



FUDSTOP <chuckdustin12@gmail.com>

Ruling Requested – Unopposed Summary Judgment (Filed 2/22/2024) – Case No. 322-744263-23

9 messages

FUDSTOP <chuckdustin12@gmail.com>

Fri, Mar 14, 2025 at 4:47 PM

To: "Lindsey K. Baker" <LKBaker@tarrantcountytx.gov>, Cooper Carter <coopercarter@majadmin.com>

Ms. Baker,

My Motion for Partial Summary Judgment, filed February 22, 2024, remains unopposed for over a year. Under TRCP 166a(c) and Local Rule 4.01(d), this motion is ripe for ruling. Opposing counsel's failure to respond waives any objection.

Further, opposing counsel (CC'ed here), cannot prosecute her case in accordance with Texas law, and still has an outstanding rule 12 motion that is now also unopposed.

A granting of either motion would resolve the core case issues, and given the circumstances, is duly warranted.

I formally request an immediate ruling or confirmation of when the Court will act. Further delay is unacceptable.

If the judges cannot legally act given opposing counsels failure to comply with Tex. R. CIV. P. 237a, then the matter should be brought before David L. Evans without delay.

Sincerely,
Charles Dustin Myers
Chuckdustin12@gmail.com
817-546-3693

Lindsey K. Baker <LKBaker@tarrantcountytx.gov>

Sun, Mar 16, 2025 at 1:54 PM

To: FUDSTOP <chuckdustin12@gmail.com>, Cooper Carter <coopercarter@majadmin.com>

Cc: "chuckdustin12@gmail.com" <chuckdustin12@gmail.com>

Mr. Dustin:

Prior to providing available dates to set your hearing request, the Court must know how much time you are requesting for the hearing? Further, you must E-file or personally appear with a Notice of Hearing for the Court to set the hearing.

Thank you,

If you received a Notice of Dismissal, you **MUST** file a Motion to Retain. The Motion **MUST** be **SET, HEARD** and concluded with a **SIGNED ORDER TO RETAIN**.

DO NOT EMAIL ME FOR A SETTING REGARDING THE DWOP.

YOU MUST APPEAR IN PERSON TO SET THE HEARING.

All Orders that require the Judge's signature must be presented in person and will not be processed through e-filing.

Lindsey Baker

322nd Court Coordinator

Tarrant County Family Law Center

200 E. Weatherford, 4th floor

Fort Worth, Texas 76196

Phone: (817) 884-1597

From: FUDSTOP <chuckdustin12@gmail.com>

Sent: Friday, March 14, 2025 4:47 PM

To: Lindsey K. Baker <LKBaker@tarrantcountytx.gov>; Cooper Carter <coopercarter@majadmin.com>

Subject: Ruling Requested – Unopposed Summary Judgment (Filed 2/22/2024) – Case No. 322-744263-23

EXTERNAL EMAIL ALERT! Think Before You Click!

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FUDSTOP <chuckdustin12@gmail.com>

Sun, Mar 16, 2025 at 4:26 PM

To: "Lindsey K. Baker" <LKBaker@tarrantcountytx.gov>

Cc: Cooper Carter <coopercarter@majadmin.com>

Hello Lindsey,

I hope you are doing well. I am following up on the Myers v. Myers matter (Cause No. 322-744263-23 in the 322nd District Court), which was remanded back from federal court on December 17, 2024. As of today, the opposing party still has not filed the Notice of Remand or otherwise re-engaged with the case. This has left our case in limbo on the court's docket. In the meantime, Charles Dustin Myers (Respondent), is suffering ongoing harm each day without the court's intervention on pending matters.

To recap the situation briefly:

The federal court remanded the case to state court on 12/17/2024. Under Texas Rule 237a, it was Petitioner's responsibility to file the remand order with the clerk and notify us. That never happened. We are now three months post-remand, and the case has not been officially re-docketed due to this oversight.

I have multiple pending motions that were filed before and after the remand. Critically, Petitioner and her counsel have not responded to ANY of these motions. For example, the Motion for Summary Judgment (filed 2/26/2024) received no response. More urgently, our Ex Parte Motion for Child Custody, Exclusive Use of Marital Residence, Contempt, and Sanctions (filed 2/12/2025) remains unopposed and unaddressed. We also filed a Proposed Order on 2/20/2025 and a Request for Immediate Ruling on 2/28/2025, with no response from the other side.

The issues in that ex parte motion are time-sensitive and critical: we need a court order for custody and to regain access to the marital home. Opposing counsel's failure to follow procedure has effectively stalled relief that desperately needs attention. (Respondent has been without access to his home and children for an extended period through no fault of his own). There are also allegations of contempt by the opposing party that have not been heard because of these delays.

Given this extraordinary situation, we respectfully ask the Court to take immediate action. Specifically, we request one of the following at the Court's earliest convenience (and we truly mean as soon as possible, even this week if feasible):

Immediate ruling/signing of orders: Since the motions are unopposed, the Court can rule on them without a hearing. I have a proposed Order for the ex parte motion ready for Judge Kaitcer's signature. I urge the Court to sign an order granting Respondent temporary custody of the children and exclusive use of the residence immediately. This would provide much-needed stability while the case proceeds. Similarly, the motion for summary judgment can be granted on the papers, as no controverting evidence or response was ever filed by Petitioner.

Emergency hearing: If the Court prefers to hold a hearing, please provide the soonest possible date and time for an emergency hearing on the Ex Parte Motion (2/12/2025), and a notice will be filed tomorrow. I am prepared to appear on short notice. Given that the motion is unopposed, the hearing should be brief. Respondent will gladly testify to confirm the facts if needed. He just needs the Court's authorization to move forward – every day of delay is another day he is barred from his home and children.

Filing of Remand Order: To remove any procedural barrier, Respondent will obtain a certified copy of the federal remand order and he will file it himself (or hand-deliver a copy) to the Court. If the clerk needs that filed separately to officially reopen the case, please let me know – it will be done immediately. I do not want a clerical formality to stand between the children and justice any longer.

Sanctions for non-compliance (if appropriate): Respondent also wants the Court to be aware that opposing counsel's conduct – failing to file the remand notice and ignoring court filings – is sanctionable. While the priority is getting relief for the children, the intent is to address this issue at the appropriate time. For now, this failure should at least not be rewarded by further delaying proceedings. Respondent shouldn't have to wait indefinitely due to the other side's procedural neglect.

In sum, Respondent is asking for the Court's help to break the logjam created by the opposing party. Our requests are straightforward and unopposed. The court has the authority to grant the relief either ex parte or by default given the circumstances. Respondent is simply requesting that the Court exercise that authority as soon as possible to prevent further irreparable harm.

My tone in this email is urgent because the situation is urgent. I have been exceedingly patient while trying every avenue to move this case forward. With each passing day, the situation worsens and the children at issue remain in uncertainty. I trust that the 322nd District Court strives to resolve such matters fairly and expeditiously, and I am eager to assist in any way to facilitate a prompt resolution.

Proposed next steps:

If Judge Kaitcer (or the assigned judge) is available to review the file tomorrow, we urge him to sign the proposed Order (filed 2/20/2025) granting the relief in the 2/12/2025 motion. I am available by phone or email if the Court has any questions or slight modifications to the order.

Alternatively, please provide a setting for an emergency hearing as early as possible. Even a telephone or Zoom hearing would be acceptable, given the urgency, if that would expedite the process. A notice of hearing will be filed Monday.

If there are any concerns about the procedural posture (such as the missing Notice of Remand), please let me know. I am prepared to cure any such issue immediately. I can file the remand order and serve opposing counsel (to the extent she will accept service) to remove any doubt that the case is properly before the Court.

Thank you very much for your time and attention to this matter, Lindsey. I understand the Court has a busy docket, but this case has unusual circumstances that warrant special handling. I greatly appreciate any assistance you can provide in conveying the urgency of this situation to Judge Kaitcer, Judge Munford, or in the alternative, Judge Evans. I am hopeful that, with the Court's intervention, we can obtain a ruling or hearing in a matter of days, bringing much-needed relief and allowing the case to progress.

Please let me know if you need any additional information or have any instructions for me. I will be watching for your reply and am ready to act immediately on any opportunity to be heard.

Sincerely,

Charles D. Myers

[Quoted text hidden]

Lindsey K. Baker <LKBaker@tarrantcountytx.gov>
To: FUDSTOP <chuckdustin12@gmail.com>
Cc: Cooper Carter <coopercarter@majadmin.com>

Mon, Mar 17, 2025 at 12:01 PM

ALL motions must be set for a hearing. If you are requesting relief from the Court, you must provide the Court with a formal Notice of Court Proceeding to set each of your E-filed motions. I also informed you of this in my previous email response. I will take no further action responding to your email communications unless you are requesting an in person hearing AND provide the Court with a E-filed Notice of Court Proceeding in compliance with the Texas Rules of Civil Procedure. Please refer to the Texas Rules of Civil Procedure, The Texas Family Code, and the Tarrant County Family Court's Local Rules.

The 322nd District Court and Associate Court hears ALL matters in person and not by submission.

Thank you,

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FUDSTOP <chuckdustin12@gmail.com>
To: "Lindsey K. Baker" <LKBaker@tarrantcountytx.gov>

Mon, Mar 17, 2025 at 3:53 PM

Dear Ms. Baker,

Thanks for your response.

As I previously pointed out, the Order of Assignment from Judge David L. Evans assigned Justice Lee Gabriel to the case. That assignment remains in effect until Judge Evans issues a written termination order, as stated. To my knowledge, no such order has been issued or served.

Until that occurs, it would be procedurally improper to request a court hearing, particularly given that the opposing party has yet to fulfill their obligation under Texas Rule of Civil Procedure 237a by filing a Notice of Remand after removal to federal court.

It would be helpful if these issues could be resolved as soon as possible so that the case can proceed effectively.

Best regards,
Charles Dustin Myers

[Quoted text hidden]

Lindsey K. Baker <LKBaker@tarrantcountytx.gov>
To: FUDSTOP <chuckdustin12@gmail.com>

Mon, Mar 17, 2025 at 4:22 PM

I will address this with Judge David Evans first thing tomorrow morning.

[Quoted text hidden]

FUDSTOP <chuckdustin12@gmail.com>
To: "Lindsey K. Baker" <LKBaker@tarrantcountytx.gov>

Mon, Mar 17, 2025 at 4:22 PM

Thank you very much.

I hope you have a good evening.

Respectfully,

[Quoted text hidden]

Lindsey K. Baker <LKBaker@tarrantcountytx.gov>
To: FUDSTOP <chuckdustin12@gmail.com>

Mon, Mar 17, 2025 at 4:24 PM

You do the same.

[Quoted text hidden]

Lindsey K. Baker <LKBaker@tarrantcountytx.gov>
To: FUDSTOP <chuckdustin12@gmail.com>, Cooper Carter <coopercarter@majadmin.com>

Wed, Mar 19, 2025 at 3:19 PM

Attached is an Order Terminating Assignment that has been signed by Judge David Evans.

Thank you.

[Quoted text hidden]

 **Order Terminating Assignment.pdf**
330K