

Question

TIMELINE OF EVENTS BACKGROUND Morgan Michelle Myers, ("Myers") and Charles Dustin Myers, ("Plaintiff") were married on June 20, 2015, and have two daughters, C.R.M. and M.E.M, aged seven and nine. The evidence in this case will show that in early December of 2023, the entire family was blindsided by Myers' sudden announcement that she wanted a divorce from Plaintiff. REC. 717 The evidence will further show that Myers' reasoning for this divorce changes over time - beginning with how Plaintiff spoke to her, and then switches to abuse and sexual harassment, and allegations of drug abuse, claims that were only brought up in her initial pleadings. On December 12, 2023, Plaintiff discovered a large volume of text messages between Myers and two individuals identified as Debbie Price and Damen Kazlauskas of Fort Worth, Texas spanning between October 2022 and December 2023. REC. 254-714 In response to this discovery, Myers began to communicate with Defendant Daniel Kenneth Branthoover, a resident of Yukon, Oklahoma, who assisted her in the planning, drafting, traveling, and submitting of fraudulent documents to the 322nd District Court of Tarrant County designed to divest Plaintiff of his home and business operations. When these allegations were raised to the State, they failed to adjudicate them and violated the Plaintiff's constitutional rights when he was deprived of the guarantees of equal protection under the law and when he was not afforded due process before being deprived of property. REC. 183. The central question is whether Defendants Munford, Kaitcer, Carter, and Baker are victims of the initial scheme - or willing participants in an expanded associate-in-fact enterprise that began in December of 2023 as the Myers-Branthroover enterprise. A. The Myers-Branthroover Enterprise 1. On December 14, 2023, Defendants Morgan Michelle Myers and Daniel Kenneth Branthoover, under deceptive pretenses (REC. 1704), began to communicate via text message, and began to construct a scheme and arranged a meeting of the minds that took place in Yukon, Oklahoma, over the weekend of December 15, 2023. REC. 274-278. The deceptive text message from Defendant Branthoover claiming that he wanted to assist Plaintiff was following an attempt by Myers to receive an ex-parte order of protection from the 322nd District Court of Tarrant county, attempted on December 14, 2023. REC. 78 B. Initial Predicate Acts: Wire Fraud and Travel Act Violation 2. Both defendants planned and agreed to meet for the purpose of drafting an original petition for divorce and affidavit of indigency to be later submitted to the 322nd District Court of Tarrant County with the intent of having Plaintiff removed from his matrimonial residence located at 6641 Anne Court, Watauga, Texas 76148, which also serves as his place of business, serving clients across the United States, Canada, and the United Kingdom. REC. 812 ¶ 16 3. During defendant Myers' interstate travel, she emptied the marital bank account into defendant Branthoover's PayPal account, amounting to \$1,576. REC. 723. These proceeds were used to purchase a second phone, registered under 817-940-0852. This phone number was used on the fraudulent pleadings prepared during defendant Myers' stay in Oklahoma, which she transported from Yukon, Oklahoma back to Texas on December 17, 2023. REC. 86; REC. 99; REC. 102; REC. 107. C. Admissions 4. On December 16, 2023, Plaintiff reached out to

defendant Branthoover and requested that the \$1,576 be returned as they were needed for Christmas gifts for the children, and for business advertising expenses for his business. REC. 728-729. In response, defendant Branthoover admitted that the purpose of defendant Myers' visit was to help her prepare paperwork for divorce litigation and confirmed that the transfer of \$1,576 did in fact occur. REC. 730. Plaintiff's bank statement from December 2023 further confirms this transaction. REC. 723. D. Post-submission Collaboration 5. On December 18, 2023, defendant Myers submitted the fraudulently prepared original petition for divorce, and an affidavit of indigency to the 322nd District Court of Tarrant County. After these documents were submitted, defendant Branthoover sent a text message to Plaintiff on December 19, 2023, holding himself out to be defendant Myers' attorney, showing his involvement extends past the initial help in preparing the fraudulent documents. REC. 1712-1713 6. Four days later, on December 22, 2023, defendant Myers submitted another knowingly fraudulent application for protective to the 322nd District Court of Tarrant County claiming that family violence had occurred on December 18, 2023, supported by both an affidavit and unsworn declaration. REC. 108-109. E. Significant and Intentional Misrepresentations 7. On December 27 and December 28, 2023, respectively, the documents prepared by Myers with the assistance of Branthoover were served on Plaintiff via the U.S. Constable, and contained the following misrepresentations: i. That defendant Myers could not afford court costs; REC. 72, REC. 85-96 ii. That defendant Myers had an active order of protection against the Plaintiff with a finding of family violence that had occurred during the marriage; REC. 78 at 10 iii. That defendant Myers was financially responsible for the family vehicles, rent payments, utilities, and other household expenses, making herself appear as the primary breadwinner; REC. 92 iv. That defendant Myers would be harassed or abused if Plaintiff were given her newly acquired phone number that was obtained while in Oklahoma; REC. 81 at 15. v. That defendant Myers and Plaintiff ceased living together on December 1, 2023; REC. 74 at 4 vi. That family violence occurred on December 18, 2023, in the presence of the two Children. REC. 108-109. vii. That both family vehicles were defendant Myers' separate property acquired before marriage. REC. 79 at 11B F. Evidence to the Contrary 8. On the same day Defendant Myers claimed to be in an emergency requiring the Plaintiff's prompt removal from the home, she can be seen at the home with Plaintiff and the children in no state of emergency and also still cohabitating in the marital home. REC 1715. 9. Again, on December 29, 2023, Defendant Myers can be seen with Plaintiff at the family home, smiling and laughing with the children in no state of emergency and still collaborating with Plaintiff in the marital home. REC. 1735. 10. The citation for the application for protective order ordered Respondent to show cause as to why it should not issue with a hearing scheduled for January 16, 2024. REC. 118. 11. In response to extensive misrepresentation above, Plaintiff prepared an original answer, filed a motion to consolidate, and provided background information which alleged that defendant Myers was intentionally abusing the legal process. REC. 130-132. Plaintiff was ordered to show cause on January 16, 2024, regarding the protective order application. REC. 118 G. Inclement Weather and First Appearance 12. On January 15, 2024, the Tarrant County District Courts Facebook page sent out a notice informing the members of the public that the court would be closed on January 16, 2024, due to inclement

weather. REC. 1202. 13. Unaware of the closure at the time, the parties appeared at the 322nd District Court of Tarrant County on January 16, 2024, and were met with a dark courtroom, with only one judge in the building at the time of their arrival – Defendant James Munford (“Munford”). 14. Defendant Munford summarily ordered the Plaintiff out of his home, inadvertently assisting the Myers-Branthrover associate-in-fact enterprise of achieving their primary goal in having the Plaintiff removed from his residence, despite the broader goal being to obtain a decree of divorce to permanently divest Plaintiff of his interests. REC. 183. 15. Defendant Munford’s initial order was baseless, made in the absence of any emergency, without a hearing, and disregarded the Plaintiff’s pleadings, telling Myers “you’re going to have to find evidence of family violence!” clearly aware that this order was made without any regard to the Plaintiff’s constitutional rights. 16. Defendant Jeffrey Kaitcer, (“Kaitcer”) walked into the courtroom late due to the inclement weather and turned the courtroom into a laughing matter as he began to joke with Defendant Munford, and instructed the parties to download the AppClose app for communication, and the matter was reset for January 22, 2024. There exists no record of this proceeding, only marked appearances on the docket. H. Reset #1 – January 22, 2024, Setting 17. At the January 22 reset hearing, the parties appeared only to have the case reset once more because defendant Myers allegedly retained the services of Defendant Cooper Carter, (“Carter”) in the lobby of the courthouse just moments before the hearing was scheduled to begin. No appearance can be traced to this setting by either party on the docket (REC. 1551), and once again, no hearing was held, and the case reset for a second time to February 1, 2024. REC. 186. 18. Kaitcer permitted attorney Dan Bacalis, Plaintiff’s prior attorney, to fill out the Associate Judge’s Report, and the parties never went before him as indicated by the case docket’s lack of appearance on this date by either party. I. Reset #2 – February 1, 2024, Setting 19. One day prior to the February 1 setting, both attorneys, Defendant Carter and Dan Bacalis, both amended the petition for divorce and counterpetition for divorce without the parties’ knowledge. (REC. 189, REC. 209) These amended documents were similar, submitted on the same day, and raised concerns for Plaintiff regarding his quality of representation. 20. At the February 1 setting, both parties were in the conference rooms outside of Defendant Kaitcer’s courtroom, when attorney Bacalis walks in holding a settlement agreement. When Plaintiff refused this option and requested that they go have a hearing before the judge. 21. This is when Bacalis stated, as witness affidavits corroborate, that he “knows this Judge and this is the best we can get.” and further stated “[w]e’ll be here all day. We can come back and change it later.” 22. Outraged by this response, Plaintiff paid very close attention to the settlement offer Bacalis was pressuring him to sign, and noticed the following provisions: A typed written Order conforming to this Report will follow within 20 days from the date this Report is signed. The Temporary Order shall be prepared by DAN BACALIS. Each attorney should approve the Order. The parties do not need to approve the Order. The attorney reviewing the proposed Order shall have five (5) days to do so. There are no ten (10) day letters. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report. IT IS SO ORDERED (REC. 233) J. Termination of Counsel and the Emergency Motion 23. With the above provisions in mind, Plaintiff signed the document and immediately fired his attorney and

provided notice to the court. REC. 221. By doing so, Plaintiff gained access back to the residency, invalidated the agreement, and was able to use the time back in the house to run damage control on his business operations while preparing to expose the Myers-Branthroover enterprise to the court via a MOTION TO RECONSIDER EVIDENCE AND VACATE TEMPORARY ORDERS, which was filed on February 9, 2024, within three business days of the February 1 agreed associate judge's report being served by the clerk. REC. 240 24. In this motion, it was specifically stated that: i. "I am seeking immediate court intervention to correct procedural errors and address the misuse of the legal system by the Petitioner." REC. 244 ii. "Particularly, Dan Branthroover 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. Branthroover's PayPal account" REC. 245 iii. "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". REC 247 at B2 iv. "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 marriage." REC 247 at B3. v. "This suit was the second attempt by the Petitioner to have me removed from the home, which ultimately succeeded." REC 248 at D1 25. The motion went on to explain the factual pattern described up to this point, putting the court on notice of the key issues with provided exhibits which were duly served on Carter. In response to Plaintiff's motion, he received the first of just two email communications from Carter throughout the case's history, where she claimed she would be filing a counter motion when disclosing her availability for the hearing on Plaintiff's emergency motion. REC. 2794 No such countermotion was filed by Carter. K. Summary Judgment and Notice of Hearing 26. By February 22, no response had been filed by Carter, so Plaintiff filed a Partial Motion for Summary Judgment. REC. 758. Plaintiff also submitted a proposed parenting plan as Exhibit D. REC. 769. No response was ever received from Carter. 27. On February 27, 2024, Defendant Munford signed and issued a notice of hearing to the parties with the hearing set for March 14, 2024. REC. 776. L. Plaintiff's Notice to the Court and Defendant Myers' Self-Help Remedies 28. On March 3, 2024, Plaintiff notified the Court that he would not be leaving the home as it was not in the best interests of his children. REC. 782. 29. The following day, on March 6, 2024, while walking his daughters to school, Myers ran inside the family home, and locked him out of the marital residence, leaving a sign on the door that said "[y]ou should have been out by Saturday you are now locked out!" REC. 1748. 30. Plaintiff called local law enforcement to help him regain entry into the home, where mother produced the agreed associate judge's report signed on February 1, 2024, and used it as a means to block Plaintiff's entrance to the home. 31. To avoid further conflict, Plaintiff was escorted into the home where he was able to grab only his computer and a few clothes and went to Flower Mound to temporarily stay with his father until the time of the hearing on his emergency motion, scheduled for March 14, 2024, at 9:00 A.M. L. The Hearing On Plaintiff's Emergency Motion 32. On March 14, 2024, the

parties arrived at the 322nd District Court, and on the way into the courtroom, defendants Myers and Carter could be seen in the conference room, quickly shuffling papers back and forth. 33. After checking in with the bailiff, Plaintiff turned around to see defendant Carter extending to him a document titled "Temporary Orders" that were the reduced version of the February 1 associate judge's report. REC. 888. 34. These orders, which were not prepared by Dan Bacalis, which were not agreed to by the parties, were reduced well outside of the 20-day requirement as ordered by the judge, and which were never filed with the clerk, stated the following

misrepresentations: i. On February 1, 2024, the Court heard Petitioner's motion for temporary orders. ii. The parties have agreed to the terms of this order as evidenced by the signatures below. REC. 888. iii. The Court, after examining the record and the agreement of the parties and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been legally satisfied and that the Court has jurisdiction of this case and of all the parties. REC. 888. iv. The dates that the parties would have access to the family residence was altered, changing the date Plaintiff was supposed to leave from March 1, 2024, to March 20, 2024, and changing Myers' date of re-entry from March 1, 2024, to March 30, 2024, leaving a 10-day window where no one would occupy the residence. v. This modification was made to prevent Myers from being liable for illegally locking Plaintiff out of the home on March 6, 2024. 35. On the last page of the orders, Plaintiff's attorney who was terminated weeks earlier did not sign the document, and Plaintiff refused to sign the document for the forthcoming reasons: i. It claimed a hearing occurred on a motion which was never set for a hearing or served on the Plaintiff and doesn't exist on the docket. ii. It was prepared by defendant Carter, not Dan Bacalis. iii. The associate judge was presiding over a de novo request of his own prior report. iv. The matrimonial address was incorrect, as it stated "6641 Anns Court", rather than 6641 Anne Court. REC. 915, REC. 922 v. The orders were not in the best interests of the children. vi. Notwithstanding the Plaintiff's revocation of consent by filing the emergency motion, the terms were altered right before they were rendered into effect by defendant Kaitcer. vii. Plaintiff did not agree to the terms as he was in court that very day to expose Myers. M. Predicate Acts: Extortion 36. Kaitcer, knowing that no response was filed, knowing that he was presiding over a hearing to which he had no subject matter jurisdiction, and knowing that the temporary orders produced by defendant Carter was served just moments earlier, signed another associate judge's report pre-drafted by defendant Carter, which summarily denied the Plaintiff's emergency motion, ignored the fact that Carter had not provided a response, and within the report itself, Plaintiff was ordered to sign the document that Carter had just presented to him despite raising objections to its' contents, and despite his consent not being present. REC. 795. 37. Finally, defendant Kaitcer refused to consider Plaintiff's exhibits, including six affidavits prepared by his business clients who have been directly affected by his inability to provide the real-time market data services his clients relied on, who were located throughout the United States. REC. 851; REC. 854; REC. 857; REC. 860; REC. 863; REC. 867; REC. 870. 38. Following the setting, the orders were rendered into effect without Plaintiff's signature (REC. 925), and Plaintiff filed a request for findings of fact and conclusions of law (REC. 883), and filed and amended a "Preparatory Notice for Judicial Review" which recounted the

factual timeline up to that point, and included the affidavits that Kaitcer refused to accept on March 14, 2024. REC. 798, REC. 851, REC. 854, REC. 857, REC. 860, REC. 863, REC. 867, REC. 870. 39. The orders stated they were to remain in effect until the final decree of divorce, and Plaintiff's journey of one-sided appeals began. N. One Sided Appellate Efforts, and Defective IWO 40. Following the rendition of the temporary orders on March 26, 2024, Plaintiff spent between April 8, 2024 and September 15, 2024, appealing via mandamus to the Second Court of Appeals and the Texas Supreme Court. REC. 1010. 41. During the appellate efforts, Carter filed one of two motions in the case, which was a motion for pre-trial conference filed on April 24, 2024, on her behalf by Roderick D. Marx, a party not named in the suit. REC. 1014, REC. 1016. 42. Plaintiff immediately objected to the pre-trial conference, and no response was ever issued by Carter or the court. REC. 1018. 43. On April 30th, Plaintiff filed his notice of completion regarding the parenting course as ordered, despite actively trying to vacate them. REC. 1047. No parenting course was ever completed by Myers. 44. On May 2, 2024, Plaintiff's en banc reconsideration was denied in the Second Court of Appeals, and he began preparing an appeal to the Supreme Court of Texas. REC. 1067. 45. On May 19, 2024, Carter sent the second and last email correspondence that would be received in the case, which falsely claimed he agreed to the orders signed on March 14, 2024, and requested that he fill out an IWO, which Plaintiff found to be defective. REC. 1722, REC. 1728. No further correspondence was received by Carter. O.

Fraudulent Intervention and Branthoover's Continued Involvement 46. On June 23rd Plaintiff filed a motion in state court entitled MOTION FOR JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION at 12:14 P.M. REC. 1075. This motion received no response from Carter. 47. On June 23rd at 1:54 P.M., directly following the submission of the motion, Branthoover texted Plaintiff stating "Lol. And here comes another denial. Please sue me individually. Please.", referring to the earlier filed motion and showing his continued oversight of the case's progression since his initial predicate acts. 48. Four days later, on June 28, 2024, the Texas Office of the Attorney General allegedly filed an intervention pleading, claiming that Plaintiff was past due on child support, and requested information from Plaintiff. REC. 1099. 49. Most notably, the certificate of service to this intervention pleading was allegedly signed by Holly Hayes, the designated attorney for the OAG, yet the name underneath the signature line reads CHOYA BURKLEY. REC. 1102. 50. Plaintiff promptly objected to the intervention, and never received any response from the OAG, Carter, or the court. REC. 1106. P. Supreme Court, Rule 12, and Emergency Temporary Orders 51. As Plaintiff continued to appeal to the Supreme Court of Texas, all prosecution came to an end in the trial court. It wasn't until September 15, 2024, that Plaintiff filed a first amended rehearing motion in the Texas Supreme Court, (REC. 1136) and after noticing Carter's lack of participation, he began to question her authority given several ambiguities surrounding her representation, and filed a rule 12 motion to show authority. REC. 1170. No response was ever received to this motion from Carter. 52. At this point, Plaintiff had been staying in Airbnb homes while he sought relief to ensure he could remain close to his daughters during this time. On September 26, 2024, he filed and later amended an EMERGENCY MOTION FOR TEMPORARY ORDERS and requested expedited relief by October 1, 2024, as that was when Plaintiff was forced to move away from the area due to

cost of living being unsustainable. REC. 1184. No response was ever received from Carter regarding this motion. 53. By October 1, Plaintiff had no choice but to start pursuing administrative remedies, and thought the court was biased against him given the case's history up to that point. He began to prepare a Joint Motion to Recuse defendants Munford and Kaitcer and filed it with the clerk of the court on October 7, 2024. REC. 1197. Q. Predicate Act: Wire Fraud 54. On October 8, 2024, Defendant Munford signed and forwarded a "Joint Motion to Recuse" attached to his order of referral to regional presiding judge David L. Evans but was notably missing the exhibits and affidavit critical to the motion. REC. 1222 55. A copy of this exchange was sent via defendant Baker on 4:43 P.M. on October 8. REC. 1254 56. Plaintiff immediately pointed out the discrepancies between the motion filed and the motion forwarded to David L. Evans, where she replied and admitted that the full document had been e-filed and remains with the court. REC. 1255 57. Unsatisfied with this response, Plaintiff further pointed out that the filing size of the document filed and the one referring to David L. Evans was significantly different. No further correspondence was received by Baker until the following day. REC. 1256 58. The following day on October 8, 2024, defendant Munford signed and filed an "Amended Order of Referral" which had the full motion attached this time, albeit still modified as the hyperlinks and bookmarks had been removed. REC. 1282 59. This amended referral was sent via email correspondence by Baker at 11:17 A.M. on October 8, 2024, who stated that due to the size of the motion, it was split into three parts. REC. 1258. This excuse directly contradicts the standard filing procedure in Tarrant County, which was raised and subsequently ignored in an objection. REC. 1269. No response was filed in regard to the motion to recuse or objection by Carter. R. Recusal Denial and More Delays, and Federal Removal 60. Justice E. Lee Gabriel was assigned to hear the motion, which had to be rescheduled due to technical difficulties for November 7, 2024. REC. 1306. 61. The morning of the hearing, Plaintiff woke up with a dental emergency, and promptly notified all parties, and requested a reset for the hearing, which everyone agreed to. REC. 1393-1396. 62. Despite this agreement, the recusal was denied for failure to appear, and made no mention of the agreement or the emergency. REC. 1398. 63. With no other remedies left, Plaintiff removed the case to Federal Court on December 2, 2024, which was quickly remanded back on December 4, 2024. REC. 1426. 64. On December 14, 2024, defendant Branthoover texted Plaintiff, sending a threat which stated "[w]hen things all over, you get to deal with me." at 2:15 P.M. REC. 1720 65. On December 16, 2024, Plaintiff initiated suit against Daniel Kenneth Branthoover in the Western District of Oklahoma seeking relief in the form of damages from the ongoing deprivation from his home. REC. 1451. 66. Plaintiff notified the Texas court of this lawsuit on December 31, 2024. REC. 1446. S. Further Delays, Motion to Dismiss for Want of Prosecution, and the Original SAPCR 67. On January 24, 2025, Plaintiff filed a motion to dismiss for want of prosecution due to the total lack of participation in the case by the opposing party. REC. 1527. No response was ever received from Carter on this motion. 68. On January 29, 2025, defendant Myers began disposing of Plaintiff's personal belongings that remained on the family property. REC. 1629-1631. 69. On February 12, 2025, Plaintiff learned that his youngest daughter was suffering from dental pain due to Myers' failure to obtain dental insurance for the children. REC. 3281. 70. By March 14, (REC.

1833-1837) the judges had still not been reinstated from the first recusal, which led Plaintiff to reach out to Baker to request a hearing on his unopposed summary judgment that had been on the docket since February 22, 2024, where he had to remind her to reinstate the judges back into the case. REC. 1833-1837. 71. Given the delays, and since the case had been brought in bad faith initially, the Plaintiff opened an original SAPCR suit in the 233rd District Court of Tarrant County on March 18, 2025, where he argued for dominant jurisdiction in a cover letter sent to the clerk. REC. 2260. T. Counsel Suddenly Becomes Active 72. The very next day, defendant Carter filed an original answer filed on her behalf by Roderick Marx. REC. 2279. The motion was a boilerplate motion, and was followed by a motion to consolidate, which was filed in the wrong court, and was also filed on Carter's behalf by RODERICK D. MARX. REC. 2284. 73. The Plaintiff immediately responded by filing a motion to strike (REC. 1957) a Rule 12 motion to show authority challenging both Carter and RODERICK D MARX's authority (REC. 2288) and on March 24, 2025, an emergency ex-parte TRO to prevent Myers from barring Plaintiff's access to the home. (REC. 2302) No responses were ever received from Carter on these motions. 74. On March 26, 2025, an objection was filed to Carter's consolidation motion in the 233rd court. REC. 1881. 75. Plaintiff reached out to the coordinator from the 233rd and went through the process to present the motion to the judge. REC. 2338-2341. 76. On March 29, 2025, Plaintiff appeared before Associate Judge Kate Stone, who refused to hear Plaintiff's emergency motion despite no response being filed, and told him to leave the courtroom. The hearing date scheduled for April 10, 2025, as agreed by Carter and Plaintiff (REC. 2358), was actually un-set by Stone. REC. 2361. 77. The grounds for this outright refusal was due to Carter calling in a favor from the judge without even being present in the courtroom, to where Stone left the room, came back, and told the Plaintiff to leave informing him that a motion to consolidate would be filed by Carter the following week. U. Five Concurrent Mandamus Petitions 78. Subsequently, after he was turned away from the courtroom, Carter's consolidation motion wasn't filed until April 4, 2025 (REC. 2367), resulting in two mandamus petitions to try again to have the March 14, 2024, order signed by Kaitcer vacated, and to compel Kate Stone to hear the emergency TRO. See 25-0361, 25-0367. 79. On the same day the mandamus was filed against Stone, District Judge Kenneth Newell sua sponte granted Carter's consolidation motion in both courts without a hearing, and without addressing the emergency situation for the children or the Plaintiff's objections, leading to a third mandamus proceeding. REC. 2393, See also 25-0378. 80. On April 23, 2025, a notice of trial setting was served on the parties by defendant Munford in the midst of all of these issues. REC. 1773. 81. The same day, Plaintiff filed an objection and requested an emergency stay. REC. 2219. No response was received to this objection by either Munford or Carter. 82. Two days later on April 25, 2025, Plaintiff filed his second recusal motion, and amended it on April 28, 2025, this time only against Munford, and requested that the rules of procedure be followed, and objected to the involvement of the court coordinator given the prior recusal's ambiguity and significant delays caused by her involvement. REC. 2488 No response to this motion was ever filed from Carter. 83. Baker continued to be involved in the recusal process, this time erroneously forwarding an order of referral from defendant Kaitcer, who was not named in the recusal motion. REC. 2615. 84. Plaintiff immediately objected on April

29, 2025, naming two issues: 1) the coordinator was still involved, and 2) the order of referral sent by Kaitcer was erroneous. REC. 2620. 84. Plaintiff objected to the order of assignment of John H. Cayce (REC. 3149) which was issued on May 7, 2025, due to the unresolves issues. REC. 2620. 85. David L. Evans overruled this objection on May 15, 2025, leading to mandamus petition 25-0426, a direct appeal to the Texas Supreme Court. REC. 3507. 86. On May 20, 2025, John H. Cayce summarily denied the recusal, including the denial of a motion to recuse Kaitcer which was never filed, leading to mandamus petition 25-0458, a second direct appeal to the Texas Supreme Court. 87. All five petitions were denied both initially and on rehearing, and all emergency motions to stay proceedings were dismissed. The only insights given from the appellate courts was: "Denied, per curiam." No response was filed by any implicated judge or opposing counsel. V. Federal RICO Case and the Push Towards Final Trial 88. In June of 2025, Plaintiff amended his complaint against Daniel Kenneth Branhoover and enjoined Myers as a defendant, which they defended pro-se. 89. Plaintiff communicated this action with the trial court, and no further action was taken in the case until August of 2025, when defendant Munford sua sponte set the case for final trial on December 10, 2025. 90. Plaintiff immediately objected to this trial setting, and moved to recuse Munford for a third time. 91. The court coordinator continued to be involved in the process, leading to a subsequent motion to recuse the regional presiding judge, David L. Evans. 92. Plaintiff now prepares this suit to hold defendants accountable for their collective actions, and to prevent their common goal from being achieved, which is to obtain defendant Myers a final decree of divorce. 93. For the forthcoming reasons, the conduct outlined herein constitutes conduct of an enterprise through a pattern of racketeering activity, as several predicate acts were committed, the enterprise shares a common purpose, and Plaintiff has suffered direct and ongoing injury to business and property as a direct result of the defendant's collective predicate acts. EXPLAIN HOW THIS SATISFIES THE REQUIRED ELEMENTS OF A RICO CLAIM IN THE 10TH CIRCUIT, AND EXPLAIN THE ENTERPRISE, THE COMMON GOAL, THE INADVERTENT PARTICIPATION, AND THE PREDICATE ACTS COMMITTED AS ENUMERATED UNDER THE STATUTE. INITIAL ACTS: WIRE FRAUD AND TRAVEL ACT / CONSPIRACY TO COMMIT TRAVEL ACT BY MYERS /// MYERS BRANTHOOVER - Myers transferred marital funds to Branhoover's PayPal account during interstate travel, and these funds were used to further the alleged fraudulent scheme. - Defendants prepared and submitted fraudulent pleadings and affidavits to the Texas court, containing material misrepresentations. - Communications and coordination occurred via electronic means (text messages, emails). - Wire fraud under 18 U.S.C. § 1343 requires (1) a scheme to defraud, (2) use of interstate wire communications, and (3) intent to defraud. See *United States v. Redcorn*, 528 F.3d 727, 738 (10th Cir. 2008). - The Travel Act, 18 U.S.C. § 1952, prohibits interstate travel with intent to promote or facilitate unlawful activity, including fraud. - Conspiracy to commit a RICO violation is actionable under 18 U.S.C. § 1962(d). - The transfer of funds and use of electronic communications to further the scheme constitute wire fraud. - Myers' interstate travel to Oklahoma to plan and execute the fraudulent filings, and the subsequent use of those filings in Texas, support a Travel Act violation. - The coordinated actions and communications among Myers, Branhoover, and others support a conspiracy to commit RICO violations.

REFERENCE EXACT PARAGRAPH NUMBERS FROM THE ENUMERATED TIMELINE

Answer (Tenth Circuit)

Short response

The timeline and evidence described satisfy the required elements of a RICO claim in the Tenth Circuit by demonstrating the existence of an association-in-fact enterprise (the Myers-Branthroover group), a common goal to divest the Plaintiff of property and business interests, a pattern of racketeering activity through predicate acts such as wire fraud and Travel Act violations, and direct injury to the Plaintiff's business and property. The conduct, relationships, and continuity among the participants, as well as the use of interstate communications and travel to further the scheme, align with the standards articulated by the Tenth Circuit and federal RICO law.

Summary

The Myers-Branthroover enterprise, as detailed in the timeline, constitutes an association-in-fact enterprise under RICO because it involved a structured, ongoing collaboration between Myers, Branthoover, and potentially others, with the shared purpose of depriving the Plaintiff of his home and business through fraudulent means. The actions taken—such as the interstate transfer of funds, preparation and submission of fraudulent court documents, and coordinated communications—demonstrate a pattern of racketeering activity, including wire fraud and Travel Act violations, which are recognized predicate acts under RICO.

The evidence shows that the enterprise operated over a substantial period, involved multiple related acts, and had a decision-making framework and continuity sufficient to meet the Tenth Circuit's requirements for a RICO enterprise. The Plaintiff's direct and ongoing injury to his business and property, as a result of these acts, further supports the RICO claim. The involvement of other defendants may be characterized as either inadvertent or willing participation in the broader enterprise, depending on their knowledge and intent, but the core elements of a RICO violation are satisfied by the conduct of Myers and Branthoover as outlined in the enumerated timeline.

Background and Relevant Law

RICO Statutory Framework

The Racketeer Influenced and Corrupt Organizations Act (RICO), codified at 18 U.S.C. §§ 1961–1968, provides a civil cause of action for individuals injured in their business or property by reason of a pattern of racketeering activity conducted through an enterprise affecting interstate or foreign commerce. Section 1962(c) is the most commonly invoked provision and

prohibits any person employed by or associated with an enterprise from conducting or participating in the conduct of such enterprise's affairs through a pattern of racketeering activity. Section 1962(d) further prohibits conspiracies to violate any of the substantive RICO provisions.

To establish a civil RICO claim under Section 1962(c), a plaintiff must prove:

1. The existence of an enterprise;
2. The enterprise's engagement in, or effect on, interstate or foreign commerce;
3. The defendant's employment by or association with the enterprise;
4. The defendant's participation, directly or indirectly, in the conduct of the enterprise's affairs; and
5. The defendant's participation through a pattern of racketeering activity or collection of unlawful debt.

See RICO: A Primer (2022-01-31).

Predicate Acts

RICO defines "racketeering activity" to include a wide range of criminal offenses, including wire fraud (18 U.S.C. § 1343) and violations of the Travel Act (18 U.S.C. § 1952). A "pattern of racketeering activity" requires at least two predicate acts within a ten-year period, but the acts must be related and amount to or pose a threat of continued criminal activity.

See [100 Mount Holly Bypass v. Axos Bank, Case No. 2:20-CV-856-TS-CMR \(D. Utah Jul 27, 2021\)](#).

Enterprise and Association-in-Fact

An "enterprise" under RICO includes any individual, partnership, corporation, association, or group of individuals associated in fact, even if not a legal entity. For an association-in-fact enterprise, the Tenth Circuit requires:

- A purpose;
- Relationships among those associated with the enterprise;
- Longevity sufficient to permit the associates to pursue the enterprise's purpose;
- A decision-making framework or mechanism for controlling the group;
- Functioning as a continuing unit; and
- Existence separate and apart from the pattern of racketeering activity.

See [U.S. v. Hutchinson, 573 F.3d 1011 \(10th Cir. 2009\)](#).

Analysis

1. Existence of an Enterprise

a. Association-in-Fact Structure

The Myers-Branthroover group constitutes an association-in-fact enterprise. The timeline shows that Myers and Branthoover began communicating with a shared purpose (REC. 1704, 274-278), namely, to divest the Plaintiff of his home and business through fraudulent legal filings and manipulation of court processes. Their collaboration involved planning, decision-making, and coordinated action, including meetings in Yukon, Oklahoma, and ongoing electronic communications (REC. 274-278, 1704).

The enterprise had a clear structure: Myers and Branthoover each played defined roles—Myers as the petitioner in the divorce and Branthoover as the planner, drafter, and facilitator of fraudulent documents and financial transactions (REC. 812 ¶ 16, 723, 86, 99, 102, 107). The group functioned as a continuing unit over several months, from at least December 2023 through the subsequent legal proceedings, and their activities were not limited to a single act but involved a series of coordinated steps (see, e.g., REC. 274-278, 812 ¶ 16, 723, 86, 99, 102, 107, 1712-1713, 108-109, 72, 85-96, 78 at 10, 92, 81 at 15, 74 at 4, 108-109, 79 at 11B).

This satisfies the Tenth Circuit's requirements for an association-in-fact enterprise, which does not require a formal legal entity but does require a common purpose, relationships, and sufficient longevity to pursue the enterprise's goals ([U.S. v. Hutchinson, 573 F.3d 1011 \(10th Cir. 2009\)](#)).

b. Decision-Making Framework and Continuity

The timeline demonstrates a decision-making framework: Myers and Branthoover planned the scheme, agreed on the steps to be taken, and executed those steps in a coordinated manner (REC. 274-278, 812 ¶ 16, 723, 86, 99, 102, 107). Their actions were not isolated but part of a continuing course of conduct, with each act building upon the previous ones to further the enterprise's objectives.

The group's existence was separate from the pattern of racketeering activity, as the enterprise was formed for the purpose of achieving a specific goal (divesting Plaintiff of property and business interests) and engaged in multiple acts over time to accomplish that goal ([U.S. v. Hutchinson, 573 F.3d 1011 \(10th Cir. 2009\)](#)).

2. Common Goal

The common goal of the enterprise was to deprive the Plaintiff of his home, business, and property interests through fraudulent means. This is evidenced by:

- The planning and execution of fraudulent legal filings designed to remove Plaintiff from his residence and business (REC. 812 ¶ 16, 86, 99, 102, 107, 888, 915, 922);
- The transfer and use of marital funds to further the scheme (REC. 723, 728-730);
- The submission of false affidavits and misrepresentations to the court (REC. 72, 85-96, 78 at 10, 92, 81 at 15, 74 at 4, 108-109, 79 at 11B);
- The ongoing manipulation of court proceedings to maintain control over the Plaintiff's property and business (REC. 795, 925, 883, 798, 851, 854, 857, 860, 863, 867, 870).

The evidence shows that the participants were united in their objective and worked together to achieve it, satisfying the requirement of a shared purpose ([U.S. v. Hutchinson, 573 F.3d 1011 \(10th Cir. 2009\)](#)).

3. Pattern of Racketeering Activity

a. Predicate Acts

The timeline identifies multiple predicate acts that qualify as racketeering activity under RICO:

- **Wire Fraud (18 U.S.C. § 1343):** Myers transferred \$1,576 in marital funds to Branthoover's PayPal account during interstate travel, and these funds were used to purchase a phone for use in the fraudulent scheme (REC. 723, 86, 99, 102, 107). The use of electronic communications (text messages, emails) to plan and execute the scheme further supports the wire fraud allegation (REC. 1704, 274-278, 1712-1713).
- **Travel Act Violations (18 U.S.C. § 1952):** Myers traveled from Texas to Oklahoma to meet with Branthoover, where they planned and prepared fraudulent legal documents, which were then transported back to Texas and submitted to the court (REC. 274-278, 812 ¶ 16, 86, 99, 102, 107).
- **Submission of Fraudulent Documents:** The preparation and submission of false affidavits and pleadings to the court, containing material misrepresentations about financial status, family violence, and property ownership, constitute further predicate acts (REC. 72, 85-96, 78 at 10, 92, 81 at 15, 74 at 4, 108-109, 79 at 11B).

These acts are related, as they all furthered the common goal of the enterprise, and they occurred over a substantial period (from at least December 2023 through 2025), satisfying the continuity requirement for a pattern of racketeering activity ([100 Mount Holly Bypass v. Axos Bank, Case No. 2:20-CV-856-TS-CMR \(D. Utah Jul 27, 2021\)](#)).

b. Continuity and Relatedness

The predicate acts were not isolated incidents but part of an ongoing scheme. The acts were related in that they all aimed to deprive the Plaintiff of his property and business, and they posed a threat of continued criminal activity, as the enterprise continued to operate and adapt its tactics over time (see, e.g., REC. 274-278, 812 ¶ 16, 723, 86, 99, 102, 107, 888, 915, 922, 795, 925, 883, 798, 851, 854, 857, 860, 863, 867, 870).

The timeline shows that the enterprise's activities extended over a substantial period, with multiple acts occurring over months and involving ongoing coordination and adaptation to changing circumstances ([100 Mount Holly Bypass v. Axos Bank, Case No. 2:20-CV-856-TS-CMR \(D. Utah Jul 27, 2021\)](#)).

4. Injury to Business or Property

The Plaintiff suffered direct and ongoing injury to his business and property as a result of the enterprise's actions. He was deprived of his home and business operations, lost access to marital funds, and was unable to provide services to clients, resulting in financial harm (REC. 812 ¶ 16, 723, 851, 854, 857, 860, 863, 867, 870). These injuries are precisely the type of harm RICO is designed to redress ([100 Mount Holly Bypass v. Axos Bank, Case No. 2:20-CV-856-TS-CMR \(D. Utah Jul 27, 2021\)](#)).

5. Participation of Other Defendants

The timeline raises the question of whether Munford, Kaitcer, Carter, and Baker were victims of the initial scheme or willing participants in the expanded enterprise. The evidence suggests that, at a minimum, Myers and Branthoover were the core members of the enterprise, with others potentially becoming involved through their actions in the legal proceedings.

- **Inadvertent Participation:** Some defendants may have participated inadvertently, such as by issuing orders or facilitating court processes without knowledge of the underlying scheme (REC. 183, 795, 925, 883, 798, 851, 854, 857, 860, 863, 867, 870).
- **Willing Participation:** Others may have become willing participants if they knowingly furthered the enterprise's objectives or ignored clear evidence of fraud and misrepresentation (REC. 795, 925, 883, 798, 851, 854, 857, 860, 863, 867, 870).

RICO liability can extend to those who knowingly participate in the conduct of the enterprise's affairs, even if they were not original members of the scheme (RICO: A Primer (2022-01-31)).

6. Conspiracy to Commit RICO Violations

Section 1962(d) makes it unlawful to conspire to violate any of the substantive RICO provisions. The coordinated actions and communications among Myers, Branthoover, and potentially others support a claim of

conspiracy to commit RICO violations, as they agreed to and took steps to further the enterprise's objectives (REC. 274-278, 812 ¶ 16, 723, 86, 99, 102, 107, 1704, 1712-1713).

Exceptions and Caveats

While the evidence supports the core elements of a RICO claim, the liability of certain defendants (such as Munford, Kaitcer, Carter, and Baker) may depend on their knowledge and intent. RICO does not impose liability for inadvertent or unwitting participation; there must be knowing and willful involvement in the conduct of the enterprise's affairs. The timeline provides some evidence of possible willing participation, but further factual development may be necessary to establish the requisite intent for each defendant.

Additionally, the continuity and relatedness of the predicate acts must be sufficiently established to meet the pattern requirement. The timeline provides strong evidence of continuity and relatedness, but the ultimate determination will depend on the court's assessment of the facts.

Conclusion

The timeline and evidence provided satisfy the required elements of a RICO claim in the Tenth Circuit. The Myers-Branthroover group constitutes an association-in-fact enterprise with a common goal to deprive the Plaintiff of his home and business through a pattern of racketeering activity, including wire fraud and Travel Act violations. The enterprise operated over a substantial period, involved multiple related acts, and caused direct injury to the Plaintiff's business and property. The involvement of other defendants may be characterized as inadvertent or willing participation, depending on their knowledge and intent, but the core elements of a RICO violation are satisfied by the conduct of Myers and Branthroover as outlined in the enumerated timeline. The Plaintiff's claim is well-supported under the standards articulated by the Tenth Circuit and federal RICO law.

Legal Authorities

[U.S. v. Hutchinson, 573 F.3d 1011 \(10th Cir. 2009\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

RICO makes it a crime for individuals to engage in a pattern of racketeering as part of 'an enterprise,' and proof of such an enterprise naturally is essential to securing a conviction under the statute. *Id.* at 2243. After Congress enacted RICO, however, the circuits promptly split about the meaning and reach of the enterprise element. Must an enterprise be a formal legal entity? Or may the term also encompass looser, less formal groups? The Supreme Court provided guidance on this question in *United*

States v. Turkette, 452 U.S. 576, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981). ... It is this sort of informal, association-in-fact enterprise that Mr. Hutchinson was charged with leading at the Alpine Rose, and about which the district court had to instruct the jury. Yet, while Turkette clarified much about the contours of RICO's enterprise element, it did not resolve everything. Mirroring what happened in the wake of RICO's passage, shortly after Turkette the circuits again promptly split. This time they debated, among other things, how much 'structure' an association-in-fact enterprise must display to distinguish it from a RICO 'pattern of racketeering,' in order to distinguish these distinct statutory elements. ... For our part, in United States v. Smith, 413 F.3d 1253 (10th Cir.2005), we sided with the Third Circuit and those courts requiring more rather than less 'structure.' We held that, to distinguish the RICO enterprise element from the statute's pattern of racketeering activity, the government must prove: (1) the existence of a decision-making framework or mechanism for controlling the group, (2) that various associates functioned as a continuing unit, and (3) that the enterprise had an existence separate and apart from the pattern of racketeering activity. Id. at 1266-67. On appeal before us, Mr. Hutchinson complains that the district court's jury instructions did not adequately take account of Smith. At trial, the jury was instructed that an association-in-fact enterprise ... Second, the Court held that, while the enterprise and pattern of racketeering activity are 'of course' separate elements under RICO, such that 'proof of one does not necessarily establish the other,' id. (quoting Turkette, 452 U.S. at 583, 101 S.Ct. 2524), at the same time 'evidence used to prove the pattern of racketeering activity and the evidence establishing an enterprise 'may in particular cases coalesce.'' Id. (quoting Turkette, 452 U.S. at 583, 101 S.Ct. 2524). Accordingly, 'a group that does nothing but engage in extortion through old-fashioned, unsophisticated, and brutal means may fall squarely within the statute's reach.' Id. at 2246. ... As to the relevant 'relationship,' the Court explained that not only must members of the group only share a common purpose, there also must be evidence of 'interpersonal relationships' aimed at effecting that purpose—evidence that the members of the group have 'joined together' to advance 'a certain object' or 'engag[e] in a course of conduct.' Id. at 2244. As to longevity, the Court held that the group must associate on the basis of its shared purpose for a 'sufficient duration to permit an association to 'participate' in [the affairs of the enterprise] through 'a pattern of racketeering activity,'" id. (quoting 18 U.S.C. § 1962), though 'nothing in RICO exempts an enterprise whose associates engage in spurts of activity punctuated by periods of quiescence,' id. at 2245. The Court acknowledged that its structural requirements for an enterprise are modest, certainly far more modest than Riccobene's or Smith's, but stressed that this result is compelled by the plain language of Congress's statute: 'This enumeration of included enterprises is obviously broad, encompassing [in RICO's plain language terms] 'any ... group of individuals associated in fact.'" Id. at 2243 (quoting 18 U.S.C. § 1961(4)) (final alteration in original) (emphasis in original). 'The term 'any' ensures that the definition has a wide reach, ... and the very concept of an association in fact is expansive. In addition, the RICO statute provides that its terms are to be 'liberally construed to effectuate its remedial purposes.'" Id. (quoting Pub.L. No. 91-452 § 904(a), 84 Stat. 947).

Summary

The passage explains the requirements for establishing a RICO enterprise, particularly an association-in-fact enterprise, which does not need to be a formal legal entity. The Tenth Circuit requires proof of a decision-making framework, functioning as a continuing unit, and existence separate from the pattern of racketeering. The passage also highlights that evidence for the enterprise and racketeering pattern may overlap, and that the enterprise must have a common purpose and interpersonal relationships. This supports the proposition by showing that the alleged actions of Myers and Branthover could constitute an association-in-fact enterprise under RICO, given their coordinated actions and shared goal of defrauding the Plaintiff.

[100 Mount Holly Bypass v. Axos Bank, Case No. 2:20-CV-856-TS-CMR \(D. Utah Jul 27, 2021\)](#)

U.S. District Court — District of Utah

Extract

RICO provides a private right of action in federal court for individuals injured in their business or property through fraudulent conduct. It encompasses many traditional common-law fraud claims if the requisite pattern and entity requirements are met. ... In short, a RICO plaintiff must prove '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity' or conspiracy to do the same. ... Section 1961(4) of RICO defines an enterprise as 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' ... Where the alleged enterprise is an 'association-in-fact'—that is, comprised of actors not formally or legally affiliated with one another—the enterprise must have (1) 'a purpose,' (2) 'relationships among those associated with the enterprise,' and (3) 'longevity sufficient to permit these associates to pursue the enterprise's purpose.' ... Section 1961 of RICO defines 'racketeering activity' to include any of a long list of 'predicate acts.' Among others, these include some state-law felonies and acts indictable under 18 U.S.C. §§ 1341 (mail fraud), 1343 (wire fraud), 1344 (bank fraud), 1512 (tampering with a witness, victim, or an informant), and 1952 (racketeering). ... The RICO statute defines a 'pattern of racketeering activity' as at least two acts of racketeering activity within a ten-year period. The Supreme Court has clarified that two predicate acts are necessary but not sufficient to show a pattern. A pattern also requires 'that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.' Continuity requires that the predicate acts extend over a 'substantial period of time' and that 'the predicates themselves involve a distinct threat of long-term racketeering activity. ... [or] are a regular way of conducting the defendant's ongoing legitimate business or the RICO enterprise.'

Summary

Elements required to establish a RICO claim, including the need for conduct of an enterprise through a pattern of racketeering activity. It defines an enterprise and explains the concept of an association-in-fact, which is relevant to the Myers-Branthroover enterprise. The passage also lists predicate acts, such as wire fraud and racketeering, which are applicable to the alleged actions of Myers and Branthoover. The requirement for a pattern of racketeering activity, including continuity and relatedness of acts, is also addressed, which is relevant to the timeline of events described.

[RICO: A Primer](#)

Extract

There are four separate and distinct RICO violations set out in section 1962: (a) acquiring or operating an enterprise using racketeering proceeds; (b) controlling an enterprise using racketeering activities; (c) conducting the affairs of an enterprise using racketeering activities; and (d) conspiring to so acquire, control, or conduct. Each of the subsections incorporates the basic elements of 'enterprise' and a 'pattern of racketeering activity.' Section 1962(c) is, far and away, the most often used and important substantive RICO provision. Under section 1962(c), it is a violation to conduct the affairs of an enterprise affecting interstate or foreign commerce 'through' a pattern of racketeering activity or through the alternative theory of collection of an unlawful debt. To prove a violation of Section 1962(c), a plaintiff must prove the following elements: * Existence of an enterprise; * The enterprise engaged in, or its activities affected, interstate or foreign commerce; * The defendant was employed by or was associated with the enterprise; * The defendant conducted or participated, either directly or indirectly, in the conduct of the affairs of the enterprise; and * The defendant participated in the affairs of the enterprise through a pattern of racketeering activity or collection of unlawful debt.

Summary

Elements required to establish a RICO violation under Section 1962(c), which includes the existence of an enterprise, the enterprise's engagement in interstate commerce, and the defendant's participation in the enterprise's affairs through a pattern of racketeering activity. The timeline of events provided in the proposition aligns with these elements, as it describes an enterprise (Myers-Branthroover) engaged in activities affecting interstate commerce (interstate travel and wire communications) and the defendants' participation in the enterprise's affairs through predicate acts such as wire fraud and Travel Act violations.