

## CAUSE NO. 322-744263-23

IN THE MATTER OF  
THE MARRIAGE OFMORGAN MICHELLE MYERS  
AND  
CHARLES DUSTIN MYERSAND IN THE INTEREST OF  
M [REDACTED] M [REDACTED] AND  
C [REDACTED] M [REDACTED], CHILDREN§  
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IN THE DISTRICT COURT

322<sup>ND</sup> JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

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**ORDER SUMMARILY DENYING MOTION TO RECUSE  
AND  
ORDER DIRECTING THE CASE TO PROCEED TO TRIAL PURSUANT TO  
TEX. CIV. PRAC. & REM. CODE § 30.016  
AND  
ORDER RE MANDATORY SANCTIONS FOR THE FILING OF  
TERTIARY RECUSAL MOTION**

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Before me is a pleading entitled *Motion to Recuse Associate Judge Kaitcer* filed by Charles Dustin Myers. This motion was referred to me after Associate Judge Jeff Kaitcer declined to recuse himself by order dated September 9, 2025.

Mr. Myers has filed three or more motions to recuse and/or disqualify judges in this case. When a party files his third motion to recuse in a case, the judge(s) must *move the case to final disposition as though a tertiary recusal motion had not been filed*. Tex. Civ. Prac. & Rem. Code § 30.016 (b) (3); Gonzalez v. Guilbot, 315 S.W.3d 533 (Tex. 2010). That is, once a tertiary motion to recuse is filed, the judges assigned to the case are required to proceed and cannot delay the case because of the filing of a motion to recuse.

Further, sanctions are mandatory if a tertiary recusal motion is denied. Tex. Civ. Prac. & Rem. Code § 30.016 (c), which provides as follows:

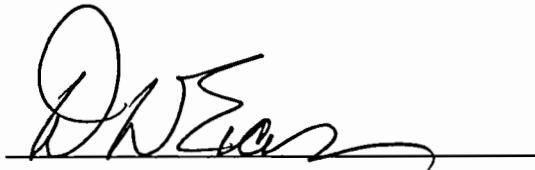
*A judge hearing a tertiary recusal motion against another judge who denies the motion shall award reasonable and necessary attorney's fees and costs to the party opposing the motion. The party making the motion and the attorney for the party are jointly and severally liable for the award of fees and costs. The fees and costs must be paid before the 31st day after the date the order denying the tertiary recusal motion is rendered, unless the order is properly superseded.*

I have reviewed the motion as to Associate Judge Kaitcer and the motion fails to meet the requirements of Texas Rules of Civil Procedure 18a(a) because it does not state with detail and particularity admissible facts that would justify recusal or disqualification if proven. Tex. R. Civ. P. 18a(a)(4).

IT IS THEREFORE ORDERED THAT:

1. The motion to recuse is denied as to Associate Judge Kaitcer without hearing Tex. R. Civ. P 18a(g)(3)(A), (i).
2. All judges in this case will comply with Tex. Civ. Prac. & Rem. Code § 30.016 (b) (3) requiring judges to *move the case to final disposition as though a tertiary recusal motion had not been filed*.
3. The issue of the mandatory sanctions required by Tex. Civ. Prac. & Rem. Code § 30.016 (c) will be handled as follows:
  - a. The parties entitled to sanctions will file on or before October 3, 2025, a motion for sanctions with exhibits showing reasonable and necessary attorney's fees and cost attached to the motion.
  - b. Mr. Myers will file his response to the sanctions by October 10, 2025.
  - c. The motion for sanctions will be taken up on written submission on October 17, 2025.
4. This order only addresses the motion to recuse Associate Judge Kaitcer and the issues raised by the tertiary recusal motion.

Signed this the 24th day of September 2025.

A handwritten signature in black ink, appearing to read "D. L. Evans", written over a horizontal line.

DAVID L. EVANS, PRESIDING JUDGE

EIGHTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS

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