

NO. 322-744263-23

IN THE 322ND DISTRICT COURT OF TARRANT COUNTY, TEXAS

Morgan Michelle Myers,

Petitioner,

v.

SECOND AMENDED
COUNTERPETITION FOR DIVORCE

Charles Dustin Myers,

Respondent

2024-07-05

**TO THE HONORABLE JAMES MUNFORD OF THE 322ND DISTRICT
COURT OF TARRANT COUNTY, TEXAS:**

Discovery Control Plan

1. Pursuant to Rule 190 of the Texas Rules of Civil Procedure, discovery is intended to be conducted in this suit under Level 2.

Objection to Associate Judge

2. CHARLES DUSTIN MYERS, Counter-petitioner, objects to an associate judge hearing a trial on the merits or presiding at a jury trial due to conflict of interest with the opposing counsel in this case.

Nature of the Suit

3. This suit is brought by CHARLES DUSTIN MYERS, Counter-petitioner, against MORGAN MICHELLE MYERS, Counter-respondent, seeking dissolution of their marriage and resolution of issues affecting the parent-child relationship. This suit is also brought against the following responsible third parties:

- i. Daniel Kenneth Branthoover – For impersonation of an attorney, fraud, conversion, intentional infliction of emotional distress, and civil conspiracy, as well as monetary damages.
- ii. Margie Evonne Wilson – For civil conspiracy.

Fraud

4. The Counter-petitioner asserts a claim for fraud against the Counter-respondent and Daniel Kenneth Branthoover. The fraudulent actions include the filing of false court documents alleging family violence which lead to the disruption of the Counter-petitioner's relationship with his Children. These actions were intended to deceive the court and provide the Counter-respondent with an advantage property division. The Counter-respondent also filed suit under affidavit of inability to pay despite just transferring money to herself.

5. The Counter-petitioner asserts a claim for civil conspiracy against Margie Evonne Wilson, who filed for eviction citing two concurrent lawsuits that had not yet been filed as the alleged lease violation. The Counter-petitioner prevailed in this suit on January 17th, 2024, in the Justice of the Peace Precinct 1.

Impersonation of an Attorney

6. The Counter-petitioner asserts a claim against Daniel Kenneth Branthoover for impersonation of an attorney, where he first admittedly influenced the divorce paperwork and then proceeded to reference the Counter-respondent as his client once the divorce had been filed with the Court. Daniel Branthoover also assisted the Counter-respondent in requesting discovery.

Conversion

7. The Counter-petitioner asserts a claim against the Counter-respondent and Daniel Kenneth Branhoover for conversion of community property amounting to \$1,576 on December 15th, 2023.

Intentional Infliction of Emotional Distress

8. The Counter-petitioner asserts a claim against the Counter-respondent, Daniel Kenneth Branhoover, and Margie Evonne Wilson for intentional infliction of emotional distress, where each played a role in the planning, meeting, and filing of three concurrent lawsuits for the sole intention of having the Counter-petitioner removed from the residency and interfering with his constitutional rights of the care, control, and custody of his Children.

Civil Conspiracy

9. The Counter-petitioner asserts a claim against the Counter-respondent, Daniel Kenneth Branhoover, and Margie Evonne Wilson for civil conspiracy, where a meeting of the minds occurred between both the Counter-respondent and Margie Evonne Wilson on December 13th, 2023, and the Counter-respondent and Daniel Kenneth Branhoover between on December 14th, 2023, and December 17th, 2023, with the sole intent to deprive the Counter-petitioner of his constitutional rights, access to the residency, and custody of his Children.

10. The Counter-petitioner requests that the court, under its discretion provided by Rule 39(a)(1) of the Texas Rules of Civil Procedure, consider the involvement of Debbie M. Price and Damen Kazlauskas after a hearing on the merits.

CHARLES DUSTIN MYERS's Information

11. The last three numbers of CHARLES DUSTIN MYERS's Texas driver's license number is 608. The last three numbers of CHARLES DUSTIN MYERS's Social Security number is 963.

Service of Citation

12. Service of citation is requested on Daniel Kenneth Branthoover, whose last known address is 3100 Copan Ct, Yukon, OK 73099.

13. Service of citation is requested on Margie Evonne Wilson, who resides at 6640 Anne Court, Watauga, TX 76148.

Divorce Jurisdiction

14. MORGAN MICHELLE MYERS and CHARLES DUSTIN MYERS have been domiciliary of this state for the preceding six-month period. MORGAN MICHELLE MYERS has been a resident of Tarrant County for the preceding ninety-day period. CHARLES DUSTIN MYERS has been a resident of Tarrant County for the preceding ninety-day period.

15. DANIEL BRANTHOOVER, who has relevant involvement in the matters of this case, is a resident of Yukon, Oklahoma. Texas courts have jurisdiction over DANIEL BRANTHOOVER due to his substantial and purposeful actions directed towards residents of Texas, which are directly related to the issues in this case and satisfy the sufficient minimum contacts with Texas to exercise jurisdiction.

16. MARGIE WILSON, who has relevant involvement in the matters of this case, has been a domiciliary of this state for the preceding six-month period. MARGIE WILSON was a resident of Tarrant County for the preceding ninety-day period.

Dates of Marriage and Separation

17. MORGAN MICHELLE MYERS and CHARLES DUSTIN MYERS married on or

about June 20, 2015, in Watauga, Texas and stopped living together on January 16th, 2024.

Grounds for Divorce

18. The marriage has become insupportable because of discord or a conflict of personalities between MORGAN MICHELLE MYERS and CHARLES DUSTIN MYERS that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation.

Children of the Marriage

19. MORGAN MICHELLE MYERS and CHARLES DUSTIN MYERS are parents of the following children born or adopted of this marriage who are under 18 years of age or who are otherwise entitled to support as provided by Chapter 154 of the Texas Family Code:

Name: MARA EVONNE MYERS

Gender: Female

SSN (last 3): XXX

Birth Date: 06/20/2016

Home State: Texas

Name: CAROLINE ROSE MYERS

Gender: Female

SSN (last 3): XXX

Birth Date: 04/12/2018

Home State: Texas

Continuing Jurisdiction

20. No court has continuing jurisdiction of the suit affecting the parent-child relationship.

Priority

21. CHARLES DUSTIN MYERS raises a question of jurisdictional existence regarding personal jurisdiction for the significant decisions made on January 16th, 2024.

No Court-Ordered Relationships

22. There are no court-ordered relationships for the children of this suit.

UCCJEA Statement

23. Each party in this suit resides in Texas. However, because the Counter-petitioner is requesting the court to serve Daniel Branthroover, who resides in Oklahoma, the information required under Section 152.209 of the Texas Family Code is applicable.

24. The information required under Section 152.209 of the Texas Family Code, including the child's present address or whereabouts, the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during that period can be discerned from sworn and certified appendix filed with the Second Court of Appeals and the Supreme Court of Texas.

25. The Counter-petitioner acknowledges the continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding. Currently, the case is pending a decision from the Supreme Court of Texas regarding a Petition for Review / Mandamus. [Case No. 24-0395](#)

Children's Property

26. CHARLES DUSTIN MYERS states that there is no property of value owned or possessed by the children the subject of the suit.

No Protective Order

27. No protective order under Title 4 of the Texas Family Code or order for emergency protection under Article 17.292 of the Texas Code of Criminal Procedure is currently in effect in regard to a party to this suit or a child of a party to this suit, and no applications for such orders are pending before the Court.

28. An ex-parte temporary order of protection was requested on December 14th, 2023, by the Counter-respondent, which was denied.

29. The Counter-petitioner was required to show cause as to why a Protective Order should not be issued against him on January 16th, 2024, where his parental rights were temporarily terminated prior to any hearing and without a reporter's record, a direct violation of his 14th Amendment rights under the United States Constitution to the care, custody, and control of his children and his right to property.

Appointment of Joint Managing Conservators

30. It is in the best interest of the children that CHARLES DUSTIN MYERS and MORGAN MICHELLE MYERS be appointed as joint managing conservators of the children. CHARLES DUSTIN MYERS petitions the Court to appoint CHARLES DUSTIN MYERS and MORGAN MICHELLE MYERS as joint managing conservators of MARA EVONNE MYERS and CAROLINE ROSE MYERS with all the rights and duties of a parent appointed as a conservator of a child.

Primary Residence Designation

31. CHARLES DUSTIN MYERS petitions this Court to designate him the conservator who has the exclusive right to determine the primary residence of the children within Tarrant and contiguous counties, Texas.

Property of the Parties

Division of Marital Estate

32. CHARLES DUSTIN MYERS Petitions the court to divide the community estate where he may transition out of the home given his integral role in his Children's daily lives. He

requests a transition period be set equal to the number of days lapsed since the Original Petition for Divorce was served to him, which was on December 27th, 2023.

33. The current division is not in the best interest of the children, the Counter-respondent, or Margie Wilson. The Counter-petitioner requests an equitable division of community property after notice and hearing regarding any monthly expenses regarding vehicles acquired during the marriage.

Dismissal for Want of Prosecution

34. Given the fatal error in the Counter-respondent's Original Petition, the court should consider exercising its discretion sua sponte under Section 160.635 of the Texas Family Code and dismiss the case for Want of Prosecution and proceed with this Counter-petition.

Constitutional Restoration and Best Interest of the Child

35. Restore the Counter-petitioner's constitutional parental rights to the care, custody, and control of his Children under the 14th Amendment of the United States Constitution and restore his right to property and to perform his normal business occupation.

36. By order of this court, order the Counter-petitioner's immediate re-entry to his home so that the transitional period may begin and vacate the custodial arrangements that were made without any due diligence into the best interests of the Children.

Injunctive Relief

37. Grant the Counter-petitioner a transition period to establish an alternative residency where he may continue to support his Children financially and emotionally for no less than the equal number of days lapsed since service of the Original Petition for Divorce on December 27th, 2023, to provide the Children for a smooth transitional period that serves their best interests.

Temporary Restraining Order

38. Under Section 6.502 of the Texas Family Code, grant the Counter-petitioner a temporary injunction for the preservation of the property and protection of the parties as deemed necessary and equitable and including an order to:

- i. Require the production of bank statements from Daniel Branthoover, Margie Wilson, and Morgan Myers for the sole month of December 2023 relevant to court-related expenses and transfers of funds.
- ii. Require the production of Daniel Branthoover's PayPal transaction history between December 14th, 2023, and December 22nd, 2023.
- iii. Prohibit Damen Kazlauskas, Debbie M. Price, and Daniel Branthoover from having any contact with the children while the case is pending to safeguard their stability and to serve their best interests.
- iv. Prevent harassment from Margie Wilson and from performing any acts that would jeopardize the stability of the Children during the transitional period.

Other Temporary Orders

39. Grant the Counter-petitioner sole use of the residency while the case is pending, which also satisfies Texas Family Code Section 6.502(a)(8) and is in the best interest of the Children.

Temporary Orders Regarding Children

40. CHARLES DUSTIN MYERS petitions this Court, after notice and hearing, to render temporary orders including, but not limited to, the following:

- a. appointing CHARLES DUSTIN MYERS and MORGAN MICHELLE MYERS as temporary joint managing conservators of the children;

- b. designating CHARLES DUSTIN MYERS as the conservator who has the temporary exclusive right to determine the primary residence of MARA EVONNE MYERS and CAROLINE ROSE MYERS; and
- c. restricting the area within which the children's primary residence shall be maintained to Tarrant and contiguous counties, Texas.

Prayer

CHARLES DUSTIN MYERS prays the Court to grant a divorce and all other relief requested in this Counterpetition.

CHARLES DUSTIN MYERS prays that this Court immediately grant a temporary restraining order restraining MORGAN MICHELLE MYERS, DANIEL BRANTHOOVER, MARGIE WILSON in conformity with the allegations of this Counterpetition, from the acts set forth above, and that, upon notice and hearing, this temporary restraining order be made a temporary injunction that shall serve the best interests of the Children.

CHARLES DUSTIN MYERS prays that this Court serve the additional parties named to this suit.

Respectfully submitted,

/s/ Charles Dustin Myers
Charles Dustin Myers
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 July 5th, 2024

Morgan Michelle Myers by electronic filing manager at morganmw02@gmail.com.

Cooper L. Carter by electronic filing manager at cooper.carter@majadmin.com

/s/ Charles Dustin Myers
Charles Dustin Myers
Chuckdustin12@gmail.com
817-507-6562