

NO. 322-744263-23

IN THE MATTER OF

THE MARRIAGE OF

MORGAN MICHELLE MYERS

AND

CHARLES DUSTIN MYERS

AND IN THE INTEREST OF

M.E.M. AND C.R.M.,

CHILDREN

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IN THE DISTRICT COURT

322ND JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

Respondent's Objection to Petitioner's Summary Judgment Evidence

TO THE HONORABLE JUDGE OF THIS COURT:

1. Respondent OBJECTS to and moves to STRIKE all evidence attached to or referenced in Petitioner's summary-judgment response. Petitioner's exhibits consist of unauthenticated emails, screenshots, text messages, financial documents, and third-party affidavits that were never produced in discovery, are inadmissible hearsay, lack authentication, and fail to meet the requirements of competent summary-judgment evidence. Each category below independently requires exclusion.

I. AUTOMATIC EXCLUSION FOR DISCOVERY ABUSE (RULE 193.6)

2. Evidence not timely disclosed in discovery must be excluded from all proceedings, including summary judgment, unless the proponent establishes both good cause for the failure and absence of unfair surprise or prejudice. This exclusion is mandatory.

3. Petitioner’s exhibits were never produced in response to written discovery requests and were disclosed for the first time in a summary-judgment response. This is the precise type of trial by ambush Rule 193.6 prohibits. The record contains no showing of good cause and no proof of lack of prejudice. Accordingly, exclusion is automatic and required.

II. LACK OF AUTHENTICATION (RULES 901 & 902)

4. Texas Rule of Evidence 901 requires proof that evidence is what its proponent claims. Merely attaching documents to a response does not authenticate them. Screenshots, emails, text messages, and PDFs are not self-authenticating and require proof of authorship, creation, and integrity.

III. HEARSAY (RULES 801–803)

5. Petitioner’s exhibits consist almost entirely of out-of-court statements offered for the truth of the matters asserted. Emails, texts, and unsworn statements are classic hearsay and inadmissible absent a recognized exception. No exception has been established. Even alleged party admissions remain inadmissible without proper authentication—which is entirely lacking here.

IV. IMPROPER SUMMARY-JUDGMENT EVIDENCE (RULE 166a(f))

6. Summary-judgment evidence must be:
- i. Sworn,
 - ii. Based on personal knowledge,
 - iii. Contain admissible facts, and
 - iv. Show the affiant is competent to testify.

7. Unsworn screenshots, unauthenticated documents, and narrative statements are not competent evidence and cannot be considered. Conclusory, unfounded, or legally defective affidavits cannot create a fact issue under any circumstance.

V. EFFECT ON NO-EVIDENCE SUMMARY JUDGMENT (RULE 166a(i))

8. Once all untimely, unauthenticated, and hearsay materials are struck, Petitioner has produced no competent summary-judgment evidence on any challenged element. Under Rule 166a(i), the Court must grant Respondent's no-evidence motion as a matter of law.

VI. PRESERVATION OF ERROR

9. Accordingly, Respondent timely objects to the form, substance, and admissibility of Petitioner's evidence and expressly moves to strike each exhibit in its entirety, thereby preserving all error for appellate review.

VII. PRAYER

10. Respondent respectfully requests that the Court:

- i. Sustain Respondent's objections;
- ii. Strike all of Petitioner's challenged summary-judgment exhibits in their entirety;
- iii. Refuse to consider the excluded materials for any purpose; and
- iv. Grant Respondent's No-Evidence Motion for Summary Judgment because no competent evidence remains on any challenged element.
- v. Abate the final trial setting and;
- vi. Provide any further relief, both in law and equity that the Court deems necessary.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693
PRO-SE RESPONDENT

CERTIFICATE OF SERVICE

On December 1, 2025, a true and accurate copy of this OBJECTION TO PETITIONER'S SUMMARY JUDGMENT EVIDENCE was properly served on all parties of record pursuant to Tex. R. Civ. P. § 21a.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
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817-546-3693
PRO-SE RESPONDENT

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JUDGMENT EVIDENCE

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