

**DKT (215)**



**MOTION FOR JOINDER OF PERSON NEEDED FOR  
JUST ADJUDICATION**

**FILED ON: 06/24/2024**

**FEE: \$0.00**

**FILER/REQUESTOR: CHARLES DUSTIN MYERS**

FILED  
TARRANT COUNTY  
6/24/2024 12:00 AM  
THOMAS A. WILDER  
DISTRICT CLERK

NO. 322-744263-23

IN THE 322<sup>ND</sup> DISTRICT COURT OF TARRANT  
COUNTY, TEXAS

**Morgan Michelle Myers,**

Petitioner,

v.

**Charles Dustin Myers,**

Respondent

MOTION FOR JOINDER OF  
PERSONS NEEDED FOR JUST  
ADJUDICATION

2024-06-23

TO THE HONORABLE JUDGE OF SAID COURT:

Respondent Charles Dustin Myers files this motion to designate responsible third parties pursuant to Rule 39(a)(1) of the *Texas Rules of Civil Procedure* and in support thereof, would respectfully show the Court the following:

**I. PARTIES**

1. Petitioner: Morgan Michelle Myers, residing at [REDACTED]

[REDACTED].

2. Respondent: Charles Dustin Myers, residing at [REDACTED]  
[REDACTED]

## II. DESIGNATED THIRD PARTIES

3. Pursuant to *Tex. R. Civ. P. § 39(c)*, Respondent names the following additional parties:

- a. Daniel Kenneth Branthoover , whose last known address is [REDACTED]  
[REDACTED]

- b. Margie Evonne Wilson, who resides at [REDACTED]  
[REDACTED].

- c. The parties above have not yet been joined into this suit due to all important issues related being ruled on prematurely prior to any evidentiary hearing, which didn't occur until March 14<sup>th</sup>, 2024, nearly three months after the divorce was filed by the Petitioner – and where a court record was not provided as mandated by *Tex. Fam. Code § 105.003*. (A record shall be made as in civil cases generally unless waived by the parties with the consent of the court). Respondent also has an un-answered no-evidence summary judgement that is a reiteration of the claims made herein, which was judicially acknowledged on March 14<sup>th</sup>, 2024, over 90 days ago by Judge Kaitcer.

<sup>1</sup> Respondent was ordered to vacate his residency and place of business on January 16<sup>th</sup>, 2024, by District Judge James Munford, on January 22<sup>nd</sup>, 2024, by Associate Judge Jeffrey Kaitcer, and was locked out by the Petitioner on March 6<sup>th</sup>, 2024.

- d. The above-mentioned cause is currently pending on appeal in the Supreme Court of Texas regarding the interlocutory orders rendered on March 26<sup>th</sup>, 2024. Pursuant to the *Texas Family Code*, this court has the ability on its' own motion after notice and hearing to grant temporary orders for the preservation of property during the appeal. *Id* § 6.709.

### III. FACTS

4. On December 13<sup>th</sup>, 2023, Morgan Michelle Myers opened up a bank account in her own name.
5. On the evening of December 13<sup>th</sup>, 2023, Morgan Michelle Myers had a meeting with Margie Evonne Wilson at her residency at approximately 9:55PM where they had a four-hour long private discussion relating to divorce matters.
6. On December 14<sup>th</sup>, 2023, Morgan Michelle Myers requested an ex-parte temporary order of protection from this Court, which was denied.
7. On December 15<sup>th</sup>, 2023, Charles Dustin Myers was contacted by Daniel Kenneth Branthoover, now Morgan's stepfather, where he stated his intention to "help with the divorce" and that it would be "a good move" to allow Morgan Michelle Myers and the Children to visit his residency in Yukon, Oklahoma over the weekend of December 15<sup>th</sup>, 2023.

8. Immediately following this phone call, Mr. Branthoover advised Morgan to withdraw all of the available joint finances into her own personal account that she had just opened on December 13<sup>th</sup>, 2023, which amounted to \$1,576.
9. Respondent timely requested that the money be put back after discovering the joint bank account was overdrawn \$-800 on December 16<sup>th</sup>, 2023, at approximately 3:54P.M., stating that the money was needed for bills and the Children's Christmas gifts.
10. At 8:23 P.M. CST on December 16<sup>th</sup>, 2023, Mr. Branthoover replied stating that the money was hers, and that he would be helping Morgan file the divorce paperwork while she and the Children were at his residency that weekend.
11. On December 17<sup>th</sup>, 2023, at approximately 11:00 A.M. CST, Margie Evonne Wilson served Charles with an eviction notice by hand delivery, where the grounds for eviction were cited as follows:
  - a. Divorce
  - b. Protective order filed.
  - c. He must leave. Her and the Children may stay.
12. On the evening of December 17<sup>th</sup>, 2023, Morgan returned to the family home with a can of pepper spray indicating a narrative for protection. She also acquired a second phone, given to her by Daniel Branthoover while visiting his residency.
13. On December 18<sup>th</sup>, 2023, Morgan filed for divorce.

14. On December 19<sup>th</sup>, 2023, Charles was contacted once again by Mr. Branthoover, who claimed to be Morgan's legal representative, and instructed Charles to not contact 'his client' regarding the divorce suit.
15. On December 22<sup>nd</sup>, 2023, Morgan filed for a standard order of protection.
16. On December 27<sup>th</sup>, 2023, Charles was served with the Original Petition for Divorce, and the Eviction.
17. On December 28<sup>th</sup>, 2023, Charles was served the Original Petition for divorce.
18. Between the dates of December 29<sup>th</sup>, 2023, and January 16<sup>th</sup>, 2024, the Respondent cohabitated with the Petitioner, where the Children were left in the Respondent's care while she worked her part-time job, which preserved the status quo of the minor children of this case.
19. At the show cause hearing on January 16<sup>th</sup>, 2024, despite denying the initial emergency protective order sought on December 14<sup>th</sup>, 2023, Judge James Munford, on his own motion, consolidated the case with the divorce and granted a continuance despite ordering the Respondent out of his residency, business, and Children's lives, and despite the Respondent filing the same two motions prior to the hearing which were not taken into consideration.

20. This constitutional violation from the onset of the case combined with the fraudulent nature of the Petitioner's pleadings, and the conspiratorial and malicious intent fueling them has left the Respondent without any legal justification for the decisions rendered in this case, and the children have been left with a parent who is unable to provide for them emotionally, financially, and as evidence will show – has introduced chaos into their lives.
21. On June 2<sup>nd</sup>, 2024, the Respondent was contacted by Margie Evonne Wilson who raised concerns about the children, Morgan's behavior, and stated she "could not afford for them to live there much longer due to no rent being paid."
22. On June 20<sup>th</sup>, 2024, Respondent reached out to Daniel Branthoover after receiving a friend request from him on social media, expressing concern over the detrimental impact of Daniel's actions on the welfare of the minor children involved in this case. Respondent explained how Daniel's actions had directly undermined the financial and emotional stability of the children, both currently and in the foreseeable future. In response, Daniel attempted to justify his behavior and further revealed his malicious intent by stating that he had been "thoroughly enjoying" seeing the Respondent's attempts for relief being denied.
23. During the pendency of the case - Morgan Michelle Myers has moved additional family members into the family residence, has

introduced a new male figure into the children's lives on an ongoing basis, works less hours than when the orders were rendered, and has left the children in the sole custody of the male individual on at least one occasion.

#### IV. LEGAL BASIS FOR DESIGNATION

24. Pursuant to Rule 39(a)(1) of the *Texas Rules of Civil Procedure*, “[a] person who is subject to service of process shall be joined as a party in the action if in [their] absence complete relief cannot be accorded among those already parties...” *Id.* The Respondent and the marital estate have been undergoing substantial and ongoing harm due to the collective actions of Morgan, Mr. Branthoover, and Margie, and the best interests of the children have been disregarded entirely due to the deceptive nature of her pleadings.<sup>2</sup> Their addition to the case is necessary so this court will have jurisdiction for the relief being sought by the Respondent.

25. Morgan Michelle Myers, Daniel Kenneth Branthoover, and Margie Evonne Wilson acted in concert with malicious intent with the common goal of removing the Respondent from the family residence by filling a fraudulent divorce petition, protective order,

<sup>2</sup> Attached hereto is the Respondent's income which has significantly dropped and is continuously dropping without a stable residency to perform his normal occupation which the Children in this case, Margie Evonne Wilson, and Morgan Michelle Myers all rely on.



and eviction notice during the weekend of December 15<sup>th</sup>, 2023, to create a false narrative of protection to present to this Court.

26. Despite raising the exact facts mentioned above in the first two pleadings submitted to this court, which were the answer to the protective order, and the motion to consolidate, which have been attached hereto for the court's convenience, they were ignored outright in the initial determinations on January 16<sup>th</sup>, 2024.

27. Due to Daniel's involvement and the fraudulent nature of the Original Petition for Divorce – no hearing regarding custody determinations should have been held until *Tex. Fam. Code* § 6.405(b) were to be satisfied, which requires:

(b) The petitioner shall attach to the petition a copy of each order described by Subsection (a)(1) in which a party to the suit or the child of a party to the suit was the applicant or victim of the conduct alleged in the application or order and the other party was the respondent or defendant of an action regarding the conduct alleged in the application or order without regard to the date of the order. If a copy of the order is not available at the time of filing, the petition **must state** that a copy of the order will be filed with the court before any hearing. – *Id* (emphasis added)

Despite this statutory requirement, two hearings were held which resulted in Charles' unjust removal from his home, his business, and Children's lives. Despite invoking this rule at the March 14<sup>th</sup>, 2024 hearing – it was sustained on objection for relevance – with no court reporter to make an effective appeal.

28. Due to the fatal procedural errors committed in this case, the fraudulent nature that they were filed, the third party influence, the malicious intent behind them, the ongoing damage caused, the lack of discovery, and the disregard for the best interests of the children,

this Court has an obligation to re-visit the merits of this case by enjoining the above named parties into the suit so that the facts can be before this court for the first time in nearly seven months of litigation.

## V. CIVIL CONSPIRACY AND FRAUD

29. To prove civil conspiracy, the plaintiff must show the following elements: (1) two or more persons; (2) an object to be accomplished; (3) a meeting of the minds on the object to be accomplished; (4) one or more unlawful, overt acts; and (5) damages as the proximate result. *Triplex Communications, Inc. d/b/a Radio Station KZZB-95 FM v. Riley*, 900 S.W.2d 716, 719 (Tex.1995); *Massey v. Armco Steel Co.*, 652 S.W.2d 932, 934 (Tex.1983); *Bernstein v. Portland Sav. & Loan Ass'n.*, 850 S.W.2d 694, 706 (Tex.App.--Corpus Christi 1993, writ denied). Respondent asserts that the record proves civil conspiracy on its' face as text evidence and other relevant materials have already been submitted with the clerk of this Court, but nonetheless will be shown to the clear and convincing standard of evidence following discovery.

## VI. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

30. A party claiming intentional infliction of emotional distress must prove:

(1) the defendant acted intentionally or recklessly; (2) the defendant's conduct was extreme and outrageous; (3) the conduct caused the claimant emotional distress; and (4) the emotional distress was severe. *Tiller v. McLure*, 121 S.W.3d 709, 713 (Tex. 2003) (per curiam); *Twyman v. Twyman*, 855 S.W.2d 619, 621 (Tex. 1993).

All four elements of this cause of action have been satisfied here.

The actions by each named party herein resulted in the loss of the Respondent's custodial rights, business, and property interests, and were initiated the weekend before Christmas void any legal basis for doing so. Respondent asserts that any reasonable finder of fact would conclude that the actions taken by the named parties are "so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized society." *Hoffman-La Roche, Inc. v. Zeltwanger*, 144 S.W.3d 438, 445 (Tex. 2004); *see also Creditwatch, Inc. v. Jackson*, 157 S.W.3d 814, 817-18 (Tex. 2005).

## VII. CRIMINAL CONDUCT

31. The admitted actions of Daniel Kenneth Branthoover and Morgan Michelle Myers have violated criminal statutes under Texas law and have undermined this State's interest in protecting the best interests of the Children by deceiving this Court. The specific criminal violations include:

- a. Daniel Kenneth Branthoover has impersonated a public servant by presenting himself as an attorney and performed legal acts without a license such as requesting discovery, advising Morgan Michelle Myers to transfer the available funds in the marital estate to herself, directly influenced the pleadings in this case, and has caused significant and ongoing harm on the Children and the Respondent in this case. “A person commits an offense if they impersonate a public servant with intent to induce another to submit to their pretended official authority or to rely on their pretended official acts. This offense is a felony of the third degree.”

*Texas Penal Code* § 37.11.

- b. Morgan Michelle Myers knowingly and willingly filed fraudulent divorce paperwork under the advice of Daniel Branthoover “with intent to deceive and with knowledge of the statement's meaning” when claiming an active order of protection existed against the Respondent for the purpose of acquiring property as well as when filing for a protective order to achieve the same goal. *Texas Penal Code* § 32.32(b). The goal was to gain an advantage in the divorce suit by leveraging knowingly false statements of family violence and by creating a false narrative of protection. An affidavit of inability to pay was claimed despite both Daniel and Morgan

admitting via text evidence that Morgan had transferred money to herself just three days prior on December 15<sup>th</sup>, 2024.

- c. Both Morgan Michelle Myers and Daniel Kenneth Branthoover knowingly and willingly committed acts of perjury. The perjury occurred when they conspired to transfer joint finances to Morgan through Daniel's PayPal account and immediately following this act proceeded to file for divorce swearing an affidavit of inability to pay costs and that an active order of protection existed against the Respondent. This affidavit was made under oath with the intent to deceive the court regarding her financial status, a clear violation of Texas Penal Code § 37.02(a)(1).

## VIII. CONCLUSION

32. The actions taken by Morgan Michelle Myers and Daniel Kenneth Branthoover are not only legally reprehensible but also morally indefensible. Their calculated scheme to remove the Respondent, a dedicated stay-at-home father, from the lives of his children has caused significant disruption. By conspiring to fraudulently transfer joint finances, filing a deceitful affidavit of inability to pay costs, and manipulating legal processes through perjury and impersonation, they have engaged in a toxic and egregious civil

conspiracy, committed fraud, and destabilized the lives of the minor children of this case for the sole benefit of Morgan Michelle Myers.

33. The Respondent has been the primary caregiver for his children, providing them with emotional support and stability. The deliberate efforts of Morgan and Daniel to sever this vital relationship have disrupted the children's lives, depriving them of the love and care they rely on, and the financial support they have enjoyed. This malicious intent to manipulate the court and inflict harm on Charles and his children cannot continue to be overlooked.
34. While Margie Evonne Wilson's actions contributed to the harm caused, it is important to acknowledge that the Respondent does not believe her intent was driven by malice. The Respondent believes Margie was manipulated and placed in a difficult position by Morgan. Her inclusion into the case is necessary for the relief being sought regarding the preservation of the property and has expressed shared concerns regarding the Children.
35. Given the severity of these actions, it is imperative that this Court take decisive action. The Respondent respectfully requests that the Court grant the relief sought, enjoin the responsible third parties, and if deemed necessary - forward the information regarding the criminal violations to the appropriate state prosecutors for further investigation regarding Daniel Branthoover's actions. The well-

being of the children and the integrity of the legal system demand nothing less.

36. While Morgan Michelle Myers has committed criminal offenses in this State, the Respondent would request this court not pursue criminal charges against her as it would not serve the best interests of the Children.

37. Despite Daniel Branthoover's residency residing in Oklahoma, this court can exercise jurisdiction over him due to his direct involvement and sufficient contacts with the State regarding his influence and the damages caused by that influence.

## **XI. PRAYER AND RELIEF**

29. Respondent requests the following relief:

1. Grant a temporary restraining order preventing Daniel Kenneth Branthoover from being in the presence of the Respondent's children while the case is pending.
2. Require by order of this court that Daniel Kenneth Branthoover pay monetary damages, which includes hotel bills, gas expenses to exercise visitation, tolls, business income losses, and the fraudulent transfer of marital assets.
3. Grant the Respondent a temporary injunction for the preservation of the property while this case is pending to preserve the status quo for the Children.

4. Require by order of this court that Morgan Michelle Myers pay all of Respondent's attorney's fees incurred from the retainment of Daniel Bacalis, amounting to \$3,000.
5. Issue a temporary restraining order against Margie Evonne Wilson to prevent any further harassment and to preserve the status quo of the Children during the pendency of the transitionary period for no less than eight months by continuing to provide a stable living environment for the Children in this case.
6. Require that Morgan Michelle Myers, Daniel Branthoover, and Margie Evonne Wilson complete the *Children in the Middle* parenting course.<sup>3</sup>
7. By order of this court - require that a monthly status report be provided by Charles Dustin Myers, Morgan Michelle Myers, and Margie Evonne Wilson on behalf of the Children during the transitionary period.
8. Grant a trial by jury on the merits of this case in lieu of any findings of fact.

WHEREFORE PREMISES CONSIDERED, Respondent prays that this Court grant the relief requested herein and such other and further relief to which Respondent may be justly entitled.

<sup>3</sup> Morgan Michelle Myers was already previously ordered by this court to complete this course by May 1<sup>st</sup>, 2024, which she failed to do.



Respectfully submitted,

/s/ Charles Dustin Myers

Charles Dustin Myers

[REDACTED]

[Chuckdustin12@gmail.com](mailto:Chuckdustin12@gmail.com)

817-507-6562

Certificate of Service

I certify that a true copy of this document was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on June 23<sup>rd</sup>, 2024:

Morgan Michelle Myers by electronic filing manager at

[morganmw02@gmail.com](mailto:morganmw02@gmail.com).

Cooper L. Carter by electronic filing manager at

[coopercarter@majadmin.com](mailto:coopercarter@majadmin.com).

/s/ Charles Dustin Myers

Charles Dustin Myers

[REDACTED]

[.com](#)

817-507-6562

## UNSWORN DECLARATION

My name is Charles Dustin Myers, my

date of birth is [REDACTED] and my address is

[REDACTED], United States.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, State of Texas, on the 23rd day of June, 2024.

Certificate of Conference

Respondent certifies that an attempt to confer with Cooper L. Carter,  
counsel for the Petitioner, regarding the merits of this motion was made on  
06/19/2024. No response was provided by Ms. Carter.

Respectfully submitted,

/s/ Charles Dustin Myers

Charles Dustin Myers

A black rectangular redaction box covering the signature of Charles Dustin Myers.

Chuckdustin12@gmail.com

817-507-6562

TAB 3 - INCOME LOSS SINCE CASE INITIATION

Month	Gross revenue	Payment fee	Platform fee	App store fee	Your earnings
Jun 2024 In progress	\$2,066.25 ~	-\$91.81 ~	-\$185.33	\$0.00	\$1,809.11
May 2024	\$2,136.97 ~	-\$95.48 ~	-\$171.00	\$0.00	\$1,870.49
Apr 2024	\$2,213.41 ~	-\$99.84 ~	-\$177.09	\$0.00	\$1,936.48
Mar 2024	\$2,483.65 ~	-\$111.51 ~	-\$196.74	\$0.00	\$2,173.60
Feb 2024	\$2,793.68 ~	-\$126.26 ~	-\$223.54	\$0.00	\$2,443.88
Jan 2024	\$2,873.59 ~	-\$129.59 ~	-\$229.98	\$0.00	\$2,514.10
Dec 2023	\$2,786.15 ~	-\$124.10 ~	-\$222.89	\$0.00	\$2,439.26

Past 6 months

Paid members

Last updated at 8:47 AM

Active members

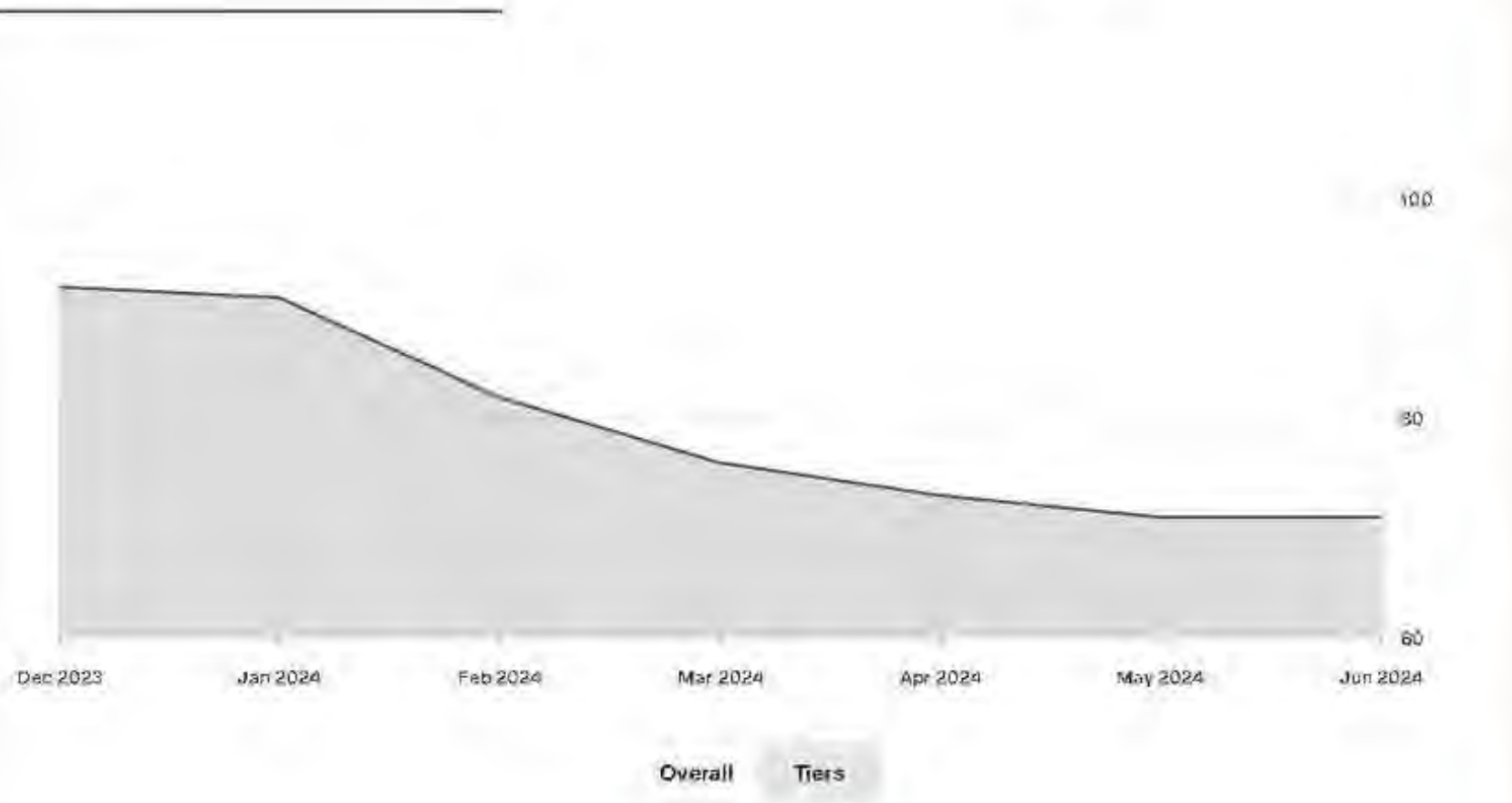
71

New

1

Cancelled

23



M.1096		⊕	Estimated revenue		Watch Page ads		Estimated monetized playbacks		M.1096	
Date				↓					Playbacks	CPM
September			\$2,224.10	11.3%		\$300.57	17.4%	42,467	16.8%	\$12.87
August			\$2,070.37	10.5%		\$124.56	7.2%	19,079	7.5%	\$11.87
October			\$1,868.99	9.5%		\$108.02	6.3%	18,543	7.3%	\$10.59
November			\$1,766.99	9.0%		\$126.51	7.3%	17,644	7.0%	\$13.04
December			\$1,643.24	8.3%		\$135.29	7.9%	18,939	7.5%	\$12.99
January			\$1,434.77	7.3%		\$110.01	6.4%	19,329	7.6%	\$10.35
February			\$1,359.78	6.9%		\$84.99	4.9%	13,825	5.5%	\$11.18
March			\$1,282.94	6.5%		\$84.85	4.9%	12,870	5.1%	\$11.99
May			\$1,279.54	6.5%		\$196.11	11.4%	28,382	11.2%	\$12.56
M.1096			\$1,164.80	5.9%		\$87.17	5.1%	13,064	5.2%	\$10.96
June (ongoing)			\$1,095.42	5.6%		\$209.72	12.2%	25,706	10.2%	\$14.82

**Automated Certificate of eService**

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Filing Description: MOTION FOR JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION

Status as of 6/24/2024 11:31 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	6/23/2024 12:14:04 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	6/23/2024 12:14:04 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	6/23/2024 12:14:04 PM	SENT