

NO. 322-744263-23
IN THE 322ND DISTRICT COURT OF TARRANT
COUNTY, TEXAS

Morgan Michelle Myers,

Petitioner,

v.

Charles Dustin Myers,

Respondent

MOTION FOR JOINDER OF
PERSONS NEEDED FOR JUST
ADJUDICATION

2024-06-23

TO THE HONORABLE JUDGE OF SAID COURT:

Respondent Charles Dustin Myers files this motion to designate responsible third parties pursuant to Rule 39(a)(1) of the *Texas Rules of Civil Procedure* and in support thereof, would respectfully show the Court the following:

I. PARTIES

1. Petitioner: Morgan Michelle Myers, residing at 6641 Anne Court, Watauga, Texas 76148.

2. Respondent: Charles Dustin Myers, residing at 6641 Anne Court,
Watauga, Texas 76148.¹

II. DESIGNATED THIRD PARTIES

3. Pursuant to *Tex. R. Civ. P. § 39(c)*, Respondent names the following additional parties:
 - a. Daniel Kenneth Branthoover , whose last known address is 3100 Copan Ct, Yukon, OK 73099.
 - b. Margie Evonne Wilson, who resides at 6640 Anne Court,
Watauga, TX 76148.
 - c. The parties above have not yet been joined into this suit due to all important issues related being ruled on prematurely prior to any evidentiary hearing, which didn't occur until March 14th, 2024, nearly three months after the divorce was filed by the Petitioner – and where a court record was not provided as mandated by *Tex. Fam. Code § 105.003*. (A record shall be made as in civil cases generally unless waived by the parties with the consent of the court). Respondent also has an un-answered no-evidence summary judgement that is a reiteration of the claims made herein, which was judicially acknowledged on March 14th, 2024, over 90 days ago by Judge Kaitcer.

¹ Respondent was ordered to vacate his residency and place of business on January 16th, 2024, by District Judge James Munford, on January 22nd, 2024, by Associate Judge Jeffrey Kaitcer, and was locked out by the Petitioner on March 6th, 2024.

- d. The above-mentioned cause is currently pending on appeal in the Supreme Court of Texas regarding the interlocutory orders rendered on March 26th, 2024. Pursuant to the *Texas Family Code*, this court has the ability on its' own motion after notice and hearing to grant temporary orders for the preservation of property during the appeal. *Id* § 6.709.

III. FACTS

4. On December 13th, 2024, Morgan Michelle Myers opened up a bank account in her own name.
5. On the evening of December 13th, 2024, Morgan Michelle Myers had a meeting with Margie Evonne Wilson at her residency at approximately 9:55PM where they had a four-hour long private discussion relating to divorce matters.
6. On December 14th, 2024, Morgan Michelle Myers requested an ex-parte temporary order of protection from this Court, which was denied.
7. On December 15th, 2023, Charles Dustin Myers was contacted by Daniel Kenneth Branthoover, now Morgan's stepfather, where he stated his intention to "help with the divorce" and that it would be "a good move" to allow Morgan Michelle Myers and the Children to visit his residency in Yukon, Oklahoma over the weekend of December 15th, 2024.

8. Immediately following this phone call, Mr. Branthoover advised Morgan to withdraw all of the available joint finances into her own personal account that she had just opened on December 13th, 2023, which amounted to \$1,576.
9. Respondent timely requested that the money be put back after discovering the joint bank account was overdrawn \$-800 on December 16th, 2023, at approximately 3:54P.M., stating that the money was needed for bills and the Children's Christmas gifts.
10. At 8:23 P.M. CST on December 16th, 2023, Mr. Branthoover replied stating that the money was hers, and that he would be helping Morgan file the divorce paperwork while she and the Children were at his residency that weekend.
11. On December 17th, 2024, at approximately 11:00 A.M. CST, Margie Evonne Wilson served Charles with an eviction notice by hand delivery, where the grounds for eviction were cited as follows:
 - a. Divorce
 - b. Protective order filed.
 - c. He must leave. Her and the Children may stay.
12. On the evening of December 17th, 2023, Morgan returned to the family home with a can of pepper spray indicating a narrative for protection. She also acquired a second phone, given to her by Daniel Branthoover while visiting his residency.
13. On December 18th, 2023, Morgan filed for divorce.

14. On December 19th, 2023, Charles was contacted once again by Mr. Branthoover, who claimed to be Morgan's legal representative, and instructed Charles to not contact 'his client' regarding the divorce suit
15. On December 22nd, 2023, Morgan filed for a standard order of protection.
16. On December 27th, 2023, Charles was served with the Original Petition for Divorce, and the Eviction.
17. On December 28th, 2023, Charles was served the Original Petition for divorce.
18. Between the dates of December 29th, 2023, and January 16th, 2024, the Respondent cohabitated with the Petitioner, where the Children were left in the Respondent's care while she worked her part-time job, which preserved the status quo of the minor children of this case.
19. At the show cause hearing on January 16th, 2024, despite denying the initial emergency protective order sought on December 14th by Morgan, Judge James Munford, on his own motion, consolidated the case with the divorce and granted a continuance despite ordering the Respondent out of his residency, business, and Children's lives.
20. This constitutional violation from the onset of the case combined with the fraudulent nature of the Petitioner's pleadings, and the conspiratorial and malicious intent fueling them has left the

Respondent without any legal justification for the decisions rendered in this case, and the children have been left with a parent who is unable to provide for them emotionally, financially, and as evidence will show – has introduced chaos into their lives.

21. On June 2nd, 2024, the Respondent was contacted by Margie Evonne Wilson who raised concerns about the children, Morgan's behavior, and stated she "could not afford for them to live there much longer due to no rent being paid."

22. On June 20th, 2024, Respondent reached out to Daniel Branthoover after receiving a friend request from him on social media, expressing concern over the detrimental impact of Daniel's actions on the welfare of the minor children involved in this case. Respondent explained how Daniel's actions had directly undermined the financial and emotional stability of the children, both currently and in the foreseeable future. In response, Daniel attempted to justify his behavior and further revealed his malicious intent by stating that he had been "thoroughly enjoying" seeing the Respondent's attempts for relief being denied.

23. During the pendency of the case - Morgan Michelle Myers has moved additional family members into the family residence, has introduced a new male figure into the children's lives on an ongoing basis, works less hours than when the orders were rendered, and has

left the children in the sole custody of the male individual on at least one occasion.

IV. LEGAL BASIS FOR DESIGNATION

24. Pursuant to Rule 39(a)(1) of the *Texas Rules of Civil Procedure*, “[a] person who is subject to service of process shall be joined as a party in the action if in [their] absence complete relief cannot be accorded among those already parties...” *Id.* The Respondent and the marital estate have been undergoing substantial and ongoing harm due to the collective actions of Morgan, Mr. Branthoover, and Margie, and the best interests of the children have been disregarded entirely due to the deceptive nature of her pleadings.² Their addition to the case is necessary so this court will have jurisdiction for the relief being sought by the Respondent.

25. Morgan Michelle Myers, Daniel Kenneth Branthoover, and Margie Evonne Wilson acted in concert with malicious intent with the common goal of removing the Respondent from the family residence by filling a fraudulent divorce petition, protective order, and eviction notice during the weekend of December 15th, 2023, to create a false narrative of protection to present to this Court. All claims herein are substantiated with text message evidence.

² Attached hereto is the Respondent’s income which has significantly dropped and is continuously dropping without a stable residency to perform his normal occupation which the Children in this case, Margie Evonne Wilson, and Morgan Michelle Myers all rely on.

26. Despite raising the exact facts mentioned above in the very first pleading submitted to this court, which was a motion to consolidate, which has been attached hereto for the court's reference – it was ignored outright and was not taken into consideration in any of the temporary orders rendered in this case.

27. Due to Daniel's involvement and the fraudulent nature of the Original Petition for Divorce – no hearing regarding custody determinations should have been held until *Tex. Fam. Code* § 6.405(b) were to be satisfied, which requires:

(b) The petitioner shall attach to the petition a copy of each order described by Subsection (a)(1) in which a party to the suit or the child of a party to the suit was the applicant or victim of the conduct alleged in the application or order and the other party was the respondent or defendant of an action regarding the conduct alleged in the application or order without regard to the date of the order. If a copy of the order is not available at the time of filing, the petition **must state** that a copy of the order will be filed with the court before any hearing. – *Id* (emphasis added)

Despite this statutory requirement, two hearings were held which resulted in Charles' unjust removal from his home, his business, and Children's lives. Despite invoking this rule at the March 14th, 2024 hearing – it was sustained on objection for relevance – with no court reporter to make an appeal.

28. Due to the fatal procedural errors committed in this case, the fraudulent nature that they were filed, the third party influence, the malicious intent behind them, the ongoing damage caused, the lack of discovery, and the disregard for the best interests of the children, this Court has an obligation to re-visit the merits of this case by

enjoining the above named parties into the suit so that the facts can be before this court for the first time in nearly seven months of litigation.

V. CIVIL CONSPIRACY AND FRAUD

29. To prove civil conspiracy, the plaintiff must show the following elements: (1) two or more persons; (2) an object to be accomplished; (3) a meeting of the minds on the object to be accomplished; (4) one or more unlawful, overt acts; and (5) damages as the proximate result. *Triplex Communications, Inc. d/b/a Radio Station KZZB-95 FM v. Riley*, 900 S.W.2d 716, 719 (Tex.1995); *Massey v. Armco Steel Co.*, 652 S.W.2d 932, 934 (Tex.1983); *Bernstein v. Portland Sav. & Loan Ass'n.*, 850 S.W.2d 694, 706 (Tex.App.--Corpus Christi 1993, writ denied). Respondent asserts that the record proves civil conspiracy on its' face as text evidence and other relevant materials have already been submitted with the clerk of this Court, but nonetheless will be shown to the clear and convincing standard of evidence following discovery.

VI. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

30. A party claiming intentional infliction of emotional distress must prove:

(1) the defendant acted intentionally or recklessly; (2) the defendant's conduct was extreme and outrageous; (3) the conduct caused the claimant emotional distress; and (4) the emotional distress was severe. *Tiller v. McLure*, 121 S.W.3d 709, 713 (Tex. 2003) (per curiam); *Twyman v. Twyman*, 855 S.W.2d 619, 621 (Tex. 1993).

All four elements of this cause of action have been satisfied here.

The actions by each named party herein resulted in the loss of the Respondent's custodial rights, business, and property interests, and were initiated the weekend before Christmas void any legal basis for doing so. Respondent asserts that any reasonable finder of fact would conclude that the actions taken by the named parties are "so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized society." *Hoffman-La Roche, Inc. v. Zeltwanger*, 144 S.W.3d 438, 445 (Tex. 2004); *see also Creditwatch, Inc. v. Jackson*, 157 S.W.3d 814, 817-18 (Tex. 2005).

VII. CRIMINAL CONDUCT

31. The admitted actions of Daniel Kenneth Branthoover and Morgan Michelle Myers have violated criminal statutes under Texas law and have undermined this State's interest in protecting the best interests of the Children by deceiving this Court. The specific criminal violations include:

- a. Daniel Kenneth Branthoover has impersonated a public servant by presenting himself as an attorney and performed legal acts without a license such as requesting discovery, advising Morgan Michelle Myers to transfer the available funds in the marital estate to herself, directly influenced the pleadings in this case, and has caused significant and ongoing harm on the Children and the Respondent in this case. “A person commits an offense if they impersonate a public servant with intent to induce another to submit to their pretended official authority or to rely on their pretended official acts. This offense is a felony of the third degree.” *Texas Penal Code* § 37.11.
- b. Morgan Michelle Myers knowingly and willingly filed fraudulent divorce paperwork under the advice of Daniel Branthoover “with intent to deceive and with knowledge of the statement's meaning” when claiming an active order of protection existed against the Respondent for the purpose of acquiring property as well as when filing for a protective order to achieve the same goal. *Texas Penal Code* § 32.32(b). The goal was to gain an advantage in the divorce suit by leveraging knowingly false statements of family violence and by creating a false narrative of protection. An affidavit of inability to pay was claimed despite both Daniel and Morgan

admitting via text evidence that Morgan had transferred money to herself just three days prior on December 15th, 2024.

- c. Both Morgan Michelle Myers and Daniel Kenneth Branthoover knowingly and willingly committed acts of perjury. The perjury occurred when they conspired to transfer joint finances to Morgan through Daniel's PayPal account and immediately following this act proceeded to file for divorce swearing an affidavit of inability to pay costs and that an active order of protection existed against the Respondent. This affidavit was made under oath with the intent to deceive the court regarding her financial status, a clear violation of Texas Penal Code § 37.02(a)(1).

VIII. CONCLUSION

32. The actions taken by Morgan Michelle Myers and Daniel Kenneth Branthoover are not only legally reprehensible but also morally indefensible. Their calculated scheme to remove the Respondent, a dedicated stay-at-home father, from the lives of his children has caused significant emotional and financial harm. By conspiring to fraudulently transfer joint finances, filing a deceitful affidavit of inability to pay costs, and manipulating legal processes through perjury and impersonation, they have engaged in a toxic and egregious civil conspiracy, committed fraud, and destabilized the

lives of the minor children of this case for the sole benefit of Morgan Michelle Myers.

33. The Respondent has been the primary caregiver for his children, providing them with emotional support and stability. The deliberate efforts of Morgan and Daniel to sever this vital relationship have disrupted the children's lives, depriving them of the love and care they rely on. This malicious intent to manipulate the court and inflict harm on Charles and his children cannot be overlooked.
34. While Margie Evonne Wilson's actions contributed to the harm caused, it is important to acknowledge that the Respondent does not believe her intent was driven by malice. The Respondent believes Margie was manipulated and placed in a difficult position by both Morgan and Daniel. Her inclusion into the case is necessary for the relief being sought regarding the preservation of the property.
35. Given the severity of these actions, it is imperative that this Court take decisive action. The Respondent respectfully requests that the Court grant the relief sought, enjoin the responsible third parties, and if deemed necessary - forward the information regarding the criminal violations to the appropriate state prosecutors for further investigation. The well-being of the children and the integrity of the legal system demand nothing less.
36. While Morgan Michelle Myers has committed criminal offenses in this State, the Respondent would request this court not pursue

criminal charges against her as it would not serve the best interests of the Children.

XI. PRAYER AND RELIEF

29. Respondent requests the following relief:

1. Grant a temporary restraining order preventing Daniel Kenneth Branthoover from being in the presence of the Respondent's children while the case is pending.
2. Require by order of this court that Daniel Kenneth Branthoover pay monetary and punitive damages for his fraudulent influence in these proceedings by order of the court, which includes hotel bills, gas, tolls, and any punitive damages the court finds necessary to deter these actions in the future.
3. Grant the Respondent a temporary injunction for the preservation of the property while this case is pending to preserve the status quo for the Children.
4. An order requiring Morgan Michelle Myers to pay all of Respondent's attorney's fees incurred from the retainment of Daniel Bacalis, amounting to \$3,000.
5. Issue a temporary restraining order against Margie Evonne Wilson to prevent any further harassment and to preserve the status quo of the Children during the pendency of the transitional period for no less than eight months by continuing

to provide a stable living environment for the Children in this case.

6. Require that Morgan Michelle Myers, Daniel Branthoover, and Margie Evonne Wilson complete the *Children in the Middle* parenting course.³
7. By order of this court - require that a monthly status report be provided by Charles Dustin Myers, Morgan Michelle Myers, and Margie Evonne Wilson on behalf of the Children.
8. Grant a trial by jury on the merits of this case in lieu of any findings of fact.

WHEREFORE PREMISES CONSIDERED, Respondent prays that this Court grant the relief requested herein and such other and further relief to which Respondent may be justly entitled. The State's mandated requirement that the children's best interest shall **always** be the primary consideration of all decisions made

Respectfully submitted,

/s/ Charles Dustin Myers
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³ Morgan Michelle Myers was already previously ordered by this court to complete this course by May 1st, 2024, which she failed to do.