

DKT (52)



**MTN FOR RECONSIDERATION & TO VACATE
TEMPORARY ORDS**

FILED ON: 02/09/2024

FEE: \$0.00

FILER/REQUESTOR: CHARLES DUSTIN MYERS

****THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY****

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

FILED
TARRANT COUNTY
2/9/2024 3:17 PM
THOMAS A. WILDER
DISTRICT CLERK

Cause No. Cause No. 322-744263-23

<u>MORGAN MICHELLE MYERS</u>	§	In the <i>(check one):</i>
<u>V</u>	§	<input checked="" type="checkbox"/> <u>322nd</u> District Court
	§	<input type="checkbox"/> County Court at Law No. <u> </u>
<u>CHARLES DUSTIN MYERS</u>	§	<u>TARRANT</u> County, Texas

Motion for Reconsideration and to Vacate Temporary Orders

Print your answers

My name is:

CHARLES DUSTIN MYERS
First *Middle* *Last*

I am the Petitioner Respondent in this case and request the Court grant this motion for Reconsideration and to Vacate Temporary Orders *(title of motion)*. In support, the following is shown:

SEE ATTACHED MOTION

Respectfully submitted,

 /s/ Charles Dustin Myers
Your Signature _____ 2024-02-09
Date

Charles Dustin Myers **817-507-6562**
Your Printed Name *Phone*

[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Mailing Address [REDACTED] City [REDACTED] State [REDACTED] Zip [REDACTED]

CHUCKDUSTIN12@GMAIL.COM
Email Address

Notice of Hearing

The above motion is set for hearing on _____ at _____. M. in

(designation and location of court).

SIGNED on

Judge or Clerk

Certificate of Conference (*check one*)

I certify that I telephoned the other party's attorney or the other party (if the other party does not have an attorney), three times, but my phone calls were never returned. Therefore, we were not able to reach an agreement.

I certify that I telephoned the other party's attorney or the other party (if the other party does not have an attorney) and we were not able to reach an agreement.

*Signature**Date***Certificate of Service**

I certify that I delivered a copy of this document to each party in this case, or if a party is represented by a lawyer to the party's lawyer, by: (*Check one or more*)

Hand delivery to the other party _____

Hand delivery to the other party's lawyer _____

Email to this email address COOPERCARTER@MAJADMIN.COM

Regular mail to this address: _____

Certified mail to this address: _____

Commercial delivery service (for example FedEx) to this address: _____

Fax to fax #: _____



/s/ Charles Dustin Myers

Signature

2024-02-09

Date

****THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY****

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

Cause No. _____

- § In the (*check one*):

§ District Court
§ County Court at Law No. ____
§ _____ County, Texas

Order on Motion for _____

On _____ the Court heard the Motion for
(date)

of _____
(title of motion) (name of person who filed the motion)

IT IS ORDERED that the motion is GRANTED

SIGNED on _____.

JUDGE PRESIDING

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

Morgan Michelle Myers,

Petitioner,

v.

Charles Dustin Myers,

Respondent

Cause No. 322-744263-23

**Emergency Motion to Reconsider
Evidence and to Vacate Temporary
Orders**

This motion urgently calls for the Court's intervention to address critical procedural missteps in the matter of cause# 322-744263-23, aiming to reinstate the safety and stability that our children rightfully deserve until due process and all facts of the case can be considered by the Court. I am seeking immediate court intervention to correct procedural errors and address the misuse of the legal system by the Petitioner. This motion highlights the significant impact of the Petitioner's actions on our children's welfare and my unjust removal from our home based on frivolous claims.

In pursuit of justice and the well-being of the children at heart, I respectfully request that the Court reconsider all details, weighing the comprehensive scenario presented herein along with the supporting evidence. I am committed to the highest interests of my children and family, striving to resolve these matters efficiently and avoid unnecessary judicial expenditure. This document seeks to unveil the Petitioner's deliberate misrepresentation and misuse of the legal system, which has gravely disrupted our children's stability and emotional well-being by weaponizing the court system.

¹ On December 1st, 2023, the Petitioner announced her desire for a divorce with no plan in place to preserve our familial stability, with no desire for counseling or communication, and with no consideration of the timing around the holiday season, nor any sign of marital discord warranting such a decision leading up to this announcement.

² Between December 14th, 2023, and December 22nd, 2023, the Petitioner filed for an Emergency Protective Order, a Divorce Petition, a Protective Order, and instigated an Eviction suit.

NATURE OF SUITS AND THIRD-PARTY INFLUENCE

1. **On December 1st, 2023**, Petitioner announced the divorce with no plan in place for the children, no sign of marital discord leading up to this point to warrant such a decision, and no desire for counseling, communication, and no consideration for the time of year.
2. **Between December 1st, 2023, and December 12th, 2023**, all efforts are exhausted in an attempt to communicate with the Petitioner which lead to the subsequent discovery of an alarming volume of text messages that were directed towards two individuals – Debbie Price and Damen Kazlauskas, showing a significant level of influence.³
3. **On December 12th, 2023**, After the discovery of the communications between these two individuals combined with the irrational behavior from the Petitioner during such a critical time of year, I reached out to the Petitioner's grandfather via text message.⁴
4. **On December 13th, 2023**, Petitioner states she will be going to talk to her Grandparents alone. This conversation lasts between 9:55 and 1:30 A.M.
5. **On December 14th, 2023**, Petitioner filed for an Emergency Protective Order. This order was denied by the court.
6. **On December 15th, 2023**, Petitioner involves her family into the situation. Particularly, Dan Branthoover became involved. He is the boyfriend of the Petitioner's Mother. Shortly thereafter, I received a notice from our joint bank account stating that \$1,576 had just been withdrawn. As our bank statement for December 2023 will demonstrate – the transaction record shows the funds being transferred directly to Mr. Branthoover's PayPal account.⁵

³ See attached EXHIBIT A.1 – A true and accurate copy of the AT&T text logs filtered by relevant parties. Parties include Meme, Papaw, Damen, Debbie, and Dan. Dates and times surrounding the case will corroborate with other evidence presented herein. See page 456 – 458.

⁴ See attached EXHIBIT A.2 – A true and accurate copy of the referenced text message in paragraph 3.

⁵ See attached EXHIBIT A.3 – The true and accurate bank statement reflecting the transaction referenced in paragraph 6.

7. **On December 16th, 2023**, Petitioner's transaction under the advice of Mr. Branthroover lead to our joint bank account becoming \$-800 overdrawn. I requested from Mr. Branthroover via text message that he needs to return the funds immediately, where he subsequently admits to this transaction having occurred.⁶
8. **On December 17th, 2023**, Petitioner's grandmother, Margie Wilson, initiates an Eviction Suit by serving me an eviction notice around 11:00 AM CST.
9. **On December 18th, 2023** – Petitioner writes “VOID” on the Eviction Notice, and physically tears it in half.⁷
10. **On December 19th, 2023**, Mr. Branthroover uses intimidation tactics by impersonating an attorney despite having no license to practice law in the State of Texas.⁸
11. **On December 27th, 2023**, I am served the Divorce Papers by the Constable.
12. **On December 28th, 2023**, I am served the Protective Order, followed by the Eviction shortly thereafter by the Constable.

The Protective Order (Show Cause) hearing was set for **January 16th, 2024**, and the Eviction hearing for **January 17th, 2024**.

The documented timeline of events, particularly during the holiday season, underscores a notable disregard for our children's welfare. This has enabled the Petitioner to inappropriately utilize the judicial system to disrupt the stable environment our children have known, influenced significantly by third-party actions as previously detailed. The forthcoming section of this motion will highlight the specific frivolous claims and false statements found within each filing initiated by the Petitioner.

⁶ See attached EXHIBIT A.4 – Overdrawn account notice from PNC bank on December 16th, 2023.

⁷ See attached EXHIBIT A.5 – The physically torn and voided Eviction notice served on December 17th, 2023.

⁸ See attached EXHIBIT A.6 – Mr. Branthroover refers to Petitioner as “his client” while having no license in law.

FRIVOLOUS CLAIMS AND FALSE STATEMENTS

A. EMERGENCY PROTECTIVE ORDER

1. As mentioned above, Petitioner filed for an Emergency Protective Order on December 14th, 2023. This protective order was denied by the courts.
2. Due to the fact this order was not granted by the court, one could conclude that there was not a clear and present danger of family violence.¹

B. THE DIVORCE PETITION

1. Petition was filed on 2024-12-18 under an Affidavit of Inability to pay.²
2. The Petitioner's action of filing for divorce under an Affidavit of Inability to pay three days after transferring \$1,576 to herself starkly contravenes the mandates set forth in *Chapter 10, Section 10.001 of the Civil Practice and Remedies Code*. This section asserts that each claim or legal contention must be warranted by existing law or a nonfrivolous argument for the modification of existing law or the establishment of new law, and that each factual contention has or is likely to have evidentiary support after further investigation or discovery³.
3. The Petitioner violated *Chapter 10, Section 10.001* a second time within the same document when she intentionally elected to waive the 60-day waiting period claiming to have an active protective order against me that found family violence had occurred during our marriage⁴ despite being denied such an order just five days prior on December 14th, 2023.
5. The final page of the Divorce Petition for service to the Office of the Attorney General was left unsigned by the Petitioner.

¹ TEXAS FAMILY CODE, TITLE 4, SUBTITLE B, CHAPTER 83, Sec. 83.001

² See attached EXHIBIT B.1 – A True and Accurate copy of the Divorce Petition for all references made in regard to this document.

³ CIVIL PRACTICE AND REMEDIES CODE, TITLE 2, SUBTITLE A, CHAPTER 10, Sec. 10.001.

⁴ TEXAS FAMILY CODE, Sec. 6.405 – The petitioner shall attach to the petition a copy of each order described by Subsection (a)(1). No such order, as required, was attached to the divorce petition, because no such order exists.

C. EVICTION SUIT

1. The suit was unlawful by nature⁵, as the grounds for eviction were based on family status, referencing the divorce as well as a protective order that had been denied on December 14th, 2023. The suit was dismissed for lack of jurisdiction on January 17th, 2024.⁶

D. PROTECTIVE ORDER

1. This suit was the second attempt by the Petitioner to have me removed from the home, which ultimately succeeded.
2. The claims within this suit mentioned sexually aggressive comments and threatening behavior. These allegations are materially false, as the Petitioner possesses no evidence, and has presented no evidence in relation to these claims since the initiation of the suit. Despite this, as video and image evidence will show once a fair trial date is set, the Petitioner and I continued to maintain stability at our family home and preserved the sense of normalcy that our daughters have been accustomed to their entire lives up until January 16th, 2024.

The Court's decision to remove me from my home and my children's lives on January 16th, 2024, albeit preliminary and unjustified, bypassed the safeguarding of the children's emotional, psychological, and physical well-being. This oversight is compounded by the Petitioner's actions. The juxtaposition of the Court's decision against the backdrop of the Petitioner's inattention to the children's needs illuminates a disconcerting disregard for the paramount principle that custody determinations should primarily serve the children's best interests. The final section of this motion will highlight the procedural aspects of the events unfolding between the dates of January 16th, 2024, and February 1st, 2024, and pray the court will rectify this situation by restoring the stability to our family by vacating the current temporary orders that are in place until a proper investigation can be completed by the courts.

⁵ TEXAS RULES OF CIVIL PROCEDURE – RULE 6 – Suits initiated on a Sunday are invalid.

⁶ See attached EXHIBIT B.2 – A true and accurate copy of the Eviction Dismissal.

THE PROTECTIVE ORDER HEARINGS

1. In preparation for the Protective Order hearing on January 16th, 2024, I filed with the Court an answer to the Protective Order on January 2nd, 2024 as well as two motions – a motion to consolidate the divorce with the protective order, filed on January 4th, 2024, as well as a motion of continuance, filed on January 8th, 2024 for the purpose to acquire counsel due to the complex nature of the case.¹ All three filings were accepted by the court.
2. On January 16th, 2024, both parties sought additional time to secure legal representation. Despite not reviewing any evidence, witness testimonies, or documents related to the motions, and acknowledging the denial of a previous Emergency Protective Order, the court mandated my departure from our home within four hours. This decision, unexpectedly made, awarded custody to the Petitioner, overlooking my concerns about the adverse effects on our children and my work from home. This ruling, which both parties did not sign, set the case to resume on January 22nd, 2024, to allow time for obtaining counsel.²
3. Following the court's directive, I relocated to my father's residence in Flower Mound until the subsequent hearing. During this interval, the Petitioner did not take the initiative to have the children call once and did not provide any information as to how they were doing, showcasing her lack of empathy and concern for our children's well-being and stability. After incurring substantial expenses to secure representation, I detailed my case and concerns to my attorney, preparing for the next court appearance.
4. On January 22nd, 2024, the Petitioner chose to seek legal representation just minutes before the hearing was due to start, indicating a disregard for the process. My lawyer recommended agreeing to a continuance, thereby extending the period I couldn't work and impacting our established family dynamics. This resulted in a third hearing being set for February 1st, coinciding with my birthday, and a second rendition being ordered.³

¹ See attached EXHIBIT C.1 – A true and accurate copies of all referenced filings in paragraph 1.

² See attached EXHIBIT C.2 – A true and accurate copy of the unsigned rendition ordered on January 16th, 2024.

³ See attached EXHIBIT C.3 – A true and accurate copy of the second rendition ordered on January 22nd, 2024.

5. On February 1st, 2024, during the third hearing, the substantive issues I had raised were not addressed, nor was there any exchange of evidence between our legal representatives. Despite the focus of the hearing supposed to be on the protective order, the discussions veered into custody and child support matters. My lawyer presented the sole option of a temporary return to the family home for 30 days with expanded visitation rights, coupled with a child support obligation starting in April. This outcome, which diverged significantly from the case's core issues, compelled me to reconsider my legal representation. Consequently, I decided to terminate my attorney's services and embarked on drafting this motion myself, aiming to bring the court's attention back to the pivotal elements of the case that had thus far been neglected while able to legally reside in my home.

CONCLUSION AND PRAYER

In conclusion, this motion has laid bare the stark realities and procedural aberrations that have marred the essence of justice and due process in the matter of Cause No. 322-744263-23. Through the course of these proceedings, it has become abundantly clear that the actions taken by the Petitioner, Morgan Michelle Myers, have not only disregarded the welfare and best interests of our children but have also illuminated her unfitness as a parent. Her actions speak to a pattern of deceit, manipulation, and an unsettling willingness to leverage the judicial system for personal vendettas, all at the expense of the emotional and psychological well-being of our children.

The court, in its decisions, inadvertently facilitated this troubling trajectory by removing me, Charles Dustin Myers, from the lives of our children based on unsubstantiated claims and without due consideration of my role as a devoted and stable parent. This oversight has not only disrupted the lives of our children but has also significantly impaired my ability to provide for them, casting a long shadow over their future stability and welfare.

Moreover, the conduct of my Counsel involved has further compounded these issues, demonstrating a distressing disregard for the intricate dynamics and facts of this case. This has culminated in a situation where the paramount importance of the children's best interests and the fundamental principles of fairness and justice have been overshadowed by procedural missteps and a lack of thorough investigation into the Petitioner's fitness as a parent.

Therefore, it is with a heavy hearted yet unwavering resolve that I implore the Court to take immediate and decisive action to rectify these wrongs. Specifically, I respectfully request the Court to:

1. Vacate the existing temporary orders that unjustly removed me from my home and separated me from my children, restoring the status quo ante until a thorough and unbiased evaluation of the facts can be conducted, as the Texas Constitution requires. If left as it stands, these orders will further compound the issues at hand, and will exacerbate the chaos introduced into the children's lives.
2. Set a fair hearing date to delve into the substantive issues at hand, ensuring that all parties are given an equitable opportunity to present their case and that the best interests of our children are placed at the forefront of all considerations.
3. Scrutinize any response or new claims from the Petitioner or her counsel with the utmost diligence, given the established pattern of deceitful and manipulative behavior exhibited by the Petitioner throughout these proceedings.
4. Consider awarding me full custody of our children, ensuring their continued access to a stable, nurturing environment, and the consistent provision of their needs, which I am fully committed to upholding. Furthermore, in alignment with my enduring belief in the importance of both parents in the lives of our children, I pledge to facilitate and encourage a healthy, constructive relationship between the children and their mother, provided she demonstrates a genuine commitment to their well-being and stability.
5. In seeking these remedies, I do so not out of vindictiveness but from a place of deep concern for the welfare of our children and a steadfast belief in the principles of justice and fairness. Despite the pain and turmoil of these proceedings, my ultimate desire is for peace and the best possible outcome for all parties involved, most importantly, our children. It is my sincere hope that the Court will recognize the gravity of the situation and act in a manner that prioritizes the well-being of our children, ensuring their return to a life marked by stability and love.

I affirm under penalty of perjury that all claims herein are true and accurate to the best of my knowledge.

Respectfully submitted on this 9th day of February 2024,

/s/ Charles Dustin Myers

Charles Dustin Myers

Chuckdustin12@gmail.com

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 84359156

Filing Code Description: Motion (No Fee)

Filing Description: EMERGENCY MOTION TO RECONSIDER EVIDENCE
AND VACATE TEMPORARY ORDERS

Status as of 2/9/2024 4:27 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	2/9/2024 3:17:19 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	2/9/2024 3:17:19 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	2/9/2024 3:17:19 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	2/9/2024 3:17:19 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	2/9/2024 3:17:19 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	2/9/2024 3:17:19 PM	SENT