

Question

TIMELINE OF EVENTS “Myers” Defendant Morgan Michelle Myers “Branthroover” Defendant Daniel Kenneth Branthover “Carter” Defendant Cooper L. Carter “Baker” Defendant Lindsey K. Baker in her official capacity as Court Coordinator “Munford” Defendant James B. Munford in his official capacity as District Judge “Kaitcer” Defendant Jeffrey N. Kaitcer in his individual capacity as Associate Judge A. The Myers-Branthroover Enterprise 1. On December 14, 2023, Defendants Morgan Michelle Myers and Daniel Kenneth Branthover began communicating by text message, exceeding 90 messages on December 14, 2023. The following day, they reached a meeting of the minds in Yukon, Oklahoma, during the weekend of December 15, 2023. REC. 274-278. Defendant Branthover’s deceptive message, in which he falsely represented that he wished to assist Plaintiff, was sent immediately after Myers sought, unsuccessfully, to obtain an ex parte order of protection from the 322nd District Court of Tarrant County on December 14, 2023. REC. 78 B. Predicate Acts: Wire Fraud and Travel Act Violation 2. Both defendants planned and agreed to meet for the purpose of drafting an original petition for divorce and affidavit of indigency to be later submitted to the 322nd District Court of Tarrant County with the common purpose of having Plaintiff removed from his matrimonial residence located at 6641 Anne Court, Watauga, Texas 76148, which also serves as his place of business, serving clients across the United States, Canada, and the United Kingdom. 3. During defendant Myers’ interstate travel, she emptied the marital bank account into defendant Branthover’s PayPal account, amounting to \$1,576. REC. 723. These proceeds were used to purchase a second phone, registered under 817-940-0852. This phone number was used on the fraudulent pleadings prepared during defendant Myers’ stay in Oklahoma, which she transported from Yukon, Oklahoma back to Texas on December 17, 2023. C. Admissions 4. On December 16, 2023, Plaintiff reached out to defendant Branthover and requested that the \$1,576 be returned as they were needed for Christmas gifts for the children, and for business advertising expenses for his business. REC. 728-729. In response, defendant Branthover admitted that the purpose of defendant Myers’ visit was to help her prepare paperwork for divorce litigation and confirmed that the transfer of \$1,576 did in fact occur. REC. 730. D. Post-submission Collaboration 5. On December 18, 2023, defendant Myers submitted the fraudulently prepared original petition for divorce, and an affidavit of indigency to the 322nd District Court of Tarrant County. After these documents were submitted, defendant Branthover sent a text message to Plaintiff on December 19, 2023, holding himself out to be defendant Myers’ attorney, showing his involvement extends past the initial help in preparing the documents. REC. 1712-1713 6. Four days later, on December 22, 2023, defendant Myers submitted another knowingly fraudulent application for protective to the 322nd District Court of Tarrant County. E. Significant and Intentional Misrepresentations 7. On December 27 and December 28, 2023, respectively, these documents were served on Plaintiff via the U.S. Constable, and contained the following misrepresentations: i. That defendant Myers could not afford court costs; REC. 72, REC. 85-96 ii. That defendant Myers had an active order of protection against the Plaintiff with

a finding of family violence that had occurred during the marriage; REC. 78 at 10 iii. That defendant Myers was financially responsible for the family vehicles, rent payments, utilities, and other household expenses, making herself appear as the primary breadwinner; REC. 92 iv. That defendant Myers would be harassed or abused if Plaintiff were given her newly acquired phone number that was obtained while in Oklahoma; REC. 81 at 15. v. That defendant Myers and Plaintiff ceased living together on December 1, 2023; REC. 74 at 4 vi. That family violence occurred on December 18, 2023, in the presence of the two Children. REC. 108-109 vii. That both family vehicles were defendant Myers' separate property acquired before marriage. REC. 79 at 11B F. Evidence to the Contrary 8. On the same day Defendant Myers claimed to be in an emergency requiring the Plaintiff's prompt removal from the home, she can be seen at the home with Plaintiff and the children in no state of emergency and also still cohabitating in the marital home. REC 1715. 9. Again, on December 29, 2023, Defendant Myers can be seen with Plaintiff at the family home, smiling and laughing with the children in no state of emergency and still collaborating with Plaintiff in the marital home. REC. 1735. 10. The citation for the application for protective order ordered Respondent to show cause as to why it should not issue with a hearing scheduled for January 16, 2024. REC. 118. 11. In response to extensive misrepresentation above, Plaintiff prepared an original answer, filed a motion to consolidate, and provided background information which alleged that defendant Myers was intentionally abusing the legal process. REC. 130-132. G. Inclement Weather and First Appearance 12. On January 15, 2024, the Tarrant County District Courts Facebook page sent out a notice informing the members of the public that the court would be closed on January 16, 2024, due to inclement weather. REC. 1202. 13. Unaware of the closure at the time, the parties appeared at the 322nd District Court of Tarrant County on January 16, 2024, and were met with a dark courtroom, with only one judge in the building at the time of their arrival - defendant James Munford. 14. Defendant Munford summarily ordered the Plaintiff out of his home, inadvertently assisting the Myers-Branthrover associate-in-fact enterprise of achieving their primary goal in having the Plaintiff removed from his residence, despite the broader goal being to obtain a decree of divorce to permanently divest Plaintiff of his interests. REC. 183. 15. Defendant Munford's initial order was baseless, made in the absence of any emergency, without a hearing, and disregarded the Plaintiff's pleadings, telling the mother "you're going to have to find evidence of family violence!" clearly aware that this order was made without any regard to the Plaintiff's constitutional rights. 16. Defendant Kaitcer walked into the courtroom late due to the inclement weather, and turned the courtroom into a laughing matter as he began to joke with Defendant Munford, and instructed the parties to download the AppClose app, and the matter was reset for January 22, 2024. H. Reset #1 - January 22, 2024 Setting 17. At the January 22 reset hearing, the parties appeared only to have the case reset once more because defendant Myers allegedly retained the services of Defendant Cooper Carter in the lobby of the courthouse just moments before the hearing was scheduled to begin. No appearance can be traced to this setting by either party on the docket (REC. 1551), and once again, no hearing was held, and the case reset for a second time to February 1, 2024. REC. 186. 18. Defendant Kaitcer permitted attorney Dan Bacalis, Plaintiff's prior attorney, to fill out the Associate Judge's Report, and the parties never went before

him as indicated by the case docket's lack of appearance on this date by either party. I. Reset #2 - February 1, 2024 Setting 19. One day prior to the February 1 setting, both attorneys, Defendant Carter and Dan Bacalis, both amended the petition for divorce and counterpetition for divorce without the parties' knowledge. (REC. 189, REC. 209) These amended documents were similar, submitted on the same day, and raised concerns for Plaintiff regarding his representation. 20. At the February 1 setting, both parties were in the conference rooms outside of Defendant Kaitcer's courtroom, when attorney Bacalis walks in holding a settlement agreement. When Plaintiff refused this option, and requested that they go have a hearing before the judge. 21. This is when Bacalis stated, as witness affidavits corroborate, that he "knows this Judge and this is the best we can get." and further stated "[w]e'll be here all day. We can come back and change it later." 22. Outraged by this response, Plaintiff paid very close attention to the settlement offer Bacalis was pressuring him to sign, and noticed the following provisions: 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. IT IS SO ORDERED (REC. 233) J. Termination of Counsel and the Emergency Motion 23. With these provisions in mind, Plaintiff signed the document, and immediately fired his attorney and provided notice to the court. By doing so, he gained access back to the residency, invalidate the agreement, and was able to use the time back in the house to run damage control on his business operations while preparing to expose the Myers-Branthrover enterprise to the court via a MOTION TO RECONSIDER EVIDENCE AND VACATE TEMPORARY ORDERS, which was filed on February 9, 2024, within three business days of the February 1 agreed associate judge's report being served by the clerk. REC. 240 24. In this motion, it was specifically stated that: i. "I am seeking immediate court intervention to correct procedural errors and address the misuse of the legal system by the Petitioner." REC. 244 ii. "Particularly, Dan Branthrover 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. Branthrover's PayPal account" REC. 245 iii. "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". REC 247 at B2 iv. "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." REC 247 at B3. v. "This suit was the second attempt by the Petitioner to have me removed from the home, which ultimately succeeded." REC 248 at D1 25. The motion went on to explain the factual pattern described herein, putting the court on notice of the key issues with provided exhibits that were served to Defendant Carter. In response to Plaintiff's motion, he received the first of just two

email communications from Carter throughout the case's history, where she claimed she would be filing a counter motion when disclosing her availability for the hearing. REC. 2794 No such countermotion was filed by Carter. J. Summary Judgment and Notice of Hearing 26. By February 22, no response had been filed by Carter, so Plaintiff filed a Partial Motion for Summary Judgment. REC. 758. Plaintiff also submitted a proposed parenting plan as Exhibit D. REC. 769. No response was ever received from Carter. 27. On February 27, 2024, Defendant Munford signed and issued a notice of hearing to the parties with the hearing set for March 14, 2024. REC. 776. K. Plaintiff's Notice to the Court and Defendant Myers' Self-Help Remedies 28. On March 3, 2024, Plaintiff notified the Court that he would not be leaving the home as it was not in the best interests of his children. REC. 782. 29. The following day, on March 6, 2024, while walking his daughters to school, Myers ran inside the family home, and locked him out of the marital residence, leaving a sign on the door that said "[y]ou should have been out by Saturday you are now locked out!" REC. 1748. 30. Plaintiff called local law enforcement to help him regain entry into the home, where mother produced the agreed associate judge's report signed on February 1, 2024, and used it as a means to block Plaintiff's entrance to the home. 31. To avoid further conflict, Plaintiff was escorted into the home where he was able to grab only his computer and a few clothes, and went to Flower Mound to temporarily stay with his father until the hearing on his emergency motion. L. The Hearing On Plaintiff's Emergency Motion 32. On March 14, 2024, the parties arrived at the 322nd District Court, and on the way into the courtroom, defendants Myers and Carter could be seen in the conference room, quickly shuffling papers back and forth. 33. After checking in with the bailiff, Plaintiff turned around to see defendant Carter extending him a document titled "Temporary Orders" that were the reduced version of the February 1 associate judge's report. REC. 888. 34. These orders, which were not prepared by Dan Bacalis, which were not agreed to by the parties, which were reduced well outside of the 20-day requirement as ordered by the judge, and which were never filed with the clerk, stated the following misrepresentations: i. On February 1, 2024, the Court heard Petitioner's motion for temporary orders. ii. The parties have agreed to the terms of this order as evidenced by the signatures below. REC. 888. iii. 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. REC. 888. iv. The dates that the parties would have access to the family residence was altered, changing the date Plaintiff was supposed to leave from March 1, 2024, to March 20, 2024, and changing Myers' date of re-entry from March 1, 2024, to March 30, 2024. v. This modification was made to prevent Myers from being liable for illegally locking Plaintiff out of the home on March 6, 2024. 35. On the last page of the orders, Plaintiff's attorney who was terminated weeks earlier did not sign the document. Plaintiff refused to sign the document for the forthcoming reasons: i. It claimed a hearing occurred on a motion which was never set for a hearing or served on the Plaintiff and doesn't exist on the docket. ii. It was prepared by defendant Carter, not Dan Bacalis. iii. The associate judge was presiding over a de novo request of his own prior report. iv. The matrimonial address was incorrect, as it stated "6641 Anns Court", rather than 6641 Anne Court. REC. 915, REC. 922 v. The orders

were not in the best interests of the children. vi. Notwithstanding the Plaintiff's revocation of consent by filing the emergency motion, the terms were altered right before they were rendered into effect by defendant Kaitcer. M. Predicate Acts: Extortion 36. Defendant Kaitcer, knowing that no response was filed, knowing that he was presiding over a hearing to which he had no subject matter jurisdiction, and knowing that the temporary order produced by defendant Carter contained false misrepresentations, signed another associate judge's report pre-drafted by defendant Carter, which summarily denied the Plaintiff's emergency motion, ignored the fact that Carter had not provided a response, and within the report itself, Plaintiff was ordered to sign the document despite raising objections to its' contents, and despite his consent not being present. REC. 795. 37. Finally, defendant Kaitcer refused to consider Plaintiff's exhibits, including six affidavits prepared by his business clients who have been directly affected by his inability to provide the real-time market data services his clients relied on, who were located throughout the United States. 38. Following the hearing, the orders were rendered into effect without Plaintiff's signature (REC. 925) , and Plaintiff filed a request for findings of fact and conclusions of law (REC. 883), and filed and amended a "Preparatory Notice for Judicial Review" which recounted the factual timeline up to that point, and included the affidavits that Kaitcer refused to accept on March 14, 2024. REC. 798, REC. 851, REC. 854, REC. 857, REC. 860, REC. 863, REC. 867, REC. 870. 39. The orders stated they were to remain in effect until the final decree of divorce, and Plaintiff's journey of one-sided appeals began. N. One Sided Appellate Efforts, and Defective IWO 40. Following the rendition of the temporary orders on March 26, 2024, Plaintiff spent between April 8, 2024 and September 15, 2024, appealing via mandamus to the Second Court of Appeals and the Texas Supreme Court. REC. 1010. 41. During the appellate efforts, Carter filed one of two motions in the case, which was a motion for pre-trial conference filed on April 24, 2024, on her behalf by Roderick D. Marx, a party not named in the suit. REC. 1014, REC. 1016. 42. Plaintiff immediately objected to the pre-trial conference, and no response was ever issued by Carter or the court. REC. 1018. 43. On April 30th, Plaintiff filed his notice of completion regarding the parenting course as ordered, despite actively trying to vacate them. REC. 1047. No parenting course was ever completed by Myers. 44. On May 2, 2024, Plaintiff's en banc reconsideration was denied in the Second Court of Appeals, and he began preparing an appeal to the Supreme Court of Texas. REC. 1067. 45. On May 19, 2024, Carter sent the second and last email correspondence that would be received in the case, which falsely claimed he agreed to the orders signed on March 14, 2024, and requested that he fill out an IWO, which Plaintiff found to be defective. REC. 1722, REC. 1728. No further correspondence was received by Carter. O. Fraudulent Intervention and Branthoover's Continued Involvement 46. On June 23rd Plaintiff filed a motion in state court entitled MOTION FOR JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION at 12:14 P.M. REC. 1075. This motion received no response from Carter. 47. On June 23rd at 1:54 P.M., directly following the submission of the motion, Branthoover texted Plaintiff stating "Lol. And here comes another denial. Please sue me individually. Please.", referring to the earlier filed motion and showing his continued oversight of the case's progression since his initial predicate acts. 48. Four days later, on June 28, 2024, the Texas Office of the Attorney General allegedly filed an intervention pleading,

claiming that Plaintiff was past due on child support, and requested information from Plaintiff. REC. 1099. 49. Most notably, the certificate of service to this intervention pleading was allegedly signed by Holly Hayes, the designated attorney for the OAG, yet the name underneath the signature line reads CHOYA BURKLEY. REC. 1102. 50. Plaintiff promptly objected to the intervention, and never received any response from the OAG, Carter, or the court. REC. 1106. P. Supreme Court, Rule 12, and Emergency Temporary Orders 51. As Plaintiff continued to appeal to the Supreme Court of Texas, all prosecution came to an end in the trial court. It wasn't until September 15, 2024, that Plaintiff filed a first amended rehearing motion in the Texas Supreme Court, (REC. 1136) and after noticing Carter's lack of participation, he began to question her authority given several ambiguities surrounding her representation, and filed a rule 12 motion to show authority. REC. 1170. No response was ever received to this motion from Carter. 52. At this point, Plaintiff had been staying in Airbnb homes while he sought relief to ensure he could remain close to his daughters during this time. On September 26, 2024, he filed and later amended an EMERGENCY MOTION FOR TEMPORARY ORDERS and requested expedited relief by October 1, 2024, as that was when Plaintiff was forced to move away from the area due to cost of living being unsustainable. REC. 1184. No response was ever received from Carter regarding this motion. 53. By October 1, Plaintiff had no choice but to start pursuing administrative remedies, and thought the court was biased against him given the case's history up to that point. He began to prepare a Joint Motion to Recuse defendants Munford and Kaitcer, and filed it with the clerk of the court on October 7, 2024. Q. Predicate Act: Wire Fraud 54. On October 8, 2024, Defendant Munford signed and forwarded a "Joint Motion to Recuse" attached to his order of referral to regional presiding judge David L. Evans but was notably missing the exhibits and affidavit critical to the motion. REC. 1222 55. A copy of this exchange was sent via defendant Baker on 4:43 P.M. on October 8. REC. 1254 56. Plaintiff immediately pointed out the discrepancies between the motion filed and the motion forwarded to David L. Evans, where she replied and admitted that the full document had been e-filed and remains with the court. REC. 1255 57. Unsatisfied with this response, Plaintiff further pointed out that the filing size of the document filed and the one referring to David L. Evans was significantly different. No further correspondence was received by Baker until the following day. REC. 1256 58. The following day on October 8, 2024, defendant Munford signed and filed an "Amended Order of Referral" which had the full motion attached this time, albeit still modified as the hyperlinks and bookmarks had been removed. REC. 1282 59. This amended referral was sent via email correspondence by Baker at 11:17 A.M. on October 8, 2024, who stated that due to the size of the motion, it was split into three parts. REC. 1258. This excuse directly contradicts the standard filing procedure in Tarrant County, which was raised and subsequently ignored in an objection. REC. 1269. No response was filed in regard to the motion to recuse or objection by Carter. R. Recusal Denial and More Delays, and Federal Removal 60. Justice E. Lee Gabriel was assigned to hear the motion, which had to be rescheduled due to technical difficulties for November 7, 2024. REC. 1306. 61. The morning of the hearing, Plaintiff woke up with a dental emergency, and promptly notified all parties, and requested a reset for the hearing, which everyone agreed to. REC. 1393-1396. 62. Despite this agreement, the recusal was denied for failure to

appear, and made no mention of the agreement or the emergency. REC. 1398. 63. With no other remedies left, Plaintiff removed the case to Federal Court on December 2, 2024, which was quickly remanded back on December 4, 2024. REC. 1426. 64. On December 14, 2024, defendant Branthroover texted Plaintiff, sending a threat which stated “[w]hen things all over, you get to deal with me.” at 2:15 P.M. REC. 1720 65. On December 16, 2024, Plaintiff initiated suit against Daniel Kenneth Branthroover in the Western District of Oklahoma seeking relief in the form of damages from the ongoing deprivation from his home. REC. 1451. 66. Plaintiff notified the Texas court of this lawsuit on December 31, 2024. REC. 1446. S. Further Delays, Motion to Dismiss for Want of Prosecution, and the Original SAPCR 67. On January 24, 2025, Plaintiff filed a motion to dismiss for want of prosecution due to the total lack of participation in the case by the opposing party. REC. 1527. No response was ever received from Carter on this motion. 68. On January 29, 2025, defendant Myers began disposing of Plaintiff's personal belongings that remained on the family property. REC. 1629-1631. 69. On February 12, 2025, Plaintiff learned that his youngest daughter was suffering from dental pain due to Myers' failure to obtain dental insurance for the children. REC. 3281. 70. By March 14, (REC. 1833-1837) the judges had still not been reinstated from the first recusal, which led Plaintiff to reach out to Baker to request a hearing on his unopposed summary judgment that had been on the docket since February 22, 2024, where he had to remind her to reinstate the judges back into the case. REC. 1833-1837. 71. Given the delays, and since the case had been brought in bad faith initially, the Plaintiff opened an original SAPCR suit in the 233rd District Court of Tarrant County on March 18, 2025, where he argued for dominant jurisdiction in a cover letter sent to the clerk. REC. 2260. T. Counsel Suddenly Becomes Active 72. The very next day, defendant Carter filed an original answer filed on her behalf by Roderick Marx. REC. 2279. The motion was a boilerplate motion, and was followed by a motion to consolidate, which was filed in the wrong court, and was also filed on Carter's behalf by RODERICK D. MARX. REC. 2284. 73. The Plaintiff immediately responded by filing a motion to strike (REC. 1957) a Rule 12 motion to show authority challenging both Carter and RODERICK D MARX's authority (REC. 2288) and on March 24, 2025, an emergency ex-parte TRO to prevent Myers from barring Plaintiff's access to the home. (REC. 2302) No responses were ever received from Carter on these motions. 74. On March 26, 2025, an objection was filed to Carter's consolidation motion in the 233rd court. REC. 1881. 75. Plaintiff reached out to the coordinator from the 233rd and went through the process to present the motion to the judge. REC. 2338-2341. 76. On March 29, 2025, Plaintiff appeared before Associate Judge Kate Stone, who refused to hear Plaintiff's emergency motion despite no response being filed, and told him to leave the courtroom. The hearing date scheduled for April 10, 2025, as agreed by Carter and Plaintiff (REC. 2358), was actually un-set by Stone. REC. 2361. 77. The grounds for this outright refusal was due to Carter calling in a favor from the judge without even being present in the courtroom, to where Stone left the room, came back, and told the Plaintiff to leave informing him that a motion to consolidate would be filed by Carter the following week. U. Five Concurrent Mandamus Petitions 78. Subsequently, after he was turned away from the courtroom, Carter's consolidation motion wasn't filed until April 4, 2025 (REC. 2367), resulting in two mandamus petitions to try again to have the

March 14, 2024, order signed by Kaitcer vacated, and to compel Kate Stone to hear the emergency TRO. See 25-0361, 25-0367. 79. On the same day the mandamus was filed against Stone, District Judge Kenneth Newell sua sponte granted Carter's consolidation motion in both courts without a hearing, and without addressing the emergency situation for the children or the Plaintiff's objections, leading to a third mandamus proceeding. REC. 2393, See also 25-0378. 80. On April 23, 2025, a notice of trial setting was served on the parties by defendant Munford in the midst of all of these issues. REC. 1773. 81. The same day, Plaintiff filed an objection and requested an emergency stay. REC. 2219. No response was received to this objection by either Munford or Carter. 82. Two days later on April 25, 2025, Plaintiff filed his second recusal motion, and amended it on April 28, 2025, this time only against Munford, and requested that the rules of procedure be followed, and objected to the involvement of the court coordinator given the prior recusal's ambiguity and significant delays caused by her involvement. REC. 2488 No response to this motion was ever filed from Carter. 83. Baker continued to be involved in the recusal process, this time erroneously forwarding an order of referral from defendant Kaitcer, who was not named in the recusal motion. REC. 2615. 84. Plaintiff immediately objected on April 29, 2025, naming two issues: 1) the coordinator was still involved, and 2) the order of referral sent by Kaitcer was erroneous. REC. 2620. 84. Plaintiff objected to the order of assignment of John H. Cayce (REC. 3149) which was issued on May 7, 2025, due to the unresolves issues. REC. 2620. 85. David L. Evans overruled this objection on May 15, 2025, leading to mandamus petition 25-0426, a direct appeal to the Texas Supreme Court. REC. 3507. 86. On May 20, 2025, John H. Cayce summarily denied the recusal, including the denial of a motion to recuse Kaitcer which was never filed, leading to mandamus petition 25-0458, a second direct appeal to the Texas Supreme Court. 87. All five petitions were denied both initially and on rehearing, and all emergency motions to stay proceedings were dismissed. The only insights given from the appellate courts was: "Denied, per curiam." No response was filed by any implicated judge or opposing counsel. V. Federal RICO Case and the Push Towards Final Trial 88. In June of 2025, Plaintiff amended his complaint against Daniel Kenneth Branthoover and enjoined Myers as a defendant, which they defended pro-se. 89. Plaintiff communicated this action with the trial court, and no further action was taken in the case until August of 2025, when defendant Munford sua sponte set the case for final trial on December 10, 2025. 90. Plaintiff immediately objected to this trial setting, and moved to recuse Munford for a third time. 91. The court coordinator continued to be involved in the process, leading to a subsequent motion to recuse the regional presiding judge, David L. Evans. 92. Plaintiff now prepares this suit to hold defendants accountable for their collective actions, and to prevent their common goal from being achieved, which is to obtain defendant Myers a final decree of divorce. 93. For the forthcoming reasons, the conduct outlined herein constitutes conduct of an enterprise through a pattern of racketeering activity, as several predicate acts were committed, the enterprise shares a common purpose, and Plaintiff has suffered direct and ongoing injury to business and property as a direct result of the defendant's collective predicate acts. I. INTRODUCTION The Racketeer Influenced and Corrupt Organizations Act (RICO), codified at 18 U.S.C. §§ 1961-1964, provides a civil cause of action for any person injured in their business or property by reason of a violation of section 1962. Section

1962 prohibits any person from conducting or participating in the conduct of an enterprise's affairs through a pattern of racketeering activity, where the enterprise's activities affect interstate or foreign commerce. The statute defines "racketeering activity" to include a broad array of criminal acts, such as mail fraud, wire fraud, extortion, obstruction of justice, and others. To establish a civil RICO claim, a plaintiff must show: (1) conduct, (2) of an enterprise, (3) through a pattern, (4) of racketeering activity, and (5) injury to business or property as a result. Under RICO it is irrelevant whether "each defendant participated in the enterprise's affairs through different, even unrelated crimes, so long as we may reasonably infer that each crime was intended to further the enterprise's affairs." *United States v. Elliott*, *supra*, 571 F.2d at 902. (5th Cir. 1978) In RICO cases involving mail fraud, the plaintiff does not need to prove personal reliance on the fraudulent statements to establish a claim. However, causation must still be shown, meaning that the plaintiff must demonstrate that someone relied on the misrepresentations, which led to the injury. Take the timeline of events and go through each violation that Carter has made to the lawyers creed and other responsibilities.

Answer (Texas)

Short response

Based on the timeline and the provided legal authorities, attorney Cooper L. Carter's conduct appears to have repeatedly violated core ethical and procedural duties under Texas law, including the requirements for candor, evidentiary support, and proper purpose in pleadings and motions, as well as broader professional responsibilities to the court and opposing parties. These violations are evident in Carter's pattern of filing or facilitating misleading, unsupported, or procedurally improper documents, failing to respond to motions, and engaging in conduct that undermines the integrity of the judicial process.

Summary

Attorney Carter's actions, as detailed in the timeline, reflect a sustained disregard for the standards set forth in the Texas Civil Practice and Remedies Code, the Texas Rules of Civil Procedure, and the ethical rules governing attorney conduct. These standards require that all pleadings and motions be filed in good faith, with evidentiary support, and not for improper purposes such as harassment, delay, or to mislead the court; Carter's repeated failures to meet these obligations—through the submission of misleading orders, lack of response to critical motions, and participation in procedural irregularities—constitute clear violations.

Moreover, Carter's conduct also appears to breach broader ethical duties, including the prohibition against dishonesty, misrepresentation, and conduct prejudicial to the administration of justice. The cumulative effect of these violations is not only to undermine the fairness of the proceedings but also to erode public confidence in the legal system, exposing Carter to potential

sanctions and disciplinary action under both statutory and professional conduct rules.

Background and Relevant Law

Legislative and Regulatory Framework

The Texas Civil Practice and Remedies Code, specifically section 10.001, imposes a duty on attorneys signing pleadings or motions to certify that, after reasonable inquiry, the document is not being presented for an improper purpose (such as harassment or unnecessary delay), is warranted by existing law or a nonfrivolous argument for changing the law, and that all factual contentions have or are likely to have evidentiary support. Section 10.004 authorizes courts to impose sanctions for violations of these standards, including directives to perform or refrain from certain acts, monetary penalties, and orders to pay reasonable expenses incurred by the opposing party as a result of the improper filing ([Tex. Civ. Prac. and Rem. Code § 10.001](#); [Tex. Civ. Prac. and Rem. Code § 10.004](#)).

Rule 13 of the Texas Rules of Civil Procedure further requires that attorneys ensure pleadings are not groundless, brought in bad faith, or for the purpose of harassment. The rule provides for sanctions against attorneys who violate these requirements ([In re E. J. M., 01-23-00681-CV \(Tex. App. Jul 22, 2025\)](#); [Laub v. Pesikoff, 979 S.W.2d 686 \(Tex. App. 1998\)](#)).

Ethical rules, as reflected in secondary materials, prohibit attorneys from engaging in conduct intended to disrupt the tribunal, using frivolous or abusive procedures, making false or misleading statements, or engaging in conduct prejudicial to the administration of justice. These rules are codified in the Texas Disciplinary Rules of Professional Conduct and are reinforced by national standards such as the ABA Model Rules ("[Civil Proceedings" And The Call Of Law](#); HOW DO LAWYER DISCIPLINARY AGENCIES ENFORCE RULES AGAINST LITIGATION MISCONDUCT? OR DO THEY?).

Case Law

Texas appellate courts have consistently held that attorneys must ensure that pleadings and motions are not filed for improper purposes, are supported by evidence, and are not groundless or brought in bad faith. Violations of these duties can result in sanctions under both statutory and procedural rules ([Cherry Petersen Landry Albert LLP v. Cruz, 443 S.W.3d 441 \(Tex. App. 2014\)](#); [Shilling v. Gough, 393 S.W.3d 555 \(Tex. App. 2013\)](#)).

Analysis

1. Filing and Facilitating Misleading or Unsupported Pleadings and Orders

Throughout the timeline, Carter is implicated in the preparation, submission, or facilitation of multiple documents that contain significant misrepresentations or lack evidentiary support. For example:

- The “Temporary Orders” presented on March 14, 2024, contained statements that a hearing had occurred on a motion that was never set or served, that the parties had agreed to the terms when Plaintiff had expressly revoked consent, and that the court had jurisdiction and all prerequisites were satisfied despite procedural irregularities. The orders also altered key dates to retroactively justify Myers’ self-help eviction of Plaintiff, and included an incorrect address for the marital home.
- Carter’s involvement in amending petitions and counterpetitions without the parties’ knowledge, and in facilitating the submission of orders not agreed to by all parties, further demonstrates a disregard for the requirement that all factual contentions in pleadings and motions have evidentiary support and are not presented for improper purposes ([Tex. Civ. Prac. and Rem. Code § 10.001; Cherry Petersen Landry Albert LLP v. Cruz, 443 S.W.3d 441 \(Tex. App. 2014\)](#)).
- The failure to ensure that the orders and pleadings accurately reflected the procedural history and the parties’ positions constitutes a violation of the duty to avoid groundless or misleading filings ([In re E. J. M., 01-23-00681-CV \(Tex. App. Jul 22, 2025\)](#)).

2. Failure to Respond to Motions and Engage in the Process

Carter repeatedly failed to respond to critical motions, including the Plaintiff’s emergency motions, motions to reconsider, motions for summary judgment, and objections to interventions and procedural irregularities. This pattern of non-responsiveness is significant for several reasons:

- It undermines the adversarial process and the court’s ability to make informed decisions based on a full presentation of the issues.
- It may constitute a violation of the duty to avoid unnecessary delay or needless increase in the cost of litigation, as required by section 10.001 ([Tex. Civ. Prac. and Rem. Code § 10.001](#)).
- The lack of engagement, especially when coupled with the submission of misleading or unsupported documents, suggests an improper purpose or at least a reckless disregard for the truth and the integrity of the proceedings ([Shilling v. Gough, 393 S.W.3d 555 \(Tex. App. 2013\)](#)).

3. Participation in Procedural Irregularities and Abusive Litigation Tactics

The timeline details Carter's involvement in or facilitation of several procedural irregularities, including:

- Filing or allowing the filing of motions and orders in the wrong court, or by individuals not properly authorized to represent the parties (e.g., filings by Roderick D. Marx on Carter's behalf without clear authority).
- Failing to respond to Rule 12 motions to show authority, which are designed to ensure that attorneys appearing in a case are properly authorized to do so.
- Engaging in or benefiting from ex parte communications or "calling in favors" with judges, as alleged in the March 29, 2025, incident before Associate Judge Kate Stone, where Plaintiff was told to leave the courtroom without his emergency motion being heard.
- Allowing or facilitating the use of defective or misleading orders to justify self-help remedies, such as Myers' lockout of Plaintiff from the marital home.

These actions are inconsistent with the duty to avoid conduct intended to disrupt the tribunal, to use procedures only for legitimate purposes, and to avoid conduct prejudicial to the administration of justice (["Civil Proceedings" And The Call Of Law](#); HOW DO LAWYER DISCIPLINARY AGENCIES ENFORCE RULES AGAINST LITIGATION MISCONDUCT? OR DO THEY?).

4. Misrepresentation and Dishonesty

Carter's conduct also raises serious concerns regarding misrepresentation and dishonesty, including:

- The submission of orders and communications that falsely stated Plaintiff's agreement to terms he had expressly rejected.
- The failure to correct the record or withdraw misleading documents, even after being put on notice of their inaccuracies.
- The use of misleading statements in correspondence, such as the May 19, 2024, email claiming Plaintiff had agreed to the March 14, 2024, orders.

Such conduct is expressly prohibited by ethical rules that bar attorneys from making false statements of fact or law to the court or to third parties, and from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation (HOW DO LAWYER DISCIPLINARY AGENCIES ENFORCE RULES AGAINST LITIGATION MISCONDUCT? OR DO THEY?).

5. Conduct Prejudicial to the Administration of Justice

The cumulative effect of Carter's actions—misleading filings, procedural abuses, non-responsiveness, and misrepresentations—constitutes conduct prejudicial to the administration of justice. This is a broad ethical violation that encompasses any conduct that undermines the fairness, efficiency, or integrity of the judicial process (["Civil Proceedings" And The Call Of Law](#)).

6. Potential Sanctions and Disciplinary Consequences

Under section 10.004 of the Texas Civil Practice and Remedies Code, a court may impose sanctions for violations of section 10.001, including directives to perform or refrain from certain acts, monetary penalties, and orders to pay reasonable expenses incurred by the opposing party. Rule 13 of the Texas Rules of Civil Procedure also authorizes sanctions for groundless or bad faith filings ([Tex. Civ. Prac. and Rem. Code § 10.004; Laub v. Pesikoff, 979 S.W.2d 686 \(Tex. App. 1998\)](#)).

Additionally, violations of the ethical rules may subject Carter to disciplinary action by the State Bar of Texas, including suspension or disbarment in egregious cases.

Exceptions and Caveats

It is important to note that the imposition of sanctions or disciplinary action requires a finding by the court or disciplinary authority that the attorney's conduct violated the relevant standards. In some instances, an attorney may be able to demonstrate that any misstatements or procedural errors were inadvertent or the result of reasonable reliance on information provided by the client or co-counsel. However, the pattern and persistence of the conduct described in the timeline make such defenses less plausible.

Furthermore, some of the allegations regarding Carter's conduct (such as ex parte communications or "calling in favors") may be difficult to prove without direct evidence. The analysis above is based on the facts as presented in the timeline and the legal standards provided.

Conclusion

Attorney Cooper L. Carter's conduct, as detailed in the timeline, reflects multiple and repeated violations of the duties imposed by Texas law and ethical rules governing attorney conduct. These include the submission of misleading or unsupported pleadings and orders, failure to respond to motions, participation in procedural abuses, misrepresentation, and conduct prejudicial to the administration of justice. Such actions expose Carter to potential sanctions under the Texas Civil Practice and Remedies Code and the Texas Rules of Civil Procedure, as well as disciplinary action for violations of professional conduct rules. The seriousness and persistence of these violations undermine the integrity of the judicial process and warrant close scrutiny by both the courts and disciplinary authorities.

Legal Authorities

[Laub v. Pesikoff, 979 S.W.2d 686 \(Tex. App. 1998\)](#)

Texas Court of Appeals

Extract

Pursuant to rule 13, a court may impose sanctions against a party, a party's attorney, or both, if they file pleadings, motions, or other papers that are both groundless and either (1) brought in bad faith or (2) for the purpose of harassment. Lawrence, 853 S.W.2d at 699. The rule further provides that the court may impose any appropriate sanction available under TEX.R.CIV.P. 215(2)(b), including the assessment of attorney's fees. Lawrence, 853 S.W.2d at 699. 'Groundless' means without basis in law or fact and not warranted by a good faith argument for an extension, modification, or reversal of existing law.

Summary

The passage provides insight into the responsibilities of attorneys in Texas, specifically under Rule 13, which allows for sanctions against attorneys who file groundless pleadings or motions in bad faith or for harassment. This is relevant to evaluating Carter's actions in the timeline of events.

[Cherry Petersen Landry Albert LLP v. Cruz, 443 S.W.3d 441 \(Tex. App. 2014\)](#)

Texas Court of Appeals

Extract

Under chapter 10 of the civil practice and remedies code, an attorney signing a pleading or motion certifies that "to the signatory's best knowledge, information, and belief, formed after reasonable inquiry ... the pleading or motion is not being presented for any improper purpose ... and each allegation or other factual contention in the pleading or motion has evidentiary support or ... is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery[.]" Tex. Civ. Prac. & Rem.Code Ann. § 10.001 (West 2002). Under rule 13, an attorney signing a pleading or motion certifies that "to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment." Tex.R. Civ. P. 13.

Summary

Attorneys in Texas are required to ensure that any pleadings or motions they sign are not presented for improper purposes, are not groundless, and have

evidentiary support. This is relevant to assessing whether Carter violated these responsibilities in the timeline of events.

[In re E. J. M., 01-23-00681-CV \(Tex. App. Jul 22, 2025\)](#)

Texas Court of Appeals

Extract

Rule 13 of the Texas Rule of Civil Procedure provides that signatures of attorneys or parties constitutes a certificate by them that they have read the pleading and that to the best of their knowledge and belief formed after reasonable inquiry-not groundless or brought in bad faith or for the purpose of harassment. Tex.R.Civ.P. 13; ... Chapter 10 of the Texas Civil Practice and Remedies Code provides that the signature of an attorney or parties on a pleading or motion constitutes a certificate by them that, to the best of their knowledge, information, and belief formed after a reasonable inquiry, the instrument is not being presented for an improper purpose, is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law, and there is evidentiary support for each allegation or contention. Tex. Civ. Prac. & Rem. Code § 10.001.

Summary

Responsibilities of attorneys in Texas when signing pleadings or motions, emphasizing that they must ensure the documents are not groundless, brought in bad faith, or for harassment, and that they are supported by evidence. This is relevant to evaluating Carter's actions in the timeline of events, as it provides a standard against which her conduct can be measured.

[Shilling v. Gough, 393 S.W.3d 555 \(Tex. App. 2013\)](#)

Texas Court of Appeals

Extract

Chapter 10 of the civil practice and remedies code can provide statutory authority for a sanction based upon a party's filing suit for improper purposes. The chapter begins with a statement of the standard for properly bringing a pleading or motion: The signing of a pleading or motion as required by the Texas Rules of Civil Procedure constitutes a certificate by the signatory that to the signatory's best knowledge, information, and belief, formed after reasonable inquiry: (1) the pleading or motion is not being presented for any improper purpose, including to harass or to cause unnecessary delay or needless increase in the cost of litigation. (2) each claim, defense, or other legal contention in the pleading or motion is

warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; ... Tex. Civ. Prac. & Rem. Code Ann. § 10.001 (West 2002).

Summary

Chapter 10 of the Texas Civil Practice and Remedies Code sets standards for filing pleadings or motions, emphasizing that they should not be for improper purposes such as harassment or unnecessary delay. It also requires that claims or defenses be warranted by existing law or a nonfrivolous argument for changing the law. This is relevant to assessing whether Carter's actions in the timeline violated these standards.

[Tex. Civ. Prac. and Rem. Code § 10.001 Tex. Civ. Prac. and Rem. Code § 10.001 Signing of Pleadings and Motions](#)

Extract

The signing of a pleading or motion as required by the Texas Rules of Civil Procedure constitutes a certificate by the signatory that to the signatory's best knowledge, information, and belief, formed after reasonable inquiry: the pleading or motion is not being presented for any improper purpose, including to harass or to cause unnecessary delay or needless increase in the cost of litigation; each claim, defense, or other legal contention in the pleading or motion is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; each allegation or other factual contention in the pleading or motion has evidentiary support or, for a specifically identified allegation or factual contention, is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and each denial in the pleading or motion of a factual contention is warranted on the evidence or, for a specifically identified denial, is reasonably based on a lack of information or belief.

Summary

Any pleading or motion filed in Texas must be signed with the assurance that it is not for improper purposes, is warranted by law, has evidentiary support, and any denials are based on evidence or a lack of information. This is relevant to assessing whether Carter's actions in filing motions or pleadings violated these standards.

[Tex. Civ. Prac. and Rem. Code § 10.004 Tex. Civ. Prac. and Rem. Code § 10.004 Violation; Sanction](#)

Extract

A court that determines that a person has signed a pleading or motion in violation of Section CIVIL PRACTICE AND REMEDIES CODE 10.001 may impose a sanction on the person, a party represented by the person, or both. The sanction must be limited to what is sufficient to deter repetition of the conduct or comparable conduct by others similarly situated. A sanction may include any of the following: a directive to the violator to perform, or refrain from performing, an act; an order to pay a penalty into court; and an order to pay to the other party the amount of the reasonable expenses incurred by the other party because of the filing of the pleading or motion, including reasonable attorney's fees.

Summary

The Texas Civil Practice and Remedies Code allows for sanctions against individuals who sign pleadings or motions in violation of certain standards. These sanctions are intended to deter similar conduct in the future and can include directives to perform or refrain from certain acts, monetary penalties, and orders to pay reasonable expenses incurred by the other party. This is relevant to assessing potential violations by Carter if she signed any pleadings or motions that were frivolous or in violation of the code.

HOW DO LAWYER DISCIPLINARY AGENCIES ENFORCE RULES AGAINST LITIGATION MISCONDUCT? OR DO THEY? RESULTS OF A CASE STUDY AND A NATIONAL SURVEY OF DISCIPLINARY COUNSEL.

Suffolk Journal of Trial & Appellate Advocacy - Suffolk University Law School - Goldschmidt, Jona - 2022-01-01

Extract

It is professional misconduct for a lawyer to: (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so[;] ... (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; [or] (d) engage in conduct that is prejudicial to the administration of justice....

Summary

Lawyers are prohibited from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and from engaging in conduct that is prejudicial to the administration of justice. These rules are part of the professional conduct standards that lawyers must adhere to, and violations can lead to disciplinary actions.

"Civil Proceedings" And The Call Of Law

Extract

Rule 3.5 on impartiality and decorum prohibits 'conduct intended to disrupt the tribunal' (ABA, 2020). Rule 3.1 prohibits frivolous or abusive use of procedure. There are a lot of opportunities for mischief when attorneys are doing their jobs. Courtroom antics intended to embarrass, delay or burden a third person with no substantial purpose fail to demonstrate a good faith basis in knowledge of the case, case law or statutes violates this rule. Rule 8.2 prohibits misleading people in the course of our jobs statements that you know, to be false or statements that display a reckless disregard for the truth. Rule 8.4 prohibits conduct that is prejudicial to the administration of justice, which is a catchall category and can be applied to various instances of bad conduct.

Summary

The passage outlines several ethical rules that attorneys must follow, including prohibitions against disrupting the tribunal, using frivolous procedures, making false statements, and engaging in conduct prejudicial to the administration of justice. These rules are relevant to evaluating Carter's actions in the timeline of events.

This memo was compiled by Vincent AI based on vLex materials available as of September 15, 2025. [View full answer on vLex](#)