

NO. 02-24-00149-CV

IN THE COURT OF APPEALS FOR THE SECOND DISTRICT  
OF TEXAS

2nd COURT OF APPEALS  
FORT WORTH, TEXAS

4/26/2024 4:19:45 PM

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DEBRA SPISAK  
Clerk

IN RE: CHARLES DUSTIN MYERS, RELATOR

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Appeal from the 322nd District Court, Tarrant  
County, Texas

The Honorable James B. Munford, District Judge  
Presiding

& &

The Honorable Jeffrey N. Kaitcer, Associate  
Judge Presiding

**APPENDIX**

In support of the Petition for Writ of  
Mandamus, Relator submits this Appendix in  
compliance with Rule 52.3(j) of the Texas Rules of  
Appellate Procedure:

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34. BRIANNA GALBO AFFIDAVIT.....03.23.2024
35. NICHOLAS MORVAN AFFIDAVIT.....03.23.2024
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37. Temporary Orders.....03.26.2024
38. Request for Findings of Fact and Conclusions of  
Law.....03.26.2024

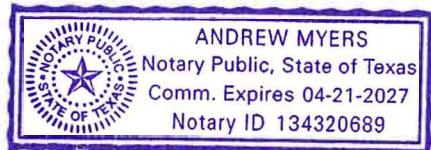
## CERTIFICATION OF FACTS AND VERIFICATION OF RECORD

Before me, the undersigned authority, on this day personally appeared Realtor, C.D.M., and upon his oath, stated that (i) he is self-represented in this cause; (ii) he has reviewed the Petition for Writ of Mandamus and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and supplemental electronic appendix; and (3) the items in the appendix and supplemental electronic appendix are true and correct copies of documents material to Relator's claims and are either pleadings that are on file in the underlying suit, links to documents found on the clerk's record, or orders signed by the Trial Court in the underlying suit.

/s/ Charles Dustin Myers.

Charles Dustin Myers

Subscribed and sworn on April 5, 2024.



A handwritten signature in black ink, appearing to read "C. M." followed by a long, flowing cursive line.

Notary Public for and in the State of Texas

# TAB 1

Eviction Notice

## EVICTION NOTICE

Mr. Charles Myers  
6641 Anne Ct  
Watauga, Texas 76148

TO THE TENANT(S) AND ANY AND ALL OTHERS IN  
AFOREMENTIONED ADDRESS, THIS NOTICE HAS BEEN  
CODE § 24005 STATE LAWS AS A RESULT OF YOUR BREACH  
RENT, LATE FEES AND/OR OTHER ASSOCIATED COSTS.

BE IT KNOWN that pursuant to your signed Lease Agreement dated 07/01/2022 and where you are in possession of the premises located at 6641 Anne Ct, Watauga, Texas 76148, it is alleged that you are in breach of the above-mentioned Lease Agreement because you have failed to abide by the following terms therein: Granddaughter getting a divorce. Have ordered a protection notice. My property and she and the children are allowed to stay, we must vacate the property.

POSSESSION OF THE PREMISES LOCATED AT THE  
SENT TO YOU PURSUANT TO TEXAS STATE PROPERTY  
REACH OF THE LEASE AND/OR YOUR FAILURE TO PAY  
AND/OR FEES.

THEREFORE you are hereby provided notice that the above-referenced violations must be cured by no later than 12/21/2023 or you must vacate, quit, relinquish, move out or deliver up possession of the aforementioned premises. Failure to correct the breach of your Lease Agreement within the stipulated time requested by this notice shall result in the cancellation, termination or forfeiture of your Lease Agreement.

THE LANDLORD RESERVES THE RIGHTS AND REMEDIES AFFORDED TO THEM PURSUANT TO THE SIGNED LEASE/RENTAL AGREEMENT AND IN ACCORDANCE WITH APPLICABLE LAWS OF THE STATE OF TEXAS INCLUDING, BUT NOT LIMITED TO, UNPAID RENT AND/OR PROPERTY DAMAGES, AND NOTHING IN THIS NOTICE MAY BE INTERPRETED AS A RELINQUISHMENT OF SUCH RIGHTS AND REMEDIES.

By:

Margie Wilson  
(Landlord Signature)

Mrs. Margie Wilson  
6640 Anne Ct  
Watauga, Texas 76148  
8173668938  
Margie5066@yahoo.com

12-17-2023  
(Date)

Merry Christmas

APP 1:1



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

## CERTIFICATE OF SERVICE

**BE IT KNOWN** that I, Margie Wilson, hereby certify that on the date of 12-18-2023, I served copies of the Eviction Notice on Mr. Charles Myersby way of personal delivery to the tenant

Margie Wilson  
(Landlord Signature)

12-18-2023  
(Date)

**APP 1:2**



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

# TAB 2

Original Petition For  
Divorce

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Cause Number:

322 744263 23

In the Matter of the Marriage of

Petitioner: Morgan Michelle Myers

Print first, middle and last name of the spouse who filed for divorce.

And

In the \_\_\_\_\_  
(Court Number)

District Court  
 County Court at Law

Respondent: Charles Dustin Myers

Print first, middle and last name of other spouse.

Tarrant County, Texas

And in the Interest of:

(Print the initials of each child you and your spouse have together who is under 18 or still in high school.)

1. M [REDACTED] M [REDACTED] 2. C [REDACTED] R [REDACTED] M [REDACTED] 3. \_\_\_\_\_  
4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_

## Original Petition for Divorce

Print your answers.

My name is: Morgan Michelle Myers

First

Middle

Last

I am the **Petitioner**, the person asking for a divorce.

The last three numbers of my driver's license number are [REDACTED] ..... My driver's license was issued in (State): Texas.

or  I do not have a driver's license number.

The last three numbers of my social security number are: [REDACTED]

or  I do not have a social security number.

My spouse's name is: Charles Dustin Myers

First

Middle

Last

My spouse is the **Respondent**.

### 1. Discovery Level

The discovery level in this case, if needed, is Level 2.

### 2. Legal Notice (Check one box.)

- I think my spouse will sign a Waiver of Service (or Answer). Do not send a sheriff, constable, or process server to serve my spouse with a copy of this Petition for Divorce at this time.  
 I will have a sheriff, constable, process server or clerk serve my spouse with this Petition for Divorce here:  
[REDACTED] Texas 76148

Street Address

City

State

Zip

If this is a work address, name of business: \_\_\_\_\_

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to my spouse by "Official Service of Process"). I understand that I will need to pay the fee (or file a Statement of Inability to Afford Payment of Court Costs if I am unable to pay the fee) and arrange for service.

- I cannot find my spouse. I ask that my spouse be served by publication. I understand I must file an Affidavit for Citation by Publication and hire a lawyer to serve as attorney ad litem for me.



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

AFFIDAVIT OF INABILITY

### **3. Jurisdiction**

#### **3A. County Residence Requirement**

(Check all boxes that apply.)

- I have lived in this county for the last 90 days.
- My spouse has lived in this county for the last 90 days.
- I am serving in the armed forces or other government service outside of Texas, but this county has been the home county of either my spouse or me for at least 90 days.
- I have accompanied my spouse who is serving in the armed forces or other government service outside of Texas, but this county has been the home county of either my spouse or me for at least 90 days.

#### **3B. Texas Residence Requirement**

(Check all boxes that apply.)

- I have lived in Texas for the last six months.
- My spouse has lived in Texas for the last six months.
- I am serving in the armed forces or another government service outside of Texas, but Texas is the home state of either my spouse or me and has been for at least 6 months.
- I have accompanied my spouse who is serving in the armed forces or another government service outside of Texas, but Texas is the home state of either my spouse or me and has been for at least 6 months.

#### **3C. Personal Jurisdiction over Spouse**

(Check one box.)

- My spouse lives in Texas.

My spouse does not live in Texas. (Check any boxes that apply below.)

- My spouse agrees that a Texas court can make orders in this divorce, including orders regarding conservatorship (custody), visitation, and financial support of our children and orders regarding our property and debts. My spouse will file a Waiver of Service (or Answer).
- Texas is the last state where we lived together as a married couple. This Petition for Divorce is filed less than two years after we separated.
- The children live in Texas because of my spouse's actions.
- My spouse has lived in Texas with the children.
- My spouse has lived in Texas and provided prenatal expenses or support for the children.
- My spouse had sexual intercourse in Texas, and the children may have been conceived by that act of intercourse.
- Our child was born in Texas and my spouse registered with the paternity registry maintained by the bureau of vital statistics or signed an acknowledgment of paternity.
- My spouse will be personally served with citation (official service of process) in Texas.

**APP 2:2**



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

#### **4. Dates of Marriage and Separation**

My spouse and I got married on or about: July 20<sup>th</sup>, 2015  
Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

We stopped living together as spouses on or about: December 1<sup>st</sup>, 2023  
Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

#### **5. Grounds for Divorce**

I ask the Court to grant me a divorce. The marriage has become insupportable due to discord or conflict of personalities that destroys the legitimate ends of the marital relationship and prevents any reasonable expectation of reconciliation.

#### **6. Children**

##### **6A. Children Husband and Wife Have Together**

My spouse and I are the parents of the following children who are under 18 years old or over 18 years old and still in high school.

(You MUST list all children you and your spouse have together (adopted or biological) who are under 18 or over 18 and still in high school.)

Child's name	Date of Birth	Place of Birth	State where child lives now
1. M [REDACTED] M [REDACTED]	[REDACTED]	Ft. Worth	Texas
2. C [REDACTED] M [REDACTED]	[REDACTED]	Ft. Worth	Texas
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

##### **6B. Jurisdiction over Children**

(Check one box.)

- The children live in Texas now and have lived in Texas for at least the past 6 months or since birth.  
 The children do not live in Texas now, but they have been gone from Texas for less than 6 months. The children lived in Texas the 6 months before they moved. A parent or person acting as a parent continues to live in Texas.  
 None of the above apply.

(Check box below only if true.)

- There are **no court orders** about any of the children listed above. No other court has continuing jurisdiction over this case or the children.



#### **6C. Children's Property**

(Check one box.)

- The children do not own any property of significant value in their own name.  
 The children own the following property of significant value in their own name:  
\_\_\_\_\_

#### **6D. Conservatorship (Custody) of the Child(ren)**

I ask the court to make conservatorship (custody) orders as follows: (Check a, b, or c.)

- a.  Mother and Father should be **Joint Managing Conservators** of the child(ren) and:

(If you checked a, check a-1, a-2, or a-3.)

- a-1.  Father should have the exclusive right to designate the primary residence of the child(ren) within the following geographic area: (Check one box below.)

anywhere.       this county.       this county or county adjacent to this county.  
 Texas.       other: \_\_\_\_\_

- a-2.  Mother should have the exclusive right to designate the primary residence of the child(ren) within the following geographic area: (Check one box below.)

anywhere.       this county.       this county or county adjacent to this county.  
 Texas.       other: \_\_\_\_\_

- a-3.  Neither parent should have the exclusive right to designate the primary residence of the child(ren) but both parents should be ordered not to move the child(ren) out of the following geographic area: (Check one box below.)

this school district: \_\_\_\_\_  this county.  
 this county or county adjacent to this county.  other: \_\_\_\_\_

- b.  Mother should be the **Sole Managing Conservator** of the child(ren) with the exclusive rights listed in Texas Family Code 153.132 including the exclusive right to designate the primary residence of the child(ren) anywhere.

- c.  Father should be the **Sole Managing Conservator** of the child(ren) with the exclusive rights listed in Texas Family Code 153.132 including the exclusive right to designate the primary residence of the child(ren) anywhere.

#### **6E. Child(ren)'s Passports (Check only if applicable.)**

- I ask the Court to order that I have the exclusive right to apply for and renew passports for the child(ren).



#### **6F. Possession of and Access to the Child(ren) (Visitation)**

I ask the court to make possession and access (visitation) orders as follows: (Check a, b, c, or d.)

- a.  Father should have "standard visitation." (See Texas Family Code Chapter 153, Subchapter F.)
- b.  Mother should have "standard visitation." (See Texas Family Code Chapter 153, Subchapter F.)
- c.  "Standard visitation" would be unworkable or inappropriate. Possession and access to the child(ren) should be as follows:  

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- d.  I am concerned about the safety of the children with the other parent: I ask that:  
(If you checked d, check all that apply below.)
  - d-1.  exchanges of the child(ren) be supervised, or in the alternative, be in a public place.
  - d-2.  the other parent's possession of the child(ren) be limited to day visits.
  - d-3.  the other parent's possession of the child(ren) be supervised.
  - d-4.  the other parent have no right to possession or access to the child(ren).
  - d-5.  the other parent be ordered not to use alcohol or illegal drugs 24 hours prior to or during possession of the child(ren).
  - d-6.  the other parent's possession and access to the children be restricted as follows:  

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(Check only if you are asking that a different possession order be in place while a child is under 3 years old.)

- One or more of the children is under 3. Until the child turns 3, possession should be as follows:  

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After the child turns 3, possession should be as checked above.

(Check only if applicable.)

- I am concerned that the other parent may take the child(ren) to another country and refuse to return them. I ask the Court to determine if there is a risk of international kidnapping by the other parent and to take such measures as are necessary to protect the child(ren).

#### **6G. Child Support, Medical Support, and Dental Support for the Child(ren)**

I ask the court to make appropriate orders for the financial support of the child(ren), including regular child support, medical support, dental support and, if supported by the evidence, retroactive child support.



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

## **7. Is the wife pregnant?**

(Check one box.)

The wife in this marriage **is not** pregnant.

The wife in this marriage **is** pregnant. I understand that I cannot finish the divorce until after the child is born.

(If the wife is pregnant, also check one box below.)

The husband **is** the father of this child. I ask the court to include orders for custody, visitation, child support, and medical and dental support for the child in the Final Decree of Divorce.

The husband **is not** the father of this child. I understand that paternity of the child must be established before I can finish the divorce.

## **8. Did the wife have a child with another man while married to the husband?**

(Check one box. Fill in the requested information, if applicable.)

The wife **did not** have a child with another man while married to the husband.

The wife **did** have a child with another man while married to the husband. All of the children born during the marriage that are not the Husband's adopted or biological children are named below:

Child's name	Age	Date of Birth	Sex
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

(If the wife had a child or children with another man during the marriage, check one box below.)

Paternity of the child(ren) named above **has not** been established. I understand that paternity of the child(ren) must be established before I can finish my divorce.

Paternity of the child(ren) named above **has** been established:

(Check one box.)

A court order has established that another man is the biological father and/or the Husband is not the biological father of the child(ren) listed above. I understand I must attach a file-stamped copy of the court order to my Final Decree of Divorce.

An Acknowledgement of Paternity was signed by the biological father and a Denial of Paternity was signed by the Husband for the child(ren) listed above. I understand I must attach a copy of these documents to my Final Decree of Divorce.



**9. Protective Order Statement** (Check the appropriate boxes. Fill in the requested information.)

**9A. No Protective Order**

- I do not have a protective order against my spouse and I have not asked for one.
- My spouse does not have a protective order against me and has not asked for one.

**9B. Pending Protective Order**

- I have filed paperwork at the courthouse asking for a protective order against my spouse, but a judge has not decided if I should get it. I asked for a protective order on 12/14/2023 \_\_\_\_\_ Date Filed

In Tarrant County, Texas. The cause number is \_\_\_\_\_  
County State Cause Number

If I get a protective order, I will file a copy of it before any hearings in this divorce.

- My spouse has filed paperwork asking for a protective order against me, but a judge has not decided if my spouse will get it. My spouse asked for a protective order on \_\_\_\_\_ Date Filed

in \_\_\_\_\_ County, \_\_\_\_\_. The cause number is \_\_\_\_\_  
County State Cause Number

If my spouse gets a protective order, I will file a copy of it before any hearings in this divorce.

**9C. Protective Order in Place**

- I do have a protective order against my spouse. I got the protective order in \_\_\_\_\_ County, \_\_\_\_\_ on \_\_\_\_\_ Date Ordered

The cause number for the protective order is \_\_\_\_\_ Cause Number

Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this divorce.

- My spouse does have a protective order against me. The protective order was made in \_\_\_\_\_ County, \_\_\_\_\_ on \_\_\_\_\_ Date Ordered

The cause number for the protective order is \_\_\_\_\_ Cause Number

Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this divorce.

**10. Waiver of Waiting Period Based on Family Violence** (Check only if applicable.)

- I ask the Court to waive the 60-day waiting period for divorce because: (Check one box.)

- My spouse has been convicted of or received deferred adjudication for a crime involving family violence against me or a member of my household.

- I have an active protective order or an active magistrate's order for emergency protection against my spouse because of family violence during our marriage. The order includes a finding that my spouse committed family violence.



## 11. Property and Debt

### 11A. Community Property and Debt

If my spouse and I can agree about how to divide the property and debts we got during our marriage, I ask the Court to approve our agreement. If we cannot agree, I ask the Court to divide our community property and debts according to Texas law.

### 11B. Separate Property

I own the following separate property. I owned this property before I was married, or I received this property as a gift or inheritance during my marriage or I received this property as recovery for personal injuries that occurred during the marriage (not including any recovery for lost wages or medical expenses). I ask the Court to confirm this property as my separate property.

(Fill in all lines. If you have no property to list in a particular category, write "none.")

House located None

Street Address	City	State	Zip
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Land located at: None

Street Address	City	State	Zip
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Cars, trucks, motorcycles, or other vehicles

Year	Make	Model	Vehicle Identification No. [VIN]-
2023	Mazda	CX-5	JM3KFBCM1P0135569
2021	Mazda	CX-3	

Other money or personal property I owned before I was married, received as a gift or inheritance during my marriage or property I purchased during my marriage with separate property funds: None

Money I received as recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses: None



## 12. Name Change

(Check one box.)

- I am NOT asking the Court to change my name.  
 I ask the Court to change my name back to a name I used before my marriage. I am not asking the court to change my name to avoid criminal prosecution or creditors. I ask that my name be changed to:

Morgan Michelle Wilson

First

Middle

Last

The children: (Check all that apply.)

- have private health insurance.

Name of insurance company: \_\_\_\_\_

Policy number: \_\_\_\_\_ Cost of premium: \$ \_\_\_\_\_

Name of person who pays for insurance: \_\_\_\_\_

The insurance policy  is  is not available through the parent's work.

- have health insurance through Medicaid.

have health insurance through C.H.I.P. Cost of premium (if any): \$ \_\_\_\_\_

- do not have health insurance.

If the children do not have private health insurance also complete the following:

Private dental insurance  is  is not available to Father at a reasonable cost.

Private dental insurance  is  is not available to Mother at a reasonable cost.

## 13. Dental Insurance Availability for Children

The child(ren): (Check all that apply.)

- have private dental insurance.

Name of insurance company: \_\_\_\_\_

Policy number: \_\_\_\_\_ Cost of premium: \$ \_\_\_\_\_

Name of person who pays for insurance: \_\_\_\_\_

The insurance policy  is  is not available through the parent's work.

- have dental insurance through Medicaid.

- do not have dental insurance.

Private dental insurance  is  is not available to Father at a reasonable cost. Private

dental insurance  is  is not available to Mother at a reasonable cost.



#### 14. Public Benefits

(Check any boxes that apply.)

- The child(ren) have Medicaid now or had it in the past.
- The child(ren), or someone on behalf of the child(ren), get TANF (Temporary Assistance for Needy Families) now or got it in the past.

#### 15. Family Information

(Check only if applicable.)

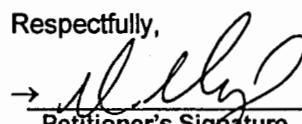
- I believe my children or I will be harassed, abused, seriously harmed or injured or otherwise subjected to family violence if I must give my spouse the information checked below for myself and the child(ren):
  - home address,     mailing address,     employer,     work address,
  - home phone,     work phone,     social security no.,     driver's license #.

I ask the Court to Order that I not have to give this information or notice of changes in this information to my spouse. I also ask the Court to keep this information confidential.

#### 16. Request for Judgment

I ask the Court to grant my divorce. I also ask the Court to make the other orders I have asked for in this Petition and any other orders to which I am entitled.

Respectfully,

→   
Petitioner's Signature

12/18/2023  
Date

MORGAN MICHELLE MYERS

Petitioner's Name (Print)

Phone

Mailing Address

City

TX  
State

76148  
Zip

Email Address: morwi131@gmail.com

Fax (if available)

I understand that I must notify the Court and my spouse's attorney (or my spouse if my spouse does not have an attorney) in writing if my mailing address or email address changes during these divorce proceedings. If I don't, any notices about this case including the dates and times of hearings will be sent to me at the mailing address or email address above.

#### 17. Certificate of Service to the Office of the Attorney General (OAG)

I certify that a true copy of this Petition was served on the Office of the Attorney General Child Support Division\* in person, by certified and first-class mail, by commercial delivery service, by fax, by email, or through the electronic file manager on this date.



Petitioner's Signature

Date



A CERTIFIED COPY  
ATTEST: 04/15/2024  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz  
11

# TAB 3

Application for  
Protective Order

Cause No.:

322 744538 23Applicant: MORGAN MICHELLE MYERS

v.

In the DISTRICT  
 of TARRANT

Respondent: CHARLES DUSTIN MYERS

FILED  
 COURT  
 TARRANT COUNTY  
 2023 DEC 22 PM 3:17  
 THOMAS A. WILDER  
 DISTRICT CLERK  
 County, Texas  
 APP 3:1

## Application for Protective Order

## 1 Parties

Name:

Applicant: MORGAN MICHELLE MYERSRespondent: CHARLES DUSTIN MYERS

Respondent's address for service: [REDACTED]

County of Residence:

TARRANTTARRANT

TX 76148

Check all that apply:

- The Applicant and Respondent are or were members of the same family or household.  
 The Applicant and Respondent are parents of the same child or children.  
 The Applicant and Respondent used to be married.  
 The Applicant and Respondent are or were dating.  
 The Applicant is an adult asking for protection for the Children named below from child abuse and/or family or dating violence.  
 The Applicant is dating or married to a person who was married to or dating the Respondent.

## 2 Children: The Applicant is asking for protection for these Children under age 18:

Name:

Is Respondent the biological parent?

County of Residence:

- a. M [REDACTED] M [REDACTED]  
 b. C [REDACTED] R [REDACTED]  
 c. \_\_\_\_\_  
 d. \_\_\_\_\_

- Yes  No  
 Yes  No  
 Yes  No  
 Yes  No

- TARRANT  
TARRANT  
 \_\_\_\_\_  
 \_\_\_\_\_

Check all that apply:

- Other children are listed on a sheet attached to this Application.  
 The Children are or were members of the Applicant's family or household.  
 The Children are the subject of a court order affecting access to them or their support.

## 3 Other Adults: The Applicant is asking for protection for these Adults, who are or were members of the Applicant's family or household, or are in a dating or marriage relationship with the Applicant.

Name:

County of Residence:

- a. \_\_\_\_\_  
 b. \_\_\_\_\_

- \_\_\_\_\_  
 \_\_\_\_\_

## 4a Other Court Cases: Are there other court cases, like divorce, custody, support, involving the Applicant, Respondent, or the Children?

 Yes  No

If "Yes," say what kind of case and if the case is active or completed.

DIVORCE - ACTIVEIf "completed," (check all that apply):  A copy of the final order is attached. A copy of the final order will be filed before the hearing on this Application. The Texas Office of the Attorney General Child Support Division has been involved with a child support case. List the agency case number for each open case, if known. Case Number: \_\_\_\_\_**APP 3:1**

- 4b Presumption of Family Violence:** Has the Respondent ever been convicted of or placed on deferred adjudication community supervision for any crime under Title 5 or Title 6 of the Texas Penal Code? (see list of crimes at the end of the kit)

Yes  No

If "Yes," say what kind of case:

If the Respondent was convicted or placed on community supervision for a Title 5 crime, did the Court make a finding that the crime involved family violence?

Yes  No

Was the crime against a child listed in this petition under Number 2 "Children"?

Yes  No

Have the Respondent's parental rights to this child been terminated?

Yes  No

Is the Respondent seeking or attempting to seek contact with this child?

Yes  No

**5 Grounds:** Why is the Applicant asking for this Protective Order? Check one or both:

The Respondent committed family violence.

The Respondent violated a prior Protective Order that expired, or will expire in 30 days or less. A copy of the Order is (check one):  Attached, or

Not available now but will be filed before the hearing on this Application

The Applicant requests a PROTECTIVE ORDER and asks the Court to make all Orders marked with a check ✓

**6 ✓ Orders to Prevent Family Violence**

The Applicant asks the Court to order the Respondent to (Check all that apply):

- a.  Not commit family violence against any person named on page 1 of this form.
- b.  Not communicate in a threatening or harassing manner with any person named on page 1 of this form.
- c.  Not communicate a threat through any person to any person named on page 1 of this form.
- d.  Not communicate or attempt to communicate in any manner with (Check all that apply):
  - Applicant  Children  Other Adults named on page 1 of this form.

The Respondent may communicate through: \_\_\_\_\_ or other person the Court appoints. Good cause exists for prohibiting the Respondent's direct communications.

- e.  Not go within 200 yards of the (Check all that apply):
  - Applicant  Children  Other Adults named on page 1 of this form.
- f.  Not go within 200 yards of the residence, workplace, or school of the (Check all that apply):
  - Applicant  Other Adults named on page 1 of this form.
- g.  Not go within 200 yards of the Children's residence, child-care facility, or school, except as specifically authorized in a possession schedule entered by the Court.
- h.  Not stalk, follow, or engage in conduct directed specifically to anyone named on page 1 of this form that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass them, including tracking or monitoring a car or other property.

The Applicant asks the Court to:

- i.  Suspend any license to carry a handgun issued to the Respondent by the State of Texas.
- j.  Require the Respondent to complete a battering intervention and prevention program; or if no such program is available, counseling with a social worker, family service agency, physician, psychologist, licensed therapist, or licensed professional counselor; and pay all costs for the counseling or treatment ordered.
- k.  Prohibit the Respondent from taking, harming, threatening, or interfering with the care, custody, or control of the following pet, companion animal, or assistance animal: \_\_\_\_\_ (describe the animal).
- l.  Require the Respondent to follow these provisions to prevent or reduce the likelihood of family violence:

The law requires a trial court issuing a protective order to prohibit the Respondent from possessing a firearm or ammunition, unless the Respondent is a peace officer actively engaged in employment as a sworn employee of a state agency or political subdivision.

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



**7  Property Orders**

The Residence located at: [REDACTED] , TX 76148

- (Check one):  is jointly owned or leased by the Applicant and Respondent;  
 is solely owned or leased by the Applicant; or  
 is solely owned or leased by the Respondent; and the Respondent is obligated to support the Applicant or a child in the Applicant's possession.

**The Applicant also asks the Court to make these orders (Check all that apply):**

- The Applicant to have exclusive use of the Residence identified above, and the Respondent must vacate the Residence.  
 The sheriff, constable, or chief of police shall provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent excluded from the Residence, to provide protection while the Applicant takes possession of the Residence and the Respondent removes any necessary personal property, and, if the Respondent refuses to vacate the Residence, to remove the Respondent from the Residence and arrest the Respondent for violating the Court's Order.  
 The Applicant to have exclusive use of the following property that the Applicant and Respondent jointly own or lease:  
[REDACTED], TX 76148

- 
- The Respondent must not damage, transfer, encumber, or otherwise dispose of any property jointly owned or leased by the parties, except in the ordinary course of business or for reasonable and necessary living expenses, including, but not limited to, removing or disabling any vehicle owned or possessed by the Applicant or jointly owned or possessed by the parties (whether so titled or not).

**8  Spousal Support Order**

The Applicant is married to the Respondent or otherwise legally entitled to support from the Respondent and asks the Court to order the Respondent to pay support in an amount set by the Court.

**9  Orders Related to Removal, Possession, and Support of Children**

The Respondent is a parent of the following of the Applicant's children: N [REDACTED] E [REDACTED] N [REDACTED]  
C [REDACTED] R [REDACTED] M [REDACTED]

And, the Applicant asks for these Orders in the best interest of the people named on page 1 of this form.

*Check all that apply:*

- The Respondent must not remove the children from the Applicant's possession or from their child-care facility or school, except as specifically authorized in a possession schedule entered by the Court.  
 The Respondent must not remove the children from the jurisdiction of the Court.  
 Establish or modify a schedule for the Respondent's possession of the Children, subject to any terms and conditions necessary for the safety of the Applicant or the Children.  
 Require the Respondent to pay child support in an amount set by the Court.

**10  Temporary Ex Parte PROTECTIVE ORDER**

Based on the information in the attached Affidavit or Declaration, there is a clear and present danger of family violence that will cause the Applicant, Children, or Other Adults named on page 1 of this form immediate and irreparable injury, loss, and damage, for which there is no adequate remedy at law. Applicant asks the Court to issue a Temporary Ex Parte Protective Order immediately without bond, notice, or hearing.

**11  Ex Parte Order: Vacate Residence Immediately**

The Applicant now lives with the Respondent at: [REDACTED] , TX 76148 or has resided at this Residence within the 30 days prior to filing this Application. The Respondent committed family violence against a member of the household within the 30 days prior to the filing of this Application, as described in the attached Affidavit or Declaration. There is a clear and present danger that the Respondent is likely to commit family violence.

**APP 3:3**

against a member of the household. The Applicant is available for a hearing but asks the Court to issue a Temporary Ex Parte Protective Order immediately without bond, notice, or hearing:

- Granting the Applicant exclusive use and possession of the Residence and ordering the Respondent to vacate the Residence immediately, and remain at least 200 yards away from the Residence pending further Order of the Court; and
- Directing the sheriff, constable, or chief of police to provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent to vacate the Residence, and to provide protection while the Applicant either takes possession of the Residence or removes necessary personal property.

## 12 Keep Information Confidential

The Applicant asks the Court to keep addresses and telephone numbers for residences, workplaces, schools, and childcare facilities confidential. The Applicant asks the Court to order the Court Clerk to strike contact information for Protected People, including: addresses, mailing addresses, county of residence, telephone numbers, places of employment, businesses, child-care facilities, and schools from the public records of the Court, and maintain a confidential record of this information. The Applicants asks the Court to prohibit the Court Clerk from releasing contact information of Protected People except to the Court or to law enforcement for the purpose of entering the information into the Department of Public Safety law enforcement information system. **The Applicant asks the Court to order that all contact information of Protected People be confidential.**

The Applicant asks the Court to order that the following person is designated as a person to receive any notice or documents filed with the Court related to the Application on behalf of the Applicant:

Name: MARGIE WILSON

Address: 1640 ANNE CT WATAUGA, TX 76148

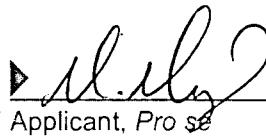
The Applicant asks the Court to order that the Applicant's address is confidential and shall only be disclosed to the Court.

**WARNING:** A copy of this court document will be served to the respondent with any information that you include available for public inspection. Marking the box on number 12 means that you are asking the judge to order the clerk to remove some addresses and telephone numbers from the final order in this case so that the public cannot see them. If you are requesting this, DO NOT INCLUDE this personal information in this form OR a temporary ex parte protective order form.

## 13 Fees And Costs

The Applicant asks the Court to order the Respondent to pay fees for service of process, all other fees and costs of Court, and reasonable attorneys' fees, if applicable.

I have read the entire Application and it is true and correct to the best of my knowledge..



Applicant, Pro se

Address where Applicant may be contacted: \_\_\_\_\_

TX 76148

Phone # where Applicant may be contacted: (817)940-0852

(List another address/phone if you want yours kept confidential)

**APP 3:4**



## AFFIDAVIT

Use this form if YOU WANT your Date of Birth  
and Address to REMAIN CONFIDENTIAL.

You will need to have it SIGNED BY A NOTARY.

Do NOT use the Declaration form  
if you use this form.

County of TARRANT

State of Texas

My name is MORGAN MICHELLE MYERS (First Middle Last). I am 31 years old and otherwise competent to make this Affidavit. The information and events described in this Affidavit are true and correct.

1. Describe the most recent time the Respondent hurt you or threatened to hurt you:

TOLD ME I DESERVED TO BE BEAT UP, THAT ANOTHER WOMAN SHOULD COME "KICK MY ASS".

2. In which county did this happen? TARRANT

3. What date did this happen? 12 / 18 / 23

4. Was a weapon involved?  Yes  No If yes, what kind? \_\_\_\_\_

5. Were any children there?  Yes  No If yes, who? M [REDACTED] N [REDACTED] + C [REDACTED] M [REDACTED]

6. Did anyone call the police?  Yes  No If yes, what happened? \_\_\_\_\_

7. Did you get medical care?  Yes  No If yes, describe your injuries: \_\_\_\_\_

Has the Respondent ever threatened or hurt you before? Describe below in detail how the Respondent threatened or hurt you, including date(s) if possible.

MULTIPLE MENTIONS OF "WE JUST NEED TO FUCK" AND OTHER SEXUALLY AGGRESSIVE COMMENTS, LAYING IN BED NAKED WHEN I PREVIOUSLY SAID I DON'T WANT TO SHOW/PARTICIPATE IN ANY PHYSICAL AFFECTION.

9. Were weapons ever involved?  Yes  No If yes, what kind? \_\_\_\_\_

10. Were any children there?  Yes  No If yes, who? M [REDACTED] N [REDACTED] + C [REDACTED] M [REDACTED]

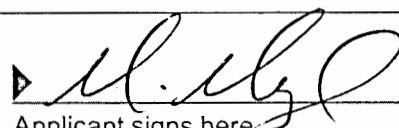
11. Have the police ever been called?  Yes  No

12. Did you ever have to get medical care?  Yes  No If yes, describe your injuries: \_\_\_\_\_

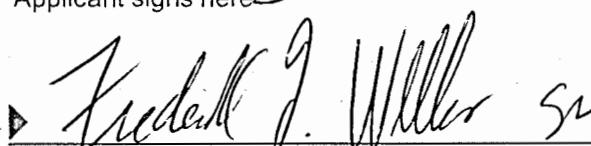
13. Has the Defendant ever been convicted of family violence? Yes No

If yes, list when and in which county and state the convictions occurred: \_\_\_\_\_

APP 3:5



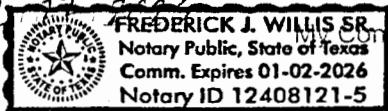
Applicant signs here



Notary Public in and for the State of Texas

On 12 / 22 / 23 the Applicant MORGAN MYERS personally appeared before me, the undersigned notary. After being sworn, the Applicant stated that she/he is qualified to make this oath, that she/he has read the foregoing Application and Affidavit, that she/he has personal knowledge of the facts asserted, and the facts asserted are true and to the best of her/his knowledge and belief. Subscribed and sworn before me on 12 / 22 / 23

Application for Protective Order  
Form Approved by the Supreme Court of Texas



Commission expires: 1-2026



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

County of TARRANT  
State of Texas

## DECLARATION

Use this form if you want your Date of Birth and Address to be public information (not confidential).

You will NOT need to have it signed by a notary.

Do NOT use the Affidavit form  
if you use this form.

My name is MORGAN MICHELLE MYERS (First Middle Last), my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_ (Street), \_\_\_\_\_ (City), WATAUGA (State), TX (Zip Code) 76148 (Country) USA.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in TARRANT County, State of TX 22<sup>ND</sup> day of DEC. 2023 (Year).

M. Myr

(Declarant Signature).

1. Describe the **most recent** time the Respondent hurt you or threatened to hurt you:

TOLD ME I DESERVED TO BE BEAT UP, THAT ANOTHER WOMAN SHOULD COME "KICK MY ASS".

2. In which county did this happen? TARRANT

3. What date did this happen? 12 / 18 / 23

4. Was a weapon involved?  Yes  No

If yes, what kind?

5. Were any children there?  Yes  No

If yes, who? M M + C M

6. Did anyone call the police?  Yes  No

If yes, what happened?

7. Did you get medical care?  Yes  No

If yes, describe your injuries:

8. Has the Respondent ever threatened or hurt you **before**? Describe below in detail how the Respondent threatened or hurt you, including date(s) if possible.

MULTIPLE MENTIONS OF "WE JUST NEED TO F\*\*K" AND OTHER SEXUALLY AGGRESSIVE COMMENTS, LAYING IN BED NAKED WHEN I PREVIOUSLY SAID I DONT WANT TO SHOW/PARTICIPATE IN ANY PHYSICAL AFFECTION.

9. Were weapons ever involved?  Yes  No If yes, what kind?

10. Were any children there?  Yes  No If yes, who? M M + C M

11. Have the police ever been called?  Yes  No

12. Did you ever have to get medical care?  Yes  No If yes, describe your injuries:

13. Has the Defendant ever been convicted of family violence? NO

If yes, list when and in which county and state the convictions occurred:

M. Myr  
Applicant signs here

**APP 3:6**



# TAB 4

EX-Parte Temporary  
Order

Cause No.: 322 744538 23

322-744538-23

Applicant: MORGAN MICHELLE MYERS § In the DISTRICT Court

v.

§

§

§

§

FILED

TARRANT COUNTY  
12/27/2023 9:04 AM  
THOMAS A. WILDER  
DISTRICT CLERKRespondent: CHARLES DUSTIN MYERS § TARRANT County, Texas~~Order setting day for  
Temporary Ex Parte Protective Order~~Go to the court hearing on: Date: Open 15, 2024 Time: 9:00 a.m. p.m.Court Address: 4th Floor, 322nd Assoc. Ct., 200 E Weatherford Street Fort Worth TX

**Findings:** The Court finds from the sworn Affidavit or Declaration attached to the Application for Protective Order filed in this case that there is a clear and present danger that the Respondent named below will commit acts of family violence that will cause the Applicant, Children, and/or Other Adults named below immediate and irreparable injury, loss, and damage, for which there is no adequate remedy at law. The Court, therefore, enters this *Temporary Ex Parte Protective Order* without further notice to the Respondent or hearing. No bond is required.

- 1 **Respondent:** The person named below is ordered to follow all Orders marked with a check.

Name: CHARLES DUSTIN MYERS County of Residence: TARRANT

- 2 **Protected People:** The following people are protected by the terms of this PROTECTIVE ORDER:

Name: \_\_\_\_\_ County of Residence: \_\_\_\_\_

Applicant: MORGAN MICHELLE MYERS

TARRANT

Children: M [REDACTED] F [REDACTED] M [REDACTED]

TARRANT

C [REDACTED] R [REDACTED] M [REDACTED]

TARRANT

Other \_\_\_\_\_

Adults: \_\_\_\_\_

- 3 **Temporary Orders** — To prevent family violence, the Court orders the Respondent to obey all orders marked with a check. ✓

**The Respondent (person named in 1) must:**

- Not commit an act against any person named in 2 above that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places those people in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- Not communicate in a threatening or harassing manner with any person named in 2 above.
- Not communicate a threat through any person to any person named in 2 above.

**APP 4:1**

Temporary Ex Parte Protective Order  
Form Approved by the Supreme Court of Texas



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

- d.  Not communicate or attempt to communicate in any manner with: (Check all that apply)  
 Applicant     Children     Other Adults named in 2 above. The Respondent may communicate through:  
\_\_\_\_\_ or other person the Court appoints.
- Good cause exists for prohibiting the Respondent's direct communications.
- e.  Not go within 200 yards of the (Check all that apply):  
 Applicant     Children     Other Adults named in 2 above. (except to go to court hearings)
- f.  Not go within 200 yards of the Residence, workplace, or school of the: (Check all that apply)  
 Applicant     Other Adults named in 2 above.
- The addresses of the prohibited locations are: (Check all that apply)  
 Deemed confidential. The Clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
- Disclosed as follows:  
Applicant's Residence: \_\_\_\_\_  
Applicant's Workplace/School: \_\_\_\_\_  
Other: \_\_\_\_\_
- g.  Not possess a firearm or ammunition, unless the Respondent is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.
- h.  Not go within 200 yards of the Children's Residence, child-care facility, or school.  
The addresses of the prohibited locations are: (Check all that apply)  
 Deemed confidential. The Clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.  
 Disclosed as follows:  
Children's Residence: \_\_\_\_\_  
Children's Child-care/School: \_\_\_\_\_  
Other: \_\_\_\_\_
- i.  Not stalk, follow, or engage in conduct directed specifically toward the Applicant, Children, or Other Adults named in 2 above that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass them, including tracking or monitoring a car or other property.
- j.  Not remove the Children from their school, child-care facility, or the Applicant's possession.
- k.  Not remove the Children from the jurisdiction of the Court.
- l.  Not take, harm, or interfere with the care, custody, or control of the following pet, companion animal, or assistance animal: \_\_\_\_\_ (describe the animal).
- m.  Not interfere with the Applicant's use of the Residence located at: \_\_\_\_\_, TX 76148, including, but not limited to, disconnecting utilities or telephone service or causing such services to be disconnected.
- n.  Not interfere with the Applicant's use and possession of the following property:  
2023 MAZDA CX-5 PLATE # SLV5281
- o.  Not damage, transfer, encumber, or otherwise dispose of any property jointly owned or leased by the Applicant and Respondent, except in the ordinary course of business or for reasonable and necessary living expenses, including, but not limited to, removing or disabling any vehicle owned or possessed by the Applicant or jointly by the parties (whether so titled or not).

APP 4:2



**4  Order: Vacate Residence Immediately**

The Court finds that the Residence located at: 16041 ANNE CT WATAUGA, TX 76148 (Check one):

- is jointly owned or leased by the Applicant and Respondent;
- is solely owned or leased by the Applicant; or
- is solely owned by the Respondent; and the Respondent is obligated to support the Applicant or a child in the Applicant's possession.

The Court further finds that the Applicant currently resides at the Residence, or has resided there within 30 days prior to the filing of the *Application for Protective Order* in this case, and that the Respondent has committed family violence against a member of the household within 30 days prior to the filing of the *Application for Protective Order* in this case. There is a clear and present danger that the Respondent is likely to commit family violence against a member of the household.

The Respondent is therefore ORDERED to vacate the Residence on or before: \_\_\_\_\_  a.m.  p.m. on: \_\_\_\_\_ (date) and to remain at least 200 yards away from the Residence until further order of the Court. The Applicant shall have exclusive use and possession of the Residence until further order of the Court.

**B/** IT IS FURTHER ORDERED that the sheriff, constable, or chief of police shall provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent to vacate the Residence, and to provide protection while the Applicant takes possession of the Residence, and if the Respondent refuses to vacate the Residence, provide protection while the Applicant takes possession of the Applicant's necessary personal property.

**5  Confidentiality of Information**

The Court Clerk is ordered to strike contact information for Protected People, including: addresses, mailing addresses, county of residence, telephone numbers, places of employment, businesses, child-care facilities, and schools from the public records of the Court, and maintain a confidential record of this information. The Clerk of the Court is prohibited from releasing contact information of Protected People except to the Court or to law enforcement for the purpose of entering the information into the Department of Public Safety law enforcement information system. **It is ordered that all contact information for the Protected People is confidential.**

It is ordered that the following person is designated as a person to receive any notice or documents filed with the Court related to the application on behalf of the Applicant:

Name: MARGIE WILSON

Address: 16040 ANN CT WATAUGA, TX 76148

It is ordered that the following person is designated as a person to receive any notice or documents filed with the Court.

**6  Go to the Court Hearing**

IT IS FURTHER ORDERED that notice issue to the Respondent to appear, and the Respondent is ORDERED to appear in person before this Court at the time and place indicated on page 1 of this form.

The purpose of this hearing is to determine whether the Court should issue the Protective Orders and other relief requested in the *Application for Protective Order* filed in this case.

**7 Duration of Order:** This Order is effective immediately and shall continue in full force and effect until twenty (20) days from the date it is signed, or further order of the Court.

**APP 4:3**



- 8  Warning: A person who violates this order may be punished for contempt of court by a fine of as much as \$500 or by confinement in jail for as long as six months, or both.

No person, including a person who is protected by this order, may give permission to anyone to ignore or violate any provision of this Order. During the time in which this Order is valid, every provision of this Order is in full force and effect unless a court changes the Order.

It is unlawful for any person, other than a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to a Protective Order to possess a firearm or ammunition.

If a person subject to a protective order is released from confinement or imprisonment following the date the order would have expired, or if the order would have expired not later than the first anniversary of the date the person is released from confinement or imprisonment, the order is automatically extended to expire on: (1) the first anniversary of the date the person is released, if the person was sentenced to confinement or imprisonment for a term of more than five years; or (2) the second anniversary of the date the person is released if the person was sentenced to confinement or imprisonment for a term of five years or less.

A violation of this Order by commission of an act prohibited by the Order may be punishable by a fine of as much as \$4,000 or by confinement in jail for as long as one year, or both. An act that results in family violence may be prosecuted as a separate misdemeanor or felony offense. If the act is prosecuted as a separate felony offense, it is punishable by confinement in prison for at least two years.

This Ex Parte Order signed on (date): 02/22/2023 Time: 3:22 pm  
2:40 a.m.  p.m.  
 Judge Presiding: Judge Saenz

This is a Court Order. No one – except the Court – can change this Order.

**APP 4:4**

Temporary Ex Parte Protective Order  
 Form Approved by the Supreme Court of Texas



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

# TAB 5

Ex-Parte Temporary  
Order

Cause No.: 322 744538 23

Applicant: MORGAN MICHELLE MYERS § In the DISTRICT Court  
 v. § of  
 §  
 §  
 §

FILED  
 TARRANT COUNTY  
 12/28/2023 9:56 AM  
 THOMAS A. WILDER  
 DISTRICT CLERK

Respondent: CHARLES DUSTIN MYERS § TARRANT County, Texas

*Order setting/Noon for  
 Temporary Ex Parte Protective Order*

Go to the court hearing on: Date: Dec 15, 2024 Time: 9:00 a.m. p.m.

Court Address: 4th Floor, 322nd Assoc. Ct., 200 E Weatherford Street Fort Worth TX

**Findings:** The Court finds from the sworn Affidavit or Declaration attached to the Application for Protective Order filed in this case that there is a clear and present danger that the Respondent named below will commit acts of family violence that will cause the Applicant, Children, and/or Other Adults named below immediate and irreparable injury, loss, and damage, for which there is no adequate remedy at law. The Court, therefore, enters this *Temporary Ex Parte Protective Order* without further notice to the Respondent or hearing. No bond is required.

1 **Respondent:** The person named below is ordered to follow all Orders marked with a check.

Name: CHARLES DUSTIN MYERS County of Residence: TARRANT

2 **Protected People:** The following people are protected by the terms of this PROTECTIVE ORDER:

Name: \_\_\_\_\_ County of Residence: \_\_\_\_\_

Applicant: MORGAN MICHELLE MYERS

TARRANT

Children: M [REDACTED] F [REDACTED] M [REDACTED]

TARRANT

C [REDACTED] R [REDACTED] M [REDACTED]

TARRANT

Other \_\_\_\_\_

Adults: \_\_\_\_\_

3 **Temporary Orders** — To prevent family violence, the Court orders the Respondent to obey all orders marked with a check. ✓

**The Respondent (person named in 1) must:**

- a.  Not commit an act against any person named in 2 above that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places those people in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- b.  Not communicate in a threatening or harassing manner with any person named in 2 above.
- c.  Not communicate a threat through any person to any person named in 2 above.

**APP 5:1**

Temporary Ex Parte Protective Order  
 Form Approved by the Supreme Court of Texas



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

- d.  Not communicate or attempt to communicate in any manner with: (Check all that apply)  
 Applicant     Children     Other Adults named in 2 above. The Respondent may communicate through:  
or other person the Court appoints.
- Good cause exists for prohibiting the Respondent's direct communications.
- e.  Not go within 200 yards of the (Check all that apply):  
 Applicant     Children     Other Adults named in 2 above. (except to go to court hearings)
- f.  Not go within 200 yards of the Residence, workplace, or school of the: (Check all that apply)  
 Applicant     Other Adults named in 2 above.
- The addresses of the prohibited locations are: (Check all that apply)  
 Deemed confidential. The Clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.
- Disclosed as follows:  
Applicant's Residence: \_\_\_\_\_  
Applicant's Workplace/School: \_\_\_\_\_  
Other: \_\_\_\_\_
- g.  Not possess a firearm or ammunition, unless the Respondent is a peace officer actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.
- h.  Not go within 200 yards of the Children's Residence, child-care facility, or school.  
The addresses of the prohibited locations are: (Check all that apply)  
 Deemed confidential. The Clerk is ordered to strike the information from all public court records and maintain a confidential record of the information for Court use only.  
 Disclosed as follows:  
Children's Residence: \_\_\_\_\_  
Children's Child-care/School: \_\_\_\_\_  
Other: \_\_\_\_\_
- i.  Not stalk, follow, or engage in conduct directed specifically toward the Applicant, Children, or Other Adults named in 2 above that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass them, including tracking or monitoring a car or other property.
- j.  Not remove the Children from their school, child-care facility, or the Applicant's possession.
- k.  Not remove the Children from the jurisdiction of the Court.
- l.  Not take, harm, or interfere with the care, custody, or control of the following pet, companion animal, or assistance animal: \_\_\_\_\_ (describe the animal).
- m.  Not interfere with the Applicant's use of the Residence located at: WATAUGA, TX 76148 including, but not limited to, disconnecting utilities or telephone service or causing such services to be disconnected.
- n.  Not interfere with the Applicant's use and possession of the following property:  
2023 MAZDA CX5 PLATE # SLV5281
- o.  Not damage, transfer, encumber, or otherwise dispose of any property jointly owned or leased by the Applicant and Respondent, except in the ordinary course of business or for reasonable and necessary living expenses, including, but not limited to, removing or disabling any vehicle owned or possessed by the Applicant or jointly by the parties (whether so titled or not).

**APP 5:2**

Temporary Ex Parte Protective Order

Form Approved by the Supreme Court of Texas



A CERTIFIED COPY  
ATTEST: 04/15/2024  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /S/ Catherine Saenz  
108-2-014

**4  Order: Vacate Residence Immediately**

The Court finds that the Residence located at: REDACTED WATAUGA, TX 76148 (Check one):

- is jointly owned or leased by the Applicant and Respondent;
- is solely owned or leased by the Applicant; or
- is solely owned by the Respondent; and the Respondent is obligated to support the Applicant or a child in the Applicant's possession.

The Court further finds that the Applicant currently resides at the Residence, or has resided there within 30 days prior to the filing of the *Application for Protective Order* in this case, and that the Respondent has committed family violence against a member of the household within 30 days prior to the filing of the *Application for Protective Order* in this case. There is a clear and present danger that the Respondent is likely to commit family violence against a member of the household.

The Respondent is therefore ORDERED to vacate the Residence on or before: \_\_\_\_\_  a.m.  p.m. on: \_\_\_\_\_ (date) and to remain at least 200 yards away from the Residence until further order of the Court. The Applicant shall have exclusive use and possession of the Residence until further order of the Court.

**B**

IT IS FURTHER ORDERED that the sheriff, constable, or chief of police shall provide a law enforcement officer to accompany the Applicant to the Residence, to inform the Respondent that the Court has ordered the Respondent to vacate the Residence, and to provide protection while the Applicant takes possession of the Residence, and if the Respondent refuses to vacate the Residence, provide protection while the Applicant takes possession of the Applicant's necessary personal property.

**5  Confidentiality of Information**

The Court Clerk is ordered to strike contact information for Protected People, including: addresses, mailing addresses, county of residence, telephone numbers, places of employment, businesses, child-care facilities, and schools from the public records of the Court, and maintain a confidential record of this information. The Clerk of the Court is prohibited from releasing contact information of Protected People except to the Court or to law enforcement for the purpose of entering the information into the Department of Public Safety law enforcement information system. **It is ordered that all contact information for the Protected People is confidential.**

It is ordered that the following person is designated as a person to receive any notice or documents filed with the Court related to the application on behalf of the Applicant:

Name: MARGIE WILSON

Address: 10640 ANNECT WATAUGA, TX 76148

It is ordered that the following person is designated as a person to receive any notice or documents filed with the Court.

**6  Go to the Court Hearing**

IT IS FURTHER ORDERED that notice issue to the Respondent to appear, and the Respondent is ORDERED to appear in person before this Court at the time and place indicated on page 1 of this form.

The purpose of this hearing is to determine whether the Court should issue the Protective Orders and other relief requested in the *Application for Protective Order* filed in this case.

**7 Duration of Order:** This Order is effective immediately and shall continue in full force and effect until twenty (20) days from the date it is signed, or further order of the Court.

**APP 5:3**



8  **Warning:** A person who violates this order may be punished for contempt of court by a fine of as much as \$500 or by confinement in jail for as long as six months, or both.

No person, including a person who is protected by this order, may give permission to anyone to ignore or violate any provision of this Order. During the time in which this Order is valid, every provision of this Order is in full force and effect unless a court changes the Order.

It is unlawful for any person, other than a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision, who is subject to a Protective Order to possess a firearm or ammunition.

If a person subject to a protective order is released from confinement or imprisonment following the date the order would have expired, or if the order would have expired not later than the first anniversary of the date the person is released from confinement or imprisonment, the order is automatically extended to expire on: (1) the first anniversary of the date the person is released, if the person was sentenced to confinement or imprisonment for a term of more than five years; or (2) the second anniversary of the date the person is released if the person was sentenced to confinement or imprisonment for a term of five years or less.

A violation of this Order by commission of an act prohibited by the Order may be punishable by a fine of as much as \$4,000 or by confinement in jail for as long as one year, or both. An act that results in family violence may be prosecuted as a separate misdemeanor or felony offense. If the act is prosecuted as a separate felony offense, it is punishable by confinement in prison for at least two years.

This Ex Parte Order signed on (date): 02/22/2023 Time: 3:22 pm  
2:40 a.m.  p.m.  
 Judge Presiding: B. Orms

This is a Court Order. No one – except the Court – can change this Order.

**APP 5:4**

Temporary Ex Parte Protective Order  
 Form Approved by the Supreme Court of Texas



A CERTIFIED COPY  
 ATTEST: 04/15/2024  
 THOMAS A. WILDER  
 DISTRICT CLERK  
 Page 4 of 4  
 TARRANT COUNTY, TEXAS  
 BY: /s/ Catherine Saenz

# TAB 6

Defendant's Answer  
(Protective Order)

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Cause Number

**322-744538-23**

(Complete the heading so that it looks exactly like the Petition)

**MORGAN MICHELLE MYERS**

Plaintiff (Print Full Name)

In the (check one):

322 - PRECINCT 1  
Court Number

District Court  
 County Court at Law  
 Justice Court (JP)

v.

**CHARLES DUSTIN MYERS**

Defendant (Print Full Name)

**TARRANT**

County,  
Texas

## Defendant's Answer

**WARNING:** Talk to a lawyer before filling out this form. You may accidentally give up important legal rights if you file this form with the Court without first talking to a lawyer. For example, if you file an answer, you may be agreeing that the case can move forward in Texas. For help finding a lawyer, call your local lawyer referral service. If you do not have enough money to hire a lawyer to take your whole case, you can hire a lawyer just to give you advice and help you fill out this form. This is called Limited Scope Representation. You may also be able to talk to a lawyer for free at a legal advice clinic. For help finding a free legal advice clinic go to [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

**INSTRUCTIONS:** If you decide to use this Defendant's Answer form:

- Fill it out completely and sign it.
- File (turn in) your completed answer form at the Courthouse where the Petition was filed.
- It does not cost anything to file an answer.
- If you have been served, you have a limited time to file an answer. Counting from the day you were served, you have 20 days plus the following Monday, at 10 a.m. to file an answer. If you do not file an answer by the deadline, the Plaintiff can ask the court to enter a default judgment against you.
- Keep a copy of your answer for your records.
- Send a copy to the Plaintiff's lawyer or to the Plaintiff if they are not represented by a lawyer.
- Filing an answer usually means you have 30 days to exchange **Required Initial Disclosures**. Read more at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

### 1. Defendant's Information

My name is **CHARLES DUSTIN MYERS**. I am the Defendant in this Case.  
(PRINT your full name.)

The last three numbers of my driver's license number are [REDACTED]. My driver's license was issued in (State) **TEXAS**.

Or  I do not have a driver's license number.

The last three numbers of my social security number are [REDACTED].

Or  I do not have a social security number.

### 2. General Denial .....Texas Rules of Civil Procedure Rule 92

I enter a general denial.

I request notice of all hearings in this case.

**APP 6:1**



### 3. Specific Pleas Made Under Penalty of Perjury

Read Texas Rules of Civil Procedure Rule 93 for a list of specific pleas that must be verified or made under penalty of perjury. Ask a lawyer which specific pleas apply to your case.

I make the following specific pleas under penalty of perjury:

The Plaintiff, Morgan Michelle Myers, intentionally lied about allegations of family violence to the court, as evidenced by the complete absence of any police reports, medical records, or credible witnesses to corroborate such claims. I assert that my personal history is devoid of any such incidents and my record remains unblemished. Please see attached EXHIBIT B.

These unfounded allegations have caused significant undue stress and threaten the well-being of my children and myself. The claim that I have a history of family violence is categorically false and is maliciously designed to obstruct my parental rights and access to my children.

The timing and nature of these allegations suggest a strategic ploy to influence the outcome of concurrent legal proceedings — specifically, an eviction case and our ongoing divorce. It appears these claims were fabricated to leverage an advantage in these matters, rather than to protect any party from harm.

The Plaintiff also requested for joint conservatorship in the divorce and seeks co-parenting, which directly contradicts this order in and of itself.

In light of these considerations, I plead with the court to dismiss the protective order and to take appropriate measures to prevent further unwarranted interference with my family life and living situation, as my children's best interests remains my priority.

### 4. Affirmative Defenses

Read Texas Rules of Civil Procedure Rule 94 for a list of affirmative defenses. Ask a lawyer which affirmative defenses apply to your case.

Note: An affirmative defense is an independent reason that the Plaintiff should not win the lawsuit. If an affirmative defense is successful, you could win the lawsuit, even if what the Plaintiff says is true. If you file an answer and do not claim an affirmative defense, you may forever give up that defense.

I claim the affirmative defenses checked below:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> accord and satisfaction | <input type="checkbox"/> estoppel                 | <input type="checkbox"/> license                |
| <input type="checkbox"/> arbitration and award   | <input type="checkbox"/> failure of consideration | <input type="checkbox"/> release                |
| <input type="checkbox"/> assumption of risk      | <input checked="" type="checkbox"/> fraud         | <input type="checkbox"/> res judicata           |
| <input type="checkbox"/> contributory negligence | <input checked="" type="checkbox"/> illegality    | <input type="checkbox"/> statute of frauds      |
| <input type="checkbox"/> discharge in bankruptcy | <input type="checkbox"/> injury to fellow servant | <input type="checkbox"/> statute of limitations |
| <input checked="" type="checkbox"/> duress       | <input type="checkbox"/> laches                   | <input type="checkbox"/> waiver                 |

I already paid the debt sued for. I paid \$ \_\_\_\_\_ to \_\_\_\_\_  
on \_\_\_\_\_ by \_\_\_\_\_.  
(date) (check, cash, etc.)

Write any other details regarding payment of the debt here:  
\_\_\_\_\_  
\_\_\_\_\_

I also claim these additional affirmative defenses:

**APP 6:2**

Abuse of Process: The petitioner has utilized the judicial proceedings as an instrument of malice and personal vendetta, with the primary intent of causing unwarranted harm to my reputation and rights, rather than seeking legitimate redress for a valid legal grievance.

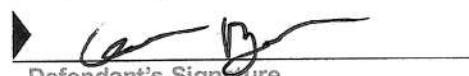
Lack of Evidence: The petitioner has failed to provide any credible evidence, such as police reports, medical documentation to substantiate the allegations of family violence. My record is clear of any such incidents, underscoring the baseless nature of the accusations.

I reserve the right to file an Amended Defendant's Answer with the Court to plead additional verified pleas, affirmative defenses and claims, cross-claims, or third-party claims, as applicable, after further investigation and discovery.

#### 5. Request for Judgment

I ask that Plaintiff take nothing from this lawsuit. I ask for costs of court. I ask for such other and further relief, at law or in equity, to which I may be justly entitled.

Respectfully submitted,

  
Defendant's Signature  
CHARLES DUSTIN MYERS  
Defendant's Printed Name  
[REDACTED]  
Mailing Address  
Email: CHUCKDUSTIN123@GMAIL.COM  
[REDACTED]  
Date 01/02/2024  
Phone 817-507-4562  
City [REDACTED] State TX Zip 76148  
Fax (if available) \_\_\_\_\_

I understand that I must let the Court, the Plaintiff's lawyer (or the Plaintiff if the Plaintiff does not have a lawyer), and any other party or lawyer in this case know in writing if my mailing address or email address changes during this case. If I don't, any notices about this case will be sent to me at the mailing address or email address on this form.

#### 6. Unsworn Declaration Made Under Penalty of Perjury

I make this unsworn declaration under penalty of perjury in place of verification as allowed by Texas Civil Practices and Remedies Code Section 132.001.

"Perjury" means making a false statement under oath, which is a crime, so everything in this Answer must be true.

My name is: CHARLES DUSTIN MYERS.  
First Middle Last

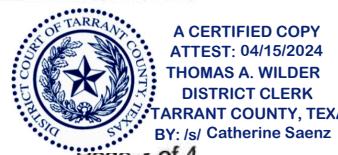
My date of birth is: [REDACTED]  
[REDACTED] Month Day Year

My address is: [REDACTED] 76148 USA.  
Street Address City State Zip Code Country

I declare **under penalty of perjury** that: 1) I am the Defendant in this case, 2) I have read this Defendant's Answer, and 3) the statements in this Defendant's Answer are within my personal knowledge and are true and correct. I understand that it is a crime to lie on this form.

Formally signed **under penalty of perjury** in TARRANT County, TEXAS,  
on this date: 01/02/2024.  
Month Day Year

  
Defendant's Signature



APP 6:3

### 7. Certificate of Service

I certify that a copy of this document was delivered to the Plaintiff's lawyer or the Plaintiff (if the Plaintiff does not have a lawyer) on the same day this document was filed with (turned in to) the Court as follows: (Check one.)

- through the electronic file manager if this document is being filed electronically  
 by certified mail, return receipt requested  
 by fax, to: \_\_\_\_\_  
 by personal delivery  
 by email to this email address: MOR6AUMW02@gmail.com

  
Defendant's Signature

01/02/2024  
Date

**APP 6:4**

# TAB 7

Motion to Consolidate

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

FILED  
 TARRANT COUNTY  
 1/3/2024 6:59 PM  
 THOMAS A. WILDER  
 DISTRICT CLERK

**NOTICE: THIS DOCUMENT  
 CONTAINS SENSITIVE DATA**

Cause No. 322-744263-23

CHARLES DUSTIN MYERS

WATAUGA, TX 76148

- § In the (check one):
- §  322nd District Court
- §  County Court at Law No. \_\_\_\_\_
- § TARRANT County, Texas

**AND**

Cause No. 322-744538-23

CHARLES DUSTIN MYERS

WATAUGA, TX 76148

- § In the (check one):
- §  322nd District Court
- §  County Court at Law No. \_\_\_\_\_
- § TARRANT County, Texas

### Motion to Consolidate

*Print your answers*

My name is:

CHARLES

First

DUSTIN

Middle

MYERS

Last

I am the  Petitioner  Respondent in this case

In support, the following is shown:

1. These lawsuits involve [a] common question[s] of law or fact.
2. It would serve the convenience of the Court and parties to have these lawsuits consolidated. Consolidation would assist in avoiding repetition, unnecessary expense, and unnecessary delay.

**APP 7:1**

Motion to Consolidate



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

I pray that the Court grant the Motion to Consolidate and consolidate these lawsuits under the older and lower cause number.

Respectfully submitted,



Your Signature

01-03-2024

Date

CHARLES MYERS

Your Printed Name

817-507-6562

Phone

Mailing Address

WATAUGA TX 76148

City

State

Zip

CHUCKDUSTIN12@GMAIL.COM

Email Address

Fax # (if any)

### Notice of Hearing

The above motion is set for a hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ a.m. / p.m.

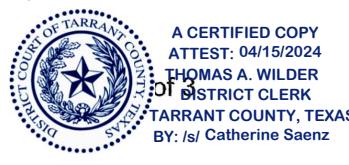
The hearing will be held in the \_\_\_\_\_  
(Court)  
located at \_\_\_\_\_  
(Court's Location)

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge or Clerk

**APP 7:2**

Motion to Consolidate



### Certificate of Service

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

Hand delivery to the other party \_\_\_\_\_

Hand delivery to the other party's lawyer \_\_\_\_\_

Email to this email address MORGANMWOZG@GMAIL.COM

Regular mail to this address: \_\_\_\_\_

Certified mail to this address: \_\_\_\_\_

Commercial delivery service (for example FedEx) to this address: \_\_\_\_\_

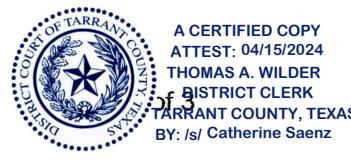
Fax to fax #: \_\_\_\_\_

  
Signature

01-03-2024  
Date

APP 7:3

Motion to Consolidate



# TAB 8

Background Report for  
Case Consolidation

## Background Report for Case Consolidation

### Case Details:

Divorce Case (Cause No. 322-744263-23) in the 322nd District Court of Tarrant County, filed on December 18, 2023.

Protective Order Case (Cause No. 322-744538-23) in the 322nd District Court of Tarrant County.

### Reasons for Consolidation:

#### Interconnected Issues:

The divorce case and the protective order case involve overlapping issues concerning family violence allegations, which are central to the divorce proceedings and directly affect custody and visitation rights. The protective order case includes allegations of family violence, which are also a pivotal point in the divorce case in determining the waiver of the standard waiting period for the divorce.

#### Consistency in Rulings:

Consolidating the divorce and protective order cases would ensure consistency in the court's findings, particularly regarding any allegations of family violence and their impact on the dissolution of marriage, custody, and visitation rights.

#### Judicial Economy:

Hearing both cases together would promote judicial economy by avoiding duplication of legal proceedings, as both cases are likely to involve similar witnesses, evidence, and legal arguments.

#### Claims of False Statements:

There have been claims of false statements and perjury related to the protective order, which could have significant implications for the divorce case. For instance, the claim that the plaintiff intentionally lied about being unable to pay court fees and made false allegations of family violence to gain an advantage in the divorce proceedings suggests that a single judge should hear both matters for a clear understanding of the facts.

**Evidence of Misrepresentation and False Statements:**

Evidence provided suggests that there have been misrepresentations to the court, including the transfer of funds from the joint account and the plaintiff's interaction with third parties, which could affect both the protective order and the divorce outcome. The protective order – which was based on claims of family violence – are entirely baseless as I have no record of family violence, and no evidence from the Plaintiff has been provided to substantiate these claims.

**Landlord-Tenant Relationship:**

The eviction case, although not directly related to family law matters, stems from claims and actions that are deeply intertwined with the divorce and protective order cases, suggesting that the alleged family violence and the actions of the plaintiff have been used to justify an eviction that coincides with the timing of the divorce and protective order filings.

**Conclusion:**

Given the overlapping factual and legal issues in the divorce and protective order cases, consolidation would serve the interests of justice and efficiency. It would ensure that the court has a comprehensive understanding of the intertwined nature of the family's circumstances, which is vital for fair and equitable resolution of these matters. While the eviction case may not be directly consolidated due to jurisdictional differences, it should be considered in context with the other cases to provide a complete picture of the ongoing disputes and to keep the best interests of our children intact.

Respectfully submitted,

Charles Myers

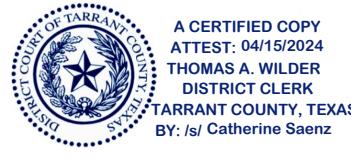
[Chuckdustin12@gmail.com](mailto:Chuckdustin12@gmail.com)

817-507-6562

X 

On this day of 01-03-2024

**APP 8:2**



# TAB 9

Motion of Continuance  
and Notice of Hearing

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

FILED  
 TARRANT COUNTY  
 1/8/2024 12:00 AM  
 THOMAS A. WILDER  
 DISTRICT CLERK

Cause Number 322 744538 23

Complete this section so that it looks exactly like the Petition filed in your case.

CHARLES DUSTIN MYERS

In the (check one):

322 District Court

Court Number

 County Court at LawWATAUGA, TX 76148TARRANT

County, Texas

## Motion for Continuance and Notice of Hearing

Print your answers.

1. My name is: CHARLES DUSTIN MYERS.  
 First                      Middle                      Last
2. I am the  Petitioner  Respondent in this case.
3. This case is presently set for a hearing or trial on 01 16 2024.  
 Month    Day            Year
4. I ask the Court to change the date of the hearing or trial to a later date because: (Check all that apply.)
  - I did not get at least 3 days' notice of this hearing.
  - I did not get at least 10 days' notice of this contempt/enforcement hearing.
  - I did not get at least 45 days' notice of this final hearing or trial.
  - I need time to hire a lawyer.
  - I need time to get legal advice and get ready to represent myself at the hearing.
  - Other: (Write why you need a continuance.) Please see attached documents.
5. This continuance is not sought solely for delay but that justice may be done.
6. I ask the Court to grant my Motion for Continuance.

Respectfully submitted,


  
 Your Signature  
CHARLES MYERS

Your Printed Name

 Mailing Address  
CHUCKINSTIN12@gmail.com  
 Email Address
01-06-2024

Date

(817) 507-6562

Phone

City                      State                      Zip

Fax Number (if available)



A CERTIFIED COPY

ATTEST: 04/15/2024

THOMAS A. WILDER

DISTRICT CLERK

TARRANT COUNTY, TEXAS

BY: /s/ Catherine Saenz

APP 9:1

## Notice of Hearing

The above motion is set for hearing on 01-16-2024 at 9:00  a.m.  p.m.  
at the TARRANT County Courthouse, located at:

200 E. WEATHERFORD FORT WORTH TX 76196-0402  
Physical Address of Courthouse      City      State      Zip

► Signature of Judge or Clerk (if required in your County)

## Declaration (Pursuant to Texas Civil Practice & Remedies Code 132.002)

My full name is: CHARLES DUSTIN MYERS,  
my date of birth is [REDACTED], and  
my address is: [REDACTED], WATAUGA, TX 76148,  
and TARRANT.  
Country

I declare under penalty of perjury that: 1) I am the person asking for a continuance, 2) I have read this Motion for Continuance, and 3) the statements in this Motion for Continuance are within my personal knowledge and are true and correct.

Executed (formally signed) in TARRANT County, Texas on this date: 01 - 06 -2024.

► Signature of Party Asking for Continuance

## Certificate of Service

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

- Hand delivery to the other party: MORGAN MICHELLE MYERS  
 Hand delivery to the other party's lawyer:  
 Email to this email address: Morgan.MW02@gmail.com  
 Certified mail, return receipt requested to this address: (*Note: This method may take too long.*)  
  
 Commercial delivery service (for example FedEx) to this address:  
  
 Fax to fax #: \_\_\_\_\_  
  
 Electronic service through the electronic filing manager. (*Note: The method is required if you electronically file (e-file) this document and the email address of your spouse or your spouse's attorney is on file with the electronic file manager.*)

► Signature of Party Asking for Continuance

01-06-2024  
Date

**APP 9:2**



# TAB 10

Motion for Continuance  
- Brief

Charles Dustin Myers  
[REDACTED]

Watauga, TX 76148 [Phone Number]

Chuckdustin12@gmail.com

2024-01-06

IN THE DISTRICT COURT OF TARRANT COUNTY, TEXAS  
BEFORE THE 322<sup>ND</sup> COURT

Morgan Michelle Myers, Plaintiff,

vs.

Charles Dustin Myers, Defendant.

CAUSE NO. 322-744538-23

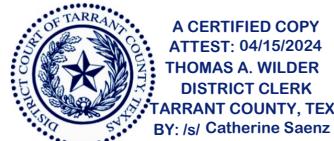
MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Charles Dustin Myers, Defendant in the above-entitled and numbered cause, respectfully requests that the Court grant a continuance in the protective order case, and as grounds therefore would show the following:

1. Family Priorities During Holidays: The recent holiday season and the children's break from school have been my priority. Ensuring their stability and spending quality time with them has been of utmost importance, impacting my ability to prepare adequately for this case.
2. Motion for Consolidation: I have recently filed a motion for consolidation to combine this case with two others due to their intertwined nature. This motion has been accepted by the court but not yet ruled upon by the judge. A decision on this matter could significantly impact the proceedings of this case. The relevant cases that are intertwined are cause numbers: 322-744263-23 (DIVORCE) and JP01-23-E00102017 (EViction).

**APP 10:1**



3. Unfounded Claims in Eviction Suit and Protective Order: Both the eviction suit and the protective order claims are unfounded. The eviction suit lists the violation of the lease as "granddaughter divorced" and prematurely references the protective order as a secondary reason for eviction grounds. Additional time is needed to address these premature and baseless claims. There is no immediate danger to the Plaintiff, or the children – and has never been any incident of family violence that has occurred within our home. Attached is a copy of my criminal history obtained by the Texas Department of Public Safety that highlights my clean record.
4. Time to appropriately answer the divorce: The parent case in the request to consolidate is the divorce, which I have yet to answer due to the concurrent proceedings (eviction suit and protective order) which were both filed due to the claims that I possess a history of family violence, waiving the 60-day period for service and making the timeframe unreasonable – especially considering the lack of communications from the Plaintiffs – to formulate a plan that best suits our children's interests.
5. Lack of Cooperation in Providing Lease Agreement: Despite requests, the Plaintiff has not provided a copy of the lease agreement necessary for my defense. More time is needed to acquire these critical documents, especially given the unlawful nature of the eviction.
6. Potential for Amicable Resolution: Given more time to prepare and the pending decision on the consolidation of cases, there is a potential for a more amicable resolution to be reached. The intertwined nature of the cases suggests that a holistic approach to resolution may be more appropriate and beneficial for all parties involved.

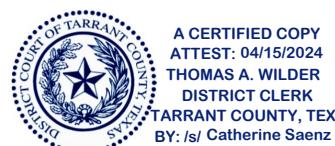
Considering the above reasons, continuity is necessary to ensure a fair and just resolution of this matter. I assure the Court that this request is not for the purpose of delay, but to allow for adequate preparation and the pursuit of justice.

WHEREFORE PREMISES CONSIDERED, I, Charles Dustin Myers, respectfully request that the Court grant a continuance for the protective order case.

Respectfully submitted,

  
Charles Dustin Myers

APP 10:2



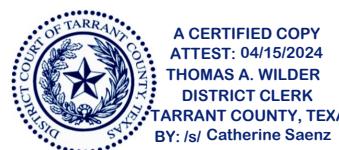
**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this Motion for Continuance was served on Morgan Michelle Myers, Plaintiff, at [morganmw02@gmail.com](mailto:morganmw02@gmail.com) on 2024-01-06.



Charles Dustin Myers

**APP 10:3**



# TAB 11

Unsworn Declaration

322-744263-23

No. 322-744538-23  
Núm.

[Fill out cause number and heading information EXACTLY as it is written on the Petition.]

[Escriba el número de causa y otra información del tribunal EXACTAMENTE como aparece en la Petición.]

IN THE MATTER OF THE MARRIAGE OF:

MORGAN MICHELLE MYERS &

CHARLES DUSTIN MYERS

AND IN THE INTEREST OF:

M [REDACTED] E [REDACTED] M [REDACTED]

C [REDACTED] R [REDACTED] M [REDACTED]

In the: (check one):

En el: (seleccione una):

District Court

Tribunal de Distrito

322

Court Number

Número de  
Juzgado

County Court at Law –

Tribunal de Condado

Justice Court (JP) – Tribunal  
de Justicia

Tarrant

County, Texas

Condado, Texas

## Unsworn Declaration

### Declaración

(Texas Civil Practice and Remedies Code 132.001)

My name is: CHARLES DUSTIN MYERS.

Mi nombre es: First – Primer nombre Middle- Segundo nombre Last - Apellido

my date of birth is: [REDACTED] / [REDACTED] / [REDACTED], and

mi fecha de nacimiento es: [-] Month/Mes Day/Día Year/Año y

my address is: [REDACTED] WATAUGA, TX 76148

mi dirección es: Street Address City State Zip Code  
Calle Ciudad Estado Código Postal

and United States of America (country).

y en el país [-]

I declare under penalty of perjury that all information in the attached document, titled

Yo declaro, bajo pena de perjurio, que toda la información en el documento, titulado

Statement \_\_\_\_\_, is true and correct.

Name of Document - Título del Documento \_\_\_\_\_, adjunto es correcta y verdadera.

Signed in Tarrant County, TX (state),  
Firmado en el Condado [-] del estado de [-]

on this date: 1 / 13 / 2024.

el: [fecha] Month/Mes Day/Día Year/Año

/s CHARLES DUSTIN MYERS  
Your Signature – Su Firma

Pursuant to Texas Civil Practice and Remedies Code Section 132.001, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. This provision does not apply to a lien required to be filed with a county clerk, an instrument concerning real or personal property required to be filed with a county clerk, or an oath of office or an oath required to be taken before a specified official other than a notary public. An unsworn declaration made under this section must be 1) in writing, 2) signed by the person making the declaration as true under penalty of perjury and 3) in substantially the form used above.

De acuerdo con la sección 132.001 del Código de Práctica y Procedimiento Civil de Texas, esta declaración puede ser usada en lugar de una declaración, verificación, certificación, juramento, o affidavit firmada ante un notary public que requiera un estatuto, reglamento, orden, o requisito aprobado como lo establece la ley. Esta provisión no aplica a un derecho o privilegio de preferencia de un acreedor (lien), un documento de bienes raíces o una propiedad propia que requiera ser entregado en la secretaría del condado, o un juramento de cargo u otro juramento que requiera ser hecho en la presencia de un oficial específico además de un notary public. La declaración hecha en conformidad con esta sección tiene que ser 1) por escrito, 2) firmado por la persona declarando y indique ser cierto bajo pena de perjurio y 3) substancialmente el documento anterior.

**APP 11:2**



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

## STATEMENT

I, Charles Dustin Myers, submit this unsworn declaration to recount the events since December 1st, 2023, when my wife, Morgan Michelle Myers, unexpectedly declared her wish for a divorce. The announcement was not only ill-timed but also perplexing in its lack of substantiated reasoning or opportunity for reconciliation.

At noon that day, Morgan cited 'the way I talk to her' as her rationale for the divorce. Despite her evolving reasons, I extended apologies and exhaustively sought resolution, yet my every attempt to discuss our daughters' future and our family's welfare was met with hostility or outright dismissal by Morgan.

The abruptness of Morgan's hostility compelled me to seek deeper insight. Upon examining our AT&T records, I found an alarmingly high volume of communication between Morgan and two individuals: Debbie and Damen. These findings were troubling, especially given the children's scant interaction with Debbie's family despite Morgan's extensive evening visits. When presented with this evidence, Morgan downplayed its significance and persisted in her communications and visits, placing them above resolving our marital issues.

After sharing my concerns with her grandparents, our landlords, the dynamics shifted abruptly. Within days, Morgan began to systematically exclude me from the family narrative surrounding the divorce.

The situation intensified on December 14th, 2023, with the involvement of Dan Branthoover, her mother's boyfriend. Dan contacted me, purporting to mediate our divorce impartially, yet his subsequent actions—advising Morgan, facilitating a transfer of funds from our account to his PayPal, and overdrawn our joint account—belied his stated intentions. This financial maneuvering, coupled with Dan's claim that Morgan is "his client," despite lacking a legal license in Texas, underscores a deceitful manipulation of the facts.

Morgan's subsequent visit to Dan's in Oklahoma for the divorce petition preparation and the acquisition of a second phone coincided with a conspicuous halt in her communications with Debbie, Dan, and Damen, as evidenced in the AT&T records.

On December 17th, 2023, I was served an eviction notice by Morgan's grandmother—a notice that cited a divorce and a protective order not yet filed, revealing a preconceived strategy to undermine my paternal rights and disrupt our daughters' stability, particularly before the Christmas season.

The subsequent protective order filed on December 22nd, 2023, and the divorce petition,

**APP 11:3**



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

## STATEMENT

paint a unilateral narrative of events. Throughout this ordeal, Morgan has actively excluded me from our daughters' lives and neglected to pursue employment or engage in any dialogue regarding their future.

Conversely, I have remained steadfast in my parental duties, inviting Morgan to participate in our daughters' lives, only to be rebuffed at every turn. Her behavior and legal actions, which starkly contradict her claims of fear, suggest an attempt to evade accountability rather than protect herself from any purported threat.

The chain of events illustrates a concerted effort by Morgan and her family to extricate me from our home, leveraging unfounded legal allegations and an eviction suit without considering the facts or the impact on our daughters.

It is my firm belief that Morgan's actions are self-serving, aimed at avoiding responsibility for her actions rather than safeguarding our children. Hence, I implore this court to recognize the inconsistencies in Morgan's claims and to view subsequent allegations with a discerning eye, considering their strategic nature.

In conclusion, I respectfully request the court to deny the protective order and impose sanctions on Dan Branthoover for his role in the marital discord that has ensued since the announcement. It is essential for our daughters' stability and well-being that the full truth of this matter be brought to light and considered in these proceedings.

**APP 11:4**



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

# TAB 12

Temporary Orders -  
Rendition 01.16.24

## 322ND FAMILY DISTRICT COURT

~~ASSOCIATE JUDGE'S REPORT~~

Rendition

FILED

TARRANT COUNTY

1/17/2024 2:28 PM

THOMAS A. WILDER

DISTRICT CLERK

CAUSE NUMBER: 322 - 744538-23322 - 744263-23

ITMOTMO/INRE

Morgan M. MyersvsCharles D. Myers§  
§  
§  
§

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

322ND JUDICIAL DISTRICT

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

## 1. Appearances:

 Petitioner/Movant appeared in person and by attorney Pro Se Respondent appeared in person and by attorney Pro Se2. Issue(s):  Custody  Visitation  Child Support  Health Insurance  CPS (Property and Conservatorship)

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

## AGREED AS TO FORM AND SUBSTANCE:

Attorney for Petitioner

Petitioner

SO ORDERED:

Jenni B. Mutual

322nd Associate Judge

1-16-2024

Date

**APP 12:1**

Attorney for Respondent

Respondent



A CERTIFIED COPY

ATTEST: 04/13/2024

THOMAS A. WILDER

DISTRICT CLERK

TARRANT COUNTY, TEXAS

BY: /s/ 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: 83494135

Filing Code Description: No Fee Documents

Filing Description: Rendition

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

Associated Case Party: MORGANMICHELLEMYERS

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

Associated Case Party: CHARLESDUSTINMYERS

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

**APP 12:2**



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

# TAB 13

Associate Judge's  
Report - 01.22.24

## 322ND FAMILY DISTRICT COURT

## ASSOCIATE JUDGE'S REPORT

CAUSE NUMBER: 322 - 744538-23

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

ITMOTMO/INRE

322-744538-23

Morgan Myers  
AND  
Charles Myers

§  
 §  
 §  
 §

IN THE DISTRICT COURT  
 TARRANT COUNTY, TEXAS  
 322ND JUDICIAL DISTRICT

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

## 1. Appearances:

- Petitioner/Movant appeared in person and by attorney Cooper Carter  
 Respondent appeared in person and by attorney Dan Becker

2. Issue(s):  Custody  Visitation  Child Support  Health Insurance  CPSDISPUTE TEMP. ORDERS & APP. FOR P.O.3. Order(s) or Agreement(s): Motion for Continuance requested  
by Petitioner. The court grants continuance  
and res-ssets all issues for 2/1/2024  
at 9:00 A.M.

RESPONDENT, CHARLES MYERS TO HAVE POSSESSION  
OF THE CHILDREN FROM FRIDAY, JAN 26, 2024, 6:00 PM - SATURDAY 1/27/24  
RESPONDENT TO PICK UP AND DROP OFF CHILDREN AT  
AT [REDACTED], WATAUGA, TX 6:00 PM

## AGREED AS TO FORM AND SUBSTANCE:

Attorney for Petitioner

Petitioner

Attorney for Respondent

Respondent

## SO ORDERED:

322nd Associate Judge

1/22/24

Date

APP 13:1



A CERTIFIED COPY  
 ATTEST: 04/15/2024  
 THOMAS A. WILDER  
 DISTRICT CLERK  
 TARRANT COUNTY, TEXAS  
 BY: /s/ 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: 83674346

Filing Code Description: No Fee Documents

Filing Description:

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

Associated Case Party: MORGANMICHELLEMYERS

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

Associated Case Party: CHARLESDUSTINMYERS

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

**APP 13:2**



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

# TAB 14

First Amended Counter-  
petition for Divorce

**IN THE MATTER OF THE  
MARRIAGE OF**  
**MORGAN MICHELLE MYERS**  
**AND**  
**CHARLES DUSTIN MYERS**  
**AND IN THE INTEREST OF**  
**M [REDACTED] E [REDACTED] M [REDACTED] AND**  
**C [REDACTED] R [REDACTED] M [REDACTED],**  
**CHILDREN**

**IN THE DISTRICT COURT**  
**322ND JUDICIAL DISTRICT**  
**TARRANT COUNTY, TEXAS**

### **FIRST AMENDED COUNTERPETITION FOR DIVORCE**

#### *Discovery Control Plan*

1. Pursuant to Rule 190 of the Texas Rules of Civil Procedure, discovery is intended to be conducted in this suit under Level 2.

#### *Objection to Associate Judge*

2. CHARLES DUSTIN MYERS, Counterpetitioner, objects to an associate judge hearing a trial on the merits or presiding at a jury trial.

#### *Nature of the Suit*

3. This suit is brought by CHARLES DUSTIN MYERS, Counterpetitioner, against MORGAN MICHELLE MYERS, Counterrespondent, seeking dissolution of their marriage and resolution of issues affecting the parent-child relationship.

#### *CHARLES DUSTIN MYERS's Information*

4. The last three numbers of CHARLES DUSTIN MYERS's Texas driver's license number are 608. The last three numbers of CHARLES DUSTIN MYERS's Social Security number are 963

**APP 14:1**

#### **FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 1**

\\MYCLOUDEX2ULTRA\\Ldrive\\Documents\\Clients\\MYERS, CHARLES\\First Amended Counterpetition for Divorce 1-25-24 tj.docx



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

*Service of Citation*

5. No service of citation on MORGAN MICHELLE MYERS is requested at this time.

*Divorce Jurisdiction*

6. MORGAN MICHELLE MYERS and CHARLES DUSTIN MYERS have been domiciliaries of this state for the preceding six-month period. MORGAN MICHELLE MYERS has been a resident of Tarrant County for the preceding ninety-day period. CHARLES DUSTIN MYERS has been a resident of Tarrant County for the preceding ninety-day period.

*Dates of Marriage and Separation*

7. MORGAN MICHELLE MYERS and CHARLES DUSTIN MYERS married on or about June 20, 2015 in Watauga, Texas and separated on or about December 18, 2023.

*Grounds for Divorce*

8. The marriage has become insupportable because of discord or a conflict of personalities between MORGAN MICHELLE MYERS and CHARLES DUSTIN MYERS that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation.

*Children of the Marriage*

9. MORGAN MICHELLE MYERS and CHARLES DUSTIN MYERS are parents of the following children born or adopted of this marriage who are under 18 years of age or who are otherwise entitled to support as provided by Chapter 154 of the Texas Family Code:

Name: M [REDACTED] E [REDACTED] M [REDACTED]  
Gender: Female  
SSN (last 3): XXX  
Birth Date: [REDACTED]  
Home State: Texas

Name: C [REDACTED] R [REDACTED] M [REDACTED]

**APP 14:2** Gender: Female

**FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 2**

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Divorce 1-25-24 tj.docx



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

SSN (last 3): XXX  
Birth Date: [REDACTED]  
Home State: Texas

*Continuing Jurisdiction*

10. No court has continuing jurisdiction of the suit affecting the parent-child relationship.

*No Court-Ordered Relationships*

11. There are no court-ordered relationships for the children of this suit.

*UCCJEA Statement*

12. Each party to this suit resides in Texas. The information required under Section 152.209 of the Texas Family Code is not applicable.

*Health Insurance*

13. The information required under Section 154.181(b) and Section 154.1815 of the Texas Family Code will be filed with this Court before any hearing on Temporary Orders or a Final Order.

*Children's Property*

14. CHARLES DUSTIN MYERS states that there is no property of value owned or possessed by the children the subject of the suit.

*No Protective Order*

15. No protective order under Title 4 of the Texas Family Code or order for emergency protection under Article 17.292 of the Texas Code of Criminal Procedure is in effect in regard to a party to this suit or a child of a party to this suit, and no applications for such orders are pending before the Court.

**APP 14:3**

**FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 3**

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

*Appointment of Joint Managing Conservators*

16. It is in the best interest of the children that CHARLES DUSTIN MYERS and MORGAN MICHELLE MYERS be appointed as joint managing conservators of the children. CHARLES DUSTIN MYERS petitions the Court to appoint CHARLES DUSTIN MYERS and MORGAN MICHELLE MYERS as joint managing conservators of M [REDACTED] E [REDACTED] M [REDACTED] and C [REDACTED] R [REDACTED] M [REDACTED] with all the rights and duties of a parent appointed as a conservator of a child.

*Primary Residence Designation*

17. CHARLES DUSTIN MYERS petitions this Court to designate him the conservator who has the exclusive right to determine the primary residence of the children within Tarrant and contiguous counties, Texas.

**Property of the Parties**

*Agreed Division of Marital Estate*

18. CHARLES DUSTIN MYERS expects to enter into a written agreement with MORGAN MICHELLE MYERS concerning the division of the marital estate. If a written agreement concerning division of the marital estate is submitted, CHARLES DUSTIN MYERS petitions this Court to approve the agreement and order division of the marital estate as the parties have agreed. If an agreement dividing the property is not reached, CHARLES DUSTIN MYERS petitions this Court to order a division of the estate of the parties in a manner that this Court deems just and right, having due regard for the rights of each party and any children of the marriage, and as provided by law.

**Temporary Relief**

*Combined Family Code Temporary Restraining Order and Injunction*

**APP 14:4**

**FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 4**

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

19. CHARLES DUSTIN MYERS petitions this Court to dispense with the issuance of a bond, grant a temporary restraining order without notice to MORGAN MICHELLE MYERS for the preservation of the property of the parties and the protection of the parties as necessary and, after notice and hearing, render an order granting a temporary injunction for the preservation of the property and protection of the parties as deemed necessary and equitable and including, but not limited to, an order prohibiting MORGAN MICHELLE MYERS from engaging in any of the following conduct:

- a. intentionally communicating in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing or electronic messaging, with the other party 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;
- b. 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;
- c. placing a telephone call, anonymously, at an unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party;
- d. intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party;
- e. threatening the other party or a child of either party with imminent bodily injury;
- f. intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of

**APP 14:5**

**FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 5**

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Divorce 1-25-24 tj.docx



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

the parties or a protected party with intent to obstruct the Court's authority to divide the parties' estate in a manner that this Court deems just and right, having due regard for the rights of each party and any children of the marriage;

g. intentionally falsifying a writing or record, including an electronic record, relating to the property of either party;

h. 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 the parties or either party, including electronically stored or recorded information;

i. intentionally or knowingly damaging or destroying the tangible or intellectual property of the parties or either party, including electronically stored or recorded information;

j. intentionally or knowingly tampering with the tangible or intellectual property of the parties or either party, including electronically stored or recorded information, causing pecuniary loss or substantial inconvenience to the other party;

k. except as specifically authorized by order of this Court:

i. selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of the parties or either party, regardless of whether the property is:

(1) personal property, real property, or intellectual property; or

(2) separate or community property;

ii. incurring any debt, other than legal expenses in connection with this suit for dissolution of marriage;

## APP 14:6

### **FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 6**

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

- iii. withdrawing money from any checking or savings account in any financial institution for any purpose;
  - iv. spending any money in either party's possession or subject to either party's control for any purpose;
  - v. withdrawing or borrowing 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;
  - vi. withdrawing or borrowing in any manner all or any part of the cash surrender value of a life insurance policy on the life of either party or a child of the parties;
- l. entering any safe deposit box in the name of or subject to the control of the parties or either party, whether individually or jointly with others;
  - m. changing or in any manner altering the beneficiary designation on any life insurance policy on the life of either party or a child of the parties;
  - n. canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time the suit was filed of, any life, casualty, automobile, or health insurance policies insuring the parties' property or persons including a child of the parties;
  - o. opening or diverting mail, e-mail, or any other electronic communication addressed to the other party;
  - p. signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividend, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party;

## APP 14:7

### **FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 7**

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

- q. taking any action to terminate or limit credit or charge credit cards in the name of the other party;
- r. discontinuing or reducing the withholding for federal income taxes from either party's wages or salary;
- s. destroying, disposing of, or altering any financial records of the parties, including 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;
- t. destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium;
- u. modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium;
- v. deleting any data or content from any social network profile used or created by either party or a child of the parties;
- w. using any password or personal identification number to gain access to the other party's e-mail account, bank account, social media account, or any other electronic account;
- x. terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual service, including security, pest control,

**APP 14:8**

**FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 8**

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Divorce 1-25-24 tj.docx



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

- landscaping, or yard maintenance at the residence of either party, or in any manner attempting to withdraw any deposit paid in connection with any of those services;
- y. excluding the other party from the use and enjoyment of a specifically identified residence of the other party;
- z. entering, operating, or exercising control over a motor vehicle in the possession of the other party; and
- aa. tracking or monitoring personal property or a motor vehicle in the possession of a party, without that party's effective consent, including by:
- i. using a tracking application on a personal electronic device in the possession of that party or using a tracking device; or
  - ii. by physically following that party or causing another to physically follow that party.

*Combined Family Code Temporary Restraining Order and Injunction*

20. CHARLES DUSTIN MYERS petitions this Court to dispense with the issuance of a bond, grant a temporary restraining order without notice to MORGAN MICHELLE MYERS for the safety and welfare of the children and, after notice and hearing, that this Court may render an appropriate order, including the granting of a temporary injunction for the safety and welfare of the children as deemed necessary and equitable and including, but not limited to, an order prohibiting MORGAN MICHELLE MYERS from engaging in any of the following conduct:

- a. disturbing the peace of the children or another party;
- b. disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parents or an order of this Court;

**APP 14:9**

**FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 9**

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- c. hiding or secreting the children from the other party or changing the children's current place of abode without the written agreement of both parents or an order of this Court;
- d. making disparaging remarks regarding the other party or the other party's family in the presence or within the hearing of the children; and
- e. being present within the same residence as the children between 8:00 p.m. and 8:00 a.m. with an unrelated adult with whom a party has an intimate relationship.

*Temporary Authorizations*

21. CHARLES DUSTIN MYERS petitions this Court to authorize MORGAN MICHELLE MYERS to do the following:
- a. to make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.
  - b. to make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
  - c. to make withdrawals from accounts in financial institutions only for the purposes authorized by this Court.

**Temporary Orders and Injunction**

*Family Code Temporary Orders and Injunction*

22. CHARLES DUSTIN MYERS petitions this Court, after notice and hearing, to dispense with the issuance of a bond and render an appropriate order granting a temporary injunction for the preservation of the property and protection of the parties as deemed necessary and equitable, including, but not limited to, an order prohibiting MORGAN MICHELLE MYERS from engaging in any of the following conduct:

**APP 14:10**

**FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 10**

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- a. intentionally communicating in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing or electronic messaging, with the other party 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;
- b. 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;
- c. placing a telephone call, anonymously, at an unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party;
- d. intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party;
- e. threatening the other party or a child of either party with imminent bodily injury;
- f. intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties or a protected party with intent to obstruct the Court's authority to divide the parties' estate in a manner that this Court deems just and right, having due regard for the rights of each party and any children of the marriage;
- g. intentionally falsifying a writing or record, including an electronic record, relating to the property of either party;
- h. 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

**APP 14:11**

**FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 11**

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- property of the parties or either party, including electronically stored or recorded information;
- i. intentionally or knowingly damaging or destroying the tangible or intellectual property of the parties or either party, including electronically stored or recorded information;
  - j. intentionally or knowingly tampering with the tangible or intellectual property of the parties or either party, including electronically stored or recorded information, causing pecuniary loss or substantial inconvenience to the other party;
  - k. except as specifically authorized by an order of this Court:
    - i. selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of the parties or either party, regardless of whether the property is:
      - (1) personal property, real property, or intellectual property; or
      - (2) separate or community property;
    - ii. incurring any debt, other than legal expenses in connection with this suit for dissolution of marriage;
    - iii. withdrawing money from any checking or savings account in any financial institution for any purpose;
    - iv. spending any money in either party's possession or subject to either party's control for any purpose;
    - v. withdrawing or borrowing 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;

**APP 14:12**

**FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 12**

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- vi. withdrawing or borrowing in any manner all or any part of the cash surrender value of a life insurance policy on the life of either party or a child of the parties;
- 1. entering any safe deposit box in the name of or subject to the control of the parties or either party, whether individually or jointly with others;
- m. changing or in any manner altering the beneficiary designation on any life insurance policy on the life of either party or a child of the parties;
- n. canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time the suit was filed of, any life, casualty, automobile, or health insurance policies insuring the parties' property or persons including a child of the parties;
- o. opening or diverting mail, e-mail, or any other electronic communication addressed to the other party;
- p. signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividend, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party;
- q. taking any action to terminate or limit credit or charge credit cards in the name of the other party;
- r. discontinuing or reducing the withholding for federal income taxes from either party's wages or salary;
- s. destroying, disposing of, or altering any financial records of the parties, including 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;

**APP 14:13**

**FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 13**

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- t. destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium;
- u. modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of the suit for dissolution of marriage, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium;
- v. deleting any data or content from any social network profile used or created by either party or a child of the parties;
- w. using any password or personal identification number to gain access to the other party's e-mail account, bank account, social media account, or any other electronic account;
- x. terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual service, including security, pest control, landscaping, or yard maintenance at the residence of either party, or in any manner attempting to withdraw any deposit paid in connection with any of those services;
- y. excluding the other party from the use and enjoyment of a specifically identified residence of the other party;
- z. entering, operating, or exercising control over a motor vehicle in the possession of the other party;

**APP 14:14**

**FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 14**

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- aa. tracking or monitoring personal property or a motor vehicle in the possession of a party, without that party's effective consent, including by:
  - i. using a tracking application on a personal electronic device in the possession of that party or using a tracking device; or
  - ii. by physically following that party or causing another to physically follow that party;
- bb. interfering with the other party's spending of funds for reasonable and necessary living expenses; and
- cc. interfering with the other party's engaging in acts reasonable and necessary to conduct that party's usual business and occupation.

*Family Code Temporary Orders and Injunction*

23. CHARLES DUSTIN MYERS petitions this Court, after notice and hearing, to dispense with the issuance of a bond, and render an appropriate order, including the granting of a temporary injunction for the safety and welfare of the children as deemed necessary and equitable, including, but not limited to, an order prohibiting MORGAN MICHELLE MYERS from engaging in any of the following conduct:

- a. disturbing the peace of the children or another party;
- b. disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled without the written agreement of both parents or an order of this Court;
- c. hiding or secreting the children from the other party or changing the children's current place of abode without the written agreement of both parents or an order of this Court;

**APP 14:15**

**FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 15**

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- d. making disparaging remarks regarding the other party or the other party's family in the presence or within the hearing of the children; and
- e. being present within the same residence as the children between 8:00 p.m. and 8:00 a.m. with an unrelated adult with whom a party has an intimate relationship.

*Temporary Orders for Use of Property*

24. CHARLES DUSTIN MYERS petitions this Court, after notice and hearing, to render an appropriate order including, but not limited to, the following:

- a. awarding CHARLES DUSTIN MYERS exclusive control and management over the possession, use, and occupancy of the residence at [REDACTED] Watauga, Tarrant County, Texas 76148, including all furniture, furnishings, and other personal property located at the residence during the pendency of the case; and
- b. awarding CHARLES DUSTIN MYERS exclusive control and management over the possession and use of 2021 Mazda 3 Sedan.

*Temporary Orders Regarding Children*

25. CHARLES DUSTIN MYERS petitions this Court, after notice and hearing, to render temporary orders including, but not limited to, the following:

- a. appointing CHARLES DUSTIN MYERS and MORGAN MICHELLE MYERS as temporary joint managing conservators of the children;
- b. designating CHARLES DUSTIN MYERS as the conservator who has the temporary exclusive right to determine the primary residence of M [REDACTED] E [REDACTED] M [REDACTED] and C [REDACTED] R [REDACTED] M [REDACTED]; and
- c. restricting the area within which the children's primary residence shall be maintained to Tarrant and contiguous counties, Texas.

**APP 14:16**

**FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 16**

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## **Other Requested Relief**

### *Attorney's Fees Request*

26. CHARLES DUSTIN MYERS engaged Daniel R. Bacalis, a licensed attorney, to prepare and prosecute this suit. As part of the just and right division of the community estate, as well as for the prosecution of this suit affecting the parent child relationship, CHARLES DUSTIN MYERS petitions this Court to render judgment for reasonable attorney's fees, expenses, and costs through trial and appeal in his favor and against MORGAN MICHELLE MYERS, and order the judgment to be paid directly to Daniel R. Bacalis. CHARLES DUSTIN MYERS petitions the Court to award post-judgment interest as permitted by law.

### **Prayer**

CHARLES DUSTIN MYERS prays the Court to grant a divorce and all other relief requested in this Counterpetition.

CHARLES DUSTIN MYERS prays that this Court immediately grant a temporary restraining order restraining MORGAN MICHELLE MYERS, in conformity with the allegations of this Counterpetition, from the acts set forth above, and that, upon notice and hearing, this temporary restraining order be made a temporary injunction.

CHARLES DUSTIN MYERS prays that this Court, in addition to the temporary restraining order and temporary injunction prayed for above, upon notice and hearing, grant a temporary injunction enjoining MORGAN MICHELLE MYERS from the acts set forth above while this case is pending.

CHARLES DUSTIN MYERS prays that this Court, upon notice and hearing, grant temporary orders as requested in this Counterpetition.

**APP 14:17**

### **FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 17**

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CHARLES DUSTIN MYERS prays that he be awarded a judgment against MORGAN MICHELLE MYERS for reasonable attorney's fees.

CHARLES DUSTIN MYERS prays for general relief.

Respectfully submitted,

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

/s/ Daniel R. Bacalis

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

#### Certificate of Service

I certify that a true copy of this document was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on January 31, 2024.

Morgan Michelle Myers by electronic filing manager at morganmw02@gmail.com.

/s/ Daniel R. Bacalis

Daniel R. Bacalis  
Attorney for CHARLES DUSTIN MYERS

**APP 14:18**

#### **FIRST AMENDED COUNTERPETITION FOR DIVORCE – PAGE 18**

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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.

Tammy Johnson on behalf of Daniel Bacalis

Bar No. 1487550

tjohnson@dbacalis.com

Envelope ID: 84003319

Filing Code Description: Amended Filing

Filing Description: First Amended Counterpetition for Divorce

Status as of 2/1/2024 9:08 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	1/31/2024 2:51:39 PM	SENT

**APP 14:19**



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# TAB 15

First Amended Petition  
for Divorce

**NO. 322-744263-23**

**IN THE MATTER OF  
THE MARRIAGE OF**

**MORGAN MYERS  
AND  
CHARLES MYERS**

**AND IN THE INTEREST OF  
M [REDACTED] M [REDACTED] AND C [REDACTED]  
M [REDACTED], CHILDREN**

**IN THE DISTRICT COURT**

**322ND JUDICIAL DISTRICT**

**TARRANT COUNTY, TEXAS**

**FIRST AMENDED PETITION FOR DIVORCE**

**1. Discovery Level**

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

**2. Parties**

This suit is brought by MORGAN MYERS, Petitioner.

CHARLES MYERS is Respondent.

**3. Domicile**

Petitioner has been a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

**4. Service**

No service on Respondent is necessary at this time.

**5. Protective Order Statement**

An application for a protective order under title 4 of the Texas Family Code is pending with regard to a party. The application for protective order was filed in December 22, 2023 in the 322<sup>nd</sup> Judicial District Court in Cause No. 322-744538-23.

**APP 15:1**



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**6. Dates of Marriage and Separation**

The parties were married on or about July 20, 2015, and ceased to live together as spouses on or about December 1, 2023.

**7. Grounds for Divorce**

The marriage has become insupportable because of discord or conflict of personalities between Petitioner and Respondent that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation.

**8. Children of the Marriage**

Petitioner and Respondent are parents of the following children of this marriage who are not under the continuing jurisdiction of any other court:

Name: M [REDACTED] M [REDACTED]

Sex: female

Birth date: [REDACTED]

Name: C [REDACTED] M [REDACTED]

Sex: female

Birth date: [REDACTED]

There are no court-ordered conservatorships, court-ordered guardianships, or other court-ordered relationships affecting the children the subject of this suit.

Information required by section 154.181(b) and section 154.1815 of the Texas Family Code will be provided at a later date.

No property of consequence is owned or possessed by the children the subject of this suit.

Petitioner and Respondent, on final hearing, should be appointed joint managing conservators. Petitioner requests the Court to apportion the rights and duties of a parent set out in

**APP 15:2**



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section 153.132 of the Texas Family Code.

Petitioner should be designated as the conservator who has the exclusive right to designate the primary residence of the children. Respondent should be ordered to provide support for the children, including the payment of child support and medical and dental support in the manner specified by the Court. Petitioner requests that the payments for the support of the children survive the death of Respondent and become the obligations of Respondent's estate.

*9. Division of Community Property*

Petitioner believes Petitioner and Respondent will enter into an agreement for the division of their estate. If such an agreement is made, Petitioner requests the Court to approve the agreement and divide their estate in a manner consistent with the agreement. If such an agreement is not made, Petitioner requests the Court to divide their estate in a manner that the Court deems just and right, as provided by law.

*10. Separate Property*

Petitioner owns certain separate property that is not part of the community estate of the parties, and Petitioner requests the Court to confirm that separate property as Petitioner's separate property and estate.

*11. Request for Temporary Orders and Injunction*

Petitioner requests the Court, after notice and hearing, to dispense with the issuance of a bond, to make temporary orders and issue any appropriate temporary injunctions for the preservation of the property and protection of the parties as deemed necessary and equitable. Petitioner requests that the Court enjoin Respondent from the following:

1. Communicating with Petitioner in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic

**APP 15:3**



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messaging, in vulgar, profane, obscene, or indecent language or in a coarse or offensive manner.

2. Threatening Petitioner 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.

3. Placing one or more telephone calls, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication.

4. Causing bodily injury to Petitioner or to a child of either party.

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

6. Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.

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

8. Misrepresenting or refusing to disclose to Petitioner 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. Damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

10. Tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss to Petitioner.

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

**APP 15:4**



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

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

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

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 order of this Court.

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

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 the parties' children, except as specifically authorized by order of this Court.

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 insurance policy on the life of either party or the parties' children.

20. Canceling, altering, failing to renew or pay premiums on, or in any manner

**APP 15:5**



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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 the parties' children.

21. Opening or diverting mail or e-mail or any other electronic communication addressed to Petitioner.

22. Signing or endorsing Petitioner'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 Petitioner without the personal signature of Petitioner.

23. Taking any action to terminate or limit credit or charge cards in the name of Petitioner.

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 e-mail, 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 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.

**APP 15:6**



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28. Deleting any data or content from any social network profile used or created by either party or the parties' children.

29. Using any password or personal identification number to gain access to Petitioner's e-mail account, bank account, social media account, or any other electronic account.

30. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, including security, pest control, landscaping, or yard maintenance, at the home in which she current resides or in any manner attempting to withdraw any deposits for service in connection with any of those services.

31. Excluding Petitioner from the use and enjoyment of the residence in which she currently resides.

32. Entering, operating, or exercising control over any motor vehicle in the possession of Petitioner.

1. Tracking or monitoring personal property or a motor vehicle in the possession of Petitioner, without Petitioner's effective consent, including by using a tracking application on a personal electronic device in the possession of Petitioner, using a tracking device, or physically following Petitioner or causing another to physically follow Petitioner.

Petitioner requests that Respondent be authorized only as follows:

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.

*13. Request for Temporary Orders Concerning Use of Property*

Petitioner requests the Court, after notice and hearing, for the preservation of the property

**APP 15:7**



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and protection of the parties, to make temporary orders and issue any appropriate temporary injunctions respecting the temporary use of the parties' property as deemed necessary and equitable, including but not limited to the following:

Awarding Petitioner the exclusive use and possession of the residence in which she currently resides, as well as the furniture, furnishings, and other personal property at that residence, while this case is pending, and enjoining Respondent from entering or remaining on the premises of the residence and exercising possession or control of any of this personal property, except as authorized by order of this Court.

Awarding Petitioner exclusive use and control of any motor vehicle in her possession and enjoining Respondent from entering, operating, or exercising control over it.

*14. Request for Temporary Orders Regarding Children*

Petitioner requests the Court, after notice and hearing, to dispense with the necessity of a bond and to make temporary orders and issue any appropriate temporary injunctions for the safety and welfare of the children of the marriage as deemed necessary and equitable, including but not limited to the following:

Appointing Petitioner and Respondent temporary joint managing conservators, and designating Petitioner as the conservator who has the exclusive right to designate the primary residence of the children. Petitioner requests the Court to apportion the rights and duties of a parent set out in section 153.132 of the Texas Family Code.

*15. Request for Permanent Injunction*

Petitioner requests the Court, after trial on the merits, to grant the following permanent injunction:

*16. Attorney's Fees, Expenses, Costs, and Interest*

**APP 15:8**



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TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz

It was necessary for Petitioner to secure the services of Cooper L. Carter, a licensed attorney, to prepare and prosecute this suit. To effect an equitable division of the estate of the parties and as a part of the division, and for services rendered in connection with conservatorship and support of the children, judgment for attorney's fees, expenses, and costs through trial and appeal should be granted against Respondent and in favor of Petitioner for the use and benefit of Petitioner's attorney and be ordered paid directly to Petitioner's attorney, who may enforce the judgment in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

*17. Prayer*

Petitioner prays that citation and notice issue as required by law and that the Court grant a divorce and all other relief requested in this petition.

Petitioner prays that the Court, after notice and hearing, grant a temporary injunction enjoining Respondent, in conformity with the allegations of this petition, from the acts set forth above while this case is pending.

Petitioner prays that, on final hearing, the Court enter a permanent injunction enjoining Respondent, in conformity with the allegations of this petition, from the acts set forth above.

Petitioner prays for attorney's fees, expenses, and costs as requested above.

Petitioner prays for general relief.

Respectfully submitted,

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

**APP 15:9**



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

By:/s/ *Cooper L. Carter*

---

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

APP 15:10



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

Roderick Marx on behalf of Cooper Carter

Bar No. 24121530

MAJFIRM@YAHOO.COM

Envelope ID: 84016389

Filing Code Description: Amended Filing

Filing Description: FIRST AMENDED PETITION FOR DIVORCE

Status as of 2/1/2024 11:35 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	1/31/2024 5:08:20 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Daniel Bacalis		service@dbacalis.com	1/31/2024 5:08:20 PM	SENT
Tammy L.Johnson		tjohnson@dbacalis.com	1/31/2024 5:08:20 PM	SENT
Daniel R.Bacalis		dbacalis@dbacalis.com	1/31/2024 5:08:20 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	1/31/2024 5:08:20 PM	SENT

APP 15:11



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

# TAB 16

'Agreed' Associate  
Judge's Report for  
Temporary Orders  
02.01.24

*AGREED*

## ASSOCIATE JUDGE'S REPORT FOR TEMPORARY ORDERS (Suit Affecting the Parent-Child Relationship, Property and Debts)

### DIVORCE WITH CHILDREN

CAUSE NUMBER: 322-744263-23

<u>Morgan Myers</u>	§	IN THE DISTRICT COURT
<u>AND</u>	§	TARRANT COUNTY, TEXAS
<u>Charles Myers</u>	§	322 <sup>ND</sup> JUDICIAL DISTRICT

RESET DATE: \_\_\_\_\_

**1. Appearances:**

Petitioner/Movant appeared in person and by attorney Cooper Carter  
 Respondent appeared in person and by attorney Dan Bachis  
 \_\_\_\_\_

**2. Temporary Conservatorship:**

A.  Joint Managing Conservators: Primary Possession to  Mother  Father  Other: \_\_\_\_\_

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

Other has the rights and duties under TEX. FAM. CODE ANN. §§ 153.073, 153.074

Mother  Father  Other have the rights, duties and privileges as set forth in TEX. FAM. CODE ANN. § 153.132 except as follows:

The  Mother  Father  Other shall have the exclusive right to establish the residence of the child(ren) and residence of the child(ren) will be Tarrant County or counties contiguous to Tarrant County, TX and/or \_\_\_\_\_

The  Mother  Father  Other are enjoined from removing the child(ren) from Tarrant County or counties contiguous to Tarrant County, TX for the purpose of establishing the residence of the child(ren) and/or \_\_\_\_\_

The right to make educational decisions shall be by the  Mother  Father  Other.

**APP 16:1**

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

The right to receive child support shall be by the  Mother  Father  Other \_\_\_\_\_

B.  Sole Managing Conservator:  Mother  Father  Other: \_\_\_\_\_

Possessory Conservator:  Mother  Father  Other: \_\_\_\_\_

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

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

Residency Restriction to  Tarrant County  Tarrant & contiguous counties.

3. **Temporary Possession Schedule:**

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

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

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

4. **Temporary Child Support:**

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

**APP 16:2**

Medical Insurance on Child Provided by:

( )Mother ( )Father

Insurance Cost Paid by:

( )Mother ( )Father

Uncovered Medical, Dental & Vision Costs:

() Equally ( )

Mother to apply for  
MEDICARE

5. Additional Orders: \_\_\_\_\_

App. for Protective ORDER is non-suited

6. Temporary Spousal Support: *N.A.*

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

7. Temporary Possession of Property:

Husband: *2021 MAZDA 3, his personal prop.  
& clothing 2023 MAZDA CX-8 (LEASED)*

*REPOSSESS to wife home at [REDACTED]  
WATAUGA by MARCH 1, 2024*

Wife: *2007 MAZDA, her personal property  
& clothing, 6641 ANN COOK, WATAUGA,*

APP 16:3

**8. Temporary Payment of Debts and Bills:**

Husband: His living expenses: CAR PAYMENT, his auto ins  
his telephone payment.

LEASE PAYMENT FOR HOMESTEAD FOR FEBRUARY  
& MARCH 2024

Wife: Her living expenses: her auto INSURANCE, her  
telephone payment. LEASE PAYMENT ON HOMESTEAD  
AFTER March 30, 2024

**9. Temporary Injunctions:**

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

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

*the parties to communicate through App (Phone)*

**10. MISCELLANEOUS:**

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

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

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

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

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

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

**APP 16:4**

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

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

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

A typed written Order conforming to this Report will follow within 20 days from the date this Report is signed. The Temporary Order shall be prepared by Dan Baez.

Each attorney should approve the Order. The parties do not need to approve the Order. The attorney reviewing the proposed Order shall have five (5) days to do so. There are no ten (10) day letters. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report.

AGREED AS TO FORM AND SUBSTANCE

Cory  
\_\_\_\_\_  
Attoey for Petitioner

Dan O Baez  
\_\_\_\_\_  
Attorney for Respondent

Mrsy  
\_\_\_\_\_  
Petitioner

Ch Jr  
\_\_\_\_\_  
Respondent

SO, ORDERED:

J  
\_\_\_\_\_  
322<sup>ND</sup> Associate Judge

Date: FEBRUARY 1, 2024

APP 16:5



## 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: 84305097

Filing Code Description: No Fee Documents

Filing Description: AGD AJ REP

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

Associated Case Party: MORGANMICHELLEMYERS

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

Associated Case Party: CHARLESDUSTINMYERS

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

**APP 16:6**



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

# TAB 17

Notice of Termination  
of Legal Counsel

**IN THE 322ND DISTRICT COURT OF TARRANT COUNTY**

**MORGAN MICHELLE MYERS,**

**Plaintiff,**

**v.**

**CHARLES DUSTIN MYERS,**

**Respondent.**

**Cause Number: 322-744538-23**

**NOTICE OF TERMINATION OF LEGAL COUNSEL**

**TO THE CLERK OF THE COURT AND ALL PARTIES OF INTEREST:**

Please take notice that I, Charles Dustin Myers, the Respondent in the above-captioned matter, have terminated the legal services of Mr. Daniel R. Bacalis as my counsel of record, as communicated with Mr. Bacalis on 02/05/2024 at 3:09 P.M. CST via e-mail communications.

This notice is filed pursuant to the applicable rules and regulations governing legal representation and is intended to ensure no delay in the proceedings due to this change.

I will represent myself pro se until further notice. If I retain new legal counsel, a notice of appearance will be filed accordingly.

Kindly update the court records to reflect this change and direct all future correspondence related to this case to my attention via the contact method of preference listed below.

This notification is provided directly to the court due to the time-sensitive nature of the ongoing matters in this case.

I will ensure all future correspondence and legal documents are filed in accordance with local court rules and within the set deadlines.

Should there be any required actions or additional information needed from my end, please do not hesitate to contact me directly.

Respectfully submitted,

/s/ CHARLES DUSTIN MYERS

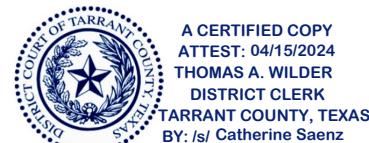
CHARLES DUSTIN MYERS

[REDACTED]  
Watauga, Tx 76148

817-507-6562

chuckdustin12@gmail.com

**APP 17:1**



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

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Notice of Termination of Legal Counsel has been furnished to all counsel of record on this 5<sup>th</sup> day of February, 2024 via e-mail.

/s/ CHARLES DUSTIN MYERS

CHARLES DUSTIN MYERS

[REDACTED]

Watauga, Tx 76148

817-507-6562

chuckdustin12@gmail.com

**APP 17:2**



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

# TAB 18

Agreed Motion for  
Withdrawal of Attorney

**IN THE MATTER OF THE  
MARRIAGE OF**

**MORGAN MICHELLE MYERS  
AND  
CHARLES DUSTIN MYERS**

**AND IN THE INTEREST OF  
M [REDACTED] E [REDACTED] M [REDACTED] AND  
C [REDACTED] R [REDACTED] M [REDACTED]  
CHILDREN**

**§ IN THE DISTRICT COURT**

**§  
§  
§ 322ND JUDICIAL DISTRICT  
§  
§**

**§§ TARRANT COUNTY, TEXAS**

**AGREED MOTION FOR WITHDRAWAL OF ATTORNEY**

Pursuant to Rule 10 of the Texas Rules of Civil Procedure, Daniel R. Bacalis on behalf of CHARLES DUSTIN MYERS files this Agreed Motion for Withdrawal of Attorney as attorney in charge for CHARLES DUSTIN MYERS, Respondent, and states as follows:

1. This is a suit for dissolution of marriage between the parties and affecting the parent-child relationship.
2. Discovery is being conducted under Level 2.
3. The following are children subject to the suit, and their ages are as follows:

<u>Name</u>	<u>Age</u>
M [REDACTED] E [REDACTED] M [REDACTED]	7 years
C [REDACTED] R [REDACTED] M [REDACTED]	5 years

4. Daniel R. Bacalis, attorney in charge for CHARLES DUSTIN MYERS, the Respondent, petitions this Court to withdraw as the attorney for CHARLES DUSTIN MYERS, and in support of this Motion, Daniel R. Bacalis shows the Court:

5. CHARLES DUSTIN MYERS has agreed and consented to this Motion.

**APP 18:1**

**AGREED MOTION FOR WITHDRAWAL OF ATTORNEY - Page 1 of 3**

L:\Documents\Clients\MYERS, CHARLES\Motion for Withdrawal of Attorney - 2-5-24.docx



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

6. CHARLES DUSTIN MYERS has been delivered a copy of this Motion, and has been notified in writing of the right to object to this Motion. The last known address for CHARLES DUSTIN MYERS is [REDACTED] Watauga, TX 76148.

7. This request for withdrawal is not sought for delay only.

8. There are no pending settings or deadlines in this case.

9. Daniel R. Bacalis petitions this Court to grant this Motion for Withdrawal of Attorney and remove Daniel R. Bacalis as attorney of record and attorney in charge for CHARLES DUSTIN MYERS and for general relief.

Respectfully submitted,

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

/s/ Daniel R. Bacalis

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

**APP 18:2**

**AGREED MOTION FOR WITHDRAWAL OF ATTORNEY - Page 2 of 3**

L:\Documents\Clients\MYERS, CHARLES\Motion for Withdrawal of Attorney - 2-5-24.docx



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

### **Certificate of Service**

I certify that a true copy of this document was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on February \_\_\_, 2024.

Cooper L. Carter by electronic filing manager at cooper.carter@majadmin.com.

/s/ Daniel R. Bacalis

Daniel R. Bacalis

Attorney for CHARLES DUSTIN MYERS

AGREED:

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS

**APP 18:3**

**AGREED MOTION FOR WITHDRAWAL OF ATTORNEY - Page 3 of 3**

L:\Documents\Clients\MYERS, CHARLES\Motion for Withdrawal of Attorney - 2-5-24.docx



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

## Automated Certificate of eService

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Lindsey McNabb on behalf of Daniel Bacalis

Bar No. 1487550

lmcnabb@dbacalis.com

Envelope ID: 84215421

Filing Code Description: Motion (No Fee)

Filing Description: Agreed Motion for Withdrawal of Attorney

Status as of 2/7/2024 10:29 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	2/6/2024 4:28:16 PM	SENT

**APP 18:4**



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

# TAB 19

Motion for  
Reconsideration and to  
Vacate Temporary  
Orders

**\*\*THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY\*\*****NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**FILED  
TARRANT COUNTY  
2/9/2024 3:17 PM  
THOMAS A. WILDER  
DISTRICT CLERKCause No. Cause No. 322-744263-23

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

**Motion for Reconsideration and to Vacate Temporary Orders***Print your answers*

My name is:

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

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

SEE ATTACHED MOTION  
  

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

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Respectfully submitted,

► /s/ Charles Dustin Myers  
Your Signature

2024-02-09  
Date

Charles Dustin Myers  
Your Printed Name

817-507-6562  
Phone

[REDACTED]  
Mailing Address

WATAUGA  
City

TX  
State

76148  
Zip

CHUCKDUSTIN12@GMAIL.COM  
Email Address

Fax # (if any)

### Notice of Hearing

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

\_\_\_\_\_  
(designation and location of court).

SIGNED on \_\_\_\_\_.

Judge or Clerk



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

### **Certificate of Service**

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

Hand delivery to the other party \_\_\_\_\_

Hand delivery to the other party's lawyer \_\_\_\_\_

Email to this email address COOPERCARTER@MAJADMIN.COM

Regular mail to this address: \_\_\_\_\_

Certified mail to this address: \_\_\_\_\_

Commercial delivery service (for example FedEx) to this address: \_\_\_\_\_

Fax to fax #: \_\_\_\_\_



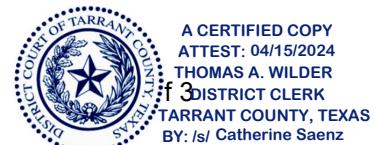
/s/ Charles Dustin Myers

*Signature*

2024-02-09

*Date*

**APP 19:3**



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

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

Cause No. \_\_\_\_\_

- § In the (*check one*):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
§  \_\_\_\_\_ District Court  
§  County Court at Law No. \_\_\_\_\_  
§ \_\_\_\_\_ County, Texas

**Order on Motion for** \_\_\_\_\_

On \_\_\_\_\_ the Court heard the Motion for  
(date)

of \_\_\_\_\_  
(title of motion) (name of person who filed the motion)

IT IS ORDERED that the motion is GRANTED

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SIGNED on \_\_\_\_\_.

JUDGE PRESIDING



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

# TAB 20

Motion for  
Reconsideration and to  
Vacate Temporary  
Orders - Brief

IN THE 322<sup>nd</sup> DISTRICT COURT OF TARRANT COUNTY  
STATE OF TEXAS

**Morgan Michelle Myers,**

Petitioner,

v.

**Charles Dustin Myers,**

Respondent

Cause No. 322-744263-23

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

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

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

---

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

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



## **NATURE OF SUITS AND THIRD-PARTY INFLUENCE**

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

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

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

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



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

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

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

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

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

<sup>8</sup> See attached EXHIBIT A.6 – Mr. Branthroover refers to Petitioner as “his client” while having no license in law.



## **FRIVOLOUS CLAIMS AND FALSE STATEMENTS**

### **A. EMERGENCY PROTECTIVE ORDER**

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

### **B. THE DIVORCE PETITION**

1. Petition was filed on 2024-12-18 under an Affidavit of Inability to pay.<sup>2</sup>
2. The Petitioner's action of filing for divorce under an Affidavit of Inability to pay three days after transferring \$1,576 to herself starkly contravenes the mandates set forth in *Chapter 10, Section 10.001 of the Civil Practice and Remedies Code*. This section asserts that each claim or legal contention must be warranted by existing law or a nonfrivolous argument for the modification of existing law or the establishment of new law, and that each factual contention has or is likely to have evidentiary support after further investigation or discovery<sup>3</sup>.
3. The Petitioner violated *Chapter 10, Section 10.001* a second time within the same document when she intentionally elected to waive the 60-day waiting period claiming to have an active protective order against me that found family violence had occurred during our marriage<sup>4</sup> despite being denied such an order just five days prior on December 14<sup>th</sup>, 2023.
5. The final page of the Divorce Petition for service to the Office of the Attorney General was left unsigned by the Petitioner.

---

<sup>1</sup> TEXAS FAMILY CODE, TITLE 4, SUBTITLE B, CHAPTER 83, Sec. 83.001

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

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

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



### C. EVICTION SUIT

1. The suit was unlawful by nature<sup>5</sup>, as the grounds for eviction were based on family status, referencing the divorce as well as a protective order that had been denied on December 14<sup>th</sup>, 2023. The suit was dismissed for lack of jurisdiction on January 17<sup>th</sup>, 2024.<sup>6</sup>

### D. PROTECTIVE ORDER

1. This suit was the second attempt by the Petitioner to have me removed from the home, which ultimately succeeded.

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

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

---

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

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



## **THE PROTECTIVE ORDER HEARINGS**

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

---

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

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

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

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

## **CONCLUSION AND PRAYER**

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

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

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



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

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

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

Respectfully submitted on this 9<sup>th</sup> day of February 2024,

/s/ Charles Dustin Myers

Charles Dustin Myers

Chuckdustin12@gmail.com



## Automated Certificate of eService

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

Envelope ID: 84359156

Filing Code Description: Motion (No Fee)

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

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

Associated Case Party: MORGANMICHELLEMYERS

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

Associated Case Party: CHARLESDUSTINMYERS

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

**APP 20:9**



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

# TAB 21

Motion for Reconsideration  
of Evidence and to Vacate  
Temporary Orders - Exhibits

322-744263-23

# EXHIBIT A.3

FINANCIAL TRANSACTION

**Banking/Debit Card Withdrawals and Purchases***- continued*

Date	Amount	Description
12/15	1.33	3117 Debit Card Purchase Paypal *dkb575
12/18	1,576.00	3117 Debit Card Purchase Paypal *Dmb575
12/18	10.65	3117 Recurring Debit Card Microsoft*Xbox Game P
12/19	80.00	3117 Debit Card Purchase Google *Svcs753f2d7d-7
12/19	3.19	POS Purchase Google *Google Mountain Vie Ca
12/20	9.73	3117 Debit Card Purchase Prime Video *Zb2Ax6Hc3
12/20	1.00	3117 Debit Card Purchase Elevenlabs.io
12/21	12.99	3117 Recurring Debit Card Abcmouse.Com*
12/21	38.86	3117 Debit Card Purchase DD Doordash Sonicdriv
12/21	80.00	3117 Debit Card Purchase Google *Svcs07659609-d
12/21	14.02	3117 Debit Card Purchase Wmt Plus Dec 2023
12/26	55.17	3117 Debit Card Purchase Amzn Mktp US*R35H22C73
12/26	138.38	3117 Debit Card Purchase Amzn Mktp US*Ui1Wh8M23
12/26	31.37	3117 Debit Card Purchase Amzn Mktp US*1I3TH8Gf3
12/26	15.14	3117 Recurring Debit Card Google *Youtubepremiu
12/26	80.72	3117 Recurring Debit Card Att*Bill Payment
12/26	188.35	3117 Recurring Debit Card Openai Httpsopenai C
12/26	52.89	3117 Recurring Debit Card Discord* 10Xserverboo
12/26	118.43	3117 Recurring Debit Card Klarna Klarna.Com
12/27	80.00	3117 Debit Card Purchase Google *Svcsd05bfd7b-1
12/28	25.40	3117 Debit Card Purchase Til*PI Cicis 22 Hurst
12/28	20.00	3117 Debit Card Purchase Cicis Pizza 22 Arcade
12/28	16.85	3117 Debit Card Purchase Big Z Watauga Tx
12/28	6.99	3117 Recurring Debit Card Atom Finance, Inc.
12/28	2.10	3117 Debit Card Purchase Ism, Inc. DBA Airup
12/28	5.32	3117 Debit Card Purchase Amznfreetime*XI50U2M73
12/29	10.00	3117 Debit Card Purchase Big Z Watauga Tx
12/29	17.16	3117 Debit Card Purchase Shell Oil 57543389001
12/29	2.80	3117 Debit Card Purchase Shell Oil 57543389001

322-744263-23

# EXHIBIT A.4

DAN TEXTS ADMITTING  
TRANSACTIONS

## **Here's what's happening:**

Low Cash Mode is on for your account ending in X8826. You have 3 decisions to review as of December 16, 2023 6:00 a.m. ET. Your Available Balance is -\$822.14.

## **Here's what you need to do:**

Sign on to the PNC Mobile app<sup>1</sup> to review your options.

Manage your alert settings in the PNC Mobile app.

*<sup>1</sup> Standard message and data rates may apply.*



Google Ads <ads-account-noreply@google.com>  
to me ▾

Sat, Dec 16, 2023, 3:49PM



Your Customer ID: 376-041-0198

[Sign in](#)



## Your Google ads have stopped running

Your ads have stopped running due to an issue related to billing & payments.

To get your ads running again, log on to your account and review your alert messages.

[REVIEW BILLING & PAYMENTS](#)

Learn more about [automatic payments](#).

*This Google Ads account is currently linked to the following payments profile: 3120-4910-8516. This profile is responsible for costs generated by this account.*

Thanks,  
The Google Ads Team

&lt; Me

3:54 PM, Dec 16

Dan, I'm going to need you to put the money back that i need to pay our bills and clear my account deficit.

I move money around all the time, which is evident in the transaction records and has always been in the best interest of all of us.

This most recent move was malicious and manipulative, and has negatively impacted our financial situation.

You should be trying to help resolve this - not further complicate it.

I can't order any presents this weekend for the girls.

I can't work due to mental anguish - also not good for the girls.

All I've done is try to explain that we should work on this - especially when you look at the facts versus the narrative.

Morgan needs insurance on the car. My own insurance is now late. Water bill is late- which threatens our auto-pay setup.

Despite not understanding any of this and none of it making sense - I still have to do what's in the best interest for Morgan and the girls, as I always have so long as I was aware of what I needed to be working on.

There's still time to turn this around - hash it out, and realize that this family and those two girls and everything we've done are worth fighting for.

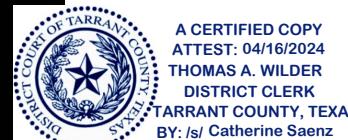
I'll keep trying until I can't.

We can still save Christmas.

Copy text

Share

More





Me

3:54 PM, Dec 16

Dan, I'm going to need you to put the money back that i need to pay our bills and clear my account deficit.

I move money around all the time, which is evident in the transaction records and has always been in the best interest of all of us.

This most recent move was malicious and manipulative, and has negatively impacted our financial situation.

You should be trying to help resolve this - not further complicate it.

I can't order any presents this weekend for the girls.

I can't work due to mental anguish - also not good for the girls.

All I've done is try to explain that we should work on this - especially when you look at the facts versus the narrative.

Morgan needs insurance on the car. My own insurance is

### Message details

Type

Advanced Messaging

To

+19403123434

Time sent

3:54 PM, Dec 16

Status

Sent

OK



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



+19403123434



04:46

8:10 PM

I'm not someone who takes lightly to threats or attempted intimidation.

Take care Charlie. I hope you make some good choices in the next few weeks. So far you're not showing you're capable.

8:18 PM

Voice messag...434\_010.amr

00:30

8:19 PM

She transferred money to her own account that you said was hers. End of discussion. Have a good evening.

8:20 PM

By the way, the money IS hers.  
Community property state.

8:21 PM

Voice messag...434\_011.amr

00:50

8:21 PM

Voice messag...434\_012.amr

00:24

8:22 PM

Charlie. I want to make this as clear as I can. You're getting divorced. Please hear that and absorb it. You are getting divorced. I hope I can help with the paperwork and make this go as easy as possible. That's up to you.

8:23 PM

Voice messag...434\_014.amr

00:27

8:24 PM





+19403123434



Some good choices in the next few weeks. So far you're not showing you're capable.

8:18 PM

8:19 PM

Voice messag...434\_010.amr

00:30

She transferred money to her own account that you said was hers. End of discussion. Have a good evening.

8:20 PM

By the way, the money IS hers.  
Community property state.

8:21 PM

8:21 PM

Voice messag...434\_011.amr

00:50

8:22 PM

Voice messag...434\_012.amr

00:24

Charlie. I want to make this as clear as I can. You're getting divorced. Please

### Message details

Type

Text message

From

+19403123434

Time sent

8:23 PM, Dec 16

OK



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



# TAB 22

Respondent's Answer to the  
First Amended Petition for  
Divorce

IN THE 322<sup>nd</sup> DISTRICT COURT OF TARRANT COUNTY

## STATE OF TEXAS

**Morgan Michelle Myers,**

Cause No. 322-744263-23

Petitioner,

v.

**Respondent's Answer to  
Petitioner's First Amended  
Petition for Divorce**

**Charles Dustin Myers,**

Respondent

To the Honorable Judge of said Court:

The First Amended Petition for Divorce presents yet another series of critical flaws and misrepresentations, reflective of the pattern established in every document filed thus far by the opposing Party.<sup>1</sup>

Respondent has firmly denied the allegations herein in multiple documents within the court's possession, including an answer to the Protective Order, alongside several Exhibits with supporting documentation. Particularly, the Counter Petition for divorce, which more accurately reflects the true nature of the best interests of our children and does not contain false information or inaccuracies aimed at gaining an unfair advantage, has yet to be considered.

Based on the forthcoming inaccuracies, the false allegations, and the clear oversight by Counsel, the Respondent moves the Court to reset Cause No. 322-744263-23 which would immediately restore stability to the children's lives, give all parties involved time for an appropriate conference, and to follow the court procedures properly, and effectively, which would serve the best interests of our daughters.

<sup>1</sup> Between December 14th, 2023, and December 22nd, 2023, the Petitioner filed for an Emergency Protective Order, a Divorce Petition, a Protective Order, and instigated an Eviction suit. Please see the EMERGENCY MOTION filed with the court on 02/09/2024. Envelope# 84359156



## **INACCURACIES OF PETITION/DENIAL**

This section of this document will reference the corresponding numbered sections found in the First Amended Petition for Divorce.

### **6. Dates of Marriage and Separation**

1. December 1st, 2023, is not just inaccurate; it is a blatant misrepresentation of our living situation. Our cohabitation, verified by multiple documents accepted by this Court, continued unabated, reflecting a conscientious effort to preserve normalcy for our daughters during an especially sensitive time. The date of separation came on January 16<sup>th</sup>, 2024 – without a hearing, which has been detrimental and the focal-point of these proceedings by the Petitioner.

### **7. Grounds for Divorce**

2. Petitioner claims the marriage became insupportable due to discord or conflict of personalities. This is inaccurate. The divorce was announced without any prior attempt at counseling, communication, therapy, or any visible signs of marital discord around the holiday season.

### **8. Children of the Marriage**

3. The petition inaccurately asserts that no court-ordered conservatorships, guardianships, or relationships affecting the children of this marriage were in place at the time of filing, which is another blatant inaccuracy and oversight.

4. At the time of filing, orders were in place based on false claims from the Petitioner, hindering my work and damaging the relationship with my children. Opposing counsel was appointed on or around January 22<sup>nd</sup>, 2024, on last minute notice, which lead to a case continuance – which extended the Temporary Orders currently in place at that time to the reset date of February 1<sup>st</sup>, 2024.



6. The request for the exclusive right to designate the primary residence of the children is detrimental, as the Petitioner is employed part-time and has no desire to acquire full time employment and has demonstrated a pattern of deception that has destabilized the children's lives and damaged my ability to provide for them, which directly impacts them.

7. This oversight shows the consequences of not conducting proper discovery by opposing Counsel, and that this case is deeply rooted in misinformation, while the facts have been ignored outright.

#### **11. Request for Temporary Orders and Injunction**

8. The requests outlined in this section are baseless and appear designed to harass and complicate co-parenting. Cohabitation was maintained for 45 days post-divorce announcement, disrupted only by court intervention on false pretenses. Once again, the opposing Party must maintain the need for protection despite cohabiting without court intervention for 46 days, during which I was served three times. Respondent would ironically argue that the protection would have made more sense if been filed by himself rather than the Petitioner.

#### **13. Request for Temporary Orders Concerning Use of Property**

9. The requests are baseless and appear designed to harass and complicate co-parenting. Cohabitation was maintained for 45 days post-divorce announcement, disrupted only by court intervention on false pretenses. Once again, the opposing Party must maintain the need for protection despite cohabiting without court intervention for 46 days, during which I was served three times. Respondent would ironically argue that the protection would have made more sense if been filed by himself rather than the Petitioner.

#### **14. Request for Temporary Orders Regarding Children**

10. The request for orders regarding children lacks a factual basis and fails to protect the children's interests. The petitioner's previous request for an Emergency



Protective Order was denied, and was filed maliciously, illustrating the baselessness of claims for protection. The cohabitation achieved aforementioned directly contradicts the need for such orders.

#### **15. Request for Temporary Orders Concerning Use of Property**

11. Petitioner's Counsel requested temporary orders despite orders already existing at the time of this filing. These requests were made without any hearing and are, therefore, just as all other allegations made in this document, based off of unfounded claims of Family Violence.

#### **16. Attorney's Fees, Expenses, Costs, and Interest**

12. Respondent challenges the necessity and purpose of the Petitioner securing legal services from Cooper L. Carter, as she expressed her lack of desire to represent the Petitioner for the divorce case, only seeming interested in the Protective Order case, and would question her desire to represent the Petitioner had it not been required by the Honorable Judge of this Court, as corroborated by the oversights pointed out within this document.

#### **17. Prayer**

13. Petitioner's prayer, based on temporary injunctions and orders, is plagued by inconsistencies and contradictions, with no regard for the children's well-being. This is further compounded by the lack of competence from the opposing Counsel to get crucial facts such as the living arrangements in line 6.

### **RESPONDENT'S PRAYER**

Respondent, Charles Dustin Myers, affirms under penalty of perjury that the statements herein are true and accurate to the best of his knowledge, supported by substantial documentation and evidence duly filed and accepted by the clerk of this Court.

It is with utmost respect yet resolute conviction that Respondent prays for the Court to strike the Petitioner's First Amended Petition for Divorce from the record due to its' inconsistent and inaccurate nature.



Therefore, Respondent earnestly requests that the Court grant the following relief:

1. Reset the case to restore the conditions prior to court intervention.
2. Set a fair and expedited hearing to address these matters thoroughly, ensuring all parties can present their case and the children's best interests are held paramount. Respondent suggests a hearing date for March 14<sup>th</sup>, 2024 as the Opposing Counsel has already disclosed this availability, and the Court has already set time aside for this date in regards to the EMERGENCY MOTION filed, as referenced on page 1 of this document.
3. Consider the pattern of deceit and manipulation exhibited by the Petitioner throughout these proceedings, and the operation of non-facts by opposing Counsel, and weigh any new claims with a heightened level of scrutiny, as Respondent has retained consistent pleadings throughout this case.
4. Award full custody to the Respondent, who is best positioned to meet the children's needs and provide a stable, nurturing environment, while also facilitating a constructive relationship with the Petitioner.
5. Respondent reassures the Court that reinstating him to the family home and with full custody of his children poses no risk of harm or violence; on the contrary, it promises the continuation of peaceful cohabitation and the nurturing environment his daughters need. The Petitioner retains the right to remain in the home or choose alternate accommodations, but it is imperative for the children's sake that their lives not be disrupted by ongoing litigation over baseless allegations.
6. The Respondent will make an active and conscious effort to ensure the bond between the Petitioner and the children is upheld and is committed to ensuring that the children have unfettered access to both parents, a principle the Petitioner has willfully neglected. Awarding the Respondent custody will enable the children to sustain the stable and loving home they are accustomed to, without the unnecessary upheaval that has marked recent months.



By restoring the Respondent to his rightful place in the children's lives, the Court will affirm the principles of justice and fairness and uphold the sacred trust placed in it to protect the innocent and vulnerable.

/s/ Charles Dustin Myers

Charles Dustin Myers

Respondent

Chuckdustin12@gmail.com

817-507-6562



## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document, Respondent's Answer to Petitioner's First Amended Petition for Divorce, was served on [Date] to the following:

Petitioner's Attorney:

Cooper Carter

cooper.carter@majadmin.com

via Email / Electronic Filing Service

Additionally, a copy was provided to the Petitioner, Morgan Michelle Myers, via Electronic Filing Service / via Email @ morganmw02@gmail.com

/s/ Charles Dustin Myers

Charles Dustin Myers

6641 Anne Court

Watauga, TX 76148

Chuckdustin12@gmail.com

817-507-6562

-7-

2024-02-14



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

## **Automated Certificate of eService**

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**Envelope ID:** 84529722

**Filing Code Description:** Answer/Contest/Response/Waiver

**Filing Description:** RESPONDENT'S ANSWER TO PETITIONER'S FIRST AMENDED PETITION FOR DIVORCE

**Status as of** 2/15/2024 10:46 AM CST

**Associated Case Party:** MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	2/14/2024 11:02:22 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	2/14/2024 11:02:22 PM	SENT

**Associated Case Party:** CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	2/14/2024 11:02:22 PM	SENT

**APP 22:8**



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

# TAB 23

Motion for Partial Summary  
Judgement

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

322-744263-23

FILED

TARRANT COUNTY

2/22/2024 11:23 AM

THOMAS A. WILDER

DISTRICT CLERK

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

Cause No. Cause No. 322-744263-23

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

**Motion for Partial Summary Judgement**

*Print your answers*

My name is:

CHARLES                    DUSTIN                    MYERS  
*First*                        *Middle*                        *Last*

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

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

Please see attached brief. \_\_\_\_\_  
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**APP 23:1**



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

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Respectfully submitted,

► /s/ Charles Dustin Myers 2024-02-22  
*Your Signature* *Date*

Charles Dustin Myers 817-507-6562  
*Your Printed Name* *Phone*

[REDACTED] WATAUGA TX 76148  
*Mailing Address* *City* *State* *Zip*

CHUCKDUSTIN12@GMAIL.COM Fax # (if any)  
*Email Address*

### **Notice of Hearing**

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

\_\_\_\_\_ *(designation and location of court).*

SIGNED on \_\_\_\_\_.

Judge or Clerk

**APP 23:2**



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

### **Certificate of Service**

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

Hand delivery to the other party \_\_\_\_\_

Hand delivery to the other party's lawyer \_\_\_\_\_

Email to this email address COOPERCARTER@MAJADMIN.COM

Regular mail to this address: \_\_\_\_\_

Certified mail to this address: \_\_\_\_\_

Commercial delivery service (for example FedEx) to this address: \_\_\_\_\_

Fax to fax #: \_\_\_\_\_



/s/ Charles Dustin Myers

Signature

2024-02-22

Date

**APP 23:3**



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

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Envelope ID: 84786327

Filing Code Description: Motion (No Fee)

Filing Description: Motion for Partial Summary Judgement

Status as of 2/22/2024 11:59 AM CST

Associated Case Party: MORGANMICHELLEMYERS

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

Associated Case Party: CHARLESDUSTINMYERS

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

APP 23:4



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

# TAB 24

Motion for Partial Summary  
Judgement - Brief

IN THE 322<sup>nd</sup> DISTRICT COURT OF TARRANT COUNTY  
STATE OF TEXAS

**Morgan Michelle Myers,**

Petitioner,

v.

**Charles Dustin Myers,**

Respondent

Cause No. 322-744263-23

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

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

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

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

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



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

## **BACKGROUND**

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

1. On December 14th, 2023, the Petitioner sought an EX-PARTE Order of Protection from the Court, which was judiciously denied, affirming the absence of immediate threat or harm that warranted such an extraordinary measure. Undeterred by this judicial determination, the Petitioner proceeded to file for divorce on December 18th, 2023, misleadingly alleging the existence of an active Order of Protection against the Respondent. This deliberate misrepresentation constitutes not merely an attempt to skew the legal process in the Petitioner's favor but represents a flagrant abuse of the judicial system designed to secure an undue advantage in the divorce proceedings, which has ultimately been successful.
2. On December 22nd, 2023, the Petitioner initiated a subsequent application for a Protective Order, forming the cornerstone of litigation since the initial hearing on January 16th, 2024.
3. On January 16<sup>th</sup>, 2024, the Court rendered Temporary Orders which required the Respondent to vacate his family home and give up custody of his children on the presumption of family violence. The Court's decision did not meet the statutory requirements of the *Texas Family Code, Sec. 6.502*.<sup>4</sup>

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

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



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



## **LEGAL BASIS**

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

### **1 . Misalignment with Texas Family Code Sec. 105.001:**

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

### **2. Contravention of Texas Family Code Sec. 105.005:**

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

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

### **3. Violation of Texas Family Code Sec. 153.002:**

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

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



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

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

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

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

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

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

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

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

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

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

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



## **STATEMENTS OF FACT**

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

1. The Petitioner has not provided any evidence of Family Violence.<sup>6</sup> These claims unjustly removed the Respondent from his home starting on January 16<sup>th</sup>, 2024 and significantly impaired his at-home business operations, and are the basis for the current custodial arrangements which are unlawful and founded on false claims.<sup>7</sup>
2. No basis exists for the current arrangements, as the Court has not considered the best interests of the children throughout this case, but rather has operated solely on the accusations of family violence, which are now non-suited.<sup>8</sup>
3. The deadline approaching March 1<sup>st</sup> to vacate, and the current custodial arrangements are void of any lawful basis. Any custodial arrangements are required to consider the best interests of the children involved.
4. Respondent's parenting plan has been overlooked by the Court, filed January 6<sup>th</sup>, 2024.<sup>9</sup>
5. The Court's basis for conservatorship was based solely on the claims of Family Violence, which are now void.
6. The respondent is entitled to this Partial Summary Judgement as a matter of law, which will rightfully restore the status quo ante given no genuine dispute of material fact exists regarding family violence, which are the basis for the ongoing and current orders.

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

<sup>7</sup> See attached EXHIBIT B.

<sup>8</sup> Attached EXHIBIT C, page 3.

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



## **PRAYER FOR RELIEF**

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

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

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

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

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

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

Respectfully submitted,

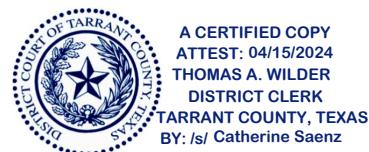
/s/ Charles Dustin Myers

02/22/2024

Charles Dustin Myers

[Chuckdustin12@gmail.com](mailto:Chuckdustin12@gmail.com)

817-507-6562



CASE NO. 322-744263-23

MORGAN MICHELLE MYERS  
PETITIONER (PRINT)

IN THE 322nd

VS

DISTRICT COURT

CHARLES DUSTIN MYERS  
RESPONDENT (PRINT)

TARRANT COUNTY, TEXAS

### CERTIFICATE OF SERVICE

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

has been delivered to all opposing parties on record in accordance with the Texas Rule of Civil Procedure, 501.4, on this 22nd day of February, 2024.

**SELECT ONE:**

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

/s/ Charles Dustin Myers  
SIGNATURE

Charles Dustin Myers  
PRINT NAME

Watauga, TX 76148  
ADDRESS

CITY, STATE AND ZIP CODE

817-507-6562  
PHONE NUMBER

APP 24:10



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

# TAB 25

Motion for Partial Summary  
Judgement - EXHIBIT D -  
Proposed Parenting Plan

322-744263-23

# EXHIBIT D

## PROPOSED PARENTING PLAN

**IN THE DISTRICT COURT OF TARRANT COUNTY, TEXAS**

**322ND DISTRICT FAMILY COURT**

**MORGAN MICHELLE MYERS,                          §**

**Plaintiff,    §**

**§**

**vs.    § Case No. 322-744538-23**

**§**

**CHARLES DUSTIN MYERS,                            §**

**Defendant.    §**

**EXHIBIT A: TEMPORARY VISITATION ADJUSTMENT PROPOSAL**

Respondent: Charles Dustin Myers

Understanding the intricate nature of our family's current situation and the legal complexities involved, I, Charles Dustin Myers, propose a thoughtful adjustment to the visitation schedule that aligns with our cohabiting status and the abrupt changes brought about by the divorce announcement.

**1. Co-habitation Acknowledgement:**

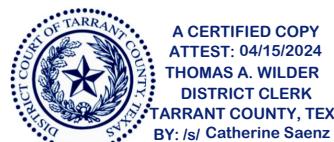
It is acknowledged that both parents currently cohabit, which complicates traditional custody arrangements. Therefore, the immediate priority is to facilitate a transition where both parties can establish their respective independent living and working arrangements without disrupting the children's lives.

**2. Transition Period:**

**Morgan's Employment:** Provide Morgan with the necessary support and time to secure stable employment, which is vital for her to contribute to the children's needs and establish her own residence.

**Stable Housing for Charles:** As I seek stable housing to maintain my significant role in our daughters' lives, flexibility in visitation is essential to ensure I continue to fulfill my parental duties.

**APP 25:2**



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

**3. Work and Research Commitments:**

The concurrent legal proceedings, particularly those based on unverified claims, demand a substantial amount of my time for research and preparation to protect the children's well-being.

My ability to work has been affected by the proceedings, necessitating an adjustment in my day-to-day routine to accommodate these new responsibilities.

**4. Interim Custody Logic:**

**Continuity for Children:** While we navigate these proceedings, it is critical to maintain stability and continuity for our children. Any temporary custody arrangements should reflect the least disruptive path for them.

**Counseling and Mediation:** I strongly advocate for counseling or mediation to reconcile and navigate the divorce process, emphasizing the children's best interests rather than abrupt and contentious changes.

**5. Court's Facilitation:**

The court's facilitation in endorsing a temporary and flexible visitation framework is crucial. This framework must account for the current living situation and the significant emotional and logistical upheaval that the divorce proceedings have caused.

This proposal is made in the spirit of cooperation, with a focus on minimizing the impact of our marital dissolution on our children. It is with a sincere hope that we can transition into a stable co-parenting arrangement that keeps our children's welfare as the priority.

Respectfully submitted,

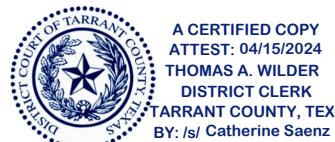
X CDM 01-01-2024  
Charles Dustin Myers

[REDACTED]  
Watauga, Texas 76148

817-507-6562

[Chuckdustin12@gmail.com](mailto:Chuckdustin12@gmail.com)

**APP 25:3**



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

### **Certificate of Service**

I hereby certify that a true and correct copy of the foregoing document, **EXHIBIT A: TEMPORARY VISITATION ADJUSTMENT PROPOSAL**, has been furnished to the following on 2024-01-07:

To Plaintiff:

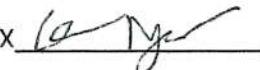
Morgan Michelle Myers

Email: morganmw02@gmail.com

Method of Service:

Via electronic mail to morganmw02@gmail.com as per the agreement between parties for electronic communication.

Executed on this sixth day of January, 2024.

x 

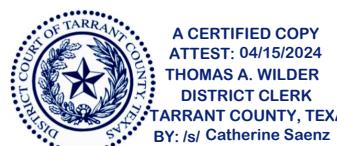
Charles Dustin Myers

[REDACTED]  
Watauga, Texas 76148

817-507-6562

[Chuckdustin12@gmail.com](mailto:Chuckdustin12@gmail.com)

**APP 25:4**



# TAB 26

Motion to Vacate Temporary  
Orders - Notice of Hearing

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Respectfully submitted,

► /s/ Charles Dustin Myers 2024-02-09  
Your Signature Date

Charles Dustin Myers 817-507-6562  
Your Printed Name Phone

[REDACTED] WATAUGA TX 76148  
Mailing Address City State Zip

CHUCKDUSTIN12@GMAIL.COM Fax # (if any)  
Email Address

**Notice of Hearing**

The above motion is set for hearing on March 14, 2024 at 9:00 a.m. in  
322nd Associate Court, 4th Floor.  
200 E.Wetherford, Ft.Worth TX 76196 (Designation and location of court).

SIGNED on 2-15-24

James B. Myers, Jr.  
Judge or Clerk



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

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 /s/ Charles Dustin Myers  
Signature

2024-02-09

Date

APP 26:2



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THOMAS A. WILDER  
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BY: /s/ Catherine Saenz

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Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	2/27/2024 12:33:14 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	2/27/2024 12:33:14 PM	SENT

**APP 26:3**



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BY: /s/ Catherine Saenz

# TAB 27

Notice and Unsworn  
Declaration

IN THE 322<sup>nd</sup> DISTRICT COURT OF TARRANT COUNTY  
 STATE OF TEXAS

**Morgan Michelle Myers,**

Petitioner,

v.

**Charles Dustin Myers,**

Respondent

Cause No. 322-744263-23

**NOTICE AND UNSWORN DECLARATION**

March 3, 2024

Dear Clerk of the Court,

This letter is submitted on behalf of the Respondent in the above-referenced case to provide the court with an update on the Respondent's efforts to uphold the well-being of the children under the current agreed arrangements pending review and to navigate the complexities of this case. The following reasons why it is impossible for the Respondent to vacate the family home under the current agreement pending review are as follows:

1. Since the inception of the case, the Respondent's primary focus has been to reset the status quo ante for the benefit of the children, ensuring their lives remain as normal and uninterrupted as possible during this transitory period after it was significantly disrupted beginning on January 16<sup>th</sup>, 2024. Despite the challenges posed by the non-suited protective order and the dropped allegations of family violence which were the foundations of all decisions made within this case, the Respondent has respected the orders pending review, and has strived to provide a stable and supportive environment for his children during his designated time, all while planning a transition that best suits his children.
2. During the short amount of time the Respondent has been re-instated to his home, the Petitioner has, on multiple occasions, entered the residence unannounced and without prior consent, actions which stand in stark contrast to her prior requests for protection which have governed this case.



3. The Petitioner has changed employers since the signing of the agreement.
4. Petitioner has relinquished custody of the children to the Respondent on multiple days during her scheduled time, showcasing the Respondent's ability to care for his children at any time given his at-home work schedule specifically crafted to ensure participation in every aspect of his children's lives remains possible.
5. The Respondent must dedicate substantial time to researching and understanding legal procedures to ensure compliance with court rules and to advocate effectively for the best interests of his children. He is prepared to present all relevant facts and evidence at the upcoming hearing on March 14th, should his partial summary judgment not be accepted.
6. The Respondent has made efforts over the past 30 days to maintain normalcy for his children, showcasing his dedication to their well-being. The Respondent has maintained an amicable relationship with the Grandparents residing next-door, allowing frequent access during his time with the children to visit and attend church, maintaining normalcy and peace.
7. The choice to remain outside the home is a deliberate decision by the Petitioner during the transition period. Self-hosting and advertising is an essential requirement for my at-home operations, which is essential to maintain the quality of life our children are accustomed to. Multiple alternative housing options are available to the Petitioner, including the house next door.

The Respondent remains committed to following the court's directives and ensuring the best possible outcomes for his children. He appreciates the court's attention to these matters and is ready to provide further information or clarification as needed.

My name is Charles Dustin Myers my date of birth is [REDACTED] and my address is [REDACTED], [REDACTED], Watauga TX, 76148, United States. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Tarrant County, TX on this 3<sup>rd</sup> day of March 2024.

/s/ Charles Dustin Myers  
Charles Dustin Myers, Declarant

**APP 27:2**



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

## Certificate of Service

I certify that a true copy of the Notice and Unsworn Declaration was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on 2024-03-03 to:

Morgan Michelle Myers, Petitioner

By electronic filing manager/email at MORGANMW02@GMAIL.COM

Cooper Carter, Attorney

By electronic filing manager/email at COOPERCARTER@MAJADMIN.COM

/s/ Charles Dustin Myers

Charles Dustin Myers

Respondent

[REDACTED]

Watauga, Tx 76148

817-507-6562

APP 27:3



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THOMAS A. WILDER  
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TARRANT COUNTY, TEXAS  
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Filing Description: Notice / Unsworn Declaration

Status as of 3/4/2024 9:02 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	3/3/2024 11:56:06 PM	SENT
Cooper L.Carter		cooper.carter@majadmin.com	3/3/2024 11:56:06 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	3/3/2024 11:56:06 PM	SENT

**APP 27:4**



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THOMAS A. WILDER  
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TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz

# TAB 29

Second Amended Preparatory Notice for Judicial Review

NOTICE THIS DOCUMENT CONTAINS SENSITIVE DATA

FILED  
TARRANT COUNTY  
3/26/2024 12:00 AM  
THOMAS A. WILDER  
DISTRICT CLERK

IN THE 322<sup>nd</sup> 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](mailto:dbacalis@dbacalis.com)

669 Airport Fwy #307

Hurst, TX 76053

(817) 498-4105

**RESPONDENT'S PRIOR COUNSEL**

**APP 28:1**



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

**No. 322-744263-23 (consolidated)**

IN THE 322<sup>ND</sup> 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  
coopercarter@majadmin.com  
2905 Lackland Rd,  
Fort Worth, Texas 76116  
Tel.: 817-926-6211  
Fax.: 817-926-6188

**APP 28:2**



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

**REAL PARTIES OF INTEREST:**

Morgan Michelle Myers, Petitioner

[REDACTED] Watauga TX, 76148

Charles Dustin Myers, Respondent

[REDACTED], Watauga TX, 76148

CRM, a minor child

MEM, a minor child

Daniel Kenneth Branthoover, Witness<sup>1</sup>

[REDACTED] Yukon, OK 73099

Margie Evonne Wilson, Witness<sup>2</sup>

[REDACTED], Watauga, TX 76148

Jesse Wilson, Witness<sup>3</sup>

[REDACTED], Watauga TX, 76148

*Cooper L. Carter, Witness<sup>4</sup>*

---

<sup>1</sup> 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.

<sup>2</sup> Margie Wilson is the Couple's landlord and resides adjacent to the family home.

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

<sup>4</sup> 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.



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<b>Issue:</b> 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 16 <sup>th</sup> , January 22 <sup>nd</sup> , and February 1 <sup>st</sup> —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 <i>U.S. Constitution and Tex. Const. art. I, § 19</i> , while also disregarding the children's best interest as mandated by <i>FAM § 153.002</i> ?	
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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, 322<sup>nd</sup> (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

APP 28:8



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

## **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 16<sup>th</sup>, followed by January 22<sup>nd</sup>, and February 1<sup>st</sup>—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?



## 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 22<sup>nd</sup>, 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 16<sup>th</sup>, 2024.
8. Throughout the marriage, the Couple have never endangered the Children.

## 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



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 1<sup>st</sup>, 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

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 self-certification 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.

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 1<sup>st</sup>, 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.



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 12<sup>th</sup>, 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.



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.



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 24<sup>th</sup>, 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.

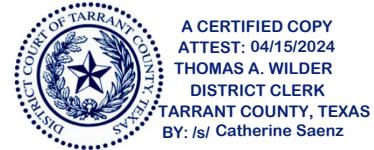
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<sup>6</sup> Petitioner excited and aware of my needs for at-home work just 3 months prior to the Divorce announcement.



27. On December 1<sup>st</sup>, 2023, the Petitioner announced her desire for a divorce.

**APP 28:18**



## 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 15<sup>th</sup>, 2023, and December 19<sup>th</sup>, 2023 to have the Respondent removed from his home. This claim 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<sup>th</sup>, 2023 and December 28<sup>th</sup>, 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

---

<sup>7</sup> 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.

- e. Temporary Restraining Order | 12-28-2023 | Hearing:  
N/A<sup>8</sup>

## II. Procedural Facts

- 3. On January 2<sup>nd</sup>, 2024, the Respondent filed the [Answer to the Protective Order.](#)
- 4. On January 3<sup>rd</sup>, 2024, the Respondent filed the [Motion to Consolidate](#) with an attached [Background Report for Case Consolidation.](#)
- 5. On January 8<sup>th</sup>, 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 16<sup>th</sup>, 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<sup>th</sup>, 2024, the Respondent filed the [Counterpetition for Divorce.](#)

---

<sup>8</sup> This document was never served to the Respondent, and was only identified by looking at the record after terminating his legal counsel.

8. On January 17<sup>th</sup>, 2024, the Respondent and Margie Wilson attended the Eviction hearing, which was dismissed for lack of Jurisdiction. Respondent prevailed.
9. On January 17<sup>th</sup>, 2024, the Respondent spent \$3,000 and retained the services from Daniel R. Bacalis.
10. On January 19<sup>th</sup>, 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<sup>th</sup>, 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 22<sup>nd</sup>, 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 23<sup>rd</sup>, 2024, the Respondent reached out to Mr. Bacalis with further concerns and a desire to challenge the situation at the time.

14. On January 25<sup>th</sup>, 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 31<sup>st</sup>, 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 31<sup>st</sup>, 2024, Mr. Bacalis filed the First Amended Counterpetition for Divorce.
17. On January 31<sup>st</sup>, 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 1<sup>st</sup>, the Couple attended the second reset hearing. The case was settled under agreed orders.<sup>9</sup> 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.

---

<sup>9</sup> The stipulations set forth in these agreed orders were not met, calling into question their enforceability or validity.



19. On February 5<sup>th</sup>, 2024, due to the failure of Mr. Bacalis to advocate effectively for the Respondent, his services were terminated via email correspondence.
20. On February 5<sup>th</sup>, 2024, the Respondent promptly notified the Court of his decision to terminate his representation.
21. On February 6<sup>th</sup>, 2024, the Respondent signed the Order of Withdrawal for Mr. Bacalis.
22. On February 8<sup>th</sup>, 2024, the Respondent timely filed an Emergency Motion to Reconsider Evidence and Vacate Temporary Orders.
23. On February 12<sup>th</sup>, 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 14<sup>th</sup>, and that she would be filing a countermotion. That countermotion was never filed.
24. On February 14<sup>th</sup>, 2024, the Respondent filed the Respondent's Answer to Petitioner's First Amended Petition for Divorce.



25. On February 22<sup>nd</sup>, 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 4<sup>th</sup>, 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 14<sup>th</sup>, 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 1<sup>st</sup>, 2024 that failed to meet the procedural requirements as ordered.<sup>10</sup>
29. On March 14<sup>th</sup>, 2024, Ms. Carter hands the Respondent the *Agreed Associate Judge's Report*, which differed from the original agreement signed on *February 1<sup>st</sup>, 2024* and contained several errors such as incorrect addresses and altered dates. The Respondent made these errors known to the opposing party on March 18<sup>th</sup>, 2024.

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<sup>10</sup> 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 un-opposed.



### 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 Branthroover's PayPal account, where it was subsequently transferred to the Petitioner's sole bank account, as admitted by Mr. Branthroover himself on December 16<sup>th</sup>, 2023.
  - ii. The Petitioner knowingly and willingly filed for an *Emergency EX-Parte Order of Protection* on December 14<sup>th</sup>, 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 Branthroover, who stated his intent to help the Petitioner file the divorce paperwork on December 16<sup>th</sup>, 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.



- 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.

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<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



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 6<sup>th</sup>, 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



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 16<sup>th</sup>, 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.

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<sup>12</sup> See Respondent's Parental Index



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

## RESPONDENT'S PARENTAL INDEX

The Respondent has had one objective throughout this case:

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*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.*

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### TIMELINE<sup>13</sup>

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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:

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<sup>13</sup> These videos were made using compilation of raw videos directly from the Respondent's phone.



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

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<sup>14</sup> On this date, the Petitioner filed for an Emergency Order of Protection against the Respondent while simultaneously leaving the Children in his care.

<sup>15</sup> The Petitioner and the children return home on December 17<sup>th</sup>, 2023, from Dan Branthroover's residence in Oklahoma, accompanied by mace, clearly indicating a narrative for protection.



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

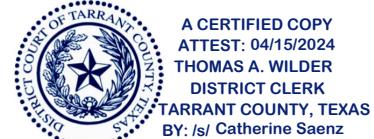
2024-02-05

2024-02-06

2024-02-07 | Playing / Drawing

2024-02-10 | Family Dance

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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 | <sup>16</sup>

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<sup>16</sup> 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.



## 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 16<sup>th</sup>, 2024, the Respondent has self-developed software to assist himself in the process of self-representation. 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](#)



- 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



- 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



## 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 well-being, 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



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 al. 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

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



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).



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)).



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 non-compliance and drafting inaccuracies to ethical and judicial



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.



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 22<sup>nd</sup>, 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."*



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 14<sup>th</sup>, 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 14<sup>th</sup>, 2024. The subsequent actions taken effectively mirrored the impact of an ex parte order without adhering to



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



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.

## 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 well-being 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

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

**APP 28:48**



A CERTIFIED COPY  
ATTEST: 04/15/2024  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ 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	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	3/23/2024 4:38:02 PM	SENT

APP 28:49



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

# TAB 28

Denial of Motion to Vacate  
Temporary Orders

322<sup>ND</sup> FAMILY DISTRICT COURT  
ASSOCIATE JUDGE'S REPORT  
FOR TEMPORARY ORDERS

CAUSE NUMBER: 322 - 744263-23

ITMOTMO/INRE/ITIO

Myers

§  
§  
§  
§

IN THE DISTRICT COURT  
TARRANT COUNTY, TEXAS  
322<sup>ND</sup> JUDICIAL DISTRICT

1. IT is ordered that Movant's motion for to Vacate is denied.
2. It is ordered that Movant shall provide Mrs. <sup>myers'</sup> attorney with a list of the technology he needs from the marital home, for his business.
3. It is ordered that the parties shall present a the <sup>signed</sup> temporary orders by regarding the ACR ~~filed~~ on 2/11/2024 by 1:30pm today.

Approved as to form

Cory

Attorney for Petitioner

Attorney for Respondent

~~Court Notes that Respondent would not sign this report  
as to form. He did agree that Paragraphs 1 & 3 correctly  
Petitioner reflected the Court's ruling after a hearing.  
SO ORDERED: He did not agree the Paragraph 2 accurately  
reflected the Court's ruling, but provided no alternative  
Associate Judge long way, therefore the Court signed this  
report.~~

3/14/22  
Date

Associate Judge

Page \_\_\_\_\_ of \_\_\_\_\_

APP 29:1

200 East Weatherford Street  
Fort Worth, Texas 76196



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

# TAB 30

Affidavit of Danny Slade

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

**Cause Number** 322-744263-23  
*(Complete the heading so that it looks exactly like the Petition)*

<u>MORGAN MICHELLE MYERS,</u>	<u>IN THE 322ND DISTRICT COURT</u>
<u>PETITIONER</u>	<u>§§§§§</u>
<u>V.</u>	<u>OF TARRANT COUNTY</u>
<u>CHARLES DUSTIN MYERS,</u>	<u>§§§§§</u>
<u>RESPONDENT</u>	<u>STATE OF TEXAS</u>

**Affidavit**

THE STATE OF California  
 COUNTY OF Stanislaus  
(county where statement is being notarized)

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

My name is Danny Slade Burt.  
First                    Middle                    Last

I am of sound mind and capable of making this statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement, I may be held criminally responsible. This statement is true and correct.

Charles Myers runs a data service  
seen, his home that I subscribe to.  
The disruption of this service could  
(and has) caused an inability to make  
decisions that affect my finances.  
I depend on this service being timely  
and available. Mr. Myers should be  
allowed access to his business, especially  
as it could affect me adversely, if  
disruptions continue.

Affidavit

Page 1 of 2

APP 30:1



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

**CALIFORNIA JURAT WITH AFFIANT STATEMENT**

GOVERNMENT CODE § 8202

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Stanislaus

Subscribed and sworn to (or affirmed) before me

on this 11 day of March, 20 24,  
by \_\_\_\_\_ Date \_\_\_\_\_ Month \_\_\_\_\_ Year(1) DANNY SLADE BURT \_\_\_\_\_

(and (2) \_\_\_\_\_),

Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence  
to be the person(s) who appeared before me.

Signature \_\_\_\_\_

Signature of Notary Public

Seal

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or  
fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**Title or Type of Document: AFFIDAVIT Document Date: MARCH 11, 2024Number of Pages: 2 Signer(s) Other Than Named Above: N/A©2014 National Notary Association • [www.NationalNotary.org](http://www.NationalNotary.org) • 1-800-US NOTARY (1-800-876-6827) Item #5910**APP 30:2**

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

# TAB 31

Affidavit of Aaron Watson

**\*\*THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY\*\***  
S22-744263-23

Cause Number 322-744263-23  
(Complete the heading so that it looks exactly like the Petition)

MORGAN MICHELLE MYERS,

IN THE 322ND DISTRICT COURT

PETITIONER

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V.

OF TARRANT COUNTY

CHARLES DUSTIN MYERS,

RESPONDENT

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STATE OF TEXAS

### Affidavit

THE STATE OF TEXAS

COUNTY OF LBK  
(county where statement is being notarized)

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

My name is Aaron J Watson.  
*First*                   *Middle*                   *Last*

I am of sound mind and capable of making this statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement, I may be held criminally responsible. This statement is true and correct.

I, Aaron Watson, affirm my association with the data service managed by Mr. Charles Myers over the past two years. During this time, Mr. Myers has demonstrated a strong commitment to delivering high-quality service and has frequently shared personal stories that highlight his devotion to his daughters. His efforts to maintain a balance between his professional responsibilities and his commitment to family, such as surprising his daughters with lunch dates and celebrating significant family events, have endeared him to his customer base and fostered a close-knit community.

Affidavit

Page 1 o

APP 31:1



A CERTIFIED COPY  
ATTESTED: 04/15/2024  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS

However, since December 2023, there has been a notable decline in the reliability and efficiency of the service provided. This shift coincides with Mr. Myers facing significant personal and legal challenges, including a divorce proceeding that has drastically impacted his ability to operate his business effectively. A particularly distressing development for Mr. Myers has been his inability to access the physical location where his business equipment and data connections are housed. This situation has not only disrupted the service but has also imposed significant financial difficulties on Mr. Myers, threatening the sustainability of the business and the quality of service that customers have come to expect.

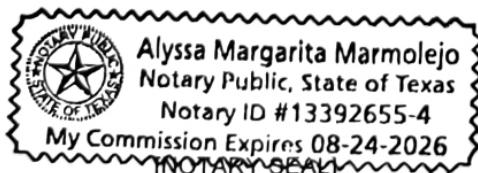
The repercussions of these challenges have been felt deeply by both Mr. Myers and his clientele. While the community understands and sympathizes with Mr. Myers' personal struggles, the increasing service disruptions have raised concerns among users about the future reliability and viability of the service. We are hopeful for a resolution that will allow Mr. Myers to regain access to his business infrastructure, thereby restoring the service quality and reliability that we have valued highly. It is in the interest of both Mr. Myers and his customers to find a solution that addresses these operational challenges while supporting him through his personal difficulties, ensuring the long-term success and sustainability of the service.

Signed this 11 day of March 2024, \_\_\_\_\_.

Alyssa W. Marmolejo  
(signature of affiant)

State of Texas  
County of Lubbock

Sworn to and subscribed to before me on March 11<sup>th</sup>, 2024  
(date)  
by Alyssa Margarita Marmolejo  
(insert printed name of affiant)



Alyssa Margarita Marmolejo  
(signature of notarial officer)  
My commission expires: 08-24-2026

Affidavit

Page 2 of 2



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

APP 31:2

# TAB 32

Affidavit of Luz Oble

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

322-744263-23

**Cause Number** 322-744263-23

(Complete the heading so that it looks exactly like the Petition)

MORGAN MICHELLE MYERS,

IN THE 322ND DISTRICT COURT

PETITIONER

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V.

OF TARRANT COUNTY

CHARLES DUSTIN MYERS,

STATE OF TEXAS

RESPONDENT

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### Affidavit

**THE STATE OF** California

**COUNTY OF** San Diego

(county where statement is being notarized)

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

My name is Luz Maria Oble.

First

Middle

Last

I am of sound mind and capable of making this statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement, I may be held criminally responsible. This statement is true and correct.

I subscribed for an extensive education program under Charles Myers to gain expertise in reading and researching market data. Charles Myers, a dedicated father, teacher, and mentor, has been instrumental in inspiring myself and numerous others to independently pursue knowledge in the field of financial data. The instability in Charles Myers' living situation has adversely affected his ability to fulfill his work commitments to the best of his capacity. This instability has had a significant impact on my ability to efficiently learn and absorb the subject matter, as Charles Myers is unable to work full time from his home office. Charles Myers requires a meticulously crafted computer setup to efficiently manage and process extensive data sets and resource-intensive programs essential for his work in market research and education. The consequence of Charles Myers' restricted

Affidavit

Page 1 of 2

**APP 32:1**



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

work environment has directly impacted my financial education, limiting my access to the full breadth of knowledge and guidance originally anticipated, and finances. I affirm the truth and accuracy of the foregoing statements to the best of my knowledge, belief, and understanding, under penalty of perjury.

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Signed this 13th day of March, 2024.

Luz Maria Oble

State of Texas

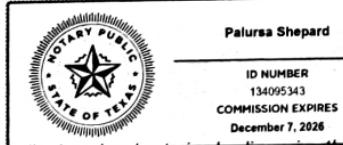
County of Parker

Sworn to and subscribed to before me on 03/13/2024

(date)

by Luz Maria Oble.

(insert printed name of affiant)



Palurisa Shepard

ID NUMBER

134095343

COMMISSION EXPIRES

December 7, 2026

Electronically signed and notarized online using the Proof platform.

[NOTARY SEAL]

Palurisa Shepard

Palurisa Shepard  
134095343

Notary Public, State of Texas

(signature of notarial officer)

My commission expires: 12/07/2026

Affidavit

Page 2 of 2

APP 32:2



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

# TAB 33

Affidavit of John Varela

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

**Cause Number 322-744263-23**

(Complete the heading so that it looks exactly like the Petition)

MORGAN MICHELLE MYERS,

IN THE 322ND DISTRICT COURT

PETITIONER

S  
S  
S  
S  
S  
S  
S

v.

OF TARRANT COUNTY

CHARLES DUSTIN MYERS,

S  
S  
S  
S

RESPONDENT

STATE OF TEXAS

### Affidavit

THE STATE OF Michigan

COUNTY OF Oakland

(county where statement is being notarized)

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

My name is John Julian Varela

First

Middle

Last

I am of sound mind and capable of making this statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement, I may be held criminally responsible. This statement is true and correct.

I am a client & investor that has been working with Charles for roughly 2 and 1/2 years. In this time he has always been working diligently to keep his services available to me, & the other customers and investors that Charles serves. It is my understanding that Charles has been locked out of his place of business, and under the direction of Morgan their land lord won't let Charles

Affidavit

**APP 33:1**

**Page 1 of 2**



A CERTIFIED COPY

ATTEST: 04/16/2024

THOMAS A. WILDER

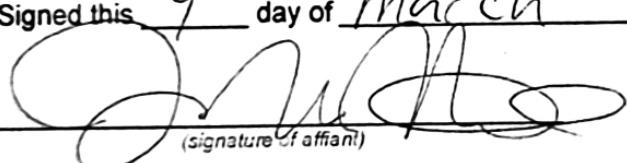
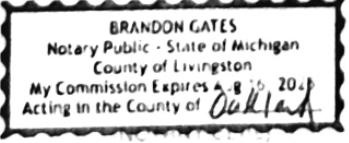
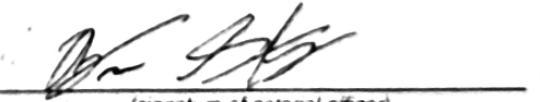
DISTRICT CLERK

TARRANT COUNTY, TEXAS

BY: /s/ Catherine Saenz

Brickin. This has adversely effected  
me, and your other clients & investors  
Because Charles cannot operate  
out without access to the property.  
Let this statement make clear my support  
for Charles, and along with our other customers

Thank you for your time,

Signed this <u>9</u> day of <u>March</u> , <u>2024</u> .
 (signature of affiant)
State of <u>Michigan</u>
County of <u>Oakland</u>
Sworn to and subscribed to before me on <u>03/09/2024</u> by <u>John Julian Varela</u> . (insert printed name of affiant)
 BRANDON GATES Notary Public - State of Michigan County of Livingston My Commission Expires 08/16/2025 Acting in the County of Oakland
 (signature of notarial officer)
My commission expires: <u>08/16/2025</u>

Affidavit

Page 2 of 2

APP 33:2



# TAB 34

Affidavit of Brianna Galbo

**\*\*THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY\*\*****Cause Number 322-744263-23**

(Complete the heading so that it looks exactly like the Petition)

MORGAN MICHELLE MYERS,IN THE 322ND DISTRICT COURTPETITIONER\$ \$ \$ \$ \$V.OF TARRANT COUNTYCHARLES DUSTIN MYERS,\$ \$ \$ \$ \$RESPONDENTSTATE OF TEXAS**Affidavit****THE STATE OF New York****COUNTY OF Suffolk**

(county where statement is being notarized)

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

My name is Brianna Nicole Galbo.  
First                   Middle                   Last

I am of sound mind and capable of making this statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement, I may be held criminally responsible. This statement is true and correct.

This statement serves as a formal declaration of my support for Mr. Charles Myers in light of recent challenges that have resulted in him being unjustly denied access to his home, where his business equipment and operations are based. As a paying client for two years prior to this incident, Mr. Myers maintained a flawless record of uninterrupted service, reflecting his hardworking nature and commitment to excellence. Mr. Myers's dedication to improving both his personal capabilities and the quality of his products has been the cornerstone of his reputation.

The denial of Mr. Myers's access to his home has not only caused significant service disruptions but has also resulted in considerable financial losses for Mr. Myers, myself, and other paying clients that rely on the services that he offers. As someone directly affected by this situation, I have witnessed firsthand the stress and financial strain placed on Mr. Myers, compounded

Affidavit

APP 34:1



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

by the loss of income and client dissatisfaction resulting from these unprecedented service interruptions.

I solemnly affirm that the statements herein are true to the best of my knowledge and belief, provided in support of Mr. Charles Myers to highlight the unjust circumstances leading to the financial and operational setbacks experienced. I submit this affidavit to express the urgent need for a resolution that addresses the losses incurred and to support the reinstatement of access to Mr. Myers's home for the restoration of business operations. It is my sincere hope that the court will recognize the undue hardship placed on Mr. Myers and facilitate a swift resolution to restore his access to his home and thereby his ability to conduct business without further disruptions.

Signed this 10th day of March, 2024.



(signature of affiant)

State of Texas

County of Denton

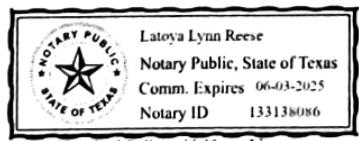
Sworn to and subscribed to before me on

03/10/2024

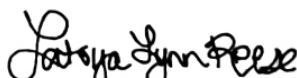
(date)

by BRIANNA NICOLE GALBO.

(insert printed name of affiant)



[NOTARY SEAL]



(signature of notarial officer)

My commission expires: 06/03/2025

Affidavit

APP 34:2

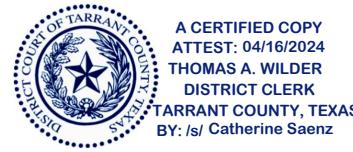


A CERTIFIED COPY  
ATTEST: 04/16/2024  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz



Signed by: Latoya Lynn Reese  
Time: 2024-03-10 15:26:41 UTC  
URL: <https://notarylive.com>

**APP 34:3**



# TAB 35

Affidavit of Nicholas  
Morvan

**Cause Number** 322-744263-23

*(Complete the heading so that it looks exactly like the Petition)*

MORGAN MICHELLE MYERS,

IN THE 322ND DISTRICT COURT

PETITIONER

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V.

OF TARRANT COUNTY

CHARLES DUSTIN MYERS,

STATE OF TEXAS

RESPONDENT

### **Affidavit**

**THE STATE OF** California

**COUNTY OF** Orange  
*(county where statement is being notarized)*

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

My name is Nicholas Glen Morvan.

*First* *Middle* *Last*

I am of sound mind and capable of making this statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement, I may be held criminally responsible. This statement is true and correct.

I am a paying customer of Charles Myers for the past two years and four months. In this time, he has been working exclusively out of his home office to run his business, and provide for his family.

Charles has worked very hard for the past two years to provide a quality experience that benefits all of his customers. His ability to provide these services have been directly impacted by his inability to access his home office. As a result, my experience as a customer has suffered, and I am not receiving the level of service that I have been paying for. I understand that there are unfortunate circumstances and I am patient while Charles resolves his situation. He has been incredibly apologetic that he cannot provide the same level of quality, and uninterrupted service due to his inability to work out of his home office. I do not question his integrity with regards to this situation, he has always been honest and upfront with myself and others. My hope is that he may return to his home office in order to avoid shutting down



the buisness that he has worked on day and night for the past two years.

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Signed this 13th day of March, 2024.

Nicholas Morvan *Nich Morvan*

(signature of affiant)

State of California

County of Orange

Sworn to and subscribed to before me on \_\_\_\_\_

(date)

by \_\_\_\_\_

(insert printed name of affiant)

\* SEE ATTACHED COPY

(signature of notarial officer)

[NOTARY SEAL]

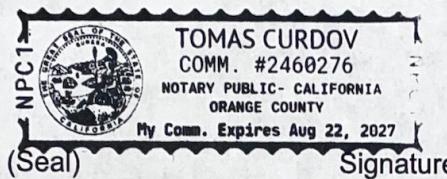
My commission expires: 08/22/2027



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of ORANGE

Subscribed and sworn to (or affirmed) before me on this 13<sup>TH</sup> day of MARCH, 2024, by NICHOLAS GLEN MORVAN, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Signature T.Curd.

APP 35:3

# TAB 36

Affidavit of Christian  
Vroom

**\*\*THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY\*\*****Cause Number 322-744263-23**

(Complete the heading so that it looks like the Petition)

MORGAN MICHELLE MYERS,IN THE 322ND DISTRICT COURTPETITIONER§  
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§V.OF TARRANT COUNTYCHARLES DUSTIN MYERS,STATE OF TEXASRESPONDENT**Affidavit****THE STATE OF Texas****COUNTY OF Dallas**

(County where statement is being notarized.)

The person who signed this affidavit, appeared in person, before me, the undersigned notary, and stated under oath:

**Christian Michael Vroom**

My name is \_\_\_\_\_

\_\_\_\_\_  
Facts  
Nature  
Date

I am of sound mind and capable of making this statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement, I may be held criminally responsible. This statement is true and correct.

I'm signing this affidavit to attest to the work ethic and dedication of Charles Myers. I've come to rely on the services he provides in order to gather the required data to make educated decisions on what and when to enter/exit options positions. Recently due to him not being at his normal location of operations the services have had multiple down times in which Charles was not in a position to be able to remedy. Some of these down times have led to significant losses due to making decisions without the necessary data after already being entered in a position.

Affidavit

**APP 36:1**

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

Charles' work ethic is unlike anything I've seen in anyone I've ever met and he does everything for the future of his family. I'm constantly amazed at the feats he is able to pull off as a one man show. Some things he is able to create I didn't think were possible but he figures it out through his endless research and personal development efforts.  
Again, everything I've seen him do, he does to give his girls the best life he can and wants the world for them. I've seen videos of him with his children out at many different parks/recreational areas and I can tell that they love their father to death and that he would die for them.  
I hope his situation is resolved for not only my benefit but for the sakes of his children and the life he is trying to provide them with. Charles Myers is both a good person and amazing father and I would hate to see him and his daughters robbed of the life he is building that they need and deserve.

Signed this 10th day of March, 2024.



(signature of affiant)

State of Texas

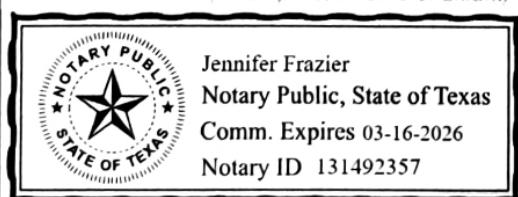
County of Dallas

Sworn to and subscribed to before me on 03/10/2024

by Christian Michael Vroom

(date)

(insert printed name of affiant)



NOTARIZED  
Notarized Online with NotaryLive.com



(signature of notarial officer)

My commission expires: 03/16/2026

APP 36:2

Affidavit



A CERTIFIED COPY

ATTEST: 04/16/2024

THOMAS A. WILDER

DISTRICT CLERK

TARRANT COUNTY, TEXAS

BY: /s/ Catherine Saenz

# TAB 37

Current Temporary Orders

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

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

*Appearances*

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

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

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

*Jurisdiction*

The Court, after examining the record and the agreement of the parties and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been legally satisfied and that the Court has jurisdiction of this case and of all the parties.

*Children*

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



following children:

Name: MARA MYERS

Sex: Female

Birth date: 7 years

Home state: Texas

Name: CAROLINE MYERS

Sex: Female

Birth date: 5 years

Home state: Texas

*Conservatorship*

IT IS ORDERED that MORGAN MYERS and CHARLES MYERS are appointed Temporary Joint Managing Conservators of the following children: 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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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;



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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.

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

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

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

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

MORGAN MYERS

morganm202@gmail.com

APP 37:7



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

CHARLES MYERS

chuckdustic12@gmail.com

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

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

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

#### *Possession and Access*

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

##### 1. Standard Possession Order

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

###### (a) Definitions

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

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

###### (b) Mutual Agreement or Specified Terms for Possession

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



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 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



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.



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

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



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

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

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

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

(f) Holidays

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

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



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

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



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TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz

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

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

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

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

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

This concludes the Standard Possession Order.

2. Duration

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

*Child Support*

IT IS ORDERED that CHARLES MYERS pay to MORGAN MYERS for the support of

M [REDACTED] M [REDACTED] and C [REDACTED] M [REDACTED] 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.



Withholding from Earnings

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

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

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

Payment

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



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.

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.



4. Provision of Health-Care Coverage –

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

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

- a. MORGAN MYERS' Social Security number;
- b. Proof that health insurance has been provided for the children;
- c. The following information and documents:

- i. The name of the health insurance carrier;
- ii. The number of the policy;
- iii. A copy of the policy;
- iv. A schedule of benefits;
- v. A health insurance membership card;
- vi. Claim forms; and
- vii. Any other information necessary to submit a claim; and

d. To provide each conservator of the children with a copy of any renewals or changes to the health insurance coverage of the children and any additional information regarding health insurance coverage of the children no later than the fifteenth day after MORGAN MYERS receives or is provided with the renewal, change, or additional information;

e. To notify each conservator of the children of any termination or



- 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



health-care expense.

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

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

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



*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 M [REDACTED] M [REDACTED] and C [REDACTED] M [REDACTED]

*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



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:



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



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

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

*App Close*

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

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

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

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



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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

IT IS ORDERED that Petitioner is further enjoined from:

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

IT IS ORDERED that Respondent is further enjoined from:

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

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

IT IS ORDERED that Petitioner is specifically authorized:

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

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

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

IT IS ORDERED that Respondent is specifically authorized:

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

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



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TARRANT COUNTY, TEXAS  
BY: /s/ Catherine Saenz

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;



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

*Duration*

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

SIGNED on March 14, 2024.

*[Signature]*  
Associate      *[Signature]*      JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

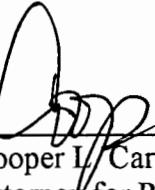
MARX ALTMAN & JOHNSON

APP 37:37



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

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

By:  

Cooper L. Carter  
Attorney for Petitioner  
State Bar No. 24121530  
[cooper.carter@majadmin.com](mailto:cooper.carter@majadmin.com)

Daniel R. Bacalis PC  
669 Airport Freeway  
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Office Phone: (817)498-4105  
Fax: (817)282-0634

By: 

Daniel Bacalis  
Attorney for Respondent  
State Bar No. 01487550  
[dbacalis@dbacalis.com](mailto:dbacalis@dbacalis.com)

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

MORGAN MYERS  
PETITIONER

CHARLES MYERS  
RESPONDENT

APP 37:38



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## Automated Certificate of eService

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Envelope ID: 85983756

Filing Code Description: No Fee Documents

Filing Description:

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

Associated Case Party: MORGANMICHELLEMYERS

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

Associated Case Party: CHARLESDUSTINMYERS

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

APP 37:39



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

# TAB 38

Request for Findings of  
Fact and Conclusions of Law

**NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA**

IN THE 322nd DISTRICT COURT  
OF TARRANT COUNTY  
FORT WORTH, TEXAS

**No. 322-744263-23 (consolidated)<sup>1</sup>**

**Morgan Michelle Myers,**

Petitioner,

v.

**Request for Findings of Fact and  
Conclusions of Law**

**Charles Dustin Myers,**

Respondent

March 26, 2024

Respondent, Charles Dustin Myers, requests the Court to state in writing the findings of fact and conclusions of law as provided by rules 296 and 297 of the Texas Rules of Civil Procedure and section 6.711 of the Texas Family Code with respect to the Temporary Orders signed on March 14<sup>th</sup>, 2024.

Without limitation, Respondent requests that the Court's findings and conclusions include the characterization and value of all assets, liabilities, claims, and offsets on which disputed evidence has been presented.

Respondent further requests that the clerk of the Court immediately call this request to the attention of the Court pursuant to rule 296 of the Texas Rules of Civil Procedure.

---

<sup>1</sup> 322-744538-23 - Protective Order filed December 22<sup>nd</sup>, 2023 | Consolidated with cause# 322-744263-23 on January 16<sup>th</sup>, 2024.

Respondent further requests that the Court cause copies of its findings and conclusions to be transmitted to each party in the suit as required by rule 297 of the Texas Rules of Civil Procedure.

Respectfully submitted,

/s/ Charles Dustin Myers

Charles Dustin Myers, Respondent

Charles Dustin Myers

Chuckdustin12@gmail.com

[REDACTED], TX 76148

817-507-6562

**APP 38:2**



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

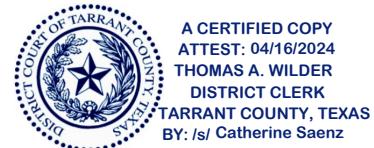
## Certificate of Service

I certify that a true copy of this Request for Findings of Fact and Conclusions of Law was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on **2024-03-26**:

**Cooper L. Carter** by email at **COOPERCARTER@MAJADMIN.COM**

Charles                   Dustin                   Myers  
Respondent, Pro Se

**APP 38:3**



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Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	3/26/2024 5:15:46 PM	SENT
Cooper L.Carter		cooper.carter@majadmin.com	3/26/2024 5:15:46 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	3/26/2024 5:15:46 PM	SENT

**APP 38:4**



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

# TAB 39

NO. 02-24-00149-CV  
PETITION FOR WRIT OF  
MANDAMUS - BRIEF

No. \_\_\_\_\_ -CV

IN THE  
**SECOND JUDICIAL DISTRICT COURT OF APPEALS**  
**AT FORT WORTH, TEXAS**

---

IN RE: C.D.M., RELATOR.

---

Original Proceeding Arising Out of  
the 322<sup>ND</sup> Judicial District Court of Tarrant  
County

Cause No. 322-744263-23 (consolidated)

Honorable James B. Munford, District Judge  
Presiding

Honorable Jeffrey N. Kaitcer, Associate Judge  
Presiding

---

**PETITION FOR WRIT OF MANDAMUS**

---

Respectfully submitted by:

C.D.M.

chuckdustin12@gmail.com

Tel.: 817-507-6562

**PRO-SE LITIGANT**

**Emergency Relief Requested**

## **IDENTITY OF PARTIES AND COUNSEL**

---

Relator certifies that the following is a list of all parties and all counsel who have appeared in this matter:

### ***RELATOR:***

C.D.M.

### ***RESPONDENTS***

The Honorable James Munford  
The Honorable Jeffrey Kaitcer  
322<sup>nd</sup> Judicial District Court  
200 E Weatherford St  
Fort Worth, Texas 76102

### ***RELATOR'S PRIOR COUNSEL***

Daniel R. Bacalis, P.C.  
Dan Bacalis  
Texas Bar No. 01487550  
dbacalis@dbacalis.com  
669 Airport Fwy #307  
Hurst, TX 76053  
Tel.: 817-498-4105

### ***REAL PARTIES OF INTEREST:***

M.M.M. (Respondent Mother)

### ***COUNSEL FOR REAL PARTY OF INTEREST:***

Cooper L. Carter  
Texas Bar No. 24121530  
Max Altman & Johnson  
coopercarter@majadmin.com  
2905 Lackland Rd  
Fort Worth, Texas 76116  
Tel.: 817-926-6211

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## **ABBREVIATIONS AND APPENDIX REFERENCES**

---

*Abbreviations:*

1. Relator C.D.M. will be referred to as "**Father**" or "**Relator**".
2. Respondents , the Honorable James Munford, district judge presiding, will be referred to as "**DJ Respondent**" and the Honorable Jeffrey Kaitcer will be referred to as "**AJ Respondent**"
4. Father's children with Mother will be referred to as "**Children**" or "**the Children**".
5. Real Party in Interest M.M.M., the Mother of the Children, will be referred to as "**Mother**" or "**Petitioner**".
6. The appendix filed with this Petition for Writ of Mandamus will be referred to as "**App.**" and will be cited by page number(s) as appropriate. **App.** \_\_\_\_-\_\_\_\_.
7. A comprehensive court record is not available for this case. This is due to the absence of a court reporter at the hearings presided over by both the DJ Respondent and the AJ Respondent.
8. For efficient navigation, by clicking on "**App**" references, the Court may directly access the relevant sections in the Appendix. To return to the original point in the document after review, the Court can select the "**APPENDIX**" link located at the bottom right corner of the referenced section.

## **STATEMENT OF THE CASE**

---

**Nature of the Case:** The underlying suit is a divorce proceeding initiated by Mother overseen by two separate Judges which waived the 60-day waiting period due to an alleged active order of protection against the Father and was consolidated with a protective order claiming harassment and sexual harassment from the Relator.

**Respondents:** Respondents are Hon. James Munford, presiding District Judge & Hon. Jeffrey N. Kaitcer, presiding Associate Judge of the 322<sup>nd</sup> District Court of Tarrant County, Texas.

**Respondents' actions:**

Both respondents contributed to the removal of an active and involved father from his children's lives, lacking judicial oversight and disregarding the facts, thereby destabilizing the children's lives, and overlooking the father's significant role. This approach not only enabled the mother's frivolous litigation but also cast a long shadow on the children's future by prioritizing unsubstantiated claims over the well-being and stability of the family.

## **Statement of Jurisdiction**

---

This Honorable Court has jurisdiction to issue a writ of mandamus under Section 22.221(b) of the Texas Government Code.

## **Issues Presented**

---

**Issue No. 1:** The District Judge prematurely removed the Father from his home and children's lives without a formal hearing, and the Associate Judge extended this separation by granting a continuance due to the Mother's last-minute acquisition of counsel, exacerbating the Father's unjust removal, and disregarding due process and the children's best interests.

**Issue No. 2:** AJ Respondent abused his discretion when rendering temporary orders affecting the parent-child relationship without notice and hearing, granting the Mother more time to acquire Counsel while prolonging the Realtor's unjustified removal from his home and business, and leaving the Children without an involved parent who provides for them out of the home.

**Issue No. 3:** The current temporary orders have no basis in fact or law and are merely an extension of the initial temporary orders.

---

# **PETITION FOR WRIT OF MANDAMUS**

---

**TO THE HONORABLE JUSTICES OF THE SECOND COURT OF APPEALS:**

Relator C.D.M., ("Father") submits this Petition for Writ of Mandamus, and as grounds, therefore, would show as follows:

## **I.**

### **STATEMENT OF FACTS**

---

**A. Between December 14<sup>th</sup>, 2023, and December 27<sup>th</sup>, 2023, the Mother filed for two protective orders, a divorce, and influenced an eviction suit - each of them claiming family violence.**

On December 14<sup>th</sup>, 2023, Mother requested an emergency ex-parte order of protection from DJ Respondent.<sup>1</sup>

On December 17<sup>th</sup>, 2023, the Mother's grandmother served the Relator with an eviction notice citing a yet to be filed divorce petition and protective order. On

---

<sup>1</sup> This reference can be found in the Original Petition for Divorce, page 7 under 9B. See App. 11.

December 18<sup>th</sup>, 2023, the Mother wrote “**VOID**” on the notice in black ink and physically tore it in half.**App 1-2.**

**On December 18<sup>th</sup>, 2023,** The Mother filed for divorce**App. 3** waiving the 60-day waiting period claiming that an active order of protection was active against the Father.**App. 11.**

**On December 22<sup>nd</sup>, 2023,** the Mother filed for a Protective Order against the Father despite getting denied an emergency protective order on December 14<sup>th</sup>, 2023.**App. 15-21.**

**On December 27<sup>th</sup>, 2023,** The ex parte protective order was filed with the Court against the Father, indicating a denial based on the “Xs” marked over the pages.**App. 22-25.**

**On December 28<sup>th</sup>, 2023,** the Father was served with the Eviction suit initiated by the Mother’s grandparents.**App. 26.** A third ex parte protective order

was filed with the Court also containing "Xs" marked across the pages.**App. 27-30.**

**B. Between January 2<sup>nd</sup>, 2024, and the initial Show Cause hearing scheduled for January 16<sup>th</sup>, 2024, the Father prepared his defense to address the baseless allegations of family violence made against him.<sup>2</sup>**

**On January 2<sup>nd</sup>, 2024,** Father filed his answer to the protective order.**App. 31-35.** The answer was accompanied by the Father's criminal record from the Texas Department of Public Safety, marked as EXHIBIT B.**App. 36-37.**

**On January 3<sup>rd</sup>, 2024,** Father filed a motion to consolidate for judicial efficiency.**App. 38-41.** Father's motion to consolidate was accompanied by his Background Report for Case Consolidation.

---

<sup>2</sup> At the time of this filing, not one document has been filed corroborating the claims made by the Mother or her Counsel regarding family violence.

**On January 8<sup>th</sup>, 2024, the Father filed a motion for continuance. App. 44-46.** The Father's motion for continuance was filed with a brief attached, explaining that he had been focusing on the Children's holidays and school vacation while simultaneously battling concurrent litigation by the Mother and landlords, and was requesting the continuance to allow more time to prepare given these circumstances. **App. 47-49.**

**C. On January 16<sup>th</sup>, 2024, the Father was ordered to vacate the family home and place of business on four hours' notice, and full custody was awarded to the Mother.**

**On January 16<sup>th</sup>, 2024, the Father was ordered to vacate his home without due process, and despite the Father's motion for continuance being granted alongside his motion for consolidation, this decision was made without any witnesses being called and before the Father could obtain legal Counsel and the hearing was re-scheduled for January 22<sup>nd</sup>, 2024. App. 50-51.**

**On the evening of January 16<sup>th</sup>, 2024**, Father filed his Counterpetition for Divorce**App. 52-61**, accompanied by a comprehensive statement of context to provide insights into the case, detailing the situation, and outline the evidence the Father would present at the reset hearing on January 22<sup>nd</sup>, 2024.**App. 62-67**. Father also filed an unsworn declaration to shed light on the conspiratorial nature of the collective actions taken against him by the Mother and her family.**App. 68-71**.

**D. After being removed from his home, the Father attended the eviction hearing and prevailed on January 17<sup>th</sup>, 2024.**

**On January 17<sup>th</sup>, 2024**, less than 24 hours after being ordered to vacate the residence, the Father attended the eviction hearing at Justice of the Peace 1 in Fort Worth, Texas, where he prevailed for lack of jurisdiction.**App. 72**.

**On January 19<sup>th</sup>, 2024, Father retained Counsel.**

On January 19<sup>th</sup>, 2024, Father retained Counsel to advocate on his Children's behalf and represent his interests.

**E. Mother's failure to acquire counsel in time for the reset hearing resulted in further delays on January 22<sup>nd</sup>, 2024, due to AJ Respondent granting her continuance.**

On January 22<sup>nd</sup>, 2024, after Father acquired Counsel and attending the reset hearing, Mother failed to acquire representation until minutes before the hearing started to which a continuance was requested and subsequently granted, causing further delays in the proceedings, and prompting yet another reset for February 1<sup>st</sup>, 2024. App. 73-74.

**F. At the next hearing on February 1<sup>st</sup>, 2024, Father's Counsel drafted an Associate Judge's Agreed Report, and**

**part of this agreement, Mother dropped the protective order suit against the Father while granting him temporary relief until March 1st.**

On February 1<sup>st</sup>, 2024, the hearing was usurped by Father's Counsel and was suddenly focused on the drafting of an Associate Judge's Report**App. 75-80** with the addition of temporary child support to be paid by the Father**App. 76** rather than holding a hearing to discuss the issues that were directly communicated via email leading up to the hearing. The last page of the orders had specific procedural requirements that were part of the order that stated:

"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**<sup>3</sup>.

Each attorney should approve the Order. The parties do not need to approve the Order. The attorney reviewing the proposed Order shall have five (5) days to do so. There are no ten (10) day letters. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report."**App. 79**.

---

<sup>3</sup> Dan Bacalis was terminated on February 5<sup>th</sup>, 2024, by the Father, making these procedural stipulations outlined in the order arguably impossible to satisfy without modification.

The agreement allowed the Father back into the family home so he could work and regain his active role in his Children's lives until March 1<sup>st</sup> **App. 77** while simultaneously removing the Children from their own home until the same date and dropping the protective order suit initiated by the Mother which had been the basis for every decision leading up to this point in the case.**App. 77.**

**G. Father terminated the services of his legal Counsel on February 5<sup>th</sup>, 2024.**

**On February 5<sup>th</sup>, 2024**, Father's Counsel was terminated due to ineffective representation, and a notice was promptly filed with the Court.**App. 81-83.**

**On February 6<sup>th</sup>, 2024**, an agreed motion for withdrawal of attorney was signed by the Father and his Counsel and filed with the Court.**App. 84-87.**

**H. On February 9<sup>th</sup>, 2024, Father filed his emergency motion to reconsider / vacate temporary orders.**

The Father filed his motion to reconsider evidence and vacate temporary orders on **February 9<sup>th</sup>, 2024, App. 88-90**, accompanied by a detailed brief which aimed to challenge the overall foundation of the case and bring to light the procedural missteps and re-focus the case on the Children's best interests.**App. 91-98.**

**I. The Order for Withdrawal of Attorney was rendered and served to all parties on February 12<sup>th</sup>, 2024.**

On **February 12<sup>th</sup>, 2024**, the Order for Withdrawal of Attorney was filed with the Clerk containing AJ Respondent's signature dated February 8th, 2024, which stated that the Court found no pending settings or deadlines within the case.**App. 99-101.**

**J. On February 13<sup>th</sup>, 2024, Father communicated with Mother's Counsel regarding the scheduling of the reconsideration motion.**

On February 13<sup>th</sup>, 2024, Father reached out via email to Mother's counsel regarding the scheduling of the reconsideration motion, where she claimed that she

would have availability nearly a month later, and also claimed that she would be filing a counter-motion.<sup>4</sup>

**K. The Father moved for a Partial Summary Judgement on February 22<sup>nd</sup>, 2024.**

On February 22<sup>nd</sup>, 2024, Father filed a Motion for Partial Summary Judgement after no counter-motion was filed by Mother's Counsel with an accompanying brief to argue that the evidence and procedural history presented in the case clearly favor his position, demonstrating that the actions taken against him were not supported by the substantive facts of the case or in the best interest of the children, eliminating the need for a hearing regarding the reconsideration motion. App. 102-111. The Father's proposed parenting plan was attached to the motion as EXHIBIT D. App. 112-115.

**L. On February 27<sup>th</sup>, a Notice of Hearing was served regarding Father's Reconsideration Motion.**

On February 27<sup>th</sup>, a Notice of Hearing was served on all Parties scheduled for March 14<sup>th</sup>, 2024, on Father's reconsideration Motion. App. 116-117.

---

<sup>4</sup> This counter motion was never filed.

**M. Father filed an Unsworn Declaration with the Court on March 3<sup>rd</sup>, 2024.**

**On March 3<sup>rd</sup>, 2024,** Father filed a Notice and unsworn declaration with the Court explaining he would be unable to vacate the home by March 1<sup>st</sup>, as the Mother's employment had changed, and that it would not be in the Children's best interest.**App.118-121.**

**N. Father and Mother attended the reconsideration hearing on March 14<sup>th</sup>, 2024.**

**On March 14<sup>th</sup>, 2024,** Minutes before the hearing, Mother's Counsel hands the Father the agreed orders reduced to writing in the Courtroom, which differed from the original agreed orders signed on February 1<sup>st</sup>, 2024, such as the Father requiring to vacate the home by March 20<sup>th</sup>, rather than March 1<sup>st</sup>, and the Mother and Children being allowed to return on the 30<sup>th</sup>, not the 1<sup>st</sup>, which left a 10-day gap where neither party would be occupying the residence. Father's reconsideration motion was denied on March 14<sup>th</sup>, 2024.**App. 122.**

**O. Father filed a Notice of Judicial Review With the Court on March 26<sup>th</sup>, 2024. (LINKS REDACTED DUE TO PRIVACY FOR MINORS)**

**On March 26<sup>th</sup>, 2024,** Father filed his Second Amended Notice of Judicial Review**App. 123-171** that contains familial background history, **App. 132** as well as employment history and family dynamics.**App. 133-140**. This review also contains a statement of facts with several linked documents embedded within the filing that reiterate many facts brought forth within this mandamus petition.**App. 141-150**. Most critically, the Respondent's Parental Index within the document highlights the Father's pivotal role in the Children's lives throughout these proceedings.**App. 151-154**.

This document also contains sworn statements from the Father's business clients that was offered at the hearing on March 14<sup>th</sup>, 2024, corroborating the Father's active involvement in the Children's lives, work ethic, and history working out of the family residence.**App. 172-187**.

**P. On March 26<sup>th</sup>, 2024, the Agreed Associate Judge's Report was reduced to writing and became Temporary Orders and was served on the parties.**

**On March 26<sup>th</sup>, 2024,** the judgement and denial of Father's reconsideration motion was filed with the Clerk and served on the parties, rendering the current temporary orders**App. 188-226** effective until the signing of the final decree of divorce.**App 224.**

## **II.**

### **SUMMARY OF THE ARGUMENT**

The actions taken by DJ Respondent and AJ Respondent represent a clear abuse of discretion, violating the explicit statutory mandates of the Texas Family Code concerning the issuance of orders affecting conservatorship and support, without due notice and a formal hearing.

DJ Respondent overstepped by appointing the Mother as primary managing conservator of the children during

a protective order hearing, sidestepping the critical procedural requirement for evidence presentation and witness testimony. This contravenes *TEX. FAM. CODE* § 105.001(b), which mandates that orders under subsections (a)(1), (2), or (5) – directly relevant to conservatorship – cannot be rendered absent notice and a hearing. By preemptively assigning conservatorship to the Mother under *TEX. FAM. CODE* § 105.001(a)(1), DJ Respondent disregarded these statutory obligations, underscoring an unequivocal abuse of discretion.

Similarly, AJ Respondent compounded this disregard for statutory requirements on January 22nd, 2024. With the expiration of DJ Respondent's orders, AJ Respondent enacted temporary orders affecting the conservatorship of the children and Father's access to his residence, all without the benefit of a hearing, attributed to the Mother's last-minute retention of counsel. This action flouts the same legal requirement for notice and a hearing as outlined in *TEX. FAM. CODE* § 105.001(b), highlighting a systemic breach of due process.

The infringement continued on February 1st, 2024, with AJ Respondent's ratification of the Agreed Associate Judge's Report, prepared by the Father's attorney, concerning "the temporary conservatorship of the children" and "temporary support of the children" as per *TEX. FAM. CODE* §§ 105.001(a)(1) & (a)(2). The stipulation that such orders must not be rendered without a prior hearing, as per *TEX. FAM. CODE* § 105.001(b), was once again overlooked. This neglect forced the Father into agreeing to conditions without the foundational due process, further compelling his termination of legal counsel and challenging the orders on March 14th—a challenge that was met with denial, which leads the Relator to this petition of mandamus, where he must climb Mount Everest without oxygen to preserve the stability of his Children that was swiftly discarded by both Respondents, the Mother, and both Counsel involved in this case.

Moreover, in the actions taken by AJ Respondent—specifically, the issuance of temporary orders after

providing notice and holding a hearing, but not following the procedural requirements outlined in the Agreed Associate Judge's Report—there is a clear deviation from the essential legal principle articulated in *TEX. FAM. CODE § 153.002*. This statute mandates that the best interest of the child shall be the primary consideration in decisions related to conservatorship, possession, and access. The Temporary Orders filed on March 26th, 2024, not only lacked a substantial evidentiary basis but also failed to prioritize the children's best interests as required by *Id.* This lapse, pending the final decree of divorce, significantly misapplies the statutory directive to ensure the children's welfare and best interests are at the forefront of all judicial determinations regarding their care and custody.

Collectively, these actions by DJ Respondent and AJ Respondent not only breached the Texas Family Code's procedural safeguards but also severely impacted the Father's parental rights and the Children's welfare,

and turned the only stability the Children had ever known on its' head.

### III.

#### **ARGUMENT**

---

##### **A. AVAILABILITY OF MANDAMUS RELIEF**

Mandamus is an appropriate remedy for a parent to attack the issuance of temporary orders in a custody proceeding, since "such orders are not subject to interlocutory appeal". *Dancy v. Daggett*, 815 S.W.2d 548, 549 (Tex. 1991) (*per curiam*)

The temporary orders rendered on March 14<sup>th</sup>, 2024 by AJ Respondent are interlocutory, and there is no adequate remedy by appeal. *In re Prudential Ins. Co. of America*, 148 S.W.3d 124 (Tex. 2003)

Given the circumstances of this case, mandamus is an appropriate remedy and is "...essential to preserve important substantive and procedural rights from impairment or loss..." *Id* and is a situation involving manifest and urgent necessity and is not merely

grievances that can be addressed by other remedies.

*Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992)

Mandamus is the appropriate remedy when it appears from the record as a whole that the court has abused its discretion. *Gillespie v. Gillespie*, 644 S.W.2d 449, 26 Tex. Sup. Ct. J. 83 (Tex. 1982)

#### **B. Issue No. 1**

**The DJ Respondent rendered temporary orders affecting the parent-child relationship at the initial show cause hearing for a protection order, where no evidence or witnesses were presented, negating the intended purpose of the hearing. Consequently, the Relator was ordered to leave the home and was excluded from the children's lives, with full custody granted to the mother.**

The District Judge's directives on January 16<sup>th</sup>, 2024, effectuating the assignment of temporary primary conservatorship to the Mother without a formal evidentiary hearing, starkly contravened statutory requirements, and due process principles. This is reiterated in *In re S.M.*, that "[c]ertain orders, such as those regarding temporary conservatorship of children, may not be rendered without notice and a

hearing..."*Id.* 13-23-00371-CV at 11 (Tex. App. Oct 04, 2023).

The Relator appeared to show cause for why a protective order should not be granted only to be removed from his home, business, and Children's daily lives without any evidence being presented or witnesses being called by either party.**App. 50-51.**

The *TEX. FAM. CODE* specifically safeguards the initial actions taken, as temporary orders rendered for the temporary conservatorship of the child fall under *Id* § 105.001(a)(1) "which may not be rendered...without notice and hearing". *Id* § 105.001(b).

#### **1. Abrupt consolidation on the court's own motion.**

This transformation occurred without setting a first appearance for the divorce, directly conflicting with *TEX. R. CIV. P.* § 245. This rule explicitly states that the trial court "may set contested cases on written request of any party, or on the court's own motion, with reasonable notice of not less than forty-

five days to the parties of a first setting for trial, or by agreement of the parties." *Id.*

The significance of this provision is emphasized in *In re V.J.*, 02-22-00233-CV (Tex. App. Aug 10, 2023), which affirms that "The forty-five-day notice provision of Rule 245 is mandatory." *Id.*

**2. The 60-day waiting period was waived for the divorce, invoking TEX. FAM. CODE § 6.405(b).**

One possible argument for lack of notice may be Mother's waiver of the 60-day waiting period for divorce due to allegations of family violence, which is moot as Mother failed to "attach to the petition a copy of each order described by Subsection (a) (1)... regarding the conduct alleged in the application or order...if a copy of the order is not available at the time of filing, the petition must state that a copy of the order will be filed with the court before any hearing." *Id.*

No copy of such order was ever attached to the petition, as no such order has ever existed against the Relator.

**3. The DJ Respondent had an affirmative duty which was not satisfied.**

It has been established that the Texas Supreme Court "has held that the trial court has an affirmative duty to ensure that the court reporter makes a record of proceedings involving parent-child relationships, unless waived by the parties with the court's consent, and failure to do so constitutes error on the face of the record requiring reversal." *In Interest of A.O.*, No. 2-06-420-CV (Tex. App. 8/31/2007)

This coincides with the language set forth in the current *TEX. FAM. CODE* as "a record shall be made as in civil cases generally unless waived by the parties with the consent of the court." *Id.* § 105.003(C).

**4. Unusual Circumstances**

It's noteworthy that on January 16<sup>th</sup>, 2024, the DJ Respondent was not the Judge originally assigned to the Relator's case, as there was inclement weather leading to AJ Respondent's late arrival, who was the scheduled presiding Judge. This dual handling of the case by the Honorable Judges was specifically addressed in the brief attached to Relator's initial motion for continuance filed on January 6<sup>th</sup>, 2024 due to the concurrent proceedings and necessity for a thorough evaluation of the circumstances and more time to prepare thoroughly due to the nature of the suits.**App. 47-49.**

## **5. Neglect of Children's Best Interests in Custody**

### **Decisions**

On January 16<sup>th</sup>, 2024, this significant decision was made, effectively removing one parent from the Children's lives, and introducing instability without any consideration of the Children's best interests when "the best interest[s] of the child[ren] shall always be the primary consideration in determining

conservatorship, possession of, and access to the child[ren].” *TEX. FAM. CODE § 153.002*. DJ Respondent erred in not taking these facts into consideration when “[s]uits affecting the parent-child relationship are ‘intensely fact-driven’ and require courts to balance many factors.” *Billisits v. Billisits*, No. 03-21-00358-CV, 2023 WL 2191330, at \*2 (Tex. App.—Austin Feb. 24, 2023, no pet.) (mem. op.).

### C. Issue No. 2

**AJ Respondent abused his discretion when rendering temporary orders affecting the parent-child relationship without notice and hearing, granting the Mother more time to acquire Counsel while prolonging the Realtor’s unjustified removal from his home and business, and leaving the Children without an involved parent who provides for them out of the home.**

The threshold for determining an abuse of discretion by a judicial officer, as articulated in *Bocquet v. Herring*, 972 S.W.2d 19, 21 (Tex. 1998), is whether the court’s actions were arbitrary, unreasonable, or detached from guiding legal principles or supportive evidence. The issuance of temporary orders that significantly impact the parent-child relationship and

the stability of the Children's environment without a duly constituted hearing or evidence evaluation once more manifestly contravened these criteria, showing a clear abuse of discretion by the AJ Respondent.**App. 73-74.**

The now subsequent rendition of such consequential orders, without procedural fairness or a substantiated basis, unequivocally disregarded the statutory imperative to ensure the children's best interests remains the focal point of any custody determination *TEX. FAM. CODE § 153.002*, which is designed to safeguard them against the very actions taken by this court, and once again fails to meet the statutory requirements provided in *Id § 105.001(a)(1)*.

#### **D. Issue No. 3**

**The current temporary orders have no basis in fact or law, and are merely extensions of the initial temporary orders.**

This abuse is manifest in two critical aspects: firstly, through a failure to exercise the discretionary powers vested by law in a manner required by the circumstances; and secondly, by making determinations that contravene established legal rules, principles, or criteria. Specifically, *In re Marriage of Runberg*, 159 S.W.3d 194 (Tex. App. 2005) elucidates that "a trial court abuses its discretion if it declines to exercise a power of discretion vested in it by law when the circumstances require that the power be exercised; or if it arrives at its choice in violation of an applicable legal rule, principle, or criterion." *Id.*

This definition of judicial discretion underscores the errors committed in the present case, leaving the Relator seeking relief from the onset, which was unreasonably delayed due to reasons unknown, as no new documents were produced from the opposing party between February 1<sup>st</sup>, 2024 and the date the Relator was finally heard on March 14<sup>th</sup>, 2024.

**1. Rather than a hearing on February 1<sup>st</sup>, 2024, Counsel usurped the proceedings and began negotiations, giving no other alternative to the Relator than to sign the agreed report, terminate his Counsel, and challenge the orders through reconsideration.**

On February 1, 2024, the court's proceedings took a turn that did not prioritize a hearing but rather led to negotiations culminating in an Agreed Associate Judge's Report. This report granted the Relator temporary access to his home and business until March 1, 2024, while paradoxically removing the Children until the same date and reaffirming the Mother's status as the primary conservator.**App. 75-80.**

With no better alternative at the time, the Relator signed the orders, swiftly terminated his Counsel**App. 99-101**, and filed for reconsideration**App. 91-98**, which was ultimately denied on March 14<sup>th</sup>, 2024, after waiting over 30 days to be heard due to Mother's Counsel's availability.**App. 122.**

Despite this lapse of time - the opposing party did not object to, deny, or oppose any relief being sought by the Relator, calling into question the reasoning for denying Father's motion when no new information was brought forth by the Mother and the record still being void of any valid reason to have removed the Relator from his home and business and sever his relationship with his Children in the first place.

Sharing in **Issue No 1**, AJ Respondent also failed to furnish a court reporter for the reconsideration hearing that took place on March 14<sup>th</sup>, 2024, which involved the parent-child relationship, and erred in his affirmative duty "...to insure that the court reporter makes a record of proceedings involving parent-child relationships, unless waived by the parties with the court's consent, and failure to do so constitutes error on the face of the record requiring reversal." *In Interest of A.O., No. 2-06-420-CV (Tex. App. 8/31/2007)* Relator's motion for reconsideration was denied on March 14<sup>th</sup>, 2024.**App. 122.**

**2. A scintilla of the factors known by the Courts for nearly half a century were applied in this case.**

Long ago, *Holly v. Adams* 544 S.W.2d 367 (1976) set forth a non-exhaustive list of factors for the Court to use as guidance when the Children's best interests are at issue.

Integrating the *Holley v. Adams* factors into the narrative of the case would have revealed a profound oversight by the court in recognizing the essential elements critical to the Children's best interests, and the actions by the Mother would have been seen in the light that truly reflects what they are: frivolous, deceptive, and vindictive - calling into question her parental abilities and "acts indicating that the parent-child relationship is not a proper one". *Id.*

The Father's "plan[s] for the child[ren]" *Id* has been to facilitate a smooth transition for them, mitigating any potential damage caused to their stability and well-being since the divorce

announcement on December 1<sup>st</sup>, 2023.**App. 112-115.** Had the Court looked into the Mother's plan, it would have been revealed that she had no plan outside of influencing her grandparents to unlawfully attempt to evict the Relator just prior to Christmas**App 1-2** and by filing for protection multiple times to sever the relationship between the Relator and his daughters.

#### **IV.**

#### **CONCLUSION**

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Granting this writ of mandamus is not only profoundly beneficial for the Children by reinstating their father into the family home and his essential business operations but also places a negligible burden on the Mother. This action's necessity is compellingly highlighted in *In re Team Rocket, L.P.*, which asserts, "The adequacy of an appellate remedy must be determined by balancing the benefits of mandamus review against the detriments." *Id* at 256 S.W.3d 257, 262 (Tex. 2008). This principle

underscores the critical importance of immediate judicial intervention in this case, where the balance decidedly favors the restoration of the Father's roles, both as a parent and a provider, which were abruptly severed at the beginning of this case.

The Mother's decision to live elsewhere, driven by personal choices rather than any substantiated need for protection, should not preclude the Children from maintaining a stable and nurturing environment with their Father. Multiple available alternative residencies nearby to the mother afford a practical solution for both parents to continue playing active roles in their Children's lives amidst the legal proceedings.

The Relator urges this Honorable Court to vacate the temporary orders in place and restore the fundamental rights swiftly taken from him, as this situation is a *prima facie* case of abuse by the trial court inadvertently allowing the Mother's weaponization of protective orders.

## **PRAYER**

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Wherefore premises considered, for all the foregoing reasons alleged and briefed herein, Relator C.D.M. prays that this court grant him mandamus relief and order AJ Respondent to vacate the current temporary orders rendered on March 26<sup>th</sup>, 2024.

Respectfully submitted,

C.D.M.  
/s/ C. D. M.  
Pro-Se Litigant  
chuckdustin12@gmail.com

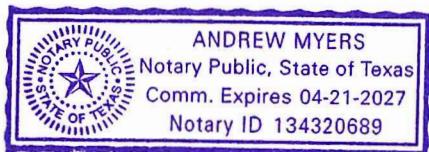
## CERTIFICATION OF FACTS AND VERIFICATION OF RECORD

Before me, the undersigned authority, on this day personally appeared Realtor, C.D.M., and upon his oath, stated that (i) he is self-represented in this cause; (ii) he has reviewed the Petition for Writ of Mandamus and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and supplemental electronic appendix; and (3) the items in the appendix and supplemental electronic appendix are true and correct copies of documents material to Relator's claims and are either pleadings that are on file in the underlying suit, links to documents found on the clerk's record, or orders signed by the Trial Court in the underlying suit.

/s/ C.D.M.

C.D.M.

Subscribed and sworn on April 5, 2024.



A handwritten signature in black ink, appearing to read "A M". It is positioned above a dashed horizontal line.

Notary Public for and in the State of Texas

**CERTIFICATE OF RELATOR REGARDING WORD**

**COUNT**

Pursuant to rule 9 of the Texas Rules of Appellate Procedure, I certify that the word count in this Petition for Writ of Mandamus, excluding the caption and introductory matters, signature, proof of service, certification, certificate of compliance, and appendix, totals **4,751** words.

<u>/s/</u>	C.	D.	M.
C. D. M.			

**Certificate of Service**

I certify that a true copy of this Notice for Emergency Relief was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on **04-05-2024**:

**Cooper L. Carter** by EMAIL/ESERVE at  
COOPERCARTER@MAJADMIN.COM

**M. M. M. (Mother)** by EMAIL/ESERVE at  
MORGANMW02@GMAIL.COM

**Hon James B. Munford** by ELECTRONIC SERVICE

Presiding District Judge, 322<sup>nd</sup> District Court of Tarrant County

200 E Weatherford St, Fort Worth, TX 76102

**Hon Jeffrey N. Kaitcer** by ELECTRONIC SERVICE

Presiding Associate Judge, 322<sup>nd</sup> District Court of Tarrant County

200 E Weatherford St, Fort Worth, TX 76102

/s/ C. D. M.  
C. D. M.

Pro Se

No \_\_\_\_\_ -CV

**IN THE COURT OF APPEALS FOR THE SECOND JUDICIAL  
DISTRICT**

**FORT WORTH, TEXAS**

---

**IN RE: C.D.M, *Relator***

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Original Proceeding Arising Out of  
the 322<sup>nd</sup> District Court, Tarrant County  
Cause No. 322-744263-23 (consolidated)

(Honorable James B. Munford, District Judge  
Presiding

Honorable Jeffrey N. Kaitcer, Associate Judge  
Presiding)

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**Appendix**

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In support of this petition, Relator submits this  
Appendix in compliance with Rule 52.3(j) of the  
Texas Rules of Appellate Procedure:

1. Eviction Notice.....12.17.2023
2. Original Petition for Divorce.....12.18.2023
3. Application for Protective Order.....12.22.2023
4. Ex-Parte Temporary Order.....12.27.2023

5.	Ex-Parte Temporary Order.....	12.28.2023
6.	Answer to Protective Order.....	01.02.2024
7.	Motion to Consolidate.....	01.03.2024
8.	Cases Background For Consolidation.....	01.03.2024
9.	Motion of Continuance.....	01.06.2024
10.	Motion of Continuance Brief.....	01.06.2024
11.	COMPREHENSIVE STATEMENT OF CONTEXT.....	01.06.2024
12.	Unsworn Declaration - General (1).....	01.07.2024
13.	Initial temporary orders.....	01.17.2024
14.	Second temporary orders.....	01.23.2024
17.	NOTICE OF TERMINATION OF COUNSEL.....	02.05.2024
18.	Agreed Motion for Withdrawal of Atty....	02.06.2024
19.	Agreed Associate Judge's Report.....	02.08.2024
21.	MOTION TO VACATE TEMPORARY ORDERS.....	02.09.2024
22.	ORDER FOR WITHDRAWAL OF ATTORNEY.....	02.12.2024
23.	MOTION FOR SUMMARY JUDGEMENT - BRIEF..	02.22.2024
24.	EXHIBIT D -PROPOSED PARENTING PLAN.....	02.22.2024
25.	NOTICE OF HEARING FOR 03/14.....	02.27.2024
26.	NOTICE_UNSWORN_DECLARATION.....	03.03.2024
27.	NOTICE FOR JUDICIAL REVIEW.....	03.23.2024
28.	ORDER ON RECONSIDERATION MOTION.....	03.23.2024
29.	DANNY SLADE AFFIDAVIT.....	03.23.2024
30.	AARON WATSON AFFIDAVIT.....	03.23.2024
31.	LUZ_OBLE_AFFIDAVIT.....	03.23.2024
32.	JOHN VALERA AFFIDAVIT.....	03.23.2024

- 33. BRIANNA GALBO AFFIDAVIT.....03.23.2024
- 34. CHRISTIAN VROOM AFFIDAVIT.....03.23.2024
- 35. MORVAN AFFIDAVIT.....03.23.2024
- 36. Current Temporary Orders.....03.26.2024
- 37. TEX. FAM. CODE § 6.405
- 38. TEX. FAM. CODE § 105.001
- 39. TEX. FAM. CODE § 105.003
- 40. TEX. FAM. CODE § 153.002
- 41. TEX.R.CIV.P. § 245

# TAB 40

NO. 02-24-00149-CV  
MOTION FOR EMERGENCY  
STAY

No. \_\_\_\_\_ -CV

IN THE  
**SECOND JUDICIAL DISTRICT COURT OF APPEALS**  
**AT FORT WORTH, TEXAS**

---

IN RE: C.D.M., *RELATOR.*

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Original Mandamus Proceeding Arising Out of  
the 322<sup>ND</sup> Judicial District Court of Tarrant  
County

Cause No. 322-744263-23 (consolidated)

Honorable James B. Munford, District Judge  
Presiding

Honorable Jeffrey N. Kaitcer, Associate Judge  
Presiding

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**RELATOR'S MOTION FOR EMERGENCY STAY**

---

Respectfully submitted by:

C.D.M.

chuckdustin12@gmail.com

Tel.: 817-507-6562

**PRO-SE LITIGANT**

## **A. INTRODUCTION**

1. Relator is C.D.M. and referred herein as "**Father**". Since this case has no written record and relies on submitted court documents, Real Party of Interest is referred to herein as "**Mother**" or "**Petitioner**". Respondents are Honorable James B. Munford, referred to herein as "**DJ Respondent**" (District Judge Respondent), and Honorable Jeffrey N. Kaitcer, referred to herein as "**AJ Respondent**" (Associate Judge Respondent).

2. The Children are M.E.M. and C.R.M. and are referred to herein as "**the Children**".

3. Relator filed his Petition for Writ of Mandamus concurrently with the filing of this Motion. References to the Appendix filed with the Petition for Writ of Mandamus and attached to this motion will be referred to as "**App.**" and will be cited by page number(s) as "**App. \_\_\_\_ - \_\_\_\_.**"

4. Relator will be filing a Petition for Writ of Mandamus in this action. A hearing relevant to the issues in this mandamus was held on March 14th, 2024. To date, no official record of this hearing has been furnished. Despite the absence of an official hearing record, the Relator has diligently filed all pertinent documents and evidence with the court within the statutory deadlines. It is important to note that, as of this time, no opposition or objections have been raised against any of the documents filed with the clerk.

5. In lieu of the official record, and to support the arguments presented in this mandamus action, the Relator will rely on the appendix of relevant documents attached to the mandamus petition. This appendix includes comprehensive documentation that has been filed in accordance with statutory requirements and remains unchallenged. The inclusion of these documents is intended to provide the Court with a thorough understanding of the

basis upon which the Relator seeks relief through this Petition for Writ of Mandamus.

## **B. BACKGROUND**

7. Mother filed for an ex-parte protective order against the father on December 14<sup>th</sup>, 2023, which was denied by the court.[\*\*App. 22-25.\*\*](#)

8. Mother influenced an eviction suit against the Father by informing the landlords that she was filing for divorce and would be seeking a protective order against the Father, which was initiated on December 17<sup>th</sup>, 2023.[\*\*App. 1-2.\*\*](#)

9. Mother filed for a Divorce on December 18<sup>th</sup>, 2023,[\*\*App. 3-14\*\*](#) alleging an active order of protection against the father, waiving the 60-day waiting period.[\*\*App. 11.\*\*](#)

10. Mother filed for an order of protection against the Father on December 22<sup>nd</sup>, 2023**App. 15-21**, where she claimed threats of violence and sexual harassment by the Father.**App. 21.**

11. Between December 27<sup>th</sup>, when father was served the Protective order,**App. 15** and January 16<sup>th</sup>, the scheduled show cause hearing for Father to show why the protective order should not be granted, he filed his answer to the protective order**App. 31-35**, accompanied with his Texas Department of Public Safety record which is void of any charges.**App. 36-37**, as well as a motion to consolidate,**App. 38-41** a background report for case consolidation,**App. 42-43**, a motion of continuance**App. 44-46** with an attached brief explaining that he had been focusing on the Children during the holiday season and school break while battling concurrent litigation

initiated by the Mother and would need more time to prepare for the upcoming show cause hearing.**App. 47-49.**

12. Despite the Respondent's submissions, when the Father and Mother attended the show cause hearing, Father was ordered out of the family residence with scant notice and without any witnesses being called or evidence being discussed, which significantly disrupted the lives of the Children and the Father's business operations and would be re-scheduled for January 22<sup>nd</sup>, 2024 to allow for the parties to obtain counsel.**App. 50.**

13. On the evening of January 16<sup>th</sup>, 2024, Father filed his Counterpetition for Divorce**App. 52-61**, accompanied by a comprehensive statement of context to provide insights into the case, detailing the situation, and outline the evidence the Father would

present at the reset hearing on January 22<sup>nd</sup>, 2024. **App.**

**62-67.** Father also filed an unsworn declaration to shed light on the conspiratorial nature of the collective actions taken against him by the Mother and her family. **App. 68-71.**

14. Father prevailed against the eviction suit on January 14<sup>th</sup>, 2024, for lack of jurisdiction. **App. 72.**

15. Father obtained Counsel on January 19<sup>th</sup>, 2024.

16. Considering that Father was already suffering damage at this point, he communicated clearly with his Counsel about his concerns and desires for the upcoming reset hearing on January 22<sup>nd</sup>, 2024.

17. At the reset hearing, Mother failed to acquire legal counsel until just minutes before the hearing was scheduled to start, and subsequently requested a continuance, which was granted and reset the case to February 1<sup>st</sup>, 2024. **App. 73.**

18. Between January 22<sup>nd</sup> and February 1<sup>st</sup>, the Father communicated several times with his Counsel

reiterating the details of the case, his desires, and the relief sought.

19. On February 1<sup>st</sup>, 2024, the hearing was usurped by Father's Counsel and was suddenly focused on the drafting of an Associate Judge's Report**App. 75-80** with the addition of temporary child support to be paid by the Father**App. 76** rather than holding a hearing to discuss the issues that were directly communicated via email leading up to the hearing. The last page of the orders had specific procedural requirements that were part of the order that stated:

"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**<sup>1</sup>.

Each attorney should approve the Order. The parties do not need to approve the Order. The attorney reviewing the proposed Order shall have five (5) days to do so. There are no ten (10) day letters. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report."**App. 79**.

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<sup>1</sup> Dan Bacalis was terminated on February 5<sup>th</sup>, 2024, by the Father, making these procedural stipulations outlined in the order arguably impossible to satisfy without modification.

20. The agreement allowed the Father back into the family home so he could work and regain his active role in his Children's lives until March 1<sup>st</sup> **App. 77** while simultaneously removing the Children from their own home until the same date and dropping the protective order suit initiated by the Mother which had been the basis for every decision leading up to this point in the case.**App. 77.**

21. On February 5<sup>th</sup>, 2024, Father's Counsel was terminated due to ineffective representation, and a notice was promptly filed with the Court.**App. 81-83.**

22. On February 6<sup>th</sup>, 2024, an agreed motion for withdrawal of attorney was signed by the Father and his Counsel and filed with the Court. **App. 84-87.**

23. The Father filed his motion to reconsider evidence and vacate temporary orders on February 9<sup>th</sup>, 2024, **App. 88-90**, accompanied by a detailed brief which aimed to challenge the overall foundation of the case and bring to light the procedural missteps and re-focus the case on the Children's best interests.**App. 91-98.**

24. On February 12<sup>th</sup>, 2024, the Order for Withdrawal of Attorney was filed with the Clerk containing AJ Respondent's signature dated February 8th, 2024, which stated that the Court found no pending settings or deadlines within the case.**App. 99-101.**

25. On February 13<sup>th</sup>, 2024, Father reached out via email to Mother's counsel regarding the scheduling of the reconsideration motion, where she claimed that she would have availability nearly a month later, and also claimed that she would be filing a countermotion.<sup>2</sup>

26. On February 22<sup>nd</sup>, 2024, Father filed a Motion for Partial Summary Judgement after no counter-motion was filed by Mother's Counsel with an accompanying brief to argue that the evidence and procedural history presented in the case clearly favor his position, demonstrating that the actions taken against him were not supported by the substantive facts of the case or in the best interest of the children, eliminating the need for a hearing regarding the reconsideration motion.**App. 102-111.** The Father's proposed parenting plan was attached to the motion as EXHIBIT D.**App. 112-115.**

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<sup>2</sup> This counter motion was never filed.

27. On February 27<sup>th</sup>, a Notice of Hearing was served on all Parties scheduled for March 14<sup>th</sup>, 2024, on Father's reconsideration Motion.**App. 116-117.**

28. On March 3<sup>rd</sup>, 2024, Father filed a Notice and unsworn declaration with the Court explaining he would be unable to vacate the home by March 1<sup>st</sup>, as the Mother's employment had changed, and that it would not be in the Children's best interest.**App.118-121.**

29. On March 14<sup>th</sup>, 2024, Minutes before the hearing, Mother's Counsel hands the Father the agreed orders reduced to writing in the Courtroom, which differed from the original agreed orders signed on February 1<sup>st</sup>, 2024, such as the Father requiring to vacate the home by March 20<sup>th</sup>, rather than March 1<sup>st</sup>, and the Mother and Children being allowed to return on the 30<sup>th</sup>, not the 1<sup>st</sup>, which left a 10-day gap where neither party would be occupying the residence.**App 215.** Father's reconsideration motion was denied on March 14<sup>th</sup>, 2024.**App. 122.**

30. On March 26<sup>th</sup>, 2024, Father filed his Second Amended Notice of Judicial Review**App. 123-171** that contains familial background history.**App.132** as well as employment history and family dynamics.**App. 133-140.** This review also contains a statement of facts with

several linked documents embedded within the filing that reiterate many facts brought forth within the mandamus petition.**App.141-150**. The Respondent's Parental Index within the document highlights the Father's pivotal role in the Children's lives throughout these proceedings**App.151-154** which have been redacted for privacy considerations from this motion and petition for mandamus but aren't needed to meet the Relator's burden for relief.

31. This document also contains sworn statements from the Father's business clients that was offered at the hearing on March 14<sup>th</sup>, 2024, corroborating the Father's active involvement in the Children's lives, work ethic, and history working out of the family residence.**App.172-187**.

32. This mandamus relief seeks to stay the orders in effect until the final decree of divorce. **App.188-226**.

## C. ARGUMENT

### I. Availability of Mandamus Relief

Mandamus relief is available when the Court abuses its discretion and there is no adequate remedy at law, such as by appeal. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding). A trial court has no discretion in determining what the law is or applying the law to the facts. *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding).

The Court may grant temporary relief pending its determination of an original proceeding. Tex. R. App. P. 52.10(b)

Because a Trial Court's temporary orders are not appealable, mandamus is the appropriate means to challenge them. See *Little v. Daggett*, 858 S.W.2d 368 (Tex. 1993) (orig. proceeding)).

### II. The Children's best interests were overlooked entirely.

The decision to disconnect the father from his children starkly illustrates judicial oversight, further exacerbated by the Father's need to represent himself pro se due to inadequate legal representation previously.

By excluding the Father from his operational base, the court not only removed a daily caregiver but also destabilized the primary financial support system for the Mother and the Children.

This decision seemingly overlooks the comprehensive framework intended to guide judicial discretion in such matters, a framework well-established in the seminal case of *Holley v. Adams*, 544 S.W.2d 367 (1976). The *Holley* decision articulates a non-exhaustive set of factors specifically designed to assist courts in ascertaining the best interest of the child, encompassing considerations such as the emotional and physical needs of the child, the parental abilities of the individual's seeking custody, and the stability of the home environment, among others.

The court is also required by law when rendering temporary orders affecting conservatorship under *TEX. FAM. CODE § 105.001(b)* to provide notice or hearing, which was not provided to the Father until March 14<sup>th</sup>, 2024 during his reconsideration hearing, after suffering for nearly two months, where the AJ Respondent refused to look at any of the record prior to the signed agreed associate judge's report on February 1<sup>st</sup>, 2024, and refused to admit the Father's affidavits from his clients into evidence showing the need for his residency, and corroborating his close relationship with his Children.

By removing a Father from his Children's lives, impairing his ability to provide for them, and subsequently upholding this decision without any foundational basis to do so is a manifest injustice against the Father and his Children, as "[s]uits affecting the parent-child relationship are 'intensely fact-driven' and require courts to balance many factors." *Billisits v. Billisits*, No.03-

*21-00358-CV, 2023 WL 2191330, at \*2 (Tex. App.-Austin Feb. 24, 2023, no pet.) (mem. op.)*

Relator seeks a stay in the proceedings of the trial court, including the Temporary Orders rendered on March 26<sup>th</sup>, 2024, pending this Court's determination on Relator's Petition for Writ of Mandamus. Failure to grant a stay could further exacerbate the damage caused to the Children's emotional well-being and will directly impact their ability to be provided for, as the Relator works out of his home and would need sufficient time to transition his services to a new residency while the case is pending. Because the trial court entered these orders until the final decree of divorce is signed, the Relator seeks a stay from this Court in the interest of justice and in support of the Children's best interests.

**III. The Pervasive Procedural Errors Undermining the Foundational Integrity of the Judicial Proceedings and Nullifying the Enforceability of the Orders Issued**

According to the *Texas Family Code*, if the 60-day waiting period is waived due to an active order of

protection, “[t]he petitioner shall attach to the petition a copy of each order...regarding the conduct alleged in the application or order without regard to the date of the order. If a copy of the order is not available at the time of filing, the petition must state that a copy of the order will be filed with the court before any hearing.” *Id* § 6.405(b). The fact that the Mother elected to waive the 60-day waiting period, and due to the fact no such order of protection ever existed against the Father, no hearing should have ever taken place in this case as a copy of the non-existent order was never filed with the court, which is a requirement before any hearing.

**2. The orders rendered on March 26<sup>th</sup> fell outside of the procedural requirements.**

The Temporary Orders rendered on March 26<sup>th</sup> failed to meet the procedural requirements outlined in them, which specifically stated:

“A typed written Order conforming to this Report will follow within 20 days from the date this

Report is signed. The Temporary Order shall be prepared by Dan Bacalis. Each attorney should approve the Order. The parties do not need to approve the Order. The attorney reviewing the proposed Order shall have five (5) days to do so. There are no ten (10) day letters. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report."App. 79.

The procedural integrity of court orders is paramount to ensure that the administration of justice is carried out with the highest degree of legitimacy and fairness. On March 26th, these Temporary Orders were rendered which fundamentally breached the explicit procedural mandates set forth within them. The underpinning of this procedural breach rests on two critical junctures: the preparation of the order and the time frames for review and filing subsequent to disagreement.

**3. Dan Bacalis was terminated and did not reduce the orders to writing.**

Firstly, the necessity for a typed written Order to be prepared by Dan Bacalis is unambiguously stated. This task, assigned to Mr. Bacalis, is not

merely a formality, but a substantial procedural requirement, implying his unique role and input in the process. The preparation of the order by any individual other than Dan Bacalis, therefore, violates the stipulated procedural requirement, rendering the resultant orders intrinsically flawed and devoid of legitimacy.

Further compromising the orders' validity is the departure of Dan Bacalis from his position prior to this critical task being completed. Since the procedural directive was unequivocally tied to his participation, his premature termination disrupted the process and invalidated the subsequent steps taken in his absence. As such, there was a failure in compliance with the foundational requirements, and any order produced thereafter lacks the requisite procedural lineage to be enforceable.

**4. The reviewing counsel did not comply with the time constraints in any aspect.**

Secondly, the timeframes established by the procedural requirements are strict and serve as an essential mechanism to maintain order and predictability in legal proceedings. The attorney reviewing the proposed order was accorded a five-day window to do so. This period is designed to facilitate swift and efficient agreement or identification of disagreements. In this case, the reviewing attorney, Cooper Carter, failed to reach an agreement within the prescribed timeframe.

The protocol following such a failure is equally clear: "should no agreement be reached, a Motion to Sign must be filed and set within thirty days from the signing of the report." *Id.*

This step is not an optional or discretionary act but a mandatory one to progress the matter in the absence of consensus. The inaction to file and set the motion within this allotted time further erodes the procedural validity of the orders.

Moreover, the preparation of the typed written order by Cooper Carter, substituting for Dan Bacalis, 43 days after the signing of the report, transgresses the specified procedural timeframe. This delay not only disregards the explicit 20-day guideline but also surpasses the 30-day window for setting a Motion to Sign in the event of a lack of agreement. This protraction and procedural noncompliance serve to nullify the legal force of the orders.

Given these clear procedural deviations, the orders rendered on March 26th are procedurally deficient. They do not embody the integrity and binding force expected of court mandates. Consequently, these orders must be regarded as void ab initio – without legal effect from the outset – as they were not produced in accordance with the mandated procedures that are fundamental for their validity. The court should, therefore, deem the orders of March 26th null and void. "The majority observes that mandamus is

also proper when a trial court acts without jurisdiction and issues a void order." *In re State*, 159 S.W.3d 203 (Tex. App. 2005)

### C. CONCLUSION

According to "*In re Marriage of Burgess*, 13 Cal.4th 25, 40 (Cal. 1996)," an initial judicial custody determination requires a comprehensive assessment of all relevant factors, including each parent's relationship with the child, which wasn't considered in this case. A thorough application of this factor or any of the *Holley* factors was absent throughout this case after three months of litigation.

In guiding this Honorable Court's decision to grant this emergency relief pending the decision for Relator's Petition of Mandamus, balancing the benefits versus the detriments as noted unquestionably tips the scales in the Relator's favor. *In re Rocket*, 256 S.W.3d 257, 262 (Tex. 2008) ("The adequacy of an appellate remedy must be determined by balancing the benefits of mandamus review against the detriments.")

"In evaluating benefits and detriments, we consider whether mandamus will preserve important substantive and procedural rights from impairment or loss" *Id.* "We therefore conclude that in this case the benefits of mandamus outweigh the detriments and find relators do not have an adequate remedy by appeal." *In re Energy Res. Tech. Gom, Inc., NO. 14-12-00835-CV (Tex. App. Oct 04, 2012)*

Granting this relief would profoundly benefit the children by bringing back an active and involved parent into their daily lives, thereby ensuring their emotional and future stability. It would enable the Father to regain access to his home and business, supporting a seamless transition to another nearby residence.

The opposition to this relief, based on the Mother's preference not to cohabit with the father, overlooks a practical solution. Given the proximity of alternative accommodations, such as the grandparents' home next door or other properties available to her, the Mother has viable options to consider during the Father's

transition period. This arrangement significantly benefits the Children by maintaining their familial and emotional support systems, which are crucial for their well-being. It is a logical and sensible approach that prioritizes the Children's best interests now and in the future.

## **PRAYER**

For the reasons stated in this motion, Relator asks the Court for an emergency stay of the proceedings, including the Temporary Orders rendered on March 26<sup>th</sup>, 2024, to consider the merits of the Relator's original proceeding, to protect the rights of the Father, and to preserve the Children's best interests now and in the future.

Respectfully submitted,

/s/ C. D. M.

C. D. M.

PRO-SE

Chuckdustin12@gmail.com

817-507-6562

## **Certificate of Compliance**

Under Texas Rule of Appellate Procedure 52.10(a), I certify that on April 5th, 2024, I notified Cooper L. Carter, attorney for Real Party in Interest, M.M.M., Honorable James Munford, Respondent, and Honorable Jeffrey Kaitcer, Respondent, by notice via electronic service with the court that a motion for temporary relief would be filed.

## **Certificate of Conference**

Relator, C.D.M., certifies that on April 5th, 2024, he conferred with Cooper L. Carter by email and have attempted in good faith to reach an agreement and reiterated the need for this emergency stay. Relator received no response.

/s/ C.D.M.  
C.D.M.

**CERTIFICATE OF RELATOR REGARDING WORD**

**COUNT**

Pursuant to rule 9 of the Texas Rules of Appellate Procedure, I certify that the word count in this Motion for Emergency Relief, excluding the caption and introductory matters, signature, proof of service, certification, certificate of compliance, and appendix, totals **2,719** words.

<i>/s/</i>	C.	D.	M.
C. D. M.			

**Certificate of Service**

I certify that a true copy of this Notice for Emergency Relief was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on **04-03-2024**:

**Cooper L. Carter** by EMAIL/ESERVE at  
COOPERCARTER@MAJADMIN@COM

**M. M. M. (Mother)** by EMAIL/ESERVE at  
MORGANMW02@GMAIL.COM

**Hon James B. Munford** by ELECTRONIC SERVICE

Presiding District Judge, 322<sup>nd</sup> District Court of Tarrant County

200 E Weatherford St, Fort Worth, TX 76102

817-884-1427

**Hon Jeffrey N. Kaitcer** by ELECTRONIC SERVICE

Presiding Associate Judge, 322<sup>nd</sup> District Court of Tarrant County

200 E Weatherford St, Fort Worth, TX 76102

817-884-1888

/s/ C. D. M.  
C. D. M.

Pro Se

## 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: [REDACTED]

Name	BarNumber	Email	TimestampSubmitted	Status
[REDACTED]		[REDACTED] mw02@gmail.com	3/26/2024 3:19:25 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	3/26/2024 3:19:25 PM	SENT

Associated Case Party: [REDACTED]

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

# STATUTES

## **Tex. Fam. Code § 6.502**

### Section 6.502 - Temporary Injunction and Other Temporary Orders

**(a)** While a suit for dissolution of a marriage is pending and on the motion of a party or on the court's own motion after notice and hearing, the court may render an appropriate order, including the granting of a temporary injunction for the preservation of the property and protection of the parties as deemed necessary and equitable and including an order directed to one or both parties:

**(1)** requiring a sworn inventory and appraisement of the real and personal property owned or claimed by the parties and specifying the form, manner, and substance of the inventory and appraisal and list of debts and liabilities;

**(2)** requiring payments to be made for the support of either spouse;

**(3)** requiring the production of books, papers, documents, and tangible things by a party;

**(4)** ordering payment of reasonable attorney's fees and expenses;

**(5)** appointing a receiver for the preservation and protection of the property of the parties;

**(6)** awarding one spouse exclusive occupancy of the residence during the pendency of the case;

**(7)** prohibiting the parties, or either party, from spending funds beyond an amount the court determines to be for reasonable and necessary living expenses;

**(8)** awarding one spouse exclusive control of a party's usual business or occupation; or

**(9)** prohibiting an act described by Section 6.501(a).

**(a-1)** If the court on its own motion refers to mediation a suit described by Subsection (a) in which a motion for a temporary order described by that subsection is pending, the court may not postpone the initial hearing on the pending motion to a date that is later than the 30th day after the date set for the hearing.

**(b)** Not later than the 30th day after the date a receiver is appointed under Subsection (a)(5), the receiver shall give notice of the appointment to each lienholder of any property under the receiver's control.

**(c)** Not later than the seventh day after the date a receiver is appointed under Subsection (a)(5), the court shall issue written findings of fact and conclusions of law in support of the receiver's appointment. If the court dispenses with the issuance of a bond between the spouses as provided by Section 6.503(b) in connection with the receiver's appointment, the court shall include in the court's findings an explanation of the reasons the court dispensed with the issuance of a bond.

*Tex. Fam. Code § 6.502*

Amended by Acts 2023, Texas Acts of the 88th Leg.- Regular Session, ch. 509,Sec. 1, eff. 9/1/2023, app. to a suit that is pending in a trial court on the effective date of this Act or that is filed on or after that date.

Amended by Acts 2017, Texas Acts of the 85th Leg. - Regular Session, ch. 493,Sec. 1, eff. 9/1/2017.

Amended by Acts 2001, 77th Leg., ch. 695, Sec. 1, eff. 9/1/2001.

Added by Acts 1997, 75th Leg., ch. 7, Sec. 1, eff. 4/17/1997.

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# **Tex. Fam. Code § 105.001**

Section 105.001 - Temporary Orders Before Final Order

- (a)** In a suit, the court may make a temporary order, including the modification of a prior temporary order, for the safety and welfare of the child, including an order:
- (1)** for the temporary conservatorship of the child;
  - (2)** for the temporary support of the child;
  - (3)** restraining a party from disturbing the peace of the child or another party;
  - (4)** prohibiting a person from removing the child beyond a geographical area identified by the court; or
  - (5)** for payment of reasonable attorney's fees and expenses.
- (a-1)** If the court on its own motion refers to mediation a suit in which an initial hearing regarding the rendition of a temporary order described by Subsection (a) has not yet occurred, the court may not postpone the hearing to a date that is later than the 30th day after the date set for the hearing.
- (b)** Except as provided by Subsection (c), temporary restraining orders and temporary injunctions under this section shall be granted without the necessity of an affidavit or verified pleading stating specific facts showing that immediate and irreparable injury, loss, or damage will result before notice can be served and a hearing can be held. Except as provided by Subsection (h), an order may not be rendered under Subsection (a)(1), (2), or (5) except after notice and a hearing. A temporary restraining order or temporary injunction granted under this section need not:
- (1)** define the injury or state why it is irreparable;
  - (2)** state why the order was granted without notice; or
  - (3)** include an order setting the cause for trial on the merits with respect to the ultimate relief requested.
- (c)** Except on a verified pleading or an affidavit in accordance with the Texas Rules of Civil Procedure, an order may not be rendered:
- (1)** attaching the body of the child;
  - (2)** taking the child into the possession of the court or of a person designated by the court; or
  - (3)** excluding a parent from possession of or access to a child.
- (d)** In a suit, the court may dispense with the necessity of a bond in connection with temporary orders on behalf of the child.
- (e)** Temporary orders rendered under this section are not subject to interlocutory appeal.

**(f)** The violation of a temporary restraining order, temporary injunction, or other temporary order rendered under this section is punishable by contempt and the order is subject to and enforceable under Chapter 157.

**(g)** The rebuttable presumptions established in favor of the application of the guidelines for a child support order and for the standard possession order under Chapters 153 and 154 apply to temporary orders. The presumptions do not limit the authority of the court to render other temporary orders.

**(h)** An order under Subsection (a)(1) may be rendered without notice and an adversary hearing if the order is an emergency order sought by a governmental entity under Chapter 262.

*Tex. Fam. Code § 105.001*

Amended by Acts 2023, Texas Acts of the 88th Leg.- Regular Session, ch. 509, Sec. 2, eff. 9/1/2023, app. to a suit that is pending in a trial court on the effective date of this Act or that is filed on or after that date.

Amended By Acts 2003, 78th Leg., ch. 1036, Sec. 1, eff. 9/1/2003.

Amended By Acts 1999, 76th Leg., ch. 1390, Sec. 3, eff. 9/1/1999

Amended by Acts 1997, 75th Leg., ch. 575, Sec. 5, eff. 9/1/1997

Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. 4/20/1995.

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## **Tex. Fam. Code § 153.002**

Section 153.002 - Best Interest of Child

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*

Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. 4/20/1995.

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## **Tex. R. Civ. P. 245**

### Rule 245 - Assignment of Cases for Trial

The court may set contested cases on written request of any party, or on the court's own motion, with reasonable notice of not less than forty-five days to the parties of a first setting for trial, or by agreement of the parties; provided, however, that when a case previously has been set for trial, the Court may reset said contested case to a later date on any reasonable notice to the parties or by agreement of the parties. Non-contested cases may be tried or disposed of at any time whether set or not, and may be set at any time for any other time.

A request for trial setting constitutes a representation that the requesting party reasonably and in good faith expects to be ready for trial by the date requested, but no additional representation concerning the completion of pretrial proceedings or of current readiness for trial shall be required in order to obtain a trial setting in a contested case.

*Tex. R. Civ. P. 245*

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## **Tex. Fam. Code § 6.405**

Section 6.405 - Protective Order and Related Orders

**(a)** The petition in a suit for dissolution of a marriage must state whether, in regard to a party to the suit or a child of a party to the suit:

**(1)** there is in effect:

**(A)** a protective order under Title 4;

**(B)** a protective order under Subchapter A, Chapter 7B, Code of Criminal Procedure; or

**(C)** an order for emergency protection under Article 17.292, Code of Criminal Procedure; or

**(2)** an application for an order described by Subdivision (1) is pending.

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

*Tex. Fam. Code § 6.405*

Amended by Acts 2019, Texas Acts of the 86th Leg.- Regular Session, ch. TBD, Sec. 2.30, eff. 1/1/2021.

Amended by Acts 2017, Texas Acts of the 85th Leg. - Regular Session, ch. 885, Sec. 1, eff. 9/1/2017.

Amended by Acts 1999, 76th Leg., ch. 62, Sec. 6.04, eff. 9/1/1999.

Added by Acts 1997, 75th Leg., ch. 7, Sec. 1, eff. 4/17/1997.

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  - (2)** for the temporary support of the child;
  - (3)** restraining a party from disturbing the peace of the child or another party;
  - (4)** prohibiting a person from removing the child beyond a geographical area identified by the court; or
  - (5)** for payment of reasonable attorney's fees and expenses.
- (a-1)** If the court on its own motion refers to mediation a suit in which an initial hearing regarding the rendition of a temporary order described by Subsection (a) has not yet occurred, the court may not postpone the hearing to a date that is later than the 30th day after the date set for the hearing.
- (b)** Except as provided by Subsection (c), temporary restraining orders and temporary injunctions under this section shall be granted without the necessity of an affidavit or verified pleading stating specific facts showing that immediate and irreparable injury, loss, or damage will result before notice can be served and a hearing can be held. Except as provided by Subsection (h), an order may not be rendered under Subsection (a)(1), (2), or (5) except after notice and a hearing. A temporary restraining order or temporary injunction granted under this section need not:
- (1)** define the injury or state why it is irreparable;
  - (2)** state why the order was granted without notice; or
  - (3)** include an order setting the cause for trial on the merits with respect to the ultimate relief requested.
- (c)** Except on a verified pleading or an affidavit in accordance with the Texas Rules of Civil Procedure, an order may not be rendered:
- (1)** attaching the body of the child;
  - (2)** taking the child into the possession of the court or of a person designated by the court; or
  - (3)** excluding a parent from possession of or access to a child.
- (d)** In a suit, the court may dispense with the necessity of a bond in connection with temporary orders on behalf of the child.
- (e)** Temporary orders rendered under this section are not subject to interlocutory appeal.

**(f)** The violation of a temporary restraining order, temporary injunction, or other temporary order rendered under this section is punishable by contempt and the order is subject to and enforceable under Chapter 157.

**(g)** The rebuttable presumptions established in favor of the application of the guidelines for a child support order and for the standard possession order under Chapters 153 and 154 apply to temporary orders. The presumptions do not limit the authority of the court to render other temporary orders.

**(h)** An order under Subsection (a)(1) may be rendered without notice and an adversary hearing if the order is an emergency order sought by a governmental entity under Chapter 262.

*Tex. Fam. Code § 105.001*

Amended by Acts 2023, Texas Acts of the 88th Leg.- Regular Session, ch. 509, Sec. 2, eff. 9/1/2023, app. to a suit that is pending in a trial court on the effective date of this Act or that is filed on or after that date.

Amended By Acts 2003, 78th Leg., ch. 1036, Sec. 1, eff. 9/1/2003.

Amended By Acts 1999, 76th Leg., ch. 1390, Sec. 3, eff. 9/1/1999

Amended by Acts 1997, 75th Leg., ch. 575, Sec. 5, eff. 9/1/1997

Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. 4/20/1995.

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## **Tex. Fam. Code § 153.002**

Section 153.002 - Best Interest of Child

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*

Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. 4/20/1995.

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## **Tex. Fam. Code § 105.003**

Section 105.003 - Procedure for Contested Hearing

- (a)** Except as otherwise provided by this title, proceedings shall be as in civil cases generally.
- (b)** On the agreement of all parties to the suit, the court may limit attendance at the hearing to only those persons who have a direct interest in the suit or in the work of the court.
- (c)** A record shall be made as in civil cases generally unless waived by the parties with the consent of the court.
- (d)** When information contained in a report, study, or examination is before the court, the person making the report, study, or examination is subject to both direct examination and cross-examination as in civil cases generally.
- (e)** The hearing may be adjourned from time to time.

*Tex. Fam. Code § 105.003*

Added by Acts 1995, 74th Leg., ch. 20, Sec. 1, eff. 4/20/1995.

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## **Tex. R. Civ. P. 245**

### Rule 245 - Assignment of Cases for Trial

The court may set contested cases on written request of any party, or on the court's own motion, with reasonable notice of not less than forty-five days to the parties of a first setting for trial, or by agreement of the parties; provided, however, that when a case previously has been set for trial, the Court may reset said contested case to a later date on any reasonable notice to the parties or by agreement of the parties. Non-contested cases may be tried or disposed of at any time whether set or not, and may be set at any time for any other time.

A request for trial setting constitutes a representation that the requesting party reasonably and in good faith expects to be ready for trial by the date requested, but no additional representation concerning the completion of pretrial proceedings or of current readiness for trial shall be required in order to obtain a trial setting in a contested case.

*Tex. R. Civ. P. 245*

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# **Tex. R. App. P. 49.1**

Rule 49.1 - Motion for Rehearing

A motion for rehearing may be filed within 15 days after the court of appeals' judgment or order is rendered. The motion must clearly state the issues relied on for the rehearing.

*Tex. R. App. P. 49.1*

Amended September 13, 2021, eff. 10/1/2021.

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## **Tex. R. App. P. 49.2**

Rule 49.2 - Response to Motion for Rehearing

No response to a motion for rehearing need be filed unless the court so requests. The motion will not be granted unless a response has been filed or requested by the court.

*Tex. R. App. P. 49.2*

Amended May 25, 2021, eff. 10/1/2021; amended September 13, 2021, eff. 10/1/2021.

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## Tex. R. App. P. 52.3

### Rule 52.3 - Form and Contents of Petition

The petition must, under appropriate headings and in the order here indicated, contain the following:

**(a) Identity of Parties and Counsel.** The petition must give a complete list of all parties. The petition must also give a complete list of the names of all counsel appearing in the trial or appellate courts; their firm or office name at the time of the appearance; and, for counsel currently appearing, their mailing address, telephone number, and email address. If new counsel appears or if any counsel currently appearing changes firm or office affiliation during the pendency of the appeal, lead counsel for the party must notify the clerk by filing a supplemental disclosure.

**(b) Table of Contents.** The petition must include a table of contents with references to the pages of the petition. The table of contents must indicate the subject matter of each issue or point, or group of issues or points.

**(c) Index of Authorities.** The petition must include an index of authorities arranged alphabetically and indicating the pages of the petition where the authorities are cited.

**(d) Statement of the Case.** The petition must contain a statement of the case that should seldom exceed one page and should not discuss the facts. The statement must contain the following:

**(1)** a concise description of the nature of any underlying proceeding (e.g., a suit for damages, a contempt proceeding for failure to pay child support, or the certification of a candidate for inclusion on an election ballot);

**(2)** if the respondent is a judge, the name of the judge, the designation of the court in which the judge was sitting, and the county in which the court is located; and if the respondent is an official other than a judge, the designation and location of the office held by the respondent;

**(3)** a concise description of the respondent's action from which the relator seeks relief;

**(4)** if the relator seeks a writ of habeas corpus, a statement describing how and where the relator is being deprived of liberty;

**(5)** if the petition is filed in the Supreme Court after a petition requesting the same relief was filed in the court of appeals:

**(A)** the date the petition was filed in the court of appeals;

**(B)** the district of the court of appeals and the names of the justices who participated in the decision;

**(C)** the author of any opinion for the court of appeals and the author of any separate opinion;

**(D)** the citation of the court's opinion;

**(E)** the disposition of the case by the court of appeals, and the date of the court of appeals' order.

**(e) Statement of Jurisdiction.** The petition must state, without argument, the basis of the court's jurisdiction. If the Supreme Court and the court of appeals have concurrent jurisdiction, the petition must be presented first to the court of appeals unless there is a compelling reason not to do so. If the petition is filed in the Supreme Court without first being presented to the court of appeals, the petition must state the compelling reason why the petition was not first presented to the court of appeals.

**(f) Issues Presented.** The petition must state concisely all issues or points presented for relief. The statement of an issue or point will be treated as covering every subsidiary question that is fairly included.

**(g) Statement of Facts.** The petition must state concisely and without argument the facts pertinent to the issues or points presented. Every statement of fact in the petition must be supported by citation to competent evidence included in the appendix or record.

**(h) Argument.** The petition must contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the appendix or record.

**(i) Prayer.** The petition must contain a short conclusion that clearly states the nature of the relief sought.

**(j) Certification.** The person filing the petition must certify that he or she has reviewed the petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix or record.

**(k) Appendix.**

**(1) Necessary Contents.** The appendix must contain:

**(A)** a certified or sworn copy of any order complained of, or any other document showing the matter complained of;

**(B)** any order or opinion of the court of appeals, if the petition is filed in the Supreme Court;

**(C)** unless voluminous or impracticable, the text of any rule, regulation, ordinance, statute, constitutional provision, or other law (excluding case law) on which the argument is based; and

**(D)** if a writ of habeas corpus is sought, proof that the relator is being restrained.

**(2) Optional Contents.** The appendix may contain any other item pertinent to the issues or points presented for review, including copies or excerpts of relevant court opinions, statutes, constitutional provisions, documents on which the suit was based, pleadings, and similar material. Items should not be included in the appendix to attempt to avoid the page limits for the petition. The appendix should not contain any evidence or other item that is not necessary for a decision.

Amended July 25, 2022, eff. 8/1/2022.

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## **Tex. R. App. P. 52.7**

Rule 52.7 - Record

**(a)** *Filing by Relator Required.* Relator must file with the petition:

- (1)** a certified or sworn copy of every document that is material to the relator's claim for relief and that was filed in any underlying proceeding; and
- (2)** a properly authenticated transcript of any relevant testimony from any underlying proceeding, including any exhibits offered in evidence, or a statement that no testimony was adduced in connection with the matter complained.

**(b)** *Supplementation Permitted.* After the record is filed, relator or any other party to the proceeding may file additional materials for inclusion in the record.

**(c)** *Service of Record on All Parties.* Relator and any party who files materials for inclusion in the record must - at the same time - serve on each party:

- (1)** those materials not previously served on that party as part of the record in another original appellate proceeding in the same or another court; and
- (2)** an index listing the materials filed and describing them in sufficient detail to identify them.

*Tex. R. App. P. 52.7*

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# CONSTITUTIONS

# Art 5 - Sec 6

## Article 5 - JUDICIAL DEPARTMENT

### Section 6 - COURTS OF APPEALS; TERMS OF JUSTICES; CLERKS

- (a) The state shall be divided into courts of appeals districts, with each district having a Chief Justice, two or more other Justices, and such other officials as may be provided by law. The Justices shall have the qualifications prescribed for Justices of the Supreme Court. The Court of Appeals may sit in sections as authorized by law. The concurrence of a majority of the judges sitting in a section is necessary to decide a case. Said Court of Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law. Provided, that the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law.
- (b) Each of said Courts of Appeals shall hold its sessions at a place in its district to be designated by the Legislature, and at such time as may be prescribed by law. Said Justices shall be elected by the qualified voters of their respective districts at a general election, for a term of six years and shall receive for their services the sum provided by law.
- (c) All constitutional and statutory references to the Courts of Civil Appeals shall be construed to mean the Courts of Appeals. (Amended Aug. 11, 1891, Nov. 7, 1978, Nov. 4, 1980, Nov. 5, 1985, and Nov. 6, 2001.)
- TEMPORARY TRANSITION PROVISION