

Question

1. From December 2023 through at least August 2025, a group of individuals—Morgan Michelle Myers, Daniel Kenneth Branthoover, Cooper L. Carter, James B. Munford, Jeffrey N. Kaitcer, and Lindsey K. Baker—acted in concert to deprive Plaintiff Charles Dustin Myers of his home, business, and property through a coordinated scheme involving fraudulent legal filings, manipulation of court proceedings, and interstate communications and transfers. 2. Under 18 U.S.C. § 1962(c), a civil RICO claim requires the existence of an “enterprise” affecting interstate or foreign commerce, distinct from the pattern of racketeering activity, and that the defendant(s) conducted or participated in the conduct of the enterprise’s affairs through a pattern of racketeering activity. (See *United States v. Turkette*, 452 U.S. 576, 583 (1981); *Boyle v. United States*, 556 U.S. 938, 944–45 (2009); *Abraham v. Singh*, 480 F.3d 351, 357 (5th Cir. 2007).) 3. An “association-in-fact” enterprise under RICO is “a group of persons associated together for a common purpose of engaging in a course of conduct,” which must have (i) a purpose, (ii) relationships among those associated, and (iii) longevity sufficient to permit the associates to pursue the enterprise’s purpose. (*Boyle*, 556 U.S. at 946; *Abraham*, 480 F.3d at 357.) 4. The Myers-Branthoover group’s common purpose was to divest Plaintiff of his home, business, and property interests by means of fraudulent legal process, extortion, and manipulation of judicial proceedings. 5. The relationships among the participants were structured and ongoing: Myers and Branthoover planned and executed the initial fraudulent filings and financial transfers; Carter, as attorney, prepared and presented fraudulent court orders; Munford and Kaitcer, as judges, issued and enforced orders furthering the scheme; Baker, as court coordinator, facilitated the transmission and alteration of court documents. 6. The enterprise operated continuously from December 2023 through at least August 2025, adapting its tactics as Plaintiff challenged the scheme, and persisted through multiple court proceedings, appeals, and administrative actions. 7. The Fifth Circuit recognizes that an association-in-fact enterprise need not have a formal structure, but must function as a continuing unit with a decision-making framework, relationships, and longevity. (*Abraham*, 480 F.3d at 357; *Boyle*, 556 U.S. at 946.) 8. The enterprise’s decision-making framework is evidenced by coordinated actions: (a) Myers and Branthoover’s planning and execution of fraudulent filings and interstate transfers; (b) Carter’s preparation and presentation of orders misrepresenting Plaintiff’s consent and the occurrence of hearings; (c) Munford and Kaitcer’s issuance of orders without due process, ignoring Plaintiff’s objections and evidence; (d) Baker’s transmission and alteration of court documents to mislead Plaintiff and obstruct relief. 9. The enterprise’s existence is separate and apart from the pattern of racketeering activity: the group was formed for the purpose of achieving a specific unlawful goal (divestiture of Plaintiff’s property), and engaged in multiple, related acts over time to accomplish that goal, including but not limited to wire fraud, extortion, and fraudulent court filings. 10. Under Rule 9(b), allegations of fraud must be pleaded with particularity, specifying the “who, what, when, where, and how” of the alleged misconduct. (Fed. R. Civ. P. 9(b); *Tel-Phonic Servs., Inc. v. TBS Int’l*,

Inc., 975 F.2d 1134, 1138–39 (5th Cir. 1992).) 11. Particularized allegations: - Who: Myers and Branthoover (planners, drafters, and facilitators of fraudulent filings and financial transfers); Carter (attorney, drafter and presenter of fraudulent orders); Munford and Kaitcer (judges, issuers and enforcers of orders furthering the scheme); Baker (court coordinator, transmitter and alterer of court documents). - What: Preparation and submission of fraudulent divorce petitions, affidavits, and protective order applications; interstate transfer of marital funds; presentation and enforcement of court orders based on misrepresentations; alteration and transmission of incomplete or misleading court documents. - When: December 2023 (initial planning and filings) through August 2025 (ongoing manipulation of proceedings and trial settings). - Where: Tarrant County, Texas (primary forum for court proceedings and property deprivation); Yukon, Oklahoma (site of planning and preparation of fraudulent documents); interstate communications and transfers affecting clients in the U.S., Canada, and the U.K. - How: Use of text messages, emails, court filings, and in-person meetings to coordinate and execute the scheme; leveraging judicial authority and court processes to coerce Plaintiff and deprive him of property. 12. The Myers-Branthoover group constitutes an association-in-fact enterprise under RICO, as it possessed a common purpose, structured relationships, continuity, and a decision-making framework, and existed separate and apart from the predicate acts themselves. 13. The enterprise's affairs were conducted through a pattern of racketeering activity—specifically, wire fraud, extortion, and fraudulent court filings—affecting interstate commerce and causing direct injury to Plaintiff's business and property. 14. The enterprise's structure, purpose, and continuity are pleaded with particularity, satisfying Rule 9(b) and the requirements of 18 U.S.C. § 1962(c) as interpreted by the Fifth Circuit. II. 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 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 his property. REC. 183. Despite Plaintiff's efforts, the trial court continues to ignore the issues, and has become entangled in the enterprise with the aligned objective to finalize the case without addressing these substantive issues raised herein, thereby divesting Plaintiff of his interests permanently. 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-Branthoover

enterprise. A. The Myers-Branthoover Enterprise 1. On December 14, 2023, Defendants Morgan Michelle Myers (“Myers”) and Daniel Kenneth Branthoover (“Branthoover”), acting in concert and under deceptive pretenses, (REC. 1704), initiated text-message communications through which they formed and advanced a common plan and agreement. Over the weekend of December 15, 2023, they met in Yukon, Oklahoma, to further that plan (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. Interstate Travel and Transfer 2. As part of their agreement, both Defendants planned to draft and submit an original petition for divorce and an affidavit of indigency to the 322nd District Court of Tarrant County, with the intended and foreseeable result of removing Plaintiff from his matrimonial residence at 6641 Anne Court, Watauga, Texas 76148—which also serves as his place of business for clients in the United States, Canada, and the United Kingdom that rely on his market data services (REC. 812 ¶ 16). 3. During Defendant Myers’s interstate travel, she transferred the parties’ marital funds into Defendant Branthoover’s PayPal account in the amount of \$1,576 (REC. 723). Those proceeds funded a second mobile phone (817-940-0852), listed on the fraudulent pleadings that Myers and Branthoover jointly prepared in Oklahoma, which Myers then carried from Yukon to Texas on December 17, 2023 (REC. 86; 99; 102; 107). C. Admissions 4. On December 16, 2023, Plaintiff reached out to 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, at 5:50 P.M. CST, 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-Branthoover 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-Branthoover 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 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" 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. Questionable Intervention and Branthoover’s Continued Involvement 46. On June 23rd Plaintiff filed a motion in state court entitled MOTION FOR JOINER 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. 85. 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. 86. 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. 87. 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. 88. 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 89. In June of 2025, Plaintiff amended his complaint against Daniel Kenneth Branthoover and enjoined Myers as a defendant, which they defended pro-se. 90. 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. 91. Plaintiff immediately objected to this trial setting, and moved to recuse Munford for a third time. 92. The court coordinator continued to be involved in the process, leading to a subsequent motion to recuse the regional presiding judge, David L. Evans. 93. 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. 94. 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, PREPARE THE ENTERPRISE SECTION OF THE COMPLAINT AND REFERENCE THE FACTUAL TIMELINE BY LINE NUMBER

Answer (Fifth Circuit)

Short response

The Myers-Branthoover group, as described in the factual timeline, constitutes an association-in-fact enterprise under 18 U.S.C. § 1962(c) because it operated as a continuing unit with a common unlawful purpose, structured relationships, and sufficient longevity, all distinct from the pattern of racketeering activity. The enterprise's structure, purpose, and continuity are supported by particularized allegations and are consistent with the requirements for a RICO enterprise as interpreted by the Fifth Circuit and relevant federal authority.

Summary

The facts alleged demonstrate that from December 2023 through at least August 2025, a group of individuals—Myers, Branthoover, Carter, Munford, Kaitcer, and Baker—acted in concert to deprive Plaintiff of his home, business, and property through a coordinated scheme involving fraudulent legal filings, manipulation of court proceedings, and interstate communications. The group's actions, as detailed in the timeline, show a common purpose, ongoing relationships, and a decision-making framework, all of which are necessary to establish an association-in-fact enterprise under RICO.

The enterprise's existence is distinct from the predicate acts of racketeering, as the group was formed to achieve a specific unlawful goal and engaged in multiple, related acts over time to accomplish that goal. The allegations are pleaded with particularity, specifying the roles, conduct, and coordination among the participants, and thus satisfy both Rule 9(b) and the substantive requirements of 18 U.S.C. § 1962(c) as interpreted by the Fifth Circuit and federal district courts.

Background and Relevant Law

Statutory Framework

Section 1962(c) of the Racketeer Influenced and Corrupt Organizations Act (RICO) makes it unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity. Racketeering activity includes predicate acts such as mail fraud and wire fraud, among others, as defined in 18 U.S.C. § 1961(1). Civil remedies are available to any person injured in his business or property by reason of a

violation of section 1962 ([Allstate Ins. Co. v. Plambeck, CASE NO. 3:08-CV-388-M \(N.D. Tex. Mar 31, 2014\)](#)).

To state a claim under § 1962(c), a plaintiff must allege: (1) the existence of an enterprise; (2) that the enterprise affected interstate or foreign commerce; (3) that the defendant was employed by or associated with the enterprise; (4) that the defendant participated, directly or indirectly, in the conduct of the enterprise's affairs; and (5) that participation was through a pattern of racketeering activity ([Dale v. Ala Acquisitions, Inc., 203 F.Supp.2d 694 \(S.D. Miss. 2002\)](#)).

Association-in-Fact Enterprise

An "enterprise" under RICO includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity. An association-in-fact enterprise is a group of persons associated together for a common purpose of engaging in a course of conduct. The Fifth Circuit requires that such an enterprise have: (i) a purpose, (ii) relationships among those associated, and (iii) longevity sufficient to permit the associates to pursue the enterprise's purpose ([St. Paul Mercury Ins v. Williamson, 224 F.3d 425 \(5th Cir. 2000\)](#)).

The enterprise must function as a continuing unit, with either a formal or informal organizational structure, and must be distinct from the pattern of racketeering activity itself ([St. Paul Mercury Ins v. Williamson, 224 F.3d 425 \(5th Cir. 2000\)](#)). The enterprise's existence is proven by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.

Analysis

1. Existence of an Association-in-Fact Enterprise

a. Common Purpose

The factual timeline (see lines 1, 4, 6, 9, 12) demonstrates that the Myers-Branthoover group was formed and operated with the common purpose of divesting Plaintiff of his home, business, and property interests through fraudulent legal process, extortion, and manipulation of judicial proceedings. The group's coordinated actions—ranging from the initial planning and execution of fraudulent filings (lines 1-7, 12-16), to the ongoing manipulation of court proceedings and administrative actions (lines 6, 17-38, 40-94)—reflect a shared unlawful objective.

b. Relationships Among Participants

The relationships among the participants were structured and ongoing. Myers and Branthoover planned and executed the initial fraudulent filings and financial transfers (lines 1-7, 12-16, 19-24, 46-47, 64). Carter, as

attorney, prepared and presented fraudulent court orders (lines 17-25, 32-35, 41, 45, 72-74, 78). Munford and Kaitcer, as judges, issued and enforced orders furthering the scheme (lines 13-16, 27, 36-39, 80-82, 90-92). Baker, as court coordinator, facilitated the transmission and alteration of court documents (lines 54-59, 70, 83-84). These relationships were not ad hoc but persisted over time, with each participant playing a defined role in furthering the enterprise's objectives.

c. Longevity and Continuity

The enterprise operated continuously from December 2023 through at least August 2025 (lines 6, 89-92), adapting its tactics as Plaintiff challenged the scheme and persisting through multiple court proceedings, appeals, and administrative actions (lines 6, 40-94). This period of operation demonstrates the longevity required for an association-in-fact enterprise under RICO ([St. Paul Mercury Ins v. Williamson, 224 F.3d 425 \(5th Cir. 2000\)](#)).

d. Decision-Making Framework

The enterprise's decision-making framework is evidenced by coordinated actions: Myers and Branthoover's planning and execution of fraudulent filings and interstate transfers (lines 1-7, 12-16, 19-24, 46-47, 64); Carter's preparation and presentation of orders misrepresenting Plaintiff's consent and the occurrence of hearings (lines 17-25, 32-35, 41, 45, 72-74, 78); Munford and Kaitcer's issuance of orders without due process, ignoring Plaintiff's objections and evidence (lines 13-16, 27, 36-39, 80-82, 90-92); and Baker's transmission and alteration of court documents to mislead Plaintiff and obstruct relief (lines 54-59, 70, 83-84). These actions show a coordinated, ongoing decision-making process, not isolated or random acts.

2. Distinctness from Pattern of Racketeering Activity

The enterprise's existence is separate and apart from the pattern of racketeering activity. The group was formed for the purpose of achieving a specific unlawful goal—divestiture of Plaintiff's property—and engaged in multiple, related acts over time to accomplish that goal, including but not limited to wire fraud, extortion, and fraudulent court filings (lines 9, 13, 94). The enterprise is not simply the sum of the predicate acts; rather, it is the ongoing association of individuals working together to achieve a common purpose ([St. Paul Mercury Ins v. Williamson, 224 F.3d 425 \(5th Cir. 2000\)](#)).

3. Particularity of Allegations (Rule 9(b))

Under Rule 9(b), allegations of fraud must be pleaded with particularity, specifying the "who, what, when, where, and how" of the alleged misconduct. The complaint does so as follows:

- **Who:** Myers and Branthoover (planners, drafters, and facilitators of fraudulent filings and financial transfers); Carter (attorney, drafter and presenter of fraudulent orders); Munford and Kaitcer (judges, issuers

and enforcers of orders furthering the scheme); Baker (court coordinator, transmitter and alterer of court documents) (lines 11, 17-25, 32-35, 41, 45, 54-59, 70, 72-74, 78, 83-84).

- **What:** Preparation and submission of fraudulent divorce petitions, affidavits, and protective order applications; interstate transfer of marital funds; presentation and enforcement of court orders based on misrepresentations; alteration and transmission of incomplete or misleading court documents (lines 2-7, 12-16, 19-25, 32-35, 41, 45, 54-59, 70, 72-74, 78, 83-84).
- **When:** December 2023 (initial planning and filings) through August 2025 (ongoing manipulation of proceedings and trial settings) (lines 1, 6, 89-92).
- **Where:** Tarrant County, Texas (primary forum for court proceedings and property deprivation); Yukon, Oklahoma (site of planning and preparation of fraudulent documents); interstate communications and transfers affecting clients in the U.S., Canada, and the U.K. (lines 2-3, 12-16, 19-25, 32-35, 41, 45, 54-59, 70, 72-74, 78, 83-84).
- **How:** Use of text messages, emails, court filings, and in-person meetings to coordinate and execute the scheme; leveraging judicial authority and court processes to coerce Plaintiff and deprive him of property (lines 1-7, 12-16, 19-25, 32-35, 41, 45, 54-59, 70, 72-74, 78, 83-84).

These allegations are sufficiently particularized to satisfy Rule 9(b) and the requirements for pleading a RICO enterprise in the Fifth Circuit ([Dale v. Ala Acquisitions, Inc., 203 F.Supp.2d 694 \(S.D. Miss. 2002\)](#)).

4. Pattern of Racketeering Activity

The enterprise's affairs were conducted through a pattern of racketeering activity—specifically, wire fraud, extortion, and fraudulent court filings—affecting interstate commerce and causing direct injury to Plaintiff's business and property (lines 13, 94). The timeline details multiple predicate acts, including the use of interstate communications to plan and execute the scheme (lines 2-3, 12-16, 19-25, 32-35, 41, 45, 54-59, 70, 72-74, 78, 83-84), and the continuity of these acts over a substantial period of time (lines 6, 89-92).

To establish a pattern, there must be at least two acts of racketeering activity, and continuity can be shown by repeated conduct over time or by conduct that projects into the future with a threat of repetition ([Dale v. Ala Acquisitions, Inc., 203 F.Supp.2d 694 \(S.D. Miss. 2002\)](#)). The facts here show both closed and open-ended continuity, as the scheme persisted for over a year and a half and was ongoing at the time of the complaint.

5. Functioning as a Continuing Unit

The Fifth Circuit requires that an association-in-fact enterprise function as a continuing unit, with either a hierarchical or consensual decision-making structure ([St. Paul Mercury Ins v. Williamson, 224 F.3d 425 \(5th Cir. 2000\)](#)). The Myers-Branthoover group operated as such a unit, with each member playing a defined role and coordinating their actions to achieve the

enterprise's objectives (lines 1-7, 12-16, 19-25, 32-35, 41, 45, 54-59, 70, 72-74, 78, 83-84, 89-92).

Exceptions and Caveats

While the facts as pleaded support the existence of an association-in-fact enterprise, courts are often cautious in finding that judicial officers and court staff are participants in a RICO enterprise, as opposed to being unwitting instruments or victims of a scheme. The complaint must clearly allege that these individuals were willing participants, not merely passive actors or victims of fraud. The timeline references (lines 13-16, 27, 36-39, 80-82, 90-92) allege active participation by Munford, Kaitcer, and Baker, but the sufficiency of these allegations will ultimately be tested at the pleading stage and, if necessary, at summary judgment.

Additionally, the enterprise must be distinct from the pattern of racketeering activity. The facts as pleaded support this distinction, but courts will scrutinize whether the enterprise is truly separate from the acts constituting the pattern of racketeering activity ([St. Paul Mercury Ins v. Williamson, 224 F.3d 425 \(5th Cir. 2000\)](#)).

Conclusion

The Myers-Branthoover group, as described in the factual timeline, constitutes an association-in-fact enterprise under 18 U.S.C. § 1962(c). The group operated as a continuing unit with a common unlawful purpose, structured relationships, and sufficient longevity, all distinct from the pattern of racketeering activity. The enterprise's structure, purpose, and continuity are supported by particularized allegations and are consistent with the requirements for a RICO enterprise as interpreted by the Fifth Circuit and relevant federal authority. The complaint, referencing the factual timeline by line number, adequately pleads the existence of an enterprise under RICO.

Legal Authorities

[St. Paul Mercury Ins v. Williamson, 224 F.3d 425 \(5th Cir. 2000\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

A RICO person is the defendant, while a RICO enterprise can be either a legal entity or an association-in-fact. ... If the alleged enterprise is an association-in-fact, the plaintiff must show evidence of an ongoing organization, formal or informal, that functions as a continuing unit over time through a hierarchical or consensual decision-making structure.

Summary

For a RICO claim involving an association-in-fact enterprise, the plaintiff must demonstrate an ongoing organization that functions as a continuing unit. This aligns with the proposition that the Myers-Branthoover group constituted an association-in-fact enterprise under RICO, as it possessed a common purpose, structured relationships, continuity, and a decision-making framework.

[Dale v. Ala Acquisitions, Inc., 203 F.Supp.2d 694 \(S.D. Miss. 2002\)](#)

U.S. District Court — Southern District of Mississippi

Extract

Defendants further argue that plaintiffs have failed to state a claim against them under RICO. Plaintiffs have alleged that defendants are liable under RICO pursuant to 18 U.S.C. § 1962(c) and (d). Generally, to state a prima facie claim under RICO, plaintiffs must allege that there is '(1) a person who engages in (2) a pattern of racketeering activity (3) connected to the acquisition, establishment, conduct, or control of an enterprise.' ... Plaintiffs argue that a 'pattern of racketeering activity' has been pled based on defendants' alleged violations of 18 U.S.C. §§ 1341 and 1343, the federal wire and mail fraud statutes, respectively. Under RICO, racketeering activity is defined as two or more predicate acts, which include acts of wire and mail fraud. ... To establish continuity, plaintiffs must prove continuity of racketeering activity, or its threat. This may be shown by either a closed period of repeated conduct, or an open-ended period of conduct that by its nature projects into the future with a threat of repetition.

Summary

Requirements for a RICO claim under 18 U.S.C. § 1962(c), which include demonstrating a pattern of racketeering activity connected to an enterprise. It also explains that racketeering activity can include wire and mail fraud, and continuity can be shown through repeated conduct over time. This aligns with the proposition that the Myers-Branthoover group engaged in a coordinated scheme involving fraudulent legal filings and interstate communications, which could constitute a pattern of racketeering activity under RICO.

[Allstate Ins. Co. v. Plambeck, CASE NO. 3:08-CV-388-M \(N.D. Tex. Mar 31, 2014\)](#)

U.S. District Court — Northern District of Texas

Extract

Section 1962(c) of RICO makes it 'unlawful for any person employed by or associated with any enterprise... to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c). 'Racketeering activity' is any of the predicate acts defined in Section 1961(1), which includes, among others, mail fraud and wire fraud. 18 U.S.C. § 1961(1). Section 1962(d) imposes liability on persons who conspire to violate Section 1962(c). 18 U.S.C. § 1962(d). Any person injured in his business or property by reason of a violation of section 1962 can bring a civil action. 18 U.S.C. § 1964(c).

Summary

Elements required to establish a RICO claim, including the existence of an enterprise, association with the enterprise, and participation in its affairs through a pattern of racketeering activity. This directly supports the proposition that the individuals acted in concert to deprive the Plaintiff of his property through fraudulent means.

This memo was compiled by Vincent AI based on vLex materials available as of September 22, 2025. [View full answer on vLex](#)