

DOBBS &PORTER

PLLC

3311 WOODS BOULEVARD • TYLER, TEXAS 75707

DAVID E. DOBBS
david@dobbsporterlaw.com

GREGORY S. PORTER*
greg@dobbsporterlaw.com

DEBORAH TITTLE-DOBBS
dtittle@dobbsporterlaw.com

P: (903) 600-4878 • F: (903) 595-1999 • www.dobbsporterlaw.com

*Board Certified
Personal Injury Trial Law
Texas Board of Legal Specialization

RECEIVED

October 4, 2022

OCT 11 2022

VIA EMAIL & CMRRR: 7019 1640 0001 2371 5832

City Attorney – Deborah Pullum dpullum@tylertexas.com
City of Tyler
212 N. Bonner
Tyler, Texas 75702

CITY ATTORNEY'S OFFICE
City of Tyler

Dear Deborah:

I represent Justin Gregut regarding significant injuries he sustained in a fall on playground equipment at Bergfeld Park earlier this year. I am aware of the Recreational Use Statute and its application to the Texas Tort Claims Act. The City of Tyler is not a target of this claim. However, it appears that the construction of the area adjacent to the slide from the 2015 renovations of the park created a dangerous condition.

Please accept this letter as an open records request pursuant to the Texas Open Records Act or any other Freedom of Information provision applicable to a municipal government. We respectfully request the disclosure of the following.

- a. all RFQ's, contracts, bids or other documentation regarding the renovation of Bergfeld Park which included the construction of the playground equipment depicted in the attached photographs,
- b. any documentation of plans or specifications submitted by the City of Tyler to any general or subcontractor regarding the construction of said playground,
- c. any documentation of plans or specifications submitted to the City of Tyler by a general or subcontractor regarding the construction of said playground

- d. all payment requests and payments made for the phase of construction which includes the playground equipment deposited in the attached photographs,
- e. any communication between any representative of the City of Tyler and any employee or representative of a general or subcontractor related to the construction of the playground equipment depicted in the attached photographs,
- f. a copy of the Master plan for the Bergfeld Park improvement project,
- g. a copy of any plans, sketches, or diagrams presented to the Tyler City Council by Stephanie Rollings or any other employee of the City of Tyler in open court or executive session when discussing the Bergfeld Park improvement project,
- h. any inspection reports, photographs, or progress reports created during the construction of the playground equipment depicted in the attached photographs,
- i. any communication between any employee of the City of Tyler and City Councilman or Mayor of the City of Tyler regarding the following:
 - 1. the awarding of the contact for the playground construction;
 - 2. the construction progress of the playground construction;
 - 3. the plans and specifications for the playground construction;
 - 4. any issues or concerns regarding the playground construction; and
 - 5. any complaints with the final result of the playground construction.
- j. any communication between any employee of the City of Tyler or City Councilman or representative of the City of Tyler and any general or subcontractor responsible for the playground construction regarding the topics listed in paragraph (i) above,
- k. any records of any kind relative to any incidents or injuries sustained at the playground after the playground reopened in 2015.
- l. any requests for repairs or modifications or records of repairs or modifications to the playground equipment after the playground reopened in 2015,
- m. any records of investigation into Justin Gregut's fall which occurred on April 30, 2022,
- n. any contract, bid, plans or specifications communication, or payments to Capps-Capco Construction Inc. for the construction of the playground improvements.

October 4, 2022

Page 3 of 3

We are willing to satisfy any reasonable construction precedent to the release of this information. Thank you as always for your professional assistance.

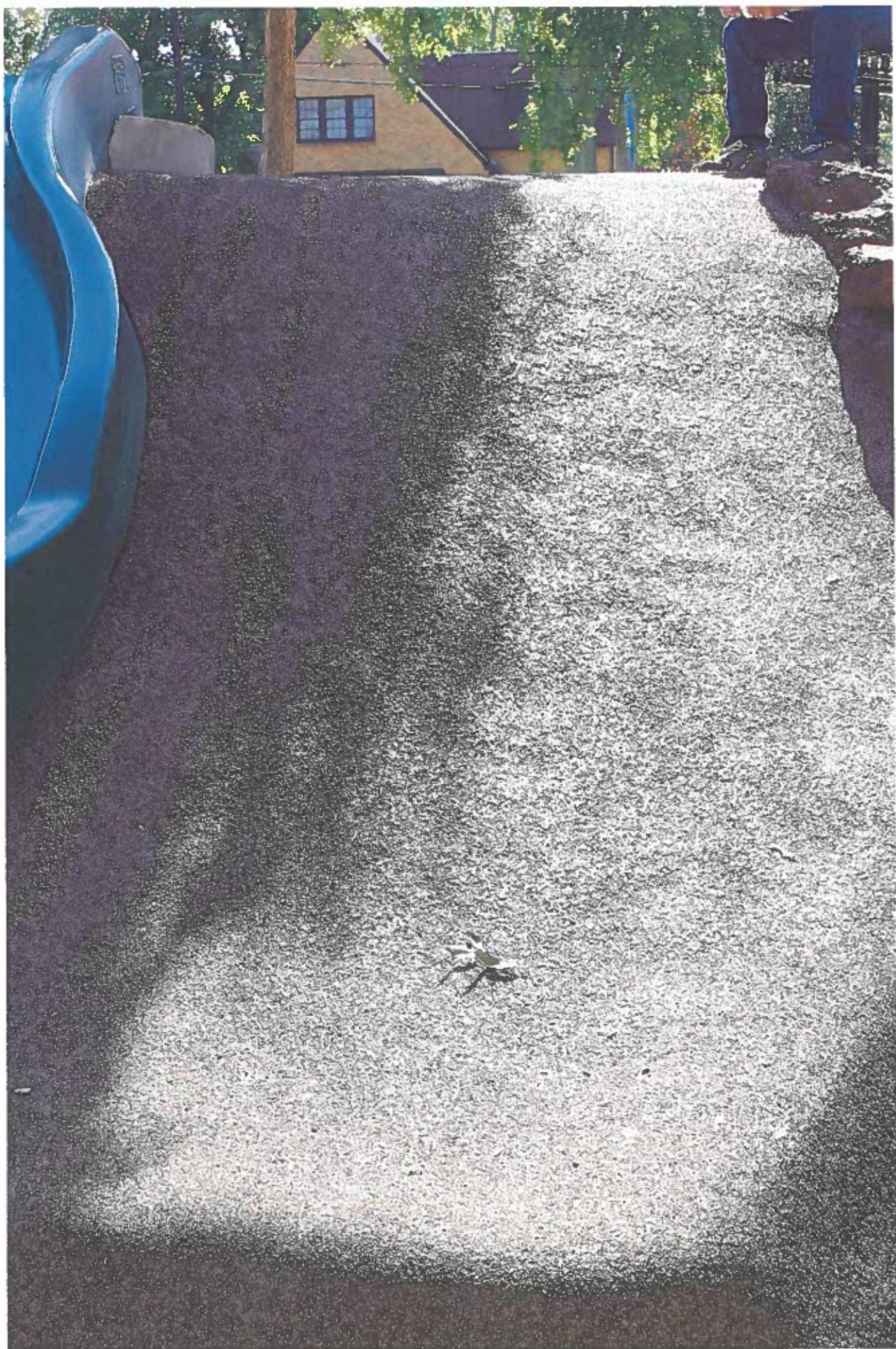
Sincerely,



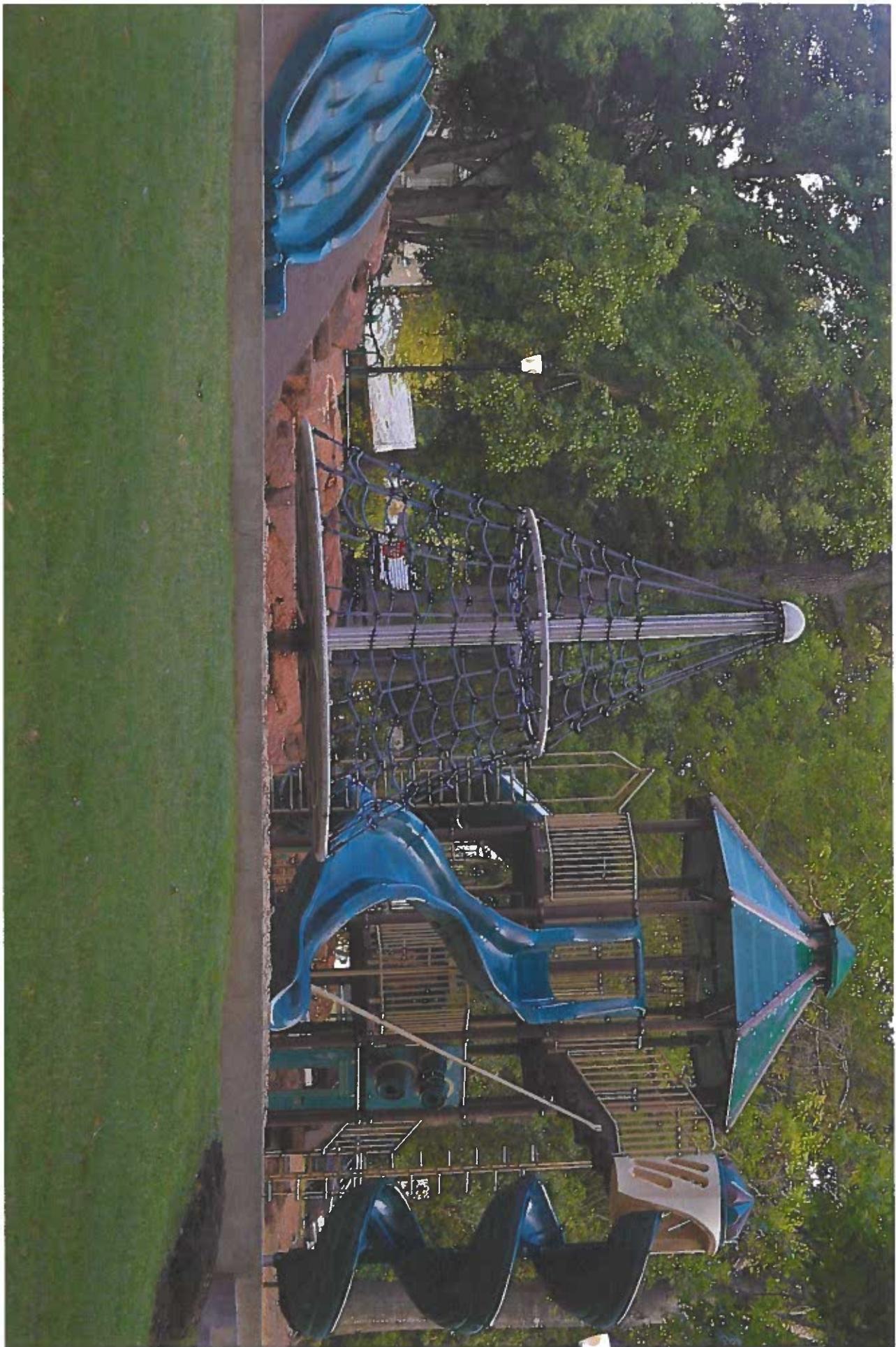
David E. Dobbs
DOBBS & PORTER PLLC

DED/ma

cc: Keith Dollahite, Esq.







2019 1940 0001 2371 5832



FIRST GLASS



ZIP 75707

US POSTAGE

DOBBS
& PORTER
PRINTERS

"Experience You Can Trust."

3311 WOODS BLVD, TYLER, TX 75707

City Attorney – Deborah Pullum
City of Tyler
212 N. Bonner
Tyler, Texas 75702

212 N. Bonner
Tyler, Texas 75702