

NO. 322-744263-23

IN THE 233<sup>RD</sup> DISTRICT COURT OF TARRANT COUNTY, TEXAS**ITMOMO***(AITIO M.E.M., C.R.M., two children)***MORGAN MICHELLE MYERS**

Petitioner,

**CHARLES DUSTIN MYERS,**

Respondent.

EMERGENCY NOTICE OF IMPROPER EX-  
PARTE APPEARANCE

2025-04-04

**TO THE HONORABLE COURT:**

Respondent, CHARLES DUSTIN MYERS, files this EMERGENCY NOTICE OF IMPROPER EX-PARTE APPEARANCE, and in support thereof, urgently brings the following to the court's attention:

1. Cooper L. Carter, counsel for Petitioner, intends to present a motion to consolidate to this court at 9:00 A.M. on April 4<sup>th</sup>, 2025.
2. Cooper has not served Respondent with any such order accompanying the motion in accordance with Tex. R. Civ. P. 21a
3. On April 2<sup>nd</sup>, 2025, Respondent PRE-OBJECTED to any consolidation motion filed to consolidate this matter with cause number 233-765358-25.
4. No response was filed to this objection, and a MOTION TO CONSOLIDATE was served on Respondent by RODERICK D. MARX, a non-party, today, April 3<sup>rd</sup>, 2025.

5. The Motion does not state the specific reasons why it is requested, why it would serve the best interests of the children and mentions nothing of the objection.
6. Additionally, COOPER L. CARTER has not shown her authority to act in this matter has not filed anything into the case since April 24, 2024, nearly twelve months ago.
7. Finally, COOPER L. CARTER's cannot "walk" the court for signature on this motion in the face of these issues, and further, because it is procedurally improper.
8. The Texas Family Code states 6.407(b) states that "...either party to the suit for dissolution of a marriage may move that court for transfer of the suit affecting the parent-child relationship to the court having jurisdiction of the suit for dissolution..[o]n the transfer of the proceedings, the court with jurisdiction of the suit for dissolution of a marriage shall consolidate the two causes of action."
9. No transfer motion has been filed with the 233<sup>rd</sup> District Court, and opposing counsel cannot just approach the bench with an improperly filed consolidation motion that doesn't comport to Texas law and then attempt to present it ex-parte to the bench without any mention of the objection.

### **CONCLUSION**

For these reasons, unless a response is filed by the proper attorney of record, or COOPER L. CARTER's authority is Proven pursuant to Rule 12 of the Texas Rules of Civil Procedure, it would be not only inappropriate to grant this motion filed by a **nonparty**, but it would also be prejudicial to not address the objection filed by the Respondent.

Cooper L. Carter's attempt to consolidate is to interfere with the relief the children

desperately needed, and in the face of a matter she hasn't been prosecuting. Further, the court cannot proceed with the motion until COOPER L. CARTER satisfies her obligations pursuant to Rule 237a of the Texas Rules of Civil Procedure, as outlined in the objection filed April 2, 2025. Finally, COOPER L. CARTER has shown an inability to effectively represent her client, and is causing further unnecessary delay.

This case should be dismissed for want of prosecution, the consolidation motion declared moot, and Cooper L. Carter can instead defend her client in the original SAPCR. Her attempt to prematurely obtain an ex-parte ruling on a contested motion without regard is unacceptable.

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MERS

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817-546-3693

## **CERTIFICATE OF SERVICE**

Pursuant to rule 21a of the Texas Rules of Civil Procedure, this EMERGENCY NOTICE OF IMPROPER EX-PARTE APPEARANCE was served on all parties of record via their EFM email registered with re:Search Texas on 04/04/2025.

And also to COOPER L. CARTER via [COOPERCARTER@MAJADMIN.COM](mailto:COOPERCARTER@MAJADMIN.COM)

Respectfully submitted,

*/s/ Charles Dustin Myers*  
CHARLES DUSTIN MERS  
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PRO-SE

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#### Case Contacts

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