

DKT (76)



REQUIRED INITIAL DISCLOSURES

FILED ON: 03/04/2024

FEE: \$0.00

FILER/REQUESTOR: CHARLES DUSTIN MYERS

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY
STATE OF TEXAS

Morgan Michelle Myers,

Cause No. 322-744263-23

Petitioner,

v.

Charles Dustin Myers,

Respondent

**RESPONDENT'S REQUIRED INITIAL
DISCLOSURES**

March 4, 2024

Required Initial Disclosures

Charles Dustin Myers, Respondent, Pro Se, provides the attached initial disclosures required under Rule 194 in regard to the upcoming hearing scheduled for March 14th, 2024.

Charles Dustin Myers
Pro Se
CHUCKDUSTIN12@GMAIL.COM
[REDACTED]
817-507-6562

1. The correct names of the parties to this lawsuit.
 - a. **Petitioner** – Morgan Michelle Myers
 - b. **Respondent** – Charles Dustin Myers
2. The legal theories and, in general, the factual bases of the claims or defenses of Respondent:

- a. The Petitioner's Original Petition for Divorce did not meet statutory requirements, as the Petitioner claimed to have an active order of protection against the Respondent and failed to attach a copy to the Petition when filed and did not provide a copy to the court before any hearing was conducted, a requirement set forth in *Texas Family Code Sec. 6.405(b)*.
- b. Despite the foregoing error, the court still ordered the Respondent out of his home on January 16th, 2024, without proper notice and hearing, which not only violated the Respondent's constitutional rights, but furthermore failed to meet the statutory requirement set forth in the *Texas Family Code Sec. 6.502(a)* which states "*after notice and hearing, the court may render an appropriate order, including the granting of a temporary injunction for the preservation of the property and protection of the parties as deemed necessary and equitable*". No hearing was conducted, and no evidence was heard.
- c. Furthermore, *Texas Family Code Sec. 105.001(c)(3)* outlines that "*Except on a verified pleading or an affidavit in accordance with the Texas Rules of Civil Procedure, an order may not be rendered excluding a parent from possession of or access to a child.*" The renditions ordered on January 16th, 2024, and January 22nd, 2024 were rendered in violation of this statute as no visitation time was included with the order for the Respondent.
- d. *Texas Family Code Sec. 105.005* mandates that the court's findings must be based on a preponderance of the evidence. No evidence has been presented in this case relevant to the Petitioner's claims of family violence which have governed the case since the start.
- e. *Texas Family Code Sec. 153.002* outlines that "*The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.*" This requirement was not met, as the consideration of the children's best interests were not a factor in the Court's determinations when awarding the Petitioner full custody without any evidence being presented, and without considering the Respondent's active role in their lives and his ability to both provide financially and emotionally given his stay-at-home position.

3. The amount and any method of calculating economic damages claimed by the Respondent:
 - a. Attorney fees, unauthorized transfer of funds from a third party on December 15th, 2023, for the amount of \$1,560.
4. The names, addresses, and telephone numbers of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE:

- a. **Name:** Dan Branthoover

Address: [REDACTED]

Phone: 940-312-3434

Connection to case: Facilitation of unauthorized transfer of funds from Respondent's joint bank account. Influenced the Petitioner to claim family violence and referred to himself as the Petitioner's attorney when he possesses no license to practice law.

- b. **Name:** Margie Wilson

Address: [REDACTED]

Phone: 817-366-5938

Connection to case: Initiated an eviction suit under the influence of the Petitioner that was dismissed for lack of jurisdiction on January 17th, 2024.

5. A copy, or a description by category and location, of all documents, electronically stored information, and tangible things that Respondent has in his possession, custody, or control and may use to support his claims or defenses unless the use would be solely for impeachment:

1. RELEVANT FILINGS AND MOTIONS ON RECORD

- a. Petitioner's Original Petition for Divorce

- b. Petitioner's First Amended Petition for Divorce

- c. Respondent's Original Answer
- d. Petitioner's Application for Protective Order (non-suited)
- e. Respondent's Motion of Continuance (non-suited)
- f. Respondent's Motion of Consolidation (non-suited)
- g. Respondent's Background Report for case consolidation.
(non-suited)
- h. Respondent's Answer to the Protective Order (non-suited)
- i. Respondent's Counter Petition for Divorce
- j. Respondent's Suggested Parenting Plan
- k. Eviction Notice Served on December 17th, 2024
- l. Judge's Order for Dismissal of Eviction Suit
- m. Agreed Temporary Orders – Associate Judge's Report
- n. Respondent's Emergency Motion to Reconsider Evidence and Vacate Temporary Orders
- o. Respondents Motion for Partial Summary Judgement
- p. Respondent's Notice and Unsworn Declaration

2. EVIDENCE ON RECORD

- a. Text communications between Respondent and Petitioner showing amicable co-habitation before court intervention.

- b. EMAIL communications between Respondent and Landlord.
- c. Text communications between Respondent and Dan Branthoover regarding the aforementioned transfer of funds, intimidation, and referring to Petitioner as his client.
- d. Bank Statement showing the unauthorized transfer of funds conducted on 12/15/2024.
- e. EMAIL communications between Respondent's previously terminated counsel.
- f. Respondent's Criminal Record obtained from the Texas Department of Public Safety (non-suited)

Certification of Accuracy

I hereby certify that the information provided in these Required Initial Disclosures is accurate and complete to the best of my knowledge and belief. I understand my duty to supplement/amend these disclosures in accordance with the Texas Rules of Civil Procedure should I discover additional information or if any information provided herein becomes incomplete or inaccurate.

/s/ Charles Dustin Myers

Charles Dustin Myers

March 3, 2024

Certificate of Service

I certify that a true copy of the Respondent's Initial Required Disclosures was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on 2024-03-04 to:

Morgan Michelle Myers, Petitioner

By electronic filing manager/email at MORGANMW02@GMAIL.COM

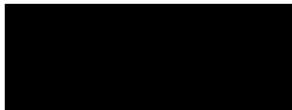
Cooper Carter, Attorney

By electronic filing manager/email at COOPERCARTER@MAJADMIN.COM

/s/ Charles Dustin Myers

Charles Dustin Myers

Respondent



817-507-6562