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RE ITIO MYERS CHILDREN, CAUSE NO. 233-765358-25 CL-12105

FUDSTOP <chuckdustin12@gmail.com>

Mon, Mar 24, 2025 at 10:15 AM

To: "Angie D. Wierzbicki" <ADWierzbicki@tarrantcountytx.gov>

Cc: Cooper Carter <coopercarter@majadmin.com>

Ms. Wierzbicki, Mr. Carter,

Thank you for the update. However, I must respectfully object to the assertion that this is a mandatory consolidation.

Under Texas Rule of Civil Procedure 174(a), consolidation is discretionary and not automatic where doing so would cause delay, injustice, or prejudice to a party. Additionally, the Texas Supreme Court in *Curtis v. Gibbs*, 511 S.W.2d 263 (Tex. 1974) expressly carved out exceptions to dominant jurisdiction where:

The original case was filed in bad faith,

The case isn't been prosecuted;

Equity and justice require an independent forum.

All three conditions are present here. The SAPCR was filed in good faith after the 322nd case became procedurally stalled and legally defective—with no Notice of Remand, no evidentiary rulings on the children, and pending dispositive motions including unopposed requests for dismissal.

It would be prejudicial to the children to consolidate a case that had no ability to proceed.

Thank you.

Respectfully,
Charles Dustin Myers
Pro Se Petitioner

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