

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

Morgan Michelle Myers,

Petitioner,

v.

Charles Dustin Myers,

Respondent

RESPONDENT’S FIRST REQUEST
FOR DISCLOSURE, PRODUCTION,
AND ADMISSIONS

2024-09-19

Respondent formally requests the forthcoming discovery materials pursuant to the level 2 discovery control plan. Given that this is the first request for discovery in this suit, the discovery period ends thirty days prior to the date of the final trial pursuant to Rule 190.3 of the Texas Rules of Civil Procedure.

I. Respondent’s Request for Disclosure

A. Under Subchapter B, Chapter 301, Family Code, Section Pursuant to Sec. 301.051 and Sec. 301.052 of the Texas Family Code, Respondent formally requests that Petitioner disclose, not later than 30 days after the date of service of this request, the following information and material described pursuant to Section 301.052 of the Texas Family Code:

1. The correct names of the parties to the action.
(*Sec. 301.052(a)(1)*)

2. The name, address, and telephone number of any potential parties.
(Sec. 301.052(a)(2))
3. The legal theories and, in general, the factual bases of the
Petitioner's claims or defenses.
(Sec. 301.052(a)(3))
4. The name, address, and telephone number of any person having
knowledge of relevant facts and a brief statement of each identified
person's connection with the action.
(Sec. 301.052(a)(5))
5. Any discoverable settlement agreement described by Rule 192.3(g),
Texas Rules of Civil Procedure.
(Sec. 301.052(a)(7))
6. The name, address, and telephone number of any person who may
be designated as a responsible third party. (Sec. 301.052(a)(11))

II. Respondent's Request for Production

B. Pursuant to Rule 196 of the Texas Rules of Civil Procedure,
Respondent formally requests that Petitioner produce the following documents
within 30 days of service of this request. The documents should be made
available and filed with the E-filing system prior to 5:00 P.M. on **10/19/2024**:

1. All bank statements from December 2023 through September
2024 regarding the bank account solely in Petitioner's name.
2. A certificate of completion regarding the "Children in the
Middle" parenting course, which was due on May 5th, 2024, or in the
alternative – a written statement explaining the reasons for not having
the certificate of completion.
3. Receipt of rent payment for the last six months made by the
Petitioner in regard to 6641 Anne Court, Watauga TX, 76148.
4. All documents related to the children's healthcare, dental care,
or any attempts to acquire healthcare and dental care for the children.
5. Current employer and address, date of employment, and average
hours per week worked.

6. A list of all any exhibits that are to be presented at the final trial that have not been served to the Respondent under Rule 21a of the Texas rule of Civil Procedure.

7. The names, addresses, and telephone numbers of all witnesses expected to testify at trial.

8. The names, addresses, and telephone numbers of all persons who care for the minor children on a regular basis, the times of day the children are in their care, and for what purpose, and the cost of care, if any.

III. Respondent's Request for Admissions

C. Pursuant to Rule 198.1 of the Texas Rules of Civil Procedure, Respondent **Charles Dustin Myers** requests that Petitioner **Morgan Michelle Myers** admit or deny the following statements within the scope of discovery. Each admission or denial must be provided within **30 days** of service of this request. Failure to respond in a timely manner may result in the admissions being deemed admitted by the Court and a motion to compel to follow. For each denial, if any, Petitioner must provide a full explanation of the basis for the denial, along with any supporting facts, evidence, or documentation substantiating the denial:

1. Admit or deny that between July 2015 and January 16, 2024, Respondent resided at the residence located at 6641 Anne Court, Watauga, TX 76148, with Petitioner. _____.

If denied, provide the factual basis for the denial and any supporting documentation or proof of other residences during that time period.

Response:

2. Admit or deny that on **January 26, 2021**, Respondent made an employment switch to work from home, which contributed to the **financial stability** of the family leading up to **January 16, 2024**. _____.

If denied, provide an explanation and any financial records or employment information to support the denial.

Response:

3. Admit or deny that Petitioner transferred **\$1,576** to **Daniel Branthoover's PayPal account** on **December 15, 2023**, which resulted in the marital bank account being overdrawn by **\$-800**. _____.

If denied, provide all facts, bank records, and other evidence supporting the denial.

Response:

4. Admit or deny that over the weekend of **December 15, 2023**, Petitioner took the children to Oklahoma where she received assistance **from Daniel Branthoover** in filing the divorce paperwork. _____.

If denied, explain the purpose of the trip, the role of Daniel Branthoover, and provide relevant documents or correspondence regarding the trip.

Response:

5. Admit or deny that over the weekend of **December 15, 2023**, Petitioner influenced her grandparents to serve an **eviction notice** to Respondent, citing a protective order and divorce petition that had not yet been filed. _____.

If denied, provide all facts and any documents relating to the eviction notice and its justification, including communications with Petitioner's grandparents.

Response:

6. Admit or deny that on **December 18, 2023**, the **Original Petition for Divorce** filed by Petitioner contains **false and misleading statements** regarding family violence and an active order of protection. _____.

If denied, provide the factual basis for the accuracy of the statements made in the Original Petition for Divorce.

Response:

7. Admit or deny that on **December 22, 2023**, the **Original Protective Order** filed by Petitioner contained additional claims of family violence, and at the time of filing, **no active order of protection** existed, and no such order has existed throughout the marriage. _____.

If denied, provide the factual basis for any claims that an active protective order was in place during the marriage and during the filing of the protective order.

Response:

8. Admit or deny that on **March 6, 2024**, during Petitioner's visitation with the children, while Respondent was walking the children to school, Petitioner ran inside the family residence and locked the Respondent out.

_____.

If denied, provide an explanation and any evidence contradicting this event, including witness statements or other documentation.

Response:

9. Admit or deny that during the course of these proceedings following March 14th, 2024, Petitioner has made **no claims of abuse, drug use, or any concerns of violence or threat of violence** made by Respondent aimed at the Petitioner and has not served any documents related to the above to the Respondent during the pendency of the case through her attorney of record.

_____.

If denied, provide all documents, pleadings, or correspondence where such claims have been raised, filed, or served.

Response:

10. Admit or deny that during the marriage, Petitioner directly benefitted from and was aware of Respondent's **work-from-home business** up until his removal on January 16th, 2024. _____.

If denied, provide a full explanation and any financial documents or records to support the denial.

Response:

11. **Admit or deny** that during the pendency of the case, Petitioner is aware that Respondent has lived in **several different locations**, seeking relief from ongoing damages caused by the removal of his home. _____.

If denied, provide an explanation and all relevant documents supporting the denial.

Response:

12. **Admit or deny** that the Petitioner has made no meaningful effort to ensure that the Children's status quo is preserved during the pendency of the case. _____.

If denied, provide an explanation and all relevant documents supporting the denial.

Response:

13. **Admit or deny** that the Respondent has abided by the current temporary orders in place to the best of his ability, and that the child support calculations, the child custody arrangements, and the current injunctions in place have no legal or factual foundation.

If denied, provide an explanation and all relevant documents that can be found on the clerk's record supporting the denial and supporting the current arrangements.

Response:

IV. Time for Compliance and Filing Instructions

D. Petitioner is hereby reminded that all responses to this Request for Disclosure, Discovery, and Admissions, along with any requested documents, must be provided no later than 30 days after the date of service of this request. All documents and materials must be filed using the Electronic Filing Manager under the "**service only**" option and served on the Respondent. Failure to respond in a timely manner may result in the filing of a **Motion to Compel**, and any objections to the requests for admissions being deemed waived and the matters admitted by the Court.

- Please note that as of the time of this request, there are no formal pending settings that have been properly served on the Respondent pursuant to Texas Rules of Civil Procedure Rule 21a.

Respectfully submitted,

/s/ Charles Dustin Myers
Charles Dustin Myers
6641 Anne Court
Watauga, TX 76148
chuckdustin12@gmail.com
817-507-6562

CERTIFICATE OF SERVICE

Respondent hereby certifies that on **09/19/2024**, a true and correct copy of the **Respondent's First Request for Disclosure, Discovery, and Admissions** was served on the following parties via **electronic service through the Electronic Filing Manager (EFM)** and via **email** to the email address on record, pursuant to **Texas Rules of Civil Procedure 21a and 191.4**.

Served to:

- **Morgan Michelle Myers**, Petitioner via electronic filing system.
- **Cooper Carter**, Counsel for Petitioner via electronic filing system.
- **Email Addresses for Service:**

coopercarter@majadmin.com & morganmw02@gmail.com

Service was made using the "service only" option via the **Electronic Filing Manager** and was also served via email to Respondent's email address: **chuckdustin12@gmail.com**.

/s/ Charles Dustin Myers
Charles Dustin Myers
6641 Anne Court
Watauga, TX 76148
chuckdustin12@gmail.com
817-507-6562