

322-744263-23

IN THE 322ND DISTRICT COURT OF TARRANT COUNTY, TEXAS

ITMOMO,	§
<i>Morgan Michelle Myers</i>	§
Petitioner,	§
v.	§
<i>Charles Dustin Myers,</i>	§
Respondent	§
<i>& in the interest of</i>	§
<i>M.E.M. & C.R.M.,</i>	§
<i>Two minor children.</i>	§
	§

NOTICE

TO THE 322ND DISTRICT COURT OF TARRANT COUNTY, TEXAS:

Respondent, CHARLES DUSTIN MYERS, hereby provides this notice to the court and relevant parties of the following:

I. INTRODUCTION

1. The critical issue is whether Munford, Kaitcer, and Baker were willing participants in the enterprise, as opposed to inadvertent or unwitting actors. The key fact is that these defendants signed a court order that expressly stated the court had reviewed all evidence, including a motion that specifically warned of the existence and conduct of the Myers-Branthroover enterprise. By signing this order, they acknowledged awareness of the scheme and chose to enforce an order that furthered the enterprise's objectives—namely, awarding Myers the home and causing ongoing business harm to the Plaintiff.

2. Fifth Circuit authority holds that, for a RICO conspiracy conviction, there must be evidence that the defendants manifested an agreement to participate in the enterprise's affairs through predicate crimes (*U.S. v. Stratton*, 649 F.2d 1066, 1074 (5th Cir. 1981)). This agreement can be inferred from circumstantial evidence, such as the defendants' acts and conduct. Here, the act of signing an order that explicitly acknowledges review of all evidence—including a motion warning of the fraudulent enterprise—constitutes objective evidence of agreement to further the enterprise's goals.

3. Moreover, the Fifth Circuit has made clear that both insiders and outsiders associated with an enterprise can be held liable if they participate, directly or indirectly, in the enterprise's affairs through a pattern of racketeering activity (*U.S. v. Elliott*, 571 F.2d 880, 902 (5th Cir. 1978)). Direct evidence of agreement is not necessary; participation can be inferred from circumstantial evidence, such as the signing of an order that furthers the enterprise's objectives after being put on notice of the scheme.

The timeline and factual allegations demonstrate that Munford, Kaitcer, and Myers were not merely passive actors or inadvertent participants. After being put on notice of the fraudulent scheme through a motion that detailed the Myers-Branthrover enterprise, they nonetheless signed and enforced an order that furthered the enterprise's objectives. This conduct goes beyond mere negligence or inadvertence; it reflects a conscious decision to participate in the enterprise's affairs.

4. The Fifth Circuit's standard for RICO conspiracy liability is satisfied where two or more people agree to commit a substantive RICO offense and the defendant knows of and agrees to the overall objective of the RICO offense (*United States v. Rosenthal*, 805 F.3d 523, 530 (5th Cir. 2015)). Here, the defendants' actions—signing an order that acknowledges review

of all evidence, including explicit warnings of the enterprise—demonstrate knowledge of and agreement to the enterprise’s objectives.

5. Furthermore, the requirement that the racketeering activities “advance” or “further” the interests of the enterprise is met, as the defendants’ actions had a direct impact on the enterprise’s goals by depriving the Respondent of his home and business (*U.S. v. Dozier*, 672 F.2d 531, 544 (5th Cir. 1982)).

6. Finally, Respondent asserts that judicial immunity and quasi-judicial immunity, the only viable defense for some defendants, will be attacked on the basis of the narrow exception that the law provides.

II. RECOMMENDED ACTIONS

7. Nevertheless, Respondent reminds this Court that it has not only the discretion, but the duty to hold a hearing at the earliest opportunity as to why this case should not be dismissed for want of prosecution, or through the court’s inherent power.

8. This rationale is supported in several ways, including but not limited to:

- a. The Petitioner’s affidavit of inability to pay is facially fraudulent, as stated throughout the record, giving this court the discretion to dismiss the case pursuant to Section 13.001 of the Texas Practice and Remedies Code.
- b. The opposing counsel has not participated in this matter. Instead of setting the matter for final trial and exposing the court to liability,

it should require Cooper L. Carter to show cause as to why she has not been prosecuting this matter.

- c. The current orders are facially void for want of consent, were signed by Myers, Carter, and Judge Kaitcer which stated that the evidence and pleadings in the case had been considered, including the very motion that warned the court of the Myers-Branthroover enterprise, which received no response.
- d. The court has failed to follow basic recusal procedures.
- e. Cooper L. Carter's authority to represent the Petitioner has been in question since September of 2024 and puts Carter and Myers both on notice here not to conceal, destroy, alter, or modify any communications made between Morgan Michelle Myers, Victoria Weaver, or Roderick D. Marx.
- f. The Regional Presiding Judge is now in noncompliance with Rule 18a of the Texas Rules of Civil Procedure, creating a future risk of mandamus petitions.
- g. Petitioner, when her conduct is reviewed by a fair and impartial tribunal, will have no reasonable chance of prevailing on the merits given the facts that the record presents in this matter.
- h. Petitioner, nor her Counsel, have any plausible explanation or defense to the allegations raised against them.

III. CONCLUSION

9. In summary, by ignoring these issues, the Court, despite having the discretion to dismiss this case for the reasons stated above, continues to further the affairs of the enterprise, pointing to a willful participation to achieve a common goal: obtain a final decree of divorce for Morgan Michelle Myers.

10. Accordingly, this Court must weigh its' options, as this notice was provided in good faith to promote judicial efficiency and prevent future waste of judicial resources.

Respectfully submitted,

/s/ Charles Dustin Myers
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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 2025, a true and accurate copy of this notice was provided to all parties of record via the electronic filing manager (EFM) pursuant to Rule 21a of the Texas Rules of Civil Procedure.

/s/ Charles Dustin Myers
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