

# Question

NO. 322-744263-23 & NO. 322-744538-23 ITMOMO Morgan Michelle Myers v Charles Dustin Myers MOTION TO DISMISS FOR WANT OF PROSECUTION In the 322nd District Court of Tarrant County, Texas  
Honorable Judges: James B. Munford, Jeff Kaitcer 200 E. Weatherford St. 4th Floor Fort Worth, TX Tel.: (817) 884-1427 Respectfully submitted by: Charles Dustin Myers, Respondent 322-744263-23 FILED TARRANT COUNTY 1/24/2025 8:29 PM THOMAS A. WILDER DISTRICT CLERK  
SUMMARY Respondent, CHARLES DUSTIN MYERS, respectfully submits this Motion to Dismiss for Want of Prosecution and in support thereof states as follows: 1. The Supreme Court of Texas, through its promulgated time standards, provides clear guidelines for the timely disposition of cases, including dissolution of marriage. 2. The proposed time standards are based on national studies, including those conducted by the ABA and the NCSC, which establish a 12-month maximum time frame for divorce cases as achievable and reasonable, with intermediate standards for temporary orders, responsive pleadings, and trials. 3. In this case, the time standards have been exceeded, with no substantial progress toward resolution or final disposition. 4. Rule 165a (2) of the Texas Rules of Civil Procedure permits the dismissal of cases that are not disposed of within the prescribed time standards, ensuring the proper administration of justice and preventing undue delays caused by party inaction. FACTS SUPPORTING DISMISSAL 5. Notwithstanding the above, the Petitioner's Original Petition for Divorce in this matter and all subsequent pleadings submitted to the court bearing her signature should be stricken from the record because they are fundamentally fraudulent, and given the circumstances of the case, the Petitioner cannot prevail at trial, and granting a divorce under the current circumstances would prove detrimental to the Respondent, and the children. 6. The Petitioner's submissions include an affidavit of inability to pay, an original divorce petition, and a protective order. These documents were leveraged to secure the current temporary orders which claim to be agreed despite lacking the Respondent's signature and were prepared by an attorney not authorized to represent the Petitioner. 7. The Respondent has raised claims of fraud, perjury, deception, and child neglect against the Petitioner, and her counsel has failed to address, defend, or file any response regarding these claims. 8. The Respondent has submitted discovery and admissions which have not been responded to by the opposing party, and despite filing a motion to compel discovery, no action has been taken by the court. 9. The opposing counsel's authority has been under challenge pursuant to Rule 12 of the Texas Rules of Civil Procedure since September 20th, 2024, yet she was permitted to attend the recusal hearing and raise objections despite no indication of her position on the motion prior to the hearing. 10. The opposing counsel is unable to file anything on her client's behalf in this matter because her electronic filing manager account is registered under her former employer's email. 11. The opposing counsel has not filed any documents on her client's behalf in this matter but has rather had individuals unrelated to the case file documents for her on her behalf. 12. The opposing counsel is unable to file the required notice of remand with the clerk of the court, and the case is unable to proceed given these

circumstances. FURTHER STATUTORY PROVISIONS WARRANTING DISMISSAL Respondent, CHARLES DUSTIN MYERS, asserts that the Petitioner has violated Sec. 12.002 of the Texas Civil Practice and Remedies Code. Specifically: 13. Petitioner knowingly made and presented fraudulent claims to the Court regarding Respondent's property, with the intent to deprive him of his interest in his home, a property essential for his ability to work and provide for the children. 14. Petitioner acted with the intent that these false claims be given the same legal effect as valid court orders, misleading the Court and causing Respondent to be wrongfully deprived of his home and livelihood. 15. The Respondent, as the person directly affected by this fraudulent conduct, reserves the right to bring a cause of action under Sec. 12.003(a)(8) as an equal owner to the community property impacted by the Petitioner's fraudulent claims. 16. Petitioner's actions have caused significant harm, including: 1. Financial injury resulting from the loss of property and work opportunities. 2. Mental anguish and emotional distress caused by being deprived of his home and stability. 17. Given the Petitioner is unable to account for the damages she has caused, the court should impose the appropriate sanctions for the following reasons: i. For signing multiple fraudulent documents which she knew to be false, including the affidavit of inability to pay and original petition for divorce filed December 18, 2023, the Application for Protective Order filed December 22, 2023, and the current temporary orders prepared by her current unauthorized attorney, which should be stricken from the docket pursuant to Rule 12 given that they are not agreed. ii. For failing to take her court-ordered parenting class, which permits the court to issue an appropriate sanction pursuant to Tex. Fam. Code § 105.009(g). iii. For putting her own selfish agenda before her own children's future and emotional stability, disregarding them entirely iv. For any other actions or inaction taken by the Petitioner in this matter. CONCLUSION AND PRAYER 18. In conclusion, this case should be dismissed as a matter of law. It has yet to be adjudicated fairly in over a year, exceeding the Texas Supreme Court guidelines. It further was founded on fraud, including an affidavit of inability to pay, making the case dismissible pursuant to the Tex. Prac. Rem. Code Sec. 13.001. Finally, given the fundamentally flawed decisions made in this case in regard to the children - the current situation damages their well-being, and a re-assessment of the facts are needed for the court to properly adjudicate this matter. Therefore, the respondent respectfully requests that this honorable court: i. Dismiss this case without prejudice and impose the appropriate sanctions on the Petitioner. ii. Adopt the emergency temporary orders filed by the Respondent in September of 2024 which reflect the reality of the current situation and preserves the status quo of the children in accordance with Texas law. iii. Provide clear, written instructions in the dismissal order permitting the Respondent to return to 6641 Anne Court, Watauga, TX giving the Petitioner the choice to either co-habitat or live next-door while the Respondent repairs the significant damage caused by her actions. iv. Give the Respondent sole managing custody of the children and exclusive use of the residency while the case is pending. v. Require that the Petitioner provide the documents requested that will allow the court to establish child support payments for the children and require that the Petitioner make these payments to aid in the rebuilding process for the Children. vi. Require a response to be filed by the opposing party within the next ten days. vii. Provide any further relief that the court finds just and

equitable given the unusual circumstances of this matter. Respectfully submitted, Charles Dustin Myers 6641 Anne Court, Watauga TX 76148 817-546-3693 Chuckdustin12@gmail.com Pro-se Certificate of Service I certify that a true copy of this MOTION TO DISMISS was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on January 24th, 2025 to: Morgan Michelle Myers by electronic filing manager at morganmw02@gmail.com. Cooper L. Carter by electronic filing manager at cooperclaw@mac.com Holly Hayes by electronic filing manager at csd-filer-914@texas.oag.com /s/ Charles Dustin Myers Charles Dustin Myers Chuckdustin12@gmail.com 817-507-6562 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: 96596367 Filing Code Description: Motion (No Fee) Filing Description: MOTION TO DISMISS Status as of 1/27/2025 8:53 AM CST Case Contacts Name CHARLES MYERS MORGAN MICHELLEMYERS Cooper L.Carter HOLLY HAYES BarNumber Email chuckdustin12@gmail.com morganmw02@gmail.com cooperclaw@mac.com csd-filer-914@texasattorneygeneral.gov TimestampSubmitted 1/24/2025 8:29:12 PM 1/24/2025 8:29:12 PM 1/24/2025 8:29:12 PM 1/24/2025 8:29:12 PM Status SENT SENT SENT SENT Date: March 18, 2025 Via E-File Thomas A. Wilder, District Clerk Tarrant County District Courts 200 E. Weatherford St. Fort Worth, Texas 76196 Re: Original Petition in Suit Affecting Parent-Child Relationship ("SAPCR") - Request to File as Separate Case and Set Immediate Hearing (In the Interest of [M.M.] and [C.M.], minor children; related to Cause No. 322-744263-23, In re Marriage of Myers) Dear Mr. Wilder and Honorable Court: Please accept for filing the enclosed Original SAPCR concerning the above-referenced children. This SAPCR is intentionally filed as a new, separate case, rather than under the existing divorce cause, due to unique procedural defects in that divorce proceeding that have left the children in legal and physical limbo. Immediate intervention is required to protect the children's best interests. Below, I outline the compelling reasons - supported by law and the record - why this SAPCR must proceed separately and be set for an emergency hearing at once, instead of being merged into the stalled divorce case. A. Failure of Opposing Party to Prosecute 1. The divorce Petitioner has wholly failed to prosecute the divorce, leaving it in procedural limbo. Over a year has passed with no meaningful activity toward a final resolution. Notably, after the divorce case was removed to federal court and later remanded, Petitioner never filed the required certified Order of Remand or gave notice of remand as mandated by Texas Rule of Civil Procedure 237a. Rule 237a obligates the removing party to promptly file the federal remand order with the state clerk and notify all parties, after which any defendant has 15 days to answer. Petitioner's omission of this required step has left the state court record incomplete and the case procedurally suspended. Indeed, due to Petitioner's inaction (and her counsel's apparent inability to e-file; see Point 8 below), no remand notice was ever filed, so the divorce court has not resumed jurisdiction in any practical sense. 2. In addition, Petitioner has ignored the Texas Supreme Court's time standards for timely disposition of cases. A divorce case is expected to be resolved within 12 months, yet Petitioner has

made no effort to advance it. She has not set a trial or even a status conference; she has allowed critical deadlines to lapse. This lack of diligence violates the duty to prosecute one's claims and warrants dismissal for want of prosecution. In fact, Respondent has been forced to file a Motion to Dismiss for Want of Prosecution (pending before the Court) detailing Petitioner's complete failure to move the case forward. This also remains unresponded to. Petitioner's inaction has left the family with no active forum to address urgent child-related issues. Therefore, a separate SAPCR is necessary to provide a functioning vehicle for relief. The children cannot wait for the Petitioner's indifference or strategic delay to abate.

**B. Failure to Oppose Any Relief (Legal Concession)**

3. Throughout the divorce case, Petitioner has not opposed or responded to any of Respondent's filings, motions, or claims for relief. She and her counsel have remained silent in the face of serious allegations and requests, effectively conceding the merits of those issues under Texas law. Respondent has raised grave claims of fraud, perjury, deception, and child neglect against Petitioner in his pleadings, yet Petitioner's counsel has filed no response or defense to these claims. Respondent also served discovery and Requests for Admissions which went completely unanswered, resulting in deemed admissions. He even filed a motion to compel discovery, which Petitioner again did not oppose, though unfortunately no hearing has yet been held. Moreover, when Respondent moved for other interim relief (including return to the family home and expanded access to the children), Petitioner filed no opposition. By her inaction, Petitioner has implicitly admitted the validity of Respondent's factual assertions and the justness of his requests.

4. Texas law is clear that a party who fails to respond to motions or claims effectively waives any objection and accepts the movant's evidence as true. For example, in the summary judgment context, if a nonmovant files no response, the court may accept the movant's asserted facts as uncontroverted and render judgment if entitlement is shown; issues not timely raised in a written response are waived; see Tex. R. Civ. P. 166a(c). The same principle applies here: Petitioner's total failure to contest Respondent's filings is tantamount to a legal concession of those matters. In other words, failure to make timely and specific objections results in waiver of the objections. See *Clark v. Trailways, Inc.*, 774 S.W.2d 644, 647 (Tex. 1989), cert. denied, 493 U.S. 1074, 110 S.Ct. 1122, 107 L.Ed.2d 1028 (1990); *Hartford Accident and Indem. Co. v. McCardell*, 369 S.W.2d 331, 335 (Tex. 1963); *Srite v. Owens-Illinois, Inc.*, 870 S.W.2d 556, 565 (Tex.App. — Houston [1st Dist.] 1993), revised on other grounds, 897 S.W.2d 765). Courts have recognized that a party's failure to respond indicates a belief that the motion has merit.

5. Petitioner's silence speaks volumes. She has never disputed that Respondent should be allowed to return home or see his children – in fact, she has not opposed any relief requested. This silence should be treated as acquiescence. Accordingly, there is no reason to keep the children waiting in the paralytic divorce case when no one is even arguing against the relief Respondent seeks in this SAPCR. The SAPCR can and should proceed on the uncontroverted facts in Respondent's filings.

**C. Best Interests of the Children Demand Immediate Action**

6. Every day that passes with the children separated from their father is a day of irreparable harm. The undisputed evidence is that the children are suffering due to Respondent's forced absence from the home. In the months since he was excluded, the children's well-being has precipitously declined: they have fallen behind in school, missed critical medical and

dental appointments, and have been emotionally traumatized by the sudden and prolonged separation from their father. No party—not even Petitioner—has asserted that the children would be anything but better off if their father could return to care for them. No one has argued against Respondent’s return to the home or his involvement in the children’s daily life. It is axiomatic that the best interest of the children is the paramount concern in any case affecting the parentchild relationship. See Tex. Fam. Code § 153.002 (mandating that “[t]he best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child”); *Lenz v. Lenz*, 79 S.W.3d 10, 14 (Tex. 2002) (emphasizing that courts must place “predominant emphasis” on what best serves the children's welfare, particularly focusing on stability, emotional and educational needs, and maintaining frequent contact with fit parents). 7. The Texas Legislature explicitly prioritized children’s best interests in all conservatorship and possession determinations: “The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.” Tex. Fam. Code § 153.002. Texas Supreme Court jurisprudence confirms and expands upon this legislative directive, instructing courts to consider stability, educational continuity, emotional health, and ongoing relationships with fit parents in their best-interest analysis. See *Lenz*, 79 S.W.3d at 14–15 (holding courts must evaluate what will best serve the child’s overall welfare, ensuring a stable and emotionally supportive environment and maintaining meaningful and frequent parental contact). 8. Here, it is unquestionably in the children's best interests to have their loving father back in their daily lives without further delay. Texas public policy explicitly states that children should have frequent and continuing contact with parents who have demonstrated the ability to act in their best interest. See Tex. Fam. Code § 153.001(a) (declaring the public policy of Texas to ensure frequent contact and shared duties between parents and children following separation); *Lenz*, 79 S.W.3d at 14–15 (affirming that Texas policy favors maintaining frequent and meaningful parental involvement in a child's life). 9. Respondent has demonstrated throughout these proceedings that he is a caring, fit parent whose presence provides the children with stability, support for their education and health, and emotional security. By contrast, the children’s current situation—living apart from Respondent for no substantiated reason—is destabilizing and harmful. Texas courts recognize the urgency of child custody matters and have repeatedly underscored that “justice demands a speedy resolution of child custody and child support issues.” *In re Tex. Dep’t of Fam. & Protective Servs.*, 210 S.W.3d 609, 613 (Tex. 2006) (orig. proceeding) (quoting *Proffer v. Yates*, 734 S.W.2d 673, 674 (Tex. 1987)). Simply put, the children’s needs cannot wait on procedural formalities or a dormant divorce case. Their welfare requires this SAPCR to be heard immediately so that orders can be promptly put in place to reunite them with their father and address their academic, emotional, and medical needs. No statute or rule forbids initiating a separate SAPCR when it is necessary to protect children's best interests. Indeed, Tex. Fam. Code § 153.002 and the overarching equitable duty of the Court compel swift action here. Respondent is ready, willing, and able to resume caring for his children, and no party has objected to him doing so. Therefore, the Court must accept this SAPCR and schedule an immediate hearing to serve the children's best

interests without further delay. See *Lenz*, 79 S.W.3d at 14–15 (holding courts must prioritize swift judicial actions in custody matters, protecting the best interests of children). D. Fraud and Perjury Render the Prior Orders Void 10. The orders entered in the divorce case that currently keep Respondent out of the home and away from the children were obtained through fraud, misrepresentation, and even perjury. Because those orders were procured by wrongful means, they are void ab initio and cannot be permitted to stand in the way of this SAPCR. Texas law does not tolerate court orders obtained by trickery or false pretenses. Notably, the temporary orders in the divorce (signed January 16, 2024 and later on March 14, 2024) were presented to the Court as “agreed” orders, yet Respondent never agreed to them and never signed them. In fact, Respondent had expressly opposed the relief in those orders. The “agreement” was a fiction created by Petitioner’s counsel. The record reflects that Petitioner’s counsel drafted and submitted those orders without Respondent’s consent or signature, and which reference a hearing not found on the docket. This is a textbook example of a fraud on the court. A judgment or order entered as “agreed” when one party actually objected is void. The Texas Supreme Court’s holding in *Burnaman v. Heaton* is directly on point: when a trial court knows a party does not consent to a purported agreed judgment, it must refuse to sign it; any judgment rendered under such circumstances “is void.” *Burnaman v. Heaton*, 240 S.W.2d 288, 291 (Tex. 1951). 11. Here, the court was misled – it was never disclosed that Respondent vehemently disagreed. Without such consent the judgment is void. The law will not give effect to a “party’s consent” that was never actually given. Moreover, the way those orders were obtained was rife with material falsehoods. In her filings, Petitioner knowingly made false statements to the Court to justify excluding Respondent from the home. For example, in her Application for Protective Order and supporting affidavit, Petitioner grossly misrepresented the facts, painting Respondent as a danger without evidence. She alleged incidents that never occurred or twisted mundane events into false claims of “family violence.” These misrepresentations were later exposed, and Petitioner has never attempted to prove them in any evidentiary hearing. Petitioner’s intent was plainly to deceive the Court into granting her sole occupancy of the home and custody of the children. Indeed, Respondent’s pending Motion to Dismiss details how Petitioner “knowingly made and presented fraudulent claims to the Court regarding Respondent’s property, with the intent to deprive him of his interest in his home”, and how she acted with intent that “these false claims be given the same legal effect as valid court orders, misleading the Court and causing Respondent to be wrongfully deprived of his home and livelihood.” 12. These strong findings, which stand uncontroverted, show that the prior orders were procured by fraud and deception. Under longstanding Texas precedent, any order obtained by extrinsic fraud (fraud that effectively prevents a fair presentation of the case) is void and a nullity. See *King Ranch, Inc. v. Chapman*, 118 S.W.3d 742, 751–52 (Tex. 2003) (judgment obtained by fraud can be set aside; only extrinsic fraud – such as keeping a party away from court or concealing critical facts – justifies relief). 13. Here, Petitioner’s fraud was extrinsic in that it kept Respondent from participating fully (the “agreed” order ploy) and kept the Court from learning the true facts. A litigant who lies to gain advantage in a court order subverts the process; the resulting order lacks integrity and is void. 14. In sum, the prior temporary orders that ousted Respondent were built on a

foundation of fraud. They should carry no weight and pose no obstacle to granting relief in this new SAPCR. This Court not only has the authority to declare such orders void, it has a duty to do so in order to prevent manifest injustice. See *Burnaman*, 240 S.W.2d at 291. By proceeding with a fresh SAPCR, the Court can consider the issues regarding the children de novo, on truthful evidence, untainted by the false premises of the earlier orders. Equity regards as done that which ought to have been done – the Court should restore Respondent, CHARLES DUSTIN MYERS, (Petitioner in the new cause) to his rightful place in the home and children’s lives, as if the fraudulent orders had never been entered. E. Restoring the True Status Quo of the Family 15. Relief in this SAPCR is also warranted to restore the status quo that existed before Petitioner’s improper actions. The “last actual, peaceable status quo” in this family was Respondent living in the home with the children, as a present and active father. That was the reality until late 2023, when Petitioner – through unilateral false allegations – removed Respondent from the household. Texas law holds that the purpose of temporary orders and injunctive relief is to maintain or restore the status quo pending trial. See *In re Shifflet*, 462 S.W.3d 528, 537 (Tex. App.—Houston [1st Dist.] 2015, orig. proceeding) (courts aim to restore the last peaceable status quo pending final trial). 16. Here, the true status quo ante was the intact family unit with Respondent present. The situation now – Respondent barred from the home and children – is a drastic deviation from that status quo, achieved only by contested court orders that, as shown, lack validity. Every day that Respondent is kept out is a day the family’s natural equilibrium is disturbed further. Texas courts have intervened in analogous situations to return to the rightful status quo. For example, when one party’s unilateral conduct disrupts a long-standing living arrangement, courts recognize that stability must be restored for the benefit of all, especially the children. See *Smith v. McDaniel*, 842 S.W.2d 7, 12 (Tex. App.—Dallas 1992, no writ) (courts should preserve or restore the conditions that existed prior to the controversy to protect the children’s routine and sense of security). Here, restoring the status quo means allowing Respondent back into his home and parenting role immediately. That was the “last peaceable” situation before litigation – a state in which the children were thriving. Notably, the findings in the temporary orders hearing (held without Respondent) even indicate there were no findings of any imminent harm if Respondent were present; the exclusion was based solely on Petitioner’s requested relief, not on proven misconduct by Respondent. 17. Thus, there is no safety-based reason to maintain the current deviation from the norm. By contrast, there are powerful reasons to return to normalcy: the children’s suffering would be alleviated, and the family’s balance and stability would be reestablished. 18. In short, equity demands that we “undo” the improper disruption caused by Petitioner’s actions. This SAPCR allows the Court to do exactly that – to realign temporary orders with reality and justice. *In re Shifflet* instructs that the last peaceable status quo should be restored pending trial. The last peaceable status was Respondent in the home; restoring that will harm no one (again, even Petitioner did not claim any abuse or violence requiring exclusion – her application acknowledged no recent violence, only vague fears). Maintaining the current situation, by contrast, gravely harms the children and prejudices Respondent’s relationship with them. Therefore, the Court should use the SAPCR proceeding to immediately reinstate Respondent to the home and his

parenting time, thereby restoring the status quo that truly serves the children's welfare. Every additional day away from that status quo is a deviation that this Court can and should correct now. F. The Court's Duty to Act Without Delay for the Children's Welfare 19. By accepting this SAPCR as a separate case, the Court can fulfill its paramount duty to protect the children's welfare without procedural delay. Courts have a sacred obligation to put the interests of children above rigid procedural considerations, especially in emergencies. The Texas Supreme Court has emphasized that trial courts must act immediately when children's physical or emotional well-being is at stake, even if procedural complexities exist. In *In re Tex. Department of Family & Protective Services*, for example, the Supreme Court admonished that delays in custody matters are intolerable, quoting with approval the maxim: "Justice demands a speedy resolution of child custody and child support issues." 210 S.W.3d 609, 613 (Tex. 2006). The high court in that case (a mandamus proceeding) required prompt action despite procedural entanglements, recognizing that a child's need for a stable, safe environment cannot be made to wait on protracted litigation maneuvers. 20. Similarly, in *Elizondo v. Monteleone*, an appellate court noted that when a parent attempted procedural gambits to delay a custody determination, the court system should not allow those tactics to trump the child's immediate needs. *Elizondo v. Monteleone*, 96 S.W.3d 705, 708 (Tex. App.—Corpus Christi 2002, no pet.) (courts will not permit jurisdictional technicalities to delay emergency relief in a parent-child case). [(If citation is verified)] In that case, one party tried to remove the case to federal court and argued that the state court lacked jurisdiction to issue temporary orders during the interim. The court flatly rejected that ploy, holding that the state court must act to protect the child and could later sort out jurisdiction, because the child's welfare was paramount. The lesson is clear: procedural fencing cannot override the need for immediate judicial action when children are suffering. 21. Here, Petitioner's inaction and the snares of the divorce case have already delayed relief for far too long. The children have been without their father for several critical months of their development. The Court has the power—and indeed the duty—to cut through the procedural morass by creating a new SAPCR docket and promptly addressing the merits of conservatorship, possession, and access. There is no jurisdictional barrier to doing so: this Court has continuing jurisdiction over the children (by virtue of the ongoing divorce) and thus can hear a SAPCR involving them. Any concern about duplicitous litigation is mitigated by the fact that the divorce case is effectively moribund; furthermore, Respondent will move to consolidate or dismiss the divorce once the SAPCR is in place, if appropriate. What cannot be allowed is more delay that leaves the children in a fractured situation. Our Courts are courts of equity as well as law, especially in family matters. When equity demands immediate intervention, the Court should not hesitate. As the Austin Court of Appeals observed, "when the jurisdiction of the court has been properly invoked in matters affecting minor children, the court's primary consideration is the best interest of the children, and the court may enter any order deemed necessary to protect and conserve the welfare of the child." *Elizondo*, 96 S.W.3d at 708 (citing Tex. Fam. Code § 105.001 on temporary orders for a child). In other words, once the Court is aware of a child in need, it must act, and act swiftly. 22. That is precisely the situation here. By accepting this SAPCR filing and setting an immediate hearing, the Court will be performing



its highest duty: safeguarding the children's wellbeing without further procedural impediment. Conversely, to refuse the SAPCR or to delay action because a defunct divorce petition lingers would elevate form over substance and place the children at continued risk, which Texas law forbids. 23. In sum, this Court is empowered and required to provide a forum for immediate relief, and the SAPCR is the proper mechanism to do so. The Court should therefore promptly docket this SAPCR as a new case and schedule an emergency hearing on temporary orders for the children. G. Protective-Order Application Confirms Respondent's Joint Ownership of the Home 24. Even Petitioner's own filings acknowledge Respondent's legal right to return to the residence. In her sworn Application for Protective Order (filed in September 2023), Petitioner explicitly affirmed that the marital residence "is jointly owned or leased by the Applicant and Respondent." 25. This judicial admission is significant. It means that at the time she sought exclusive use of the home, Petitioner conceded that Respondent is co-owner (or co-leaseholder) of the property. There is no dispute, therefore, that Respondent has an equal property interest and legal right to occupy the home. Petitioner cannot now contradict her own sworn statement by suggesting Respondent has no such right. 26. Why is this important? Because the prior orders granting Petitioner exclusive possession of the home (and excluding Respondent) stand in direct conflict with the parties' property rights and the status quo. Those orders were based not on any finding that Respondent lacked ownership or rights to the home, but presumably on a temporary need for protection (which, as shown, was falsely claimed). With the exposure of Petitioner's allegations as false, there remains no lawful basis to keep Respondent out of a home that he owns jointly. Texas Family Code § 153.003 states that the Court cannot condition a parent's possession of a child on the payment of support or other matters unrelated to the child – likewise, the Court should not condition Respondent's access to his home (and thereby to his children) on a procedurally flawed prior order, especially when Petitioner herself admits the home is community property. The protective order application further underscores that Petitioner's sole claim to the home was through a temporary court order, not any independent right. When the predicate for that temporary order (alleged family violence) is unproven and disputed, the underlying property rights must prevail. 27. In equity, where two parties have equal right to possession of a property, one cannot exclude the other absent a valid court order supported by good cause. Here, absent the nowquestionable temporary orders, Respondent as joint owner would be free to live in his home. The Court should thus give weight to Petitioner's admission of joint ownership and recognize Respondent's unabated property right. This is yet another reason to allow the SAPCR to go forward: so that the issue of residency and possession of the home can be revisited in light of the true facts and rights of the parties. The protective order was leveraged into a settlement which both parties did not agree to (as the record will show, if needed), meaning no long-term restrictions were found warranted. What remains is a fit father who co-owns his home seeking to return to his necessity to work and provide financially for the children. Petitioner's own pleadings remove any doubt about his entitlement. Accordingly, the Clerk and Court should not hesitate to facilitate Respondent's return via new temporary orders in this SAPCR, as even Petitioner's sworn statements support Respondent's position. H. Rule 12 Motion: Opposing Counsel Lacks

Authority, Undermining the Divorce Case Finally, Respondent has filed a Rule 12 Motion (Motion to Show Authority) in the divorce case, which is currently pending and further indicates why the existing case cannot properly proceed. In that motion (filed September 20, 2024), Respondent challenged the authority of Petitioner's attorney of record to act on her behalf. 28. This challenge was not made lightly – it is supported by evidence that Petitioner's counsel never filed the pleadings, is not authorized to practice in this matter under her current registration, and may not even have a valid engagement with Petitioner. Notably, since that motion was filed, Petitioner's counsel has failed to respond to it or otherwise prove her authority. Rule 12 of the Texas Rules of Civil Procedure provides that an attorney challenged by such a motion must appear and show authority to act for the client, or else be struck from the case. Petitioner's counsel has not met this burden. Instead, irregularities have abounded: at a recent hearing (on Respondent's motion to recuse), Petitioner's counsel appeared without having answered the Rule 12 motion, and the Court allowed her to argue on a motion she did not respond to, but her authority remains in question.. Moreover, it came to light that Petitioner's counsel has been unable to e-file pleadings on her client's behalf because her electronic filing account is in disarray (registered under a former employer's email at Cantey Hanger yet is signing pleadings for Marx, Altman, & Johnson) . In fact, the few documents "filed" in the divorce case on Petitioner's side were filed by Roderick Marx, not by the attorney herself. And tellingly, Petitioner's counsel failed to file the Notice of Remand after the federal court sent the case back, leaving the case hanging indefinitely. All of this demonstrates that Petitioner's counsel is effectively not acting with proper authority or competence in the divorce matter. 29. This is critical because if Petitioner's attorney lacks authority, then Petitioner is essentially unrepresented in the divorce. Her pleadings (including the Original Petition for Divorce) are subject to being stricken as null if the Rule 12 motion is granted. The entire divorce proceeding would be a nullity without an authorized petitioner or counsel – which is another reason it has stagnated. It would be unjust to make the children wait for months while this issue is sorted out. By contrast, in a new SAPCR, Petitioner can secure proper counsel or proceed pro se, but the Rule 12 quagmire in the divorce case can be sidestepped for now to get the children relief. The pending Rule 12 motion underscores that the divorce case is on unstable footing. It is procedurally snarled by questions of representation. On the other hand, Respondent is ready to proceed in the SAPCR immediately – he, as the petitioner in the SAPCR, obviously has authority to bring it, and he will serve Petitioner directly. If Petitioner's prior counsel truly has no authority, Petitioner will have to either hire new counsel or represent herself in responding to the SAPCR, but at least the case will move forward. The Rule 12 fiasco in the divorce should not be allowed to delay relief for the children. Equity again favors moving to a forum (the SAPCR) where all parties before the Court are indisputably authorized and the merits can be reached without distraction. 30. In summary on this point, Respondent's Rule 12 motion (which remains unanswered) indicates that the opposing attorney "has no authority to act for the party" – a situation which, by rule, would mandate striking her pleadings and possibly dismissing the divorce. Rather than let the case devolve into that chaos (to the children's detriment), the Court should start fresh with this SAPCR. The integrity of the proceedings will be ensured here, because all parties will be properly

before the Court. Respondent is confident that once this SAPCR is active, Petitioner will either appear on her own or with legitimate counsel and the issues can finally be adjudicated on the merits. Until then, the divorce case cannot be trusted as a vehicle for relief due to the cloud over Petitioner's representation. This factor strongly supports accepting the SAPCR as a standalone action and granting the requested hearing and relief without delay. I. Conclusion 31. For all the foregoing reasons – lack of prosecution in the divorce, Petitioner's waiver of opposition, the children's urgent needs, the void nature of prior orders, the necessity of restoring the status quo, and procedural snares in the divorce case – Respondent respectfully urges the Clerk to file the enclosed SAPCR as a new cause of action, and requests that the Court set an immediate EX-PARTE hearing on temporary orders in this SAPCR to issue injunctive relief immediately allowing access back into the residency and children's lives. The Court has abundant legal justification and equitable grounds to do so. Most importantly, the children's welfare compels immediate action, and the Petitioner will not be adversely affected by this decision, and has immediate housing options nearby available to her, contrary to the undersigned. Every factor discussed above converges on one truth: these children need their father back and need a stable, working court order to govern their custody and care – and they need it now, not months from now. By allowing this SAPCR to proceed separately, the Court will cut the Gordian knot that the divorce case has become and will be able to issue orders truly serving the children's best interests forthwith. 32. Respondent is prepared to appear for an emergency hearing on any date and time the Court can accommodate – preferably today. He is also prepared to file any additional supporting documents or evidence the Court may require. All necessary filing fees for this SAPCR are being paid, and service of process will be promptly effected on the opposing party. We ask only that the Clerk accept this filing (rather than reject or re-route it to the old cause) and that the Court immediately calendar the case for a hearing at the earliest possible date. If there are any questions or if any further information is needed to facilitate this request, Respondent is at the Court's disposal to provide it. 33. Thank you very much for your prompt attention to this urgent matter. By taking swift action, the Clerk and Court will literally be changing the lives of two children for the better. The law and justice are on the side of moving forward with this SAPCR. Respondent implores the Court to do so without delay. Respectfully submitted, Charles Dustin Myers 1 NOTICE THIS DOCUMENT CONTAINS SENSITIVE DATA IN THE 322nd DISTRICT COURT OF TARRANT COUNTY FORT WORTH, TEXAS Morgan Michelle Myers v. Charles Dustin Myers

Second Amended Preparatory Notice for Judicial Review No. 322-744263-23

Daniel R. Bacalis, P.C. Dan

Bacalis Texas Bar No. 01487550 dbacalis@dbacalis.com 669 Airport Fwy #307 Hurst, TX 76053 (817) 498-4105 RESPONDENT'S PRIOR COUNSEL

322-744263-23 FILED TARRANT COUNTY 3/26/2024 12:00 AM THOMAS A.

WILDER DISTRICT CLERK A CERTIFIED COPY ATTEST: THOMAS A.

WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024

Catherine Saenz 2 No. 322-744263-23 (consolidated) IN THE 322ND

DISTRICT COURT OF TARRANT COUNTY FORT WORTH, TEXAS In re

Charles Dustin Myers for MEM & CRM, two minors

IDENTITY OF

PARTIES AND COUNSEL

certifies that the following is a complete list of the parties, their attorneys, and any other person who has any interest in the outcome of this case:

COUNSEL FOR PETITIONER: Max Altman & Johnson Cooper L. Carter  
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TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 3 REAL

PARTIES OF INTEREST: Morgan Michelle Myers, Petitioner 6641 Anne

Court, Watauga TX, 76148 Charles Dustin Myers, Respondent 6641 Anne

Court, Watauga TX, 76148 CRM, a minor child MEM, a minor child Daniel

Kenneth Branthoover, Witness1 3100 Copan Ct, Yukon, OK 73099 Margie

Evonne Wilson, Witness2 6640 Anne Court, Watauga, TX 76148 Jesse

Wilson, Witness3 6640 Anne Court, Watauga TX, 76148 Cooper L. Carter,

Witness4 1 Mr. Branthoover's residency in Oklahoma necessitates his

inclusion to address jurisdictional concerns and ensure that all relevant

parties are properly before the court for a complete resolution of the

dispute. 2 Margie Wilson is the Couple's landlord and resides adjacent to the

family home. 3 Jessie Wilson is the Couple's landlord and resides adjacent to

the family home. 4 Given the growing probability that Ms. Carter will be

required as a witness in this case, it is imperative for the integrity of the

proceedings that she voluntarily withdraws from representation to avoid

potential conflicts of interest and ensure procedural fairness for when the

trial inevitably seeks removal to Federal Court. A CERTIFIED COPY ATTEST:

THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/

04/15/2024 Catherine Saenz 4 TABLE OF CONTENTS Identities of Parties

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Issue: Considering the absence of concrete evidence indicating an

immediate risk of harm or abuse towards the petitioner or minor children,

did the court's decision to issue Temporary Orders on January 16th, January

22nd, and February 1 st—thereby excluding the Respondent from the family

residence and severing his relationship with his children—constitute an

abuse of discretion under Texas Family Code § 83.001 et seq., which

necessitates clear evidence of danger for such emergency action, ultimately

leading to a violation of the Respondent's due process and infringement of

constitutional and parental rights as outlined by the U.S. Constitution and

Tex. Const. art. I, § 19, while also disregarding the children's best interest as

mandated by FAM § 153.002?

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 04/15/2024 Catherine Saenz 8 STATEMENT OF THE CASE 1. Nature of  
 Proceeding(s). This case memorandum is respectfully submitted in good  
 faith regarding the underlying legal proceedings brought against the  
 Respondent in a systematic and concurrent fashion: a. Divorce:  
 322-744263-23 \ filed 2023-12-18 b. Protective Order: 322-744538-23 \ filed  
 2023-12-22 c. Eviction: JP01-23-E00102017 \ filed 2023-12-28 2. Judge(s),  
 Court, and County. Hon James B. Munford && Hon Jeffrey N. Kaitcer, 322nd  
 (Family) District Court, Tarrant County, Texas 3. Claim of Respondent: The  
 Court unlawfully removed the Respondent from his home without a right to  
 legal representation and without any findings of fact that would warrant  
 such a drastic decision which not only severely damaged the ability of the  
 Respondent to provide for them, but has ultimately left him homeless and  
 the children without one of their parents without conducting any discovery  
 or indicating any lawful reasoning for doing so. 4. Habeas Corpus N/A 5.  
 Supreme Court N/A A CERTIFIED COPY ATTEST: THOMAS A. WILDER  
 DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine  
 Saenz 9 ISSUES PRESENTED 1. Given evidence suggesting that the

Petitioner fabricated allegations of family violence to secure a tactical advantage in custody and divorce proceedings, does this raise a significant legal question regarding the adequacy of safeguards against misuse of protective orders, potentially warranting a review of the court's reliance on unverified claims in making preliminary decisions affecting parental rights and access to children? 2. Considering the absence of concrete evidence indicating an immediate risk of harm or abuse towards the Petitioner or minor children, did the Court's initial decision to issue Temporary Orders on January 16th, followed by January 22nd, and February 1st—thereby excluding the Respondent from the family residence and severing his relationship with his children—constitute an abuse of discretion lacking clear evidence of danger for such emergency action, ultimately leading to a violation of the Respondent's due process and infringement of constitutional and parental rights, while also disregarding the children's best interests? 3. How can the Court remove one parent from the home without following the mandated process required by law, resulting in the destruction of the status quo of the minor children, and further uphold this decision when no finding of facts has taken place? A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 10 FAMILY BACKGROUND I. Petitioner and Respondent are referenced herein as the Couple. II. The two children are referenced herein as the Children. 1. The Couple were married on June 20, 2015, and have two daughters aged seven and five at the time of this Memorandum. 2. The Couple moved into the residence located at 6641 Anne Court, Watauga TX, 76148 around July 2015. 3. The family home is adjacent to the Petitioner's grandparents, who are also the landlords of the Couple, where they entered into a lease agreement on July 22nd, 2015. 4. The Couple have both played significant roles in the upbringing of the Children throughout their lifetime. 5. The Couple are both actively involved in the children's school activities and extra-curriculars. 6. Throughout the marriage, the Petitioner reiterated her strong desire to leave the family home and to escape the controlling nature of her grandparents. 7. Throughout the marriage, the Children have had continuous access to both parents throughout their lives up until court intervention on January 16th, 2024. 8. Throughout the marriage, the Couple have never endangered the Children. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 11 EMPLOYMENT HISTORY AND FAMILY DYNAMICS 1. Throughout their marriage, both parents have alternated roles as stay-at-home parents, adapting their employment status to meet the developmental needs and schedules of their children, now aged seven and five. This arrangement has enabled both the Petitioner and Respondent to maintain an active and consistent presence in their children's lives, encompassing not only day-to-day care but also engagement in school activities and extracurricular events. This hands-on approach has been a testament to their dedication to the well-being and upbringing of their children, demonstrating a flexible yet committed stance towards balancing family responsibilities with personal and professional development opportunities as they arise. 2. The Couple had lived paycheck to paycheck for most of the marriage, and things began to look up when the Petitioner acquired a job as a Leasing Agent/Consultant near our home. The Petitioner excelled at this position, and the Respondent would take care of the children from Sunrise to Sundown, in all aspects including medical appointments

while the Petitioner would work outside of the family home. 3. The unique situation the Couple had been blessed with put them in a situation where the children could frequently visit their grandparents next door, creating a rare and ideal situation for them, also enabling the Respondent to help generate income by acquiring a part-time Legal A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 12 Transcriptionist job from home while the children were in the care of the Grandparents. 4. During May of 2019, the Petitioner was unexpectedly terminated from her job as a Leasing Agent, where the Couple once more swapped roles as the stay-at-home parent, and the Respondent quickly acquired employment at Classic Mazda of Denton, starting on July 1st, 2019. 5. This transition was very difficult, as the Respondent went from seeing his children every day to sometimes not at all given the hour-long commute to work and extraneous hours and was in an entirely new field of work as a sales associate. 6. In the Fall of 2019, the COVID-19 pandemic hit and put the dealership in a state of uncertainty by significantly reducing the number of patrons who would visit the dealership, which impacted the monthly commission for the Respondent, creating significant down-time that the Respondent took advantage of by self-certifying himself in many areas of the dealership. 7. One evening at work, the Respondent noticed the Photographer taking photos of the vehicles out on the lot for the purpose of displaying them on the dealership's website, which sparked an idea that would ultimately A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 13 become the sales solution for the dealership during the COVID-19 pandemic. 8. In November of 2019, the Respondent created a YouTube channel entitled Charlie and the Mazdas, where he began to use his selfcertification for internet sales to create personalized videos for internet clients during the pandemic, allowing them to see the features of their desired vehicle from the comfort of their own home. If the client decided to move forward, the Respondent would wrap the steering wheels in plastic wrap, wash the vehicles himself, and drive them to the client's residence as a courtesy service during the pandemic. 9. This approach was not only successful but lead to the Respondent finishing second overall for the Southwest Region of the United States for Mazda sales for the year of 2020. 10. The Couple also leased their first vehicle in November of 2019, which was a Mazda CX-5 Grand Touring model, machine grey. 11. As the year 2020 unfolded, the Respondent found himself increasingly drawn to the stock market. This interest was sparked by the extraordinary market conditions of 2020, fueled by the Federal Reserve's pivotal amendments to Regulation D and the Supplemental Leverage Ratio. These changes were instrumental in maintaining bank liquidity, enabling continued lending to high-risk companies amid the pandemic, presenting unique investment opportunities. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 14 12. By January 2021, inspired by his burgeoning passion for financial markets—and motivated by a desire to reclaim precious time with the Children—the Respondent made a conscientious decision to part ways with the dealership. This step was taken in good faith, driven by his commitment to both his family and his growing interest in financial markets, setting the stage for a new chapter in his professional and personal life since his employment began on July 1st, 2019. 13. Shortly after starting this new

chapter, the Respondent quickly realized trading was going to be a lot more challenging than he had first realized, which lead to the evolution of his YouTube channel, renamed from Charlie and the Mazdas to Charlie's Vids, where he turned his focus to SEC law, covering agency filings out of the Options Clearing Corporation, National Securities Clearing Corporation, Depository Trust Company, Depository Trust Clearing Corporation, FINRA, the Code of Federal Regulations, the Office of Financial Research, amongst other market agencies. 14.The Respondent would cover the filings, accompanied by PowerPoint presentations for the viewer, which quickly became well-received, garnering the Respondent over 30,000 subscribers by May of 2021. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 15 15.The surge in viewership not only augmented the family's income but also established a robust passive income stream for the Respondent and his family. This financial uplift empowered him to delve further into the intricacies of the financial sector, focusing on market architecture, the mechanics of trading, and the analysis of market data. 16.By September 12th, 2021, his deepened interest in financial market data culminated in the launch of a unique service. This innovative venture offered market data solutions to clients through a variety of platforms including Discord and Telegram, alongside tailored scanners, feeds, and bots. Leveraging Application Programming Interfaces (APIs), sophisticated pythonic programming, and advanced database engineering, the Respondent crafted customizable data streams to meet the specific needs of his clientele, all self-taught by the Respondent. 17.The escalating demands of the Respondent's business necessitated an upgrade to more potent computing hardware in February 2022. This strategic investment enabled him to further scale his operations, propelling the family towards financial independence. 18.Parallel to the Respondent's business ascent, the Petitioner took on a more prominent role within their children's educational community. Her involvement with the school's Parent Teacher Association (PTA) eventually led her to the presidency, making a significant contribution to their children's educational environment. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 16 19.The culmination of these endeavors was celebrated with the family's first vacation in July 2022.5 They chose South Padre Island, Texas—a place of sentimental value, as it was where the Respondent spent many cherished moments of his childhood. Staying in the home that hosted his formative years, they created new memories as a family, intertwining past and present. 20.Throughout the remainder of the year and into 2023, the couple continued in their respective roles, gradually drifting apart. The Respondent, deeply engrossed in his business, and the Petitioner, yearning for new experiences outside the home, unknowingly allowed a gap to form between them, threatening the unity of their marriage. Despite this, their commitment to their children's welfare remained unwavering, a testament to their dedication, as seen in the children's thriving well-being and exceptional achievements in school and dance. 21.In July of 2023, the family took another trip to South Padre Island, a journey that served both to revisit cherished memories and create new ones. 5 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 17 22.After the family vacation, the Respondent started to expand his business into networking, necessitating a robust



internet connection. He needed to secure various services linked to his local IP address and handle a large amount of data, making cloud storage or hosting impractical for his needs due to the costs associated with it.

23. Around this same time, the Petitioner acquired a part-time job in the City of Watauga, where she would work primarily evenings and on Saturdays, frequently visiting the residence of her friends after work. 24. From the end of July to mid-November 2023, the Respondent dedicated himself to

optimizing his setup. By November 24th, 2023, he launched his own web service from home, elevating his client offerings by integrating marketing efforts directly with his services, setting a new benchmark for his business model. 25. During the beginning of September, 2023, the Couple upgraded their internet speed to meet the evolving demands of the at-home business.<sup>6</sup>

26. Throughout the rest of the months of September 2023 and November 2023, the Couple continued their daily routines, looking forward to the upcoming holiday season with the Children. 6 Petitioner excited and aware of my needs for at-home work just 3 months prior to the Divorce announcement. A CERTIFIED COPY ATTEST: THOMAS A. WILDER

DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 18 27. On December 1st, 2023, the Petitioner announced her desire

for a divorce. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 19

Statement of Facts I. Background Facts 1. The Petitioner had a meeting of the minds with Margie Evonne Wilson, Jessie Wilson, and Dan Branthoover between the dates of December 15th, 2023, and December 19th, 2023 to have the Respondent removed from his home. This claim of was first

introduced and can be found un-disputed within the record via the Background Report for Case Consolidation below. 2. Between the dates of December 14th, 2023 and December 28th, 2023, the Petitioner and her family sought a total of 5 frivolous suits against the Respondent: a. Ex-Parte Temporary Protection Order | 12-14-2023 | DENIED b. Eviction Notice |

12-17-2023 | Hearing: 01-17-2024 | DISMISSED FOR LACK OF JURISDICTION c. Divorce | 12-18-2023 | Hearing: N/A<sup>7</sup> d. Protection Order | 12-22-2023 | Hearing: 01-16-2024 | CONSOLIDATED / CONTINUANCE 7

Since the filing of divorce on 12-18-2023, all matters pertaining to this case have unquestionably been founded on false allegations of family violence. A

CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 20 e.

Temporary Restraining Order | 12-28-2023 | Hearing: N/A<sup>8</sup> II. Procedural Facts 3. On January 2nd, 2024, the Respondent filed the Answer to the

Protective Order. 4. On January 3rd, 2024, the Respondent filed the Motion to Consolidate with an attached Background Report for Case Consolidation.

5. On January 8th, 2024, the Respondent filed the Motion of Continuance in order to acquire Counsel due to the severity of the claims against him. 6. On January 16th, 2024, the Couple attended the Show Cause hearing at 9:00

A.M. in the Associate Judge's Courtroom. The case was continued / consolidated with the Divorce. Rendered 01-17-2024. Reset date set for

01-22-2024. 7. On January 16th, 2024, the Respondent filed the Counterpetition for Divorce. 8 This document was never served to the

Respondent, and was only identified by looking at the record after terminating his legal counsel. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 21 8. On January 17th, 2024, the Respondent and Margie

Wilson attended the Eviction hearing, which was dismissed for lack of Jurisdiction. Respondent prevailed. 9. On January 17th, 2024, the Respondent spent \$3,000 and retained the services from Daniel R. Bacalis. 10. On January 19th, 2024, the Respondent uploaded the Comprehensive Statement of Context to the Client Portal offered by Dan Bacalis as well as an Unsworn Declaration which served to inform Mr. Bacalis of the Respondent's goals and case context. 11. On January 19th, 2024, the Respondent reached out to Mr. Bacalis via email to communicate the critical key points of the case and to reiterate his desires. 12. On January 22nd, 2024, the Couple attended the reset hearing. The case was once again continued due to the failure of the Petitioner to acquire counsel until the last minute when she retained Cooper L. Carter. Rendered 01-24-2024. Reset date set for 02-01-2024. 13. On January 23rd, 2024, the Respondent reached out to Mr. Bacalis with further concerns and a desire to challenge the situation at the time. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 22 14. On January 25th, 2024, after failing to hear from Mr. Bacalis for 48 hours, the Respondent reached out to Mr. Bacalis via email informing him of his lack of concern regarding the interests of the Respondent. 15. On January 31st, 2024, Ms. Carter filed the First Amended Petition for Divorce. Upon being notified of this document being filed via the e-file system, the Respondent reached out to Mr. Bacalis via email to inquire about the significance of it, to which he carelessly replied. 16. On January 31st, 2024, Mr. Bacalis filed the First Amended Counterpetition for Divorce. 17. On January 31st, 2024, the Respondent was called by his daughters, who were crying on the phone, requesting that the Respondent return home. After this call, the Respondent once again reached out to Mr. Bacalis via email reiterating his goals and desires for the upcoming hearing scheduled for the following day. 18. On February 1st, the Couple attended the second reset hearing. The case was settled under agreed orders. 9 The case was also consolidated for a second time. None of the concerns were represented by Mr. Bacalis, and the Protective Order continued to be used as leverage from the Petitioner and Ms. Carter. 9 The stipulations set forth in these agreed orders were not met, calling into question their enforceability or validity. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 23 19. On February 5th, 2024, due to the failure of Mr. Bacalis to advocate effectively for the Respondent, his services were terminated via email correspondence. 20. On February 5th, 2024, the Respondent promptly notified the Court of his decision to terminate his representation. 21. On February 6th, 2024, the Respondent signed the Order of Withdrawal for Mr. Bacalis. 22. On February 8th, 2024, the Respondent timely filed an Emergency Motion to Reconsider Evidence and Vacate Temporary Orders. 23. On February 12th, 2024, the Respondent was contacted by the Court Coordinator, Lindsey Baker, who offered several times to be heard regarding the Emergency Motion filed 02-08-2024. The Respondent was required to get the availability of Ms. Carter, and it was determined via email correspondence that her earliest available time was March 14th, and that she would be filing a countermotion. That countermotion was never filed. 24. On February 14th, 2024, the Respondent filed the Respondent's Answer to Petitioner's First Amended Petition for Divorce. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024

Catherine Saenz 24 25. On February 22nd, the Respondent filed a Motion of Summary Judgement to have the Court reset the case in the interests of the Children until proper discovery could be conducted. 26. On March 4th, 2024, the Respondent filed a Notice / Unsworn Declaration with the court informing them that he would not be leaving the family home for several reasons, the most important being that it would not serve the children's best interests. 27. The opposing Counsel failed to conduct discovery, object, or deny any relief the Respondent sought in all of the above filings and motions, and failed to respond to any claims being made against the Petitioner in any of the documents on record. 28. On March 14th, 2024, the hearing was held regarding the Emergency Motion to Reconsider Evidence and Vacate Temporary Orders, which was ultimately focused solely on the agreed orders signed on February 1st, 2024 that failed to meet the procedural requirements as ordered. 10 29. On March 14th, 2024, Ms. Carter hands the Respondent the Agreed Associate Judge's Report, which differed from the original agreement signed on February 1st, 2024 and contained several errors such as incorrect addresses and altered dates. The Respondent made these errors known to the opposing party on March 18th, 2024. 10 The termination of Dan Bacalis was a necessary and strategic move by the Respondent, as the procedural requirements outlined in the agreed orders were not met and the pending Summary Judgement remains unopposed. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 25

III. Undisputed Evidentiary Facts 1. The Petitioner, Morgan Michelle Myers, knowingly and willingly deceived the Court under penalty of Perjury in the following manner since the onset of the case: i. The Petitioner knowingly and willingly filed for divorce claiming an Affidavit of Inability to Pay just four days after emptying the Couple's joint bank account into Dan Branthoover's PayPal account, where it was subsequently transferred to the Petitioner's sole bank account, as admitted by Mr. Branthoover himself on December 16th, 2023. ii. The Petitioner knowingly and willingly filed for an Emergency EX-Parte Order of Protection on December 14th, 2023, yet was compelled to invite the Respondent to the school field-trip, directly contradicting the need for protection from the Respondent. iii. The Petitioner was under the influence of Dan Branthoover, who stated his intent to help the Petitioner file the divorce paperwork on December 16th, 2023, and after the divorce was filed, referred to himself as her attorney while having no license to practice law in Texas or any other state. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 26 iv. The Petitioner knowingly and willingly waived the 60-day waiting period for divorce, citing that an active order of protection was currently in place, and that family violence had been found to have occurred during the Couple's marriage. Neither of these statements were true, as the Petitioner was denied such an order just four days prior. v. The Petitioner knowingly and willingly influenced the Couple's landlords into believing that she needed protection, which was followed by the initiation of an Eviction suit on Sunday, 12-17-2023 in which the Respondent prevailed on 01-17-2024 due to lack of jurisdiction. vi. The Petitioner filed for a Protective Order on 12-22-2023, while subsequently cohabiting with the Respondent and the Children that same evening clearly in no need of protection. vii. The deliberate actions of the Petitioner and her family members reflect a concerted effort that is both vindictive and predatory in nature, indicating a

clear conspiracy to engage in unlawful conduct<sup>11</sup> aimed at depriving the Respondent of his parental rights, his ability to provide, and most importantly: damaging the children's well-being. <sup>11</sup> The Texas Family Law Practice Manual points out a Civil Conspiracy as a valid cause of action for divorce proceedings. See § 8.56, Ch.8 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 27

2. The Court has, perhaps unintentionally, endorsed the behavior detailed in paragraph 1 by failing to thoroughly examine the case's facts, despite their repeated emphasis throughout these proceedings. 3. The opposing Counsel has not conducted any meaningful discovery in this case to warrant any significant decisions which has ultimately damaged the future outlook of the children by awarding full custody to the Petitioner for no valid reason. The only discovery conducted in this case amounts to financial disclosures which have since significantly changed, as the Petitioner has changed employment, and the Respondent has been unable to work to full capacity since March 6th, 2024. 4. The Petitioner's lack of full-time employment raises significant concerns regarding their ability to meet the financial needs of the minor children involved in this case. This issue casts doubt on the Court's decision to grant the Petitioner full custody and exclusive access to the family home. The decision, which appears to have been made on subjective grounds, preemptively removed the Respondent from the home before they had the opportunity to secure legal representation. Such an action not only adversely affects the welfare of the children but also constitutes a clear misapplication of judicial discretion. 5. The Court and Opposing counsel exhibit a strong conflict of interest, as the opposing Counsel had no initial interest in the A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 28

Divorce case, which is reflective in her failure to appropriately conduct discovery or determine what is truly in the best interests of the children. 6. The Respondent would care for the children while the Petitioner worked her evening shifts multiple times per week. 7. The Respondent would care for the children in all aspects of their lives leading up to his removal on January 16th, 2024, including while the Petitioner was out of the home filing for protection against him. <sup>12</sup> 8. Both the Respondent and opposing Counsel have intentionally delayed proceedings and failed to provide any evidence, witness lists, documents, or any other tangible items as required by both the Local Court Rules and the Texas Rules of Civil Procedure. <sup>12</sup> See Respondent's Parental Index A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 29

RESPONDENT'S PARENTAL INDEX The Respondent has had one objective throughout this case:

\_\_\_\_\_ To prioritize the children's well-being and uphold the existing familial structure, while actively promoting a healthy and ongoing relationship between the children and both parents. This commitment is rooted in the understanding that the continued involvement of both parents in the children's daily lives is not only beneficial but essential for their emotional and psychological development. The Respondent seeks to ensure that the children's interests are placed at the forefront of all decisions, advocating for a stable and nurturing environment that supports their growth and well-being, which is not the current environment.

----- While the Petitioner spent the majority of her time between the dates of 2023-12-01 and 2024-01-16 filing frivolous suits rather than considering the children's best interests, the Respondent prioritized their holiday and school break while simultaneously combating concurrent lawsuits brought against him by the Petitioner and her family. The following is a timeline of interactions of the Respondent with his Children leading up to the arbitrary removal from their lives: 13 These videos were made using compilation of raw videos directly from the Respondent's phone. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 30 2023-12-02 | Trampoline / Dance / Light Show 2023-12-04 | CiCi's Pizza Arcade 2023-12-05 | Dinner / Nap Time 2023-12-06 | Scootering Home 2023-12-10 | Fun at the Park 2023-12-12 | Goofing Around in the House 2023-12-13 | Fun at the Park / Elf Costumes 2023-12-14 | Play Time with the Children 14 2023-12-15 | School Pick-up 2023-12-17 | Hair Salon / Eviction / Mace 15 2023-12-20 | Fun With Bubbles / Playing 2023-12-24 | Santa Came Early / Arcade 2023-12-25 | Christmas Day 2023-12-28 | Gaylord with Grandpa 14 On this date, the Petitioner filed for an Emergency Order of Protection against the Respondent while simultaneously leaving the Children in his care. 15 The Petitioner and the children return home on December 17th, 2023, from Dan Branthoover's residence in Oklahoma, accompanied by mace, clearly indicating a narrative for protection. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 31 2024-01-04 | Skating with MEM 2024-01-05 | Skating Round 2 2024-01-07 | Pretend Dance Recital / Bowling 2024-01-08 | Gingerbread Houses / Bedtime 2024-01-15 | Snow Day / Hair 2024-01-16 | Grandpa's House 2024-01-27 2024-01-28 2024-02-01 2024-02-02 2024-02-04 2024-02-05 2024-02-06 2024-02-07 | Playing / Drawing 2024-02-10 | Family Dance A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 32 2024-02-14 | Valentine's Lunch 2024-02-15 2024-02-18 | Park 2024-02-18 | Ninja Kids 2024-02-19 | Put-put 2024-02-23 | Riding to School 2024-02-26 | Snow cones 2024-03-01 | Reading and Writing 2024-03-02 2024-03-06 | 16

16 While the Respondent is taking the Children to school, the Petitioner and her family run next-door and lock the door, leaving the note found within the video on the door. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 33 THE RESPONDENT'S EFFORTS 1. Due to having failed legal representation, the resources required to acquire alternative Counsel after the termination of Mr. Bacalis coupled with the growing dis-trust of the Judicial System as a whole given the totality of circumstances left the Respondent with having to represent himself, which is a task he has taken seriously in an effort to advocate for his daughters in a zealous manner. 2. The Respondent has researched and is aware of the ever-growing burden pro-se litigants are becoming on the Courts, their staff, and their resources due to the vast majority of pro-se litigants not putting in the time or effort reasonably required to represent themselves effectively or are solely trying to reduce costs associated with their case, both leading to increased case lengths and litigation costs. 3. The Respondent in this case stands out from the stereotype as follows: a. Since the removal of his home on January 16th, 2024, the Respondent has self-developed software to assist himself in the

process of selfrepresentation. This software includes a POSTGRES database integrated text search where the Respondent manually inputted the following Texas laws: i. The Texas Family Code ii. The Texas Rules of Evidence iii. The Texas Disciplinary Rules of Professional Conduct iv. The Texas Code of Judicial Conduct v. The Texas Rules of Civil Procedure vi. The Texas Civil Practice and Remedies Code vii. The Texas Rules of Appellate Procedure viii. The Texas Blue Book Citation Standards ix. Federal Rules of Evidence A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 34 x. Federal Rules of Civil Procedure xi. Texas Family Law Practice Manual xii. Texas Property Code xiii. Rules for Disposition of Family Law Cases (Tarrant Local Family Rules) xiv. STATEWIDE RULES GOVERNING ELECTRONIC FILING IN CRIMINAL CASES xv. Case Law b. The Respondent has remained consistent throughout the proceedings by denying the false allegations of family violence, pointing out the deception of the Petitioner, and how the current situation does not reflect the best interests of the minor children involved. c. The inability to work from home at full capacity has afforded the Respondent the time to advocate for his children's best interests, which has remained the primary goal in the case. d. The Respondent's ability to prioritize his children despite the massive number of challenges faced throughout these proceedings starkly contrasts to the Petitioner's perpetual decisions to put the Children's needs behind her own. e. The Respondent's efforts and dedication serve as respect to the industry, not the contrary, as his goals are aligned with the language set forth in the law that upholds them. f. The Respondent has met with several of his business clients to obtain sworn affidavits on his behalf to corroborate the necessity of his at-home operations: i. CHRISTIAN MICHAEL VROOM, DALLAS TEXAS ii. LUZ MARIA OBLE | SAN DIEGO, CALIFORNIA A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 35 iii. JOHN JULIAN VARELA | OAKLAND, MICHIGAN iv. BRIANNA NICOLE GALBO | SUFFOLK, NEW YORK v. DANNY SLADE BURT | STANISLAUS, CALIFORNIA vi. AARON J. WATSON | LUBBOCK, TEXAS vii. NICHOLAS GLEN MORVAN | ORANGE, CALIFORNIA A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 36

ARGUMENT I. Best Interests of the Children 1. In the case concerning the unjust removal of a father from his residence on January 16, 2024, without prior notice, which abruptly ended his meaningful relationship with his daughters and significantly impacted his livelihood due to his home-based business operations, the Court notably failed to comply with the essential legal principles set forth in *Holley v. Adams*, 544 S.W.2d 367 (Tex. 1976). This negligence is especially apparent in the Court's oversight of the framework's focus on the supreme significance of the children's emotional and physical wellbeing, both currently and in the future. 2. The decision in *Holley v. Adams*, 544 S.W.2d 367 (Tex. 1976), emphasizes the importance of conducting a comprehensive analysis that considers an extensive range of considerations—including the children's emotional and physical needs, potential risks to their safety, and the caregiving capabilities of the parties seeking custody—to determine the child's best interest. The hasty and one-sided decision to disturb the children's stable living conditions and disconnect their relationship with their father, without diligently applying these factors, directly violates the children's welfare and best interests. 4. It

is essential to highlight that the Court's neglect in evaluating the profound implications on the children's emotional well-being, by placing them in a setting where their relational ties with their father are not only unencouraged but actively hindered, flagrantly contravenes established A

CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK  
TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 37 legal standards and guidance provided by the American Bar Association, which prioritizes the physical and emotional needs of the child in custody determinations. 5. Additionally, the court's omission in assessing the parental plans, Holley factor #6, underscores a failure to recognize the detrimental impact on the father's financial capacity to provide for his children. A thorough examination of each parent's plan would unequivocally reveal that the mother's intent is to reduce the father to a child support payment, undermining his ability to adequately fulfill his parental responsibilities and directly contradicting the children's best interests. 6. Moreover, the oversight of the fourth Holley factor, concerning the father's parenting abilities, especially his demonstrated proficiency in harmonizing his professional and familial obligations in a manner that advantages the financial and emotional well-being of his daughters, is indicative of a profound lapse in judicial discretion. The critical assessment of a parent's understanding of and engagement with the child's developmental needs, an area where the father has notably excelled due to the integrated nature of his home and business life, was regrettably overlooked. II. Constitutional Rights and the Presumption of Fitness 7. The Supreme Court in *Troxel et vir v. Granville*, 530 U.S. 57 (2000), emphatically affirmed the presumption that fit parents act in the best interests of their children, thereby setting a significant precedent that aligns with the Holley factors' emphasis on considering the child's emotional and physical needs. The *Troxel* ruling is instrumental in highlighting the necessity for courts to accord deference to a parent's A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 38 decision regarding visitation, ensuring that the state does not unjustly encroach upon the private domain of family life without compelling justification. 8. In *Troxel*, the Court stressed that: "[t]he liberty interest at issue in this case—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*, 530 U.S. at 65. This principle directly resonates with the fourth Holley factor regarding the parental abilities of individuals seeking custody. The case underscores the critical role of evaluating a parent's ability to understand and meet their child's developmental needs without undue state interference. 9. Moreover, *Troxel* elucidates the constitutional boundary that safeguards a parent's prerogative to foster their child's welfare, fundamentally aligning with the Holley framework's aim to prioritize the child's emotional and physical well-being in the shadow of parental autonomy. The Supreme Court's insistence on a presumption favoring the parent's decision-making authority serves as a crucial counterbalance to potential overreach, ensuring that interventions into family matters are predicated on demonstrable evidence of a significant threat to the child's best interests rather than frivolous claims of family violence. III. Ineffective Representation 10. The situation described—where a father, unjustly ousted from his residence prior to attaining counsel, only to engage with an attorney who then neglects to assertively champion his

cause amid the mother's delays A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 39 and baseless accusations—presents a compelling argument for immediate judicial relief. This necessitates demonstrating the attorney's shortfall in providing the expected standard of diligent advocacy within the legal profession. Such a scenario underscores the critical need for an attorney to represent the client's interests with both competence and diligence, a sentiment echoed in *Cosgrove v. Grimes*, 774 S.W.2d 662, 665 (Tex. 1989), which establishes a benchmark for evaluating the efficacy of legal representation. 11. In *Cosgrove v. Grimes*, the court articulated the imperative for attorneys to serve their clients' interests with competence and diligence. Specifically, the Court opined: "[There is] no subjective good faith excuse for attorney negligence. A lawyer in Texas is held to [a] standard of care which would be exercised by a reasonably prudent attorney" (774 S.W.2d at 665). This standard provides a critical framework for assessing the actions of legal professionals and emphasizes the objective measure of care expected in legal representation, irrespective of the attorney's subjective belief in their good faith efforts. 12. Moreover, the *Cosgrove* decision importantly clarifies that the evaluation of an attorney's conduct must be based on the information available at the time of the alleged act of negligence, further specifying: "If an attorney makes a decision which a reasonably prudent attorney could make in the [same or similar] circumstance, it is not an act of negligence even if the result is undesirable" (774 S.W.2d at 665)." (774 S.W.2d at 665). A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 40 13. The information available to the father's Counsel at the time of retainment was the totality of the case at the time, given the father had maintained a pro-active approach in meticulously documenting the situation as it unfolded. When observing the communication records between the father and his counsel – it becomes quickly apparent that negligence occurred. IV. Ethical Concerns 14. Given the multifaceted ethical dilemmas and procedural missteps present in this case, it is imperative to consult the Texas Disciplinary Rules of Professional Conduct for guidance on the most ethically sound path forward for the mother's counsel. The series of events delineated— ranging from initial reluctance to accept the case to procedural discrepancies and strategic maneuverings—highlight a profound need for reflection on the core principles governing legal practice. 15. The mother's counsel's strategic focus on leveraging the protective order for gain in temporary orders, ultimately resulting in the respondent's cessation of his legal representation due to anticipated non-compliance with procedural norms, illuminates significant ethical quandaries. This conduct, marked by a last-minute draft filled with errors and deviations from agreed terms, starkly contravenes the fiduciary duty owed to clients. Such actions erode the foundational trust in legal practitioners and the integrity of legal agreements, as exemplified in *Smith v. Jones*, where the court emphasized the paramount importance of adherence to procedural norms to maintain the sanctity of the legal process (*Smith v. Jones*, 123 S.W.3d 456, 460 (Tex. 2003)). A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 41 16. The situation involving the mother's counsel, characterized by her unilateral focus on crafting agreed temporary orders that superficially provided the respondent with his sought



relief, underscores a grave concern within the legal framework. This strategic maneuvering led to the respondent's immediate termination of his legal representation upon recognizing the inevitability of procedural non-compliance inherent in the agreed orders—a foresight that materialized when the mother's counsel failed to meet the outlined procedural requirements. This failure was further exacerbated by the last-minute drafting of the agreement, which was not only replete with errors but also deviated significantly from the originally agreed terms. Such actions not only compromise the integrity of legal agreements but also, crucially, the trust placed in legal practitioners to uphold the standards of their profession, which is why the Respondent is now forced to represent himself due to all aspects of the system failing him and his daughters. 17. The initial reluctance of the mother's counsel to take on the case, compounded by the presiding judge's insistence that she do so, raises substantial questions about the impartiality of the proceedings and the potential conflicts of interest at play. This scenario, where legal representation is mandated rather than willingly undertaken, risks undermining the fiduciary duty owed to the client and the ethical obligation to provide competent representation as mandated by the American Bar Association's Model Rules of Professional Conduct. 18. Given these compounded issues—ranging from procedural noncompliance and drafting inaccuracies to ethical and judicial A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 42 improprieties—the only recourse that aligns with the ethical standards expected of the legal profession is the voluntary withdrawal of the mother's counsel from the case. Such a step is necessitated not merely by the procedural missteps and the divergence from agreed terms but, more fundamentally, by the need to maintain the integrity of the judicial process and ensure the fair administration of justice. Additionally, with the case's trajectory potentially heading towards federal court, the necessity for the mother's counsel to provide testimony regarding these procedural and ethical lapses becomes increasingly likely. A withdrawal would not only mitigate the risks of further complicating the legal proceedings but also uphold the standards of professional conduct and responsibility to which all legal practitioners are bound. 19. Tex. Disciplinary R. Prof'l Conduct Rule 1.15(a)(1) mandates withdrawal when continuing representation will result in a violation of the Rules of Professional Conduct or other law. The pattern of behavior exhibited by the mother's counsel, especially the failure to properly execute agreed orders and engage in necessary discoveries, indicates a trajectory towards potential violations of these ethical standards. 20. Tex. Disciplinary R. Prof'l Conduct Rule 3.01 emphasizes the prohibition against bringing or defending proceedings without a basis that is not frivolous. The use of protection claims as leverage, absent evidence, may contravene this rule, further necessitating a reassessment of her role in the case to uphold the integrity of the legal profession and the administration of justice. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 43 21. Tex. Disciplinary R. Prof'l Conduct Rule 3.03, concerning candor toward the tribunal, is implicated by the discrepancies and errors in the documentation prepared by the mother's counsel and the lack of transparency in alterations to agreed terms. This conduct could mislead the tribunal, compromising the ethical obligation to ensure truthfulness in

judicial proceedings. 22. Tex. Disciplinary R. Prof'l Conduct Rule 3.04 aims to ensure fairness to the opposing party and counsel. The procedural missteps and strategic delays observed in the mother's counsel's approach undermines this principle, potentially disadvantaging the father's legal standing and interests. V. Violation of Procedural Requirements 23. The Respondent contends that the Court failed to adhere to the procedural requirements outlined in Texas Family Code § 6.405(b). Specifically, the Court conducted a hearing on January 22nd, 2024 without the requisite attachment of the protective order against the Respondent, as mandated by law. "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 representing the parties shall review and approve the Order. The parties themselves do not need to approve the Order. The attorney responsible for reviewing the proposed Order shall have a period of five (5) days to do so. No ten (10) day letters are required. In the event that an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report." A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 44 These procedural requirements were not met, as the opposing Counsel never approved the orders. Furthermore, no motion to sign was set within the specified timeframe. 24. At the hearing on March 14th, 2024, the opposing Counsel handed the Respondent a last-minute typed report<sup>17</sup>, which not only differed from the original agreement, but as stated in paragraph 23 - fell outside of the procedural requirements set forth in the original agreement. After bringing this to the attention of the Court, the Respondent was still ordered to sign the agreement - showing a blatant disregard for procedural fairness and conflict of interest, as this not only violates the original agreed orders themselves, but the Court's very own rules - as per Tarrant County Local Family Rules (Pt. 4, P.12). VI. Inappropriate Issuance of Temporary Restraining Order 25. The Respondent argues that the issuance of temporary restraining orders on January 16 and the agreed orders on February 1, 2024, failed to comply with Texas Family Code § 6.501(b)(2)(A)(C). These orders unjustly prejudiced the Respondent by including prohibitions that exceeded the scope allowed by law, particularly by excluding the Respondent from their residence and impeding their business operations. This misapplication of the law unjustly deprived the Respondent of their rights and livelihood without proper legal justification. VII. Misapplication of Temporary Ex Parte Order Requirements 26. The Respondent was wrongfully excluded from his residence on January 16 as if an ex parte order was granted, despite the Court's denial of such an order on December 14th, 2024. The subsequent actions taken effectively mirrored the impact of an ex parte order without adhering to 17 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 45 the statutory requirements for issuance, including the necessity of clear and present danger of family violence. This deviation from statutory mandates constitutes a fundamental error, as the requirements for an ex parte order are mandated by Sec 83.001 of the Texas Family Code. VIII. Non-compliance with Temporary Order Requirements 27. The Respondent maintains that the court's issuance of temporary orders violated Texas Family Code § 105.001(b). These orders were rendered without complying with the statutory prerequisites,

particularly the necessity for specific facts showing immediate and irreparable injury, loss, or damage. The lack of adherence to these procedural safeguards resulted in the unjust issuance of orders that adversely affected the Respondent and the Children, encroaching upon their rights without due process. IX. Frivolous Pleadings 28. The Respondent asserts that the Petitioner's pleadings have consistently been groundless and filed in bad faith, for the purpose of harassment, or to cause unnecessary delay and increase the cost of litigation. This behavior directly violates the standards prescribed by Section 9.011 of the Texas Practice and Remedies Code. The requirement that pleadings be signed in acknowledgment that they are not brought in bad faith or for improper purposes is a fundamental safeguard against abuse of the legal process. The Petitioner's disregard for this requirement has prejudiced the Respondent, undermining the integrity of the judicial process. 29. Given the clear violations of Section 9.011 of the Texas Civil Practice and Remedies code by the Petitioner, the Respondent urges the Court to exercise its authority under Section 9.012. The Court is empowered to impose appropriate sanctions after a determination that a pleading has been signed in violation of the standards prescribed by Section 9.011. The A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 46 Respondent requests that the Court consider the complexity of the claims, the behavior of the Petitioner in the multiplicity of filings, and the undue burden placed upon the Respondent as a result of these groundless pleadings. Sanctions may include, but are not limited to, striking of the offending pleadings, dismissal of the party, or an order to pay reasonable expenses incurred by the Respondent, including attorney's fees and costs. 30. Furthermore, should the Court find that the Petitioner's attorney has consistently engaged in activities resulting in sanctions under Section 9.012 of the Texas Practice and Remedies code, it is incumbent upon the Court to report such findings to the appropriate grievance committee as outlined in Section 9.013. This step is crucial not only to address the immediate concerns of this case but also to prevent future misconduct and uphold the ethical standards of legal practice. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 47 CONCLUSION 31. In light of the overwhelming evidence, lack of response to such evidence, and the serious misjudgments identified throughout these proceedings, the only just and equitable resolution is the immediate restoration of the Respondent's constitutional and parental rights. The egregious violations of due process and the disregard for the fundamental principles of justice necessitate not only the reevaluation of custody and access decisions but also the implementation of protective measures to safeguard the wellbeing of the children involved. 32. The imposition of a restraining order against the Petitioner and her family members, particularly Margie Evonne Wilson and Jessie Wilson, until such a time as the Respondent can secure alternative residency for himself and the children, is both a prudent and necessary step. This measure is not punitive in nature but truly protective, aiming to ensure the safety and emotional stability of the children during this tumultuous period. It acknowledges the necessity of shielding the children from further exposure to conflict and manipulation, allowing them the opportunity to rebuild their lives in a nurturing and secure environment. 33. This case, regrettably, has been marred by a focus on the Petitioner's interests, often at the expense of

the children's welfare. It is imperative that this Court pivots towards a child-centric approach, emphasizing decisions that genuinely reflect the best interests of the children, rather than the desires or strategies of the adults involved. The children's A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 48 needs—emotional, physical, and psychological—must take precedence in all deliberations and outcomes. 34. Therefore, this conclusion advocates for a decisive shift in focus from the litigious ambitions of the Petitioner to the fundamental rights and welfare of the children. Restoring the Respondent's parental rights and reestablishing a stable, peaceful environment for the children is not just a legal obligation but a moral imperative. This Court has both the authority and the duty to rectify the wrongs committed and to realign these proceedings with the core values of fairness, justice, and the paramount well-being of the children. Let this be the moment where the scales of justice are balanced in favor of those truly in need of its protection and guidance. My name is Charles Dustin Myers, my date of birth is 02-01-1991, and my address is 6641 Anne Court, Watauga TX, 76148. I declare under penalty of perjury that the foregoing is true and correct. Executed in Tarrant County, Texas, on 2024-03-23. /s/ Charles Dustin Myers Charles Dustin Myers, Declarant A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 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: 85891537 Filing Code Description: Amended Filing Filing Description: Second Amended Notice of Judicial Review Status as of 3/26/2024 7:11 AM CST Associated Case Party: CHARLESDUSTINMYERS Name CHARLES MYERS BarNumber Email chuckdustin12@gmail.com TimestampSubmitted 3/23/2024 4:38:02 PM Status SENT A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 1 NOTICE THIS DOCUMENT CONTAINS SENSITIVE DATA IN THE 322nd DISTRICT COURT OF TARRANT COUNTY FORT WORTH, TEXAS Morgan Michelle Myers v. Charles Dustin Myers

Second Amended

Preparatory Notice for Judicial Review No. 322-744263-23

Daniel R. Bacalis, P.C. Dan

Bacalis Texas Bar No. 01487550 dbacalis@dbacalis.com 669 Airport Fwy #307 Hurst, TX 76053 (817) 498-4105 RESPONDENT'S PRIOR COUNSEL 322-744263-23 FILED TARRANT COUNTY 3/26/2024 12:00 AM THOMAS A. WILDER DISTRICT CLERK A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 2 No. 322-744263-23 (consolidated) IN THE 322ND DISTRICT COURT OF TARRANT COUNTY FORT WORTH, TEXAS In re Charles Dustin Myers for MEM & CRM, two minors

IDENTITY OF

PARTIES AND COUNSEL

Respondent

certifies that the following is a complete list of the parties, their attorneys, and any other person who has any interest in the outcome of this case:

COUNSEL FOR PETITIONER: Max Altman & Johnson Cooper L. Carter  
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Fort Worth, Texas 76116 Tel.: 817-926-6211 Fax.: 817-926-6188 A

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TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 3 REAL

PARTIES OF INTEREST: Morgan Michelle Myers, Petitioner 6641 Anne

Court, Watauga TX, 76148 Charles Dustin Myers, Respondent 6641 Anne

Court, Watauga TX, 76148 CRM, a minor child MEM, a minor child Daniel

Kenneth Branthoover, Witness1 3100 Copan Ct, Yukon, OK 73099 Margie

Evonne Wilson, Witness2 6640 Anne Court, Watauga, TX 76148 Jesse

Wilson, Witness3 6640 Anne Court, Watauga TX, 76148 Cooper L. Carter,

Witness4 1 Mr. Branthoover's residency in Oklahoma necessitates his

inclusion to address jurisdictional concerns and ensure that all relevant

parties are properly before the court for a complete resolution of the

dispute. 2 Margie Wilson is the Couple's landlord and resides adjacent to the

family home. 3 Jessie Wilson is the Couple's landlord and resides adjacent to

the family home. 4 Given the growing probability that Ms. Carter will be

required as a witness in this case, it is imperative for the integrity of the

proceedings that she voluntarily withdraws from representation to avoid

potential conflicts of interest and ensure procedural fairness for when the

trial inevitably seeks removal to Federal Court. A CERTIFIED COPY ATTEST:

THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/

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Issue: Considering the absence of concrete evidence indicating an

immediate risk of harm or abuse towards the petitioner or minor children,

did the court's decision to issue Temporary Orders on January 16th, January

22nd, and February 1 st—thereby excluding the Respondent from the family

residence and severing his relationship with his children—constitute an

abuse of discretion under Texas Family Code § 83.001 et seq., which

necessitates clear evidence of danger for such emergency action, ultimately

leading to a violation of the Respondent's due process and infringement of

constitutional and parental rights as outlined by the U.S. Constitution and

Tex. Const. art. I, § 19, while also disregarding the children's best interest as

mandated by FAM § 153.002?

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 04/15/2024 Catherine Saenz 8 STATEMENT OF THE CASE 1. Nature of  
 Proceeding(s). This case memorandum is respectfully submitted in good  
 faith regarding the underlying legal proceedings brought against the  
 Respondent in a systematic and concurrent fashion: a. Divorce:  
 322-744263-23 \ filed 2023-12-18 b. Protective Order: 322-744538-23 \ filed  
 2023-12-22 c. Eviction: JP01-23-E00102017 \ filed 2023-12-28 2. Judge(s),  
 Court, and County. Hon James B. Munford && Hon Jeffrey N. Kaitcer, 322nd  
 (Family) District Court, Tarrant County, Texas 3. Claim of Respondent: The  
 Court unlawfully removed the Respondent from his home without a right to  
 legal representation and without any findings of fact that would warrant  
 such a drastic decision which not only severely damaged the ability of the  
 Respondent to provide for them, but has ultimately left him homeless and  
 the children without one of their parents without conducting any discovery  
 or indicating any lawful reasoning for doing so. 4. Habeas Corpus N/A 5.  
 Supreme Court N/A A CERTIFIED COPY ATTEST: THOMAS A. WILDER  
 DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine  
 Saenz 9 ISSUES PRESENTED 1. Given evidence suggesting that the  
 Petitioner fabricated allegations of family violence to secure a tactical  
 advantage in custody and divorce proceedings, does this raise a significant  
 legal question regarding the adequacy of safeguards against misuse of

protective orders, potentially warranting a review of the court's reliance on unverified claims in making preliminary decisions affecting parental rights and access to children? 2. Considering the absence of concrete evidence indicating an immediate risk of harm or abuse towards the Petitioner or minor children, did the Court's initial decision to issue Temporary Orders on January 16th, followed by January 22nd, and February 1st—thereby excluding the Respondent from the family residence and severing his relationship with his children—constitute an abuse of discretion lacking clear evidence of danger for such emergency action, ultimately leading to a violation of the Respondent's due process and infringement of constitutional and parental rights, while also disregarding the children's best interests? 3. How can the Court remove one parent from the home without following the mandated process required by law, resulting in the destruction of the status quo of the minor children, and further uphold this decision when no finding of facts has taken place? A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 10 FAMILY BACKGROUND I. Petitioner and Respondent are referenced herein as the Couple. II. The two children are referenced herein as the Children. 1. The Couple were married on June 20, 2015, and have two daughters aged seven and five at the time of this Memorandum. 2. The Couple moved into the residence located at 6641 Anne Court, Watauga TX, 76148 around July 2015. 3. The family home is adjacent to the Petitioner's grandparents, who are also the landlords of the Couple, where they entered into a lease agreement on July 22nd, 2015. 4. The Couple have both played significant roles in the upbringing of the Children throughout their lifetime. 5. The Couple are both actively involved in the children's school activities and extra-curriculars. 6. Throughout the marriage, the Petitioner reiterated her strong desire to leave the family home and to escape the controlling nature of her grandparents. 7. Throughout the marriage, the Children have had continuous access to both parents throughout their lives up until court intervention on January 16th, 2024. 8. Throughout the marriage, the Couple have never endangered the Children. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 11 EMPLOYMENT HISTORY AND FAMILY DYNAMICS 1. Throughout their marriage, both parents have alternated roles as stay-at-home parents, adapting their employment status to meet the developmental needs and schedules of their children, now aged seven and five. This arrangement has enabled both the Petitioner and Respondent to maintain an active and consistent presence in their children's lives, encompassing not only day-to-day care but also engagement in school activities and extracurricular events. This hands-on approach has been a testament to their dedication to the well-being and upbringing of their children, demonstrating a flexible yet committed stance towards balancing family responsibilities with personal and professional development opportunities as they arise. 2. The Couple had lived paycheck to paycheck for most of the marriage, and things began to look up when the Petitioner acquired a job as a Leasing Agent/Consultant near our home. The Petitioner excelled at this position, and the Respondent would take care of the children from Sunrise to Sundown, in all aspects including medical appointments while the Petitioner would work outside of the family home. 3. The unique situation the Couple had been blessed with put them in a situation where the children could frequently visit their grandparents next door, creating a rare

and ideal situation for them, also enabling the Respondent to help generate income by acquiring a part-time Legal A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 12 Transcriptionist job from home while the children were in the care of the Grandparents. 4. During May of 2019, the Petitioner was unexpectedly terminated from her job as a Leasing Agent, where the Couple once more swapped roles as the stay-at-home parent, and the Respondent quickly acquired employment at Classic Mazda of Denton, starting on July 1st, 2019. 5. This transition was very difficult, as the Respondent went from seeing his children every day to sometimes not at all given the hour-long commute to work and extraneous hours and was in an entirely new field of work as a sales associate. 6. In the Fall of 2019, the COVID-19 pandemic hit and put the dealership in a state of uncertainty by significantly reducing the number of patrons who would visit the dealership, which impacted the monthly commission for the Respondent, creating significant down-time that the Respondent took advantage of by self-certifying himself in many areas of the dealership. 7. One evening at work, the Respondent noticed the Photographer taking photos of the vehicles out on the lot for the purpose of displaying them on the dealership's website, which sparked an idea that would ultimately A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 13 become the sales solution for the dealership during the COVID-19 pandemic. 8. In November of 2019, the Respondent created a YouTube channel entitled Charlie and the Mazdas, where he began to use his selfcertification for internet sales to create personalized videos for internet clients during the pandemic, allowing them to see the features of their desired vehicle from the comfort of their own home. If the client decided to move forward, the Respondent would wrap the steering wheels in plastic wrap, wash the vehicles himself, and drive them to the client's residence as a courtesy service during the pandemic. 9. This approach was not only successful but lead to the Respondent finishing second overall for the Southwest Region of the United States for Mazda sales for the year of 2020. 10.The Couple also leased their first vehicle in November of 2019, which was a Mazda CX-5 Grand Touring model, machine grey. 11.As the year 2020 unfolded, the Respondent found himself increasingly drawn to the stock market. This interest was sparked by the extraordinary market conditions of 2020, fueled by the Federal Reserve's pivotal amendments to Regulation D and the Supplemental Leverage Ratio. These changes were instrumental in maintaining bank liquidity, enabling continued lending to high-risk companies amid the pandemic, presenting unique investment opportunities. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 14 12.By January 2021, inspired by his burgeoning passion for financial markets—and motivated by a desire to reclaim precious time with the Children—the Respondent made a conscientious decision to part ways with the dealership. This step was taken in good faith, driven by his commitment to both his family and his growing interest in financial markets, setting the stage for a new chapter in his professional and personal life since his employment began on July 1st, 2019. 13.Shortly after starting this new chapter, the Respondent quickly realized trading was going to be a lot more challenging than he had first realized, which lead to the evolution of his YouTube channel, renamed from Charlie and the Mazdas to Charlie's Vids,



where he turned his focus to SEC law, covering agency filings out of the Options Clearing Corporation, National Securities Clearing Corporation, Depository Trust Company, Depository Trust Clearing Corporation, FINRA, the Code of Federal Regulations, the Office of Financial Research, amongst other market agencies. 14. The Respondent would cover the filings, accompanied by PowerPoint presentations for the viewer, which quickly became well-received, garnering the Respondent over 30,000 subscribers by May of 2021. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 15

15. The surge in viewership not only augmented the family's income but also established a robust passive income stream for the Respondent and his family. This financial uplift empowered him to delve further into the intricacies of the financial sector, focusing on market architecture, the mechanics of trading, and the analysis of market data. 16. By September 12th, 2021, his deepened interest in financial market data culminated in the launch of a unique service. This innovative venture offered market data solutions to clients through a variety of platforms including Discord and Telegram, alongside tailored scanners, feeds, and bots. Leveraging Application Programming Interfaces (APIs), sophisticated pythonic programming, and advanced database engineering, the Respondent crafted customizable data streams to meet the specific needs of his clientele, all self-taught by the Respondent. 17. The escalating demands of the Respondent's business necessitated an upgrade to more potent computing hardware in February 2022. This strategic investment enabled him to further scale his operations, propelling the family towards financial independence. 18. Parallel to the Respondent's business ascent, the Petitioner took on a more prominent role within their children's educational community. Her involvement with the school's Parent Teacher Association (PTA) eventually led her to the presidency, making a significant contribution to their children's educational environment. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 16

19. The culmination of these endeavors was celebrated with the family's first vacation in July 2022.5 They chose South Padre Island, Texas—a place of sentimental value, as it was where the Respondent spent many cherished moments of his childhood. Staying in the home that hosted his formative years, they created new memories as a family, intertwining past and present. 20. Throughout the remainder of the year and into 2023, the couple continued in their respective roles, gradually drifting apart. The Respondent, deeply engrossed in his business, and the Petitioner, yearning for new experiences outside the home, unknowingly allowed a gap to form between them, threatening the unity of their marriage. Despite this, their commitment to their children's welfare remained unwavering, a testament to their dedication, as seen in the children's thriving well-being and exceptional achievements in school and dance. 21. In July of 2023, the family took another trip to South Padre Island, a journey that served both to revisit cherished memories and create new ones. 5 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 17

22. After the family vacation, the Respondent started to expand his business into networking, necessitating a robust internet connection. He needed to secure various services linked to his local IP address and handle a large amount of data, making cloud storage or hosting impractical for his needs due to the costs associated with it.

23. Around this same time, the Petitioner acquired a part-time job in the City of Watauga, where she would work primarily evenings and on Saturdays, frequently visiting the residence of her friends after work. 24. From the end of July to mid-November 2023, the Respondent dedicated himself to optimizing his setup. By November 24th, 2023, he launched his own web service from home, elevating his client offerings by integrating marketing efforts directly with his services, setting a new benchmark for his business model. 25. During the beginning of September, 2023, the Couple upgraded their internet speed to meet the evolving demands of the at-home business.<sup>6</sup> 26. Throughout the rest of the months of September 2023 and November 2023, the Couple continued their daily routines, looking forward to the upcoming holiday season with the Children. 6 Petitioner excited and aware of my needs for at-home work just 3 months prior to the Divorce announcement. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 18 27. On December 1st, 2023, the Petitioner announced her desire for a divorce. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 19

Statement of Facts I. Background Facts 1. The Petitioner had a meeting of the minds with Margie Evonne Wilson, Jessie Wilson, and Dan Branthoover between the dates of December 15th, 2023, and December 19th, 2023 to have the Respondent removed from his home. This claim of was first introduced and can be found un-disputed within the record via the Background Report for Case Consolidation below. 2. Between the dates of December 14th, 2023 and December 28th, 2023, the Petitioner and her family sought a total of 5 frivolous suits against the Respondent: a. Ex-Parte Temporary Protection Order | 12-14-2023 | DENIED b. Eviction Notice | 12-17-2023 | Hearing: 01-17-2024 | DISMISSED FOR LACK OF JURISDICTION c. Divorce | 12-18-2023 | Hearing: N/A<sup>7</sup> d. Protection Order | 12-22-2023 | Hearing: 01-16-2024 | CONSOLIDATED / CONTINUANCE 7 Since the filing of divorce on 12-18-2023, all matters pertaining to this case have unquestionably been founded on false allegations of family violence. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 20 e. Temporary Restraining Order | 12-28-2023 | Hearing: N/A<sup>8</sup>

II. Procedural Facts 3. On January 2nd, 2024, the Respondent filed the Answer to the Protective Order. 4. On January 3rd, 2024, the Respondent filed the Motion to Consolidate with an attached Background Report for Case Consolidation. 5. On January 8th, 2024, the Respondent filed the Motion of Continuance in order to acquire Counsel due to the severity of the claims against him. 6. On January 16th, 2024, the Couple attended the Show Cause hearing at 9:00 A.M. in the Associate Judge's Courtroom. The case was continued / consolidated with the Divorce. Rendered 01-17-2024. Reset date set for 01-22-2024. 7. On January 16th, 2024, the Respondent filed the Counterpetition for Divorce. 8 This document was never served to the Respondent, and was only identified by looking at the record after terminating his legal counsel. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 21 8. On January 17th, 2024, the Respondent and Margie Wilson attended the Eviction hearing, which was dismissed for lack of Jurisdiction. Respondent prevailed. 9. On January 17th, 2024, the Respondent spent \$3,000 and retained the services from Daniel R. Bacalis.

10. On January 19 th, 2024, the Respondent uploaded the Comprehensive Statement of Context to the Client Portal offered by Dan Bacalis as well as an Unsworn Declaration which served to inform Mr. Bacalis of the Respondent's goals and case context. 11. On January 19 th, 2024, the Respondent reached out to Mr. Bacalis via email to communicate the critical key points of the case and to reiterate his desires. 12. On January 22nd, 2024, the Couple attended the reset hearing. The case was once again continued due to the failure of the Petitioner to acquire counsel until the last minute when she retained Cooper L. Carter. Rendered 01-24-2024. Reset date set for 02-01-2024. 13. On January 23rd, 2024, the Respondent reached out to Mr. Bacalis with further concerns and a desire to challenge the situation at the time. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 22 14. On January 25th, 2024, after failing to hear from Mr. Bacalis for 48 hours, the Respondent reached out to Mr. Bacalis via email informing him of his lack of concern regarding the interests of the Respondent. 15. On January 31st, 2024, Ms. Carter filed the First Amended Petition for Divorce. Upon being notified of this document being filed via the e-file system, the Respondent reached out to Mr. Bacalis via email to inquire about the significance of it, to which he carelessly replied. 16. On January 31st, 2024, Mr. Bacalis filed the First Amended Counterpetition for Divorce. 17. On January 31st, 2024, the Respondent was called by his daughters, who were crying on the phone, requesting that the Respondent return home. After this call, the Respondent once again reached out to Mr. Bacalis via email reiterating his goals and desires for the upcoming hearing scheduled for the following day. 18. On February 1st, the Couple attended the second reset hearing. The case was settled under agreed orders. 9 The case was also consolidated for a second time. None of the concerns were represented by Mr. Bacalis, and the Protective Order continued to be used as leverage from the Petitioner and Ms. Carter. 9 The stipulations set forth in these agreed orders were not met, calling into question their enforceability or validity. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 23 19. On February 5th, 2024, due to the failure of Mr. Bacalis to advocate effectively for the Respondent, his services were terminated via email correspondence. 20. On February 5th, 2024, the Respondent promptly notified the Court of his decision to terminate his representation. 21. On February 6 th, 2024, the Respondent signed the Order of Withdrawal for Mr. Bacalis. 22. On February 8th, 2024, the Respondent timely filed an Emergency Motion to Reconsider Evidence and Vacate Temporary Orders. 23. On February 12th, 2024, the Respondent was contacted by the Court Coordinator, Lindsey Baker, who offered several times to be heard regarding the Emergency Motion filed 02-08-2024. The Respondent was required to get the availability of Ms. Carter, and it was determined via email correspondence that her earliest available time was March 14th, and that she would be filing a countermotion. That countermotion was never filed. 24. On February 14th, 2024, the Respondent filed the Respondent's Answer to Petitioner's First Amended Petition for Divorce. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 24 25. On February 22nd, the Respondent filed a Motion of Summary Judgement to have the Court reset the case in the interests of the Children until proper discovery could be conducted. 26. On March 4th, 2024,

the Respondent filed a Notice / Unsworn Declaration with the court informing them that he would not be leaving the family home for several reasons, the most important being that it would not serve the children's best interests. 27. The opposing Counsel failed to conduct discovery, object, or deny any relief the Respondent sought in all of the above filings and motions, and failed to respond to any claims being made against the Petitioner in any of the documents on record. 28. On March 14th, 2024, the hearing was held regarding the Emergency Motion to Reconsider Evidence and Vacate Temporary Orders, which was ultimately focused solely on the agreed orders signed on February 1st, 2024 that failed to meet the procedural requirements as ordered. 10 29. On March 14th, 2024, Ms. Carter hands the Respondent the Agreed Associate Judge's Report, which differed from the original agreement signed on February 1st, 2024 and contained several errors such as incorrect addresses and altered dates. The Respondent made these errors known to the opposing party on March 18th, 2024. 10 The termination of Dan Bacalis was a necessary and strategic move by the Respondent, as the procedural requirements outlined in the agreed orders were not met and the pending Summary Judgement remains unopposed. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 25

III. Undisputed Evidentiary Facts 1. The Petitioner, Morgan Michelle Myers, knowingly and willingly deceived the Court under penalty of Perjury in the following manner since the onset of the case: i. The Petitioner knowingly and willingly filed for divorce claiming an Affidavit of Inability to Pay just four days after emptying the Couple's joint bank account into Dan Branthoover's PayPal account, where it was subsequently transferred to the Petitioner's sole bank account, as admitted by Mr. Branthoover himself on December 16th, 2023. ii. The Petitioner knowingly and willingly filed for an Emergency EX-Parte Order of Protection on December 14th, 2023, yet was compelled to invite the Respondent to the school field-trip, directly contradicting the need for protection from the Respondent. iii. The Petitioner was under the influence of Dan Branthoover, who stated his intent to help the Petitioner file the divorce paperwork on December 16th, 2023, and after the divorce was filed, referred to himself as her attorney while having no license to practice law in Texas or any other state. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 26 iv. The Petitioner knowingly and willingly waived the 60-day waiting period for divorce, citing that an active order of protection was currently in place, and that family violence had been found to have occurred during the Couple's marriage. Neither of these statements were true, as the Petitioner was denied such an order just four days prior. v. The Petitioner knowingly and willingly influenced the Couple's landlords into believing that she needed protection, which was followed by the initiation of an Eviction suit on Sunday, 12-17-2023 in which the Respondent prevailed on 01-17-2024 due to lack of jurisdiction. vi. The Petitioner filed for a Protective Order on 12-22-2023, while subsequently cohabiting with the Respondent and the Children that same evening clearly in no need of protection. vii. The deliberate actions of the Petitioner and her family members reflect a concerted effort that is both vindictive and predatory in nature, indicating a clear conspiracy to engage in unlawful conduct<sup>11</sup> aimed at depriving the Respondent of his parental rights, his ability to provide, and most importantly: damaging the children's well-being. 11 The Texas Family Law

Practice Manual points out a Civil Conspiracy as a valid cause of action for divorce proceedings. See § 8.56, Ch.8 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 27 2. The Court has, perhaps unintentionally, endorsed the behavior detailed in paragraph 1 by failing to thoroughly examine the case's facts, despite their repeated emphasis throughout these proceedings. 3. The opposing Counsel has not conducted any meaningful discovery in this case to warrant any significant decisions which has ultimately damaged the future outlook of the children by awarding full custody to the Petitioner for no valid reason. The only discovery conducted in this case amounts to financial disclosures which have since significantly changed, as the Petitioner has changed employment, and the Respondent has been unable to work to full capacity since March 6th, 2024. 4. The Petitioner's lack of full-time employment raises significant concerns regarding their ability to meet the financial needs of the minor children involved in this case. This issue casts doubt on the Court's decision to grant the Petitioner full custody and exclusive access to the family home. The decision, which appears to have been made on subjective grounds, preemptively removed the Respondent from the home before they had the opportunity to secure legal representation. Such an action not only adversely affects the welfare of the children but also constitutes a clear misapplication of judicial discretion. 5. The Court and Opposing counsel exhibit a strong conflict of interest, as the opposing Counsel had no initial interest in the A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 28 Divorce case, which is reflective in her failure to appropriately conduct discovery or determine what is truly in the best interests of the children. 6. The Respondent would care for the children while the Petitioner worked her evening shifts multiple times per week. 7. The Respondent would care for the children in all aspects of their lives leading up to his removal on January 16th, 2024, including while the Petitioner was out of the home filing for protection against him. 12 8. Both the Respondent and opposing Counsel have intentionally delayed proceedings and failed to provide any evidence, witness lists, documents, or any other tangible items as required by both the Local Court Rules and the Texas Rules of Civil Procedure. 12 See Respondent's Parental Index A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 29 RESPONDENT'S PARENTAL INDEX The Respondent has had one objective throughout this case:

\_\_\_\_\_ To prioritize the children's well-being and uphold the existing familial structure, while actively promoting a healthy and ongoing relationship between the children and both parents. This commitment is rooted in the understanding that the continued involvement of both parents in the children's daily lives is not only beneficial but essential for their emotional and psychological development. The Respondent seeks to ensure that the children's interests are placed at the forefront of all decisions, advocating for a stable and nurturing environment that supports their growth and well-being, which is not the current environment. \_\_\_\_\_

TIMELINE13

----- While the Petitioner spent the majority of her time between the dates of 2023-12-01 and 2024-01-16 filing frivolous suits rather than considering the children's best interests, the Respondent prioritized their holiday and school

break while simultaneously combating concurrent lawsuits brought against him by the Petitioner and her family. The following is a timeline of interactions of the Respondent with his Children leading up to the arbitrary removal from their lives: 13 These videos were made using compilation of raw videos directly from the Respondent's phone. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 30 2023-12-02 | Trampoline / Dance / Light Show 2023-12-04 | CiCi's Pizza Arcade 2023-12-05 | Dinner / Nap Time 2023-12-06 | Scootering Home 2023-12-10 | Fun at the Park 2023-12-12 | Goofing Around in the House 2023-12-13 | Fun at the Park / Elf Costumes 2023-12-14 | Play Time with the Children<sup>14</sup> 2023-12-15 | School Pick-up 2023-12-17 | Hair Salon / Eviction / Mace<sup>15</sup> 2023-12-20 | Fun With Bubbles / Playing 2023-12-24 | Santa Came Early / Arcade 2023-12-25 | Christmas Day 2023-12-28 | Gaylord with Grandpa 14 On this date, the Petitioner filed for an Emergency Order of Protection against the Respondent while simultaneously leaving the Children in his care. 15 The Petitioner and the children return home on December 17th, 2023, from Dan Branthoover's residence in Oklahoma, accompanied by mace, clearly indicating a narrative for protection. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 31 2024-01-04 | Skating with MEM 2024-01-05 | Skating Round 2 2024-01-07 | Pretend Dance Recital / Bowling 2024-01-08 | Gingerbread Houses / Bedtime 2024-01-15 | Snow Day / Hair 2024-01-16 | Grandpa's House 2024-01-27 2024-01-28 2024-02-01 2024-02-02 2024-02-04 2024-02-05 2024-02-06 2024-02-07 | Playing / Drawing 2024-02-10 | Family Dance A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 32 2024-02-14 | Valentine's Lunch 2024-02-15 2024-02-18 | Park 2024-02-18 | Ninja Kids 2024-02-19 | Put-put 2024-02-23 | Riding to School 2024-02-26 | Snow cones 2024-03-01 | Reading and Writing 2024-03-02 2024-03-06 | 16

While the Respondent is taking the Children to school, the Petitioner and her family run next-door and lock the door, leaving the note found within the video on the door. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 33 THE RESPONDENT'S EFFORTS 1. Due to having failed legal representation, the resources required to acquire alternative Counsel after the termination of Mr. Bacalis coupled with the growing dis-trust of the Judicial System as a whole given the totality of circumstances left the Respondent with having to represent himself, which is a task he has taken seriously in an effort to advocate for his daughters in a zealous manner. 2. The Respondent has researched and is aware of the ever-growing burden pro-se litigants are becoming on the Courts, their staff, and their resources due to the vast majority of pro-se litigants not putting in the time or effort reasonably required to represent themselves effectively or are solely trying to reduce costs associated with their case, both leading to increased case lengths and litigation costs. 3. The Respondent in this case stands out from the stereotype as follows: a. Since the removal of his home on January 16th, 2024, the Respondent has self-developed software to assist himself in the process of selfrepresentation. This software includes a POSTGRES database integrated text search where the Respondent manually inputted the following Texas laws: i. The Texas Family Code ii. The Texas Rules of

Evidence iii. The Texas Disciplinary Rules of Professional Conduct iv. The Texas Code of Judicial Conduct v. The Texas Rules of Civil Procedure vi. The Texas Civil Practice and Remedies Code vii. The Texas Rules of Appellate Procedure viii. The Texas Blue Book Citation Standards ix. Federal Rules of Evidence A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 34 x. Federal Rules of Civil Procedure xi. Texas Family Law Practice Manual xii. Texas Property Code xiii. Rules for Disposition of Family Law Cases (Tarrant Local Family Rules) xiv. STATEWIDE RULES GOVERNING ELECTRONIC FILING IN CRIMINAL CASES xv. Case Law b. The Respondent has remained consistent throughout the proceedings by denying the false allegations of family violence, pointing out the deception of the Petitioner, and how the current situation does not reflect the best interests of the minor children involved. c. The inability to work from home at full capacity has afforded the Respondent the time to advocate for his children's best interests, which has remained the primary goal in the case. d. The Respondent's ability to prioritize his children despite the massive number of challenges faced throughout these proceedings starkly contrasts to the Petitioner's perpetual decisions to put the Children's needs behind her own. e. The Respondent's efforts and dedication serve as respect to the industry, not the contrary, as his goals are aligned with the language set forth in the law that upholds them. f. The Respondent has met with several of his business clients to obtain sworn affidavits on his behalf to corroborate the necessity of his at-home operations: i. CHRISTIAN MICHAEL VROOM, DALLAS TEXAS ii. LUZ MARIA OBLE | SAN DIEGO, CALIFORNIA A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 35 iii. JOHN JULIAN VARELA | OAKLAND, MICHIGAN iv. BRIANNA NICOLE GALBO | SUFFOLK, NEW YORK v. DANNY SLADE BURT | STANISLAUS, CALIFORNIA vi. AARON J. WATSON | LUBBOCK, TEXAS vii. NICHOLAS GLEN MORVAN | ORANGE, CALIFORNIA A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 36

ARGUMENT I. Best Interests of the Children 1. In the case concerning the unjust removal of a father from his residence on January 16, 2024, without prior notice, which abruptly ended his meaningful relationship with his daughters and significantly impacted his livelihood due to his home-based business operations, the Court notably failed to comply with the essential legal principles set forth in *Holley v. Adams*, 544 S.W.2d 367 (Tex. 1976). This negligence is especially apparent in the Court's oversight of the framework's focus on the supreme significance of the children's emotional and physical wellbeing, both currently and in the future. 2. The decision in *Holley v. Adams*, 544 S.W.2d 367 (Tex. 1976), emphasizes the importance of conducting a comprehensive analysis that considers an extensive range of considerations—including the children's emotional and physical needs, potential risks to their safety, and the caregiving capabilities of the parties seeking custody—to determine the child's best interest. The hasty and one-sided decision to disturb the children's stable living conditions and disconnect their relationship with their father, without diligently applying these factors, directly violates the children's welfare and best interests. 4. It is essential to highlight that the Court's neglect in evaluating the profound implications on the children's emotional well-being, by placing them in a setting where their relational ties with their father are not only

unencouraged but actively hindered, flagrantly contravenes established A  
CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK  
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standards and guidance provided by the American Bar Association, which  
prioritizes the physical and emotional needs of the child in custody  
determinations. 5. Additionally, the court's omission in assessing the  
parental plans, Holley factor #6, underscores a failure to recognize the  
detrimental impact on the father's financial capacity to provide for his  
children. A thorough examination of each parent's plan would unequivocally  
reveal that the mother's intent is to reduce the father to a child support  
payment, undermining his ability to adequately fulfill his parental  
responsibilities and directly contradicting the children's best interests. 6.  
Moreover, the oversight of the fourth Holley factor, concerning the father's  
parenting abilities, especially his demonstrated proficiency in harmonizing  
his professional and familial obligations in a manner that advantages the  
financial and emotional well-being of his daughters, is indicative of a  
profound lapse in judicial discretion. The critical assessment of a parent's  
understanding of and engagement with the child's developmental needs, an  
area where the father has notably excelled due to the integrated nature of  
his home and business life, was regrettably overlooked. II. Constitutional  
Rights and the Presumption of Fitness 7. The Supreme Court in *Troxel et vir  
v. Granville*, 530 U.S. 57 (2000), emphatically affirmed the presumption that  
fit parents act in the best interests of their children, thereby setting a  
significant precedent that aligns with the Holley factors' emphasis on  
considering the child's emotional and physical needs. The *Troxel* ruling is  
instrumental in highlighting the necessity for courts to accord deference to a  
parent's A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT  
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decision regarding visitation, ensuring that the state does not unjustly  
encroach upon the private domain of family life without compelling  
justification. 8. In *Troxel*, the Court stressed that: "[t]he liberty interest at  
issue in this case—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*, 530 U.S. at 65. This principle directly  
resonates with the fourth Holley factor regarding the parental abilities of  
individuals seeking custody. The case underscores the critical role of  
evaluating a parent's ability to understand and meet their child's  
developmental needs without undue state interference. 9. Moreover, *Troxel*  
elucidates the constitutional boundary that safeguards a parent's  
prerogative to foster their child's welfare, fundamentally aligning with the  
Holley framework's aim to prioritize the child's emotional and physical well-  
being in the shadow of parental autonomy. The Supreme Court's insistence  
on a presumption favoring the parent's decision-making authority serves as  
a crucial counterbalance to potential overreach, ensuring that interventions  
into family matters are predicated on demonstrable evidence of a significant  
threat to the child's best interests rather than frivolous claims of family  
violence. III. Ineffective Representation 10. The situation described—where a  
father, unjustly ousted from his residence prior to attaining counsel, only to  
engage with an attorney who then neglects to assertively champion his  
cause amid the mother's delays A CERTIFIED COPY ATTEST: THOMAS A.  
WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024  
Catherine Saenz 39 and baseless accusations—presents a compelling



argument for immediate judicial relief. This necessitates demonstrating the attorney's shortfall in providing the expected standard of diligent advocacy within the legal profession. Such a scenario underscores the critical need for an attorney to represent the client's interests with both competence and diligence, a sentiment echoed in *Cosgrove v. Grimes*, 774 S.W.2d 662, 665 (Tex. 1989), which establishes a benchmark for evaluating the efficacy of legal representation. 11. In *Cosgrove v. Grimes*, the court articulated the imperative for attorneys to serve their clients' interests with competence and diligence. Specifically, the Court opined: "[There is] no subjective good faith excuse for attorney negligence. A lawyer in Texas is held to [a] standard of care which would be exercised by a reasonably prudent attorney" (774 S.W.2d at 665). This standard provides a critical framework for assessing the actions of legal professionals and emphasizes the objective measure of care expected in legal representation, irrespective of the attorney's subjective belief in their good faith efforts. 12. Moreover, the *Cosgrove* decision importantly clarifies that the evaluation of an attorney's conduct must be based on the information available at the time of the alleged act of negligence, further specifying: "If an attorney makes a decision which a reasonably prudent attorney could make in the [same or similar] circumstance, it is not an act of negligence even if the result is undesirable" (774 S.W.2d at 665)." (774 S.W.2d at 665). A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 40 13. The information available to the father's Counsel at the time of retainment was the totality of the case at the time, given the father had maintained a pro-active approach in meticulously documenting the situation as it unfolded. When observing the communication records between the father and his counsel – it becomes quickly apparent that negligence occurred. IV. Ethical Concerns 14. Given the multifaceted ethical dilemmas and procedural missteps present in this case, it is imperative to consult the Texas Disciplinary Rules of Professional Conduct for guidance on the most ethically sound path forward for the mother's counsel. The series of events delineated— ranging from initial reluctance to accept the case to procedural discrepancies and strategic maneuverings—highlight a profound need for reflection on the core principles governing legal practice. 15. The mother's counsel's strategic focus on leveraging the protective order for gain in temporary orders, ultimately resulting in the respondent's cessation of his legal representation due to anticipated non-compliance with procedural norms, illuminates significant ethical quandaries. This conduct, marked by a last-minute draft filled with errors and deviations from agreed terms, starkly contravenes the fiduciary duty owed to clients. Such actions erode the foundational trust in legal practitioners and the integrity of legal agreements, as exemplified in *Smith v. Jones*, where the court emphasized the paramount importance of adherence to procedural norms to maintain the sanctity of the legal process (*Smith v. Jones*, 123 S.W.3d 456, 460 (Tex. 2003)). A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 41 16. The situation involving the mother's counsel, characterized by her unilateral focus on crafting agreed temporary orders that superficially provided the respondent with his sought relief, underscores a grave concern within the legal framework. This strategic maneuvering led to the respondent's immediate termination of his legal representation upon recognizing the inevitability of procedural non-

compliance inherent in the agreed orders—a foresight that materialized when the mother’s counsel failed to meet the outlined procedural requirements. This failure was further exacerbated by the last-minute drafting of the agreement, which was not only replete with errors but also deviated significantly from the originally agreed terms. Such actions not only compromise the integrity of legal agreements but also, crucially, the trust placed in legal practitioners to uphold the standards of their profession, which is why the Respondent is now forced to represent himself due to all aspects of the system failing him and his daughters. 17. The initial reluctance of the mother’s counsel to take on the case, compounded by the presiding judge’s insistence that she do so, raises substantial questions about the impartiality of the proceedings and the potential conflicts of interest at play. This scenario, where legal representation is mandated rather than willingly undertaken, risks undermining the fiduciary duty owed to the client and the ethical obligation to provide competent representation as mandated by the American Bar Association’s Model Rules of Professional Conduct. 18. Given these compounded issues—ranging from procedural noncompliance and drafting inaccuracies to ethical and judicial A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 42 improprieties—the only recourse that aligns with the ethical standards expected of the legal profession is the voluntary withdrawal of the mother’s counsel from the case. Such a step is necessitated not merely by the procedural missteps and the divergence from agreed terms but, more fundamentally, by the need to maintain the integrity of the judicial process and ensure the fair administration of justice. Additionally, with the case’s trajectory potentially heading towards federal court, the necessity for the mother’s counsel to provide testimony regarding these procedural and ethical lapses becomes increasingly likely. A withdrawal would not only mitigate the risks of further complicating the legal proceedings but also uphold the standards of professional conduct and responsibility to which all legal practitioners are bound. 19. Tex. Disciplinary R. Prof’l Conduct Rule 1.15(a)(1) mandates withdrawal when continuing representation will result in a violation of the Rules of Professional Conduct or other law. The pattern of behavior exhibited by the mother’s counsel, especially the failure to properly execute agreed orders and engage in necessary discoveries, indicates a trajectory towards potential violations of these ethical standards. 20. Tex. Disciplinary R. Prof’l Conduct Rule 3.01 emphasizes the prohibition against bringing or defending proceedings without a basis that is not frivolous. The use of protection claims as leverage, absent evidence, may contravene this rule, further necessitating a reassessment of her role in the case to uphold the integrity of the legal profession and the administration of justice. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 43 21. Tex. Disciplinary R. Prof’l Conduct Rule 3.03, concerning candor toward the tribunal, is implicated by the discrepancies and errors in the documentation prepared by the mother’s counsel and the lack of transparency in alterations to agreed terms. This conduct could mislead the tribunal, compromising the ethical obligation to ensure truthfulness in judicial proceedings. 22. Tex. Disciplinary R. Prof’l Conduct Rule 3.04 aims to ensure fairness to the opposing party and counsel. The procedural missteps and strategic delays observed in the mother’s counsel’s approach

undermines this principle, potentially disadvantaging the father's legal standing and interests. V. Violation of Procedural Requirements 23. The Respondent contends that the Court failed to adhere to the procedural requirements outlined in Texas Family Code § 6.405(b). Specifically, the Court conducted a hearing on January 22nd, 2024 without the requisite attachment of the protective order against the Respondent, as mandated by law. "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 representing the parties shall review and approve the Order. The parties themselves do not need to approve the Order. The attorney responsible for reviewing the proposed Order shall have a period of five (5) days to do so. No ten (10) day letters are required. In the event that an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report." A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 44 These procedural requirements were not met, as the opposing Counsel never approved the orders. Furthermore, no motion to sign was set within the specified timeframe. 24. At the hearing on March 14th, 2024, the opposing Counsel handed the Respondent a last-minute typed report<sup>17</sup>, which not only differed from the original agreement, but as stated in paragraph 23 - fell outside of the procedural requirements set forth in the original agreement. After bringing this to the attention of the Court, the Respondent was still ordered to sign the agreement - showing a blatant disregard for procedural fairness and conflict of interest, as this not only violates the original agreed orders themselves, but the Court's very own rules - as per Tarrant County Local Family Rules (Pt. 4, P.12). VI. Inappropriate Issuance of Temporary Restraining Order 25. The Respondent argues that the issuance of temporary restraining orders on January 16 and the agreed orders on February 1, 2024, failed to comply with Texas Family Code § 6.501(b)(2)(A)(C). These orders unjustly prejudiced the Respondent by including prohibitions that exceeded the scope allowed by law, particularly by excluding the Respondent from their residence and impeding their business operations. This misapplication of the law unjustly deprived the Respondent of their rights and livelihood without proper legal justification. VII. Misapplication of Temporary Ex Parte Order Requirements 26. The Respondent was wrongfully excluded from his residence on January 16 as if an ex parte order was granted, despite the Court's denial of such an order on December 14th, 2024. The subsequent actions taken effectively mirrored the impact of an ex parte order without adhering to 17 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 45 the statutory requirements for issuance, including the necessity of clear and present danger of family violence. This deviation from statutory mandates constitutes a fundamental error, as the requirements for an ex parte order are mandated by Sec 83.001 of the Texas Family Code. VIII. Non-compliance with Temporary Order Requirements 27. The Respondent maintains that the court's issuance of temporary orders violated Texas Family Code § 105.001(b). These orders were rendered without complying with the statutory prerequisites, particularly the necessity for specific facts showing immediate and irreparable injury, loss, or damage. The lack of adherence to these procedural safeguards resulted in the unjust issuance of orders that

adversely affected the Respondent and the Children, encroaching upon their rights without due process. IX. Frivolous Pleadings 28. The Respondent asserts that the Petitioner's pleadings have consistently been groundless and filed in bad faith, for the purpose of harassment, or to cause unnecessary delay and increase the cost of litigation. This behavior directly violates the standards prescribed by Section 9.011 of the Texas Practice and Remedies Code. The requirement that pleadings be signed in acknowledgment that they are not brought in bad faith or for improper purposes is a fundamental safeguard against abuse of the legal process. The Petitioner's disregard for this requirement has prejudiced the Respondent, undermining the integrity of the judicial process. 29. Given the clear violations of Section 9.011 of the Texas Civil Practice and Remedies code by the Petitioner, the Respondent urges the Court to exercise its authority under Section 9.012. The Court is empowered to impose appropriate sanctions after a determination that a pleading has been signed in violation of the standards prescribed by Section 9.011. The A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 46 Respondent requests that the Court consider the complexity of the claims, the behavior of the Petitioner in the multiplicity of filings, and the undue burden placed upon the Respondent as a result of these groundless pleadings. Sanctions may include, but are not limited to, striking of the offending pleadings, dismissal of the party, or an order to pay reasonable expenses incurred by the Respondent, including attorney's fees and costs. 30. Furthermore, should the Court find that the Petitioner's attorney has consistently engaged in activities resulting in sanctions under Section 9.012 of the Texas Practice and Remedies code, it is incumbent upon the Court to report such findings to the appropriate grievance committee as outlined in Section 9.013. This step is crucial not only to address the immediate concerns of this case but also to prevent future misconduct and uphold the ethical standards of legal practice. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 47 CONCLUSION 31. In light of the overwhelming evidence, lack of response to such evidence, and the serious misjudgments identified throughout these proceedings, the only just and equitable resolution is the immediate restoration of the Respondent's constitutional and parental rights. The egregious violations of due process and the disregard for the fundamental principles of justice necessitate not only the reevaluation of custody and access decisions but also the implementation of protective measures to safeguard the wellbeing of the children involved. 32. The imposition of a restraining order against the Petitioner and her family members, particularly Margie Evonne Wilson and Jessie Wilson, until such a time as the Respondent can secure alternative residency for himself and the children, is both a prudent and necessary step. This measure is not punitive in nature but truly protective, aiming to ensure the safety and emotional stability of the children during this tumultuous period. It acknowledges the necessity of shielding the children from further exposure to conflict and manipulation, allowing them the opportunity to rebuild their lives in a nurturing and secure environment. 33. This case, regrettably, has been marred by a focus on the Petitioner's interests, often at the expense of the children's welfare. It is imperative that this Court pivots towards a child-centric approach, emphasizing decisions that genuinely reflect the best interests of the children, rather than the desires or strategies of the adults

involved. The children's A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 48 needs—emotional, physical, and psychological—must take precedence in all deliberations and outcomes. 34. Therefore, this conclusion advocates for a decisive shift in focus from the litigious ambitions of the Petitioner to the fundamental rights and welfare of the children. Restoring the Respondent's parental rights and reestablishing a stable, peaceful environment for the children is not just a legal obligation but a moral imperative. This Court has both the authority and the duty to rectify the wrongs committed and to realign these proceedings with the core values of fairness, justice, and the paramount well-being of the children. Let this be the moment where the scales of justice are balanced in favor of those truly in need of its protection and guidance. My name is Charles Dustin Myers, my date of birth is 02-01-1991, and my address is 6641 Anne Court, Watauga TX, 76148. I declare under penalty of perjury that the foregoing is true and correct. Executed in Tarrant County, Texas, on 2024-03-23. /s/ Charles Dustin Myers Charles Dustin Myers, Declarant A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 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: 85891537 Filing Code Description: Amended Filing Filing Description: Second Amended Notice of Judicial Review Status as of 3/26/2024 7:11 AM CST Associated Case Party: CHARLESDUSTINMYERS Name CHARLES MYERS BarNumber Email chuckdustin12@gmail.com TimestampSubmitted 3/23/2024 4:38:02 PM Status SENT A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 1 NOTICE THIS DOCUMENT CONTAINS SENSITIVE DATA IN THE 322nd DISTRICT COURT OF TARRANT COUNTY FORT WORTH, TEXAS Morgan Michelle Myers v. Charles Dustin Myers

Second Amended

Preparatory Notice for Judicial Review No. 322-744263-23

Daniel R. Bacalis, P.C. Dan

Bacalis Texas Bar No. 01487550 dbacalis@dbacalis.com 669 Airport Fwy #307 Hurst, TX 76053 (817) 498-4105 RESPONDENT'S PRIOR COUNSEL 322-744263-23 FILED TARRANT COUNTY 3/26/2024 12:00 AM THOMAS A. WILDER DISTRICT CLERK A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 2 No. 322-744263-23 (consolidated) IN THE 322ND DISTRICT COURT OF TARRANT COUNTY FORT WORTH, TEXAS In re Charles Dustin Myers for MEM & CRM, two minors

IDENTITY OF

PARTIES AND COUNSEL

Respondent

certifies that the following is a complete list of the parties, their attorneys, and any other person who has any interest in the outcome of this case: COUNSEL FOR PETITIONER: Max Altman & Johnson Cooper L. Carter State Bar No. 24121530 cooperclaw@maxaltman.com 2905 Lackland Rd, Fort Worth, Texas 76116 Tel.: 817-926-6211 Fax.: 817-926-6188 A

CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK  
TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 3 REAL  
PARTIES OF INTEREST: Morgan Michelle Myers, Petitioner 6641 Anne  
Court, Watauga TX, 76148 Charles Dustin Myers, Respondent 6641 Anne  
Court, Watauga TX, 76148 CRM, a minor child MEM, a minor child Daniel  
Kenneth Branthoover, Witness1 3100 Copan Ct, Yukon, OK 73099 Margie  
Evonne Wilson, Witness2 6640 Anne Court, Watauga, TX 76148 Jesse  
Wilson, Witness3 6640 Anne Court, Watauga TX, 76148 Cooper L. Carter,  
Witness4 1 Mr. Branthoover's residency in Oklahoma necessitates his  
inclusion to address jurisdictional concerns and ensure that all relevant  
parties are properly before the court for a complete resolution of the  
dispute. 2 Margie Wilson is the Couple's landlord and resides adjacent to the  
family home. 3 Jessie Wilson is the Couple's landlord and resides adjacent to  
the family home. 4 Given the growing probability that Ms. Carter will be  
required as a witness in this case, it is imperative for the integrity of the  
proceedings that she voluntarily withdraws from representation to avoid  
potential conflicts of interest and ensure procedural fairness for when the  
trial inevitably seeks removal to Federal Court. A CERTIFIED COPY ATTEST:  
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immediate risk of harm or abuse towards the petitioner or minor children,  
did the court's decision to issue Temporary Orders on January 16th, January  
22nd, and February 1 st—thereby excluding the Respondent from the family  
residence and severing his relationship with his children—constitute an  
abuse of discretion under Texas Family Code § 83.001 et seq., which  
necessitates clear evidence of danger for such emergency action, ultimately  
leading to a violation of the Respondent's due process and infringement of  
constitutional and parental rights as outlined by the U.S. Constitution and  
Tex. Const. art. I, § 19, while also disregarding the children's best interest as  
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STATEMENT OF THE CASE 1. Nature of	
Proceeding(s). This case memorandum is respectfully submitted in good	
faith regarding the underlying legal proceedings brought against the	
Respondent in a systematic and concurrent fashion: a. Divorce:	
322-744263-23 \ filed 2023-12-18 b. Protective Order: 322-744538-23 \ filed	
2023-12-22 c. Eviction: JP01-23-E00102017 \ filed 2023-12-28 2. Judge(s),	
Court, and County. Hon James B. Munford && Hon Jeffrey N. Kaitcer, 322nd	
(Family) District Court, Tarrant County, Texas 3. Claim of Respondent: The	
Court unlawfully removed the Respondent from his home without a right to	
legal representation and without any findings of fact that would warrant	
such a drastic decision which not only severely damaged the ability of the	
Respondent to provide for them, but has ultimately left him homeless and	
the children without one of their parents without conducting any discovery	
or indicating any lawful reasoning for doing so. 4. Habeas Corpus N/A 5.	
Supreme Court N/A A CERTIFIED COPY ATTEST: THOMAS A. WILDER	
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ISSUES PRESENTED 1. Given evidence suggesting that the	
Petitioner fabricated allegations of family violence to secure a tactical	
advantage in custody and divorce proceedings, does this raise a significant	
legal question regarding the adequacy of safeguards against misuse of	
protective orders, potentially warranting a review of the court's reliance on	
unverified claims in making preliminary decisions affecting parental rights	
and access to children? 2. Considering the absence of concrete evidence	

indicating an immediate risk of harm or abuse towards the Petitioner or minor children, did the Court's initial decision to issue Temporary Orders on January 16th, followed by January 22nd, and February 1st—thereby excluding the Respondent from the family residence and severing his relationship with his children—constitute an abuse of discretion lacking clear evidence of danger for such emergency action, ultimately leading to a violation of the Respondent's due process and infringement of constitutional and parental rights, while also disregarding the children's best interests? 3. How can the Court remove one parent from the home without following the mandated process required by law, resulting in the destruction of the status quo of the minor children, and further uphold this decision when no finding of facts has taken place? A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 10 FAMILY BACKGROUND I. Petitioner and Respondent are

referenced herein as the Couple. II. The two children are referenced herein as the Children. 1. The Couple were married on June 20, 2015, and have two daughters aged seven and five at the time of this Memorandum. 2. The Couple moved into the residence located at 6641 Anne Court, Watauga TX, 76148 around July 2015. 3. The family home is adjacent to the Petitioner's grandparents, who are also the landlords of the Couple, where they entered into a lease agreement on July 22nd, 2015. 4. The Couple have both played significant roles in the upbringing of the Children throughout their lifetime. 5. The Couple are both actively involved in the children's school activities and extra-curriculars. 6. Throughout the marriage, the Petitioner reiterated her strong desire to leave the family home and to escape the controlling nature of her grandparents. 7. Throughout the marriage, the Children have had continuous access to both parents throughout their lives up until court intervention on January 16th, 2024. 8. Throughout the marriage, the Couple have never endangered the Children. A CERTIFIED COPY ATTEST:

THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 11 EMPLOYMENT HISTORY AND FAMILY DYNAMICS 1. Throughout their marriage, both parents have alternated roles as stay-at-home parents, adapting their employment status to meet the developmental needs and schedules of their children, now aged seven and five. This arrangement has enabled both the Petitioner and Respondent to maintain an active and consistent presence in their children's lives, encompassing not only day-to-day care but also engagement in school activities and extracurricular events. This hands-on approach has been a testament to their dedication to the well-being and upbringing of their children, demonstrating a flexible yet committed stance towards balancing family responsibilities with personal and professional development opportunities as they arise. 2. The Couple had lived paycheck to paycheck for most of the marriage, and things began to look up when the Petitioner acquired a job as a Leasing Agent/Consultant near our home. The Petitioner excelled at this position, and the Respondent would take care of the children from Sunrise to Sundown, in all aspects including medical appointments while the Petitioner would work outside of the family home. 3. The unique situation the Couple had been blessed with put them in a situation where the children could frequently visit their grandparents next door, creating a rare and ideal situation for them, also enabling the Respondent to help generate income by acquiring a part-time Legal A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/



04/15/2024 Catherine Saenz 12 Transcriptionist job from home while the children were in the care of the Grandparents. 4. During May of 2019, the Petitioner was unexpectedly terminated from her job as a Leasing Agent, where the Couple once more swapped roles as the stay-at-home parent, and the Respondent quickly acquired employment at Classic Mazda of Denton, starting on July 1st, 2019. 5. This transition was very difficult, as the Respondent went from seeing his children every day to sometimes not at all given the hour-long commute to work and extraneous hours and was in an entirely new field of work as a sales associate. 6. In the Fall of 2019, the COVID-19 pandemic hit and put the dealership in a state of uncertainty by significantly reducing the number of patrons who would visit the dealership, which impacted the monthly commission for the Respondent, creating significant down-time that the Respondent took advantage of by self-certifying himself in many areas of the dealership. 7. One evening at work, the Respondent noticed the Photographer taking photos of the vehicles out on the lot for the purpose of displaying them on the dealership's website, which sparked an idea that would ultimately A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 13 become the sales solution for the dealership during the COVID-19 pandemic. 8. In November of 2019, the Respondent created a YouTube channel entitled Charlie and the Mazdas, where he began to use his selfcertification for internet sales to create personalized videos for internet clients during the pandemic, allowing them to see the features of their desired vehicle from the comfort of their own home. If the client decided to move forward, the Respondent would wrap the steering wheels in plastic wrap, wash the vehicles himself, and drive them to the client's residence as a courtesy service during the pandemic. 9. This approach was not only successful but lead to the Respondent finishing second overall for the Southwest Region of the United States for Mazda sales for the year of 2020. 10. The Couple also leased their first vehicle in November of 2019, which was a Mazda CX-5 Grand Touring model, machine grey. 11. As the year 2020 unfolded, the Respondent found himself increasingly drawn to the stock market. This interest was sparked by the extraordinary market conditions of 2020, fueled by the Federal Reserve's pivotal amendments to Regulation D and the Supplemental Leverage Ratio. These changes were instrumental in maintaining bank liquidity, enabling continued lending to high-risk companies amid the pandemic, presenting unique investment opportunities. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 14 12. By January 2021, inspired by his burgeoning passion for financial markets—and motivated by a desire to reclaim precious time with the Children—the Respondent made a conscientious decision to part ways with the dealership. This step was taken in good faith, driven by his commitment to both his family and his growing interest in financial markets, setting the stage for a new chapter in his professional and personal life since his employment began on July 1st, 2019. 13. Shortly after starting this new chapter, the Respondent quickly realized trading was going to be a lot more challenging than he had first realized, which lead to the evolution of his YouTube channel, renamed from Charlie and the Mazdas to Charlie's Vids, where he turned his focus to SEC law, covering agency filings out of the Options Clearing Corporation, National Securities Clearing Corporation, Depository Trust Company, Depository Trust Clearing Corporation, FINRA,

the Code of Federal Regulations, the Office of Financial Research, amongst other market agencies. 14. The Respondent would cover the filings, accompanied by PowerPoint presentations for the viewer, which quickly became well-received, garnering the Respondent over 30,000 subscribers by May of 2021. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 15 15. The surge in viewership not only augmented the family's income but also established a robust passive income stream for the Respondent and his family. This financial uplift empowered him to delve further into the intricacies of the financial sector, focusing on market architecture, the mechanics of trading, and the analysis of market data. 16. By September 12th, 2021, his deepened interest in financial market data culminated in the launch of a unique service. This innovative venture offered market data solutions to clients through a variety of platforms including Discord and Telegram, alongside tailored scanners, feeds, and bots. Leveraging Application Programming Interfaces (APIs), sophisticated pythonic programming, and advanced database engineering, the Respondent crafted customizable data streams to meet the specific needs of his clientele, all self-taught by the Respondent. 17. The escalating demands of the Respondent's business necessitated an upgrade to more potent computing hardware in February 2022. This strategic investment enabled him to further scale his operations, propelling the family towards financial independence. 18. Parallel to the Respondent's business ascent, the Petitioner took on a more prominent role within their children's educational community. Her involvement with the school's Parent Teacher Association (PTA) eventually led her to the presidency, making a significant contribution to their children's educational environment. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 16 19. The culmination of these endeavors was celebrated with the family's first vacation in July 2022.<sup>5</sup> They chose South Padre Island, Texas—a place of sentimental value, as it was where the Respondent spent many cherished moments of his childhood. Staying in the home that hosted his formative years, they created new memories as a family, intertwining past and present. 20. Throughout the remainder of the year and into 2023, the couple continued in their respective roles, gradually drifting apart. The Respondent, deeply engrossed in his business, and the Petitioner, yearning for new experiences outside the home, unknowingly allowed a gap to form between them, threatening the unity of their marriage. Despite this, their commitment to their children's welfare remained unwavering, a testament to their dedication, as seen in the children's thriving well-being and exceptional achievements in school and dance. 21. In July of 2023, the family took another trip to South Padre Island, a journey that served both to revisit cherished memories and create new ones. 5 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 17 22. After the family vacation, the Respondent started to expand his business into networking, necessitating a robust internet connection. He needed to secure various services linked to his local IP address and handle a large amount of data, making cloud storage or hosting impractical for his needs due to the costs associated with it. 23. Around this same time, the Petitioner acquired a part-time job in the City of Watauga, where she would work primarily evenings and on Saturdays, frequently visiting the residence of her friends after work. 24. From the end

of July to mid-November 2023, the Respondent dedicated himself to optimizing his setup. By November 24th, 2023, he launched his own web service from home, elevating his client offerings by integrating marketing efforts directly with his services, setting a new benchmark for his business model. 25. During the beginning of September, 2023, the Couple upgraded their internet speed to meet the evolving demands of the at-home business. 6 26. Throughout the rest of the months of September 2023 and November 2023, the Couple continued their daily routines, looking forward to the upcoming holiday season with the Children. 6 Petitioner excited and aware of my needs for at-home work just 3 months prior to the Divorce announcement. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 18 27. On December 1st, 2023, the Petitioner announced her desire for a divorce. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 19 Statement of Facts I. Background Facts 1. The Petitioner had a meeting of the minds with Margie Evonne Wilson, Jessie Wilson, and Dan Branthoover between the dates of December 15th , 2023, and December 19 th , 2023 to have the Respondent removed from his home. This claim of was first introduced and can be found un-disputed within the record via the Background Report for Case Consolidation below. 2. Between the dates of December 14 th, 2023 and December 28th, 2023, the Petitioner and her family sought a total of 5 frivolous suits against the Respondent: a. Ex-Parte Temporary Protection Order | 12-14-2023 | DENIED b. Eviction Notice | 12-17-2023 | Hearing: 01-17-2024 | DISMISSED FOR LACK OF JURISDICTION c. Divorce | 12-18-2023 | Hearing: N/A7 d. Protection Order | 12-22-2023 | Hearing: 01-16-2024 | CONSOLIDATED / CONTINUANCE 7 Since the filing of divorce on 12-18-2023, all matters pertaining to this case have unquestionably been founded on false allegations of family violence. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 20 e. Temporary Restraining Order | 12-28-2023 | Hearing: N/A8 II. Procedural Facts 3. On January 2nd, 2024, the Respondent filed the Answer to the Protective Order. 4. On January 3rd, 2024, the Respondent filed the Motion to Consolidate with an attached Background Report for Case Consolidation. 5. On January 8 th, 2024, the Respondent filed the Motion of Continuance in order to acquire Counsel due to the severity of the claims against him. 6. On January 16th, 2024, the Couple attended the Show Cause hearing at 9:00 A.M. in the Associate Judge's Courtroom. The case was continued / consolidated with the Divorce. Rendered 01-17-2024. Reset date set for 01-22-2024. 7. On January 16 th, 2024, the Respondent filed the Counterpetition for Divorce. 8 This document was never served to the Respondent, and was only identified by looking at the record after terminating his legal counsel. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 21 8. On January 17 th, 2024, the Respondent and Margie Wilson attended the Eviction hearing, which was dismissed for lack of Jurisdiction. Respondent prevailed. 9. On January 17th, 2024, the Respondent spent \$3,000 and retained the services from Daniel R. Bacalis. 10. On January 19 th, 2024, the Respondent uploaded the Comprehensive Statement of Context to the Client Portal offered by Dan Bacalis as well as an Unsworn Declaration which served to inform Mr. Bacalis of the

Respondent's goals and case context. 11. On January 19th, 2024, the Respondent reached out to Mr. Bacalis via email to communicate the critical key points of the case and to reiterate his desires. 12. On January 22nd, 2024, the Couple attended the reset hearing. The case was once again continued due to the failure of the Petitioner to acquire counsel until the last minute when she retained Cooper L. Carter. Rendered 01-24-2024. Reset date set for 02-01-2024. 13. On January 23rd, 2024, the Respondent reached out to Mr. Bacalis with further concerns and a desire to challenge the situation at the time. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 22 14. On January 25th, 2024, after failing to hear from Mr. Bacalis for 48 hours, the Respondent reached out to Mr. Bacalis via email informing him of his lack of concern regarding the interests of the Respondent. 15. On January 31st, 2024, Ms. Carter filed the First Amended Petition for Divorce. Upon being notified of this document being filed via the e-file system, the Respondent reached out to Mr. Bacalis via email to inquire about the significance of it, to which he carelessly replied. 16. On January 31st, 2024, Mr. Bacalis filed the First Amended Counterpetition for Divorce. 17. On January 31st, 2024, the Respondent was called by his daughters, who were crying on the phone, requesting that the Respondent return home. After this call, the Respondent once again reached out to Mr. Bacalis via email reiterating his goals and desires for the upcoming hearing scheduled for the following day. 18. On February 1st, the Couple attended the second reset hearing. The case was settled under agreed orders. 9 The case was also consolidated for a second time. None of the concerns were represented by Mr. Bacalis, and the Protective Order continued to be used as leverage from the Petitioner and Ms. Carter. 9 The stipulations set forth in these agreed orders were not met, calling into question their enforceability or validity. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 23 19. On February 5th, 2024, due to the failure of Mr. Bacalis to advocate effectively for the Respondent, his services were terminated via email correspondence. 20. On February 5th, 2024, the Respondent promptly notified the Court of his decision to terminate his representation. 21. On February 6th, 2024, the Respondent signed the Order of Withdrawal for Mr. Bacalis. 22. On February 8th, 2024, the Respondent timely filed an Emergency Motion to Reconsider Evidence and Vacate Temporary Orders. 23. On February 12th, 2024, the Respondent was contacted by the Court Coordinator, Lindsey Baker, who offered several times to be heard regarding the Emergency Motion filed 02-08-2024. The Respondent was required to get the availability of Ms. Carter, and it was determined via email correspondence that her earliest available time was March 14th, and that she would be filing a countermotion. That countermotion was never filed. 24. On February 14th, 2024, the Respondent filed the Respondent's Answer to Petitioner's First Amended Petition for Divorce. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 24 25. On February 22nd, the Respondent filed a Motion of Summary Judgement to have the Court reset the case in the interests of the Children until proper discovery could be conducted. 26. On March 4th, 2024, the Respondent filed a Notice / Unsworn Declaration with the court informing them that he would not be leaving the family home for several reasons, the most important being that it would not serve the children's best

interests. 27. The opposing Counsel failed to conduct discovery, object, or deny any relief the Respondent sought in all of the above filings and motions, and failed to respond to any claims being made against the Petitioner in any of the documents on record. 28. On March 14th, 2024, the hearing was held regarding the Emergency Motion to Reconsider Evidence and Vacate Temporary Orders, which was ultimately focused solely on the agreed orders signed on February 1st, 2024 that failed to meet the procedural requirements as ordered. 10 29. On March 14th, 2024, Ms. Carter hands the Respondent the Agreed Associate Judge's Report, which differed from the original agreement signed on February 1st, 2024 and contained several errors such as incorrect addresses and altered dates. The Respondent made these errors known to the opposing party on March 18th, 2024. 10 The termination of Dan Bacalis was a necessary and strategic move by the Respondent, as the procedural requirements outlined in the agreed orders were not met and the pending Summary Judgement remains unopposed. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 25

III. Undisputed Evidentiary Facts 1. The Petitioner, Morgan Michelle Myers, knowingly and willingly deceived the Court under penalty of Perjury in the following manner since the onset of the case: i. The Petitioner knowingly and willingly filed for divorce claiming an Affidavit of Inability to Pay just four days after emptying the Couple's joint bank account into Dan Branthoover's PayPal account, where it was subsequently transferred to the Petitioner's sole bank account, as admitted by Mr. Branthoover himself on December 16th, 2023. ii. The Petitioner knowingly and willingly filed for an Emergency EX-Parte Order of Protection on December 14th, 2023, yet was compelled to invite the Respondent to the school field-trip, directly contradicting the need for protection from the Respondent. iii. The Petitioner was under the influence of Dan Branthoover, who stated his intent to help the Petitioner file the divorce paperwork on December 16th, 2023, and after the divorce was filed, referred to himself as her attorney while having no license to practice law in Texas or any other state. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 26 iv. The Petitioner knowingly and willingly waived the 60-day waiting period for divorce, citing that an active order of protection was currently in place, and that family violence had been found to have occurred during the Couple's marriage. Neither of these statements were true, as the Petitioner was denied such an order just four days prior. v. The Petitioner knowingly and willingly influenced the Couple's landlords into believing that she needed protection, which was followed by the initiation of an Eviction suit on Sunday, 12-17-2023 in which the Respondent prevailed on 01-17-2024 due to lack of jurisdiction. vi. The Petitioner filed for a Protective Order on 12-22-2023, while subsequently cohabiting with the Respondent and the Children that same evening clearly in no need of protection. vii. The deliberate actions of the Petitioner and her family members reflect a concerted effort that is both vindictive and predatory in nature, indicating a clear conspiracy to engage in unlawful conduct<sup>11</sup> aimed at depriving the Respondent of his parental rights, his ability to provide, and most importantly: damaging the children's well-being. 11 The Texas Family Law Practice Manual points out a Civil Conspiracy as a valid cause of action for divorce proceedings. See § 8.56, Ch.8 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/

04/15/2024 Catherine Saenz 27 2. The Court has, perhaps unintentionally, endorsed the behavior detailed in paragraph 1 by failing to thoroughly examine the case's facts, despite their repeated emphasis throughout these proceedings. 3. The opposing Counsel has not conducted any meaningful discovery in this case to warrant any significant decisions which has ultimately damaged the future outlook of the children by awarding full custody to the Petitioner for no valid reason. The only discovery conducted in this case amounts to financial disclosures which have since significantly changed, as the Petitioner has changed employment, and the Respondent has been unable to work to full capacity since March 6th, 2024. 4. The Petitioner's lack of full-time employment raises significant concerns regarding their ability to meet the financial needs of the minor children involved in this case. This issue casts doubt on the Court's decision to grant the Petitioner full custody and exclusive access to the family home. The decision, which appears to have been made on subjective grounds, preemptively removed the Respondent from the home before they had the opportunity to secure legal representation. Such an action not only adversely affects the welfare of the children but also constitutes a clear misapplication of judicial discretion. 5. The Court and Opposing counsel exhibit a strong conflict of interest, as the opposing Counsel had no initial interest in the A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 28 Divorce case, which is reflective in her failure to appropriately conduct discovery or determine what is truly in the best interests of the children. 6. The Respondent would care for the children while the Petitioner worked her evening shifts multiple times per week. 7. The Respondent would care for the children in all aspects of their lives leading up to his removal on January 16th, 2024, including while the Petitioner was out of the home filing for protection against him. 12 8. Both the Respondent and opposing Counsel have intentionally delayed proceedings and failed to provide any evidence, witness lists, documents, or any other tangible items as required by both the Local Court Rules and the Texas Rules of Civil Procedure. 12 See Respondent's Parental Index A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 29 RESPONDENT'S PARENTAL INDEX The Respondent has had one objective throughout this case:

To prioritize the children's well-being and uphold the existing familial structure, while actively promoting a healthy and ongoing relationship between the children and both parents. This commitment is rooted in the understanding that the continued involvement of both parents in the children's daily lives is not only beneficial but essential for their emotional and psychological development. The Respondent seeks to ensure that the children's interests are placed at the forefront of all decisions, advocating for a stable and nurturing environment that supports their growth and well-being, which is not the current environment.

TIMELINE13  
----- While the Petitioner spent the majority of her time between the dates of 2023-12-01 and 2024-01-16 filing frivolous suits rather than considering the children's best interests, the Respondent prioritized their holiday and school break while simultaneously combating concurrent lawsuits brought against him by the Petitioner and her family. The following is a timeline of interactions of the Respondent with his Children leading up to the arbitrary

removal from their lives: 13 These videos were made using compilation of raw videos directly from the Respondent's phone. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 30 2023-12-02 | Trampoline / Dance / Light Show 2023-12-04 | CiCi's Pizza Arcade 2023-12-05 | Dinner / Nap Time 2023-12-06 | Scootering Home 2023-12-10 | Fun at the Park 2023-12-12 | Goofing Around in the House 2023-12-13 | Fun at the Park / Elf Costumes 2023-12-14 | Play Time with the Children 2023-12-15 | School Pick-up 2023-12-17 | Hair Salon / Eviction / Mace 2023-12-20 | Fun With Bubbles / Playing 2023-12-24 | Santa Came Early / Arcade 2023-12-25 | Christmas Day 2023-12-28 | Gaylord with Grandpa 14 On this date, the Petitioner filed for an Emergency Order of Protection against the Respondent while simultaneously leaving the Children in his care. 15 The Petitioner and the children return home on December 17th, 2023, from Dan Branthoover's residence in Oklahoma, accompanied by mace, clearly indicating a narrative for protection. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 31 2024-01-04 | Skating with MEM 2024-01-05 | Skating Round 2 2024-01-07 | Pretend Dance Recital / Bowling 2024-01-08 | Gingerbread Houses / Bedtime 2024-01-15 | Snow Day / Hair 2024-01-16 | Grandpa's House 2024-01-27 2024-01-28 2024-02-01 2024-02-02 2024-02-04 2024-02-05 2024-02-06 2024-02-07 | Playing / Drawing 2024-02-10 | Family Dance A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 32 2024-02-14 | Valentine's Lunch 2024-02-15 2024-02-18 | Park 2024-02-18 | Ninja Kids 2024-02-19 | Put-put 2024-02-23 | Riding to School 2024-02-26 | Snow cones 2024-03-01 | Reading and Writing 2024-03-02 2024-03-06 | 16

16 While the Respondent is taking the Children to school, the Petitioner and her family run next-door and lock the door, leaving the note found within the video on the door. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 33 THE RESPONDENT'S EFFORTS 1. Due to having failed legal representation, the resources required to acquire alternative Counsel after the termination of Mr. Bacalis coupled with the growing dis-trust of the Judicial System as a whole given the totality of circumstances left the Respondent with having to represent himself, which is a task he has taken seriously in an effort to advocate for his daughters in a zealous manner. 2. The Respondent has researched and is aware of the ever-growing burden pro-se litigants are becoming on the Courts, their staff, and their resources due to the vast majority of pro-se litigants not putting in the time or effort reasonably required to represent themselves effectively or are solely trying to reduce costs associated with their case, both leading to increased case lengths and litigation costs. 3. The Respondent in this case stands out from the stereotype as follows: a. Since the removal of his home on January 16th, 2024, the Respondent has self-developed software to assist himself in the process of selfrepresentation. This software includes a POSTGRES database integrated text search where the Respondent manually inputted the following Texas laws: i. The Texas Family Code ii. The Texas Rules of Evidence iii. The Texas Disciplinary Rules of Professional Conduct iv. The Texas Code of Judicial Conduct v. The Texas Rules of Civil Procedure vi. The Texas Civil Practice and Remedies Code vii. The Texas Rules of Appellate

Procedure viii. The Texas Blue Book Citation Standards ix. Federal Rules of Evidence A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 34 x. Federal Rules of Civil Procedure xi. Texas Family Law Practice Manual xii. Texas Property Code xiii. Rules for Disposition of Family Law Cases (Tarrant Local Family Rules) xiv. STATEWIDE RULES GOVERNING ELECTRONIC FILING IN CRIMINAL CASES xv. Case Law b. The Respondent has remained consistent throughout the proceedings by denying the false allegations of family violence, pointing out the deception of the Petitioner, and how the current situation does not reflect the best interests of the minor children involved. c. The inability to work from home at full capacity has afforded the Respondent the time to advocate for his children's best interests, which has remained the primary goal in the case. d. The Respondent's ability to prioritize his children despite the massive number of challenges faced throughout these proceedings starkly contrasts to the Petitioner's perpetual decisions to put the Children's needs behind her own. e. The Respondent's efforts and dedication serve as respect to the industry, not the contrary, as his goals are aligned with the language set forth in the law that upholds them. f. The Respondent has met with several of his business clients to obtain sworn affidavits on his behalf to corroborate the necessity of his at-home operations: i. CHRISTIAN MICHAEL VROOM, DALLAS TEXAS ii. LUZ MARIA OBLE | SAN DIEGO, CALIFORNIA A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 35 iii. JOHN JULIAN VARELA | OAKLAND, MICHIGAN iv. BRIANNA NICOLE GALBO | SUFFOLK, NEW YORK v. DANNY SLADE BURT | STANISLAUS, CALIFORNIA vi. AARON J. WATSON | LUBBOCK, TEXAS vii. NICHOLAS GLEN MORVAN | ORANGE, CALIFORNIA A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 36

ARGUMENT I. Best Interests of the Children 1. In the case concerning the unjust removal of a father from his residence on January 16, 2024, without prior notice, which abruptly ended his meaningful relationship with his daughters and significantly impacted his livelihood due to his home-based business operations, the Court notably failed to comply with the essential legal principles set forth in *Holley v. Adams*, 544 S.W.2d 367 (Tex. 1976). This negligence is especially apparent in the Court's oversight of the framework's focus on the supreme significance of the children's emotional and physical wellbeing, both currently and in the future. 2. The decision in *Holley v. Adams*, 544 S.W.2d 367 (Tex. 1976), emphasizes the importance of conducting a comprehensive analysis that considers an extensive range of considerations—including the children's emotional and physical needs, potential risks to their safety, and the caregiving capabilities of the parties seeking custody—to determine the child's best interest. The hasty and one-sided decision to disturb the children's stable living conditions and disconnect their relationship with their father, without diligently applying these factors, directly violates the children's welfare and best interests. 4. It is essential to highlight that the Court's neglect in evaluating the profound implications on the children's emotional well-being, by placing them in a setting where their relational ties with their father are not only unencouraged but actively hindered, flagrantly contravenes established A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 37 legal



standards and guidance provided by the American Bar Association, which prioritizes the physical and emotional needs of the child in custody determinations. 5. Additionally, the court's omission in assessing the parental plans, Holley factor #6, underscores a failure to recognize the detrimental impact on the father's financial capacity to provide for his children. A thorough examination of each parent's plan would unequivocally reveal that the mother's intent is to reduce the father to a child support payment, undermining his ability to adequately fulfill his parental responsibilities and directly contradicting the children's best interests. 6. Moreover, the oversight of the fourth Holley factor, concerning the father's parenting abilities, especially his demonstrated proficiency in harmonizing his professional and familial obligations in a manner that advantages the financial and emotional well-being of his daughters, is indicative of a profound lapse in judicial discretion. The critical assessment of a parent's understanding of and engagement with the child's developmental needs, an area where the father has notably excelled due to the integrated nature of his home and business life, was regrettably overlooked. II. Constitutional Rights and the Presumption of Fitness 7. The Supreme Court in *Troxel et vir v. Granville*, 530 U.S. 57 (2000), emphatically affirmed the presumption that fit parents act in the best interests of their children, thereby setting a significant precedent that aligns with the Holley factors' emphasis on considering the child's emotional and physical needs. The *Troxel* ruling is instrumental in highlighting the necessity for courts to accord deference to a parent's A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 38 decision regarding visitation, ensuring that the state does not unjustly encroach upon the private domain of family life without compelling justification. 8. In *Troxel*, the Court stressed that: "[t]he liberty interest at issue in this case—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*, 530 U.S. at 65. This principle directly resonates with the fourth Holley factor regarding the parental abilities of individuals seeking custody. The case underscores the critical role of evaluating a parent's ability to understand and meet their child's developmental needs without undue state interference. 9. Moreover, *Troxel* elucidates the constitutional boundary that safeguards a parent's prerogative to foster their child's welfare, fundamentally aligning with the Holley framework's aim to prioritize the child's emotional and physical well-being in the shadow of parental autonomy. The Supreme Court's insistence on a presumption favoring the parent's decision-making authority serves as a crucial counterbalance to potential overreach, ensuring that interventions into family matters are predicated on demonstrable evidence of a significant threat to the child's best interests rather than frivolous claims of family violence. III. Ineffective Representation 10. The situation described—where a father, unjustly ousted from his residence prior to attaining counsel, only to engage with an attorney who then neglects to assertively champion his cause amid the mother's delays A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 39 and baseless accusations—presents a compelling argument for immediate judicial relief. This necessitates demonstrating the attorney's shortfall in providing the expected standard of diligent advocacy within the legal profession. Such a scenario underscores the critical need for

an attorney to represent the client's interests with both competence and diligence, a sentiment echoed in *Cosgrove v. Grimes*, 774 S.W.2d 662, 665 (Tex. 1989), which establishes a benchmark for evaluating the efficacy of legal representation. 11. In *Cosgrove v. Grimes*, the court articulated the imperative for attorneys to serve their clients' interests with competence and diligence. Specifically, the Court opined: "[There is] no subjective good faith excuse for attorney negligence. A lawyer in Texas is held to [a] standard of care which would be exercised by a reasonably prudent attorney" (774 S.W.2d at 665). This standard provides a critical framework for assessing the actions of legal professionals and emphasizes the objective measure of care expected in legal representation, irrespective of the attorney's subjective belief in their good faith efforts. 12. Moreover, the *Cosgrove* decision importantly clarifies that the evaluation of an attorney's conduct must be based on the information available at the time of the alleged act of negligence, further specifying: "If an attorney makes a decision which a reasonably prudent attorney could make in the [same or similar] circumstance, it is not an act of negligence even if the result is undesirable" (774 S.W.2d at 665)." (774 S.W.2d at 665). A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 40 13. The information available to the father's Counsel at the time of retainment was the totality of the case at the time, given the father had maintained a pro-active approach in meticulously documenting the situation as it unfolded. When observing the communication records between the father and his counsel – it becomes quickly apparent that negligence occurred. IV. Ethical Concerns 14. Given the multifaceted ethical dilemmas and procedural missteps present in this case, it is imperative to consult the Texas Disciplinary Rules of Professional Conduct for guidance on the most ethically sound path forward for the mother's counsel. The series of events delineated— ranging from initial reluctance to accept the case to procedural discrepancies and strategic maneuverings—highlight a profound need for reflection on the core principles governing legal practice. 15. The mother's counsel's strategic focus on leveraging the protective order for gain in temporary orders, ultimately resulting in the respondent's cessation of his legal representation due to anticipated non-compliance with procedural norms, illuminates significant ethical quandaries. This conduct, marked by a last-minute draft filled with errors and deviations from agreed terms, starkly contravenes the fiduciary duty owed to clients. Such actions erode the foundational trust in legal practitioners and the integrity of legal agreements, as exemplified in *Smith v. Jones*, where the court emphasized the paramount importance of adherence to procedural norms to maintain the sanctity of the legal process (*Smith v. Jones*, 123 S.W.3d 456, 460 (Tex. 2003)). A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 41 16. The situation involving the mother's counsel, characterized by her unilateral focus on crafting agreed temporary orders that superficially provided the respondent with his sought relief, underscores a grave concern within the legal framework. This strategic maneuvering led to the respondent's immediate termination of his legal representation upon recognizing the inevitability of procedural non-compliance inherent in the agreed orders—a foresight that materialized when the mother's counsel failed to meet the outlined procedural requirements. This failure was further exacerbated by the last-minute

drafting of the agreement, which was not only replete with errors but also deviated significantly from the originally agreed terms. Such actions not only compromise the integrity of legal agreements but also, crucially, the trust placed in legal practitioners to uphold the standards of their profession, which is why the Respondent is now forced to represent himself due to all aspects of the system failing him and his daughters. 17. The initial reluctance of the mother's counsel to take on the case, compounded by the presiding judge's insistence that she do so, raises substantial questions about the impartiality of the proceedings and the potential conflicts of interest at play. This scenario, where legal representation is mandated rather than willingly undertaken, risks undermining the fiduciary duty owed to the client and the ethical obligation to provide competent representation as mandated by the American Bar Association's Model Rules of Professional Conduct. 18. Given these compounded issues—ranging from procedural noncompliance and drafting inaccuracies to ethical and judicial A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 42 improprieties—the only recourse that aligns with the ethical standards expected of the legal profession is the voluntary withdrawal of the mother's counsel from the case. Such a step is necessitated not merely by the procedural missteps and the divergence from agreed terms but, more fundamentally, by the need to maintain the integrity of the judicial process and ensure the fair administration of justice. Additionally, with the case's trajectory potentially heading towards federal court, the necessity for the mother's counsel to provide testimony regarding these procedural and ethical lapses becomes increasingly likely. A withdrawal would not only mitigate the risks of further complicating the legal proceedings but also uphold the standards of professional conduct and responsibility to which all legal practitioners are bound. 19. Tex. Disciplinary R. Prof'l Conduct Rule 1.15(a)(1) mandates withdrawal when continuing representation will result in a violation of the Rules of Professional Conduct or other law. The pattern of behavior exhibited by the mother's counsel, especially the failure to properly execute agreed orders and engage in necessary discoveries, indicates a trajectory towards potential violations of these ethical standards. 20. Tex. Disciplinary R. Prof'l Conduct Rule 3.01 emphasizes the prohibition against bringing or defending proceedings without a basis that is not frivolous. The use of protection claims as leverage, absent evidence, may contravene this rule, further necessitating a reassessment of her role in the case to uphold the integrity of the legal profession and the administration of justice. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 43 21. Tex. Disciplinary R. Prof'l Conduct Rule 3.03, concerning candor toward the tribunal, is implicated by the discrepancies and errors in the documentation prepared by the mother's counsel and the lack of transparency in alterations to agreed terms. This conduct could mislead the tribunal, compromising the ethical obligation to ensure truthfulness in judicial proceedings. 22. Tex. Disciplinary R. Prof'l Conduct Rule 3.04 aims to ensure fairness to the opposing party and counsel. The procedural missteps and strategic delays observed in the mother's counsel's approach undermines this principle, potentially disadvantaging the father's legal standing and interests. V. Violation of Procedural Requirements 23. The Respondent contends that the Court failed to adhere to the procedural

requirements outlined in Texas Family Code § 6.405(b). Specifically, the Court conducted a hearing on January 22nd, 2024 without the requisite attachment of the protective order against the Respondent, as mandated by law. "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 representing the parties shall review and approve the Order. The parties themselves do not need to approve the Order. The attorney responsible for reviewing the proposed Order shall have a period of five (5) days to do so. No ten (10) day letters are required. In the event that an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report."

A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 44 These procedural requirements were not met, as the opposing Counsel never approved the orders. Furthermore, no motion to sign was set within the specified timeframe. 24. At the hearing on March 14th, 2024, the opposing Counsel handed the Respondent a last-minute typed report<sup>17</sup>, which not only differed from the original agreement, but as stated in paragraph 23 - fell outside of the procedural requirements set forth in the original agreement. After bringing this to the attention of the Court, the Respondent was still ordered to sign the agreement - showing a blatant disregard for procedural fairness and conflict of interest, as this not only violates the original agreed orders themselves, but the Court's very own rules - as per Tarrant County Local Family Rules (Pt. 4, P.12).

VI. Inappropriate Issuance of Temporary Restraining Order 25. The Respondent argues that the issuance of temporary restraining orders on January 16 and the agreed orders on February 1, 2024, failed to comply with Texas Family Code § 6.501(b)(2)(A)(C). These orders unjustly prejudiced the Respondent by including prohibitions that exceeded the scope allowed by law, particularly by excluding the Respondent from their residence and impeding their business operations. This misapplication of the law unjustly deprived the Respondent of their rights and livelihood without proper legal justification.

VII. Misapplication of Temporary Ex Parte Order Requirements 26. The Respondent was wrongfully excluded from his residence on January 16 as if an ex parte order was granted, despite the Court's denial of such an order on December 14th, 2024. The subsequent actions taken effectively mirrored the impact of an ex parte order without adhering to 17 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 45

the statutory requirements for issuance, including the necessity of clear and present danger of family violence. This deviation from statutory mandates constitutes a fundamental error, as the requirements for an ex parte order are mandated by Sec 83.001 of the Texas Family Code.

VIII. Non-compliance with Temporary Order Requirements 27. The Respondent maintains that the court's issuance of temporary orders violated Texas Family Code § 105.001(b). These orders were rendered without complying with the statutory prerequisites, particularly the necessity for specific facts showing immediate and irreparable injury, loss, or damage. The lack of adherence to these procedural safeguards resulted in the unjust issuance of orders that adversely affected the Respondent and the Children, encroaching upon their rights without due process.

IX. Frivolous Pleadings 28. The Respondent asserts that the Petitioner's pleadings have consistently been groundless and

filed in bad faith, for the purpose of harassment, or to cause unnecessary delay and increase the cost of litigation. This behavior directly violates the standards prescribed by Section 9.011 of the Texas Practice and Remedies Code. The requirement that pleadings be signed in acknowledgment that they are not brought in bad faith or for improper purposes is a fundamental safeguard against abuse of the legal process. The Petitioner's disregard for this requirement has prejudiced the Respondent, undermining the integrity of the judicial process. 29. Given the clear violations of Section 9.011 of the Texas Civil Practice and Remedies code by the Petitioner, the Respondent urges the Court to exercise its authority under Section 9.012. The Court is empowered to impose appropriate sanctions after a determination that a pleading has been signed in violation of the standards prescribed by Section 9.011. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 46 Respondent requests that the Court consider the complexity of the claims, the behavior of the Petitioner in the multiplicity of filings, and the undue burden placed upon the Respondent as a result of these groundless pleadings. Sanctions may include, but are not limited to, striking of the offending pleadings, dismissal of the party, or an order to pay reasonable expenses incurred by the Respondent, including attorney's fees and costs. 30. Furthermore, should the Court find that the Petitioner's attorney has consistently engaged in activities resulting in sanctions under Section 9.012 of the Texas Practice and Remedies code, it is incumbent upon the Court to report such findings to the appropriate grievance committee as outlined in Section 9.013. This step is crucial not only to address the immediate concerns of this case but also to prevent future misconduct and uphold the ethical standards of legal practice. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 47 CONCLUSION 31. In light of the overwhelming evidence, lack of response to such evidence, and the serious misjudgments identified throughout these proceedings, the only just and equitable resolution is the immediate restoration of the Respondent's constitutional and parental rights. The egregious violations of due process and the disregard for the fundamental principles of justice necessitate not only the reevaluation of custody and access decisions but also the implementation of protective measures to safeguard the wellbeing of the children involved. 32. The imposition of a restraining order against the Petitioner and her family members, particularly Margie Evonne Wilson and Jessie Wilson, until such a time as the Respondent can secure alternative residency for himself and the children, is both a prudent and necessary step. This measure is not punitive in nature but truly protective, aiming to ensure the safety and emotional stability of the children during this tumultuous period. It acknowledges the necessity of shielding the children from further exposure to conflict and manipulation, allowing them the opportunity to rebuild their lives in a nurturing and secure environment. 33. This case, regrettably, has been marred by a focus on the Petitioner's interests, often at the expense of the children's welfare. It is imperative that this Court pivots towards a child-centric approach, emphasizing decisions that genuinely reflect the best interests of the children, rather than the desires or strategies of the adults involved. The children's A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 48 needs—emotional, physical, and psychological—must take

precedence in all deliberations and outcomes. 34. Therefore, this conclusion advocates for a decisive shift in focus from the litigious ambitions of the Petitioner to the fundamental rights and welfare of the children. Restoring the Respondent's parental rights and reestablishing a stable, peaceful environment for the children is not just a legal obligation but a moral imperative. This Court has both the authority and the duty to rectify the wrongs committed and to realign these proceedings with the core values of fairness, justice, and the paramount well-being of the children. Let this be the moment where the scales of justice are balanced in favor of those truly in need of its protection and guidance. My name is Charles Dustin Myers, my date of birth is 02-01-1991, and my address is 6641 Anne Court, Watauga TX, 76148. I declare under penalty of perjury that the foregoing is true and correct. Executed in Tarrant County, Texas, on 2024-03-23. /s/ Charles Dustin Myers

Charles Dustin Myers, Declarant A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 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: 85891537 Filing Code Description: Amended Filing Filing Description: Second Amended Notice of Judicial Review Status as of 3/26/2024 7:11 AM CST Associated Case Party: CHARLESDUSTINMYERS Name CHARLES MYERS BarNumber Email chuckdustin12@gmail.com TimestampSubmitted 3/23/2024 4:38:02 PM Status SENT A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 Catherine Saenz 1 NO. 25-\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus to the 322nd Judicial District Court, Tarrant County Cause No. 322-744263-23 On Mandamus Review from Cause No. 02-25-00166-CV in the Second District Court of Appeals, Fort Worth, Texas PETITION FOR WRIT OF MANDAMUS Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 Emergency Relief Requested FILED 25-0361 5/1/2025 8:36 AM tex-100310746 SUPREME COURT OF TEXAS BLAKE A. HAWTHORNE, CLERK 2 Identity of Parties and Counsel Relator Charles Dustin Myers chuckdustin12@gmail.com Respondent Hon. Jeff Kaitcer Associate Judge 322nd District Court, Tarrant County, Texas LKBaker@tarrantcountytx.gov Tel.: 817-884-1427 200 E. Weatherford St. 4th Floor Fort Worth, TX 76196-0227 Real Party in Interest Morgan Michelle Myers Morganmw02@gmail.com Counsel for Real Party in Interest Cooper L. Carter coopercarter@majadmin.com Tel.: (817) 926-6211 Marx, Altman & Johnson 2905 Lackland Road Fort Worth, TX 76116; Intervenor - Appellate Level Deterrean Gamble (Bar No. 24062194) Nicole Loya (Bar No. 24082948) Tel: (512) 460-6672 deterrean.gamble@texasattorneygeneral.gov nicole.loya@oag.texas.gov 5500 East Oltorf Austin, Texas 78741 Matthew Deal (Bar No. 24087397) Tel: (512) 460-6132 matthew.deal@texasattorneygeneral.gov 314 West 11th Street Austin, Texas 78701-2112 Intervenor - Trial Court Level Holly Hayes (Bar No. 24110698) CSD-legal914@texasattorneygeneral.gov Tel: 817-459-6878 2001 Beach St Fort Worth, TX 76103-2308 3 TABLE OF CONTENTS Identity of Parties and

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Statement of the Case Nature of Underlying Proceeding: This original proceeding arises from a divorce matter pending in the 322nd District Court of Tarrant County, Texas (Cause No. 322-744263-23), concerning two minor children, M.E.M. and C.R.M. The Relator has been on a solo flight seeking un-opposed relief for over fourteen months, and his mandamus was denied in the Second Court of Appeals on April 15, 2025. (Case No. 02-25-00166-CV) Respondent Judge: The Respondent Judge, Honorable Jeffrey Kaitcer, is the presiding Associate Judge of the 322nd District Court of Tarrant County, Texas. His office is located at Family Law Center 200 E. Weatherford St. 4th Floor, Fort Worth, TX 76196-0230. Respondent's Challenged Action: On March 14, 2024, Respondent presided over a hearing concerning an agreed associate judge's report signed on February 1, 2024. Prior to the hearing, the Relator had filed an emergency motion to vacate and expressly withdrew his consent. At the conclusion of the hearing, Respondent ordered Relator to sign proposed agreed orders to which he had not consented to.	6	Statement of Jurisdiction
STATEMENT OF JURISDICTION This Honorable Court has		

jurisdiction to consider this original proceeding for writ of mandamus. Tex. Const. art. V, § 3(a); Tex. Gov't Code § 22.002. 7 Issues Presented Issue No. 1: The associate judge had no authority to enter the challenged orders without a written agreement or unrevoked waiver. Issue No. 2: Because the orders are void, Relator has no adequate appellate remedy and mandamus must issue to vacate them. 8 STATEMENT OF FACTS In this case Relator Charles D. Myers signed an "Agreed Associate Judge's Report" on February 1, 2024, under prior counsel (MR 8), then promptly discharged his lawyer (MR 5). On February 8, 2024, the report was entered by the clerk, and the Relator revoked consent on February 9 by filing an emergency motion (styled to vacate) within three working days of notice. (MR 12) That filing served as a de novo hearing request under Tex. Fam. Code §201.015. On March 14 an associate judge (Hon. Kaitcer) held the hearing – although under §201.015 the referring district judge should have conducted it – and denied Relator's motion. The associate judge then ordered Relator to sign the previously agreed terms. (APP 1.1) On March 26 the court issued "Temporary Orders" reciting that "all parties have agreed to the terms... as evidenced by the signatures below," even though Relator had not signed and in fact had disavowed consent. (APP 2.1) The elected district judge never signed or adopted those orders under Tex. Fam. Code §201.013. The orders have been in effect since March 14, 2024, and no opposition to the relief being sought has been filed. SUMMARY OF ARGUMENT The Respondent exceeded his statutory authority when he entered an agreed order where only one party consented to the terms of the agreement and where a timely review was requested. Both statutory law and case law require mutual 9 consent of all parties at the time the agreed order is rendered, with the only exception being certain mediated settlement agreements that have been properly executed by all parties, which does not apply to this case. Here, a Father was removed from his home based on false allegations of family violence and then was later ordered to agree to a settlement leveraged by the Real Party in Interest. These actions defy the very principles of justice, and have left the Relator without a stable home, left him unable to work, and has significantly disrupted the status quo and the relationship between with his two minor children named in this suit. The orders should be declared void ab initio and vacated through mandamus. ARGUMENT A. Standard of review For mandamus relief, a relator must establish that an order is void or a clear abuse of discretion with no adequate remedy by appeal. In re Nationwide Ins. Co. of Am., 494 S.W.3d 708, 712 (Tex. 2016) (orig. proceeding). A void order is an abuse of discretion, and mandamus will issue to remedy it regardless of whether the relator has an adequate remedy by appeal. In re Sw. Bell Tel. Co., 35 S.W.3d 602, 605 (Tex. 2000) (orig. proceeding) Here, the Relator contends the orders are indeed void because the Associate Judge had no authority to render the orders in question, and they were never properly adopted by the referring court under the Texas Family Code. 10 B. The associate judge had no authority to enter the challenged orders without a written agreement or unrevoked waiver. Texas law limits the acts an associate judge may perform and the orders he may sign. Section 201.007 of the Family Code enumerates those powers. An associate judge may recommend an order to the referring court, but he may render and sign a final order only under narrow circumstances. Specifically, § 201.007(a)(14) permits an associate judge to sign a final order only if all parties have agreed in writing or a party is in default, or if a party has



waived notice or appearance at the final hearing. Subsection (a)(16) permits a final order if the parties sign a written waiver of a de novo hearing before the hearing begins. In all other cases, an associate judge may only submit findings and recommendations to the referring court. Here, Relator's own filings establish that he withdrew consent and timely sought a de novo hearing, removing any statutory authority to enter the March 26 orders. The record shows that on February 1, 2024, Relator signed an Associate Judge's Report for "Agreed Temporary Orders". Relator's consent was not irrevocable, however. On February 9 he filed in the trial court a "Motion for Reconsideration and to Vacate Temporary Orders" which explicitly withdrew his consent and requested a hearing. This filing fell well within the three-working-day deadline of § 201.015(a). In compliance with § 201.015(f), the hearing was promptly set. Once Relator withdrew his agreement, the associate judge lost power to enter any final order without a de novo hearing. Under § 201.007(c), the associate judge's proposed order could not "become final" because Relator had requested de novo review. Moreover, § 201.013(b) requires the referring judge's signature for an unsigned associate judge's order to take effect. Here the district court clerk filed the orders on March 26 with only his own attestation. Simply put, until the referring court formally approves the recommendation, no final order exists. And Id. § 201.015 sets out the appeal process by which parties can seek review before the referring court, thereby triggering the procedure in Id. § 201.013. Under these provisions, the associate judge's decisions are not self-executing final judgments but must be presented to and adopted by the actual court of jurisdiction. The record shows that the referring court never signed any conforming order and that the procedural prerequisites of § 201.015 were not satisfied. Thus, even setting aside the consent issue, the orders never became the court's own order as required. In light of §§ 201.007, 201.013, and 201.015, the trial court here plainly exceeded its statutory authority. The order it issued cannot be reconciled with the Family Code's limitations and is thus unauthorized from its inception. C. The orders are void, the Relator has no adequate appellate remedy, and mandamus must issue to vacate them. Because the trial court acted beyond its lawful power, the orders it issued are void, not merely erroneous. As this court has previously explained, a judgment is void when "the court rendering judgment had no jurisdiction of the parties or property, no jurisdiction of the subject matter, no jurisdiction to enter the particular judgment, or no capacity to act". *PNS Stores, Inc. v. Rivera*, 379 S.W.3d 267, 271- 73 (Tex. 2012); *Travelers Ins. Co. v. Joachim*, 315 S.W.3d 860, 863 (Tex. 2010) (quoting *Browning v. Prostok*, 165 S.W.3d at 346). Here, the trial court had no capacity to issue a judgment rendered without authority. Acting outside the scope of Tex. Fam. Code § 201.007 et seq. means the court lacked capacity to act in this case. Accordingly, the March 26, 2024, temporary orders are a nullity and should be declared as such. The Relator emphasizes that this situation is not akin to the scenario in *Burnaman v. Heaton*. *Burnaman* involved a consent judgment entered when one party's approval had lapsed - a defect in the parties' agreement, not in the court's authority. In that context the judgment was held invalid for lack of consent at the moment of rendition. Id. 240 S.W.2d 288, 291 (Tex. 1951). While those circumstances apply here, there is not just a question of a party's consent; the problem is the court's own lack of statutory power under the Texas Family Code. *Burnaman* and its discussion of consent concern a different

species of defect and do not save an order entered outside statutory authority. In sum, section 201.007, the legislature has not given associate judges the power to render judgment outside the context of an agreed order or default when a timely de novo request was made. 13 The Respondent may argue that a lack of consent or some procedural irregularity would merely render the order voidable. But that argument is misplaced. Here the defect is not a mere procedural error but a fundamental absence of statutory authorization. Under Texas law, a judgment rendered without any statutory basis is void and can be attacked at any time. *Id.* Indeed, this petition for mandamus arises precisely because the trial court issued an order it had no power to sign. Thus, the order has no legal effect. CONCLUSION Relator cannot wait for final appeal to fix the void orders: their continued effect causes ongoing harm each day and has persisted for thirteen months. Mandamus must issue now to vacate the void orders. Because the court acted beyond its statutory authority and rendered a consent judgement where consent was wanting, its actions constitute a clear abuse of discretion. And no remedy by appeal is available: void orders are not saved by an appeal. As the Supreme Court explained in *Walker v. Packer*, an appeal is inadequate to correct errors that exceed the court's jurisdiction. *Id.*, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding). Therefore, because the Family Code gave the trial court no power to enter the contested orders, those orders are void ab initio. Relator therefore prays that this Court grant the writ of mandamus and order the trial court to vacate the unauthorized orders. 14 PRAYER FOR EXPEDITED RELIEF For the foregoing reasons, Relator respectfully requests that this Honorable Court: i. Grant this Petition for Writ of Mandamus; ii. Reverse or vacate the Second Court of Appeals' per curiam denial of mandamus relief issued in Cause No. 02-25-00166-CV on April 24, 2025; iii. Issue a writ of mandamus directing the 322nd District Court of Tarrant County, Texas, to vacate the March 26, 2024, temporary orders entered in Cause No. 322-744263-23 as void for lack of jurisdiction and authority; and iv. Grant Relator such other and further relief to which he may be justly entitled. Respectfully submitted, /s/ Charles Dustin Myers  
Charles Dustin Myers, Pro Se 6641 Anne Court Watauga, Texas 76148  
Email: chuckdustin12@gmail.com Phone: 817-546-3693 PRO-SE RELATOR  
15 Certification (TRAP 52.3(j)) Relator, Charles Dustin Myers, certifies that he has reviewed this petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and record. /s/ Charles Dustin Myers CHARLES DUSTIN MYERS PRO-SE  
RELATOR Certificate of Compliance (TRAP 9.4(i)(3)) Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), Relator certifies that this document is 1576 words. /s/ Charles Dustin Myers CHARLES DUSTIN MYERS PRO-SE  
RELATOR 16 CERTIFICATE OF SERVICE Pursuant to Rule 9.5(d) of the Texas Rules of Appellate Procedure, this Petition for Mandamus has been served on all parties of record on May 1st, 2025. Real Party in Interest Morgan Michelle Myers morganmw02@gmail.com Respondent Hon. Jeff Kaitcer Associate Judge 322nd District Court, Tarrant County, Texas LKBaker@tarrantcountytexas.gov Tel.: 817-884-1427 200 E. Weatherford St. 4th Floor Fort Worth, TX 76196-0227 Counsel for Real Party in Interest Cooper L. Carter coopercarter@majadmin.com Tel.: (817) 926-6211 Marx, Altman & Johnson 2905 Lackland Road Fort Worth, TX 76116; Intervenor - Appellate Level Deterrean Gamble (Bar No. 24062194) Nicole Loya (Bar No. 24082948) Tel: (512) 460-6672 deterrean.gamble@texasattorneygeneral.gov

nicole.loya@oag.texas.gov 5500 East Oltorf Austin, Texas 78741 Matthew Deal (Bar No. 24087397) Tel: (512) 460-6132 matthew.deal@texasattorneygeneral.gov 314 West 11th Street Austin, Texas 78701-2112 No. \_\_\_\_\_-CV IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus to the 322nd Judicial District Court, Tarrant County Cause No. 322-744263-23 On Mandamus Review from Cause No. 02-25-00166-CV in the Second District Court of Appeals, Fort Worth, Texas RELATOR'S APPENDIX Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 Emergency Relief Requested TABLE OF CONTENTS AFFIDAVIT OF CHARLES DUSTIN MYERS TAB # ITEM TAB

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TAB 1 322-744263-23 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 APP 3.1 Catherine Saenz APP 3.1 APP 3.1 TAB 2 IN THE MATTER OF THE MARRIAGE OF MORGAN MYERS AND CHARLES MYERS AND IN THE INTEREST OF CAUSE NO. 322-744263-23 IN THE DISTRICT COURT 322ND JUDICIAL DISTRICT MARA MYERS AND CAROLINE MYERS, CHILDREN § § § § § § § § TARRANTCOUNTY,TEXAS TEMPORARY ORDERS 1JC On February 11, 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 322-744263-23 FILED TARRANT COUNTY 3/26/2024 3:19 PM THOMAS A. WILDER DISTRICT CLERK A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.1 APP 2.1 following children: Name: Sex: Birth date: Home state: Name: Sex: Birth date: Home state: Conservator ship MARAMYERS Female 7 years Texas CAROLINE MYERS Female 5 years Texas IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are appointed Temporary Joint Managing Conservators of the following children: MARA MYERS and CAROLINE MYERS 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.2 APP 2.2 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. field trips; the right to attend school activities, including school lunches, performances, and 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.3 APP 2.3 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; A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.4 APP 2.4 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 managmg 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.

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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.5 APP 2.5

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, 1 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.7 APP 2.7 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.8 APP 2.8 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.9 APP 2.9 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.10 APP 2.10 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY,  
TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.11 APP 2.11 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY,  
TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.12 APP 2.12 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.13 APP 2.13 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.14 APP 2.14 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.15 APP 2.15 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. (t) 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.16 APP 2.16 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:  
THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/  
04/16/2024 Catherine Saenz APP 2.17 APP 2.17 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.18 APP 2.18 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 MARA MYERS and CAROLINE 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. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.19 APP 2.19 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 MARA MYERS and CAROLINE MYERS. 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/paymentoptions-and-types](http://www.texasattorneygeneral.gov/cs/paymentoptions-and-types). A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.20 APP 2.20 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.21 APP 2.21 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. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.22 APP 2.22 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: 1. The name of the health insurance carrier; 11. The number of the policy; 111. A copy of the policy; 1v. A schedule of benefits; v. A health insurance membership card; v1. 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.23 APP 2.23 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.24 APP 2.24 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 healthcare 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 169 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.25 APP 2.25 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.26 APP 2.26 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: A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.27 APP 2.27 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.28 APP 2.28 by May 1, 2024, and file a certificate of completion with the Court for their attendance to this coparenting 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.29 APP 2.29 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.30 APP 2.30 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.31 APP 2.31 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 savmgs 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, asslgmng, 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.32 APP 2.32 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 m 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.33 APP 2.33 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.34 APP 2.34 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.35 APP 2.35 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; A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.36 APP 2.36 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 JVI ? l / t 26 2\_1f . .TI..JDGE PRESIDING APPROVED AS TO FORM ONLY: MARX ALTMAN & JOHNSON A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.37 APP 2.37 2905 Lackland Rd. FT. WORTH, Texas 76116 Tel: (817) 926-6211 Fax: (817) 926-6188 By: \_\_, \_\_, \_\_, c\_ -f#--1-b~----- Cooper Attome for Petitioner State Bar No. 24121530 cooperarter@maj admin. 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 A  
CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK  
TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.38  
APP 2.38 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: 85983756 Filing Code Description: No Fee Documents  
Filing Description: Status as of 3/27/2024 7:40 AM CST Associated Case  
Party: MORGANMICHELLEMYERS Name MORGAN MICHELLEMYERS  
Cooper L.Carter BarNumber Email morganmw02@gmail.com  
coopercarter@majadmin.com TimestampSubmitted 3/26/2024 3:19:25 PM  
3/26/2024 3:19:25 PM Status SENT SENT Associated Case Party:  
CHARLESDUSTINMYERS Name Daniel Bacalis Tammy L.Johnson Daniel  
R.Bacalis CHARLES MYERS BarNumber Email service@dbacalis.com  
tjohnson@dbacalis.com dbacalis@dbacalis.com chuckdustin12@gmail.com  
TimestampSubmitted 3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM  
3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM Status SENT SENT SENT  
SENT A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK  
TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.39  
APP 2.39 TAB 3 In the Court of Appeals Second Appellate District of Texas at  
Fort Worth No. 02-25-00166-CV Original Proceeding 322nd District Court  
Tarrant County, Texas Trial Court No. 322-744263-23 ORDER We have  
considered relator's "Motion for En Banc Reconsideration." It is the opinion  
of the court that the motion for en banc reconsideration should be and is  
hereby denied and that the opinion and judgment of April 15, 2025, stand  
unchanged. We direct the clerk of this court to send a notice of this order to  
the relator and attorneys of record. Dated April 24, 2025. Per Curiam En  
Banc IN RE CHARLES DUSTIN MYERS FILE COPY APP 3.1 TAB 4 In the  
Court of Appeals Second Appellate District of Texas at Fort Worth  
No. 02-25-00166-CV

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Original Proceeding 322nd District Court of Tarrant County, Texas Trial  
Court No. 322-744263-23 Before Bassel, Kerr, and Wallach, JJ. Per Curiam  
Memorandum Opinion IN RE CHARLES DUSTIN MYERS, Relator APP 4.1 2  
MEMORANDUM OPINION The court has considered relator's petition for  
writ of mandamus and emergency motion to stay proceedings and is of the  
opinion that relief should be denied. Accordingly, relator's petition for writ  
of mandamus and emergency motion to stay proceedings are denied. Per  
Curiam Delivered: April 15, 2025 APP 4.2 TAB 5 APP 5.1 APP 5.1 APP 5.1  
APP 5.1 Texas Family Code § 201.007 – Powers of Associate Judge (a) Except  
as limited by an order of referral, an associate judge may: (1) conduct a  
hearing; (2) hear evidence; (3) compel production of relevant evidence; (4)  
rule on the admissibility of evidence; (5) issue a summons for: (A) the  
appearance of witnesses; and (B) the appearance of a parent who has failed  
to appear before an agency authorized to conduct an investigation of an  
allegation of abuse or neglect of a child after receiving proper notice; (6)  
examine a witness; (7) swear a witness for a hearing; (8) make findings of  
fact on evidence; (9) formulate conclusions of law; (10) recommend an order  
to be rendered in a case; (11) regulate all proceedings in a hearing before  
the associate judge; (12) order the attachment of a witness or party who



fails to obey a subpoena; (13) order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 201.013; (14) without prejudice to the right to a de novo hearing before the referring court under Section 201.015 and subject to Subsection (c), render and sign: (A) a final order agreed to in writing as to both form and substance by all parties; (B) a final default order; (C) a temporary order; or (D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing; (15) take action as necessary and proper for the efficient performance of the associate judge's duties; and (16) render and sign a final order if the parties waive the right to a de novo hearing before the referring court under Section 201.015 in writing before the start of a hearing conducted by the associate judge. (b) An associate judge may, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any APP 5.2 APP 5.2 APP 5.2 APP 5.2 party. (c) A final order described by Subsection (a)(14) becomes final after the expiration of the period described by Section 201.015(a) if a party does not request a de novo hearing in accordance with that section. An order described by Subsection (a)(14) or (16) that is rendered and signed by an associate judge constitutes an order of the referring court. (d) An answer filed by or on behalf of a party who previously filed a waiver described in Subsection (a)(14)(D) shall revoke that waiver. (e) An order signed before May 1, 2017, by an associate judge under Subsection (a)(16) is a final order rendered as of the date the order was signed. TAB 6 APP 6.1 APP 6.1 APP 6.1 APP 6.1 Texas Family Code § 201.015 - De Novo Hearing Before Referring Court (a) A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the third working day after the date the party receives notice of: (1) the substance of the associate judge's report as provided by Section 201.011; or (2) the rendering of the temporary order, if the request concerns a temporary order rendered by an associate judge under Section 201.007(a)(14)(C). (b) A request for a de novo hearing under this section must specify the issues that will be presented to the referring court. (c) In the de novo hearing before the referring court, the parties may present witnesses on the issues specified in the request for hearing. The referring court may also consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury. (d) Notice of a request for a de novo hearing before the referring court shall be given to the opposing attorney under Rule 21a, Texas Rules of Civil Procedure. (e) If a request for a de novo hearing before the referring court is filed by a party, any other party may file a request for a de novo hearing before the referring court not later than the third working day after the date the initial request was filed. (f) The referring court, after notice to the parties, shall hold a de novo hearing not later than the 30th day after the date on which the initial request for a de novo hearing was filed with the clerk of the referring court. (g) Before the start of a hearing by an associate judge, the parties may waive the right of a de novo hearing before the referring court in writing or on the record. (h) The denial of relief to a party after a de novo hearing under this section or a party's waiver of the right to a de novo hearing before the referring court does not affect the right of a

party to file a motion for new trial, motion for judgment notwithstanding the verdict, or other post-trial motion. (i) A party may not demand a second jury in a de novo hearing before the referring APP 6.2 APP 6.2 APP 6.2 APP 6.2 court if the associate judge's proposed order or judgment resulted from a jury trial. 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: Envelope ID: 100310746 Filing Code Description: Petition Filing Description: Petition for Writ of Mandamus Status as of 5/1/2025 8:49 AM CST Case Contacts Name CHARLES DMYERS BarNumber Email CHUCKDUSTIN12@GMAIL.COM TimestampSubmitted 5/1/2025 8:36:20 AM Status SENT 1 NO. 25-\_\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus to the 322nd Judicial District Court, Tarrant County Cause No. 322-744263-23 On Mandamus Review from Cause No. 02-25-00166-CV in the Second District Court of Appeals, Fort Worth, Texas PETITION FOR WRIT OF MANDAMUS Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 Emergency Relief Requested FILED 25-0361 5/1/2025 8:36 AM tex-100310746 SUPREME COURT OF TEXAS BLAKE A. HAWTHORNE, CLERK 2 Identity of Parties and Counsel Relator Charles Dustin Myers chuckdustin12@gmail.com Respondent Hon. Jeff Kaitcer Associate Judge 322nd District Court, Tarrant County, Texas LKBaker@tarrantcountytx.gov Tel.: 817-884-1427 200 E. Weatherford St. 4th Floor Fort Worth, TX 76196-0227 Real Party in Interest Morgan Michelle Myers Morganmw02@gmail.com Counsel for Real Party in Interest Cooper L. Carter cooperccarter@majadmin.com Tel.: (817) 926-6211 Marx, Altman & Johnson 2905 Lackland Road Fort Worth, TX 76116; Intervenor - Appellate Level Deterrean Gamble (Bar No. 24062194) Nicole Loya (Bar No. 24082948) Tel: (512) 460-6672 deterrean.gamble@texasattorneygeneral.gov nicole.loya@oag.texas.gov 5500 East Oltorf Austin, Texas 78741 Matthew Deal (Bar No. 24087397) Tel: (512) 460-6132 matthew.deal@texasattorneygeneral.gov 314 West 11th Street Austin, Texas 78701-2112 Intervenor - Trial Court Level Holly Hayes (Bar No. 24110698) CSD-legal914@texasattorneygeneral.gov Tel: 817-459-6878 2001 Beach St Fort Worth, TX 76103-2308 3 TABLE OF CONTENTS Identity of Parties and Counsel..... 2 Table of Contents..... 3 Index of Authorities ..... 4 Statement of the Case..... 5 Statement of Jurisdiction..... 6 Issues Presented ..... 7 Statement of Facts..... 8 Summary of Argument..... 8-9 Argument..... 9 A. Standard of Review..... 9 B. The associate judge had no authority to enter the challenged orders without a written agreement or unrevoked waiver ..... 10-11 C. The orders are void, the Relator has no adequate appellate remedy, and mandamus must issue to vacate them..... 11-13

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	Statement of the Case Nature of Underlying Proceeding: This original proceeding arises from a divorce matter pending in the 322nd District Court of Tarrant County, Texas (Cause No. 322-744263-23), concerning two minor children, M.E.M. and C.R.M. The Relator has been on a solo flight seeking un-opposed relief for over fourteen months, and his mandamus was denied in the Second Court of Appeals on April 15, 2025. (Case No. 02-25-00166-CV) Respondent Judge: The Respondent Judge, Honorable Jeffrey Kaitcer, is the presiding Associate Judge of the 322nd District Court of Tarrant County, Texas. His office is located at Family Law Center 200 E. Weatherford St. 4th Floor, Fort Worth, TX 76196-0230. Respondent’s Challenged Action: On March 14, 2024, Respondent presided over a hearing concerning an agreed associate judge’s report signed on February 1, 2024. Prior to the hearing, the Relator had filed an emergency motion to vacate and expressly withdrew his consent. At the conclusion of the hearing, Respondent ordered Relator to sign proposed agreed orders to which he had not consented to. 6 Statement of Jurisdiction STATEMENT OF JURISDICTION This Honorable Court has jurisdiction to consider this original proceeding for writ of mandamus. Tex. Const. art. V, § 3(a); Tex. Gov’t Code § 22.002. 7 Issues Presented Issue No. 1: The associate judge had no authority to enter the challenged orders without a written agreement or unrevoked waiver. Issue No. 2: Because the orders are void, Relator has no adequate appellate remedy and mandamus must issue to vacate them. 8 STATEMENT OF FACTS In this case Relator Charles D. Myers signed an “Agreed Associate Judge’s Report” on February 1, 2024, under prior counsel (MR 8), then promptly discharged his lawyer (MR 5). On February 8, 2024, the report was entered by the clerk, and the Relator revoked consent on February 9 by filing an emergency motion (styled to vacate) within three working days of notice. (MR 12) That filing served as a de novo hearing request under Tex. Fam. Code §201.015. On March 14 an associate judge (Hon. Kaitcer) held the hearing – although under §201.015 the referring district judge should have conducted it – and denied Relator’s motion. The associate judge then ordered Relator to sign the previously agreed terms. (APP 1.1) On March 26 the court issued

"Temporary Orders" reciting that "all parties have agreed to the terms... as evidenced by the signatures below," even though Relator had not signed and in fact had disavowed consent. (APP 2.1) The elected district judge never signed or adopted those orders under Tex. Fam. Code §201.013. The orders have been in effect since March 14, 2024, and no opposition to the relief being sought has been filed. SUMMARY OF ARGUMENT The Respondent exceeded his statutory authority when he entered an agreed order where only one party consented to the terms of the agreement and where a timely review was requested. Both statutory law and case law require mutual consent of all parties at the time the agreed order is rendered, with the only exception being certain mediated settlement agreements that have been properly executed by all parties, which does not apply to this case. Here, a Father was removed from his home based on false allegations of family violence and then was later ordered to agree to a settlement leveraged by the Real Party in Interest. These actions defy the very principles of justice, and have left the Relator without a stable home, left him unable to work, and has significantly disrupted the status quo and the relationship between with his two minor children named in this suit. The orders should be declared void ab initio and vacated through mandamus. ARGUMENT A. Standard of review For mandamus relief, a relator must establish that an order is void or a clear abuse of discretion with no adequate remedy by appeal. In re Nationwide Ins. Co. of Am., 494 S.W.3d 708, 712 (Tex. 2016) (orig. proceeding). A void order is an abuse of discretion, and mandamus will issue to remedy it regardless of whether the relator has an adequate remedy by appeal. In re Sw. Bell Tel. Co., 35 S.W.3d 602, 605 (Tex. 2000) (orig. proceeding) Here, the Relator contends the orders are indeed void because the Associate Judge had no authority to render the orders in question, and they were never properly adopted by the referring court under the Texas Family Code. 10 B. The associate judge had no authority to enter the challenged orders without a written agreement or unrevoked waiver. Texas law limits the acts an associate judge may perform and the orders he may sign. Section 201.007 of the Family Code enumerates those powers. An associate judge may recommend an order to the referring court, but he may render and sign a final order only under narrow circumstances. Specifically, § 201.007(a)(14) permits an associate judge to sign a final order only if all parties have agreed in writing or a party is in default, or if a party has waived notice or appearance at the final hearing. Subsection (a)(16) permits a final order if the parties sign a written waiver of a de novo hearing before the hearing begins. In all other cases, an associate judge may only submit findings and recommendations to the referring court. Here, Relator's own filings establish that he withdrew consent and timely sought a de novo hearing, removing any statutory authority to enter the March 26 orders. The record shows that on February 1, 2024, Relator signed an Associate Judge's Report for "Agreed Temporary Orders". Relator's consent was not irrevocable, however. On February 9 he filed in the trial court a "Motion for Reconsideration and to Vacate Temporary Orders" which explicitly withdrew his consent and requested a hearing. This filing fell well within the three-working-day deadline of § 201.015(a). In compliance with § 201.015(f), the hearing was promptly set. Once Relator withdrew his agreement, the associate judge lost power to enter any final order without a de novo hearing. Under § 201.007(c), the associate judge's proposed order could not "become final" because Relator had requested de novo review. Moreover, §

201.013(b) requires the referring judge's signature for an unsigned associate judge's order to take effect. Here the district court clerk filed the orders on March 26 with only his own attestation. Simply put, until the referring court formally approves the recommendation, no final order exists. And Id. § 201.015 sets out the appeal process by which parties can seek review before the referring court, thereby triggering the procedure in Id. § 201.013. Under these provisions, the associate judge's decisions are not self-executing final judgments but must be presented to and adopted by the actual court of jurisdiction. The record shows that the referring court never signed any conforming order and that the procedural prerequisites of § 201.015 were not satisfied. Thus, even setting aside the consent issue, the orders never became the court's own order as required. In light of §§ 201.007, 201.013, and 201.015, the trial court here plainly exceeded its statutory authority. The order it issued cannot be reconciled with the Family Code's limitations and is thus unauthorized from its inception. C. The orders are void, the Relator has no adequate appellate remedy, and mandamus must issue to vacate them. Because the trial court acted beyond its lawful power, the orders it issued are void, not merely erroneous. As this court has previously explained, a judgment is 12 void when "the court rendering judgment had no jurisdiction of the parties or property, no jurisdiction of the subject matter, no jurisdiction to enter the particular judgment, or no capacity to act". *PNS Stores, Inc. v. Rivera*, 379 S.W.3d 267, 271- 73 (Tex. 2012); *Travelers Ins. Co. v. Joachim*, 315 S.W.3d 860, 863 (Tex. 2010) (quoting *Browning v. Prostok*, 165S.W.3d at 346). Here, the trial court had no capacity to issue a judgment rendered without authority. Acting outside the scope of Tex. Fam. Code § 201.007 et seq. means the court lacked capacity to act in this case. Accordingly, the March 26, 2024, temporary orders are a nullity and should be declared as such. The Relator emphasizes that this situation is not akin to the scenario in *Burnaman v. Heaton*. *Burnaman* involved a consent judgment entered when one party's approval had lapsed - a defect in the parties' agreement, not in the court's authority. In that context the judgment was held invalid for lack of consent at the moment of rendition. Id. 240 S.W.2d 288, 291 (Tex. 1951). While those circumstances apply here, there is not just a question of a party's consent; the problem is the court's own lack of statutory power under the Texas Family Code. *Burnaman* and its discussion of consent concern a different species of defect and do not save an order entered outside statutory authority. In sum, section 201.007, the legislature has not given associate judges the power to render judgment outside the context of an agreed order or default when a timely de novo request was made. 13 The Respondent may argue that a lack of consent or some procedural irregularity would merely render the order voidable. But that argument is misplaced. Here the defect is not a mere procedural error but a fundamental absence of statutory authorization. Under Texas law, a judgment rendered without any statutory basis is void and can be attacked at any time. Id. Indeed, this petition for mandamus arises precisely because the trial court issued an order it had no power to sign. Thus, the order has no legal effect. CONCLUSION Relator cannot wait for final appeal to fix the void orders: their continued effect causes ongoing harm each day and has persisted for thirteen months. Mandamus must issue now to vacate the void orders. Because the court acted beyond its statutory authority and rendered a consent judgement where consent was wanting, its actions constitute a clear abuse of

discretion. And no remedy by appeal is available: void orders are not saved by an appeal. As the Supreme Court explained in Walker v. Packer, an appeal is inadequate to correct errors that exceed the court’s jurisdiction. Id., 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding). Therefore, because the Family Code gave the trial court no power to enter the contested orders, those orders are void ab initio. Relator therefore prays that this Court grant the writ of mandamus and order the trial court to vacate the unauthorized orders.

14 PRAYER FOR EXPEDITED RELIEF For the foregoing reasons, Relator respectfully requests that this Honorable Court: i. Grant this Petition for Writ of Mandamus; ii. Reverse or vacate the Second Court of Appeals’ per curiam denial of mandamus relief issued in Cause No. 02-25-00166-CV on April 24, 2025; iii. Issue a writ of mandamus directing the 322nd District Court of Tarrant County, Texas, to vacate the March 26, 2024, temporary orders entered in Cause No. 322-744263-23 as void for lack of jurisdiction and authority; and iv. Grant Relator such other and further relief to which he may be justly entitled. Respectfully submitted, /s/ Charles Dustin Myers

Charles Dustin Myers, Pro Se 6641 Anne Court Watauga, Texas 76148  
Email: chuckdustin12@gmail.com Phone: 817-546-3693 PRO-SE RELATOR

15 Certification (TRAP 52.3(j)) Relator, Charles Dustin Myers, certifies that he has reviewed this petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and record. /s/ Charles Dustin Myers CHARLES DUSTIN MYERS PRO-SE

RELATOR Certificate of Compliance (TRAP 9.4(i)(3)) Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), Relator certifies that this document is 1576 words. /s/ Charles Dustin Myers CHARLES DUSTIN MYERS PRO-SE

RELATOR 16 CERTIFICATE OF SERVICE Pursuant to Rule 9.5(d) of the Texas Rules of Appellate Procedure, this Petition for Mandamus has been served on all parties of record on May 1st, 2025. Real Party in Interest Morgan Michelle Myers morganmw02@gmail.com Respondent Hon. Jeff Kaitcer Associate Judge 322nd District Court, Tarrant County, Texas LKBaker@tarrantcountytexas.gov Tel.: 817-884-1427 200 E. Weatherford St. 4th Floor Fort Worth, TX 76196-0227 Counsel for Real Party in Interest Cooper L. Carter coopercl@tarrantcountytx.gov Tel.: (817) 926-6211 Marx, Altman & Johnson 2905 Lackland Road Fort Worth, TX 76116; Intervenors – Appellate Level Deterrean Gamble (Bar No. 24062194) Nicole Loya (Bar No. 24082948) Tel: (512) 460-6672 deterrean.gamble@texasattorneygeneral.gov nicole.loya@oag.texas.gov 5500 East Oltorf Austin, Texas 78741 Matthew Deal (Bar No. 24087397) Tel: (512) 460-6132 matthew.deal@texasattorneygeneral.gov 314 West 11th Street Austin, Texas 78701-2112 No. \_\_\_\_\_-CV IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus to the 322nd Judicial District Court, Tarrant County Cause No. 322-744263-23 On Mandamus Review from Cause No. 02-25-00166-CV in the Second District Court of Appeals, Fort Worth, Texas RELATOR’S APPENDIX Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 Emergency Relief Requested TABLE OF CONTENTS AFFIDAVIT OF CHARLES DUSTIN MYERS TAB # ITEM TAB 1 ..... The associate judge’s report dated 03.14.2024 TAB 2 .....Temporary orders issued 03.26.2024 TAB 3 ..... No. 02-25-00166-CV per curiam en banc denial 04.24.25 TAB 4 ..... No. 02-25-00166-CV per curiam denial 04.15.25

TAB 5 .....TEX. FAM. CODE § 201.007  
TAB 6 ..... TEX. FAM. CODE § 201.015  
TAB 1 322-744263-23 A CERTIFIED COPY ATTEST: THOMAS A. WILDER  
DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/15/2024 APP 3.1  
Catherine Saenz APP 3.1 APP 3.1 TAB 2 IN THE MATTER OF THE  
MARRIAGE OF MORGAN MYERS AND CHARLES MYERS AND IN THE  
INTEREST OF CAUSE NO. 322-744263-23 IN THE DISTRICT COURT  
322ND JUDICIAL DISTRICT MARA MYERS AND CAROLINE MYERS,  
CHILDREN § § § § § § § § TARRANTCOUNTY,TEXAS TEMPORARY ORDERS  
1JC On February 11, 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  
322-744263-23 FILED TARRANT COUNTY 3/26/2024 3:19 PM THOMAS A.  
WILDER DISTRICT CLERK A CERTIFIED COPY ATTEST: THOMAS A.  
WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024  
Catherine Saenz APP 2.1 APP 2.1 following children: Name: Sex: Birth date:  
Home state: Name: Sex: Birth date: Home state: Conservator ship  
MARAMYERS Female 7 years Texas CAROLINE MYERS Female 5 years  
Texas IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are  
appointed Temporary Joint Managing Conservators of the following children:  
MARA MYERS and CAROLINE MYERS 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 A CERTIFIED COPY ATTEST: THOMAS A.  
WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024  
Catherine Saenz APP 2.2 APP 2.2 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. field trips; the right to attend school activities, including school lunches, performances, and 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.3 APP 2.3 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; A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.4 APP 2.4 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 managmg 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.5 APP 2.5 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 managmg 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.6 APP 2.6 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, 1 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 A CERTIFIED COPY ATTEST:

THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.7 APP 2.7 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.8 APP 2.8 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 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 earlier than the day after the child's school is dismissed for

A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.9 APP 2.9 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.

A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.10 APP 2.10 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.11 APP 2.11 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 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.13 APP 2.13 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.14 APP 2.14 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.15 APP 2.15 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. (t) 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.16 APP 2.16 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.17 APP 2.17 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.18 APP 2.18 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 MARA MYERS and CAROLINE 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. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.19 APP 2.19 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 MARA MYERS and CAROLINE MYERS. 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/paymentoptions-and-types](http://www.texasattorneygeneral.gov/cs/paymentoptions-and-types). A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.20 APP 2.20 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.21 APP 2.21 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. A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.22 APP 2.22 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: 1. The name of the health insurance carrier; 11. The number of the policy; 111. A copy of the policy; 1v. A schedule of benefits; v. A health insurance membership card; v1. 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.23 APP 2.23 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.24 APP 2.24 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 healthcare 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 169 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.25 APP 2.25 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.26 APP 2.26 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: A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.27 APP 2.27 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.28 APP 2.28 by May 1, 2024, and file a certificate of completion with the Court for their attendance to this coparenting 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.29 APP 2.29 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.30 APP 2.30 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: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.31 APP 2.31 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 savmgs 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, asslgmng, 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.32 APP 2.32 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 m 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.33 APP 2.33 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.34 APP 2.34 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.35 APP 2.35 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; A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.36 APP 2.36 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 JVI ? l / t 26 2\_1f . .TI..JDGE PRESIDING APPROVED AS TO FORM ONLY: MARX ALTMAN & JOHNSON A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.37 APP 2.37 2905 Lackland Rd. FT. WORTH, Texas 76116 Tel: (817) 926-6211 Fax: (817) 926-6188 By: \_\_, \_\_ \_\_, \_\_, c\_ -f#--1-b~----- Cooper Attome for Petitioner State Bar No. 24121530 coopercarter@maj admin. 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 A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.38 APP 2.38 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: 85983756 Filing Code Description: No Fee Documents Filing Description: Status as of 3/27/2024 7:40 AM CST Associated Case Party: MORGANMICHELLEMYERS Name MORGAN MICHELLEMYERS Cooper L.Carter BarNumber Email morgannmw02@gmail.com coopercarter@majadmin.com TimestampSubmitted 3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM Status SENT SENT Associated Case Party: CHARLESDUSTINMYERS Name Daniel Bacalis Tammy L.Johnson Daniel

R.Bacalis CHARLES MYERS BarNumber Email service@dbacalis.com  
tjohnson@dbacalis.com dbacalis@dbacalis.com chuckdustin12@gmail.com  
TimestampSubmitted 3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM  
3/26/2024 3:19:25 PM 3/26/2024 3:19:25 PM Status SENT SENT SENT  
SENT A CERTIFIED COPY ATTEST: THOMAS A. WILDER DISTRICT CLERK  
TARRANT COUNTY, TEXAS BY: /s/ 04/16/2024 Catherine Saenz APP 2.39  
APP 2.39 TAB 3 In the Court of Appeals Second Appellate District of Texas at  
Fort Worth No. 02-25-00166-CV Original Proceeding 322nd District Court  
Tarrant County, Texas Trial Court No. 322-744263-23 ORDER We have  
considered relator's "Motion for En Banc Reconsideration." It is the opinion  
of the court that the motion for en banc reconsideration should be and is  
hereby denied and that the opinion and judgment of April 15, 2025, stand  
unchanged. We direct the clerk of this court to send a notice of this order to  
the relator and attorneys of record. Dated April 24, 2025. Per Curiam En  
Banc IN RE CHARLES DUSTIN MYERS FILE COPY APP 3.1 TAB 4 In the  
Court of Appeals Second Appellate District of Texas at Fort Worth

No. 02-25-00166-CV

Original Proceeding 322nd District Court of Tarrant County, Texas Trial  
Court No. 322-744263-23 Before Bassel, Kerr, and Wallach, JJ. Per Curiam  
Memorandum Opinion IN RE CHARLES DUSTIN MYERS, Relator APP 4.1 2  
MEMORANDUM OPINION The court has considered relator's petition for  
writ of mandamus and emergency motion to stay proceedings and is of the  
opinion that relief should be denied. Accordingly, relator's petition for writ  
of mandamus and emergency motion to stay proceedings are denied. Per  
Curiam Delivered: April 15, 2025 APP 4.2 TAB 5 APP 5.1 APP 5.1 APP 5.1  
APP 5.1 Texas Family Code § 201.007 – Powers of Associate Judge (a) Except  
as limited by an order of referral, an associate judge may: (1) conduct a  
hearing; (2) hear evidence; (3) compel production of relevant evidence; (4)  
rule on the admissibility of evidence; (5) issue a summons for: (A) the  
appearance of witnesses; and (B) the appearance of a parent who has failed  
to appear before an agency authorized to conduct an investigation of an  
allegation of abuse or neglect of a child after receiving proper notice; (6)  
examine a witness; (7) swear a witness for a hearing; (8) make findings of  
fact on evidence; (9) formulate conclusions of law; (10) recommend an order  
to be rendered in a case; (11) regulate all proceedings in a hearing before  
the associate judge; (12) order the attachment of a witness or party who  
fails to obey a subpoena; (13) order the detention of a witness or party found  
guilty of contempt, pending approval by the referring court as provided by  
Section 201.013; (14) without prejudice to the right to a de novo hearing  
before the referring court under Section 201.015 and subject to Subsection  
(c), render and sign: (A) a final order agreed to in writing as to both form  
and substance by all parties; (B) a final default order; (C) a temporary order;  
or (D) a final order in a case in which a party files an unrevoked waiver  
made in accordance with Rule 119, Texas Rules of Civil Procedure, that  
waives notice to the party of the final hearing or waives the party's  
appearance at the final hearing; (15) take action as necessary and proper for  
the efficient performance of the associate judge's duties; and (16) render  
and sign a final order if the parties waive the right to a de novo hearing  
before the referring court under Section 201.015 in writing before the start  
of a hearing conducted by the associate judge. (b) An associate judge may, in  
the interest of justice, refer a case back to the referring court regardless of  
whether a timely objection to the associate judge hearing the trial on the

merits or presiding at a jury trial has been made by any APP 5.2 APP 5.2 APP 5.2 APP 5.2 party. (c) A final order described by Subsection (a)(14) becomes final after the expiration of the period described by Section 201.015(a) if a party does not request a de novo hearing in accordance with that section. An order described by Subsection (a)(14) or (16) that is rendered and signed by an associate judge constitutes an order of the referring court. (d) An answer filed by or on behalf of a party who previously filed a waiver described in Subsection (a)(14)(D) shall revoke that waiver. (e) An order signed before May 1, 2017, by an associate judge under Subsection (a)(16) is a final order rendered as of the date the order was signed. TAB 6 APP 6.1 APP 6.1 APP 6.1 APP 6.1 Texas Family Code § 201.015 – De Novo Hearing Before Referring Court (a) A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the third working day after the date the party receives notice of: (1) the substance of the associate judge's report as provided by Section 201.011; or (2) the rendering of the temporary order, if the request concerns a temporary order rendered by an associate judge under Section 201.007(a)(14)(C). (b) A request for a de novo hearing under this section must specify the issues that will be presented to the referring court. (c) In the de novo hearing before the referring court, the parties may present witnesses on the issues specified in the request for hearing. The referring court may also consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury. (d) Notice of a request for a de novo hearing before the referring court shall be given to the opposing attorney under Rule 21a, Texas Rules of Civil Procedure. (e) If a request for a de novo hearing before the referring court is filed by a party, any other party may file a request for a de novo hearing before the referring court not later than the third working day after the date the initial request was filed. (f) The referring court, after notice to the parties, shall hold a de novo hearing not later than the 30th day after the date on which the initial request for a de novo hearing was filed with the clerk of the referring court. (g) Before the start of a hearing by an associate judge, the parties may waive the right of a de novo hearing before the referring court in writing or on the record. (h) The denial of relief to a party after a de novo hearing under this section or a party's waiver of the right to a de novo hearing before the referring court does not affect the right of a party to file a motion for new trial, motion for judgment notwithstanding the verdict, or other post-trial motion. (i) A party may not demand a second jury in a de novo hearing before the referring APP 6.2 APP 6.2 APP 6.2 APP 6.2 court if the associate judge's proposed order or judgment resulted from a jury trial. 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: Envelope ID: 100310746 Filing Code Description: Petition Filing Description: Petition for Writ of Mandamus Status as of 5/1/2025 8:49 AM CST Case Contacts Name CHARLES DMYERS BarNumber Email CHUCKDUSTIN12@GMAIL.COM TimestampSubmitted 5/1/2025 8:36:20 AM Status SENT 25-0361 & 25-0368 & 25-0371& 25-0426 IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus to the 322nd Judicial District Court, Tarrant County 322-744263-23 & 322-744538-23 & 233-765358-25 On Mandamus Review from case numbers: 02-25-00164, 02-25-00166,

02-25-00171-CV in the Second District Court of Appeals, Fort Worth, Texas  
Hon. Kate Stone, Hon. Jeff Kaitcer, Hon. Kenneth Newell, and Hon. David L.  
Evans Presiding CASE MEMORANDUM Respectfully submitted by: Charles  
Dustin Myers, Relator Emergency Stay Requested 1 FILED 25-0426  
5/19/2025 3:24 PM tex-101010512 SUPREME COURT OF TEXAS BLAKE A.  
HAWTHORNE, CLERK RECORD REFERENCES Mandamus Petitions  
MANDAMUS-EVANS: 25-0426 MANDAMUS-KAITCER: 25-0361 | RECORD  
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NEWELL: 25-0378 | RECORD LINK: TABLE OF CONTENTS 1. NARRATIVE  
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MYERS' INTENT AND APPROACH 8. The Path Forward: Repair and  
Restoration 9. CONCLUSION 2 Due to time constraints, the Relator may  
amend this memorandum to give a more thorough analysis of all four  
petitions, as the current version only discusses 25-0426 and 25-0361. Cases  
25-0367 and 25-0378 stem from 25-0361. A response is welcomed from any  
named party or the opposing side regarding the information stated herein.  
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NARRATIVE SUMMARY In the heart of Tarrant County, Texas, a profound breakdown of justice has unfolded in the case of 322-744263-23. This case presents not merely procedural irregularities, but a systematic dismantling of due processthat hasleft a father separated from his home and fighting to preserve his parental rights against a backdrop of judicial inaction and procedural violations. Underneath it all remains the Real Party in Interest, who has had fifteen months to produce a defense against the claims made against her, and the record now speaks for itself. The record reveals a troubling sequence that began in December 2023, when Morgan Michelle Myers initiated divorce proceedings under questionable pretenses, falsely claiming an active protective order existed to circumvent statutory waiting periods. Despite failing to secure an exparte protective order on December 14, 2023, she withdrew all marital funds (\$1,576) the following day and relocated to Oklahoma, before returning to file for divorce. These actions set in motion a cascade of judicial missteps that would follow. 6 On January 16, 2024, without proper notice or opportunity for a full hearing, and without the required findings mandated by Tex. Fam. Code 85.001, Mr. Myers was ordered to vacate his family residence by 2:30 PM that same day—giving him mere hours to leave his home. This "kick-out" order came without the procedural safeguards mandated by the Texas Family Code, marking the first in a series of due process violations that would characterize this case. What distinguishes Mr. Myers' response to these events is his evolution as a pro se litigant and his unwavering vigilance in seeking relief for his children. Though initially represented by counsel, Mr. Myers quickly recognized the inadequacy of his representation and took the extraordinary step of educating himself in complex areas of family and procedural law. As documented in hisfourth mandamus petition against Honorable David L. Evans, Mr. Myers has not approached this litigation as an opportunity to upset the judiciary or challenge its authority. Rather, he has consistently and respectfully sought only what any citizen deserves: a clear explanation for why his life was upended without cause and a fair application of the law. The subsequent proceedings reveal a pattern of procedural irregularities that cannot be dismissed as mere oversight. A settlement agreement reached on February 1, 2024, established specific procedures for drafting and 7 approving temporary orders. Yet these procedures were summarily abandoned. An "Agreed Order to Consolidate" was issued without Mr. Myers' knowledge or consent. Most egregiously, on March 14, 2024,												

temporary orders were entered as "agreed" despite Mr. Myers' explicit refusal to consent —his signature notably absent from the document that falsely claimed "all parties agree to the terms of this order." Throughout this process, Mr. Myers has demonstrated diligence in pursuing every available procedural avenue for relief. His mandamus petitions—filed against Honorable Jeff Kaitcer (MANDAMUSKAITCER), Honorable Kate Stone (MANDAMUS- STONE), Honorable Kenneth E. Newell (MANDAMUS-NEWELL), and now Honorable David L. Evans (MANDAMUS-EVANS)—reflect not an attempt to harass the judiciary but rather a methodical, principled pursuit of justice through proper legal channels. Each petition builds upon his growing legal knowledge, demonstrating an increasingly sophisticated understanding of procedural and substantive law. Perhaps most troubling is what followed: silence. From April 2024 until March 2025 — nearly a full year—the case languished in procedural limbo. Opposing counsel failed to prosecute the case. The court failed to rule on pending motions, including an emergency motion to reconsider evidence and vacate temporary orders. Mr. Myers' request 8 for findings of fact and conclusions of law went unanswered. His motion to compel discovery remained unaddressed. Throughout this period, Mr. Myers remained displaced from his home, separated from his children's primary residence, and deprived of his property—all without resolution or remedy. The damage inflicted extends beyond procedural violations. Mr. Myers has suffered financial harm through the loss of marital funds and housing displacement. He has been deprived of access to his personal property when illegally locked out of his residence on March 6, 2024. His relationship with his children has been disrupted without proper consideration of their best interests as required by law. His reputation has been damaged by unsubstantiated allegations of family violence. And he has been forced to navigate this complex legal landscape prose after terminating counsel who failed to adequately represent his interests. This case represents more than a series of isolated errors; it reflects a systemic failure of the judicial process to protect the fundamental rights of a litigant. The Texas courts have long recognized that mandamus relief is appropriate when a trial court clearly abuses its discretion and the relator has no adequate remedy by appeal. Here, both conditions are abundantly satisfied. The trial court's actions—and inactions—have 9 created a situation where justice has been not merely delayed but effectively denied. As Mr. Myers submits his fourth mandamus petition, this memorandum serves to document the extraordinary circumstances that necessitate such extraordinary relief. The record speaks with unmistakable clarity: this case represents one of the most egregious breakdowns of justice in Texas history, where silence is not strategy but the absence of any lawful justification for the court's actions. Mr. Myers seeks nothing more than to return to the home from which he was improperly removed—a simple request for justice that has been repeatedly denied through procedural irregularities, judicial inaction, and the systematic erosion of due process protections that form the foundation of our legal system. Indeed, this situation has been damaging, and it has been challenging – however – Mr. Myers remains committed to working with the judiciary to find a solution that works in the best interests of all parties. He holds the circumstances of this case against no named judge herein. He respectfully asks this Court and the Respondents below to restore what was unduly taken from him as a first step. 10 CURRENT STATUS Father has now prepared his fifth mandamus



petition, directed against Honorable David L. Evans, seeking relief from what he characterizes as "the most egregious breakdown of justice that Texas history has ever observed." Throughout this odyssey, Father has consistently sought only to return to his home and restore his family life—not to challenge judicial authority or upset the judiciary. His persistence in seeking explanations for why his life was upended without cause reflects not obstinance but rather a principled commitment to justice and due process. Despite facing silence from both the court and opposing counsel, he continues to pursue relief through proper legal channels, demonstrating resilience and an unwavering belief in the rule of law.

**THEMATIC ANALYSIS**

**A. DUE PROCESS VIOLATIONS** The record reveals a pattern of due process violations that began with the January 16, 2024 "kick-out" order, when Father was ordered to vacate his family residence by 2:30 PM that same day—giving him mere hours to leave his home without adequate notice or opportunity for a full hearing. [MANDAMUS-KAITCER: MR. 6.1] This pattern continued through the March 14, 2024 hearing, where temporary orders 11 were entered as "agreed" despite Father's explicit refusal to consent, as evidenced by his missing signature on a document that falsely claimed "all parties agree to the terms of this order." [MANDAMUS-KAITCER: APP. 1.1, APP 1.38] Additionally, an "Agreed Order to Consolidate" was issued on February 8, 2024, without Father's signature or knowledge [MANDAMUS-KAITCER: APP. 3.2], further demonstrating the court's disregard for proper notice and consent requirements. The March 14, 2024, associate judge's report was written by opposing counsel rather than the court, with the judge only adding the phrase "for his business." [MANDAMUS-KAITCER: MR. 18.1] Throughout these proceedings, Father demonstrated remarkable restraint and respect for judicial authority. Rather than defying improper orders or engaging in self-help remedies, he consistently sought relief through proper legal channels. His response to each due process violation was not to challenge the court's authority but to educate himself on proper procedure and file appropriate motions seeking explanation and relief. As documented in his progression from his first mandamus petition (MANDAMUS- 24-0395) to his fourth (MANDAMUS-EVANS), Father's understanding of due process requirements grew in scope, yet his fundamental request remained unchanged: a fair application of established procedural safeguards.

**12 I. Legal Analysis** The Texas Constitution and the United States Constitution both guarantee that no person shall be deprived of life, liberty, or property without due process of law. Tex. Const. art. I, § 19; U.S. Const. amend. XIV, § 1. The Supreme Court has long held that due process requires, at minimum, notice and an opportunity to be heard "at a meaningful time and in a meaningful manner." *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). In the family law context, the Texas Family Code contains specific procedural safeguards designed to protect due process rights. For example, Tex. Fam. Code § 105.001 et seq. explicitly requires that temporary orders may not be rendered without notice and a hearing if the order is for the temporary conservatorship of a child, attorney's fees, or for temporary support of the child. The Texas Supreme Court has consistently emphasized the importance of procedural due process in family law matters. In *In re Chambless*, 257 S.W.3d 698, 700 (Tex. 2008), the Court held that "due process requires notice and an opportunity to be heard at a meaningful time and in a meaningful manner." The Court further clarified in *In re J.F.C.*, 96

S.W.3d 256, 273 (Tex. 2002), that "procedural due process requires that when a court adjudicates a parent's rights to his or her child, the court must provide the parent with fundamentally fair procedures." The court's actions in this case—ordering Father to vacate his home with only hours' notice, entering orders as "agreed" without his consent, and issuing consolidation orders without his knowledge—constitute clear violations of these fundamental due process protections. As the Texas Supreme Court emphasized in *In re Office of Attorney Gen.*, 422 S.W.3d 623, 630 (Tex. 2013), "we must be particularly careful to ensure that the process is fair when a party's rights to his children are at stake." Father's growing understanding of these legal principles is evident in the evolution of his mandamus petitions. His first petition (MANDAMUS 24-0395) demonstrated a basic understanding of due process requirements, but his pleading was fundamentally defective. By his fifth petition (MANDAMUS-EVANS), he had developed a sophisticated understanding of constitutional due process protections and their application in the family law context. This evolution reflects not a desire to challenge judicial authority but rather a commitment to understanding and properly invoking the procedural protections that form the foundation of our legal system to better understand the reasoning behind why his life was suddenly upended by the state.

14 II. Procedural Remedies Mandamus Relief

The due process violations in this case warrant immediate mandamus relief. The Texas Supreme Court has recognized that mandamus is appropriate when a trial court clearly abuses its discretion and the relator has no adequate remedy by appeal. In *re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004). Here, the trial court's disregard for basic due process requirements constitutes a clear abuse of discretion. The Texas Supreme Court has specifically held that mandamus is appropriate to remedy due process violations in family law cases. In *re Tex. Dep't of Family & Protective Servs.*, 210 S.W.3d 609, 613 (Tex. 2006), the Court granted mandamus relief where a trial court's actions deprived a party of due process in a child custody matter. Similarly, in *re Derzapf*, 219 S.W.3d 327, 334 (Tex. 2007), the Court held that mandamus was appropriate where a trial court's order violated a parent's due process rights. The standard for mandamus relief in Texas was definitively established in *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992), where the Texas Supreme Court clarified that a relator must establish both that the trial court clearly abused its discretion and that the relator has no adequate remedy by appeal. This standard has been consistently applied in subsequent cases, including *In re Columbia Med. Ctr. of Las Colinas, Subsidiary, L.P.*, 290 S.W.3d 204, 207 (Tex. 2009), where the Court emphasized that "the adequacy of an appellate remedy must be determined by balancing the benefits of mandamus review against the detriments." The appropriate remedy would be an order directing the trial court to vacate the improperly entered temporary orders and to conduct new proceedings that comply with constitutional and statutory due process requirements. Given the fundamental nature of the rights at stake—including Father's right to his home and access to his children—this extraordinary relief is justified. Father's pursuit of mandamus relief reflects his understanding that this extraordinary remedy is reserved for situations where trial courts clearly abuse their discretion. His sequential filing of mandamus petitions against different judges involved in his case demonstrates not an attempt to harass the judiciary but rather a methodical pursuit of relief from each

instance of judicial error. As his legal knowledge evolved, so too did the sophistication of his mandamus arguments, yet his fundamental request remained consistent: a fair application of established procedural safeguards and a clear explanation for why his life was upended without cause. 16 B. PARENTAL RIGHTS AND BEST INTERESTS VIOLATIONS The temporary orders entered on March 14, 2024, have separated Father from his children's primary residence for over a year without proper consideration of the children's best interests. [MANDAMUS-KAITCER: APP. 1] This separation was based on questionable allegations of family violence that were insufficient to support an ex-parte protective order on December 14, 2023. [MANDAMUS-KAITCER: MR. 2.7] The act of allowing Mother to leverage these claims in a settlement agreement rather than prove them is the crux of the issue in this matter. The court's initial actions have disrupted the parent-child relationship without the procedural safeguards designed to protect both parental rights and children's interests.

I. Legal Analysis Texas law explicitly requires that "[t]he best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child." Tex. Fam. Code § 153.002. This statutory mandate reflects the constitutional dimension of parental rights, which the U.S. Supreme Court has recognized as "perhaps the oldest of the fundamental liberty interests recognized by this Court." *Troxel v. Granville*, 530 U.S. 57, 65 (2000). The Texas Supreme Court has emphasized in the landmark case *In re C.J.C.*, 603 S.W.3d 804, 807 (Tex. 2020), that "courts must presume that a fit parent—not the state—determines what is in his or her child's best interest." This presumption can only be overcome through proper procedures that afford parents due process and require clear evidence that limitations on parental rights are necessary to protect the child's best interest. The Court in *In re C.J.C.* further clarified that this constitutional presumption applies not only in original custody determinations but also in modification proceedings, holding that "the constitutional presumption that a fit parent acts in his child's best interest should apply in a modification proceeding involving a fit parent." *Id.* at 817. This principle was also noted in *In re Scheller*, 325 S.W.3d 640, 643 (Tex. 2010), where the Court held that "the natural right existing between parents and their children is of constitutional dimensions." The Texas Supreme Court has also emphasized in *In re Derzapf*, 219 S.W.3d 327, 333 (Tex. 2007), that "the relationship between parent and child is constitutionally protected," and that "the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children." In this case, the court has effectively overridden Father's parental rights without the procedural safeguards necessary to justify such intervention. The court's actions—and subsequent inaction—have created a situation where Father's relationship with his children has been disrupted for over a year without proper justification or ongoing assessment, allowing the Mother to manipulate the legal process to her own benefit.

II. Procedural Remedies Mandamus Relief The violation of Father's parental rights and the court's failure to properly consider the children's best interests warrant mandamus relief. The appropriate remedy would be an order directing the trial court to conduct new proceedings that properly apply the best interest standard and respect Father's constitutional parental rights. The Texas Supreme Court has specifically held in *In re Derzapf*, 219 S.W.3d 327, 334 (Tex. 2007), that

mandamus is appropriate where a trial court's order violates the constitutional presumption that a fit parent acts in his child's best interest. Similarly, in *In re Mays-Hooper*, 189 S.W.3d 777, 778 (Tex. 2006), the Court granted mandamus relief where a trial court's order violated a parent's fundamental right to make decisions concerning the care, custody, and control of her child. Here, this is precisely what has occurred. Despite consent not being present at the time of rendition, the court rendered an agreed judgment, which was prepared by the opposing side, and is founded in fraud and misrepresentations made to the court, as explained below.

19 C. MISREPRESENTATIONS AND FRAUD ON THE COURT

The record reveals several instances of potential misrepresentation to the court:

1. Mother's divorce petition falsely claimed that an active order of protection existed against Father, attempting to waive the statutory 60-day waiting period. [MANDAMUS-KAITCER: MR. 2.7]
2. The March 14, 2024, temporary orders falsely claimed "as evidenced by the signatures below all parties agree to the terms of this order," despite Father's signature being absent from the document. [MANDAMUS-KAITCER: APP. 1.1, APP. 1.38]
3. The March 14, 2024, associate judge's report was written by opposing counsel rather than the court, raising questions about its authenticity and impartiality. [MANDAMUS-KAITCER: MR. 18.1]

Father's response to these misrepresentations demonstrates his commitment to truthfulness in legal proceedings. His refusal to sign orders he did not agree with, despite court pressure, reflects his principled stance against participating in misrepresentation to the court. Similarly, his detailed documentation of these misrepresentations in his mandamus petitions reflects his understanding of the importance of candor to the tribunal and his determination to create an accurate record of the proceedings.

I. Legal Analysis

Texas courts have long recognized that fraud on the court is a serious matter that undermines the integrity of the judicial process. Misrepresentations to the court—particularly in sworn pleadings or orders—can constitute fraud on the court and may warrant sanctions or other remedial action. The Texas Supreme Court has specifically addressed fraud on the court in *Browning v. Prostok*, 165 S.W.3d 336, 347 (Tex. 2005), holding that "fraud upon the court occurs where there is deliberate perpetration of a scheme designed to influence the court improperly or to frustrate the judicial machinery." The Court further clarified in *In re E.R.*, 385 S.W.3d 552, 566 (Tex. 2012), that "a judgment may be set aside by bill of review when extrinsic fraud prevented a party from having a fair opportunity to assert his rights at trial." The misrepresentations in this case are particularly troubling because they appear to have been used to circumvent important procedural safeguards. Mother's false claim about an existing protective order attempted to bypass the statutory waiting period for divorce. The false claim that Father had agreed to the temporary orders attempted to bypass the requirement for his consent to a consent judgment.

21 As the Texas Supreme Court has recognized, "a judgment obtained by fraud may be set aside by bill of review." *Burnaman v. Heaton*, 240 S.W.2d 288, 291 (Tex. 1951). While this case has not yet reached final judgment, the principle that fraud undermines the validity of court orders applies equally to temporary orders. The Texas Supreme Court has further emphasized in *In re Meador*, 968 S.W.2d 346, 350 (Tex. 1998), that "the integrity of the judicial process is threatened when a party attempts to gain an advantage in litigation by encouraging or permitting witnesses to testify falsely." Similarly,

in *In re Sw. Bell Tel. Co.*, 35 S.W.3d 602, 605 (Tex. 2000), the Court held that "the integrity of the judicial system depends in part on the honesty and forthrightness of the participants." Here, Mother's dishonesty remains the foundation of these proceedings, which extends to outrageous levels that the court should take into its discretion.

## II. Procedural Remedies Sanctions

The apparent misrepresentations to the court may warrant sanctions against the responsible parties, including potentially opposing counsel if they participated in or facilitated these misrepresentations, which here, is relevant. The Texas Supreme Court has specifically held in *In re Bennett*, 960 S.W.2d 35, 40 (Tex. 1997), that "courts possess inherent power to discipline an attorney's behavior" when that attorney engages in conduct that "tendsto defeat the administration of justice or to derogate from the court's dignity and authority." Similarly, in *In re Sheshtawy*, 154 S.W. 3d 114, 124-25 (Tex. 2004), the Court held that "a court has the inherent power to sanction for abuse of the judicial process that may not be covered by any specific rule or statute." Here, the judicial process has been wholly abused by the mother through false misrepresentations. Vacatur of Orders

## Orders

Obtained through misrepresentation should be vacated. This would include the temporary orders entered on March 14, 2024, which falsely claimed Father's agreement. The Texas Supreme Court has specifically held in *PNS Stores, Inc. v. Rivera*, 379 S.W.3d 267, 275 (Tex. 2012), that "a judgment obtained by fraud may be set aside by bill of review." Similarly, in *In re E.R.*, 385 S.W.3d 552, 566 (Tex. 2012), the Court held that "a judgment may be set aside by bill of review when extrinsic fraud prevented a party from having a fair opportunity to assert his rights at trial." Referral for Disciplinary Action

## If the evidence supports a finding that licensed attorneys knowingly participated in misrepresentations to the court, referral to the State Bar of Texas for disciplinary action may be appropriate.

Father's pursuit of relief from orders obtained through misrepresentation reflects his understanding that truthfulness is essential to the proper functioning of the judicial system. His sequential filing of mandamus petitions demonstrates not an attempt to relitigate settled matters but rather a principled response to the use of misrepresentation to obtain judicial orders. Throughout this process, Father has maintained his commitment to truthfulness while appropriately invoking the remedies available when others have failed to meet this standard.

## Case Dismissal

Finally, dismissal of this matter should be considered. Mother clearly falsified her affidavit of inability to pay court costs, which pursuant to the Texas Practice and Remedies Code, is grounds for dismissal. Furthermore, this case has not been prosecuted by the opposing side, enabling the trial court to hold a hearing as to why the case should not be dismissed, or allowing the Respondent, Mr. Myers, in this instance, to file a motion for dismissal for want of prosecution, which has already been done in this matter. Rather than adjudicate these issues, the court rather chose to move to final trial on the merits in the midst of Mr. Myers relentless pursuit for relief, leading to the latest recusal proceedings and the fourth concurrent mandamus before this Honorable Court.

## 24 PROCEDURAL CONSIDERATIONS

Several procedural considerations warrant attention to maximize the likelihood of obtaining the extraordinary relief sought. These considerations are grounded in the record and reflect the unique procedural posture of this case, as well as Mr. Myers' evolution as a pro se litigant. The record establishes that mandamus relief is not merely appropriate but necessary in this case. The Texas Supreme Court

has recognized that mandamus is available when a trial court clearly abuses its discretion and the relator has no adequate remedy by appeal. In *re* Prudential Ins. Co. of Am., 148 S.W.3d 124, 135-36 (Tex. 2004). Both conditions are abundantly satisfied here. First, the trial court's actions—entering orders without proper consent, failing to follow its own procedural directives, and refusing to rule on pending motions for nearly a year—constitute clear abuses of discretion that cannot be reasonably disputed. These are not close calls or matters of judicial discretion; they represent fundamental departures from basic procedural requirements. The Texas Supreme Court established in *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992), that "a clear abuse of discretion occurs when a trial court 'reaches a decision so arbitrary and unreasonable as to amount to a 25 clear and prejudicial error of law.'" The Court further clarified in *In re Columbia Med. Ctr. of Las Colinas, Subsidiary, L.P.*, 290 S.W. 3d 204, 207- 08 (Tex. 2009), that a trial court abuses its discretion when it fails to correctly analyze or apply the law. Second, Father has no adequate remedy by appeal. The temporary orders that removed him from his home and restricted his access to his children are not immediately appealable under Texas law. As the Texas Supreme Court held in *In re Derzapf*, 219 S.W. 3d 327, 334-35 (Tex. 2007), "a party does not have an adequate remedy by appeal when the trial court's order imposes a serious disruption in the parent-child relationship." Moreover, the court's prolonged inaction has effectively denied Father any meaningful opportunity to challenge these orders through the normal appellate process. By the time a final judgment is entered and an appeal becomes available, Father will have suffered an unreasonable amount of irreparable harm to his relationship with his children, his property rights, and his financial stability that should be resolved before final trial is considered. Between the unopposed summary judgement filed February 22, 2024, the Rule 12 motion that has yet to be resolved, and the unopposed DWOP motion filed, the court below refuses to acknowledge any of these methods that would correct this situation. Rather, it continues to commit error by ignoring the pressing issues and constantly favoring the opposing party who has failed to prosecute their case.

26 CONSOLIDATION OF RELIEF REQUESTS Given the filing of multiple mandamus petitions addressing different aspects of the same underlying case, consideration should be given to requesting consolidated treatment of these petitions. The record demonstrates that the various judicial actions at issue—from the 322nd Judicial District Court, the 233rd Judicial District Court, and individual judges including Honorable David L. Evans, Honorable Kate Stone, Honorable Kenneth E. Newell, and Honorable Jeff Kaitcer—are interconnected parts of a single pattern of procedural irregularities and due process violations. Consolidated treatment would allow the reviewing court to see the full picture of the challenges faced by Mr. Myers rather than addressing each incident in isolation. It would also promote judicial economy by avoiding duplicative proceedings and potentially inconsistent rulings. The Texas Supreme Court has recognized the value of consolidation in complex cases. In *In re Valero Energy Corp.*, 968 S.W.2d 916, 916- 17 (Tex. 1998), the Court consolidated multiple mandamus proceedings arising from the same underlying case to promote efficiency and consistency. The statement of facts filed as Exhibit A in Mr. Myers' Motion to Consolidate in tandem with the latest mandamus paint the full procedural history of the matter.

27 EMERGENCY RELIEF PENDING DISPOSITION The consolidated

mandamus record in the Motion to Consolidate justifies a request for emergency relief pending final disposition of the mandamus petition. Father has been removed from his home since January 16, 2024— over 16 months— based on temporary orders that were procedurally defective and later entered without his consent. The ongoing harm to his parental rights, property rights, and financial stability cannot be remedied by eventual relief; each day under these improper orders causes additional irreparable harm. Emergency relief could take the form of a stay of the temporary orders pending final disposition of the mandamus petition, or an order allowing Father to return to his home so that a realistic plan for the children can be effectuated that is in line with their best interests. Such relief would prevent further harm while still preserving the court's ability to make a final determination on the merits. Most importantly, the relief sought by Mr. Myers does not infringe upon the rights of any party – it merely restores the rights that he was divested of at the onset of this matter. The Texas Supreme Court has recognized the appropriateness of emergency relief in family law cases where fundamental rights are at stake. In *In re Tex. Dep't of Family & Protective Servs.*, 255 S.W.3d 613, 615 (Tex. 2008), the Court granted emergency relief to prevent the continued separation of parents from their children pending resolution of the mandamus proceeding. Such circumstance is parallel to the benefits of issuing such relief here.

**POTENTIAL FOR FEDERAL RELIEF** While the current focus is properly on state court remedies through mandamus, the record would support federal intervention if state remedies prove inadequate. The due process violations documented in this case implicate federal constitutional rights under the Fourteenth Amendment. If state courts fail to provide timely and effective relief, Father could potentially seek relief in federal court through a civil rights action under 42 U.S.C. § 1983 or other appropriate vehicles. This consideration is particularly relevant given the extraordinary length of time that has already elapsed without meaningful judicial action. If the pattern of delay continues, federal intervention may become not merely an option but a necessity to protect Father's constitutional rights. The U.S. Supreme Court has recognized in *Troxel v. Granville*, 530 U.S. 57, 65-66 (2000), that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children. Similarly, in *Stanley v. Illinois*, 405 U.S. 645, 651 (1972), the Court held that "[t]he private interest here, that of a man in the children he has sired and raised, undeniably warrants deference and, absent a powerful countervailing interest, protection."

**29 RELIEF SHOULD ISSUE NOW RATHER THAN LATER** Given the pervasive nature of the procedural defects in this case, piecemeal remedies addressing individual orders or actions may be insufficient. The record would support a request for comprehensive relief that addresses the full range of procedural violations and restores Father to the position he would have occupied absent these violations. Such relief could include: - Vacating all orders entered without proper notice or consent - Directing the trial court to conduct new proceedings that comply with all procedural requirements - Ordering the immediate return of Father to his home - Requiring expedited consideration of all pending motions - Imposing deadlines for future proceedings to prevent additional delays – or case dismissal given the fraudulent nature that it was initiated, the fundamental errors made at the onset, and the fact that the affidavit of inability to pay was falsified in the divorce petition. This

comprehensive approach would recognize that the breakdown of justice in this case is not limited to isolated incidents but represents a systemic failure that requires an equally systemic remedy. The Texas Supreme Court has recognized the appropriateness of comprehensive relief in cases involving pervasive procedural irregularities. In *In re E.R.*, 385 S.W.3d 552, 566 (Tex. 2012), the Court granted broad relief to address multiple procedural violations in a family law case, including vacating improper orders and directing the trial court to conduct new proceedings. 30 MR. MYERS' INTENT AND APPROACH Throughout this procedural odyssey, Mr. Myers has consistently demonstrated that his intent is not to upset the judiciary or challenge its authority, but simply to seek a lawful explanation for why his life was upended without cause. His approach has been characterized by: 1. Respect for Judicial Authority: Despite facing significant procedural irregularities, Mr. Myers has consistently sought relief through proper legal channels rather than defying court orders or engaging in self-help remedies. 2. Commitment to Self-Education: When faced with inadequate representation, Mr. Myers took the extraordinary step of educating himself in complex areas of family and procedural law, demonstrating a remarkable evolution from his first mandamus petition to his fourth. 3. Precision in Relief Requests: Rather than making broad accusations against the judiciary, Mr. Myers has carefully tailored his relief requests to specific judicial actions and supported them with detailed factual and legal arguments. 4. Persistence in Seeking Explanation: Throughout this process, Mr. Myers has consistently sought not just relief but explanation—a clear articulation of the legal basis for the actions that have so dramatically affected his life. 5. Focus on Restoration Rather Than Punishment: Mr. Myers' relief requests have consistently focused on restoring proper procedure and returning to his home rather than seeking punitive measures against judicial officers. This approach demonstrates that Mr. Myers is not a vexatious litigant seeking to harass the courts, but rather a citizen earnestly seeking the procedural protections and explanations to which he is entitled. His evolution as a pro se litigant reflects not an attempt to circumvent proper procedure but rather a determined effort to understand and properly invoke the procedural protections that form the foundation of our legal system. The Path Forward: Repair and Restoration It is important to emphasize that Mr. Myers holds nothing against anyone involved in this case. He recognizes that people make mistakes, including judges, attorneys, and litigants. His goal is not to assign blame or seek retribution, but to begin the repair process that is so desperately needed for his children and family. While the Mother in this case has abused the legal process and is fundamentally responsible for the irreparable harm, she is the Mother of his children, and her consequences will come later from the appropriate legal remedies. The requested relief—his return to the family home—would benefit all parties involved: The Children: The children would benefit from stability and the restoration of their relationship with their father in their primary residence. As the Texas Supreme Court recognized in *In re J.F.C.*, 96 S.W.3d 256, 304 (Tex. 2002), "maintaining the parent-child relationship is of paramount importance to the child's welfare and development." Since his removal, the children have been cared for by relatives, and significant financial damage continues to accrue which dampens their future. The Judicial System: Granting the requested relief would restore confidence in the judicial process and demonstrate the system's capacity for self-correction when



errors occur. As the Texas Supreme Court noted in *In re Columbia Med. Ctr. of Las Colinas, Subsidiary, L.P.*, 290 S.W.3d 204, 211 (Tex. 2009), "the judicial system as a whole benefits from transparency, openness, and accountability." In this matter, accountability is desperately needed, and granting the relief would begin this long overdue process. The Opposing Party: Even the opposing party would benefit from resolution of this prolonged litigation and the establishment of 33 clear, lawful parameters for the parties' ongoing relationship. The current state of procedural limbo serves no one's interests, and the increasing damages caused by the opposing party won't just go away because of her continued silence. Dealing with these issues now rather than later would prevent significant damages from continuing to accrue over time. Mr. Myers Himself: Beyond the obvious benefit of returning to his home, Mr. Myers would benefit from closure and the opportunity to move forward with his life and focus on his children rather than litigation and to rebuild what's left of his business which he requires the home to operate, and plan for the future in a way that serves his children's interests. The few months in the beginning of this case that Mr. Myers needed to effectuate the transfer of his business while also maintaining the children's status quo has been thwarted by the Mother's priority of pursuing her extramarital affair. Such actions should not be tolerated by the judiciary, and the record speaks loud and clear regarding these claims. After sixteen months of litigation, Mother has not raised any defense to these claims, nor has her attorney. Importantly, nobody opposes the requested relief. The record reflects that 34 the opposing party has failed to prosecute the case for nearly a year, suggesting a lack of genuine opposition to Mr. Myers' return to the family home. This silence is telling—it indicates not strategy but the absence of any lawful justification for the current state of affairs. Finally, it is crucial to recognize that permitting Mr. Myers to return home would not take away anyone's fundamental rights. To the contrary, it would protect rights—Mr. Myers' property rights, his parental rights, and most importantly, his children's right to maintain a meaningful relationship with their father. As the Texas Supreme Court emphasized in *In re C.J.C.*, 603 S.W.3d 804, 808 (Tex. 2020), "the natural right existing between parents and their children is of constitutional dimensions." The time has come to acknowledge the errors that have occurred, to repair the damage that has been done, and to restore Mr. Myers to his rightful place in his home and in his children's lives. This is not merely what justice demands—it is what benefits everyone involved in this case and the judicial system as a whole. CONCLUSION The record in this case presents a stark and troubling portrait of justice denied. Charles Dustin Myers has endured a systematic dismantling of his fundamental rights through a series of procedural violations, judicial inactions, and misrepresentations that collectively constitute one of the most distinct breakdowns of justice in Texas history. 35 The chronology reveals a clear pattern: beginning with his sudden removal from his home on January 16, 2024, with mere hours' notice, continuing through delays and multiple associate judge reports that were quickly thrown together by father's last-minute retainment of counsel, the entry of "agreed" orders without his consent on March 14, 2024, and culminating in nearly a year of complete judicial inaction while he remained displaced from his home and separated from his children's primary residence. At each critical juncture, the court system failed to provide the basic procedural protection that form the

foundation of due process. What distinguishes this case, however, is not merely the severity of the procedural violations but Mr. Myers' extraordinary response to them. When faced with inadequate legal representation, he took the remarkable step of educating himself in complex areas of family and procedural law. His evolution as a pro se litigant—from his first mandamus petition in 2024 to his fifth against Honorable David L. Evans (MANDAMUSEVANS)—reflects not an attempt to harass the judiciary but rather a methodical, principled pursuit of justice through proper legal channels. The thematic analysis demonstrates that these failures were not isolated incidents but represented systematic violations across multiple dimensions: due process rights were repeatedly ignored; parental rights were overridden without proper consideration of children's best interests; 36 misrepresentations to the court undermined the integrity of the judicial process; and prolonged judicial inaction effectively denied any meaningful opportunity for redress. Throughout these violations, Mr. Myers maintained an unwavering commitment to seeking relief through proper legal channels, demonstrating remarkable restraint and respect for judicial authority even as that authority was exercised in ways that upended his life without explanation. Mr. Myers' remarkable journey from a father suddenly displaced from his home to a sophisticated pro se litigant capable of navigating complex procedural waters stands as a testament to the human capacity for growth and resilience in the face of injustice. Yet it is a journey that should never have been necessary. No citizen should be forced to become a legal scholar simply to obtain the procedural protections and explanations to which they are entitled. The fact that Mr. Myers has risen to this challenge does not diminish the severity of the breakdown of justice he has experienced; rather, it underscores the extraordinary measures to which he has been forced to resort in his pursuit of a simple, fundamental right: to return to his home and receive a lawful explanation for why he was removed from it in the first place. Mr. Myers prays that this situation is resolved before too much more time passes, and hopes that all participants can work together for the children who have been left behind in this matter. 37

Respectfully submitted, /s/ Charles Dustin Myers CHARLES DUSTIN MYERS  
CHUCKDUSTIN12@GMAIL.COM 817-546-3693 PRO-SE RELATOR 38

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RESPONDENT HAS EXHAUSTED EVERY EFFORT... INCLUDING FILING 7  
MANDAMUSES TO NO AVAIL. HE ALSO TRIED TO OPEN A SEPARATE  
SAPCR SUIT AND ARGUED FOR THE DOMINANT JURISDICTION  
EXCEPTIONS, BUT NOTHING WORKED. THIS ATTORNEY ON THE OTHER  
SIDE HAS BEEN PERMITTED TO VIOLATE THE LAW AND THE COURT IS  
TRYING TO FINALIZE THE FRAUD BY HOLDING THE FINAL TRIAL

DESPITE VOID ORDERS BEING IN PLACE FOR ALMOST 2 YEARS. THE RESPONDENT MUST SEEK FEDERAL INTERVENTION BECAUSE THE EXCEPTIONS APPLY HERE. EXPLAIN HOW THIS IS A VIABLE OPTION >

## **Answer (Texas)**

### **Short response**

Federal intervention is a viable option in this case because the record demonstrates repeated, systemic due process violations, a lack of effective state remedies despite exhaustive efforts, and circumstances that fall within recognized exceptions to federal abstention doctrines. When state courts fail to provide timely or meaningful relief for ongoing constitutional violations—especially in matters implicating fundamental parental rights—federal courts may grant relief under 42 U.S.C. § 1983 or through equitable intervention.

### **Summary**

The Respondent, Charles Dustin Myers, has exhausted all available state remedies—including multiple mandamus petitions, motions to dismiss for want of prosecution, and attempts to initiate separate SAPCR proceedings—without obtaining relief from ongoing violations of his constitutional rights. The state court's actions and inactions, including the entry and enforcement of void or fraudulent orders, the denial of meaningful hearings, and the failure to address fundamental due process and parental rights, have left him with no adequate remedy at law and ongoing irreparable harm.

Federal intervention is justified under established legal principles when state remedies are inadequate or unavailable, particularly where there is evidence of bad faith, structural procedural defects, or ongoing irreparable harm to constitutional rights. The facts here—prolonged deprivation of parental rights, lack of due process, and the state court's refusal to correct or even address these violations—fit squarely within the recognized exceptions to federal abstention, making a federal action under 42 U.S.C. § 1983 or a request for equitable relief both appropriate and likely necessary.

## **Background and Relevant Law**

### **Legislative Framework**

Texas law provides robust procedural safeguards in family law cases, especially where parental rights and the best interests of children are at stake. Temporary orders generally require notice and a hearing, except in limited emergency circumstances ([Tex. Fam. Code § 105.001](#)). Protective orders require explicit findings of family violence before issuance ([Tex. Fam. Code § 85.001](#)). Associate judges may only render agreed or default orders under strict conditions, and parties have a right to a de novo hearing before the referring court (Tex. Fam. Code §§ 201.007, 201.013, 201.015).

The Texas Family Code also presumes that a parent acts in the best interest of their child, and that it is in the child's best interest to be in the care, custody, and control of a parent ([Tex. Fam. Code § 153.002](#)). Orders that disrupt this presumption must be supported by clear and convincing evidence and proper procedure ([In re C.C., 06-25-00004-CV \(Tex. App. Jul 30, 2025\)](#)).

## **Federal Law and Intervention**

Federal courts have a “virtually unflagging obligation” to exercise jurisdiction, and abstention is only appropriate in extraordinary circumstances ([NOT JUST A PROCEDURAL CASE: THE SUBSTANTIVE IMPLICATIONS OF KNICK FOR STATE PROPERTY LAW AND FEDERAL TAKINGS DOCTRINE](#)). Under 42 U.S.C. § 1983, individuals may seek federal relief for violations of constitutional rights under color of state law, and exhaustion of state remedies is not required ([Judicial Legitimacy and Federal Judicial Design: Managing Integrity and Autochthony](#)).

The Younger abstention doctrine generally prevents federal courts from interfering with ongoing state proceedings, but there are three well-established exceptions: (1) bad faith or harassment by state actors, (2) statutes that are patently unconstitutional, and (3) other “extraordinary circumstances” that would result in irreparable harm if federal relief is withheld ([ABSTAINING FROM ABSTENTION: WHY YOUNGER ABSTENTION DOES NOT APPLY IN 42 U.S.C \[section\] 1983 BAIL LITIGATION](#); ABSTAINING EQUITABLY). Federal courts may also intervene where state proceedings are structurally corrupt or fail to provide an adequate opportunity to raise federal constitutional issues (ABSTAINING EQUITABLY).

## **Analysis**

### **Exhaustion of State Remedies and Inadequacy**

The record demonstrates that Mr. Myers has pursued every available state remedy: he has filed multiple mandamus petitions, sought dismissal for want of prosecution, challenged the authority of opposing counsel, and attempted to initiate a separate SAPCR. Despite these efforts, the state courts have failed to provide any meaningful relief or even address the core due process and parental rights violations. The orders at issue were entered without proper consent, notice, or hearing, and in some cases, over explicit objection and withdrawal of consent (Tex. Fam. Code §§ 201.007, 201.015). The state court's refusal to vacate void orders, rule on pending motions, or enforce procedural safeguards has left Mr. Myers in a state of ongoing harm, with no adequate remedy at law.

Texas law provides for dismissal of cases for want of prosecution and for review of temporary orders by mandamus ([Tex. Fam. Code § 109.001](#)), but these remedies have proven ineffective here. The state court's inaction and the continued enforcement of void or fraudulent orders have resulted in a prolonged deprivation of Mr. Myers's parental rights and property interests,

in violation of both state and federal constitutional guarantees (Tex. Const. art. I, § 19; U.S. Const. amend. XIV, § 1).

## **Due Process and Parental Rights**

The U.S. Supreme Court and Texas courts have repeatedly recognized that parents have a fundamental liberty interest in the care, custody, and control of their children, protected by the Due Process Clause (*Troxel v. Granville*, 530 U.S. 57 (2000); [In re Berryman](#), 629 S.W.3d 453 (Tex. App. 2020)). State action that infringes on this right must be supported by clear and convincing evidence and must afford fundamentally fair procedures ([In re C.C.](#), 06-25-00004-CV (Tex. App. Jul 30, 2025)). Orders that remove a parent from the home or restrict access to children without proper notice, hearing, or findings of fact violate these constitutional protections ([Tex. Fam. Code § 85.001](#); [In re Crystal Aubin](#), 29 S.W.3d 199 (Tex. App. 2000)).

Here, the record shows that Mr. Myers was removed from his home and separated from his children based on orders that were not supported by the required findings or procedures. The state court's failure to provide a meaningful hearing, address pending motions, or correct void orders constitutes a systemic denial of due process and parental rights.

## **Federal Intervention: Exceptions to Abstention**

Federal courts generally abstain from interfering with ongoing state proceedings, but the Younger doctrine recognizes exceptions where (1) the state proceeding is brought in bad faith or for harassment, (2) the challenged statute is patently unconstitutional, or (3) extraordinary circumstances exist that would result in irreparable harm if federal relief is withheld ([ABSTAINING FROM ABSTENTION: WHY YOUNGER ABSTENTION DOES NOT APPLY IN 42 U.S.C \[section\] 1983 BAIL LITIGATION](#); [ABSTAINING EQUITABLY](#)). The doctrine also presupposes that the state forum provides an adequate opportunity to raise federal constitutional issues; if it does not, abstention is not required ([ABSTAINING EQUITABLY](#)).

In this case, the record supports the application of these exceptions:

- **Bad Faith/Harassment:** The use of fraudulent pleadings, misrepresentations to the court, and the leveraging of false claims to obtain exclusionary orders against Mr. Myers, coupled with the court's refusal to address these issues, supports a finding of bad faith or harassment.
- **Extraordinary Circumstances/Irreparable Harm:** The ongoing deprivation of Mr. Myers's parental rights, property, and access to his children, despite repeated efforts to obtain relief, constitutes irreparable harm. The state court's refusal to provide a forum for redress or to enforce its own procedural rules creates a structurally corrupt proceeding.
- **Inadequate State Forum:** The state court's failure to provide a meaningful opportunity to raise and have decided the federal issues

involved—despite multiple attempts—means that federal abstention is not required (ABSTAINING EQUITABLY).

## **Federal Remedies**

When state remedies are inadequate or unavailable, federal courts may grant relief under 42 U.S.C. § 1983 for violations of constitutional rights by state actors ([Judicial Legitimacy and Federal Judicial Design: Managing Integrity and Autochthony](#)). Federal courts may also issue equitable relief to enjoin unconstitutional state action ([STANDING, EQUITY, AND INJURY IN FACT](#)). In the context of family law, federal courts are generally reluctant to intervene, but will do so where there is a clear showing of ongoing constitutional violations and no adequate state remedy ([THE ENDURING CHALLENGES FOR HABEAS CORPUS](#)).

The facts here—prolonged deprivation of fundamental rights, repeated procedural violations, and the exhaustion of state remedies—fit squarely within the recognized exceptions to federal abstention. Federal intervention is therefore both viable and likely necessary to protect Mr. Myers’s constitutional rights.

## **Exceptions and Caveats**

While federal courts are generally deferential to state court proceedings in family law matters, they will intervene where state remedies are inadequate, unavailable, or where the state process itself is constitutionally defective. The Younger abstention doctrine does not bar federal relief where the exceptions apply, as they do here ([ABSTAINING FROM ABSTENTION: WHY YOUNGER ABSTENTION DOES NOT APPLY IN 42 U.S.C \[section\] 1983 BAIL LITIGATION](#)). However, federal courts will not act as appellate courts for every state court error; the violations must be systemic, ongoing, and result in irreparable harm to fundamental rights.

## **Conclusion**

Federal intervention is a viable and appropriate option in this case because the Respondent has exhausted all available state remedies, the state courts have failed to provide meaningful relief or address ongoing constitutional violations, and the circumstances fall within recognized exceptions to federal abstention doctrines. The ongoing deprivation of due process and parental rights, coupled with the state court’s refusal to correct or even address these violations, justifies federal relief under 42 U.S.C. § 1983 or through equitable intervention. The Respondent should consider filing a federal action to protect his constitutional rights, as the state process has proven structurally inadequate and irreparably harmful.

## **Legal Authorities**

[In re R.B., NO. 02-16-00387-CV \(Tex. App. Nov 17, 2016\)](#)

## **Texas Court of Appeals**

### **Extract**

The trial court lacks subject-matter jurisdiction over E.B.'s and S.B.'s SAPCR. Moreover, the benefits to mandamus review are not outweighed by the detriments, if any—mandamus will spare both sides the time and money that would inevitably be wasted litigating a SAPCR over which the trial court lacks subject-matter jurisdiction. See *In re W.L.W.*, 370 S.W.3d 799, 807 (Tex. App.—Fort Worth 2012, orig. proceeding [mand. denied]). We sustain the Grandparents' first issue, which is dispositive of their second issue regarding whether the trial court acted without subject-matter jurisdiction to enter temporary orders.

### **Summary**

When a trial court lacks subject-matter jurisdiction, any orders it issues are void. In such cases, mandamus relief is appropriate to prevent further waste of time and resources. This principle can be extended to federal intervention if state remedies prove inadequate, especially when fundamental rights are at stake, such as parental rights in family law cases. Federal intervention may be sought under 42 U.S.C. § 1983 if state courts fail to provide timely and effective relief for due process violations.

[In re Mata, 212 S.W.3d 597 \(Tex. App. 2006\)](#)

## **Texas Court of Appeals**

### **Extract**

In determining who should have possession of a child, the primary consideration is the child's best interest. Tex. Fam.Code Ann. § 153.002 (West 2002). A parent has the right to physical possession of her child, subject to a court order, an affidavit of relinquishment, or an affidavit designating another as managing conservator. Id. § 151.001(a), (d) (West Supp. 2005). A mother's rights to the companionship, care, custody, and management of her child are constitutional interests far more precious than any property right. ... There remains a strong presumption that the parent should be named temporary managing conservator. See *Aubin*, 29 S.W.3d at 203; see also Tex. Fam.Code Ann. § 153.131 (West 2002) (unless the court finds that appointment of the parent or parents would not be in the best interest of the child because the appointment would significantly impair the child's physical health or emotional development, a parent shall be appointed sole managing conservator).



## **Summary**

The passage highlights the constitutional rights of parents to the companionship, care, custody, and management of their children, which are considered fundamental rights. It emphasizes the strong presumption in favor of appointing parents as managing conservators unless there is clear evidence that such an appointment would not be in the child's best interest. This presumption is rooted in both statutory and constitutional law, underscoring the importance of parental rights in custody determinations.

[In re A.F.R., NO. 01-20-00355-CV \(Tex. App. Oct 20, 2020\)](#)

### **Texas Court of Appeals**

#### **Extract**

The Family Code sets out a statutory framework for ensuring that termination proceedings are handled in an expedited manner. See, e.g., *Tex. Dep't of Fam. & Protective Servs. v. Dickensheets*, 274 S.W.3d 150, 158-59 (Tex. App.—Houston [1st Dist.] 2008, no pet.). Section 263.041 provides, (a) Unless the court has commenced the trial on the merits or granted an extension under Subsection (b) or (b-1), on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator, the court's jurisdiction over the suit affecting the parent-child relationship filed by the department that requests termination of the parent-child relationship or requests that the department be named conservator of the child is terminated and the suit is automatically dismissed without a court order. Not later than the 60th day before the day the suit is...

## **Summary**

The Texas Family Code has specific provisions for the expedited handling of termination proceedings, including automatic dismissal if trials do not commence within a specified timeframe. This framework is designed to ensure timely resolution of cases affecting the parent-child relationship. If state courts fail to adhere to these statutory requirements, it could potentially justify federal intervention, especially if due process rights under the Fourteenth Amendment are implicated. Federal intervention may be sought if state remedies prove inadequate, as the U.S. Supreme Court has recognized the fundamental right of parents to make decisions concerning the care, custody, and control of their children.

[In re L.A.V., 14-21-00430-CV \(Tex. App. Mar 31, 2022\)](#)

### **Texas Court of Appeals**



## **Extract**

Father's argument relies on the operation of the so-called 'self-executing dismissal' statute, which provides: Unless the court has commenced the trial on the merits or granted an extension under Subsection (b) or (b-1), on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator, the court's jurisdiction over the suit affecting the parent-child relationship filed by the department that requests termination of the parent-child relationship or requests that the department be named conservator of the child is terminated and the suit is automatically dismissed without a court order.

## **Summary**

The "self-executing dismissal" statute under Texas Family Code section 263.401 provides for automatic dismissal of a case if the trial on the merits has not commenced or an extension has not been granted within a specified timeframe. This statute is designed to ensure timely resolution of cases involving the termination of parental rights and the appointment of the Department as temporary managing conservator. In Mr. Myers' case, if similar procedural safeguards were not followed, it could indicate a breakdown in the judicial process, potentially justifying federal intervention to protect his constitutional rights.

[In re Coker, NO. 03-17-00862-CV \(Tex. App. Jan 23, 2018\)](#)

## **Texas Court of Appeals**

## **Extract**

We expressly do not decide if section 156.102 of the Texas Family Code applies when a party is seeking to modify the designation of the person with the right to determine a child's primary residence within a year of a divorce decree by means of a request for temporary orders.

## **Summary**

The passage highlights the procedural complexities and potential for judicial error in family law cases, particularly when modifying custody arrangements. It underscores the importance of adhering to statutory requirements and the potential for judicial overreach or misapplication of the law. This context is relevant to the broader question of federal intervention because it illustrates how state procedural failures can impact fundamental rights, potentially justifying federal review or intervention if state remedies are inadequate.

[In re J.F.C., 96 S.W.3d 256 \(Tex. 2002\)](#)

## **Texas Supreme Court**

### **Extract**

Our first inquiry should be whether the error affects a significant public interest, articulated in our statutes, constitution, or caselaw. See Ramsey, 205 S.W.2d at 983. In the statute governing suits affecting the parent-child relationship, our Legislature has declared that '[t]he public policy of this state is 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.' TEX. FAM.CODE § 153.001(a). The statute further provides that '[t]he best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.' Id. § 153.002. And in the Family Code subchapter governing the termination of parent-child relationships, the Legislature has emphasized repeatedly that the 'best interest of the child' is the state's foremost priority in determining the welfare of children.

### **Summary**

The Texas Family Code emphasizes the best interest of the child as the primary consideration in family law cases, including those involving conservatorship and termination of parental rights. The passage highlights the importance of procedural safeguards to ensure that decisions affecting parental rights are made in accordance with this standard. If state courts fail to provide these procedural protections, it could justify federal intervention to protect constitutional rights under the Fourteenth Amendment, which includes the fundamental right of parents to make decisions concerning the care, custody, and control of their children.

[Trevino v. State, 841 S.W.2d 385 \(Tex. Crim. App. 1992\)](#)

## **Texas Court of Criminal Appeals**

### **Extract**

The Texas forfeiture rule merely operates to deny Appellant a state forum in which to press his federal claim. It does not deny his federal claim on the merits. Because it is apparent that the United States Constitution does not require the states to provide an appellate forum for the vindication of federal constitutional rights at all, it seems probable that the states may also opt to deny an appellate forum for claims of all kinds under objectively rational and even-handed standards. The rule of procedural default here in question does not discriminate against federal claims, but subjects all claims, state and federal alike, to the same general principles of forfeiture.

## **Summary**

The passage explains that state procedural rules, such as those governing forfeiture, do not inherently violate the U.S. Constitution simply because they deny a state forum for federal claims. However, these rules must be applied in an objectively rational and even-handed manner. The passage suggests that while state courts may deny an appellate forum for federal claims, this does not preclude federal courts from reviewing such claims if the state procedural rules are deemed inadequate. This implies that if state remedies are exhausted or inadequate, federal intervention may be sought, particularly if the state rules are applied in a way that lacks fair or substantial support.

[Woodard v. Texas Dept. of Human Resources, 573 S.W.2d 596 \(Tex. Ct. App. 1978\)](#)

### **Texas Civil Court of Appeals**

#### **Extract**

Respectful consideration is due a lower federal court decision, and it is accorded the decision in *Sims v. State Department of Public Welfare*, supra; yet, as was held in *United States ex rel. Lawrence v. Woods*, 432 F.2d 1072, 1075-76 (7th Cir. 1970), Cert. denied 402 U.S. 983, 91 S.Ct. 1658, 29 L.Ed. 2d 148 (1971), in circumstances somewhat similar to those existing in the present appeal, state courts are not concluded by a lower federal court decision on an identical question of law which arises in a later unrelated cause.

## **Summary**

While state courts must give respectful consideration to lower federal court decisions, they are not bound by them. This means that even if a lower federal court finds a state law unconstitutional, state courts may choose not to follow that decision unless it is upheld by a higher federal court. This principle is crucial for understanding the potential for federal intervention, as it suggests that a litigant may need to seek relief from higher federal courts if state courts do not adhere to lower federal court rulings.

[In re Crystal Aubin, 29 S.W.3d 199 \(Tex. App. 2000\)](#)

### **Texas Court of Appeals**

#### **Extract**

The Texas Supreme Court has acknowledged that mandamus may issue where the legal process itself would violate the relator's constitutional rights. *Tilton v. Marshall*, 925 S.W.2d 672, 682 (Tex. 1996). Absent a finding,

supported by evidence, that the safety and welfare of the children is significantly impaired by the denial of the Burks' visitation, Aubin's decision regarding whether the children will have any contact with the Burks is an exercise of her fundamental right as a parent. That right is shielded from judicial interference by the Due Process clause of the United States Constitution.

## **Summary**

The Texas Supreme Court recognizes the issuance of mandamus when the legal process itself violates constitutional rights. This is particularly relevant in family law cases where parental rights are involved, and the Due Process clause of the U.S. Constitution protects these rights. If state remedies are inadequate, federal intervention may be sought to protect these constitutional rights.

[In re Berryman, 629 S.W.3d 453 \(Tex. App. 2020\)](#)

## **Texas Court of Appeals**

### **Extract**

Due process does not permit a State to infringe on a parent's fundamental right to make child rearing decisions simply because a state judge believes a 'better' decision could be made. *Id.*, 530 U.S. at 72-73, 120 S. Ct. at 2064. The 'State may legitimately interfere with family autonomy to protect children from genuine abuse and neglect by parents who are unfit to discharge the 'high duty' of 'broad parental authority over minor children.'

## **Summary**

Due process is a fundamental right that protects parents from state interference in child-rearing decisions unless there is a legitimate reason, such as protecting children from abuse or neglect. This principle is rooted in the U.S. Supreme Court's decision in *Troxel v. Granville*, which emphasizes the constitutional protection of parental rights. In the case of Charles Dustin Myers, the procedural irregularities and due process violations in the Texas state court system, as described in the narrative, suggest that his fundamental rights as a parent may have been infringed upon without legitimate cause. This provides a basis for seeking federal intervention, as the state court's actions may have violated his constitutional rights under the Fourteenth Amendment.

[In re Dean, 393 S.W.3d 741, 56 Tex. Sup. Ct. J. 189 \(Tex. 2013\)](#)

## **Texas Supreme Court**

## **Extract**

If the [Texas] court determines that a child custody proceeding has been commenced in a court in another state having jurisdiction substantially in accordance with this chapter, the [Texas] court ... shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with this chapter does not determine that the [Texas] court ... is a more appropriate forum, the [Texas] court ... shall dismiss the proceeding.

## **Summary**

The UCCJEA provides a framework for determining jurisdiction in child custody cases when proceedings are filed in different states. The Act prioritizes the child's home state and requires courts to communicate and determine the most appropriate forum. If a court in another state has jurisdiction in accordance with the UCCJEA, the Texas court must stay its proceedings and communicate with the other state's court. If the other state's court does not find Texas to be a more appropriate forum, the Texas court must dismiss the proceeding. This framework ensures that jurisdictional disputes are resolved efficiently and in the child's best interest.

[United Services Life Insurance Company v. Delaney, 396 S.W.2d 855 \(Tex. 1965\)](#)

## **Texas Supreme Court**

### **Extract**

It was held that before a power could be classified as judicial under our constitution, the trial tribunal must have the authority to hear the facts, to decide the issues of fact made by the pleadings, to decide the questions of law involved, and possess the power to enter a judgment on the facts found in accordance with the law as determined by the court. It follows that a tribunal which is not empowered to render a final judgment is not functioning in a judicial capacity. Since the federal court will enter the final decree, any decision we may make in this case will be advisory in nature.

### **Summary**

When a state court is not empowered to render a final judgment, its decisions are advisory, and the federal court will enter the final decree. This suggests that if a state court's actions are limited or ineffective, seeking federal intervention could be a viable option, especially if the federal court has the authority to render a final judgment.

[In re C.C., 06-25-00004-CV \(Tex. App. Jul 30, 2025\)](#)

## **Texas Court of Appeals**

### **Extract**

The clear and convincing burden of proof in termination cases has a foundation deeper than statutory law—a constitutional foundation. In *re Z.N.*, 602 S.W.3d 541, 545 (Tex. 2020) (per curiam). ... The statutory clear and convincing burden of proof in termination of parental rights cases was created in 1983, after the Texas Supreme Court, in 1980, and the United States Supreme Court, in 1982, held that the clear and convincing burden of proof is constitutionally required in termination cases. In *re J.F.C.*, 96 S.W.3d 256, 264 (Tex. 2002). Consequently, the 'heightened standard of [appellate] review is mandated not only by the Family Code... but also the Due Process Clause of the United States Constitution.'

### **Summary**

The termination of parental rights involves a constitutionally mandated clear and convincing burden of proof. This requirement is rooted in both statutory law and the Due Process Clause of the United States Constitution. The passage highlights the importance of due process in such cases, which could provide a basis for federal intervention if state remedies are inadequate.

[In re S.K.A., 236 S.W.3d 875 \(Tex. App. 2007\)](#)

## **Texas Court of Appeals**

### **Extract**

Although the Federal Constitution guarantees no right to appellate review, once a State affords that right... the State may not 'bolt the doors to equal justice.' *M.L.B.*, 519 U.S. at 111, 117 S.Ct. 555 (quoting *Griffin*, 351 U.S. at 24, 76 S.Ct. 585) (Frankfurter, J., concurring)). '[B]ecause Texas provides the right of an appeal from a judgment on parental-rights termination, part of the process of ensuring the accuracy of judgments necessarily involves appellate review... . [I]f appellate review is permitted, it must be allowed.'

### **Summary**

The passage highlights that while the Federal Constitution does not guarantee appellate review, once a state provides that right, it must ensure equal justice and allow appellate review. This principle is relevant to the question as it underscores the importance of appellate review in ensuring the accuracy of judgments, especially in cases involving fundamental rights such as parental rights.

[J.W.T., In Interest of, 872 S.W.2d 189 \(Tex. 1994\)](#)

## **Texas Supreme Court**

### **Extract**

For example, in *Stanley v. Illinois*, 405 U.S. 645, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972), the United States Supreme Court afforded constitutional recognition and due process protection to a putative biological father who had 'sired and raised' his children born out of wedlock. There, the Supreme Court held unconstitutional a statute that automatically placed children as wards of the state upon the death of their unwed mother without a hearing of fitness of the unwed father or proof of neglect. 405 U.S. at 658, 92 S.Ct. at 1216. The natural father who had lived with and raised the children claimed that the statute violated his due process rights. Although discussed in terms of the individual right of Mr. Stanley, the interest protected in *Stanley* is clearly an interest in preserving integrity of the family unit.

### **Summary**

The U.S. Supreme Court has recognized the fundamental due process rights of parents, particularly in cases where state actions infringe upon those rights without proper procedural safeguards. The *Stanley v. Illinois* case illustrates that federal intervention can be warranted when state statutes or actions violate constitutional due process protections, especially in matters affecting the integrity of the family unit. This precedent supports the potential for federal intervention in cases where state courts fail to provide adequate due process, as Mr. Myers has experienced.

[In re Interest of K.S.L., 538 S.W.3d 107 \(Tex. 2017\)](#)

## **Texas Supreme Court**

### **Extract**

Under exacting provisions of the Texas Family Code, parents may relinquish their parental rights by executing an affidavit of voluntary relinquishment. In this parental-termination case, even though the parents executed statutorily compliant affidavits, the court of appeals held that the trial-court order terminating parental rights could be overturned on appeal on grounds that clear and convincing evidence of the child's best interest was lacking. We disagree and reverse the court of appeals' judgment regarding termination of parental rights... Instead of focusing on the waiver aspect of this case, we can alternatively conduct a more general due process analysis as the United States Supreme Court did in *Lassiter and Santosky*. In those cases, the Supreme Court looked to the due process approach laid out in *Matthews v. Eldridge*. We have applied this approach in a number of cases, including parental-termination cases. Under *Matthews*, we must balance three elements: the private interests at stake, the government's interest supporting the challenged procedure, and the risk that the procedure will lead to erroneous decisions.



## Summary

Due process analysis in parental termination cases, referencing the United States Supreme Court's approach in cases like *Lassiter* and *Santosky*. It highlights the importance of balancing private interests, government interests, and the risk of erroneous decisions. This framework is relevant to the question of federal intervention because it underscores the constitutional dimensions of due process in family law cases. If state remedies are inadequate, federal intervention may be justified to protect constitutional rights, particularly when due process violations are alleged.

[In re Interest of G.X.H., 584 S.W.3d 543 \(Tex. App. 2019\)](#)

## Texas Court of Appeals

### Extract

Second, dismissal under section 263.401(a) is without prejudice, so the Department may refile its petition for termination. *Tex. Dep't of Family & Protective Servs. v. Dickensheets*, 274 S.W.3d 150, 161 (Tex. App.—Houston [1st Dist.] 2008, no pet.). The fact that it would have to incur the time and expense of a second termination proceeding does not change the fact that it is entitled to a second bite at the apple—an opportunity not usually available if a deadline is missed.

## Summary

The Texas Family Code provides for automatic dismissal of certain cases if statutory deadlines are not met, but such dismissals are without prejudice, allowing the Department to refile. This indicates that procedural deadlines are critical, and failure to meet them can result in dismissal, but not necessarily a permanent bar to refiling. This procedural safeguard ensures that cases are handled expeditiously, but also allows for correction of procedural errors by refiling. In the context of federal intervention, if state remedies prove inadequate or if there are systemic procedural violations affecting constitutional rights, federal intervention could be sought to ensure due process and protect fundamental rights.

[Tex. Fam. Code § 105.001 Tex. Fam. Code § 105.001 Temporary Orders Before Final Order](#)

### Extract

An order under Subsection (a) may be rendered without notice and an adversary hearing if the order is an emergency order sought by a governmental entity under Chapter 262.



## **Summary**

Temporary orders in family law cases generally require notice and a hearing, except in specific emergency situations. This highlights the importance of due process in family law proceedings. If these procedural safeguards are not followed, it may constitute a violation of due process rights, which could potentially be addressed through federal intervention if state remedies are inadequate.

[Tex. Fam. Code § 153.002 Tex. Fam. Code § 153.002 Best Interest of Child; Rebuttable Presumption In Suit Between Parent and Nonparent](#)

## **Extract**

In a suit between a parent and a nonparent, it is a rebuttable presumption that: a parent acts in the best interest of the parent's child; and it is in the best interest of a child to be in the care, custody, and control of a parent.

## **Summary**

Texas law presumes that a parent acts in the best interest of their child and that it is generally in the child's best interest to be in the care of a parent. This presumption can be overcome by a nonparent only with clear and convincing evidence that denying the nonparent's request would significantly impair the child's physical health or emotional development. In the case of Charles Dustin Myers, the procedural violations and due process issues he has faced in Texas state courts may have undermined this presumption, potentially justifying federal intervention to protect his constitutional rights as a parent.

[Tex. Fam. Code § 85.001 Tex. Fam. Code § 85.001 Required Findings and Orders](#)

## **Extract**

At the close of a hearing on an application for a protective order, the court shall find whether family violence has occurred. If the court finds that family violence has occurred, the court shall render a protective order as provided by Section FAMILY CODE 85.022 applying only to a person found to have committed family violence; and may render a protective order as provided by Section FAMILY CODE 85.021 applying to both parties that is in the best interest of the person protected by the order or member of the family or household of the person protected by the order.

## Summary

Tex. Fam. Code § 85.001 mandates that a court must make a finding of whether family violence has occurred at the conclusion of a hearing on a protective order application. If family violence is found, the court is required to issue a protective order against the person found to have committed the violence. This requirement is crucial because it ensures that protective orders are based on factual findings rather than unsubstantiated allegations. In the context of the question, if a protective order was issued without the required findings, it could constitute a due process violation, potentially justifying federal intervention if state remedies are inadequate.

[Tex. Fam. Code § 201.007 Tex. Fam. Code § 201.007 Powers of Associate Judge](#)

## Extract

without prejudice to the right to a de novo hearing before the referring court under Section FAMILY CODE 201.015 and subject to Subsection (c), render and sign: (A) a final order agreed to in writing as to both form and substance by all parties; (B) a final default order; (C) a temporary order; or (D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing;

## Summary

An associate judge in Texas has the authority to render and sign various types of orders, including final orders agreed to by all parties, final default orders, temporary orders, and final orders in cases where a party has waived notice or appearance. This authority is subject to the right of parties to request a de novo hearing before the referring court. The passage highlights the procedural framework within which an associate judge operates, emphasizing the importance of consent and waiver in the issuance of orders. In the context of seeking federal intervention, this passage underscores the procedural safeguards that should be in place to protect due process rights. If these safeguards are not adhered to, it may provide grounds for federal intervention under 42 U.S.C. § 1983, which allows individuals to seek relief for violations of constitutional rights under color of state law.

[Tex. Fam. Code § 201.013 Tex. Fam. Code § 201.013 Order of Court](#)

## Extract

Pending a de novo hearing before the referring court, a proposed order or judgment of the associate judge is in full force and effect and is enforceable

as an order or judgment of the referring court, except for an order providing for the appointment of a receiver. Except as provided by Section FAMILY CODE 201.007(c), if a request for a de novo hearing before the referring court is not timely filed, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

## **Summary**

Orders or judgments made by an associate judge are enforceable as orders of the referring court pending a de novo hearing. If a de novo hearing is not requested in a timely manner, the associate judge's order becomes the order of the referring court upon the court's signing. This indicates that the orders in question are considered valid and enforceable unless successfully challenged through a de novo hearing or other legal means.

### [Tex. Fam. Code § 6.501 Tex. Fam. Code § 6.501 Temporary Restraining Order](#)

## **Extract**

A temporary restraining order under this subchapter may not include a provision: ... (B) prohibits a party from spending funds for reasonable and necessary living expenses; or (C) prohibits a party from engaging in acts reasonable and necessary to conduct that party's usual business and occupation.

## **Summary**

Tex. Fam. Code § 6.501 outlines the limitations on temporary restraining orders in divorce proceedings, specifically prohibiting orders that prevent a party from spending funds for necessary living expenses or conducting their usual business. This indicates that any restraining order that violates these provisions could be challenged as exceeding statutory authority. If state remedies prove inadequate, federal intervention could be sought under 42 U.S.C. § 1983 for violations of constitutional rights, such as due process, as recognized in cases like *Troxel v. Granville* and *Stanley v. Illinois*.

### [Tex. Fam. Code § 152.208 Tex. Fam. Code § 152.208 Jurisdiction Declined By Reason of Conduct](#)

## **Extract**

if a court of this state has jurisdiction under this chapter because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless: the parents and all persons acting as parents have acquiesced in the exercise of jurisdiction; a court of the state otherwise having jurisdiction under Sections FAMILY

CODE 152.201 through FAMILY CODE 152.203 determines that this state is a more appropriate forum under Section FAMILY CODE 152.207; or no court of any other state would have jurisdiction under the criteria specified in Sections FAMILY CODE 152.201 through FAMILY CODE 152.203.

## **Summary**

If a court in Texas has jurisdiction due to unjustifiable conduct by a party, it must decline to exercise jurisdiction unless certain conditions are met. This includes situations where all parties have acquiesced, another state court finds Texas to be a more appropriate forum, or no other state has jurisdiction. This provision ensures that jurisdiction is exercised fairly and appropriately, preventing parties from manipulating jurisdiction through unjustifiable conduct.

[Tex. Fam. Code § 263.401 Tex. Fam. Code § 263.401 Dismissal After One Year; New Trials; Extension](#)

## **Extract**

Unless the court has commenced the trial on the merits or granted an extension under Subsection (b) or (b-1), on the first Monday after the first anniversary of the date the court rendered a temporary order appointing the department as temporary managing conservator, the court's jurisdiction over the suit affecting the parent-child relationship filed by the department that requests termination of the parent-child relationship or requests that the department be named conservator of the child is terminated and the suit is automatically dismissed without a court order.

## **Summary**

The court's jurisdiction over a suit affecting the parent-child relationship is automatically terminated if the trial on the merits has not commenced within a year of the temporary order, unless an extension is granted. This suggests that if the court has not acted within the statutory timeframe, the suit should be dismissed, potentially providing grounds for federal intervention if state remedies are inadequate.

[Tex. Fam. Code § 109.001 Tex. Fam. Code § 109.001 Temporary Orders During Pendency of Appeal](#)

## **Extract**

A party may seek review of the trial court's temporary order under this section by: petition for writ of mandamus; or proper assignment in the party's brief.

## Summary

Tex. Fam. Code § 109.001 provides a mechanism for parties to seek review of temporary orders through a petition for writ of mandamus or by proper assignment in the party's brief. This indicates that there are state-level remedies available for addressing procedural violations and due process issues in family law matters. However, if state remedies prove inadequate, federal intervention could be sought through a civil rights action under 42 U.S.C. § 1983, particularly if the due process violations implicate federal constitutional rights under the Fourteenth Amendment.

[Tex. Fam. Code § 152.107](#) [Tex. Fam. Code § 152.107 Priority](#)

## Extract

If a question of existence or exercise of jurisdiction under this chapter is raised in a child custody proceeding, the question, upon request of a party, must be given priority on the calendar and handled expeditiously.

## Summary

If there is a question regarding the existence or exercise of jurisdiction in a child custody case, this question must be prioritized and handled quickly if a party requests it. This provision ensures that jurisdictional issues do not unduly delay the resolution of child custody matters.

## [CHAPTER 14 Termination of Parental Rights](#)

### **Representing Parents in Child Welfare Cases: Advice and Guidance for Family Defenders (ABA) - American Bar Association**

## Extract

Even if statutory grounds for termination of parental rights have been established, the court cannot terminate parental rights if it is in the best interest of the child to maintain the parent-child relationship. Because parents and children have a fundamental right to family integrity, and the state has a *parens patriae* interest in keeping families intact, the court must evaluate the long-term effect of severing the parent-child bond.

## Summary

Even when statutory grounds for termination exist, courts must consider the best interest of the child and the fundamental right to family integrity. This suggests that if state courts fail to adequately protect these rights, federal intervention could be justified to ensure that the child's best interests and family integrity are preserved. The passage highlights the importance of

evaluating the long-term effects of severing the parent-child bond, which aligns with federal constitutional protections.

## [Chapter 14 Termination of Parental Rights](#)

### **Representing Parents in Child Welfare Cases: Advice and Guidance for Family Defenders (ABA) - American Bar Association**

#### **Extract**

Even if statutory grounds for termination of parental rights have been established, the court cannot terminate parental rights if it is in the best interest of the child to maintain the parent-child relationship. Because parents and children have a fundamental right to family integrity, and the state has a *parens patriae* interest in keeping families intact, the court must evaluate the long-term effect of severing the parent-child bond.

#### **Summary**

Even when statutory grounds for termination exist, courts must consider the best interests of the child and the fundamental right to family integrity. This suggests that if state courts fail to adequately protect these rights, federal intervention could be justified to ensure that the child's best interests and family integrity are preserved.

## [ABSTAINING EQUITABLY](#)

### **Notre Dame Law Review - University of Notre Dame Law School - Smith, Fred O., Jr. - 2022-05-01**

#### **Extract**

The Younger doctrine 'naturally presupposes the opportunity to raise and have timely decided by a competent state tribunal the federal issues involved.' A federal court is not required to abstain 'simply because judicial review, de novo or otherwise, would be forthcoming at the conclusion of the administrative proceedings.' Fourth, federal courts are permitted to intervene if the state law being wielded against the criminal defendant is patently unconstitutional in 'every clause, sentence and paragraph.' This exception has never been applied by the Supreme Court. Perhaps the best way to understand the exception, then, is to understand the principle that animates the other exceptions: avoiding the irreparable harm that attends a structurally corrupt proceeding in which one's constitutional interests are at stake.

## **Summary**

The Younger abstention doctrine typically prevents federal courts from intervening in ongoing state proceedings. However, there are exceptions, particularly when the state proceeding does not provide an adequate opportunity to raise federal constitutional issues or when the state law is patently unconstitutional. The passage highlights that federal courts can intervene to prevent irreparable harm in structurally corrupt proceedings where constitutional interests are at stake. This suggests that if the Respondent can demonstrate that the state proceedings are inadequate or that the state law is unconstitutional, federal intervention could be justified.

### [THE ENDURING CHALLENGES FOR HABEAS CORPUS.](#)

**Notre Dame Law Review - University of Notre Dame Law School - Wood, Diane P. - 2020-05-01**

## **Extract**

Federal courts have power under the federal habeas statute to grant relief despite the applicant's failure to have pursued a state remedy not available to him at the time he applies; the doctrine under which state procedural defaults are held to constitute an adequate and independent state law ground barring direct Supreme Court review is not to be extended to limit the power granted the federal courts under the federal habeas statute.

## **Summary**

Federal courts have the authority to grant habeas corpus relief even if the applicant has not pursued a state remedy that was unavailable at the time of application. This suggests that federal intervention can be sought when state remedies are inadequate or have been exhausted, which aligns with the Respondent's situation where state court actions have failed to provide relief.

### [NOT JUST A PROCEDURAL CASE: THE SUBSTANTIVE IMPLICATIONS OF KNICK FOR STATE PROPERTY LAW AND FEDERAL TAKINGS DOCTRINE.](#)

**Fordham Urban Law Journal - Fordham Urban Law Journal - Dana, David A. - 2020-04-01**

## **Extract**

Moreover, the Court has subsequently made clear that federal courts have a 'virtually unflagging obligation' to exercise jurisdiction, and abstention, including Burford abstention, is only appropriate in extraordinary or unusual circumstances.

## Summary

Federal courts have a strong obligation to exercise their jurisdiction and that abstention is only appropriate in extraordinary circumstances. This suggests that federal intervention could be a viable option for the Respondent if state remedies prove inadequate, as federal courts are generally required to hear cases within their jurisdiction unless exceptional circumstances justify abstention.

[Judicial Legitimacy and Federal Judicial Design: Managing Integrity and Autochthony.](#)

**Yale Law Journal - Yale University, School of Law - Appleby, Gabrielle - 2023-06-01**

## Extract

habeas review." (160) And [section] 1983 was revitalized in *Monroe v. Pape* and its sequellae, (161) in which the Supreme Court recognized the statute's purpose to provide federal remedies where state law was "not available in practice." (162) Earlier views of [section] 1983 predicated federal jurisdiction on showing state courts inadequate. But critically, the Supreme Court concluded that a plaintiff did not need to exhaust state remedies but could go immediately to federal court. (163) In other words, the question of adequacy was resolved through concurrent jurisdiction: the plaintiff was allowed to choose whether to proceed in state or federal court.

## Summary

Federal intervention can be a viable option when state remedies are inadequate. The revitalization of Section 1983 allows plaintiffs to seek federal remedies without exhausting state remedies, providing an avenue for federal intervention in cases of procedural irregularities and due process violations in state court proceedings. This concurrent jurisdiction allows plaintiffs to choose between state and federal court, offering a potential path for relief when state courts fail to provide adequate remedies.

[ABSTAINING FROM ABSTENTION: WHY YOUNGER ABSTENTION DOES NOT APPLY IN 42 U.S.C \[section\] 1983 BAIL LITIGATION.](#)

**University of Pennsylvania Law Review - University of Pennsylvania, Law School - Rauf, Alezeh - 2023-01-01**

## Extract

The Younger court went on to outline three exceptions for when a federal court must act to enjoin a state court proceeding: when (1) the prosecution is acting in bad faith, (2) the statute is 'patently unconstitutional,' or (3) 'any



other unusual circumstances that would call for equitable relief' exist. These exceptions stem from *Ex parte Young*, which held that a defendant about to be prosecuted in a state court can enjoin the proceedings if he can show that he otherwise would suffer irreparable harm. This is because federal courts must be able to protect constitutional rights where state courts may fail to do so, but also should not needlessly interfere with legitimate activities of state courts.

## **Summary**

Federal intervention in state court proceedings is generally limited by the *Younger* abstention doctrine. However, there are specific exceptions where federal courts can intervene: if the state prosecution is in bad faith, if the statute in question is patently unconstitutional, or if there are unusual circumstances that warrant equitable relief. These exceptions are designed to protect constitutional rights when state courts may not adequately do so.

### [STANDING, EQUITY, AND INJURY IN FACT.](#)

**Notre Dame Law Review - University of Notre Dame Law School -  
Young, Ernest A. - 2022-05-01**

## **Extract**

The ability to sue to enjoin unconstitutional actions by state and federal officers is the creation of courts of equity, and reflects a long history of judicial review of illegal executive action, tracing back to England.... It is a judge-made remedy, and we have never held or even suggested that, in its application to state officers, it rests upon an implied right of action contained in the Supremacy Clause.

## **Summary**

Federal courts have the authority to provide equitable relief against unconstitutional actions by state officers. This authority is rooted in a long tradition of judicial review and does not depend on an implied right of action under the Supremacy Clause. This suggests that federal intervention can be a viable option when state court proceedings involve procedural violations that infringe upon constitutional rights.

This memo was compiled by Vincent AI based on vLex materials available as of October 26, 2025. [View full answer on vLex](#)