

NO. 322-744263-23

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN THE INTEREST OF *M.E.M., C.R.M., two
children*)

MORGAN MICHELLE MYERS

Petitioner,

CHARLES DUSTIN MYERS,

Respondent.

Plea to the Jurisdiction

2025-04-24

TO THE HONORABLE COURT:

Respondent Charles D. Myers files this Plea to the Jurisdiction, seeking dismissal of this matter in its' entirety, and in support thereof, shows the following:

I. INTRODUCTION

The Court's temporary orders in this matter—beginning with a January 16, 2024 order that compelled Respondent to vacate his residence without statutory authority or due process—are void ab initio. At no point did the Court lawfully acquire jurisdiction to enter the extraordinary relief imposed. All subsequent orders (including “agreed” temporary orders entered without Respondent’s consent) derive from the initial void act and are likewise null. Respondent therefore requests that the Court dismiss the case and vacate **all** temporary orders and associate judge’s reports as legally null and void, so that any further proceedings, if warranted, occur only under proper jurisdiction and due process of law. The Court has repeatedly exceeded its lawful authority – including removing Respondent from his residence without the

required findings or protective order, and signing a “consent” Temporary Order that Respondent **never agreed to**. Because the Court’s actions **transcended its statutory jurisdiction** and constitute procedural fraud, Respondent respectfully prays that the Court dismiss this case in its entirety for **lack of subject matter jurisdiction**.

II. Factual and Procedural Background

The record reveals a pattern of the Court acting beyond its jurisdiction: on **January 16, 2024**, the Court ousted Respondent from the marital residence **without any finding of family violence or protective order**; on **March 26, 2024**, the Court entered “Agreed” Temporary Orders **without Respondent’s consent**, flouting the statutory procedures for entry of such orders. These actions violate Respondent’s due process rights and the Texas Family Code. Under Texas law, orders issued **without jurisdiction or in the absence of a party’s consent are void** and cannot confer jurisdiction. Respondent asks the Court to recognize these fundamental defects and dismiss this proceeding as a matter of law.

On January 16, 2024, at a show-cause setting, the District Judge ordered Respondent to vacate the marital residence by 2:00 p.m. that same day, awarded the residence to Petitioner, and gave Petitioner temporary possession of the parties’ children. This **“kick-out” order** was issued **without any evidentiary hearing or testimony** – indeed, the matter was continued – and with **no findings of family violence**. The court did **not issue a protective order** under Title 4 of the Texas Family Code, nor did it enter any written findings of fact or conclusions of law to justify excluding Respondent from his home. Respondent did **not consent** to this order, which was rendered unilaterally by the court **in the absence of the procedural safeguards required by law**. (TAB A)

This order was issued **without the statutory findings required by Tex. Fam. Code §§ 83.006 and 85.001**, and no Protective Order was ever obtained. The January 16 order consolidated the separate protective order proceeding into this divorce cause, yet at no point did the Court find that family violence occurred or issue a Protective Order as mandated by law. It simply extended these unlawful orders.

A. Extensions and Temporary Orders Proceedings

The January 16 exclusion order was subsequently extended and carried forward. At a January 22, 2024, hearing before the Associate Judge, the temporary orders hearing was again continued, but the exclusion of Respondent from the home remained in effect. The court did permit Respondent a short period of visitation with the children on January 26–28, 2024, but Respondent had to *ask his attorney* to have that provision added. (TAB B)

B. February 1, 2024 – Associate Judge’s Hearing and Report with Agreed Terms

On February 1st, 2024, an Associate Judge was drafted by *Dan Bacalis*, not the presiding judge, and the Report was signed by counsel for all parties that had specific requirements regarding the agreement’s reduction to writing. They included:

1. *“A typed written Order conforming to this Report will follow within 20 days from the date this Report is signed.”* The Report was signed on February 1, 2024; thus a written order was due by **February 21, 2024**
2. *“The Temporary Order shall be prepared by Dan Bacalis.”* At the time, **Dan Bacalis** was Respondent’s attorney of record, and the Court specifically assigned him to draft the order.

3. *“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.”* In other words, once Mr. Bacalis prepared the draft, opposing counsel (Cooper L. Carter for Petitioner) would have 5 days to review and approve or object. The approval was to be **attorney-only**; the parties themselves were not required to sign off.
4. *“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.”* Thus, by approximately March 2, 2024 (30 days from Feb 1), if the attorneys could not agree on the form of the order, the proper procedure was to file a Motion to Enter (Sign) the temporary order and obtain a ruling from the Court.

Both parties and their attorneys **signed the Feb 1st Associate Judge’s Report, expressly agreeing** to its terms and the process outlined for entering the written Temporary Orders. The Report was marked “AGREED” and signed by Petitioner (through counsel Cooper Carter) and Respondent (through counsel Dan Bacalis) as *“Agreed as to Form and Substance,”* and was approved by the Associate Judge on February 1, 2024. (TAB C)

C. March 14, 2024 – Further due process violations

Following February 1, 2024, the responsibility to draft the Temporary Orders fell to Respondent’s then-attorney, Mr. Bacalis, per the court’s directive. However, Mr. Bacalis couldn’t have prepared and circulated any draft within the 20-day period (by Feb. 21, 2024) because he was specifically terminated by the Respondent to prevent the fraudulent basis for this agreement from ever being formalized. (TAB D)

After Bacalis's exit, Respondent challenged the orders via an emergency motion, and **Petitioner's attorney, Cooper L. Carter**, never responded. (TAB E) Instead, she took it upon herself to draft the temporary orders despite the Feb 1st AJR's directive that Respondent's attorney would draft it. Moreover, Ms. Carter's eventual draft **did not conform in all respects to the Feb 1st agreement**. Notable discrepancies (material differences) in the draft Temporary Orders included, for example: 1) different times that the parties would remain in the home, 2) temporary injunctions not present in the February 1st report, and 3) did not have the correct email address or residential address. These terms went beyond or conflicted with what was pronounced and agreed in the Feb 1 hearing, effectively rewriting portions of the parties' agreement to Petitioner's advantage. (TAB F)

Finally, despite an agreement clearly not being met, the Associate Judge compelled Respondent to sign them in violation of the prior agreement and without explanation. Such a gross miscarriage of justice and disregard for Respondent's constitutional violations cannot be overlooked. Crucially, page one of the orders claim that all parties consent to the terms, that the court heard **a motion on February 1st for temporary orders**, yet are missing crucial signatures from both Respondent and his prior counsel, and are based off of a hearing that never took place and that cannot be found on the case docket.

III. Lack of Statutory Authority for Excluding Respondent From Home and Children

Texas Family Code § 83.006 strictly limits a court's authority to exclude a party from their residence. A person may *only* be excluded from their residence if the applicant: (1) files a sworn affidavit with a detailed description of the facts requiring exclusion, and (2) appears in person to testify at the hearing to justify issuance. Tex. Fam. Code § 83.006(a). Moreover, before rendering such an order, the court must find from the affidavit and testimony that:

1. The applicant resides on the premises (or did within the past 30 days);
2. The person to be excluded committed family violence within the past 30 days; and
3. There is a clear and present danger that the excluded person is likely to commit family violence in the immediate future.

See Tex. Fam. Code § 83.006(b)(1)–(3).

Likewise, **Texas Family Code § 85.001** requires that at “the close of a hearing on an application for a protective order, the court shall find whether family violence has occurred.” Tex. Fam. Code § 85.001(a). If such a finding is made, **a protective order *must*** issue against the perpetrator of family violence. *Id.* § 85.001(b)(1). In this case, however, no protective order was ever issued. At the subsequent hearing dates (January 22, 2024 and beyond), the court did not make the required finding that family violence occurred and indeed **granted a continuance** instead of conducting a full hearing on the merits to continue the deprivation. Ultimately, rather than issue a protective order as the law mandates upon a finding of family violence or deny the application outright, the court transitioned to ordinary temporary orders under the divorce proceeding – *without* ever fulfilling the requirements of Chapter 85.

In short, the statutory process designed to lawfully divest a parent of home possession or child custody (via a protective order) was **never completed**. Without a valid protective order in place, the court **lacked jurisdiction** to continue enforcing the extreme relief originally granted to the Mother. Any further exercise of power over the Respondent’s residence or parenting rights was *ultra vires* and void.

Because the trial court failed to follow the Texas Family Code’s jurisdictional safeguards, the initial and subsequent orders were entered without lawful authority. A trial court “**lacks**

jurisdiction” to enter an order that does not comply with explicit statutory prerequisites for that order. The proper remedy is to declare such orders void and dismiss the claims that gave rise to them. Respondent respectfully demands the Court to do so here.

IV. Violation of Respondent’s Constitutional Rights to Due Process and Family Integrity

The trial court’s actions not only violated statute but also trampled Respondent’s fundamental constitutional rights. By evicting the Respondent from his home and effectively separating him from his children with **no prior notice or opportunity to be heard**, the court deprived him of liberty and property without due process of law. This violates **Article I, § 19 of the Texas Constitution** (the “due course of law” guarantee) and the **Fourteenth Amendment to the U.S. Constitution**. Now, the court seeks to *finalize* this fundamental error amidst an ongoing appeal, showing a continuous and complete disregard for the Respondent’s rights.

A. Deprivation of Property Without Due Process

The January 16 order forced Respondent to vacate his own home on the same day it was issued. A person’s right to occupy their home is a significant property interest, protected by due process. Yet Respondent was ousted immediately, with no notice that such relief would be sought and no chance to contest the allegations. The Texas Constitution and the 14th Amendment both forbid the State from depriving any person of property without due process of law. *Fuentes v. Shevin*, 407 U.S. 67, 81-82 (1972) (even temporary, non-final deprivations of property require notice and hearing absent extraordinary circumstances). While Texas law does allow ex parte orders in truly exigent circumstances, those orders must be narrowly tailored and followed promptly by a full hearing. Here, the statutory requirements for an ex parte *kick-out* were disregarded, and Respondent was left homeless and separated from his belongings based on one-

sided assertions. This is precisely the kind of state action that due process is meant to guard against.

B. Deprivation of Parental Rights Without Due Process

Even more critically, the court's orders infringed Respondent's fundamental right to parent his children, also without due process. A parent's interest in the care, custody, and control of their children is **fundamental**. The United States Supreme Court has recognized that "the interest of parents in the care, custody, and control of their children...is perhaps the **oldest of the fundamental liberty interests** recognized by this Court." *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (plurality op.). Likewise, the Texas Supreme Court has affirmed that "the fundamental right of parents to make decisions concerning the care, custody, and control of their children" is constitutionally protected. *In re C.J.C.*, 603 S.W.3d 804, 811 (Tex. 2020) (citing *Troxel*, 530 U.S. at 66). Governmental interference with this right is subject to strict scrutiny and must be accomplished only with rigorous procedural safeguards.

Here, Respondent's removal from the home effectively **altered custody of the children** without any hearing or finding of unfitness. Respondent went from being an equal managing conservator of the children to having *zero possession or access* (by virtue of being excluded from the home and the children's presence) overnight and without notice. This is a profound deprivation of parental rights. As the U.S. Supreme Court held in *Stanley v. Illinois*, an unwed father could not be presumed unfit and have his children taken without a hearing – "**the Due Process Clause of the Fourteenth Amendment requires** that [a father] be given a hearing on his fitness as a parent **before** his children are removed from his custody." *Stanley v. Illinois*, 405 U.S. 645, 649 (1972) (emphasis added). The State "**cannot, consistently with due process, merely presume**" a parent's unfitness or danger and bypass a hearing; "**parental unfitness**

must be established on the basis of individualized proof” before a child is taken away. *Id.* at 647, 649. Yet in Respondent’s case, the court did exactly what *Stanley* forbids – it presumed the necessity of removing the father, without any adversarial testing of the evidence or finding of actual misconduct and left the determination for later (a hearing that kept getting postponed). This violated Respondent’s **procedural due process** rights to be heard *before* being deprived of custody of his children.

Moreover, the **substantive** aspect of due process was violated. There is a “**strong presumption** that the best interest of a child is served by remaining with a fit parent.” *Troxel*, 530 U.S. at 68-69. The government may not “infringe on the fundamental right of parents to make child rearing decisions **simply because a state judge believes a ‘better decision’ could be made.**” *Id.* at 72 (plurality op.). In the absence of any evidence or finding that Respondent was an unfit or dangerous parent, removing his children from him was an arbitrary infringement on his fundamental liberty interest. The orders entered in this case prioritized a one-sided allegation over a father’s constitutional rights, in a manner repugnant to both the Texas and U.S. Constitutions. Article I, Section 19 of the Texas Constitution guarantees that no citizen shall be deprived of liberty or property **except by the due course of the law of the land** – here, Respondent was deprived of both without the lawful procedures or any adjudication of wrongdoing.

In sum, the process (or lack thereof) employed by the court fell far short of constitutional requirements. This constitutional infirmity is independently sufficient to render the court’s orders void. A judgment entered in violation of due process is void and subject to collateral attack. *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80, 84-85 (1988) (judgment rendered without proper notice violates due process and is void). The proper remedy for a void order that stems

from a due process violation is to declare it a nullity and dismiss any action that cannot proceed without it.

V. The January 16 Order Was Void Ab Initio – Subsequent Orders Cannot Cure Its Defects

Because the January 16, 2024, eviction order was void from the outset (for the reasons above), all later orders flowing from it are likewise null. It is a fundamental principle that a void order has no force or effect, and any orders predicated on a void order are themselves void. *See In re C.L.*, 933 S.W.2d 402, 405 (Tex. App.—Fort Worth 1996, no writ) (orders that are void ab initio cannot form the basis for any valid subsequent judgment). Here, the entire temporary order structure of this case rests on the initial, illegally obtained kick-out order that set the stage for all future proceedings. By removing Respondent and giving Petitioner sole possession of the children and home, the January 16 order fundamentally reshaped the status quo without jurisdiction. Every interim “agreement” or order thereafter was simply an extension of that initial improper removal:

- i. The **Associate Judge’s temporary orders** and continuances in late January and February 2024 were aimed at maintaining or slightly modifying the arrangements created by the Jan. 16 order (e.g. permitting limited visitation to Respondent, while he remained excluded from the home and primary custody). These too lack validity because they derive from an initial void act and never rectified the absence of a family-violence finding or due process.
- ii. The **March 26, 2024 “Agreed” Temporary Orders** are likewise **void**. Not only do they flow from the void January 16 order, but they also fail on their own merits due to lack of actual consent. Texas Rule of Civil Procedure 11 provides that no agreement between

attorneys or parties is enforceable unless it is in writing **and signed** by the parties (or their attorneys) and filed with the court, or made in open court on the record. Here, the March 26 order purports to be “Approved and Consented to as to both form and substance,” yet Respondent **never signed it**. The signature block for “CHARLES MYERS, Respondent” and his prior attorney are blank. There is also no indication that Respondent personally agreed to its terms in open court. While the parties *did agree* to the terms set forth in the February 1st, 2024, agreement, those terms were grossly violated by the same judge that memorialized them.

In effect, the March 26 order attempted to **paper over** the void January 16 order by getting the parties to agree to temporary terms. But a void order cannot be retroactively cured by agreement, especially not an agreement that is itself procedurally defective. If a gunman forces someone to “agree” to hand over their property, the law does not recognize that coerced agreement as valid consent. Likewise, here, Respondent’s so-called agreement, coming on the heels of an unlawful eviction and under threat of continued loss of his children, is no true agreement at all – and in any event was never properly memorialized under Rule 11 or any valid legal authority.

Because the initial and subsequent temporary orders are **void**, they do not bar Respondent’s challenge. Void orders may be challenged at any time, and a plea to the jurisdiction is a proper mechanism to bring such a challenge, as a court has no “jurisdiction” to enforce or continue a void order. *Travelers Ins. Co. v. Joachim*, 315 S.W.3d 860, 863 (Tex. 2010) (a judgment may be void for lack of jurisdiction or due process, and such issues can be raised at any time). Respondent has not “waived” any objection by purportedly agreeing to

temporary orders; subject matter jurisdiction and constitutional rights cannot be waived by silence, much less by a signature that was never given.

VI. Fundamental Parental Rights Demand Dismissal of this Suit

Finally, the Court should view this case through the lens of the **fundamental constitutional right at stake** – a parent’s right to raise his children. This is not a typical dispute between private parties that the court can resolve in equity; it is a situation where the machinery of the State has, without lawful basis, inserted itself into the private realm of the family and disrupted a father-child relationship. The **Fourteenth Amendment** protects the parent-child relationship as a liberty interest against unwarranted state intrusion. *Troxel*, 530 U.S. at 65. Texas law echoes that protection: “the natural right which exists between parents and their children is of constitutional dimension.” *Wiley v. Spratlan*, 543 S.W.2d 349, 352 (Tex. 1976). Courts must be especially vigilant that any interference with this right strictly comports with due process and statutory authority.

In this case, the court’s jurisdiction was invoked (via Petitioner’s filings) to address allegations of family violence and to determine conservatorship of the children. But when the court failed to follow the required procedure and instead issued orders in excess of its power, it lost the legitimate ability to adjudicate those issues. The **remedy is dismissal** – to clear the slate of this legally unauthorized proceeding. Dismissing the case will vindicate Respondent’s constitutional rights by confirming that the State cannot, even temporarily, take away a parent’s rights without due process and proper cause. Petitioner is not left without options – she may pursue lawful remedies in compliance with the Family Code and constitutional norms – but this proceeding, tainted from the start, cannot continue.

Most disturbing is that this record is filled with evidence supporting the basis for this case is fraudulent, yet the court continues to proceed as if the Respondent hasn't been seeking relief from the very start of this case. The court has significantly prejudiced the Respondent, and this case must be dismissed for lack of subject matter jurisdiction. A court cannot hear a case that was void from the very beginning. Therefore, if a judge orders a parent to vacate the residence without making the mandatory findings under the Texas Family Code, it would exceed the statutory authority afforded to it. Here, that is what occurred.

VII. RULING AS A MATTER OF LAW

The relevant jurisdictional facts in this case are not in dispute. The trial court issued its January 16, 2024, exclusion order without holding an evidentiary hearing, without entering findings of family violence, and without issuing a protective order pursuant to Title 4 of the Texas Family Code. The March 26, 2024 "Temporary Orders" were entered without Respondent's consent or signature, in violation of Rule 11 of the Texas Rules of Civil Procedure. The record plainly reflects that Respondent objected to the terms of the proposed agreement and refused to approve the order either as to form or substance. There is no genuine issue of material fact on these points.

On February 22, 2024, Respondent filed and served a motion for partial summary judgment raising these same jurisdictional and constitutional defects. (TAB G) That motion is the earliest dispositive pleading on file and remains unrebutted. It details, with supporting exhibits, that the underlying allegations of family violence were dismissed by non-suit, that no hearing was ever held prior to Respondent's removal from the home, and that the temporary orders issued thereafter continued to impose unlawful restrictions on Respondent's residence and custodial rights without any adjudication or due process.

The standard governing this plea is well established. In *Texas Department of Parks & Wildlife v. Miranda*, the Texas Supreme Court held that when the relevant evidence is undisputed or fails to raise a fact question on the jurisdictional issue, the trial court must rule on a plea to the jurisdiction as a matter of law. See *Tex. Dep't of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 228 (Tex. 2004). This standard mirrors that of a traditional summary judgment under Texas Rule of Civil Procedure 166a(c), and has been affirmed in subsequent appellate decisions such as *Jenkins v. TKC Management Services, Inc.*, 307 S.W.3d 854, 857 (Tex. App.—Dallas 2010, no pet.).

Because the record is devoid of any controverting evidence regarding the lack of a protective order, the absence of findings, the lack of a hearing, and the unauthorized nature of the orders entered, Respondent's jurisdictional challenge must be sustained. No factual development is needed. The trial court is obligated to rule as a matter of law and cannot proceed further on the merits without first resolving this jurisdictional defect in writing. To do otherwise would contravene both Rule 166a and the constitutional requirement that courts act only within the bounds of their lawful authority.

Accordingly, Respondent respectfully notifies the Court and all parties that he will not appear at or participate in any further proceedings in this matter until the Court resolves this jurisdictional challenge in writing. Proceeding on the merits while this plea remains pending would not only be legally improper under *Miranda* but would also constitute a continuing denial of Respondent's due process rights under Article I, Section 19 of the Texas Constitution and the Fourteenth Amendment to the United States Constitution. The court must provide its' written explanation or dismiss the case.

VIII. Prayer

WHEREFORE, PREMISES CONSIDERED, Respondent Charles Myers respectfully prays that the Court grant this Plea to the Jurisdiction and dismiss all pending claims with prejudice and orders in this matter for want of jurisdiction.

Respondent further prays that this Court acknowledge that its prior orders—entered without findings, without consent, and without due process—cannot be laundered into legitimacy by mere passage of time or mischaracterized agreement. The Court may not allow what began as a jurisdictionally void exclusion from the marital home and children to evolve into a presumed “settlement” by silence, while simultaneously ignoring Respondent’s repeated objections and procedural challenges.

The judiciary cannot finalize fraud. Nor can it exceed its lawful authority to impose injunctive relief, conservatorship restrictions, and possession orders without jurisdiction, evidence, or statutory compliance. Respondent prays that this Court restore the constitutional order, vacate all void temporary and associate judge’s orders, and reaffirm that even in family law, due process and the rule of law are not optional.

Respondent prays for all such other and further relief, in law or in equity, to which he may be justly entitled.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
6641 ANNE COURT
WATAUGA, TEXAS 76148
817-546-3693

CERTIFICATE OF SERVICE

All parties were notified of this plea to the jurisdiction on 04/24/2025 in accordance with the Texas Rules of Civil Procedure, and were notified via:

EFM: Petitioner MORGAN MICHELLE MYERS at morganmw02@gmail.com

EMAIL: COOPERCARTER@MAJADMIN.COM

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

A

322ND FAMILY DISTRICT COURT

~~ASSOCIATE JUDGES REPORT~~ Rendition

FILED
TARRANT COUNTY
1/17/2024 2:28 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NUMBER: 322 - 744538-23

322- 744263-23

ITMOTMO/INRE

Morgan M. MyersvsCharles D. Myers§
§
§
§
§

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

322ND JUDICIAL DISTRICT

RESET DATE AND TIME: January 22, 2024 at 9:00 am

1. Appearances:

☒ Petitioner/Movant appeared in person and by attorney Pro Se☒ Respondent appeared in person and by attorney Pro Se☐2. Issue(s): ☐ Custody ☐ Visitation ☐ Child Support ☐ Health Insurance ☐ CPS☐ (Property and Conservatorship)

3. Order(s) or Agreement(s): The Wife will remain in the house temporarily. Case is set next Monday, January 22, 2024 at 9:00 am. The husband shall vacate the house by 2:00 p.m. January 16, 2024. Mother to have possession of the children until the time of the hearing. Cause # 322-744538-23 is consolidated into Cause # 322-744263-23.
Continuance granted.

AGREED AS TO FORM AND SUBSTANCE:

Attorney for Petitioner

Attorney for Respondent

Petitioner

Respondent

SO ORDERED:

322nd Associate Judge

Date

James B. Muntz
1-16-2024

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Filing Code Description: No Fee Documents

Filing Description: Rendition

Status as of 1/17/2024 4:23 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	1/17/2024 2:28:44 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	1/17/2024 2:28:44 PM	SENT

B

322ND FAMILY DISTRICT COURT

ASSOCIATE JUDGE'S REPORT

CAUSE NUMBER: 322 - 744538-23

FILED
TARRANT COUNTY
1/23/2024 8:14 AM
THOMAS A. WILDER
DISTRICT CLERK

ITMOTMO/INRE

MORGAN MYERS

322-744538-23

§
§
§
§
§

IN THE DISTRICT COURT

AND

TARRANT COUNTY, TEXAS

CHARLES MYERS

322ND JUDICIAL DISTRICT

RESET DATE AND TIME: 2/1/2024 AT 9:00 A.M.

1. Appearances:

- ☒ Petitioner/Movant appeared in person and by attorney COOPER CARTER
☒ Respondent appeared in person and by attorney DAN BACALIS
☐

2. Issue(s): ☐ Custody ☐ Visitation ☐ Child Support ☐ Health Insurance ☐ CPS

☒ DIVORCE TEMP. ORDERS & APP. FOR P.O.

3. Order(s) or Agreement(s): MOTION FOR CONTINUANCE REQUESTED
by PETITIONER. THE COURT GRANTS CONTINUANCE
AND RESSETS ALL ISSUES FOR 2/1/2024
AT 9:00 A.M.

RESPONDENT, CHARLES MYERS TO HAVE POSSESSION
OF THE CHILDREN FROM FRIDAY, JAN 26, 2024, 6:00 PM - SUNDAY 1/28/24
RESPONDENT TO PICK UP AND DROP OFF CHILDREN AT
AT 6641 ANNE CT, WATAUGA, TX at 6:00 PM

AGREED AS TO FORM AND SUBSTANCE:

[Signature]
Attorney for Petitioner

[Signature]
Petitioner

[Signature]
Attorney for Respondent

[Signature]
Respondent

SO ORDERED:

[Signature]
322nd Associate Judge

1/22/24
Date



A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

Automated Certificate of eService

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Filing Description:

Status as of 1/24/2024 8:13 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	1/23/2024 8:14:14 AM	SENT
Cooper Carter		COOPERCARTER@MAJADMIN.COM	1/23/2024 8:14:14 AM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	1/23/2024 8:14:14 AM	SENT
Daniel Bacalis		DBACALIS@DBACALIS.COM	1/23/2024 8:14:14 AM	SENT



A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

C

AGREED

ASSOCIATE JUDGE'S REPORT FOR TEMPORARY ORDERS
(Suit Affecting the Parent-Child Relationship, Property and Debts)**DIVORCE WITH CHILDREN**CAUSE NUMBER: 322- 744263-23MORGAN MYERS
AND
CHARLES MYERS§
§
§IN THE DISTRICT COURT
TARRANT COUNTY, TEXAS
322ND JUDICIAL DISTRICT

RESET DATE: _____

1. Appearances:☒ Petitioner/Movant appeared in person and by attorney COOPER CARTER☒ Respondent appeared in person and by attorney DAN BACALIS☐ _____**2. Temporary Conservatorship:**A. ☒ Joint Managing Conservators: Primary Possession to ☒ Mother ☐ Father ☐ Other: _____☒ Mother and Father have the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074☐ Other has the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074☐ Mother ☐ Father ☐ Other have the rights, duties and privileges as set forth in TEX. FAM. CODE ANN. § 153.132 except as follows:The ☒ Mother ☐ Father ☐ Other shall have the exclusive right to establish the residence of the child(ren) and residence of the child(ren) will be Tarrant County or counties contiguous to Tarrant County, TX and/or _____The ☒ Mother ☒ Father ☐ Other are enjoined from removing the child(ren) from Tarrant County or counties contiguous to Tarrant County, TX for the purpose of establishing the residence of the child(ren) and/or _____The right to make educational decisions shall be by the ☒ Mother ☐ Father ☐ Other.

The right to make invasive surgical decisions shall be by mutual consent of the parties and failing to agree by the (☒Mother ()Father ()Other. The term "invasive" means elective surgical decisions.

The right to receive child support shall be by the (☒Mother ()Father ()Other_____

B. ()Sole Managing Conservator: ()Mother ()Father ()Other:_____

()Possessory Conservator: ()Mother ()Father ()Other:_____

()Mother ()Father ()Other have the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074

()Mother ()Father and/or ()Other have the rights, duties and privileges as set forth in TEX. FAM. CODE ANN. § 153.132.

()Residency Restriction to ()Tarrant County ()Tarrant & contiguous counties.

3. **Temporary Possession Schedule:**

()Texas Standard Family Code TEX. FAM. CODE ANN. §§ 153.311 THROUGH 153.316. All possession times begin and end at 6:00 p.m. except for Thursdays which ends at 8:00 p.m.

☒Texas "Extended" Standard Family Code TEX. FAM. CODE ANN. §§ 153.311 THROUGH 153.316. All possession times begin and end at the time school recesses or begins. Thursdays overnight, during the regular school year.

()Other:_____

(☒Mother ()Father ()Other shall surrender the child to the other person at the residence of (☒Mother ()Father ()Other at the beginning of each period of possession.

()Mother (☒Father ()Other shall surrender the child to the other person at the residence of ()Mother (☒Father ()Other at the end of each period of possession.

4. **Temporary Child Support:**

()Mother (☒Father shall pay through the Texas State Disbursement Unit, P.O. Box 659791, San Antonio, TX 78265-9791 of \$ 973.19 per month beginning 4-1-2024



Medical Insurance on Child Provided by:
Insurance Cost Paid by:
Uncovered Medical, Dental & Vision Costs:

()Mother ()Father
()Mother ~~()~~Father
~~()~~Equally ()

Mother to apply for
Medicaid

5. Additional Orders: _____

App. for Protective Order is non-suited

6. Temporary Spousal Support: N.A.

()Wife ()Husband shall pay direct to Spouse \$ _____ per _____ beginning _____

7. Temporary Possession of Property:

Husband: 2021 MAZDA3, his personal prop.
& clothing 2023 MAZDA CX-8 (LEASED)

RESPONDENT to vacate home at 6641 ANNE COURT
WATAUGA by MARCH 1, 2024

Wife: 2007 MAZDA, her personal property
& clothing, 6641 ANNE COURT, WATAUGA,



8. Temporary Payment of Debts and Bills:

Husband: His living expenses: CAR PAYMENT, his auto ins
his telephone payment.
LEASE PAYMENT for HOMEStAD for FEBRUARY
& MARCH 2024

Wife: Her living expenses: her auto INSURANCE, her
telephone payment. LEASE payment on HOMEStAD
AFTER March 30, 2024

9. Temporary Injunctions:

☒ Mutual Temporary Injunctions as to Persons pursuant to the Texas Family Practice Manual.

☒ Mutual Temporary Injunctions as to Property pursuant to the Texas Family Practice Manual.

the parties to communicate through App Case

10. MISCELLANEOUS:

☒ The parties are to attend "Children in the Middle" part 1 and/or 2 by 5/1/24 and to file a certificate with the Court. Each to pay for their own costs.

☒ Neither party shall consume, use or have in their possession any illegal drug or drugs at any time nor shall they have, at any time, a legal drug or drugs in their possession for which that party does not have a prescription.

Neither party shall consume alcohol at least 12 hours prior to their time for possession of the child(ren).

Neither party shall consume alcohol during their period of possession with the child(ren).

Neither party shall attend one of the child(ren)'s activities if they have consumed alcohol or they are under the influence of alcohol.

Neither party shall leave the child(ren) with a person who is consuming alcohol at least 12 hours prior to taking possession of the child(ren) or has in their possession an illegal drug(s), including prescription drugs, as a childcare provider. No disparaging remarks in the presence of the child(ren) and no discussion of litigation or issues of the case with the child(ren).



(X) The parties are not to discuss the litigation or issues with the child(ren) about the other party. The aforementioned sentence means that neither party shall belittle, talk bad, refer to the other party using a profane name or names, profanity or curse words.

The parties are not to discuss the litigation or issues with the child(ren). This paragraph presumes the child(ren) is old enough to communicate with a party. The aforementioned sentence means that neither party shall discuss what occurred in Court including the testimony of any witness or witnesses with the child(ren).

A party is allowed to reasonably offer an age-appropriate statement to discuss the effect of an Order with the child(ren) with a brief statement or sentence. For example, a party is not allowed to show a document to the child(ren) and attempt to comprehensively discuss the case in detail with the child(ren).

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.

AGREED AS TO FORM AND SUBSTANCE

[Signature]
Attorney for Petitioner

[Signature]
Attorney for Respondent

[Signature]
Petitioner

[Signature]
Respondent

SO, ORDERED:

[Signature]
322ND Associate Judge

Date: FEBRUARY 1, 2024



Automated Certificate of eService

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Envelope ID: 84305097

Filing Code Description: No Fee Documents

Filing Description: AGD AJ REP

Status as of 2/8/2024 3:12 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	2/8/2024 2:29:20 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	2/8/2024 2:29:20 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	2/8/2024 2:29:20 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	2/8/2024 2:29:20 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	2/8/2024 2:29:20 PM	SENT



A CERTIFIED COPY
ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

D

CAUSE NO. 322-744263-23**IN THE MATTER OF THE
MARRIAGE OF****MORGAN MICHELLE MYERS
AND
CHARLES DUSTIN MYERS****AND IN THE INTEREST OF
M [REDACTED] E [REDACTED] M [REDACTED] AND
C [REDACTED] R [REDACTED] M [REDACTED]
CHILDREN**§ **IN THE DISTRICT COURT**
§
§
§
§ **322ND JUDICIAL DISTRICT**
§
§
§
§
§
§ **TARRANT COUNTY, TEXAS****ORDER FOR WITHDRAWAL OF ATTORNEY**

After reviewing the Motion for Withdrawal of Attorney filed by Daniel R. Bacalis, P.C. on February 6, 2024, the Court **ORDERS** that the Motion is **GRANTED**.

The Court finds that the Motion is not made for delay and that there is good cause to allow Daniel R. Bacalis to withdraw as attorney for CHARLES DUSTIN MYERS.

The Court further finds that CHARLES DUSTIN MYERS agrees and consents to the withdrawal by Daniel R. Bacalis, P.C.

The Court finds that there is no attorney substituting in as counsel for CHARLES DUSTIN MYERS at this time. The Court further finds that a copy of the Motion for Withdrawal of Attorney was delivered to CHARLES DUSTIN MYERS, of 6641 Anne Court, Watauga, TX 76148 by email at chuckdustin12@gmail.com.

The Court further finds that CHARLES DUSTIN MYERS was notified in writing of the right to object to the Motion.

The Court further finds that there are no pending settings or deadlines in this case.

IT IS ORDERED that Daniel R. Bacalis is discharged from further representing CHARLES DUSTIN MYERS as the attorney in charge in this suit. **IT IS FURTHER ORDERED** that Daniel R. Bacalis shall immediately notify CHARLES DUSTIN MYERS in writing of any additional settings or deadlines of which Daniel R. Bacalis has knowledge and has not notified CHARLES DUSTIN MYERS.

SIGNED on February 8 2024.

Associate 

JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

Daniel R. Bacalis PC
669 Airport Freeway
Suite 307
Hurst, TX 76053
Tel: 817-498-4105
Fax: 817-282-0634

/s/ Daniel R. Bacalis
Daniel R. Bacalis
Attorney for CHARLES DUSTIN MYERS
State Bar No: 01487550
Email: dbacalis@dbacalis.com

Automated Certificate of eService

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Filing Description: ORD FOR W/D

Status as of 2/13/2024 8:49 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	2/12/2024 4:31:39 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	2/12/2024 4:31:39 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	2/12/2024 4:31:39 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	2/12/2024 4:31:39 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	2/12/2024 4:31:39 PM	SENT

E

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

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

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

Cause No. _____ Cause No. 322-744263-23

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

Motion for Reconsideration and to Vacate Temporary Orders

Print your answers

My name is:

<u>CHARLES</u>	<u>DUSTIN</u>	<u>MYERS</u>
<i>First</i>	<i>Middle</i>	<i>Last</i>

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

SEE ATTACHED MOTION

Certificate of Service

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

☐ Hand delivery to the other party _____

☐ Hand delivery to the other party's lawyer _____

☒ Email to this email address COOPERCARTER@MAJADMIN.COM

☐ Regular mail to this address: _____

☐ Certified mail to this address: _____

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

☐ Fax to fax #: _____



/s/ Charles Dustin Myers

Signature

2024-02-09

Date

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

Cause No. _____

_____	§	In the <i>(check one)</i> :
_____	§	<input type="checkbox"/> _____ District Court
_____	§	<input type="checkbox"/> County Court at Law No. _____
_____	§	_____ County, Texas

Order on Motion for _____

On _____ the Court heard the Motion for
(date)

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

☐ IT IS ORDERED that the motion is GRANTED

SIGNED on _____.

JUDGE PRESIDING

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

Morgan Michelle Myers,

Petitioner,

v.

Charles Dustin Myers,

Respondent

Cause No. 322-744263-23

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

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

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

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

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

NATURE OF SUITS AND THIRD-PARTY INFLUENCE

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

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

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

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

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

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

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

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

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

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

FRIVOLOUS CLAIMS AND FALSE STATEMENTS

A. EMERGENCY PROTECTIVE ORDER

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

B. THE DIVORCE PETITION

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

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

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

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

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

C. EVICTION SUIT

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

D. PROTECTIVE ORDER

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

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

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

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

THE PROTECTIVE ORDER HEARINGS

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

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

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

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

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

CONCLUSION AND PRAYER

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

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

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

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

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

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

Respectfully submitted on this 9th day of February 2024,

/s/ Charles Dustin Myers

Charles Dustin Myers

Chuckdustin12@gmail.com

Automated Certificate of eService

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

Envelope ID: 84359156

Filing Code Description: Motion (No Fee)

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

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

Associated Case Party: MORGANMICHELLEMYERS

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

Associated Case Party: CHARLESDUSTINMYERS

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

F

CAUSE NO. 322-744263-23**IN THE MATTER OF
THE MARRIAGE OF****MORGAN MYERS
AND
CHARLES MYERS****AND IN THE INTEREST OF
M [REDACTED] M [REDACTED] AND C [REDACTED]
M [REDACTED], CHILDREN**§
§
§
§
§
§
§
§**IN THE DISTRICT COURT****322ND JUDICIAL DISTRICT****TARRANT COUNTY, TEXAS****TEMPORARY ORDERS**

LJC
On February 8, 2024, the Court heard Petitioner's motion for temporary orders.

Appearances

Petitioner, MORGAN MYERS, appeared in person and through attorney of record, Cooper L. Carter, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders.

Respondent, CHARLES MYERS, appeared in person and through attorney of record, Daniel Bacalis, and announced ready and signed an Associate Judge's Report regarding Agreed Temporary Orders.

The parties have agreed to the terms of this order as evidenced by the signatures below.

Jurisdiction

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.

Children

The following orders are for the safety and welfare and in the best interest of the



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

following children:

Name: M [REDACTED] M [REDACTED]
Sex: Female
Birth date: 7 years
Home state: Texas

Name: C [REDACTED] M [REDACTED]
Sex: Female
Birth date: 5 years
Home state: Texas

Conservatorship

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are appointed Temporary Joint Managing Conservators of the following children: M [REDACTED] M [REDACTED] and C [REDACTED] M [REDACTED]

IT IS ORDERED that, at all times, MORGAN MYERS, as a parent temporary joint managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;
2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;
3. the right of access to medical, dental, psychological, and educational records of the children;
4. the right to consult with a physician, dentist, or psychologist of the children;
5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;
6. the right to attend school activities, including school lunches, performances, and field trips;
7. the right to be designated on the children's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an



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ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

emergency involving an immediate danger to the health and safety of the children; and

9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent.

IT IS ORDERED that, at all times, CHARLES MYERS, as a parent temporary joint managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;

2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;

3. the right of access to medical, dental, psychological, and educational records of the children;

4. the right to consult with a physician, dentist, or psychologist of the children;

5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;

6. the right to attend school activities, including school lunches, performances, and field trips;

7. the right to be designated on the children's records as a person to be notified in case of an emergency;

8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and

9. the right to manage the estates of the children to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent.

IT IS ORDERED that, at all times, MORGAN MYERS and CHARLES MYERS, as parent temporary joint managing conservators, shall each have the following duties:

1. the duty to inform the other conservator of the children in a timely manner of significant information concerning the health, education, and welfare of the children;

2. the duty to inform the other conservator of the children if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the fortieth day after the date the conservator of the children begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

3. the duty to inform the other conservator of the children if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

4. the duty to inform the other conservator of the children if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; and

5. the duty to inform the other conservator of the children if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator of the children as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

IT IS ORDERED that, during her periods of possession, MORGAN MYERS, as parent temporary joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;
2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;



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ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

3. the right to consent for the children to medical and dental care not involving an invasive procedure; and

4. the right to direct the moral and religious training of the children.

IT IS ORDERED that, during his periods of possession, CHARLES MYERS, as parent temporary joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;

2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;

3. the right to consent for the children to medical and dental care not involving an invasive procedure; and

4. the right to direct the moral and religious training of the children.

IT IS ORDERED that MORGAN MYERS, as a parent temporary joint managing conservator, shall have the following rights and duty:

1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures;

2. the independent right to consent to psychiatric and psychological treatment of the children;

3. the independent right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;

4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;

5. the independent right to consent to marriage and to enlistment in the armed forces of the United States;

6. the independent right to make decisions concerning the children's education;

7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;

8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in



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ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

relation to the children's estates if the children's action is required by a state, the United States, or a foreign government;

9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and

10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent.

IT IS ORDERED that CHARLES MYERS, as a parent temporary joint managing conservator, shall have the following rights and duty:

1. the independent right to consent to medical, dental, and surgical treatment involving invasive procedures;

2. the independent right to consent to psychiatric and psychological treatment of the children;

3. the independent right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;

4. the independent right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;

5. the independent right to consent to marriage and to enlistment in the armed forces of the United States;

6. the independent right to make decisions concerning the children's education;

7. except as provided by section 264.0111 of the Texas Family Code, the independent right to the services and earnings of the children;

8. except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the independent right to act as an agent of the children in relation to the children's estates if the children's action is required by a state, the United States, or a foreign government;

9. the right, subject to the agreement of the other conservator, to apply for passports for the children, to renew the children's passports, and to maintain possession of the children's passports; and

10. the independent duty to manage the estates of the children to the extent the estates have been created by the community or joint property of the parent.



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

Notwithstanding any provision in this order to the contrary, IT IS ORDERED that MORGAN MYERS shall have the exclusive right to enroll the children in school. Each conservator, during that conservator's period of possession, is ORDERED to ensure the children's attendance in the schools in which MORGAN MYERS has enrolled the children.

The Court finds that, in accordance with section 153.001 of the Texas Family Code, it is the public policy of Texas to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child; to provide a safe, stable, and nonviolent environment for the child; and to encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage. IT IS ORDERED that the primary residence of the children shall be within Tarrant County, Texas, and counties contiguous to Tarrant County, Texas, and the parties shall not remove the children from Tarrant County, Texas, and counties contiguous to Tarrant County, Texas for the purpose of changing the primary residence of the children until this geographic restriction is modified by further order of the court of continuing jurisdiction or by a written agreement that is signed by the parties and filed with that court.

Except as expressly provided otherwise in this temporary order, IT IS ORDERED that all information of which a conservator is required to notify the other conservator and all documents and information that a conservator is required to provide to the other conservator shall be sent in the following manner:

- a. delivery to the recipient at the recipient's electronic mail address as follows or to such other electronic mail address subsequently designated by the recipient:

MORGAN MYERS

morganm202@gmail.com



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ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

CHARLES MYERS

chuckdustic12@gmail.com

and in the event of any change in a recipient's electronic mail address, that recipient is ORDERED to notify the other recipient of such change in writing within twenty-four hours after the change.

If a party applies for a passport for the children, that party, is ORDERED to notify the other party of that fact no later than 10 days after the application.

IT IS ORDERED that if a parent's consent is required for the issuance or renewal of a passport, that parent shall provide that consent in writing no later than ten days after receipt of the consent documents, unless the parent has good cause for withholding that consent.

Possession and Access

IT IS ORDERED that nothing in this order shall supercede any term of any protective order or condition of bond, probation, or parole.

1. Standard Possession Order

IT IS ORDERED that each conservator shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs this Standard Possession Order. IT IS, THEREFORE, ORDERED:

(a) Definitions

1. In this Standard Possession Order "school" means the elementary or secondary school in which the child is enrolled or, if the child is not enrolled in an elementary or secondary school, the public school district in which the child primarily resides.

2. In this Standard Possession Order "child" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

(b) Mutual Agreement or Specified Terms for Possession

IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of



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ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

mutual agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order.

(c) When Parents Reside 50 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides 50 miles or less from the primary residence of the child, CHARLES MYERS shall have the right to possession of the child as follows:

1. Weekends –

On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend.

On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

3. Thursdays - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday.

4. Spring Vacation in Even-Numbered Years - In even-numbered



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation.

5. Extended Summer Possession by CHARLES MYERS –

With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If CHARLES MYERS does not give MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31.

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows:

1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed and ending at 6:00 P.M. on the day before school resumes after that vacation.

2. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by CHARLES MYERS in that year, provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, CHARLES MYERS must give MORGAN MYERS written notice of the location at which MORGAN MYERS is to pick up and return the child.

3. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year or gives CHARLES MYERS fourteen days' written notice on or after April 16 of a year, MORGAN MYERS may designate one weekend beginning no



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by CHARLES MYERS shall not take place in that year, provided that the weekend so designated does not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession.

Notwithstanding the weekend and Thursday periods of possession of CHARLES MYERS, MORGAN MYERS and CHARLES MYERS shall have the right to possession of the child as follows:

1. Christmas Holidays in Even-Numbered Years - In even-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and MORGAN MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and CHARLES MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

4. Thanksgiving in Even-Numbered Years - In even-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

6. Father's Day - CHARLES MYERS shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if CHARLES MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from MORGAN MYERS's residence and return the child to that same place.

7. Mother's Day - MORGAN MYERS shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if MORGAN MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from CHARLES MYERS's residence and return the child to that same place.

(d) When Parents Reside More than 50 Miles but 100 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides more than 50 Miles but 100 miles or less from the primary residence of the child, CHARLES MYERS shall have the right to possession of the child as follows:

1. Weekends –

On weekends that occur during the regular school term, beginning at the time the child's school is regularly dismissed, on the first, third, and fifth Friday of each month and ending at the time the child's school resumes after the weekend.

On weekends that do not occur during the regular school term, beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday.

3. Thursdays - On Thursday of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday.

4. Spring Vacation in Even-Numbered Years - In even-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.

5. Extended Summer Possession by CHARLES MYERS –

With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If CHARLES MYERS does not give MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for thirty consecutive days in that year beginning at 6:00 P.M. on July 1 and ending at 6:00 P.M. on July 31.

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows:

1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at the time the child's school is dismissed for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

2. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of the extended summer possession by CHARLES MYERS in that year, provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession. Not later than the fifteenth day before the Friday that begins the designated weekend, CHARLES MYERS must give MORGAN MYERS written notice of the location at which MORGAN MYERS is to pick up and return the child.

3. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year or gives CHARLES MYERS fourteen days' written notice on or after April 16 of a year, MORGAN MYERS may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by CHARLES MYERS shall not take place in that year, provided that the weekend so designated does not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession.

(e) Parents Who Reside More Than 100 Miles Apart

Except as otherwise expressly provided in this Standard Possession Order, when CHARLES MYERS resides more than 100 miles from the residence of the child, CHARLES MYERS shall have the right to possession of the child as follows:

1. Weekends - Unless CHARLES MYERS elects the alternative period of weekend possession described in the next paragraph, CHARLES MYERS shall have the right to possession of the child on weekends beginning at 6:00 P.M., on the first, third, and fifth Friday of each month and ending at 6:00 P.M. on the following Sunday.

Alternate Weekend Possession - In lieu of the weekend possession described in the foregoing paragraph, CHARLES MYERS shall have the right to possession of the child not more than one weekend per month of CHARLES MYERS's choice beginning at 6:00 P.M. on the day school recesses for the weekend and ending at 6:00 P.M. on the day before school resumes after the weekend. CHARLES MYERS may elect an option for this alternative period of weekend possession by giving written notice to MORGAN MYERS within ninety days after the parties begin to reside more than 100 miles apart. If CHARLES MYERS makes this election, CHARLES MYERS shall give MORGAN MYERS



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

fourteen days' written or telephonic notice preceding a designated weekend. The weekends chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Mother's Day possession below.

2. Weekend Possession Extended by a Holiday –

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday during the summer months when school is not in session, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the student holiday or teacher in-service day and 6:00 p.m. on the Thursday immediately preceding the federal, state, or local holiday during the summer months

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, that weekend period of possession shall end at 8:00 a.m. on Tuesday.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by CHARLES MYERS ends on or is immediately followed by a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall end at 6:00 P.M. on that Monday.

3. Spring Vacation in All Years - Every year, beginning at 6:00 P.M. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 P.M. on the day before school resumes after that vacation.

4. Extended Summer Possession by CHARLES MYERS –

With Written Notice by April 1 - If CHARLES MYERS gives MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for forty-two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

Without Written Notice by April 1 - If CHARLES MYERS does not give



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

MORGAN MYERS written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, CHARLES MYERS shall have possession of the child for forty-two consecutive days beginning at 6:00 P.M. on June 15 and ending at 6:00 P.M. on July 27 of that year.

Notwithstanding the weekend periods of possession ORDERED for CHARLES MYERS, it is expressly ORDERED that MORGAN MYERS shall have a superior right of possession of the child as follows:

1. Summer Weekend Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS shall have possession of the child on any one weekend beginning at 6:00 P.M. on Friday and ending at 6:00 P.M. on the following Sunday during any one period of possession by CHARLES MYERS during CHARLES MYERS's extended summer possession in that year, provided that if a period of possession by CHARLES MYERS in that year exceeds thirty days, MORGAN MYERS may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that MORGAN MYERS picks up the child from CHARLES MYERS and returns the child to that same place and that the weekend so designated does not interfere with Father's Day possession.

2. Extended Summer Possession by MORGAN MYERS - If MORGAN MYERS gives CHARLES MYERS written notice by April 15 of a year, MORGAN MYERS may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which CHARLES MYERS shall not have possession of the child, provided that the period or periods so designated do not interfere with CHARLES MYERS's period or periods of extended summer possession or with Father's Day possession. These periods of possession shall begin and end at 6:00 P.M. on each applicable day.

(f) Holidays

Notwithstanding the weekend and Thursday periods of possession of CHARLES MYERS, except when CHARLES MYERS resides fifty miles or less from the primary residence of the child, MORGAN MYERS and CHARLES MYERS shall have the right to possession of the child as follows:

1. Christmas Holidays in Even-Numbered Years - In even-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and MORGAN MYERS shall have the right to possession of the child beginning at noon on December 28 and ending



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ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

2. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed for the Christmas school vacation and ending at noon on December 28, and CHARLES MYERS shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Odd-Numbered Years - In odd-numbered years, CHARLES MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

4. Thanksgiving in Even-Numbered Years - In even-numbered years, MORGAN MYERS shall have the right to possession of the child beginning at the time the child's school is dismissed before Thanksgiving and ending at 6:00 P.M. on the Sunday following Thanksgiving.

5. Child's Birthday - If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child and the child's minor siblings beginning at 6:00 P.M. and ending at 8:00 P.M. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

6. Father's Day - CHARLES MYERS shall have the right to possession of the child each year, beginning at 6:00 P.M. on the Friday preceding Father's Day and ending at 8:00 a.m. on the Monday after Father's Day, provided that if CHARLES MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from MORGAN MYERS's residence and return the child to that same place.

7. Mother's Day - MORGAN MYERS shall have the right to possession of the child each year, beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day and ending at the time the child's school resumes after Mother's Day, provided that if MORGAN MYERS is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from CHARLES MYERS's residence and return the child to that same place.

(g) Undesignated Periods of Possession

MORGAN MYERS shall have the right of possession of the child at all



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

other times not specifically designated in this Standard Possession Order for CHARLES MYERS.

(h) General Terms and Conditions

Except as otherwise expressly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows:

1. Surrender of Child by MORGAN MYERS - MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the beginning of each period of CHARLES MYERS's possession at the residence of MORGAN MYERS.

If a period of possession by CHARLES MYERS begins at the time the child's school is regularly dismissed, MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the beginning of each such period of possession at the school in which the child is enrolled. If the child is not physically attending school, CHARLES MYERS shall pick up the child at the residence of MORGAN MYERS at 6:00 P.M., and MORGAN MYERS is ORDERED to surrender the child to CHARLES MYERS at the residence of MORGAN MYERS at 6:00 P.M. under these circumstances.

2. Surrender of Child by CHARLES MYERS - CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS at the residence of CHARLES MYERS at the end of each period of possession.

If a period of possession by CHARLES MYERS ends at the time the child's school resumes, CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS at the end of each such period of possession at the school in which the child is enrolled or, if the child is not physically attending school, at the residence of MORGAN MYERS at 6:00 P.M.

3. Surrender of Child by CHARLES MYERS - CHARLES MYERS is ORDERED to surrender the child to MORGAN MYERS, if the child is in CHARLES MYERS's possession or subject to CHARLES MYERS's control, at the beginning of each period of MORGAN MYERS's exclusive periods of possession, at the place designated in this Standard Possession Order.

4. Return of Child by MORGAN MYERS - MORGAN MYERS is ORDERED to return the child to CHARLES MYERS, if CHARLES MYERS is entitled to possession of the child, at the end of each of MORGAN MYERS's exclusive periods of possession, at the place designated in this Standard Possession Order.

5. Personal Effects - Each conservator is ORDERED to return with



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

the child the personal effects that the child brought at the beginning of the period of possession.

6. Designation of Competent Adult - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned.

7. Inability to Exercise Possession - Each conservator is ORDERED to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

8. Written Notice - Written notice, including notice provided by electronic mail or facsimile or as otherwise authorized in this order, shall be deemed to have been timely made if received or, if applicable, postmarked before or at the time that notice is due. Each conservator is ORDERED to notify the other conservator of any change in the conservator's electronic mail address or facsimile number within twenty-four hours after the change.

9. Notice to School and MORGAN MYERS - If CHARLES MYERS's time of possession of the child ends at the time school resumes and for any reason the child is not or will not be returned to school, CHARLES MYERS shall immediately notify the school and MORGAN MYERS that the child will not be or has not been returned to school.

This concludes the Standard Possession Order.

2. Duration

The periods of possession ordered above apply to each child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

Child Support

IT IS ORDERED that CHARLES MYERS pay to MORGAN MYERS for the support of M [REDACTED] M [REDACTED] and C [REDACTED] MYERS nine hundred seventy-three dollars and nineteen cents (\$973.19) per month, with the first payment being due and payable on April 1, 2024 and a like payment being due and payable on the first day of each month thereafter until further order of this Court.



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ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

Withholding from Earnings

IT IS ORDERED that any employer of CHARLES MYERS shall be ordered to withhold the child support payments ordered in this order from the disposable earnings of CHARLES MYERS for the support of M [REDACTED] M [REDACTED] and C [REDACTED] M [REDACTED].

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of CHARLES MYERS by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support ordered paid by this order through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this order, the balance due remains an obligation of CHARLES MYERS, and it is hereby ORDERED that CHARLES MYERS pay the balance due directly as specified below.

On this date the Court signed an Income Withholding for Support.

Payment

IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to MORGAN MYERS for the support of the children. IT IS ORDERED that all payments shall be made payable to the Office of the Attorney General and include the ten-digit Office of the Attorney General case number (if available), the cause number of this suit, CHARLES MYERS's name as the name of the noncustodial parent (NCP), and MORGAN MYERS's name as the name of the custodial parent (CP). Payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the state disbursement unit and any other agency statutorily authorized to charge a fee.

Change of Employment

IT IS FURTHER ORDERED that CHARLES MYERS shall notify this Court and MORGAN MYERS by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of CHARLES MYERS and the name and address of his current employer, whenever that information becomes available.

Clerk's Duties

IT IS ORDERED that, on the request of a prosecuting attorney, the title IV-D agency, the friend of the Court, a domestic relations office, MORGAN MYERS, CHARLES MYERS, or an attorney representing MORGAN MYERS or CHARLES MYERS, the clerk of this Court shall cause a certified copy of the Income Withholding for Support to be delivered to any employer.

Medical and Dental Support

1. IT IS ORDERED that MORGAN MYERS and CHARLES MYERS shall each provide additional child support for each child as set out in this order for as long as the Court may order MORGAN MYERS and CHARLES MYERS to provide support for the child under sections 154.001 and 154.002 of the Texas Family Code. Beginning on the day MORGAN MYERS and CHARLES MYERS's actual or potential obligation to support a child under sections 154.001 and 154.002 of the Family Code terminates, IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are discharged from these obligations with respect to that child, except for any failure by a parent to fully comply with these obligations before that date.



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

IT IS FURTHER ORDERED that the additional child support payments for costs of health and dental insurance ordered below are payable through the state disbursement unit or as directed below and subject to the provisions for withholding from earnings provided above for other child support payments.

2. Definitions -

"Health Insurance" means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code.

"Reasonable cost" means the total cost of health insurance coverage for all children for which MORGAN MYERS is responsible under a medical support order that does not exceed 9 percent of MORGAN MYERS's annual resources, as described by section 154.062(b) of the Texas Family Code.

"Health-care expenses" include, without limitation, medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges but do not include expenses for travel to and from the provider or for nonprescription medication.

"Health-care expenses that are not reimbursed by insurance" ("unreimbursed expenses") include related copayments and deductibles.

3. Findings on Availability of Health Insurance - Having considered the cost, accessibility, and quality of health insurance coverage available to the parties, the Court finds:

IT IS FURTHER FOUND that the following orders regarding health-care coverage are in the best interest of the children.



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ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

4. Provision of Health-Care Coverage –

As Petitioner's child support, MORGAN MYERS is ORDERED to obtain Medicaid for the children the subject of this suit, and then maintain health insurance for the children as long as child support is payable for that child. MORGAN MYERS is ORDERED –

a. to provide to each conservator of the children the following information no later than the thirtieth day after she received Medicaid for the children:

- a. MORGAN MYERS' Social Security number;
- b. Proof that health insurance has been provided for the children;
- c. The following information and documents:
 - i. The name of the health insurance carrier;
 - ii. The number of the policy;
 - iii. A copy of the policy;
 - iv. A schedule of benefits;
 - v. A health insurance membership card;
 - vi. Claim forms; and
 - vii. Any other information necessary to submit a claim; and
- d. To provide each conservator of the children with a copy of any renewals or changes to the health insurance coverage of the children and any additional information regarding health insurance coverage of the children no later than the fifteenth day after MORGAN MYERS receives or is provided with the renewal, change, or additional information;
- e. To notify each conservator of the children of any termination or



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

lapse of health insurance coverage of the children no later than the fifteenth day after the date of the termination or lapse;

- f. After termination or lapse of health insurance coverage, to notify each conservator of the children of the availability to MORGAN MYERS of additional health insurance for the children no later than the fifteenth day after the date the insurance becomes available;
- g. After termination or lapse of health insurance coverage, to enroll the children in a health insurance plan that is available to MORGAN MYERS at a reasonable cost at the next available enrollment period.

Pursuant to section 1504.051 of the Texas Insurance Code, IT IS ORDERED that if MORGAN MYERS is eligible for dependent health coverage but fails to apply to obtain coverage for the children, the insurer shall enroll the children on application of CHARLES MYERS or others authorized by law.

5. Allocation of Unreimbursed Expenses -

The conservator who incurs a health-care expense on behalf of a child is ORDERED to provide to the other conservator receipts, bills, statements, or explanations of benefits showing the uninsured portion of the health-care expenses within thirty days after the incurring conservator receives them. The nonincurring conservator is ORDERED to pay the non-incurring conservator's percentage of the unreimbursed portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the incurring conservator for any advance payment exceeding the incurring conservator's percentage of the unreimbursed portion of the health-care expenses within thirty days after the nonincurring conservator receives receipts, bills, statements, or explanations of benefits showing the unreimbursed portion of the



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

health-care expense.

For the Court to hold the nonincurring conservator in civil or criminal contempt for failing to pay the nonincurring conservator's percentage of the unreimbursed portion of a health-care expense, the incurring conservator must prove beyond a reasonable doubt that the nonincurring conservator personally received receipts, bills, statements, or explanations of benefits reflecting the unreimbursed portion of the health-care expense no later than thirty days after the incurring conservator received them. Even if the incurring conservator fails to meet that burden of proof, the Court may award the incurring conservator a judgment in the nature of child support against the nonincurring conservator in the amount of the unreimbursed portion of the health-care expense the nonincurring conservator was ordered but fail to pay.

6. WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR DENTAL INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE OR DENTAL INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILDREN, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE OR DENTAL INSURANCE HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS, DENTAL INSURANCE PREMIUMS, OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILDREN.

7. Notice to Employer - On this date a Medical Support Notice was signed by the Court. For the purpose of section 1169 of title 29 of the United States Code, the conservator not carrying the health or dental insurance policy is designated the custodial parent and alternate recipient's representative.



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

No Termination of Orders on Death of Obligee

An obligation to pay child support under this order does not terminate on the death of MORGAN MYERS but continues as an obligation to MARA MYERS and CAROLINE MYERS.

Other Child Related Provisions

Required Notices

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

- (1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR
- (2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR \$100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

Warnings to Parties

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

Property and Parties

The Court finds that the following orders respecting the property and parties are necessary and equitable.

IT IS ORDERED that MORGAN MYERS shall be responsible for the timely payment of the following:



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ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

1. The auto insurance for the vehicle in her possession;
2. the monthly payment for her cell phone;
3. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas beginning after March 30, 2024.

IT IS ORDERED that CHARLES MYERS shall be responsible for the timely payment of the following:

1. The auto insurance for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession;
2. the car payments for the 2021 Mazda, the 2023 Mazda, and any other vehicle currently in his possession;
3. the monthly payment for his cell phone;
4. the rent payment for the residence located at 6641 Anns Court, Watauga, Texas for February and March 2024.

IT IS ORDERED that Petitioner have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in her possession, the 2007 Mazda motor vehicle currently in her possession, and the residence located at 6641 Anns Court, Watauga, Texas beginning March 30, 2024.

IT IS ORDERED that Respondent have the exclusive and private use and possession of the following property while this case is pending: the personal property and clothing in his possession, the 2021 Mazda motor vehicle, the 2023 Mazda motor vehicle, and the residence located at 6641 Anns Court, Watauga, Texas ONLY until March 20, 2024.

Co-Parenting Website

IT IS ORDERED that the parties are to attend "Children in the Middle" part 1 and/or 2



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

by May 1, 2024, and file a certificate of completion with the Court for their attendance to this co-parenting class.

IT IS FURTHER ORDERED that each party shall be solely liable for their own costs for the attendance of this co-parenting class.

App Close

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS each shall, within ten days after the entry of the Associate Judge's Report is signed by the Court, obtain at his/her sole expense a subscription to the AppClose program. IT IS FURTHER ORDERED that MORGAN MYERS and CHARLES MYERS each shall maintain that subscription in full force and effect for as long as the child is under the age of eighteen years and not otherwise emancipated.

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS shall each communicate through the AppClose program with regard to all communication regarding the children, except in the case of emergency or other urgent matter.

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS each shall timely post all significant information concerning the health, education, and welfare of the children, including but not limited to the children's medical appointments, the children's schedules and activities, and request for reimbursement of uninsured health-care expenses, on the AppClose website. However, IT IS ORDERED that neither party shall have any obligation to post on that website any information to which the other party already has access through other means, such as information available on the website of the children's schools.

IT IS FURTHER ORDERED that MORGAN MYERS and CHARLES MYERS shall each timely post on the AppClose website a copy of any email received by the party from the



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

children's school or any health-care provider of the children, in the event that email was not also forwarded by the school or health-care provider to the other party.

For purposes of this section of this order, "timely" means on learning of the event or activity, or if not immediately feasible under the circumstances, not later than twenty-four hours after learning of the event or activity.

By agreement, the parties may communicate in any manner other than using the AppClose program, but other methods of communication used by the parties shall be in addition to, and not in lieu of, using the AppClose program.

Temporary Injunction

The temporary injunction granted below shall be effective immediately and shall be binding on the parties; on their agents, servants, employees, and attorneys; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise. The requirement of a bond is waived.

IT IS ORDERED that Petitioner and Respondent are enjoined from:

1. Intentionally communicating with the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party.
2. Threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party.
3. Placing a telephone call, anonymously, at any unreasonable hour, in an offensive



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party.

4. Intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party.

5. Threatening the other party or a child of either party with imminent bodily injury.

6. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties with intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party and the children of the marriage.

7. Intentionally falsifying any writing or record, including an electronic record, relating to the property of either party.

8. Intentionally misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

9. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party.

10. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party.

11. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real



A CERTIFIED COPY
ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

property, or intellectual property, and whether separate or community property, except as specifically authorized by this order.

12. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order.

13. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

14. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.

15. Withdrawing or borrowing money in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party, except as specifically authorized by this order.

16. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized by this order.

17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party or a child of the parties, except as specifically authorized by this order.

18. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with others.

19. Changing or in any manner altering the beneficiary designation on any life



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ATTEST: 04/16/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

insurance policy on the life of either party or a child of the parties.

20. Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons including a child of the parties.

21. Opening or diverting mail or email or any other electronic communication addressed to the other party.

22. Signing or endorsing the other party's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to the parties or the other party without the personal signature of the other party.

23. Taking any action to terminate or limit credit or charge cards in the name of the parties or the other party, except as specifically authorized in this order.

24. Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary.

25. Destroying, disposing of, or altering any financial records of the parties, including but not limited to a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement.

26. Destroying, disposing of, or altering any email, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

27. Modifying, changing, or altering the native format or metadata of any electronic



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DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

28. Deleting any data or content from any social network profile used or created by either party or a child of the parties.

29. Using any password or personal identification number to gain access to the other party's email account, bank account, social media account, or any other electronic account.

30. Consuming, use or have in their possession any illegal drug or drugs at any time nor shall they have, at any time, a legal drug or drugs in their possession for which that party does not have a prescription.

31. Neither party shall consume alcohol at least 12 hours prior to their time for possession of the children.

32. Neither party shall consume alcohol during their period of possession with the children.

33. Neither party shall attend one of the children's activities if they have consumed alcohol or they are under the influence of alcohol.

34. Neither party shall leave the children with a person who is consuming alcohol at least 12 hours prior to taking possession of the children or has in their possession an illegal drug(s), including prescription drugs, as a childcare provider.

35. No disparaging remarks in the presence of the children and no discussion of litigation or issues of the case with children.

36. The parties are not to discuss the litigation or issues with the children about the other party. The aforementioned sentence means that neither party shall belittle, talk bad, refer to



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the other party using a profane name or names, profanity or curse words.

37. The parties are not to discuss the litigation or issues with the children.

38. Neither party shall discuss what occurred in Court including testimony of any witness or witnesses with the children.

IT IS ORDERED that Petitioner is further enjoined from:

1. Entering, operating, or exercising control over the 2021 Mazda motor vehicle and the 2023 Mazda motor vehicle in the possession of Respondent.

IT IS ORDERED that Respondent is further enjoined from:

1. Excluding Petitioner from the use and enjoyment of the residence located at 6641 Anns Court, Watagua, Texas on or after March 30, 2024;.

2. Entering, operating, or exercising control over the 2007 Mazda motor vehicle in the possession of Petitioner.

IT IS ORDERED that Petitioner is specifically authorized:

To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

IT IS ORDERED that Respondent is specifically authorized:

To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses



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in connection with this suit.

For purposes of this order, "personal property" includes, but is not limited to, the following:

- a. cash, checks, traveler's checks, and money orders;
- b. funds on deposit in financial accounts with commercial banks, savings banks, and credit unions;
- c. funds and assets held in brokerage, mutual fund, and other investment accounts;
- d. publicly traded stocks, bonds, and other securities;
- e. stock options and restricted stock units;
- f. bonuses;
- g. closely held business interests;
- h. retirement benefits and accounts;
- i. deferred compensation benefits;
- j. insurance policies, annuities, and health savings accounts;
- k. motor vehicles, boats, airplanes, cycles, mobile homes, trailers, and recreational vehicles;
- l. money owed to one or both parties, including notes and expected income tax refunds;
- m. household furniture, furnishings, and fixtures;
- n. electronics and computers;
- o. antiques, artwork, and collections;
- p. sporting goods and firearms;
- q. jewelry and other personal items;



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- r. pets and livestock;
- s. club memberships;
- t. travel award benefits and other award accounts;
- u. crops, farm equipment, construction equipment, tools, leases, cemetery lots, gold or silver coins not part of a collection, tax overpayments, loss carry-forward deductions, lottery tickets/winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names;
- v. digital assets such as email addresses, social network accounts, Web sites, domain names, digital media such as pictures, music, e-books, movies, and videos, blogs, reward points, digital storefronts, artwork, and data storage accounts;
- w. virtual assets such as virtual pets, avatars, accessories for virtual characters, virtual prizes, virtual real estate, and virtual currency;
- x. safe-deposit boxes and their contents;
- y. storage facilities and their contents; and
- z. contingent assets.

Duration

These Temporary Orders shall continue in force until the signing of the Final Decree of Divorce or until further order of this Court.

SIGNED on March 14, 2024.

Associate 
JUDGE PRESIDING


APPROVED AS TO FORM ONLY:

MARX ALTMAN & JOHNSON



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BY: /s/ Catherine Saenz

2905 Lackland Rd.
FT. WORTH, Texas 76116
Tel: (817) 926-6211
Fax: (817) 926-6188


By: 

Cooper L. Carter
Attorney for Petitioner
State Bar No. 24121530
coopercarter@majadmin.com

Daniel R. Bacalis PC
669 Airport Freeway
Suite 307
Hurst, TX 76053
Office Phone: (817)498-4105
Fax: (817)282-0634

By: _____
Daniel Bucalis
Attorney for Respondent
State Bar No. 01487550
Email: dbacalis@dbacalis.com

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:



MORGAN MYERS
PETITIONER

CHARLES MYERS
RESPONDENT



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Status as of 3/27/2024 7:40 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	3/26/2024 3:19:25 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	3/26/2024 3:19:25 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	3/26/2024 3:19:25 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	3/26/2024 3:19:25 PM	SENT



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TARRANT COUNTY, TEXAS
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322ND FAMILY DISTRICT COURT
ASSOCIATE JUDGE'S REPORT
FOR TEMPORARY ORDERS

FILED
TARRANT COUNTY
3/26/2024 3:19 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NUMBER: 322 - 744263-23

IT MOT MO/IN RE/ITIO

Myers

§
§
§
§
§

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

322ND JUDICIAL DISTRICT

1. It is ordered that Movant's motion for to vacate is denied.
2. It is ordered that Movant shall provide Mrs. ^{Myers'} ~~Myers~~ attorney with a list of the technology he needs from the marital home, for his business.
3. It is ordered that the parties shall present a the Temporary orders ~~by~~ regarding the ~~AJR~~ ^{signed} ~~filed~~ on 2/1/2024 by 1:30pm today.

Approved as to form

Attorney for Petitioner

Attorney for Respondent

Court Notes that Respondent would not sign + his report as to form. He did agree + let Paragraphs 1 + 3 correct.

Petitioner

Respondent

reflected the Court's ruling after a hearing.

SO ORDERED: He did not agree the Paragraph 2 accurately reflected the Court's ruling but provided no alternative language; therefore the Court signed this report.

~~322ND Associate Judge~~

3/14/22

Date

Associate Judge

Page ____ of ____

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Envelope ID: 85983756

Filing Code Description: No Fee Documents

Filing Description:

Status as of 3/27/2024 7:40 AM CST

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	3/26/2024 3:19:25 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	3/26/2024 3:19:25 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	3/26/2024 3:19:25 PM	SENT

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	3/26/2024 3:19:25 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	3/26/2024 3:19:25 PM	SENT

G

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

Cause No. _____ Cause No. 322-744263-23 _____

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

Motion for Partial Summary Judgement

Print your answers

My name is:

_____ CHARLES _____	_____ DUSTIN _____	_____ MYERS _____
<i>First</i>	<i>Middle</i>	<i>Last</i>

I am the ☐ Petitioner ☒ Respondent in this case and request the Court grant
this motion for Partial Summary Judgement. In support, the
(title of motion)
following is shown:

The current orders in place were solely determined based on false allegations which are now non-suited. _____

Please see attached brief. _____



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TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

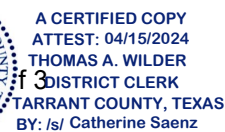
[illegible]

6641 ANNE COURT	WATAUGA	TX	76148
Mailing Address	City	State	Zip
CHUCKDUSTIN12@GMAIL.COM			
Email Address		Fax # (if any)	

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

_____ (designation and location of court).

Judge or Clerk



Certificate of Service

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

☐ Hand delivery to the other party _____

☐ Hand delivery to the other party's lawyer _____

☒ Email to this email address COOPERCARTER@MAJADMIN.COM

☐ Regular mail to this address: _____

☐ Certified mail to this address: _____

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

☐ Fax to fax #: _____

▶ /s/ Charles Dustin Myers

Signature

2024-02-22

Date



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f 3 DISTRICT CLERK
TARRANT COUNTY, TEXAS
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Filing Description: Motion for Partial Summary Judgement

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Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	2/22/2024 11:23:08 AM	SENT
Cooper L.Carter		coopercarter@majadmin.com	2/22/2024 11:23:08 AM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	2/22/2024 11:23:08 AM	SENT



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TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

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

Morgan Michelle Myers,

Petitioner,

v.

Charles Dustin Myers,

Respondent

Cause No. 322-744263-23

**RESPONDENT'S MOTION FOR PARTIAL
SUMMARY JUDGEMENT**

Pursuant to *Rule 166a of the Texas Rules of Civil Procedure*¹, the Respondent, Charles Dustin Myers, firmly seeks a partial Summary Judgment in regard to the upcoming hearing scheduled for March 14th, 2024. He categorically asserts that the evidence on file with the Court definitively demonstrates there is no genuine issue as to any material fact related to the allegations against him which have led to his unwarranted removal from his home, significantly disrupted his business operations, and unjustly granted the Petitioner full custody of their children and possession of the family home on a temporary basis.

The Respondent has meticulously and persistently contested the baseless allegations of family violence that have unjustly prejudiced the custody resolution to the detriment of the children's interests. The absence of substantive evidence supporting these claims has been made clear through detailed submissions.² This unwarranted influence on custody

¹ Rule 166a specifically allows for summary judgment when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." This provision is utilized here to highlight the lack of factual dispute regarding the allegations of family violence which have led to the continuation of unlawful temporary orders currently in place.

² Submissions on record filed by the Respondent: Motion of Continuance (granted), Motion of Consolidation (granted), Protective Order Answer (ignored), Counter Petition for Divorce (ignored), Motion of Withdrawal for Attorney (granted), Emergency Motion of Reconsideration of Evidence and to Vacate Temporary Orders (Scheduled for March 14th, 2024). See attached EXHIBIT A.



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TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz

arrangements negate the principles of fairness and due process. The subsequent dismissal of the Protective Order suit not only vindicates the Respondent but also invalidates the current custody orders, revealing that the initial award of custody was grounded solely in unsubstantiated claims of family violence.³

BACKGROUND

The documents on record filed by the Respondent, by virtue of their acceptance, inherently meet the threshold for self-authentication, thereby bolstering the legal foundation for the requested partial Summary Judgment. Detailed herewith are the enumerated facts underpinning this motion:

1. On December 14th, 2023, the Petitioner sought an EX-PARTE Order of Protection from the Court, which was judiciously denied, affirming the absence of immediate threat or harm that warranted such an extraordinary measure. Undeterred by this judicial determination, the Petitioner proceeded to file for divorce on December 18th, 2023, misleadingly alleging the existence of an active Order of Protection against the Respondent. This deliberate misrepresentation constitutes not merely an attempt to skew the legal process in the Petitioner's favor but represents a flagrant abuse of the judicial system designed to secure an undue advantage in the divorce proceedings, which has ultimately been successful.
2. On December 22nd, 2023, the Petitioner initiated a subsequent application for a Protective Order, forming the cornerstone of litigation since the initial hearing on January 16th, 2024.
3. On January 16th, 2024, the Court rendered Temporary Orders which required the Respondent to vacate his family home and give up custody of his children on the presumption of family violence. The Court's decision did not meet the statutory requirements of the *Texas Family Code*, Sec. 6.502.⁴

³ The non-suit of the protective order entitles the Respondent to this Partial Summary Judgement as a matter of law, as there is now no genuine dispute over the baselessness of the allegations made against him which are the foundation of the current temporary orders in place.

⁴ Sec. 6.502 mandates that a Court may make such a decision while a suit for dissolution of a marriage is pending and on the motion of a party or on the court's own motion after notice and hearing. No hearing took place, and no reasonable notice was given prior to the decision rendered on January 16th, 2024.



4. On January 22nd, 2024, before the start of the reset hearing, the Petitioner acquired legal counsel at the last minute, delaying the case further until the reset date of February 1st, 2024.
5. On February 1st, 2024, both parties entered into an agreement which allowed the respondent back into the home on a temporary basis, yet still awarded the Petitioner with full custody of the children. The Respondent was given 30 days per the agreement to remain in the home. Despite having the ability to stay next door, and after dropping the Protective Suit that initiated and are the foundation for this agreement, the Petitioner chose to stay with her friend 9 miles away and remove the children from their stable environment.
6. On February 5th, 2024, the Respondent discharged his Legal Counsel for failure to address any of the issues mentioned herewith, and for failure to diligently represent the Respondent, as no genuine effort was made to make the court aware of these errors. The Protective Order suit was non-suited on this day, invalidating the current agreement, and requiring by law that the Court reset the case back to the status quo ante until a fair discovery process can be conducted on relevant matters to the divorce proceeding, and restoring order back into the lives of the Respondent and his Children.
7. The Petitioner's decision to reside outside the family home, despite alternatives that would minimize disruption during this transitional period, is a deliberate choice. This choice, made independently, should not facilitate the continuation of unfounded claims that have since been dismissed. Such actions have unduly influenced the living arrangements and well-being of the children at the heart of this case.
8. The Respondent explicitly refrains from pursuing any sanctions or penalties against the Petitioner, emphasizing instead a heartfelt plea for a reasonable transition period. This adjustment period is advocated as crucial for safeguarding the welfare of his children, himself, and the Petitioner, ensuring their collective long-term well-being. Furthermore, the Respondent underscores that the prevailing custody determinations were unjustly predicated on unsubstantiated allegations of family violence—a point underscored by the unequivocal dismissal of the Protective Order, which confirms the absence of any contested material facts.



LEGAL BASIS

The legal foundation for this Partial Summary Judgment is firmly rooted in the principles and mandates of the law, notably where the current temporary orders are predicated on unsubstantiated claims of family violence, for which no concrete evidence has been presented. This lack of evidence fundamentally challenges the integrity and validity of the orders affecting the lives and welfare of the children involved. The necessity for the court to vacate these orders and revert to the status quo ante is underscored by the following critical legal arguments:

1 . Misalignment with Texas Family Code Sec. 105.001:

1.1 The orders issued on January 16th, 2024, and continued on January 22nd, 2024, starkly conflict with Texas Family Code Sec. 105.001, which unequivocally necessitates notice and a hearing prior to the issuance of such orders. This statute ensures that parties are given a fair opportunity to be heard, a fundamental aspect of due process, which was conspicuously absent in this case.

2. Contravention of Texas Family Code Sec. 105.005:

2.1 The initial rendering of temporary orders on January 16th, 2024, did not adhere to *Texas Family Code Sec. 105.005*, requiring that court's findings be grounded in a preponderance of the evidence before making any child custody determination affecting the parent-child relationship.

2.2 The absence of evidence from the Petitioner, juxtaposed with the disregard for the Respondent's timely submissions, underscores a significant deviation from this legal requirement.

3. Violation of Texas Family Code Sec. 153.002:

3.1 The proceedings failed to prioritize "The best interest of the child," as mandated by Texas Family Code Sec. 153.002. This principle, deemed paramount in determining issues of conservatorship, possession, and access, was overlooked.

3.2 The Respondent's work-from-home situation and the need for a



reasonable transition period to maintain his pivotal role in his children's lives were disregarded, further exacerbating the impact of the Petitioner's actions and the court's decisions on the children's stability and well-being.

4. Equal Opportunity and Fair Hearing (Sec. 152.205 & Sec. 105.003):

4.1 *The Texas Family Code Sec. 152.205 and Sec. 105.003* enshrine the necessity for equitable procedural rights, mandating that all parties are granted a fair opportunity for notification and a meaningful hearing. The Respondent's ability to engage fully in the hearing process and to present a comprehensive defense was significantly impeded, a deviation from the due process envisaged by these statutes. Consequently, the temporary orders issued lack the foundational fairness that is central to the justice system and contravene the legal safeguards intended to ensure balanced participation by all parties in family law proceedings.

5. Managing Conservatorship Considerations (Sec. 153.005 & Sec. 153.007):

5.1 In deliberations of conservatorship, *Texas Family Code Sec. 153.005* obligates the court to deliberate thoroughly on the child's best interest, including the living circumstances and stability provided by the parents. Additionally, *Sec. 153.007* advocates for the establishment of a mutually agreed parenting plan, prioritizing the child's welfare and the continuity of their established routine. The current custodial provisions do not correspond with a collaboratively designed parenting plan that satisfies these essential criteria. Given the disproven allegations of family violence and the unnecessary protective measures imposed during this period of change, it is imperative for the Court to rescind these provisional measures. The immediate restoration of the status quo ante is crucial to uphold the children's best interest, allowing for a planned and considerate period of adjustment that acknowledges the absence of any immediate risk or harm to their well-being and without disruption to the Respondent's business operations at-home.

6. Rules of Dispositions for Family Law Cases – (Tarrant County Rules):

6.1 The provisions under *Rule 4.02: Trial Procedures of the Tarrant Family Rules*, specifically *Part 4* concerning the disposition of family law cases, have been notably contravened in the ongoing proceedings of the. This rule



mandates that, except upon order of the Court or a showing of good cause, and notably in cases involving the characterization, value, or division of property, each party is required to provide the Court and opposing counsel with a concise written summary of the relief requested and, in the context of a final trial, the party's inventory and appraisal and proposed division of property and debts at the time of the temporary hearing, final trial, or other court proceeding.

6.2 The failure to adhere to this procedural requirement undermines the fairness and efficiency of the legal process, particularly in this case where the Respondent, has faced significant challenges and disruptions based on temporary orders and allegations without the foundation of substantiated evidence or the proper procedural disclosures as outlined by *Rule 4.02*. The absence of such critical documentation and summaries from the Petitioner has not only impaired the Respondent's ability to prepare and present a comprehensive defense but has also deprived the Court of essential information necessary for a fair and informed decision-making process.

7. Rule 60. Relief from a Judgment or Order (Federal Rules of Civil Procedure):

7.1 In accordance with *Rule 60(b)* of the *Federal Rules of Civil Procedure*, this motion seeks relief from the temporary orders previously granted, and which are the basis of the current orders, which have unjustifiably removed the Respondent from his residence and disrupted his custodial rights without substantial evidence. *Rule 60(b)* expressly allows for such relief under conditions including, but not limited to, mistake, inadvertence, surprise, excusable neglect, and most pertinently, fraud or misrepresentation by an opposing party. Given the demonstrated lack of evidence supporting the allegations of family violence and the procedural discrepancies noted throughout the initiation and execution of these temporary orders, it is imperative that the court immediately vacate the current arrangements as their basis no longer exists. The circumstances surrounding the issuance of these orders align with the instances wherein *Rule 60(b)* provides clear recourse for relief, underscoring the necessity for their immediate reevaluation to restore fairness and ensure justice is served in accordance with the foundational principles of our legal system.



STATEMENTS OF FACT

Below are the enumerated statements of fact with no genuine dispute of material fact that entitle the Respondent to this Partial Summary Judgement:

1. The Petitioner has not provided any evidence of Family Violence.⁶ These claims unjustly removed the Respondent from his home starting on January 16th, 2024 and significantly impaired his at-home business operations, and are the basis for the current custodial arrangements which are unlawful and founded on false claims.⁷
2. No basis exists for the current arrangements, as the Court has not considered the best interests of the children throughout this case, but rather has operated solely on the accusations of family violence, which are now non-suited.⁸
3. The deadline approaching March 1st to vacate, and the current custodial arrangements are void of any lawful basis. Any custodial arrangements are required to consider the best interests of the children involved.
4. Respondent's parenting plan has been overlooked by the Court, filed January 6th, 2024.⁹
5. The Court's basis for conservatorship was based solely on the claims of Family Violence, which are now void.
6. The respondent is entitled to this Partial Summary Judgement as a matter of law, which will rightfully restore the status quo ante given no genuine dispute of material fact exists regarding family violence, which are the basis for the ongoing and current orders.

⁶ There exist no evidence supporting family violence on record, nullifying any custodial arrangements based on these foundational claims alone.

⁷ See attached EXHIBIT B.

⁸ Attached EXHIBIT C, page 3.

⁹ See attached EXHIBIT D, filed January 6th, 2024, which better serve the children's best interests.



PRAYER FOR RELIEF

WHEREFORE, Charles Dustin Myers, the Respondent herein, respectfully requests this Honorable Court to:

1. Annul the current temporary custody and visitation arrangements premised on allegations now proven to be baseless, taking into account the critical urgency imposed by the Respondent's work-from-home requirements and the ongoing detriment to his familial relationships.
2. Recognize that the initial accusations of family violence, which underpinned the imposition of these temporary measures, were not substantiated by credible evidence. This failure has unjustly prejudiced the Respondent, undermining his right to an equitable adjudication and rendering the imposed measures legally untenable.
3. Acknowledge the absence of substantial evidence for the allegations levied against the Respondent. Command a thorough reevaluation of both procedural and substantive legal missteps observed in the prevailing proceedings, with a view to rectifying the inequitable temporary orders that have adversely impacted the Respondent's familial and professional life.
4. In accordance with Rule 166a of the Texas Rules of Civil Procedure and Rule 60(b) of the Federal Rules of Civil Procedure, award relief predicated on identifiable mistakes, errors, and the conspicuous lack of evidential foundation for the accusations faced by the Respondent.
5. Uphold Fairness and Due Process: Reorient the ongoing legal process to align strictly with the principles of fairness, due process, and the paramount interests of the children involved. This reorientation is essential to ensure the administration of justice, uphold the Respondent's inalienable right to a fair trial, and ameliorate the unwarranted disruptions to his familial life.
6. Consideration of Respondent's Efforts: Reflect on the substantial time and effort dedicated by the Respondent in pursuit of equitable treatment under the



law and the significant repercussions stemming from his unjust displacement based on allegations now demonstrated to be without merit.

7. Reestablish the custodial and visitation status quo ante pending a lawful and unbiased reevaluation of the custody determination, ensuring that any future decisions are made in a manner that genuinely reflects the best interests of the children and respects the due process rights of all parties involved.

The Respondent avers that such relief is not only justified but imperative to rectify the injustices endured and to restore the integrity of this Court's proceedings.

Under penalty of perjury, I attest that the facts herein are true and accurate to the best of my knowledge and belief. Pursuant to the Tarrant Local Rules, no conference between Counsel was required to be filed with this motion.

Respectfully submitted,

/s/ Charles Dustin Myers

02/22/20224

Charles Dustin Myers

Chuckdustin12@gmail.com

817-507-6562



CASE NO. 322-744263-23

MORGAN MICHELLE MYERS
PETITIONER (PRINT)

IN THE 322nd

VS

DISTRICT COURT

CHARLES DUSTIN MYERS
RESPONDENT (PRINT)

TARRANT COUNTY, TEXAS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the : Motion for Partial Summary Judgement

has been delivered to all opposing parties on record in accordance with the Texas Rule of Civil Procedure, 501.4, on this 22nd day of February, 20 24.

SELECT ONE:

- ☐ IN PERSON
☐ MAILED/COURIER RECEIPT # _____
☐ FAX
☒ E-MAIL (Only if the other party has agreed in writing to accept email service)

/s/ Charles Dustin Myers
SIGNATURE

Charles Dustin Myers
PRINT NAME

6641 Anne Court
ADDRESS

Watauga, TX 76148
CITY, STATE AND ZIP CODE

817-507-6562
PHONE NUMBER



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ATTEST: 04/15/2024
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Catherine Saenz