

25-0367

HON. STONE MANDAMUS RECORD

05.02.25

No. _____ -CV

IN THE
SECOND JUDICIAL DISTRICT COURT OF APPEALS
AT FORT WORTH, TEXAS

IN RE: CHARLES DUSTIN MYERS, *RELATOR*.

Original Proceeding Arising Out of
the 233rd Judicial District Court of Tarrant
County, Texas

Cause Number 233-765358-25

Hon. Associate Judge Kate Stone Presiding

MANDAMUS RECORD

Respectfully submitted by:

Charles Dustin Myers
chuckdustin12@gmail.com
Tel.: 817-546-3693
6641 Anne Court
Watauga, Texas 76148

AFFIDAVIT VERIFYING MANDAMUS RECORD

MR #	DATE
MR1 IFP STATEMENT	03/19/2025
MR2 TEMPORARY ORDERS (322-744263-23)	03/14/2024
MR3 RESP. ORIGINAL ANSWER	03/20/2025
MR4 MOTION TO CONSOLIDATE.....	03/20/2025
MR5 MOTION TO STRIKE RESP’S ANSWER / CONSOL	03/20/2025
MR6 RULE 12 MOTION TO SHOW AUTHORITY	03/21/2025
MR7 EMERGENCY TRO AND ORDER SETTING HEARING	03/24/2025
MR8 PETITIONER’S STATEMENT	04/01/2025
MR9 NOTICE OF INTENT TO FILE MANDAMUS	04/07/2025

STATE OF TEXAS
COUNTY OF TARRANT

AFFIDAVIT VERIFYING MANDAMUS RECORD

BEFORE ME, the undersigned authority, personally appeared **Charles Dustin Myers**, who, being by me duly sworn, deposed and stated as follows:

1. My name is **Charles Dustin Myers**. I am the Relator in the above-captioned proceeding and am competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are true and correct.
2. This affidavit is submitted in support of the **Mandamus Record**, filed pursuant to **Texas Rule of Appellate Procedure 52.7(a)**.
3. The documents contained in the Mandamus Record are true and correct copies of pleadings, motions, transcripts, and other materials that were **filed in the underlying proceeding** before the **233rd District Court of Tarrant County, Texas**, in Cause No. **233-765358-25**.
4. Each document included has been accurately reproduced from the court's file or my personal file maintained in the regular course of

litigation, and to the best of my knowledge, has not been altered in any way.

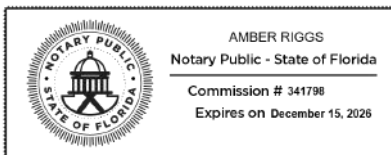
5. Each document is a true and accurate copy under penalty of perjury.

FURTHER AFFIANT SAYETH NOT.

Charles Dustin Myers

Charles Dustin Myers

Relator



State of Florida

County of Bay County

This foregoing instrument was acknowledged before me by means of online notarization, this 04/10/2025 by Charles Dustin Myers.

Amber Riggs
Amber Riggs

___ Personally Known OR ___ ☒ Produced Identification

Type of Identification Produced DRIVER LICENSE

Notarized remotely online using communication technology via Proof.

MANDAMUS RECORD EXHIBIT

MR1

IFP STATEMENT

Dated: 03/19/2025

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA
AVISO: ESTE DOCUMENTO CONTIENE INFORMACIÓN
CONFIDENCIAL



Statement of Inability to Afford Payment of Court Costs or an Appeal Bond

Declaración sobre Incapacidad de Pago de Costas de Tribunal o de una Fianza de Apelación

Cause Number
Número de Caso

233-765358-25

The Clerk's office will fill in the Cause Number when you file this form.

El Secretario del Tribunal anotará el Número de Caso cuando usted presente este formulario.

CHARLES DUSTIN MYERS,
next friend to M.E.M. and C.R.M., two
minor children

V.

MORGAN MICHELLE MYERS, *respondent*

Copy information listed at the top right of the petition here.

Copie aquí la información ubicada en la parte superior derecha del escrito de la demanda.

233

Court Number
Número del Tribunal

TARRANT, Texas

County
Condado

- ☒ District Court
Tribunal de Distrito
- ☐ County Court
Tribunal del Condado
- ☐ County Court at Law
Tribunal Estatutario
- ☐ Justice Court
Juzgado de Paz
- ☐ Probate Court
Juzgado Sucesorio

1. Your Information / Su Información

- My full legal name is / Mi nombre legal completo es
CHARLES DUSTIN MYERS

First Middle Last / Nombre de Pila Segundo Nombre Apellido

- My date of birth is / Mi fecha de nacimiento es

██████████

Month Day Year / Mes Día Año

- My address is / Mi dirección es

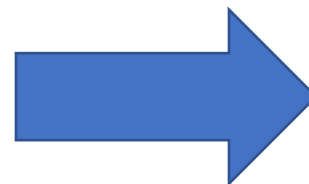
Home / Domicilio 6641 ANNE COURT, WATAUGA, TEXAS 76148

Mailing / Dirección Postal 3412 BRIERCLIFF DR, DENTON, TX 76210

- My phone number / Mi número telefónico 817-546-3693

- My email I check often / Mi correo electrónico que reviso con frecuencia
CHUCKDUSTIN12@GMAIL.COM

Go to next page



Pase a la siguiente página

2. About My Dependents / Mis Dependientes

"The people who depend on me financially are listed below." **Use initials only for children under 18.** If needed, attach a separate piece of paper to list more dependents.

"Las personas a continuación dependen económicamente de mí." **Use iniciales para los menores de 18 años** y, si es necesario, anexe una hoja por separado para enumerar a todos sus dependientes.

Name Nombre	Age Edad	Relationship to me Parentesco Conmigo
MARA	8	DAUGHTER
CAROLINE	6	DAUGHTER

3. Are you represented by Legal Aid? ¿Está siendo representado por alguna entidad de asistencia legal?

Check only one box. Seleccione solo una casilla.

☐ I am being represented in this case for free by an attorney who works for a legal aid provider or who received my case through a legal aid provider. I have attached the certificate the legal aid provider gave me as "Exhibit: Legal Aid Certificate."

Me está representando gratuitamente un abogado que trabaja para una entidad de asistencia legal o que recibió mi caso de una entidad de asistencia legal. El certificado que la entidad de asistencia legal me entregó lo adjunto bajo el título, "Anexo: Certificado de Asistencia Legal."

or / o

☒ I am not represented by legal aid.

No me está representando ninguna entidad de asistencia legal.



4. Public Benefits / Beneficios de Asistencia Pública

- Do you or any of your dependents receive public benefits?
¿Recibe usted o sus dependientes beneficios de asistencia pública?

☐ Yes / *Sí*

☒ No / *No*

- If you answered yes, check all that apply and attach proof to this form, such as a copy of an eligibility form or check.

Si respondió con un Sí, marque todas las casillas que apliquen y adjunte a este formulario comprobantes, tales como una copia de la carta autorizando que reciba estos beneficios o una copia del cheque que recibe.

☐ Food stamps/SNAP
Cupones de comida/SNAP

☐ TANF

☐ Medicaid

☐ CHIP

☐ SSI/SSDI

☐ WIC

☐ Lifeline

☐ Public Housing or Section 8 Housing
Asistencia de Vivienda / Programa de Vivienda bajo Sección 8

☐ Low-Income Home Energy Assistance
Asistencia con Energía Eléctrica

☐ Community Care via HHS
Ayuda Comunitaria bajo HHS

☐ LIS in Medicare ("Extra Help")
Subsidio Adicional de Medicare bajo el Programa LIS

☐ Needs-based VA Pension
Pensión para Veteranos de Guerra en función a necesidades

☐ Child Care Assistance under Child Care and Development Block Grant
Asistencia con Guardería bajo el Programa CCDBG

☐ County Assistance, County Health Care, or General Assistance (GA)
Asistencia del Condado, Asistencia Médica del Condado, o Asistencia General (GA)

☐ Other / *Otros beneficios*

☐ Other / *Otros beneficios*



5. What are your monthly income sources? ¿Cuáles son sus fuentes de ingresos mensuales?

- My **take-home** pay is \$ 1,168 in monthly wages.

Mi **pago neto** es \$ _____ en sueldo mensual.

- I work as a DEVELOPER (your job title) for MYSELF (your employer).

Yo trabajo como _____ (título de su puesto) para
_____ (compañía o jefe).

- \$ 1,168 is my total **monthly** income / son mis ingresos totales **al mes**.

These are my income sources. **Estas son mis fuentes de ingresos.**

- \$ 0 in unemployment / en beneficios de desempleo.

I have been unemployed since _____ (date).

He estado desempleado desde _____ (indique fecha).

- \$ 0 in public benefits / en beneficios de Asistencia Pública.

- \$ 0 from people in my household other than my spouse / de ingresos de otras personas en mi hogar que no son de mi cónyuge.

- \$ 0 from retirement or pension / de jubilación o pensión.

- \$ 0 from tips or bonus / de propinas o bonos.

- \$ 0 from disability / de discapacidad.

- \$ 0 from worker's comp / de compensación al trabajador.

- \$ 0 from social security / de seguro social.

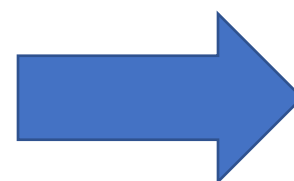


- \$0_____ from military housing / de vivienda militar.
- \$0_____ from dividends, interest, or royalties / de dividendos, intereses, o regalías.
- \$0_____ from child or spousal support / de manutención de menores o manutención conyugal recibida.
- Answer only if your spouse is not your opponent. Responda tan sólo si su ccónyuge no es parte contraria en esta causa legal.\$_____ from my spouse's income / de ingresos de mi cónyuge.
- \$1,168_____ from other jobs/sources of income / de otros trabajos/ fuentes de ingresos.

Describe / describa:

I am self employed and get paid via membership fees based
on the number of members who are subscribed to my services.

Go to next page



Pase a la siguiente página

6. What is the value of your assets or property? ¿Cuál es el valor de sus bienes o propiedades?	
My property includes: Mis bienes incluyen:	Value / Valor The value is the amount the item would sell for less the amount you still owe on it, if anything. El valor de sus bienes es la cantidad por la que la propiedad o pertenencia se vendería, menos el monto que aún se adeuda, si lo hubiera.
➤ Cash Dinero en efectivo	\$ 0
➤ Bank accounts, other financial assets Cuentas bancarias, otros bienes financieros	
CAPITAL ONE BALANCE	\$ 368
	\$
	\$
➤ Cars and boats (make and year) Automóviles, lanchas (modelo y año)	
	\$
	\$
	\$
➤ Other property like jewelry, stocks, land, a second house. (Do not list your homestead.) Otros bienes como joyas, acciones, terrenos, una segunda casa. (No indique su hogar familiar.)	
	\$
	\$
	\$
Total Value of Property Valor Total de Sus Bienes	\$ 368



7. What are your monthly expenses that are not deducted from your paycheck? ¿Cuáles son sus gastos mensuales que no son descontados de su cheque de sueldo?	
My monthly expenses are: Mis gastos mensuales son:	Amount Cantidad
➤ Rent/house payments; maintenance Alquiler/hipoteca; mantenimiento de casa	\$ 1000
➤ Food and household supplies Alimentos y artículos para el hogar	\$ 250
➤ Utilities and telephone Luz, gas, agua y teléfono	\$ 12
➤ Clothing and laundry Ropa y lavado de ropa	\$ -
➤ Medical and dental expenses Gastos médicos y dentales	\$ -
➤ Insurance (life, health, auto, etc.) Seguros (de vida, médico, de automóvil etc.)	\$ 158
➤ School and childcare Escuelas y guarderías	\$ -
➤ Transportation, auto repair, gas Transportación, reparaciones de automóviles, gasolina	\$ 350
➤ Child/Spousal support Manutención a Menores/Manutención Conyugal	\$ -
➤ Debt payments to (list): Pagos por deudas hechas a (indíquelos):	
CREDIT CARD DEBT	\$ 175 / month
CAR PAYMENT	\$ 368 / month
➤ Wages withheld by court order Sueldo retenido por orden judicial	\$ -
➤ Other expenses (list): Otros gastos (indíquelos):	
TOLLS	\$ 200
	\$
Total Monthly Expenses Gastos Totales Mensuales	\$ 2513



8. Are there debts or other facts explaining your financial situation?
¿Hay deudas u otros factores que expliquen su situación económica?

My debts include (list debt and amount owed):

Mis duedas incluyen (indique deuda y la cantidad que debe):

CREDIT CARD DEBT	\$ 24,647
	\$
	\$
	\$
	\$

If you want the court to consider other facts, such as unusual medical expenses, family emergencies, etc., attach another page to this form labeled "Exhibit: Additional Supporting Facts."

Si usted desea que el tribunal considere otros factores, tales como gastos médicos excepcionales, emergencias familiares, etc., adjunte al formulario otra hoja con esta información y bajo el título, "Anexo: Información Adicional de Apoyo."

9. Ability to Pay Court Costs. Declaración sobre su Habilidad de Pagar Costas de Tribunal

Check only one box. Seleccione tan solo una casilla.

☐ I cannot afford to pay court costs. No puedo pagar las costas de tribunal.

☐ I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision, and I cannot afford to pay court costs.

No puedo aportar una fianza de apelación ni pagar un depósito en efectivo para apelar la decisión judicial de un magistrado, y no puedo pagar costas de tribunal.

Go to next page



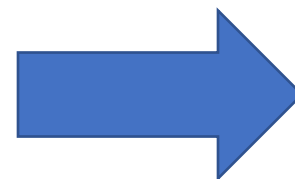
Pase a la siguiente página

10. Declaration/Affidavit. Declaración Escrita Bajo Juramento.

Fill out **only one** box. If you fill out the Declaration, you will not need to sign the form in front of a notary public. If you do not want to list your address for privacy or safety concerns, take the form and photo identification, and fill out the Affidavit box in front of a notary public.

Llene tan **solo una** opción. Si usted llena la Declaración, no necesitará firmar el formulario ante un notario. Si usted no quiere que aparezca su domicilio en el documento para conservar su privacidad o por motivos de su seguridad, lleve el formulario y una identificación con fotografía y llene la sección de la Declaración Escrita Bajo Juramento ante un Notario.

Go to next page



Pase a la siguiente página

Option 1 / Opción 1

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

Declaración: Yo declaro bajo pena de perjurio que la información a continuación es correcta y verdadera.

➤ My name is / Mi nombre es

CHARLES DUSTIN MYERS

➤ My date of birth is / Mi fecha de nacimiento es

03-01-1984

➤ My address is / Mi domicilio es

6641 ANNE COURT, WATAUGA, 76148, UNITED STATES

Street, city, zip, country

Calle y número, ciudad, estado, código postal, país

➤ /s/ Charles Dustin Myers

Signature

Firma

➤ 03/19/2025

Date (month, day, year)

Fecha (mes, día, año)

➤ TARRANT, TEXAS

County, state

Condado, estado

Go to next page



Pase a la siguiente página

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: 98573077

Filing Code Description: Petition

Filing Description: ORIGINAL PETITION FOR SAPCR

Status as of 3/19/2025 11:21 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/18/2025 10:42:43 AM	NOT SENT
COOPER LCARTER		COOPERCARTER@MAJADMIN.COM	3/18/2025 10:42:43 AM	NOT SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	3/18/2025 10:42:43 AM	NOT SENT

MANDAMUS RECORD EXHIBIT

MR2

TEMPORARY ORDERS

(322-744263-23)

Dated: 03/14/2024

322-744263-23

FILED
TARRANT COUNTY
3/26/2024 3:19 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 322-744263-23

**IN THE MATTER OF
THE MARRIAGE OF**

**MORGAN MYERS
AND
CHARLES MYERS**

**AND IN THE INTEREST OF
MARA MYERS AND CAROLINE
MYERS, CHILDREN**

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

322ND JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

TEMPORARY ORDERS

LJC
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 C [REDACTED] 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



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.



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

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



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■■■■ MYERS and CAROLINE MYERS.

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of CHARLES MYERS by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support ordered paid by this order through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this order, the balance due remains an obligation of CHARLES MYERS, and it is hereby ORDERED that CHARLES MYERS pay the balance due directly as specified below.

On this date the Court signed an Income Withholding for Support.

Payment

IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to MORGAN MYERS for the support of the children. IT IS ORDERED that all payments shall be made payable to the Office of the Attorney General and include the ten-digit Office of the Attorney General case number (if available), the cause number of this suit, CHARLES MYERS's name as the name of the noncustodial parent (NCP), and MORGAN MYERS's name as the name of the custodial parent (CP). Payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/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 MARA M [REDACTED] and CAROLINE MYERS.

*Other Child Related Provisions*Required Notices

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

- (1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR
- (2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD



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



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

Associate  JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

MARX ALTMAN & JOHNSON



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
coopercarter@majadmin.com

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

By: _____

Daniel Bucalis
Attorney for Respondent
State Bar No. 01487550
Email: dbacalis@dbacalis.com

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:


MORGAN MYERS
PETITIONER

CHARLES MYERS
RESPONDENT



Automated Certificate of eService

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

Envelope ID: 85983756

Filing Code Description: No Fee Documents

Filing Description:

Status as of 3/27/2024 7:40 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	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



MANDAMUS RECORD EXHIBIT

MR3

RESP. ORIGINAL ANSWER

Dated: 03/20/2025

233-765358-25

FILED
TARRANT COUNTY
3/20/2025 8:23 AM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25**IN THE INTEREST OF****§ IN THE DISTRICT COURT**M■■■■ M■■■■ AND C■■■■
M■■■■,**§****§ 233RD JUDICIAL DISTRICT****CHILDREN****§****§ TARRANT COUNTY, TEXAS****RESPONDENT'S ORIGINAL ANSWER**

MORGAN MYERS, Respondent, files this original answer. Respondent has not been issued a driver's license. Respondent has not been issued a Social Security number.

Preservation of Evidence: Petitioner is put on notice to preserve and not destroy, conceal, or alter any evidence or potential evidence relevant to the issues in this case, including tangible documents or items in Petitioner's possession or subject to Petitioner's control and electronic documents, files, or other data generated by or stored on Petitioner's home computer, work computer, storage media, portable systems, electronic devices, online repositories, or cell phone.

1. *Information about Children*

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

2. *Denial of Allegations*

Respondent enters a general denial.

3. *Verified Defense*

There is another suit pending in Texas between the same parties involving the same claim. That suit is Cause No. 322-744263-23, pending in TARRANT County, Texas, styled "In the Matter of the Marriage of Morgan Myers and Charles Myers And In the Interest Of M■■■■

M[REDACTED] and C[REDACTED] M[REDACTED], Children.

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

It was necessary for Respondent to secure the services of COOPER L. CARTER, a licensed attorney, to prepare and defend this suit. Petitioner's suit was filed frivolously or is designed to harass Respondent.

If the parties are unable to reach an agreement on all issues, Petitioner, CHARLES MYERS, should be ordered to pay reasonable attorney's fees, expenses, and costs through trial and appeal, and a judgment should be rendered in favor of this attorney and against Petitioner and be ordered paid directly to Respondent's attorney, who may enforce the judgment in the attorney's own name. Respondent requests postjudgment interest as allowed by law.

5. *Prayer*

Respondent prays that all relief prayed for by Petitioner be denied and that Respondent be granted all relief requested in this answer.

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

Respondent prays for general relief.

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

By: /s/ Cooper L. Carter
COOPER L. CARTER
State Bar No. 24121530
coopercarter@majadmin.com
Attorney for Respondent

Certificate of Service

I certify that a true copy of this Respondent's Original Answer was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on March 20, 2025:

Charles Myers by electronic filing manager.

/s/ Cooper L. Carter

COOPER L. CARTER

Attorney for Respondent

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: 98671190

Filing Code Description: Answer/Contest/Response/Waiver

Filing Description: RESPONDENT'S ORIGINAL ANSWER

Status as of 3/20/2025 1:59 PM CST

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	3/20/2025 8:23:15 AM	SENT

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 8:23:15 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 8:23:15 AM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	3/20/2025 8:23:15 AM	SENT

MANDAMUS RECORD EXHIBIT

MR4

MOTION TO CONSOLIDATE

Dated: 03/20/2025

233-765358-25

FILED
TARRANT COUNTY
3/20/2025 8:38 AM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
M■■■■ M■■■■ AND C■■■■	§	233RD JUDICIAL DISTRICT
M■■■■,		
	§	
CHILDREN	§	TARRANT COUNTY, TEXAS

NO. 322-744263-23

IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
	§	
MORGAN MYERS	§	322 ND JUDICIAL DISTRICT
AND	§	
CHARLES MYERS	§	
	§	
AND IN THE INTEREST OF	§	
M■■■■ M■■■■ AND	§	TARRANT COUNTY, TEXAS
C■■■■ M■■■■		

MOTION TO CONSOLIDATE

This Motion to Consolidate the above lawsuits is brought by MORGAN MYERS, who shows in support:

1. These lawsuits involve common questions of law or of fact as the parties have a current divorce case pending in the 322nd Judicial District Court, Cause No. 322-744263-23.
2. It would serve the convenience of the Court, litigants, and counsel and would avoid multiplicity of suits, duplication of testimony, and unnecessary expense and delay to have these lawsuits consolidated for trial.

MORGAN MYERS prays that the Court grant the Motion to Consolidate and consolidate these lawsuits under the older and lower cause number.

Respectfully submitted,

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

By: /s/ Cooper L. Carter
Cooper L. Carter
State Bar No. 24121530
coopercarter@majadmin.com
Attorney for MORGAN MYERS

Certificate of Service

I certify that a true copy of this Motion to Consolidate was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on March 20, 2025:

CHARLES MYERS by electronic filing manager.

/s/ Cooper L. Carter
Cooper L. Carter
Attorney for MORGAN MYERS

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: 98671723
Filing Code Description: Motion (No Fee)
Filing Description: MOTION TO CONSOLIDATE
Status as of 3/20/2025 4:52 PM CST

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	3/20/2025 8:38:49 AM	SENT

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 8:38:49 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 8:38:49 AM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	3/20/2025 8:38:49 AM	SENT

MANDAMUS RECORD EXHIBIT

MR5

MOTION TO STRIKE RESP'S ANSWER / CONSOL

Dated: 03/20/2025

233-765358-25

FILED
TARRANT COUNTY
3/20/2025 9:55 AM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS**IN RE: M.E.M., ET AL.******CHARLES DUSTIN MYERS, ****

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

2025-03-30

MOTION TO STRIKE RESPONDENT'S
ANSWER AND MOTION TO
CONSOLIDATE

TO THE HONORABLE 233RD DISTRICT COURT:

Petitioner, CHARLES DUSTIN MYERS, respectfully submits this motion to strike Respondent's answer and motion to consolidate, and in support thereof, would show the court the following:

I. STATEMENT OF FACTS

1. On March 20, 2025, Respondent, MORGAN MICHELLE MYERS, filed an answer entering a general denial for the claims made against her and a motion to consolidate.

2. The response alleges that it was necessary for the Respondent to acquire the services of Cooper L. Carter.

3. The Respondent's answer and motion to consolidate were filed on Cooper Carter's behalf by Roderick D. Marx, a party not named in either this suit or the related divorce suit (322-744263-23).

4. Roderick D. Marx has filed all pleadings on Cooper Carter's behalf because Cooper Carter's electronic filing manager credentials are registered under the law firm Cantey and Hangar, LLP. See Exhibit 1.

5. Respondent's answer and motion to consolidate are an attempt to subvert the relief the children desperately need, and failed to argue as to how these pleadings are in the best interests of the children.

A. Sudden Activity after Months of Delay

6. Respondent's Answer asserts the existence of a prior divorce case (Cause No. 322-744263-23) involving the parties as a basis to delay or abate this Suit Affecting Parent-Child Relationship (SAPCR). However, that divorce case has been stalled for months with no meaningful action by Respondent or her alleged counsel. Respondent's counsel has failed to diligently prosecute the divorce matter, and a dormant case cannot justify stalling this separate SAPCR proceeding. In short, the children's issues should not be put on hold due to an unrelated divorce case that remains inactive.

B. SAPCR Suit Focus (Lack of Child-Related Response)

7. This SAPCR is focused on the welfare and best interests of the children, yet the Respondent's Original Answer is devoid of any substantive response regarding the children. Respondent merely states that the information required under Texas Family Code §§154.181(b) and 154.1815 "will be provided at a later date" and then enters a general denial. No specific

conservatorship, support, or visitation issues are addressed at all. By failing to engage with the core child-related allegations in the Petition, Respondent's Answer is irrelevant to the central issues of this proceeding and provides the Court with nothing of substance on the SAPCR matters.

8. Respondent's Answer claims that it was "necessary for Respondent to secure the services of COOPER L. CARTER, a licensed attorney, to prepare and defend this suit". Yet the pleading was filed under the letterhead of **Marx, Altman & Johnson** (Attorney Roderick D. Marx's firm) and is electronically signed by Cooper L. Carter as "Attorney for Respondent". This inconsistency creates confusion as to who represents Respondent in this case. Texas practice expects clarity in counsel of record (see Tex. R. Civ. P. 8 requiring designation of lead counsel), but here Respondent's Answer sends mixed signals by invoking Mr. Carter's name and services while being filed through Mr. Marx's firm. Such a contradiction in representation is procedurally improper and fails to clearly identify the attorney in charge of Respondent's case.

9. In addition to the above, there are irregularities in the manner Respondent's Answer was filed. Upon information and belief, the Answer was submitted via an Electronic Filing Manager (EFM) account registered to Cooper L. Carter under the law firm **Cantey & Hanger**, which is not the firm appearing on the pleading. In other words, the electronic filing credentials used do not match the law firm or attorney officially listed on the document. This raises serious concerns about the validity of the filing and compliance with Texas e-filing rules (see Tex. R. Civ. P. 21(f)). Filings must be made by the attorney of record under their proper account for transparency and proper notice. Using an EFM account associated with a different firm (Cantey & Hanger) for a pleading filed under Marx, Altman & Johnson's banner is a procedural anomaly that calls into question whether Respondent's Answer was filed in accordance with the required

procedures. Further, the email address COOPERCARTER@MAJADMIN.COM associated with the pleadings filed in this court is **NOT** registered under the EFM in which they were filed.

10. **Texas Rule of Civil Procedure 21(f) requires that electronic filings be made through an authorized EFM account corresponding to the attorney of record.** The use of an account registered under one firm (Cantey & Hanger) to file pleadings under a different firm's name (Marx, Altman & Johnson) constitutes a procedural violation, undermining the validity of the filing and raising concerns about whether the attorney of record actually authorized or executed the filing.

11. This discrepancy calls into question the **legitimacy of Respondent's Answer** and warrants immediate review by the Court. Given the attorney filing the document **did not use their own credentials under which the pleading was submitted**, yet claimed her individual services were necessary, renders the filing as **procedurally defective and should be struck from the record** *sua sponte*.

PRAYER FOR RELIEF

12. Petitioner respectfully requests that the Court strike Respondent's Original Answer and motion to consolidate in its entirety *sua sponte*. Petitioner further requests that Respondent be required to refile any answer or responsive pleading in compliance with all applicable procedural rules – including proper attorney-of-record designation and use of correct electronic filing credentials – and to ensure that any such pleading addresses the substantive SAPCR issues regarding the children. Petitioner also prays for such other and further relief, at law or in equity, to which he may be justly entitled.

13. **WHEREFORE, PREMISES CONSIDERED**, Petitioner respectfully requests that the Court strike Respondent's Original Answer and Motion to Consolidate in its entirety as

procedurally deficient. Petitioner further requests that Respondent be required to refile any answer or responsive pleading in compliance with all applicable procedural rules – including proper attorney-of-record designation and use of correct electronic filing credentials – and to ensure that any such pleading addresses the substantive SAPCR issues regarding the children. Petitioner also prays for such other and further relief, at law or in equity, to which he may be justly entitled.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693
6641 ANNE COURT
WATAUGA, TEXAS 76148
PRO-SE

EXHIBIT 1

Improper EFM registration

Public Service Contact List

First Name

COOPER

Last Name

CARTER

Email Address

Firm Name

Search

Cooper Carter

ccarter@canteyhanger.com

Rows per page:

10

1-1 of 1

<

>

CERTIFICATE OF SERVICE

Pursuant to Rule 21 of the Texas Rules of Civil Procedure, Respondent, CHARLES DUSTIN MYERS, certifies that this Motion to Strike Respondent's Answer and Motion to Consolidate has been filed with the electronic filing manager and served on the parties of record on this 20th day of March 2025, including:

MORGAN MICHELLE MYERS, RESPONDENT

Via her email registered under the EFM: MORGANMW02@GMAIL.COM

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693
6641 ANNE COURT, WATAUGA, TEXAS 76148
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: 98676933

Filing Code Description: Motion (No Fee)

Filing Description: Motion to Strike

Status as of 3/21/2025 8:47 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 9:55:21 AM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	3/20/2025 9:55:21 AM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	3/20/2025 9:55:21 AM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 9:55:21 AM	SENT

MANDAMUS RECORD EXHIBIT

MR6

RULE 12 MOTION TO SHOW AUTHORITY

Dated: 03/21/2025

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

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

Cause No. 233-765358-25

IN RE: M.E.M et al
CHARLES DUSTIN MYERS,
Petitioner

VS.

MORGAN MICHELLE MYERS,
Respondent

§

§

§

§

In the (check one):

☒

□

T

233rd District Court

County Court at Law No. _____

TARRANT County, Texas

Motion for RULE 12 SHOW AUTHORITY

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 PETITIONER'S RULE 12 MOTION TO SHOW AUTHORITY. In support, the

(title of motion)


following is shown:

SEE ATTACHED.

Certificate of Conference *(check one)*

☒ I certify that I telephoned the other party's attorney or the other party (if the other party does not have an attorney), three times, but my phone calls were never returned. Therefore, we were not able to reach an agreement.

☐ I certify that I telephoned the other party's attorney or the other party (if the other party does not have an attorney) and we were not able to reach an agreement.

 /s/ Charles Dustin Myers 03/21/2025
Signature Date

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 MORGANMW02@GMAIL.COM 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 03/21/25
Signature Date

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS**IN RE: M.E.M., ET AL.******CHARLES DUSTIN MYERS, ****

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

2025-03-21

PETITIONER'S RULE 12 MOTION TO
SHOW AUTHORITY**TO THE HONORABLE JUDGE OF THE 233RD DISTRICT COURT:**

COMES NOW, CHARLES DUSTIN MYERS, Petitioner pro se, and files this Rule 12 Motion to Show Authority pursuant to Texas Rule of Civil Procedure 12, and respectfully shows the Court as follows:

1. There is a general presumption that an attorney is acting with authority; however, that presumption is rebuttable. *Breceda v. Whi*, 187 S.W.3d 148, 152 (Tex. App.--El Paso 2006, no pet.). If evidence or circumstances cast doubt on the attorney's authority, the presumption gives way and the attorney must prove actual authority. For example, an attorney who conducted a trial is presumed authorized to pursue an appeal, but that presumption can be rebutted with contrary evidence. Here, the unusual facts surrounding Ms. Carter's involvement thoroughly rebut any presumption of her authority to represent the Respondent named in this matter, Morgan Michelle Myers, as detailed below.

I. Texas Rule of Civil Procedure 12 – Attorney Must Show Authority

A. Carter’s Lack of Authority Indicia

2. A party in a suit or proceeding pending in a court of this state may, by sworn written motion stating that he believes the suit or proceeding is being prosecuted or defended without authority, cause the attorney to be cited to appear before the court and show his authority to act. The notice of the motion shall be served upon the challenged attorney at least ten days before the hearing on the motion. At the hearing on the motion, the burden of proof shall be upon the challenged attorney to show sufficient authority to prosecute or defend the suit on behalf of the other party. **Tex. R. Civ. P.**

3. Multiple red flags call into question whether Carter is authorized – or even genuinely acting – as Ms. Myers’s counsel, justifying relief under Rule 12. Petitioner respectfully requests that the court requires RODERICK D. MARX and COOPER L. CARTER to appear and show their authority to represent MORGAN MICHELLE MYERS in this matter to clear up the ambiguity surrounding their representation.

B. Pleadings Filed by Proxy

4. Every filing attributed to Carter in this case was filed through another attorney, Roderick Marx, rather than by Carter herself. Mr. Marx is the founding partner of the MAJ firm Carter formerly worked for, and he submitted documents “on her behalf” through the electronic filing manager. In effect, Carter has not personally prosecuted or defended anything – someone else is handling the filings. This raises serious doubts about whether Carter is acting as counsel or whether Mrs. Myers’s case is being carried (or neglected) by others without a clear designation. An attorney of record should be the one signing filings or at least directly supervising and endorsing them; if

not, the court and opposing party cannot even be sure the attorney whose name is on the pleadings is truly involved. Such proxy filings strongly indicate that Carter may lack authority or engagement – if she had authority, one would expect her direct participation. Rule 12 is meant to prevent exactly this sort of scenario where a suit might be conducted by someone without clear authorization.

C. Employment/Firm Misrepresentation

5. Carter’s own public statements conflict with the representations made to the court about her role. While her pleadings continued to identify her as “Cooper Carter, Marx Altman & Johnson” (with a MAJ email address), her initial response in the instant case was filed by Roderick D Marx, signed by Cooper Carter with the Marx, Altman & Johnson letterhead, and then claimed that Cooper L. Carter was retained in her individual capacity. Further:

- i. Carter’s public Facebook profile claims that she is no longer employed with Marx, Altman, & Johnson.
- ii. Carter’s public LinkedIn profile claims that she is no longer employed with Marx, Altman, & Johnson, and that she currently is employed at Cantey and Hanger, LLP.
- iii. Carter’s Electronic Filing Manager is registered under ccarter@canteyhangar.com.

This level of ambiguity is unnecessary and could be deliberate. In fact, Texas law requires attorneys to keep their State Bar profile updated with current employment information (Tex. Gov’t Code § 81.115), which currently reflects her employment with Marx, Altman & Johnson. So the question remains: why would Carter update her Texas State Bar profile to reflect her current employer but leave her social media and LinkedIn outdated?

D. Failure to Participate or Respond (Abandonment)

6. Carter's complete failure to prosecute the divorce case for an extended period also undercuts any claim of active authority. An attorney who is truly acting with a client's authorization is expected to pursue the client's interests diligently – e.g. respond to motions, appear at hearings, move the case forward. Carter, however, has been conspicuously silent. She has not plead any defense for her client, has not participated in any discovery.

7. Carter's abrupt appearance in this suit—after months of silence in the divorce case—mirrors the same confusion and procedural uncertainty that plagued the divorce action. This re-emergence appears tactical, not substantive, and should not obstruct the SAPCR's merits-based progression. She has not mentioned anything about the children, their status, or how the current situation is what's best for them.

8. Carter's only notable action in the last six months related to her client has been to seek consolidation of the SAPCR with the dormant divorce – essentially tethering the active custody matter to a paralyzed divorce case which would further prejudice the children and delay the relief sought.

II. Conflicts of Interest and Duty of Candor

9. Misrepresenting one's role or affiliation can also create **conflicts of interest** and breaches of the duty of candor. If an attorney signs pleadings stating it was "necessary to retain their legal services" while filing under a firm's name, it muddles who was retained – the individual lawyer or the firm. This ambiguity can prejudice the client's interests and the opposing party's understanding of the representation.

10. For example, in the case at hand the answer explicitly stated, "*It was necessary for Morgan [Michelle] Myers to secure the services of COOPER L. CARTER, a licensed attorney, to*

prepare and defend this suit.”. Yet, the filing was styled as coming from “*Marx Altman & Johnson*” with Carter as the attorney. If Mrs. Carter was operating as a solo practitioner at that point, the pleading arguably misled the court about who had been hired. This kind of misrepresentation may violate the lawyer’s **candor toward the tribunal** (e.g. Tex. Disc. R. 3.03 or its equivalents) since it obscures a material fact – the lawyer’s true status. Courts have held that lawyers must not omit facts necessary to keep statements from being misleading. Failing to clarify that the attorney is no longer with the named firm, it could be seen as an omission that makes the filing as a whole misleading.

III. Unauthorized Filings and “Ghost” Representation

12. Having documents filed by another attorney who has not formally appeared is another problematic practice. In proper procedure, every pleading or motion must be signed by an attorney of record – i.e. a lawyer who has made an appearance in the case. Texas is clear: “*Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name.*” If Attorney A is counsel of record, it is improper for Attorney B (who has not appeared in the case) to file documents on A’s behalf without disclosure or court permission.

13. In the example above, the e-filing system’s certificate shows “**Roderick Marx on behalf of Cooper Carter**” as the filer, neither of which have formally appeared. This kind of “ghost filing” blurs who is responsible for the document. **Courts frown upon undisclosed involvement of attorneys** because it can circumvent accountability and confuse the record. At best, it is an irregular practice; at worst, it could be seen as misrepresentation to the court. Here, given the same circumstances exist in the divorce case which has been abandoned, Petitioner believes the situation leans more towards misrepresentation.

14. Procedurally, if an attorney who is not counsel of record submits a filing, the court may treat that filing as nullity or require it to be redone. **No appearance means no authority to act.** From an ethical standpoint, using another lawyer to file pleadings without notice may implicate rules against aiding in rule violations. **Lawyers are forbidden from assisting or inducing others to violate the rules** (see Tex. Disc. R. 8.04(a)(1)). If Attorney A knows they should appear officially but instead has Attorney B file a document to evade a procedural requirement, both attorneys tread on thin ice. They could be seen as trying to circumvent the rules of the tribunal. At a minimum, this lack of transparency undermines trust. The proper course would have been for the second attorney to file a notice of appearance (if joining the case) or for the original attorney to personally sign and file the pleading. Having someone “cover” a filing without formal acknowledgment is not a recognized practice. In short, **any attorney involved in a case needs to either be of record or stay behind the scenes entirely.** But if an attorney actually files or signs on behalf of the attorney of record, that person effectively **steps into the role of counsel without the court’s knowledge**, which is improper. It is better to err on the side of disclosure – either by formal association of that attorney or by avoiding involvement in filing.

15. As pointed out, the Petitioner believes that this is occurring because Carter’s EFM account is setup under her prior employer’s email address. So why not change it to reflect the correct address and file your own pleadings? Lastly, these same issues have been present in the divorce matter, and although Carter was served with a Rule 12 motion in that case on September 20, 2024, she has yet to clear up this issue.

IV. CONCLUSION AND PRAYER

For the above stated reasons, Petitioner requests the following relief from the court:

1. That before any requested relief is granted and before any motion can be set for hearing by COOPER L. CARTER, that she be required to appear alongside RODERICK D. MARX and show their authority to represent MORGAN MICHELLE MYERS in this matter;
2. If the authority to represent MORGAN MICHELLE MYERS cannot be shown, Petitioner requests that the court strike all pleadings and motions filed by either attorney in this SAPCR pursuant to Rule 12 of the Texas Rules of Civil Procedure and;
3. Grant any further relief that the court deems just and equitable given the circumstances.

Respondent affirms that the above titled motion was filed in good faith, and the relief sought ultimately serves the best interests of the children named in this suit.

Respectfully submitted,

Charles Dustin Myers

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693
6641 ANNE COURT
WATAUGA, TEXAS 76148
PRO-SE

AFFIDAVIT OF CHARLES DUSTIN MYERS
STATE OF TEXAS § § COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, personally appeared CHARLES DUSTIN MYERS,
who, being duly sworn, deposed and stated:

1. "My name is CHARLES DUSTIN MYERS. I am over 18 years of age, of sound mind,
and fully competent to make this affidavit. I have personal knowledge of the facts herein
stated, and they are true and correct.
2. I am the Petitioner in Cause No. 233-765358-25, currently pending in the 233rd District
Court of Tarrant County, Texas.
3. I filed this Rule 12 Motion to Show Authority due to reasonable and substantial doubt
regarding the authority of attorneys COOPER L. CARTER and RODERICK D. MARX
to represent Respondent, MORGAN MICHELLE MYERS.
4. I have personally observed and documented procedural irregularities, including but not
limited to: a. Failure of attorney COOPER L. CARTER to formally appear or file a notice
of appearance in the case, creating ambiguity regarding her representation. b. Pleadings
attributed to COOPER L. CARTER being filed solely through attorney RODERICK D.
MARX, raising questions regarding actual representation authority and participation. c.
Inconsistencies in public statements and professional profiles by COOPER L. CARTER
concerning her current employment and representation status. d. The complete absence of
meaningful participation or prosecution of related divorce proceedings for a prolonged
period, contrasted by her sudden appearance and procedural interference in this Suit
Affecting Parent-Child Relationship (SAPCR).

5. These facts collectively cast substantial and justifiable doubt upon the claimed representation of MORGAN MICHELLE MYERS by COOPER L. CARTER and RODERICK D. MARX, necessitating judicial inquiry.
6. My primary motivation in filing this Rule 12 Motion is to ensure clarity of legal representation, procedural integrity, and, most importantly, to safeguard the best interests and welfare of the children involved in this case.
7. I believe wholeheartedly that Cooper L. Carter is litigating in bad faith, has no genuine interest in the best interests of the Children, and only exists as a barrier to the relief the Petitioner has diligently sought for over a year for his children.

FURTHER AFFIANT SAYETH NOT."

Charles Dustin Myers

03/21/2025

CHARLES DUSTIN MYERS

CHUCKDUSTIN12@GMAIL.COM

817-546-3693

6641 ANNE COURT

WATAUGA, TEXAS 76148

PRO-SE

CERTIFICATE OF SERVICE

Pursuant to Rule 21 of the Texas Rules of Civil Procedure, Respondent, CHARLES DUSTIN MYERS, certifies that the above motion, Petitioner's Rule 12 Motion to Show Authority, has been filed with the electronic filing manager and served on the parties of record on this 21st day of March 2025, including:

MORGAN MICHELLE MYERS, RESPONDENT

Via her email registered under the EFM: MORGANMW02@GMAIL.COM

COOPER L. CARTER

Via her email not registered under the EFM: COOPERCARTER@MAJADMIN.COM

Charles Dustin Myers 03/21/2025

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693
6641 ANNE COURT, WATAUGA, TEXAS 76148
PRO-SE



Commonwealth of Virginia

County of Newport News Virginia

The foregoing instrument was subscribed and sworn before me on 03/21/2025 by Charles Dustin Myers.

Micheala Keisha Grant
8070793

My commission expires: 08/31/2027

Notarized remotely online using communication technology via Proof.

10

EXHIBIT 1
RULE 12 MOTION FROM
322-744263-23
FILED 09/20/2024

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

Morgan Michelle Myers,

Petitioner,

v.

Respondent's Rule 12 Motion to Show
Authority

Charles Dustin Myers,

Respondent

2024-09-20

To the Honorable Judge of the 322nd District Court of Tarrant County:

REBUTTABLE PRESUMPTION

There is a general presumption that an attorney is acting with authority; however, that presumption is rebuttable. *Breceda v. Whi*, 187 S.W.3d 148, 152 (Tex. App.--El Paso 2006, no pet.); *Kelly v. Murphy*, 630 S.W.2d 759, 761 (Tex. App.--Houston [1st Dist.] 1982, writ ref'd n.r.e.); *see also City of San Antonio v. Aguilar*, 670 S.W.2d 681, 684 (Tex. App.--San Antonio 1984, writ dism'd) ("[A]n attorney who has conducted a case in the trial court is presumed to have authority to pursue an appeal, although this presumption can be rebutted."). Here, however, this presumption is to be rebutted for the foregoing reasons:

I. Legal Basis for Rule 12 Motion

2. Pursuant to Tex. R. Civ. P. § 12, a party may challenge an attorney's authority to act on behalf of a party in a proceeding. When such a challenge is raised, the burden of proof shifts to the challenged attorney to demonstrate their authority to represent the party. *Id.* The attorney must appear before the trial court and show sufficient authority to prosecute or defend the suit on behalf of their client. (*Breceda v. Whi* (2006) 187 S.W.3d 148, 152; *Kelly v. Murphy* (1982) 630 S.W.2d 759, 761).

3. Rule 12 of the Texas Rules of Civil Procedure permits any party to challenge an attorney's authority to prosecute or defend a lawsuit. (See *Nolana Open MRI Ctr., Inc. v. Pechero* (2015) No. 13-13-00552-CV, at *15). The purpose of a Rule 12 motion is to protect parties from groundless suits and to permit dismissal of suits instituted without authority. (See *Nicholas v. Envtl. Sys. (Int'l) Ltd.* (2016) 499 S.W.3d 888, 895; *Angelina Cty. v. McFarland* (1964) 374 S.W.2d 417, 422–23).

4. Here, the procedural inconsistencies, lack of formal notice, and submission of documents by other parties on behalf of Ms. Carter raise substantial doubts about whether she possesses the necessary authority to represent the Petitioner. Despite being allegedly retained on January 22, 2024, Ms. Carter has not filed a formal notice of appearance, leaving her role ambiguous. Further complicating matters, filings under her name have been submitted by others, including the founder of Marx Altman & Johnson, her purported former employer. Coupled with her suspiciously timed State Bar profile update and lack of meaningful engagement, these facts compel the Respondent to seek clarification and challenge her authority under Rule 12.

II. Procedural Basis

5. No Formal Notice of Appearance Filed. Although Cooper Carter was allegedly retained on January 22, 2024, she has not filed a formal Notice of Appearance in this case. The absence of a Notice of Appearance creates substantial ambiguity regarding her authority to represent the Petitioner, especially given the procedural irregularities discussed below.

6. Lack of engagement. Throughout the proceedings, Ms. Carter has consistently failed to engage in any meaningful way and has failed to respond to any pleadings in the suit.

7. Filings Submitted on Behalf of Cooper Carter. All court documents and pleadings attributed to Ms. Carter have been submitted "on her behalf" by **Roderick Marx**, the founder of **Marx Altman & Johnson**. There is no indication that Ms. Carter is directly involved in this matter, raising significant questions about whether she is properly authorized to act as counsel for Morgan Michelle Myers.

8. Discrepancies in employment. On Ms. Carter's public social media, she claims to be a former attorney for Marx Altman & Johnson and claims to be employed currently with Cantey Hanger LLP.¹ The timeliness of her profile aligns with the public article released by Cantey Hanger LLP

¹ [Ms. Carter's public LinkedIn profile](#)

themselves.² Further, Every attorney in Texas is required by law to maintain a current and up-to-date profile. Tex. Gov't Code § 81.115. Notably, Ms. Carter's profile was updated on **March 13th, 2024**, one day prior to the only hearing that has occurred in this matter³ to her former employer. The Respondent has actively been seeking relief from the result of the aforementioned hearing for nearly seven months without any engagement or any authoritative activity from Ms. Carter, thus warranting this motion.

III. Prayer and Relief

9. Given the ongoing procedural irregularities and the apparent lack of clarity surrounding **Cooper Carter's** authority to represent Petitioner **Morgan Myers**, the Respondent respectfully requests the following:

- i. The Court should schedule a hearing requiring Cooper Carter to personally appear and definitively prove her authority to represent **Morgan Myers**, and to provide clarification as to who is involved in the case, and in what capacity Morgan Michelle Myers is being represented in this matter.
- ii. "Upon [her] failure to show such authority, the court shall refuse to permit the attorney to appear in the cause, and shall strike the pleadings if no person who is authorized to prosecute or defend appears." (Tex. R. Civ. P. 12; see *Kindle v. Wood Cnty. Elec. Co-op, Inc.* (2004) 151 S.W.3d 206, 210)

² [News article corroborating employment timeline](#)

³ [Ms. Carter's Texas State Bar profile.](#)

- iii. Grant of Summary Judgment Motion: Given that the Respondent's pending summary judgment motion filed on February 26th, 2024, remains unchallenged due to the lack of any meaningful engagement from **Cooper Carter**, and in light of the procedural deficiencies highlighted above, the Court should **grant the pending summary judgment via the attached order** as unopposed for judicial efficiency and to reset the status quo ante.
- iv. Stay all other formal settings and proceedings until resolution of this motion.
- v. **Respondent seeks no further sanctions against Ms. Carter given she fails to show her authority over the Petitioner in this matter.**

Respectfully submitted,

Respectfully Submitted,
/s/ Charles Dustin Myers
Charles Dustin Myers
Chuckdustin12@gmail.com
1-817-507-6562

CERTIFICATE OF SERVICE

Respondent hereby certifies that on **09/20/2024**, a true and correct copy of the **Respondent's Rule 12 Motion to Show Authority** was served on the following parties via **electronic service through the Electronic Filing Manager (EFM)** and via **email** to the email address on record, pursuant to **Texas Rules of Civil Procedure 21a and 191.4**.

Served to:

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

coopercarter@majadmin.com & morganmw02@gmail.com

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

Certificate of Conference

Pursuant to the Tarrant County Local Rule 4.01(10)(b), a conference was not held with Cooper L. Carter on the merits of this motion because Cooper Carter failed to respond to email correspondence sent on **09/17/2024**.

Charles Dustin Myers

/s/ Charles Dustin Myers

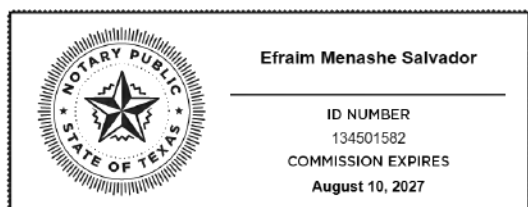
Charles Dustin Myers

6641 Anne Court

Watauga, TX 76148

chuckdustin12@gmail.com

817-507-6562



State of Texas

County of Johnson

Sworn to and subscribed before me

on 09/20/2024 by Charles Dustin Myers.

Electronically signed and notarized online using the Proof platform.

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: 92285306

Filing Code Description: Motion (No Fee)

Filing Description: RULE 12 MOTION TO SHOW AUTHORITY

Status as of 9/20/2024 4:33 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	9/20/2024 3:31:19 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	9/20/2024 3:31:19 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	9/20/2024 3:31:19 PM	SENT

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: 98746105

Filing Code Description: Motion (No Fee)

Filing Description: Rule 12 Motion to Show Authority

Status as of 3/24/2025 11:54 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/21/2025 2:11:08 PM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	3/21/2025 2:11:08 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	3/21/2025 2:11:08 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/21/2025 2:11:08 PM	SENT

MANDAMUS RECORD EXHIBIT

MR7

EMERGENCY TRO AND ORDER SETTING HEARING

Dated: 03/24/2025

233-765358-25

FILED
TARRANT COUNTY
3/24/2025 4:42 PM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS**IN RE: M.E.M., ET AL.******CHARLES DUSTIN MYERS, ****

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

2025-03-24

EMERGENCY MOTION FOR TRO

TO THE HONORABLE COURT:

Petitioner, CHARLES DUSTIN MYERS ("Father"), urgently brings before this court an EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER to be issued immediately and without prior notice to the Respondent, MORGAN MICHELLE MYERS ("Mother"), for the safety and welfare of their two minor children M.E.M. and C.R.M., the parties' biological children. The Respondent has been informed of this request for a TRO as well as her attorney, COOPER L. CARTER. Petitioner has received

no response from either individual. Swift injunctive relief is needed to safeguard the well-being of the children – including immediate medical needs, schooling needs, financial needs, and emotional needs that the Petitioner has the ability, desire, and duty to satisfy.

The Respondent has disrupted the stable living environment enjoyed by the children up until the Petitioner's unlawful exclusion on March 6, 2024. They have been left without a Father for over thirteen months without any legal justification and are now being raised by their elderly great-grandparents in place of their Father.

The forthcoming and undisputed facts uncover the true intent behind the Respondent's actions and clearly demonstrate the need for the Petitioner's immediate re-entry into their lives.

I. STATEMENT OF JURISDICTION

This Court has jurisdiction, and the authority grants the requested relief because no valid existing orders bar such action. The only prior orders affecting the parties were issued in the 322nd District Court of Tarrant County, but those orders are void and of no legal effect. Under Texas Family Code § 201.013(b), an associate judge's order does not become final unless and until the referring district court judge signs the order.

Moreover, the orders claim that all parties agree to the terms of the order despite the Petitioner's signature being absent. In the prior proceedings (Cause Nos. 322-744263-23 in the 322nd District Court), an associate judge signed a "temporary" order on March 14, 2024 that purported to be an agreement between the parties. Critically, no district judge of the 322nd District Court ever signed or adopted that order, as required by law. TEX. FAM. CODE Sec. 201.013. Given this fact, the orders have no legal effect and

should be declared void by this court, or in the alternative, voidable, and vacated without delay. There is effectively no valid court order currently governing the parties' residence or conservatorship rights. This Court may therefore proceed to protect the children's welfare and the parties' rights as justice requires, unimpeded by the defective 322nd District Court order.

Furthermore, this court has jurisdiction because the Respondent cannot argue that the related cause number retains dominated jurisdiction. Texas law does allow a court to lose dominant jurisdiction if the party with the first suit proceeded in bad faith or the suit is not actively pursued. Both apply here, as demonstrated below. The first suit was unquestionably brought in bad faith, and the case hasn't been actively pursued for over six months by the opposition, leaving the children in procedural limbo and their needs unaddressed.

II. STATEMENT OF FACTS

1. On December 12, 2023, Petitioner discovered over 6,500 text messages exchanged between the Respondent and an individual named DAMEN GAULT KAZLAUSKAS by checking the usage history on the joint AT&T account owned by the Respondent's grandmother and paid for by the Petitioner, who had access to the account. (these records are voluminous and will be provided at hearing)

2. On December 14, 2023, in response to this discovery, the Respondent made plans to visit the residence of an individual named DANIEL KENNETH BRANTHOOVER, her stepfather.

3. During this trip, the Respondent withdrew the entirety of funds within the joint marital bank account, totaling \$1,576, and transferred the funds to Mr. Branthoover's PayPal account, which is reflected in the Petitioner's bank statements as "dmb575".

4. The Respondent and Mr. Branthoover both admitted this transaction occurred via text message evidence.

5. The Petitioner requested the funds be returned on December 16, 2023, and informed Mr. Branthoover of the fund's intent being for the Children's Christmas gifts and household bills related to Petitioner's business operations.

6. The intentions of the trip to Mr. Branthoover's residence located in Yukon, Oklahoma were then made clear in his response when Mr. Branthoover informed the Respondent via text message that "he would be getting divorced" and that he "hope[s] [he] can help with the paperwork."

7. On December 17, 2023, the Petitioner was served an eviction notice by the Respondent's grandmother, which cited a protective order and a divorce as the grounds for eviction. Exhibit 5

8. On December 18, 2023, the Petitioner filed for divorce in the 322nd District Court of Tarrant County claiming financial indigency and waived the 60-day waiting period due to claiming an active protective order was in effect against Petitioner, as well as made the claim that she believed herself or the children would be abused or harassed if any contact info were given to Petitioner.

9. On December 19, 2023, Mr. Branthoover reached out via text message and informed the Petitioner not to contact "his client" any further.

10. On December 22, 2023, the Respondent filed for another protective order claiming that family violence had occurred on December 18, 2023, in the presence of the children.

Exhibit 8

11. On the same evening that she filed for protection, the Respondent can be seen at home with the Petitioner in no emergency. Exhibit 9

12. Between December 23 and January 16, the Petitioner and Respondent peacefully cohabitated with the children continuing their normal routine where the Petitioner stayed home and worked during the day and would pick the children up from school and care for them in the evenings and on weekends.

13. The Petitioner was responsible for the children's daily meals, bathing, helped in getting them ready for school, taking them to school, and picking them up from school throughout their lives alongside the Respondent.

14. On January 16, 2023, the 322nd District Court of Tarrant County ordered the Petitioner to vacate the matrimonial home at 6641 Anne Court Watauga Texas and the case was reset for January 22, 2024.

15. On January 19, 2024, Petitioner retained Dan Bacalis, a licensed attorney.

16. On January 22, 2024, after the reset hearing was already supposed to have started, RESPONDENT retained COOPER L. CARTER in the lobby of the 322nd

District Court on the fly and then requested a continuance, which was granted, and the case reset to February 1st, 2024.

17. On February 1, 2024, the parties appeared by counsel and entered into a settlement agreement via an Associate Judge's Report that had the following provisions ordered by the Associate Judge:

- i. A typed written Order conforming to this Report will follow within 20 days from the date this report is signed.
- ii. The order shall be prepared by DAN BACALIS.
- iii. Each attorney should approve the Order.
- iiii. The parties do not need to approve the Order.
- iiiii. The attorney reviewing the Order will have (5) days to do so.
- iiiii. There are no 10 day letters.
- iiiii. 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.

18. On February 5, 2024, Petitioner terminated the services of Dan Bacalis.

19. On February 8, 2024, Petitioner put the court on notice that he rescinded the agreement and filed an EMERGENCY MOTION TO RECONSIDER EVIDENCE AND VACATE TEMPORARY ORDERS containing the following exhibits:

DKT.53 - A.1 - TEXT RECORDS AND VISUALIZATIONS

DKT.54 - EXHIBIT A.2 - TEXT TO PAPA W

DKT.55 - EXHIBIT A.3 - FINANCIAL TRANSACTION

DKT.56 - EXHIBIT A.4 - OVERDRAWN ACCOUNT

DKT.57 - EXHIBIT A.5 - EVICTION NOTICE TORN

DKT.58 - EXHIBIT B.1 - DIVORCE PETITION

DKT.59 - EXHIBIT B.2 - DISMISSED EVICTION

DKT.60 - EXHIBIT C.1 - FILINGS REGARDING PROTECTIVE ORD

DKT.61 - EXHIBIT C.2 - 01.16.2024 RENDITION UNSIGNED

DKT.62 - EXHIBIT C.3 - RENDITION FOR JANUARY 22ND, 2024

21. On February 12, 2024, an order was rendered effectuating the termination of Dan Bacalis by the court.

22. On February 22, 2024, Petitioner filed a MOTION FOR PARTIAL SUMMARY JUDGEMENT with an attached parenting plan.

23. On February 27, 2024, a notice of hearing was filed with the clerk and scheduled the Petitioner's EMERGENCY MOTION TO RECONSIDER EVIDENCE AND VACATE TEMPORARY ORDERS for March 14, 2024.

24. On March 6, 2024, while walking his two children to school, the RESPONDENT ran inside the marital home and locked the Petitioner out of the home.

25. On March 14, 2024, RESPONDENT and her counsel, COOPER L. CARTER, were seen in the conference room preparing Temporary Orders moment before the hearing was to begin.

26. On March 14, 2024, Petitioner was handed a document titled "Temporary Orders" which had already been signed by the opposing party.

27. On page 1 of the orders, the orders claimed "All parties consent to the terms of these orders as evidenced by the signatures below."

28. On March 14, 2024, the Associate Judge denied the Petitioner's emergency motion.

29. On March 14, 2024, the Associate Judge adopted the Associate Judge's Report signed by the parties on February 1st and ordered the Petitioner to sign them by 1:30 P.M. that same day.

30. On March 26, 2024, the Temporary Orders signed on March 14, 2024, were filed with the clerk.

31. On March 26, 2024, the Petitioner filed a request for findings of fact and conclusions of law.

32. On April 8, 2024, the Petitioner filed a Petition for Writ of Mandamus in the Second Court of Appeals.

33. On April 10, 2024, the Petitioner's Petition for Writ of Mandamus was denied.

34. On April 22, 2024, the Petitioner filed a Motion for Rehearing in the Second Court of Appeals.

35. On April 24, 2024, RODERICK D. MARX, a party not named in the suit, filed a MOTION FOR PRETRIAL CONFERENCE on behalf of COOPER L. CARTER.

36. On April 24, 2024, Petitioner filed an OBJECTION to the MOTION FOR PRETRIAL CONFERENCE.

37. On April 25, 2024, Petitioner's motion for rehearing was denied.

38. On April 27, 2024, Petitioner filed a Motion for Reconsideration En Banc with the Second Court of Appeals.

39. On April 30, 2024, Petitioner filed a notice of completion regarding the 'children in the middle' course.

40. On May 2, 2024, Petitioner's motion for reconsideration en banc was denied.

41. On May 13, Petitioner filed a PETITION FOR WRIT OF MANDAMUS in the Texas Supreme Court.

42. On June 2, 2024, the RESPONDENT's grandmother called the Petitioner, raising several concerns regarding the children's well-being.

43. On June 28, 2024, the Texas Attorney General's Office filed an INTERVENTION.

44. On July 1, 2024, the Petitioner filed an OBJECTION TO INTERVENTION pleading.

45. On August 30, 2024, the Petitioner's mandamus was denied in the Texas Supreme Court.

46. On September 10, 2024, the Petitioner filed a MOTION FOR REHEARING in the Texas Supreme Court.

47. On September 17, 2024, the Petitioner served a REQUEST FOR DISCOVERY, PRODUCTION, AND ADMISSIONS on the opposing party.

48. On September 20, 2024, the Petitioner filed a RULE 12 MOTION TO SHOW AUTHORITY against COOPER L. CARTER.

49. On September 26, 2024, the Petitioner filed a MOTION FOR TEMPORARY ORDERS, later amended on September 27, 2024.

50. On October 7, 2024, the Petitioner filed a JOINT MOTION TO RECUSE the district and associate judges from the case.

51. Petitioner's motion for rehearing was denied by the Texas Supreme Court on October 18, 2024.

52. On November 1, 2024, Justice E. Lee Gabriel was assigned to hear the recusal motion.

53. On November 4, 2024, Petitioner filed a PRE-TRIAL MOTION IN LIMINE.

54. On November 6, 2024, the Petitioner requested confirmation from the clerk that Justice E. Lee Gabriel took her required Oath of Office.

55. On November 15, 2024, Petitioner filed a MOTION TO COMPEL DISCOVERY regarding the discovery requests sent on September 17, 2024.

56. On November 19, 2024, an order DENYING the recusal of the associate and district judges was filed with the clerk.

57. On December 12, 2024, the Petitioner filed a NOTICE OF REMOVAL with the 322nd District Court, and removed the case to the Northern District of Texas.

58. On December 14, 2024, the case was REMANDED by the Northern District of Texas for lack of subject matter jurisdiction.

59. On January 12, 2025, Petitioner filed a MOTION TO DISMISS FOR WANT OF PROSECUTION.

60. On March 18, 2025, Petitioner filed an original SAPCR and motion for injunctive relief with this court.

61. On March 22, 2025, the Petitioner learned through a family member that Respondent's public Facebook profile states "In a Relationship since February, 2024".

62. On March 22, 2025, the Petitioner informed the opposing party of this motion.

63. On March 23, 2025, the Petitioner filed this suit with this court seeking immediate and emergency relief given the extraordinary circumstances leading up to this point.

III. IMMEDIATE NEED FOR RELIEF

64. Every day that Petitioner remains barred from his home and children inflicts irreparable injury on both Petitioner and the children. Irreparable harm means an injury that cannot be adequately compensated for money damages or corrected later. That is exactly the case here.

65. Petitioner is being deprived of the irreplaceable experience of parenting his children during their formative years. No amount of monetary compensation or later visitation can make up for the lost time, missed milestones, and emotional bonding that has been denied for over a year. Courts have recognized that interference with custodial or visitation rights constitutes irreparable harm, as time lost with one's child is gone forever. The children are likewise losing the benefit of a father's love, guidance, and daily care – a harm that is unquestionably irreparable. If this wrongful separation continues, the risk increases that the parent-child bond could be permanently damaged. Reunification becomes harder as more time passes; thus the urgency is extreme.

66. The children have been suffering confusion, instability, and emotional distress due to the sudden absence of Petitioner and the drastic changes imposed by Respondent. They went from having both parents in their daily life to seeing only one parent, with no satisfactory explanation. Respondents' insertion of a new father-figure (Mr. Kazlauskas) has exacerbated their confusion and anxiety. This kind of emotional turmoil in young children can lead to long-term psychological issues – a classic irreparable injury, as the court cannot later repair the trauma inflicted on a child's sense of security. Restoring Petitioner's presence is needed now to begin healing the damage and to reassure the children that their father has not abandoned them. The more time that passes, the deeper the potential harm to the children's mental health.

67. Petitioner's fundamental right to maintain his familial relationship with his children (protected by the U.S. and Texas Constitutions) is being violated. Such a violation is inherently irreparable. Deprivation of one's home – being ousted without cause – is also a profound personal harm for which there is no adequate remedy at law.

Petitioner has effectively been made a stranger to his own family and property based on false pretenses. If the Court does not act, the Petitioner will continue to suffer intangible harms such as loss of income, anguish, and the erosion of his role as a father, none of which can be quantified or compensated later.

IV. THE RESPONDENT'S MISCONDUCT

Perjury and Aggravated Perjury (Tex. Penal Code §§ 37.02–.03)

68. Texas law makes it a crime to make false statements under oath. Perjury occurs when a person, with intent to deceive, makes a false statement under oath in a proceeding where an oath is required.

69. If the false statement is made in connection with an "official proceeding" and is material, it becomes Aggravated Perjury, a third-degree felony. In civil cases, knowingly submitting false affidavits or testimony can also constitute perjury and be treated as a fraud upon the court. Courts have recognized that false sworn statements in family law matters are serious misconduct, undermining the judicial process and potentially warranting sanctions or even criminal referral (e.g., *Skepnek v. Mynatt*, 8 S.W.3d 377, 381 (Tex. App. – El Paso 1999) (attorney sanctioned \$30,000 for filing false affidavit).

70. Here, Respondent swore to multiple false statements under oath, meeting all elements of perjury and aggravated perjury. For example:

False Affidavit of Indigency

71. On December 18, 2023, Respondent filed a sworn "Affidavit of Inability to Pay" court costs, claiming she had only \$20 in her bank account. This statement was knowingly false. Just two days prior, Respondent had transferred \$1,576.00 in marital funds to herself, as confirmed by text messages with her relative (Dan Branthoover) on December 16. She then appeared in court swearing she was penniless and could not afford the \$400 filing fee. In that same affidavit, Respondent also lied that she alone paid certain expenses (two car loans and \$800 rent plus utilities), when in fact Petitioner had been paying those bills; he continued to pay for the vehicles Respondent claimed to finance on her own. Bank statements and financial records will clearly establish this fact on the merits. Respondent's counsel has never refuted these facts. Thus, Respondent made multiple false statements under oath, meeting Penal Code § 37.02. Because these affidavits were filed in court proceedings and were material to the case (securing a fee waiver and influencing the court's actions), they also qualify as aggravated perjury under § 37.03. Each false statement was material to issues before the court (Respondent's financial status and credibility), satisfying the materiality requirement.

False Statements in Protective Order Filings

72. Respondent submitted false sworn statements in her applications for protective orders. Texas Family Code § 82.009 requires that an application for a temporary ex parte protective order "contain a detailed description of the facts" of alleged family violence and be sworn as true by the applicant. Respondent sought an ex parte protective order on or about Dec. 14, 2023, claiming abuse, yet on Dec. 22, 2023, she was photographed laughing and playing with the children alongside Petitioner – conduct wholly inconsistent with someone in fear of imminent harm. In fact, that same day, she

had applied for a second protective order against the Petitioner with similar allegations. No credible evidence of family violence was ever presented in thirteen months of litigation but has been used as a barrier from accessing the home where the Petitioner is needed.

73. The contextual evidence of falsity (her normal familial behavior with Petitioner the same day she sought Protection) defeated her sworn claims of "fear" or violence and display that they were indeed fabricated. At the very least, her contradictory sworn assertions – e.g. claiming on Dec. 18 to have an "active" protective order based on family violence (to justify a divorce waiver) when in truth none existed – demonstrate a reckless disregard for the truth under oath.

74. These false protective order filings were not isolated incidents but part of a calculated strategy to remove Petitioner from the family home and children's lives. The timing of these filings—immediately after the discovery of Respondent's extramarital relationship with Mr. Kazlauskas—reveals their true purpose: not to protect against genuine violence, but to preemptively silence Petitioner and prevent him from exposing Respondent's infidelity and financial misconduct. By falsely claiming fear while simultaneously engaging in normal family activities with Petitioner, Respondent demonstrated the fabricated nature of her allegations.

75. The pattern of deception is unmistakable: Respondent drained the family bank account on December 15-16, filed false indigency claims on December 18, falsely claimed an existing protective order in her divorce petition that same day, then filed yet another protective order application on December 22—all while continuing to interact

normally with Petitioner at home. This coordinated sequence of events shows a premeditated plan to use the legal system as a weapon against Petitioner rather than as the shield of protection it was designed to be.

Controlling Law

76. False testimony or affidavits in a civil proceeding can warrant severe consequences. While the proper remedy for "intrinsic" fraud (false statements on issues litigated at trial) is often a new trial or sanctions rather than voiding a judgment, courts do not hesitate to act on clear perjury. Texas courts have inherent authority to address fraud on the court, and criminal prosecution for aggravated perjury is a possibility for egregious lies under oath. Indeed, aggravated perjury in court proceedings is a felony punishable by 2–10 years' imprisonment (Tex. Penal Code § 37.03(b)).

77. That is precisely what has occurred in this case, and Respondent should face some consequences for her actions, but Petitioner believes that prolonged incarceration would not be in the best interests of his children, but that some form of legal repercussion is necessary to deter similar behavior in the future. She has made no effort to defend these claims, no effort to prosecute her case, and the Petitioner prays that this court realize the severity of this situation on those effected most: the children.

V. BEST INTEREST OF THE CHILDREN

78. The Texas Family Code references "the best interest of the child" 109 times throughout its text, and throughout the entirety of the code itself – the word "always" only appears once. TEX. FAM. CODE. Sec. 153.002. (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.)

79. Here, this statutory mandate was grossly violated by the Respondent and her purported counsel, who have suddenly become active in the litigation here despite remaining silent for over eight months in the parallel case destined for dismissal.

80. Indeed, the instant case reveals a Mother with an agenda to erase the parent the children relied on the most from their lives despite a valid legal reason, and has disregarded their livelihood in the process.

81. Respondent's conduct constitutes a blatant violation of the "best interest" standard mandated by Texas Family Code §§ 153.001 and 153.002. Texas law declares it the public policy of this state to assure that children have frequent and continuing contact with parents who act in the child's best interest, to provide a safe and stable environment for the child, and to encourage both parents to share in raising the child. Moreover, the best interest of the child must always be the court's primary consideration in matters of conservatorship and access. Respondent has flagrantly defied these principles by prioritizing her extramarital relationship with Mr. Damen Kazlauskas over the emotional, psychological, and familial stability of her own children.

Orchestrated Campaign of Deception at the Family's Expense

82. The evidence reveals a disturbing pattern: Respondent orchestrated a comprehensive campaign of deception that sacrificed her children's emotional well-being and family stability to pursue her extramarital relationship. This was not a series of isolated incidents but a calculated strategy that unfolded in precise sequence:

83. First, Respondent engaged in an extramarital relationship with Mr. Kazlauskas (evidenced by over 6,500 text messages);

84. Second, upon discovery of this relationship, she immediately sought assistance from Mr. Branthoover to draft legal documents;

85. Third, she drained the family's financial resources (\$1,576) that were intended for the children's Christmas gifts;

86. Fourth, she filed false protective order applications and a fraudulent indigency affidavit;

87. Fifth, she misrepresented to the court that an active protective order existed when none did;

88. Finally, she used these fraudulent filings to remove Petitioner from the family home and children's lives.

89. Each step in this sequence was designed not to protect the children but to advance Respondent's personal agenda at their expense. The children have been collateral damage in Respondent's effort to reconstruct her life with Mr. Kazlauskas, who she now publicly acknowledges as her partner "since February 2024"—a relationship that began while she was still actively living with Petitioner and the children.

Deception and Psychological Confusion of the Children

90. Respondent has knowingly misled the minor children about the status of their family by telling them that she and Petitioner are already divorced, even though the divorce is not final. This deliberate falsehood serves Respondent's personal narrative but

wreaks emotional havoc on the children. They are left in a state of confusion—believing their family has been permanently fractured when in fact the legal marriage remains intact. By intentionally misrepresenting such a fundamental truth, Respondent has shown a willingness to confuse and emotionally harm her children to justify her own choices, in direct contravention of her duty to prioritize the children's emotional well-being.

Prioritizing an Extramarital Relationship Over Family

91. Compounding the harm, Respondent is openly celebrating a relationship with Mr. Kazlauskas – a man with whom she entered an extramarital relationship while still married to Petitioner. She has flaunted this relationship and positioned Mr. Kazlauskas as a replacement father figure to the children, celebrating milestones with him that should be reserved for family. In doing so, Respondent elevates her personal relationship over her children's need for stability and continuity with their real father. This behavior sends the children a disturbing message: that their father's role in their lives is interchangeable or unimportant. Such a message is detrimental to the children's best interests, as it undermines their sense of security, identity, and trust in their family structure and the close relationship that they have shared with their father throughout their lives.

Active Alienation and Erasure of the Father

92. Respondent has gone to alarming lengths to minimize and erase Petitioner's presence in the children's lives. She has introduced Mr. Kazlauskas to the children as if he were a new parent, while simultaneously telling the children that Petitioner (their father) is no longer in their lives. This calculated act of alienation strikes at the very heart

of Texas public policy, which seeks to ensure children maintain frequent and continuing contact with both parents.

93. Instead of fostering the father–child relationship, Respondent has deliberately attempted to sever it. The children are being taught through Respondent's words and actions that their father has effectively disappeared and been substituted by a stranger, causing profound emotional damage and confusing the children about who their father is. This behavior is not only cruel; it is directly contrary to the children's best interests and Texas's clear directives that children benefit from the love and involvement of both parents.

93. The children's current living situation—being raised primarily by elderly great-grandparents rather than their capable and willing father—further demonstrates how Respondent's personal agenda has superseded the children's needs. Rather than allowing Petitioner to fulfill his parental role and provide daily care and support to the children, Respondent has relegated this responsibility to extended family members, depriving the children of their father's presence, guidance, and care during crucial developmental years.

94. Respondent's systematic use of false protective orders, perjured testimony, and procedural manipulation has created a legal fiction that has kept Petitioner from his children for over thirteen months. This separation was not based on any legitimate safety concern or the children's best interests, but solely on Respondent's desire to reconstruct her family unit with Mr. Kazlauskas at the center—effectively erasing Petitioner from the children's lives to accommodate her new relationship.

95. The harm to the children from this prolonged, unjustified separation from their father cannot be overstated. Research consistently shows that children benefit from the active involvement of both parents, and that unnecessary disruption of the parent-child bond can cause lasting psychological damage. By prioritizing her personal relationship over her children's need for both parents, Respondent has demonstrated a fundamental misalignment with the "best interest" standard that Texas law demands be the "primary consideration" in all matters affecting children.

96. Despite the Respondent's egregious actions, the Petitioner wishes her no ill will as she is the mother of his Children and only seeks an amicable path forward that suits their best interests. As of now, the Children need their father, and this situation engineered by the Respondent shows that her fitness as a parent has been called into question, and her priorities are not in the correct place. Petitioner vows his return to the family home will only bring much needed stability to his children and will be in their best interests for their day-to-day livelihood.

VI. PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully prays that this Honorable Court:

(1). Issue an immediate Temporary Restraining Order for the safety and welfare of the children without notice to Respondent, restraining Respondent from:

a. Denying Petitioner access to the children;

- b. Denying Petitioner access to the family residence at 6641 Anne Court, Watauga, Texas 76148;
- c. Disturbing the peace of the Children;
- d. Disrupting the status quo of the children as it existed on March 6, 2024;
- c. Removing the children from Tarrant County, Texas;
- d. Making disparaging remarks about Petitioner to or in the presence of the children;
- e. Interfering with Petitioner's possession of and access to the children;
- f. Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of the parties;
- g. Falsifying any records relating to the children or property;
- h. Misrepresenting any facts to the children regarding the marriage, divorce proceedings, or Petitioner's role in their lives;
- i; Bringing the Children near DAMEN GAULT KAZLAUSKAS;

(5). Set a hearing on Petitioner's request for a Temporary Injunction at the earliest possible date not later than 14 days from the electronic delivery of this TRO to the Respondent;

(6). After hearing, issue a Temporary Injunction containing the same prohibitions as this Temporary Restraining Order;

(7). After trial, if no agreement can be reached, grant Petitioner primary conservatorship of the children;

(8). After trial, if no agreement can be reached, grant Petitioner exclusive possession of the family residence until damages can be fully restored and alternative residency can be established nearby the Children;

(10). Grant such other and further relief to which Petitioner may be justly entitled.

It's been a long road. The Petitioner prays he may now return home to his children and prepare for this difficult time in a manner which comports with their fundamental needs.

Thank you.

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS, Pro Se

6641 Anne Court

Watauga, Texas 76148

Phone: 817-546-3693

Email: CHUCKDUSTIN12@GMAIL.COM

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 4.11(11)(e)

Petitioner certifies that after diligent attempts to reach both the Respondent and her Counsel, all attempts were unsuccessful.

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

6641 Anne Court

Watauga, TX

817-546-3693

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: 98863782

Filing Code Description: Proposed Order

Filing Description: PROPOSED ORDER

Status as of 3/26/2025 3:31 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	3/25/2025 2:10:47 PM	NOT SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/25/2025 2:10:47 PM	NOT SENT

Cause Number 233-765358-25

Print cause number and other court information exactly as it appears on the petition filed in this case.

In the interest of:

In the: (check one):

1. M.E.M.

2. C.R.M.

3. _____

4. _____

5. _____

233

Court Number

☐ District Court

☐ County Court at
Law

Child(ren)

TARRANT

County, Texas

Temporary Restraining Order and Order Setting Hearing

On 03/24/2025

Date

Petitioner, CHARLES DUSTIN MYERS

Your full name

presented a motion for a temporary restraining order to this Court.

Respondent's name is: MORGAN MICHELLE MYERS

Respondent's full name

The child(ren) who are the subject of this suit are:

	Child's name	Date of Birth	Gender
1.	<u>MARA EVONNE MYERS</u>	<u>06/20/2016</u>	<u>FEMALE</u>
2.	<u>CAROLINE ROSE MYERS</u>	<u>04/12/2018</u>	<u>FEMALE</u>
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

1. The Court finds that the issuance of a temporary restraining order is necessary to protect the child(ren) who are the subject of this suit.

IT IS THEREFORE ORDERED that the Clerk of this Court issue a temporary restraining order that immediately restrains Respondent from doing the following:

(check off each restraint that the Judge orders at the hearing)

☐ Threatening the child(ren) with imminent bodily injury. (See Texas Family Code 6.501(a)(5))

☐ Causing bodily injury to the child(ren). (See Texas Family Code 6.501(a)(4))

☐ Disturbing the peace of the child(ren). (See Texas Family Code 105.001(a)(3))

- ☐ Removing the child(ren) beyond a geographic area identified by the Court. (See Texas Family Code 105.001(a)(4))
- ☐ Withdrawing the child(ren) from the school or day-care facility where they are presently enrolled without the written consent of Petitioner.
- ☐ Hiding or secreting the child(ren) from Petitioner.
- ☐ Engaging in any criminal activity while the child(ren) are in the Respondent's possession.
- ☐ Using alcohol or illegal drugs 24 hours prior to or during his/her possession of the child(ren).

2. The Court further finds that it clearly appears from specific facts shown by Petitioner's affidavit that immediate and irreparable injury or harm will result to the child(ren) before notice can be served and a hearing can be held.

The injury or harm to the child(ren) is:

The children are suffering daily from their father being prevented access to the marital home. The Respondent has prevented access since March 6, 2024, knowing the Petitioner's need for the residence to work. This has left the children without the care of either parent for the majority of the time, and are being told that the divorce has been finalized and that their father is a bad person.

The above injury or harm would be irreparable because:

Prior to the Respondent's removal, the Children were cared for both emotionally and financially by the Petitioner. The Respondent knowingly and willingly sabotaged this relationship to further her own agenda with a separate relationship.

The emotional well-being and stability of the children have been destroyed, and their stable life has been dismantled by the Respondent in bad faith. There exists no legal basis for the current situation to persist, and the children are already showing signs of distress, emotional trauma, and are beginning to struggle academically.

The children need the Petitioner's stable, nurturing care during this difficult time, and they will soon lose all access to their Father who will be homeless given the circumstances.

The temporary restraining order is granted without notice because:

The Petitioner has been fighting for over a year to get back into his residence to no avail. The Respondent has refused to participate, and continues to prioritize her new relationship over the children. Notice would only spark more deceptive legal actions from the Respondent to try and subvert justice.

Petitioner will be able to surprise the children by picking them up from school, and they will finally be reunited with their father,
 something that they anticipate and desperately need. The Respondent has shown no ability to act in the children's best interests.

It is therefore ordered that:

☐ The bodies of the child(ren) be attached and that the child(ren) be placed in the possession of:

☐ The Petitioner

☐ The following person: _____
 (See Texas Family Code 105.001(c)(1-2))

☐ Respondent is excluded from possession of or access to the child(ren) until notice can be served and a hearing can be held.

☐ Respondent's possession of or access to the child(ren) is limited as follows until notice can be served and a hearing can be held:

☐ Respondent is excluded from unsupervised possession of the child(ren).
 Possession of the child(ren) shall be supervised by:

☐ Any person approved in writing by Petitioner

☐ A person approved by the Court: _____

☐ Respondent is excluded from overnight visits with the child(ren). Any day visits shall begin no earlier than _____ a.m. and shall end no later than _____ p.m.

☐ Respondent may not allow the child(ren) to have any contact with the following person(s):
 DAMEN GAULT KAZLAUSKAS

☐ Respondent may not engage in the following acts during any periods of possession or access:

Respondent must not forbid the Petitioner from access to the marital home. Respondent must not disturb the peace of the children.

Respondent must maintain an amicable candor towards all members of the household.

Both parties must maintain the status quo as it was prior to the unlawful lockout of Petitioner which occurred on March 6, 2024.

3. This restraining order is effective immediately and will continue in full force and effect until it expires by its terms within a time period determined by the Court (not to exceed 14 days), unless within that time frame the order is extended for good cause shown, or unless the Respondent consents that it may be extended for a longer period. See Texas Rule of Civil Procedure 680.

This restraining order expires on the following date: 2025/04/12.

THE VIOLATION OF A TEMPORARY RESTRAINING ORDER IS PUNISHABLE BY CONTEMPT AND THE ORDER IS SUBJECT TO AND ENFORCEABLE UNDER CHAPTER 157 OF THE TEXAS FAMILY CODE. See Texas Family Code 105.001(f).

4. The requirement of a bond is waived. See Texas Family Code 105.001(d).

Order to Appear

IT IS ORDERED that Petitioner's application for temporary injunction and temporary orders be scheduled for a hearing at the earliest possible date and that the Clerk of this Court issue notice to Respondent to appear in person before this Court at the following date, time, and place (as required by Texas Rule of Civil Procedure 680):

Date: _____

Time: _____

Address: _____

The purpose of the hearing is to determine whether the Court should order the following temporary relief while this case is pending:

- a. Convert the preceding temporary restraining order into a temporary injunction.
- b. Enter temporary orders for the safety and welfare of the child(ren), including but not limited to conservatorship, possession and access.
- c. Enter any other orders that are necessary for the safety and welfare of the child(ren).

SIGNED on _____, 20_____, at _____ .m.

PRESIDING JUDGE

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: 98863782
Filing Code Description: Proposed Order
Filing Description: PROPOSED ORDER
Status as of 3/26/2025 3:31 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	3/25/2025 2:10:47 PM	NOT SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/25/2025 2:10:47 PM	NOT SENT

MANDAMUS RECORD EXHIBIT

MR8

PETITIONER'S STATEMENT

Dated: 04/01/2025

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN RE: M.E.M., ET AL. **CHARLES DUSTIN MYERS, ** Petitioner, MORGAN MICHELLE MYERS, Respondent. 2025-03-31	Petitioner’s Statement
---	------------------------

TO THE HONORABLE COURT:

CHARLES DUSTIN MYERS, Petitioner in the above filed case, files this

Request for Declaratory Judgement, and in support thereof shows the following:

I. STATEMENT OF FACTS

- 1. Petitioner, representing himself pro-se, removed cause number 322-744263-23 to the Northern District of Texas on December 6, 2024. (No. 4:24-CV-01185-O)
- 2. The case was remanded on December 8, 2024, for lack of subject matter jurisdiction. *Exhibit 1*
- 3. Rule 237a of the Texas Rules of Civil Procedure states:

“When *any cause* is removed to the Federal Court and is afterwards remanded to the state court, *the plaintiff shall file* a certified copy of the order of remand with the clerk of the state court and shall forthwith give written notice of such filing to the attorneys of record for all adverse parties.” (emphasis added)

4. This places the obligation on COOPER L. CARTER to file with the clerk of the state court a certified notice of remand, which she has failed to do as of March 31, 2025, nearly three months later.

5. COOPER L. CARTER's authority to represent MORGAN MICHELLE MYERS has been in question since September 20, 2024, in cause number 322-744263-23 and is similarly in question in the instant case.

6. COOPER L. CARTER has never filed a pleading on MORGAN MICHELLE MYERS' behalf in either this court or the 322nd district court since she was allegedly retained on January 22, 2024, in her individual capacity over *fourteen months ago*.

7. RODERICK D. MARX has filed every pleading on behalf of COOPER L. CARTER in both this matter and the divorce matter.

8. RODERICK D. MARX has not made an appearance or otherwise been named as a party in either suit.

9. Neither RODERICK D. MARX nor COOPER L. CARTER have filed any response to any pleadings served to them by CHARLES DUSTIN MYERS.

10. Neither RODERICK D. MARX nor COOPER L. CARTER have filed any pleading since April 24, 2024, in the divorce matter, nearly *twelve months ago*.

11. COOPER L. CARTER has left the 322nd District Court without any ability to proceed to final trial, thereby resulting in an inevitable dismissal for want of prosecution. *Exhibit 2*

12. COOPER L. CARTER's EFM is registered to her prior employer's email address, which has been pointed out several times by Petitioner. *Exhibit 3*

13. The 322nd District Court of Tarrant County does not have continuous exclusive jurisdiction of the minor children.

14. The Petitioner opened a separate SAPCR before this court in March of 2025.

15. Without any submissions from Respondent since April 24, 2024, COOPER L. CARTER suddenly submits pleadings to this court claiming bad faith and answers with a general denial.

16. COOPER L. CARTER has not provided a response to the EMERGENCY TRO, yet feels it is appropriate to influence the proceedings with false promises to the tribunal. *Exhibit 4*

17. On March 28, 2025, the Petitioner arrived at the 233rd District Court to present his emergency TRO as scheduled with the Court Coordinator on March 27, 2025. *Exhibit 5*

18. The Petitioner was then told to contact COOPER L. CARTER by the Court Coordinator to select dates for the TRO hearing prior to his presentation once he arrived at the court. *Exhibit 6*

19. The parties selected April 10, 2025, to have the hearing, and the Petitioner went before the Associate Judge to present his emergency TRO. *Exhibit 7*

20. Prior to being called up to present, the Associate Judge left the room and conversed with the court coordinator.

21. When she returned, Petitioner was called up to present the emergency TRO.

22. Before getting a chance to speak, the Associate Judge informed the Petitioner that COOPER L. CARTER had filed the consolidation motion in the wrong court and would be filing one with the 322nd District Court.

23. The Petitioner was denied an opportunity to present his emergency TRO and was told to instead file the pleading with the 322nd District Court.

24. The Petitioner then reminded the Associate Judge that the 322nd District Court does not have the ability to proceed on the merits lacking a certified notice of remand pursuant to Rule 237a.

25. The Associate Judge disagreed and refused to hear the emergency TRO.

26. At the close of business on March 28, 2025, nothing was ever filed with the 322nd District Court by COOPER L. CARTER.

27. Petitioner and the children in this suit were denied due process outright despite being correct in his legal position.

28. Petitioner's detriment to his position is the fact that he is self-represented.

29. Respondent's detriment to her position is the lack of prosecution or defense.

II. ARGUMENT

30. When it comes to remand, the obligation falls on the *plaintiff* to file with the state court a certified copy of the order of remand. TEX. R. CIV. P. 237a; see also *Kashan v. McLane Co.*, NO. 03-11-00125-CV, 7 (Tex. App. Jun. 7, 2012) (holding that rule 237a's notice requirements cannot be satisfied by the district court, but must come from the *plaintiff*.)

31. This prevents any trial on the merits, and prevents any relief to the Petitioner and his children.

32. All other facts supported by evidence have already been provided to COOPER L. CARTER yet continues to not engage and instead call in favors from the bench.

III. CONCLUSION

Petitioner traveled to this court with a prepared emergency supported by exhibits only to be turned away at the eleventh hour due to his self-represented status and in the face of no real opposition. The children were denied due process outright, and now have been left without a remedy. The proper course of action should have been to hear the TRO and put in place protections for the minor children pending any promises of consolidation.

The above statement of facts, unless promptly rebutted by COOPER L. CARTER, warrant immediate relief as duly requested in the emergency TRO through a declaratory judgement, and this court should proceed with the hearing date originally set for April 10th, 2025, and the emergency TRO should be GRANTED without further delay.

COOPER L. CARTER disrupted much needed relief for the minor children in this case with false promises delivered to the tribunal that directly undermined the Petitioner's due process rights. COOPER L. CARTER is fully aware that she cannot file anything in 322nd District Court because in doing so she would be acting *ultra vires*.

Petitioner reasserts his position that COOPER L. CARTER is acting without authority, has no ability to comply with 237a of the Texas Rules of Civil Procedure, and cannot explain how she is able to abandon a case for nearly a full calendar year, yet can suddenly show up to defend her alleged client before this court for the sole purpose to prevent Petitioner's emergency TRO from being heard, which was permitted despite being told he could present the motion. In what sense is this appropriate when children are involved? Does the attorney's license give her a free pass to thwart the rules and litigate in bad faith?

It may be a needle in the haystack, but this case defies the initial presumption that pro-se litigants are not as equipped or as capable as licensed attorneys, and it is no fault of COOPER L. CARTER. The Petitioner reminds the court that the true culprit responsible for this circumstance remains the puppet master hiding in the background – the Respondent – and yet Petitioner wishes no harm to her because this litigation is about the children. The children need their mother, but they also need their father.

Perhaps the zealous passion has been misunderstood for contempt by the tribunal, but Petitioner's motive runs parallel to that set forth in the Texas Family Code. However, despite the procedural quagmire, the anomalies, the pro-se status, the solution remains simple:

Grant the relief. Nobody has argued against it, Texas law demands it, and the best interests of the Children depend on it. There remains no logical or legal basis to give COOPER L. CARTER any further deference in the face of Petitioner's self-represented status. Petitioner welcomes any response from

COOPER L. CARTER to the contrary. If such response were to be filed, it would be the first in over fourteen months of litigation.

If approached from a logical standpoint, the situation can be interpreted as such:

- i. COOPER L. CARTER is shackled by Rule 12 and Rule 237a of the Texas Rules of Civil Procedure from reaching final trial.
- ii. The 322nd District Court is shackled from proceeding due to Cooper L. Carter's failure to prosecute.
- iii. The Petitioner is shackled from his home, his children's daily lives, and his place of business under facially void orders that claim consent.
- iv. Most critically, the children are shackled in a situation that is not in their best interests and continue to suffer irreparable harm without any opportunity for relief and without any lawful basis.

Indeed, that leaves just one party un-chained from this situation:

the Respondent. Petitioner rests his case.

IV. PRAYER

WHEREFORE promises considered, the Petitioner, CHARLES DUSTIN MYERS, requests the following expedited relief:

1. Take judicial knowledge that COOPER L. CARTER disrupted an emergency in bad faith and failed to fulfill her promise.
2. Grant the emergency TRO without delay and keep the original hearing date set for April 10th as agreed by the parties on March 28th, 2025.
3. Give no further deference to attorney COOPER L. CARTER, who has not prosecuted nor defended her position, and require a written response.

4. Provide any further relief that the court deems appropriate given the extraordinary circumstances of this case.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693
PRO-SE

CERTIFICATE OF SERVICE

Petitioner, CHARLES DUSTIN MYERS, confirms that on 03/31/2025, a copy of this PETITIONER'S STATEMENT was served on the following party of record through their account registered under the Electronic Filing Manager pursuant to Rule 21a of the Texas Rules of Civil Procedure:

MORGAN MICHELLE MYERS, Respondent, at:

MORGANMW02@GMAIL.COM

A copy of the above pleading was also served to:

COOPERCARTER@MAJADMIN.COM

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693

MANDAMUS RECORD EXHIBIT

MR9

NOTICE OF INTENT TO FILE MANDAMUS

Dated: 04/07/2025

233-765358-25

FILED
TARRANT COUNTY
4/7/2025 3:46 AM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS**IN RE: M.E.M., ET AL.******CHARLES DUSTIN MYERS, ****

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

2025-04-07

PETITIONER'S NOTICE OF INTENT TO
FILE MANDAMUS AND EMERGENCY
STAY

TO THE HONORABLE JUDGE OF SAID COURT:**I. INTRODUCTION**

There comes a time in the journey of life when a man finds himself standing in the same muddy footprints he left as a child, gazing up at the same towering courthouse steps, and feeling that same sinking sensation in his chest. It's a peculiar thing, this cycle of disappointment—to have lived it once as a bewildered child and then again as a rule-abiding adult. The faces change, the dates on the calendar advance, but the feeling remains as familiar as an old, worn book.

Petitioner comes before this Court not with anger burning in his chest, nor with vindictiveness poisoning his pen, but rather with that quiet, heavy disappointment that settles in a person's bones when they've done everything by

the book only to find the book itself has been shelved away, forgotten by those sworn to read from it.

Petitioner followed the rules. He honored the procedures. He placed his faith in a system that promised justice would flow like water, clear and unobstructed, to those who seek it properly. He lived under the façade of facially void orders, and sustained extraordinary damages that were all caused intentionally by one person: **the Respondent**, who has sat in complete silence as this breakdown has continued to occur.

Yet here stands Petitioner, a father twice removed—once from his home and once from his children—knocking on the courthouse door with papers properly filed, only to be told that the door shall remain closed because someone else might, at some future date, file papers at another door entirely. If this strikes the Court as a curious interpretation of justice, then we find ourselves in rare agreement.

Mark Twain once observed that “the difference between the almost right word and the right word is really a large matter—it’s the difference between the lightning bug and the lightning.” In matters of law and children’s welfare, the difference between almost justice and actual justice is equally vast—it’s the difference between children thriving and children suffering, between a father’s presence and his absence, between following the law and merely gesturing toward it.

The Petitioner is now in an extraordinary circumstance. On one hand, he must seek mandamus relief respectfully compelling this Court to fulfill its

ministerial duty to hear and rule on Petitioner's properly filed emergency TRO, which this Court refused to hear on March 28, 2025. The refusal came not from any defect in the filing itself, but solely from representations made by opposing counsel regarding a future filing in another court which she abandoned—a procedural sleight of hand that has left children in distress and a father without an adequate remedy for an appeal.

On the other hand, the Petitioner must prohibit the 322nd District Court from setting a matter for a hearing that cannot bear a valid result through a concurrent Writ of Prohibition. The proper procedure wasn't followed, and cannot be overlooked in the face of an emergency.

In essence, a procedurally improper forward-looking consolidation motion to be filed in a different court was used to block a properly filed emergency TRO before this court. The court cannot rule on a case not before it, and mandamus is the proper remedy here if this court refuses to act. Given the extraordinary circumstances of this matter, and given there has been no response or opposition to the relief being requested, the court should **grant the emergency TRO immediately through a written order delivered to all the parties via the electronic filing manager**, set the matter for a hearing 14 days from the signing of the order, and require a written response from the opposing party no later than 7 days prior to the hearing.

Despite the circumstances of this case, Petitioner feels that settlement will and could be a possibility in the future, but the priority remains to rebuild the status quo of the children that has been destroyed and regain the ability to provide for his children financially while damages are assessed and attended to. Petitioner is at the very least entitled to this immediate relief. He is not asking this court for anything more than what it has the discretion to do and what the law demands that it must do given the circumstances. This intent to file mandamus is filed out of respect and serves as a notice to all parties of record of my position on this matter.

Such absurdity should end with an order from this court in Petitioner's favor, and in support thereof, he shows the following unopposed facts:

II. STATEMENT OF FACTS

1. On January 24, 2025, after more than 11 months of inaction, Petitioner filed a Motion to Dismiss for Want of Prosecution. The divorce case no substantive action from Respondent since April 2024, a legal ghost ship drifting without direction or purpose. That motion wasn't attempted to be set for hearing until **September of 2024**, only after the Petitioner exhausted all efforts seeking relief throughout the Texas Judiciary without any participation from the opposing side.

2. On March 19, 2025, driven by mounting concerns about the children's welfare and learning that the 322nd District Court did not have continuous, exclusive jurisdiction over the children in this matter, Petitioner filed a new

SAPCR in this Court (Cause No. 233-765358-25) seeking emergency relief for the children. The very next day, March 20, 2025, Ms. Carter suddenly reappeared like a character presumed missing in the second act, filing an answer to the SAPCR petition in this Court and thereby submitting to this Court's jurisdiction by filing a response rather than a motion to abate.

3. On March 21, 2025, Petitioner filed a verified Rule 12 motion challenging Ms. Carter's authority to represent Respondent in this matter—the second such challenge, met with the same resounding silence as the first.

4. On March 25, 2025, Petitioner filed an Objection to Consolidation and an Ex-Parte Emergency Motion for TRO. Two days later, on March 27, 2025, Petitioner contacted the court coordinator, requested a date and time to present the motion, and served the documents to the opposing party with the intent to present on March 28, 2025, at 9:00 A.M. before the Associate Judge of this Court. On that fateful morning of March 28, 2025, Petitioner drove to the courthouse, paid for parking, met with the coordinator, communicated with opposing counsel, and secured a hearing date of April 10, 2025. Petitioner then proceeded to the Associate Judge's courtroom to present the TRO.

5. Before Petitioner could present his case—before he could speak a single word about his children's welfare—he was told that Ms. Carter would be filing a motion to consolidate in the 322nd District Court, that his motion was improperly before the court, and that the Associate Judge refused to hear the motion. It was a

curious thing, this refusal. Ms. Carter wasn't even present in the courtroom, yet her words carried more weight than Petitioner's physical presence, his properly filed papers, and most importantly, the urgent needs of his children. She stopped the proceedings with nothing more than word of mouth for the incorrect motion. A true showcasing of disregard for the process, and the children.

6. On April 2, 2025, Petitioner filed a Pre-Objection to Motion to Consolidate in the 322nd District Court. Ms. Carter's motion to consolidate wasn't filed with the 322nd District Court until April 3, 2025—six days after she used its mere possibility to prevent this Court from hearing Petitioner's emergency motion. Her motion disregarded Petitioner's pre-objection entirely, as if it were invisible ink on the page.

7. On April 4, 2025, unable to acquire a ruling due to Petitioner's objection, Ms. Carter attempted to set the motion for a hearing before the 322nd District Court. That same day, Petitioner filed a Pre-Objection to Motion to Transfer in this Court, given that a motion to transfer must come before any attempt at consolidation. Ms. Carter, who had been so urgently concerned about consolidation when it served to block Petitioner's emergency hearing, suddenly claimed to be unavailable until late April—causing significant delays that could have been avoided had this Court simply heard the motion before it on March 28, 2025.

8. Throughout this period of procedural maneuvering, the children have been subjected to psychological manipulation and medical neglect. They have been removed from Petitioner's care and placed with elderly great-grandparents on a daily basis, and are being gaslighted into a false belief that the divorce is finalized. Petitioner's eldest child's academic performance has plummeted, and both children have become emotionally estranged from both parents. Petitioner has suffered approximately \$110,500 in verifiable financial damages due to being locked out of his home and business, and it grows each day. But the financial toll pales in comparison to the emotional cost of watching Petitioner's children suffer while the courts exchange procedurally incorrect volleys over his head.

III. ARGUMENT

A. The Court's Ministerial Duty

9. It is well-established Texas law that a trial court has a ministerial duty—not a discretionary duty—to consider and rule upon motions properly filed and pending before it. *In re Sheppard*, 193 S.W.3d 181, 183 (Tex. App.—Houston [1st Dist.] 2006, orig. proceeding); *In re Chavez*, 62 S.W.3d 225, 228 (Tex. App.—Amarillo 2001, orig. proceeding). The Texas Supreme Court has consistently held that while a court has discretion in how it rules on a motion, it has no discretion to refuse to rule at all. *In re Blakeney*, 254 S.W.3d 659, 661 (Tex. App.—Texarkana 2008, orig. proceeding) ("When a motion is properly filed and pending before a trial court, the act of considering and ruling upon that

motion is a ministerial act, and mandamus may issue to compel the trial judge to act.").

10. This principle is not merely a procedural nicety but a fundamental cornerstone of our judicial system. When a court refuses to hear a properly filed motion, it effectively denies access to justice itself. As the Texas courts have repeatedly emphasized, "A trial court's refusal to rule on a pending motion within a reasonable amount of time constitutes a clear abuse of discretion." *In re Bonds*, 57 S.W.3d 456, 457 (Tex. App.—San Antonio 2001, orig. proceeding). This abuse is magnified exponentially when the motion concerns the welfare of children and seeks emergency relief.

11. The Court's refusal to hear Petitioner's properly filed emergency TRO on March 28, 2025, constitutes a clear failure to perform a ministerial duty. This failure is particularly concerning given that:

- a) The motion was properly filed and noticed for hearing and the parties agreed on a date and time set for April 10th, 2025;
- b) Petitioner communicated with court staff, physically appeared at the courthouse ready to present the motion and was told he could present his motion;
- c) The motion concerned the immediate welfare of children; and
- d) The refusal was based solely on representations about a future filing in another court that had not yet occurred.

B. Clear Abuse of Discretion

12. A writ of mandamus is appropriate when a trial court clearly abuses its discretion and there is no adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004); *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992). An abuse of discretion is clearly established from point one below, and supported by points two through eight:

i. First, it refused to perform its ministerial duty to hear and rule on a properly filed motion based solely on representations about a future filing in another court. It's as if a doctor refused to treat a bleeding patient because another doctor might, at some future date, claim the patient should be treated at a different hospital.

ii. Second, it failed to recognize that by answering the SAPCR petition in this Court, Respondent submitted to this Court's jurisdiction and should have instead filed a motion to abate or should have moved to transfer the case. The law doesn't allow for half-measures of jurisdiction.

iii. Third, it failed to recognize that this Court maintained jurisdiction until any transfer was completed pursuant to Texas Family Code § 155.005(d) as no final order has been rendered in the 322nd District Court. Jurisdiction isn't a hot potato to be

dropped at the first mention of another court—it's a solemn responsibility that remains until properly transferred.

iv. Fourth, it failed to recognize that the proper procedure for consolidation of cases in different courts requires a motion to transfer to be filed and granted before any motion to consolidate can be considered, pursuant to Texas Family Code §§ 155.201 and 6.407. The law provides a sequence, a proper order of operations, that cannot be reversed or circumvented without creating procedural delay, which is what the emergency TRO sought to prevent from occurring.

v. Fifth, it allowed opposing counsel to circumvent proper legal procedure by influencing this Court's decision without being present and without having filed any response to the emergency TRO properly before this Court. It's as if the referee in a football game made a call based on what someone in the parking lot said might happen in the fourth quarter when she had the rules of the game mixed up.

vi. Sixth, it failed to consider that the purported "agreed" orders in the divorce case are void for lack of consent under *Burnaman v. Heaton*, 240 S.W.2d 288, 291 (Tex. 1951). A void order is no order at all—it's a legal nullity, as insubstantial as a

shadow on the wall. No court has continuous, exclusive jurisdiction over the children in this matter.

vii. Seventh, it failed to recognize that the Associate Judge's orders in the divorce case were never properly adopted by the referring District Court as required by Texas Family Code § 201.013(b). An unadopted order is like an unsigned check—it may look official, but it carries no legal weight, yet it has been used to bar the Petitioner from his residence, business, and children, and impose a disruptive and chaotic schedule upon the children.

viii. Eighth, and perhaps most troublingly, it disregarded the children's best interests in favor of procedural considerations, contrary to Texas Family Code § 153.002 and has languished for over a year due to the opposition's failure to prosecute.

12. The law is clear that in matters involving children, their welfare must be the court's primary consideration—not procedural niceties, not docket management, and certainly not the convenience of opposing counsel.

C. No Adequate Remedy by Appeal

13. When Justice Delayed Is Justice Denied Petitioner has no adequate remedy by appeal for reasons that should stir the conscience of any court: The emergency nature of the injunctive relief sought requires immediate action, as

Petitioner's children are suffering immediate and ongoing harm while procedural issues remain unresolved. *In re Texas Dep't of Family & Protective Servs.*, 255 S.W.3d 613, 615 (Tex. 2008) (granting emergency relief where children's welfare was at immediate risk). Petitioner's children are being alienated from him, causing long-term psychological damage that cannot be undone by a favorable ruling months or years in the future. *In re Scheller*, 325 S.W.3d 640, 643 (Tex. 2010) (recognizing that interference with the parent-child relationship can constitute irreparable harm).

14. The improper procedural maneuvers by opposing counsel are causing significant delays that cannot be remedied through the normal appellate process. Each day that passes is another day the children suffer, another day their academic performance declines, another day they become more emotionally estranged in a situation that the law should've prevented from existing to begin with.

15. Temporary orders in family law cases are generally not appealable, leaving Petitioner in a procedural trap with no exit. Waiting for a final judgment to appeal would allow the improper procedural tactics to succeed, causing irreparable harm to Petitioner and his children.

16. Void orders are being enforced against Petitioner, causing ongoing harm that cannot be adequately remedied by appeal. *In re Sw. Bell Tel. Co.*, 35 S.W.3d 602, 605 (Tex. 2000). Petitioner is caught in a procedural echo chamber

with no effective remedy, as both courts have effectively denied him access to the judicial system. *In re Team Rocket, L.P.*, 256 S.W.3d 257, 262 (Tex. 2008).

D. Opposing Counsel's Contradictory Behavior

17. Cooper L. Carter's contradictory behavior warrants particular attention, like a character in a novel whose actions never quite align with their words: She zealously defended her client by filing an answer to the SAPCR in this Court, thereby submitting to this Court's jurisdiction, only to then influence this Court to refuse to hear Petitioner's properly filed motion by representing that she would file a motion to consolidate in the 322nd Court, which would be moot by statute.

18. She had abandoned the divorce case for nearly a year, filing nothing since April 24, 2024, only to suddenly reappear precisely when I sought emergency relief for the children—like a firefighter who ignores a smoldering house for months, only to rush in when someone else calls for help. She failed to respond to a Rule 12 motion challenging her authority to represent the Respondent, her silence speaking volumes about the nature of her representation. She subsequently filed an improper motion to consolidate in the 322nd Court without first filing the required motion to transfer, putting the procedural cart before the horse. She is now claiming unavailability until late April in the 322nd Court, creating unnecessary delay after using the urgency of consolidation to block Petitioner's emergency hearing.

19. This pattern demonstrates a tactical attempt to manipulate both courts' dockets to prevent me from obtaining a timely hearing on Petitioner's properly filed emergency motion. It's a shell game played with the children's welfare as the prize. This Court should not allow itself to be used as an instrument in such procedural gamesmanship, particularly when it involves a failure to perform a ministerial duty required by law and when children's welfare is at stake.

IV. CONCLUSION

This Court's refusal to hear Petitioner's properly filed motion constitutes a failure to perform a ministerial duty for which there is no adequate remedy by appeal. The proper legal procedure requires a motion to transfer to be filed and granted before any motion to consolidate can be considered, and by answering the SAPCR petition in this Court, Respondent submitted to this Court's jurisdiction.

The children who are the subject of this proceeding are suffering immediate and ongoing harm while procedural issues remain unresolved. Each day that passes without addressing the emergency concerns raised in Petitioner's TRO is a day of certain damage to the children's psychological well-being and development.

Petitioner once heard it said that the true measure of a society is found in how it treats its most vulnerable members. By that measure, the procedural labyrinth that has prevented this Court from hearing Petitioner's emergency

motion speaks volumes about how far we have strayed from the ideal of justice. The children— innocent, vulnerable, and deserving of the Court’s protection— have instead become collateral damage in a game of procedural chess.

Petitioner provides this petition not out of anger or vindictiveness, but out of that quiet, heavy disappointment that settles in a person’s bones when they’ve done everything by the book only to find the book itself has been shelved away. Petitioner followed the rules. He reiterates that he honored the procedures. He placed his faith in a system that promised justice would flow like water, clear and unobstructed, to those who seek it properly.

Petitioner asks this Court to remember that behind every case number, behind every filing, behind every procedural rule, there are often real children with real lives that continue whether the courts act or not. Time doesn’t stop for them while adults sort out procedural disagreements. They grow, they hurt, they form memories and impressions that will shape them for a lifetime.

As Mark Twain might have observed, the difference between justice served and justice delayed is the difference between a father’s presence and his absence, between children thriving and children suffering, between following the law and merely gesturing toward it.

V. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests that this Court correct its error sua sponte, recognize the seriousness of

this situation, and grant relief without delay given the extraordinary circumstances of this case. Petitioner specifically requests that this Court:

- i. Immediately grant the attached proposed order requesting an emergency TRO preventing the Respondent from barring Petitioner's access to the matrimonial home located at 6641 Anne Court, Watauga, Texas 76148 pursuant to Texas Family Code § 105.001(b) and serve the order on all parties of record through the EFM pursuant to rule 21a of the Texas Rules of Civil Procedure;
- ii. Have the parties confer with the court coordinator to set this matter for a hearing within 14 days from the signing of the order, and require Respondent's written response no later than 7 days before the hearing;
- iii. Take judicial notice that this Court has personal jurisdiction over the respondent to issue a TRO given her response to the original SAPCR;
- iv. Take judicial notice that no opposition to the requested relief appears on record;
- v. Grant such other and further relief as the Court deems just and necessary to protect the best interests of the children, under § 153.002 and aid the parties in satisfying Texas State policy under § 153.001.

Petitioner emphasizes that this request is urgent and narrowly tailored to avoid further procedural delay that places the children at risk.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693
PRO-SE

CERTIFICATE OF SERVICE

Respondent, CHARLES DUSTIN MYERS, certifies that, pursuant to Rule 21a of the Texas Rules of Civil Procedure that:

A copy of this NOTICE has been served to MORGAN MICHELLE MYERS through her EFM registered under MORGANMW02@GMAIL.COM

A copy of this NOTICE has been provided to COOPER L. CARTER through her email COOPERCARTER@MAJADMIN.COM

A copy of this NOTICE has been served to HOLLY HAYES through her EFM registered email address: CSD-FILER914@TEXAS.OAG.GOV

Served on: 04/07/2025

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
817-546-3693
CHUCKDUSTIN12@GMAIL.COM
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: 99351689

Filing Code Description: Notice

Filing Description: Notice of Intent to File a Petition for Writ of Mandamus

Status as of 4/7/2025 2:57 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/7/2025 12:05:40 PM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	4/7/2025 12:05:40 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	4/7/2025 12:05:40 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/7/2025 12:05:40 PM	SENT

CERTIFICATE OF SERVICE

Relator certifies that on April 10, 2025, a true and correct copy of the foregoing MANDAMUS RECORD was served on all parties and counsel of record as follows:

Respondent

Hon. Kate Stone J.D.

Associate Judge, 233rd District Court

Tarrant County Family Law Center

200 E. Weatherford St.

Fort Worth, TX 76196

817-884-1197

Via electronic submission to the court coordinator

Via email: ADWierzbicki@tarrantcountytexas.gov

Real Party in Interest

Morgan Michelle Myers

6641 Anne Court

Watauga, Texas 76148

817-235-5189

MORGANMW02@GMAIL.COM

Counsel for Real Party in Interest

Cooper L. Carter

Marx, Altman & Johnson

2905 Lackland Road

Fort Worth, TX 76116

Via email: coopercarter@majadmin.com

/s/ Charles Dustin Myers

Charles Dustin Myers

PRO-SE RELATOR

SERVED: 04/10/2025

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: 99524439
Filing Code Description: Original Proceeding Petition
Filing Description: PETITION FOR WRIT OF MANDAMUS AND
RELATOR'S APPENDIX - VERIFIED
Status as of 4/10/2025 3:05 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Kate Stone		adwierzbicki@tarrantcountytx.gov	4/10/2025 2:37:09 PM	SENT
COOPER LCARTER		COOPERCARTER@MAJADMIN.COM	4/10/2025 2:37:09 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/10/2025 2:37:09 PM	SENT
CHARLES MYERS		CHUCKDUSTIN12@GMAIL.COM	4/10/2025 2:37:09 PM	SENT

Automated Certificate of eService

This automated certificate of service was created by the efiling system.
The filer served this document via email generated by the efiling system
on the date and to the persons listed below:

Envelope ID: 100376468
Filing Code Description: Record - Original Proceeding
Filing Description: Mandamus Record
Status as of 5/2/2025 12:28 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	5/2/2025 12:02:24 PM	SENT