

NO. 322-744263-23

§
IN THE MATTER OF § IN THE DISTRICT COURT
THE MARRIAGE OF §
MORGAN MICHELLE MYERS §
AND § 322ND JUDICIAL DISTRICT
CHARLES DUSTIN MYERS §
AND IN THE INTEREST OF §
M.E.M. AND C.R.M., §
CHILDREN §
TARRANT COUNTY, TEXAS

**PROPOSED ORDER GRANTING RESPONDENT'S MOTION FOR NO-EVIDENCE
SUMMARY JUDGMENT**

On this day, the Court considered Respondent Charles Dustin Myers' Motion for No-Evidence Summary Judgment filed pursuant to Texas Rule of Civil Procedure 166a(i). After examining the motion, any response filed by Petitioner Morgan Michelle Myers, the pleadings, and other evidence properly before the Court, the Court finds as follows:

1. Respondent's Motion for No-Evidence Summary Judgment was properly filed after an adequate time for discovery had passed, with this case having been pending since December 2023.
2. Respondent properly identified the specific elements of Petitioner's claims for which there is no evidence, including but not limited to:
 - i. No evidence of family violence during the marriage;

- II. No evidence of the existence of an active protective order with a finding of family violence;
 - III. No evidence supporting Petitioner's claim of financial indigence when filing suit;
 - IV. No evidence of proper notice and hearing regarding the February 1, 2024 Temporary Orders;
 - V. No evidence of Respondent's agreement to the March 14, 2024 "Agreed" Orders; and
 - VI. No evidence that the current Temporary Orders are in the best interests of the children.
3. Petitioner has failed to produce more than a scintilla of evidence raising a genuine issue of material fact as to each of the challenged elements after having adequate time for discovery and opportunity to respond to the motion.
4. Petitioner's deemed admissions resulting from failure to respond to discovery further support the granting of Respondent's motion.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

- i. Respondent Charles Dustin Myers' Motion for No-Evidence Summary Judgment is hereby GRANTED in all respects.
- ii. The Court finds that Petitioner failed to substantiate her claim of financial indigence filed on December 18, 2023, and this matter may be subject to dismissal under Texas Practice and Remedies Code § 13.001.
- iii. The Temporary Orders dated March 14, 2024, are hereby VACATED, as there is no evidence supporting their entry or continuation.
- iv. All relief not expressly granted herein is DENIED.

SIGNED on this _____ day of _____, 2025.

PRESIDING JUDGE

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JUDGMENT

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Case Contacts

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