY

Thank you for your time and consideration of our request. If you have any questions, or if I can provide you with anything further, please let me know.

Sincerely,

Evan Reed

Evan Reed
Senior Assistant City Attorney

EDR:jsl

Enclosures

cc: Jason M. Williams, Lesley Engle, Laura Bagwell Bob Jacquemotte, w/o
Exhibits

Karla M. Nieman – City Attorney

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25-TPIA-618/ Requestors, Multiple/ W171760, W171717, W171744, W171745, W171750, W171759, W172341/ EDR



OFFICE OF THE CITY ATTORNEY

February 26, 2025

MAYOR

Renard U. Johnson

Jason M. Williams – Jason.williams@dot.gov

Lesley Engle – lesley.engle@kvia.com

Laura Bagwell – lmbagwell@sbgvtv.com

Bob Jacquemotte – Robertjacquemotte@yahoo.com

CITY COUNCIL

District 1

Alejandra Chávez

RE: Request for Records – ORR#s W171760, W171717, W171744, W171745, W171750, W171759, W172341

District 2

Dr. Josh Acevedo

Dear Mr. Williams, Ms. Engle, Ms. Bagwell, and Mr. Jacquemotte:

District 3

Deanna M. Rocha

Enclosed is a copy of the City's submission to the Attorney General about your open records request. The City asserts that the remaining information specified in the submission should be withheld from disclosure based on the law explained in the submission. The Attorney General will advise you of his decision.

District 4

Cynthia Boyar Trejo

District 5

Ivan Niño

Sincerely,

District 6

Art Fierro

District 7

Lily Limón

Evan Reed
Senior Assistant City Attorney

District 8

Chris Canales

EDR:jsl

CITY MANAGER

Dionne Mack

Enclosure

cc: Opinion Committee
Office of the Attorney General

Karla M. Nieman – City Attorney

P.O. Box 1890/ El Paso, Texas 79950-1890 /915-212-0033 /Facsimile: 915-212-0034/ www.elpasotexas.gov
25-TPIA-618/ Requestors, Multiple/ W171760, W171717, W171744, W171745, W171750, W171759, W172341/ EDR



DELIVERING EXCEPTIONAL SERVICES

EXHIBIT A

25-TPIA-618

Reference No	Create Date	Customer Full Name	Summary
W171760-021325	2/12/2025 8:00	Mr. Jason M. Williams	RE: Sun Metro Bus Fire - 2/11/2025 Please provide as much detail as you know. If you have the police/fire report and can provide it that would save me some time. Model Year: Make: New Flyer Model: XN60 VIN: Any known issues with the bus: Recent Maintenance: Possible cause of fire:
W171717-021325	2/13/2025 10:38	Ms. Lesley Engle	Good Morning: Please consider this request by ABC-7 under the Texas Public Records/Open Government Laws (and the Federal Freedom of Information Act, if applicable): We are seeking public records – written, electronic or otherwise, pertaining to what has been described by city officials as an explosion at the Sun Metro Operations Center. It happened on Tuesday, February 11, 2025. Officials say the explosion resulted in a fire at the bus center—located at 10151 Montana Ave. near Wedgewood Drive. Specifically, we're looking for any and all police body-camera footage; and any and all surveillance footage taken by surveillance cameras at the Sun Metro Operations Center. The timeframe would be between 12:50 p.m. to 1:15 p.m. Please call if you have any questions or concerns. Thanks for all your help.
W171744-021325	2/13/2025 13:25	Laura Bagwell	I am requesting the full and complete incident report for the Sun Metro explosion that happened at the Sun Metro Transit Operations Center at 10151 Montana Avenue on Tuesday, February 11, 2025 around 1:06 PM.
W171745-021325	2/13/2025 13:28	Laura Bagwell	I am requesting the full and complete employee history for Ruben Ibarra and German Garcia who work/worked at the Sun Metro Transit Center located at 10151 Montana Avenue. Both men were at the location on Tuesday, February 11, 2025 around 1:06 PM when there was an explosion.
W171750-021325	2/13/2025 14:01	Laura Bagwell	I am requesting the last two years of inspections for Sun Metro's Internal Safety Inspection of the maintenance bay that was holding a bus prior to an explosion. The explosion happened at the Sun Metro Transit Operations Center at 10151 Montana Avenue on Tuesday, February 11, 2025 around 1:06 PM
W171959-021825	2/19/2025 8:00	Ms. Lesley Engle	Please consider this request under Texas Public Records/Open Government Laws (and the Federal Freedom of Information Act, if applicable): We would like a copy of any and all records –written or electronic --pertaining to what has been described by city officials as an explosion at the Sun Metro Operations Center. It happened on Tuesday, February 11, 2025. Officials say the explosion resulted in a fire at the bus center—located at 10151 Montana Ave. near Wedgewood Drive. Specifically, we're looking for any and all fire and police reports pertaining to this explosion and fire at the bus center. We would also like all the names and titles of city employees who were injured in this incident. If you have any questions about this request, please contact me. Lesley Engle Content Manager Phone: 915-496-1760 Email: lesley.engle@kvia.com 4140 Rio Bravo El Paso, TX 79902 http://www.kvia.com
W172341-022225	2/22/2025 12:30	Mr. Bob Jacquemotte	What type of vehicle was involved in the recent fire at Sun Metro? Was it propelled by diesel or natural gas? How old is the vehicle? When did El Paso take delivery of the vehicle?



Sun Metro

MAYOR

Renard U. Johnson

MEMORANDUM

Date: February 21, 2025

CITY COUNCIL

District 1

Alejandra Chávez

District 2

Dr. Josh Acevedo

District 3

Deanna M. Rocha

District 4

Cynthia Boyar Trejo

District 5

Ivan Niño

District 6

Art Fierro

District 7

Lily Limón

District 8

Chris Canales

To: City of El Paso Open Records Request Coordinator

From: Jerry DeMuro, Deputy Transit Officer *Jerry DeMuro*

RE: Open Records Request W171750-021325

Sun Metro is in receipt of the above referenced records request for *“the last two years of inspections for Sun Metro's Internal Safety Inspection of the maintenance bay that was holding a bus prior to an explosion. The explosion happened at the Sun Metro Transit Operations Center at 10151 Montana Avenue on Tuesday, February 11, 2025 around 1:06 PM”*

At this time Sun Metro, because of building damage sustained in the explosion and subsequent fire, is unable to retrieve requested records for the lift in question. Entry to the part of the building where the records are stored is restricted by order of the City's Chief Building Inspector. Examples of reports for recent inspections of nearby lifts are attached.

Once the area of the building where the records are stored is accessible, Sun Metro will provide requested records. Note, the condition of said records is unknow at this time.

CITY MANAGER

Dionne Mack

Anthony DeKeyzer, LSSBB, TSSP-Bus/Rail Director of Mass Transit

Sun Metro | 10151 Montana Ave | El Paso, TX 79925

O: (915) 212-3306 | Email: DeKeyzerAR@elpasotexas.gov





February 22, 2025

REQUEST FOR PRESERVATION OF EVIDENCE

VIA FEDERAL EXPRESS & EMAIL

El Paso Fire Department
416 N. Stanton, 2nd Floor
El Paso, Texas 79912

City of El Paso
El Paso City Hall
300 N. Campbell
El Paso, Texas 79901

Office of the Mayor
P.O. Box 1890
El Paso, Texas, 79950

RE: Victor A. Ramirez
Date of Incident: 02/11/2025
Location: Sun Metro Operations Center
10151 Montana Avenue
El Paso, Texas 79925

To Whom It May Concern:

My name is Maxey Scherr, I am an attorney with the Scherr Law Firm. My firm has been retained by Victor Ramirez involved in the explosion at the Sun Metro Operations Center in El Paso, Texas that occurred on February 11, 2025. The incident site and the evidence contained therein are crucial to the forthcoming litigation regarding this incident and my clients' injuries. It is our understanding, based on press releases, that the El Paso Fire Department and the City of El Paso are conducting the preliminary investigation of this matter including the investigation into the fire's cause and origin.

The purpose of this letter is to formally demand and request the preservation of the incident scene and the evidence contained therein in its post-incident condition. We also respectfully request that the following evidence and information from your investigation be preserved:

Correspondence to EPFD & City of El Paso
Re: Victor Ramirez
February 22, 2025
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- Any and all handwritten documents/records/notes;
- Written documents/records/notes;
- Electronic documents/records/notes;
- Digital documents/records/notes;
- Audio documents/records/notes;
- Cloud based documents/records/notes;
- Electronic mail threads;
- Recorded voicemail files;
- Still photographs;
- Videotapes;
- Drone footage/still images;
- Digital recordings;
- Digital images;
- Surveillance/security camera imagery;
- Point cloud data/images;
- Audio recordings and magnetic recordings;
- Digital recordings;
- Sketches, drawings, diagrams and plots;
- Survey data/plots;
- 3D scan data/plots;
- LIDAR scan data/plots;
- Matterport scan data/plots;
- Physical evidence inventory/chain of custody records;
- Incident/investigative reports;
- Executive summaries;
- Memorandums;
- Interagency agreements;
- Telephone logs/recordings, both external and internal;
- Radio/communication logs/recordings, both external and internal;
- Press releases; and

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Correspondence to EPFD & City of El Paso
Re: Victor Ramirez
February 22, 2025
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- All other tangible media related to and concerning the occurrence of, the emergency response to, and the subsequent investigation and analysis of the hostile fire incident which occurred on or about February 11, 2025 at the Sun Metro Operations Center in El Paso, TX.

Under no circumstance should the incident scene or any relevant materials be destroyed, discarded or tampered with without proper controls for the preservation of such evidence.

We also respectfully request 90-days' notice if any transfers or destruction of evidence from the scene of the incident or to the scene of the incident are to be made, so that we can take necessary measures to appropriately secure and document the evidence. If at any point, you determine it necessary to dispose or transfer evidence from the scene, please notify our office immediately so that we may make arrangements for the storage and preservation of the evidence.

This letter will serve as notice to preserve the above referenced evidence.

We have retained fire investigator Michael J. Schulz, M.S., to assist in our investigation of this hostile fire incident. We respectfully request that you advise us of the necessary steps for Mr. Schulz to gain access to the incident scene to commence a visual, non-intrusive and non-destructive examination of both the incident scene and physical evidence located there or associated with the same. Attached hereto is Mr. Schulz's own access request letter and a copy of his CV detailing his qualifications in fire investigation.

Thank you for your cooperation. If you have any questions, feel free to give me a call at 995-881-4111 or contact me by email at mscherr@scherrlawfirm.com.

Sincerely,

/s/ Maxey M. Scherr
MAXEY M. SCHERR

MMS/bs
Encl. (as stated)
cc: Victor A. Ramirez

M.J. Schulz & Associates, Inc.
Forensic Fire and Explosion Incident Analysis

February 22, 2025

VIA FEDERAL EXPRESS

El Paso Fire Department
416 N. Stanton, 2nd Floor
El Paso, TX 79912

City of El Paso
El Paso City Hall
300 N. Campbell
El Paso, Texas 79901

RE: Incident Scene Access Request, Sun Metro Operations Center Explosion

Greetings:

I have been retained as a consulting expert by a number of different interested parties to assist in the investigation of this fire incident and in anticipation of any civil litigation that may ensue following the occurrence of this incident. Obviously, access to the incident scene is of paramount importance to facilitate the discharge of my legal duties in that regard.

Understanding that the El Paso Fire Department is the primary investigating authority of the hostile explosion incident, please accept this correspondence as my request to gain access to the incident scene to commence a visual, non-intrusive and non-destructive examination of both the incident scene and physical evidence located there or associated with the same.

Thank you for your anticipated cooperation in this request.

Sincerely,



Michael J. Schulz, M.S.
Principal
Fire and Explosion Investigator and Analyst



February 18, 2025

RECEIVED

FEB 26 2025

CITY ATTORNEY

Office of the Mayor
P.O. Box 1890
El Paso, Texas 79950

Via email: claims@elpasotexas.gov
Re: Victor Ramirez
DOI: 02/11/2025
Location: Sun Metro Transit Operations Center
10151 Montana Ave.
El Paso, Texas 79925

Dear Sir/Madam:

Under the Freedom of Information Act 5 U.S.C., 552, we request the documents described herein as maintained by the City of El Paso concerning the above referenced matter.

Our firm has been retained to represent Victor Ramirez, who was seriously injured as a result of the explosion on February 11, 2025. Please accept this letter as notice that we request all evidence involved in the above-mentioned accident remain unchanged and maintained for inspection of counsel.

We are also putting you on notice of a potential claim and of your companies' and agents' obligations to preserve all evidence relating to the explosion in an unaltered and pristine condition. We ask that you do not remove, move or in any way alter any physical evidence unless we are first notified and agree to a protocol for non-destructive inspection or examination.

If evidence is changed, altered, or destroyed, it will be our intention to move for sanctions and assert spoliation claims in this civil action. Pursuant to our investigation into this matter, certain physical items and routine records should be retained by your company in anticipation of possible litigation into this matter.

Our investigation indicates certain documents are routinely maintained in accordance with State and Federal regulations and in the routine course of the business of work. As of the date of the writing of this letter, your company is within the routine and required minimum retention period for those records. You are herein notified of the possibility of litigation in this matter and notice of our request for retention of these records pursuant to the legal discovery process. Failure to maintain these records pursuant to our reasonable request as well as routine record retention common to your course of business will be assumed to be an effort to suppress, secrete or destroy relevant items which may be of issue in this case.

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Correspondence to City of El Paso
Re: Victor Ramirez
February 18, 2025
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Items of specific interest include, but are not limited to:

1. Equipment information in work zone:
 - a. Any warning signs, signals, or markings related to the work zone at the specified location.
 - b. Detailed measurements and specifications of the work zone, including make, model, year, specifications, dimensions, barriers, and any other relevant details.
2. Location:
 - a. Information on the layout and designation of items in the work zone.
 - b. Any special considerations, such as lane closures or deviations from standard configurations.
3. Documentation of the Explosion Scene:
 - a. Photographs of the explosion scene, including but not limited to conditions, signage, and any visible damage.
 - b. Copies of emails, texts, witness statements, or other written communications related to the incident.
 - c. Audio recordings or transcripts of any relevant communications or discussions related to the incident.
 - d. Visual recordings, such as CCTV footage or dashcam footage, capturing the area within 72 hours of the explosion.
4. Permit and work orders for the job in question.
5. Contract between The City of El Paso and/or any other contractors, sub-contractors, equipment providers, mechanics, and maintenance providers for the job in question.
6. Certificate of insurance, bonds, financial statements of the general contractor/sub-contractor for the job in question.
7. All reports, daily logs and records for the job in question within 72 hours of the explosion.

We are Authorized by our client and hereby demand to inspect all evidence relevant to this incident including but not limited to:

1. The actual GPS, dashcam, camera, telematics, monitoring, and any other electronic devices in or on the equipment, including the bust, lift and any other relevant parts at the time of the explosion and all data on those storage devices from 60 days preceding the explosion through 7 days thereafter (e.g. SIM card, hard drives, etc.).

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Correspondence to City of El Paso
Re: Victor Ramirez
February 18, 2025
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2. All photographs, images, videos, media, data, electronically stored information, records, and other recordings (jointly "Data"), wherever stored, relating to the subject explosion, equipment including the bus, lift and any other relevant parts generated or recorded from 60 days preceding the explosion through 7 days thereafter through electronic control modules, event data recorders, telematics, monitoring devices, safety devices, tracking devices, and third party platforms. This request includes, without limitation, Data regarding equipment including the bus, lift and any other relevant parts and maintenance.
3. Any images, videos, scans, diagrams, examinations, measurements, testing, communications, reports, downloads, and any other record or Data related in any way to the explosion, the equipment involved therein including the bus, lift and any other relevant parts, any property damage potentially caused by the explosion, and any investigation related thereto, by your company, attorneys, agents or third parties.
4. Any leases, contracts or agreements covering the equipment involved in this explosion including the bus, lift and any other relevant parts.
5. Any electronic messages, text messages, e-mails, letters, memos, or other documents concerning this explosion.
6. Any other documents or information relevant to the explosion including the equipment, bus, lift and any other relevant parts, or the explosion itself.
7. All statements, cell phone recordings including data and texts, not limited to but including physical device.
8. Maintenance logs for the day of the explosion, and the six month period preceding the explosion, together with all materials required by Federal Regulations. We require you to put any vendor which stores or audits this information on notice of the need to preserve this data.
9. The equipment, including the bus, lift and any other relevant parts involved in this explosion.
10. Work Orders for any repairs being performed on the day of the explosion and the thirty (30) day period preceding the explosion.
11. Any permits or other applicable permits or licenses covering the equipment including the bus, lift and any other relevant parts on the day of the explosion.
12. The entire personnel, discipline, and training files of the employees on duty on the day of the explosion.

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Correspondence to City of El Paso
Re: Victor Ramirez
February 18, 2025
Page 4

13. All letters, reports, and written material from a government entity involving safety, and safety ratings for the company to include, but not be limited to, Department of Transportation audits by the state or federal government, the Federal Motor Carrier Safety Administration, or material generated on your company. The request is limited to one (1) year prior to the explosion and any subsequent document, report, letter, or other material (to include electronically transmitted information) that includes the date of the explosion or the employees on duty on the day of the explosion.
14. All existing vehicle inspection reports for the equipment including the bus, lift and any other relevant parts involved in the above explosion, to include all existing daily inspection reports for the equipment including the bus, lift and any other relevant parts involved in this explosion.
15. All existing maintenance, inspection and repair records or work orders on the equipment including the bus, lift and any other relevant parts involved in the above explosion.
16. All annual inspection reports for the equipment including the bus, lift and any other relevant parts involved in the above explosion, covering the date of the explosion.
17. Photographs, video, computer generated media, or other recordings of the interior and exterior of the equipment including the bus, lift and any other relevant parts involved in this explosion, the explosion scene, the occurrence, or relating to any equipment or things originally located at or near the site of the occurrence.
18. Any lease contracts or agreements covering equipment including the bus, lift and any other relevant parts involved in this explosion.
19. Any interchange agreements regarding the equipment including the bus, lift and any other relevant parts involved in this explosion.
20. Any computer data from the equipment including the bus, lift and any other relevant parts to include but not be limited to: any data and printout from on-board recording devices, including but not limited to the ECM (electronic control module), any on-board computer, tachograph, trip monitor, trip recorder, trip master, or other recording or tracking device for the day of the explosion and the six (6) month period preceding the explosion for the equipment involved in the explosion.
21. Any post-explosion maintenance, inspection, or repair records or invoices in regard to the equipment including the bus, lift and any other relevant parts involved in the above explosion.

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Correspondence to City of El Paso

Re: Victor Ramirez

February 18, 2025

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22. Any complaints, errors, problems, reports, dispatch records, or records regarding the equipment including the bus, lift and any other relevant parts involved in this explosion for the day of the explosion and the thirty (30) day period preceding this explosion.
23. Any e-mails, electronic messages, letters, memos, or other documents concerning this explosion.
24. All maintenance manuals, guidelines, rules or regulations, safety messages, safety and training materials for the safe maintenance of the equipment including the bus, lift and any other relevant parts given to mechanics such as the one involved in this explosion.
25. Any reports, memos, notes, logs or other documents evidencing complaints about the equipment including the bus, lift and any other relevant parts in the above explosion at any time.
26. Any and all communications via CB radio, mobile or satellite communication systems, email, cellular phone, pager or other in cab communication device to include the bills for the devices for the day before, the day of, and the two days after the explosion.
27. Any and all computer, electronic, or e-mail messages created in the first forty-eight hours immediately after the incident, by and between the City of El Paso and any agents or third parties relating to the facts, circumstances, or actual investigation of the incident as well as any computer messages which relate to this particular incident, whether generated or received.
28. Any other items associated in any way with the explosion, documents, database, or other piece of evidence concerning or reflecting upon the explosion, equipment including the bus, lift and any other relevant parts.
29. All correspondence and documents regarding any safety issue for the equipment including the bus, lift and any other relevant parts to include but not be limited to the initiation, investigation and final conclusion.
30. All correspondence and documents regarding any safety issue for the company to include but not be limited to the initiation, investigation and final conclusion of:
 - (1) any off-site investigation,
 - (2) any on-site investigation,
 - (3) any cooperative safety plan,
 - (4) any notice of violation,
 - (5) any notice of claim/settlement agreement,

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25-TPIA-618

Correspondence to City of El Paso
Re: Victor Ramirez
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- (6) any document that stated the company was unfit, and
 - (7) any document that the company was to be subjected to targeted inspections.
31. All logs of activity (both in paper and electronic formats) on computer systems and networks that have or may have been used to process or store electronic data containing information about or related to safety and safety policies, the explosion, witnesses to the explosion, the plaintiff(s), the facts of the explosion, preventability determinations, equipment including the bus, lift and any other relevant parts.

This request to preserve evidence includes at a minimum, but is not limited to, the items listed above, and requires you obtain the items and prevent them from being modified, altered, repaired, edited, destroyed, purged, or changed in any manner until this claim and any related litigation is completed. For items maintained by your agents, vendors, or third parties that you are unable to obtain, you are required to sufficiently and diligently notify them that they are to save and preserve these items as demanded herein. This request applies to the company and to any individuals or entities with the original item or copies thereof. Please make sure a copy of this letter is sent to all persons and departments with custody or control of any document, equipment, or item referenced herein, including without limitation, any and all local offices, branches or vendors, attorneys, investigators, and retained experts.

Failure to comply with our request for preservation and inspection will prejudice our ability to prove and pursue certain legal claims arising from the crash and give rise to spoliation of evidence claims. If you cannot store the documents, information or equipment, please let me know and we will make arrangements to do so, even at our expense if necessary. If you fail to properly secure and preserve these important pieces of evidence, it will give rise to the legal presumption that the evidence would have been harmful to your defense of the case and other potential sanctions.

Please provide any dash cam or other video of the explosion itself, the explosion scene or the equipment including the bus, lift and any other relevant parts involved on the day of the explosion. ***Accordingly, please contact my office to arrange for a mutually convenient time for the examination of the subject of the afore-mentioned items and information.*** If the subject equipment, including the bus, lift and any other relevant parts is not under your control, please provide information as to its last known whereabouts, and take all reasonable measures to ensure its preservation. If necessary, we will reimburse your costs for reproducing the requested information.

EXHIBIT D
25-TPIA-618

Correspondence to City of El Paso
Re: Victor Ramirez
February 18, 2025
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We agree to pay reasonable and necessary copy charges. In the event the cost exceeds \$100 please contact me for preauthorization. In view of the seriousness of this case we respectfully request your immediate attention and assistance, which will be sincerely appreciated. If there will be a long delay in the production of these documents, please contact us.

Very truly yours,

/s/ Maxey M. Scherr
MAXEY M. SCHERR

cc: Client