

IN THE MATTER OF  
THE MARRIAGE OF  
MORGAN MICHELLE MYERS  
AND  
CHARLES DUSTIN MYERS  
AND IN THE INTEREST OF  
M.E.M. AND C.R.M.,  
CHILDREN

IN THE DISTRICT COURT  
322<sup>ND</sup> JUDICIAL DISTRICT  
TARRANT COUNTY, TEXAS

**RESPONDENT'S NOTICE OF RULE 193.6 OBJECTION AND REQUEST FOR  
CLARIFICATION**

TO THE HONORABLE COURT:

1. Respondent files this notice to ensure the record reflects the legal effect of the Court's ruling denying Respondent's no-evidence motion.
  2. Regardless of denial, **Texas Rule of Civil Procedure 193.6 operates automatically** to exclude any exhibits or testimony **not timely disclosed in discovery**.
  3. The Texas Supreme Court has made clear that:
    - i. nondisclosed materials **cannot be used** at summary judgment or trial,
    - ii. attaching such materials to a response **does not cure nondisclosure**, and
    - iii. exclusion is **mandatory**, absent a record finding of good cause or absence of unfair surprise. See *Fort Brown Villas III Condo. Ass'n v. Gillenwater*, 285 S.W.3d 879 (Tex. 2009); *Montes v. Montes*, No. 04-20-00474-CV (Tex. App. Jul. 28, 2021); *Alvarado v. Farah Mfg. Co.*, 830 S.W.2d 911 (Tex. 1992).
  4. Here, Petitioner:

- i. Produced no evidence in response to discovery,
  - ii. Submitted new affidavits and allegations for the first time in her MSJ reply,
  - iii. Never identified any witnesses or supplemented disclosures, and
  - iv. Offered unsworn, unauthenticated, hearsay materials.
5. Under Rule 193.6, these materials remain inadmissible at trial unless Petitioner affirmatively moves to show good cause or lack of unfair surprise — neither of which exists, nor has been asserted.
6. Accordingly, Respondent respectfully notes for the record that:  
The Court's denial of summary judgment does not authorize Petitioner to use evidence she failed to disclose. Rule 193.6 exclusion applies automatically and continues to govern trial.  
Respondent will object at trial to any attempt to introduce nondisclosed exhibits or testimony.
7. It is also worth noting that the trial court has discretion to postpone trial and impose sanctions to cure any prejudice resulting from late disclosure, as recognized in *Alvarado v. Farah Mfg. Co., Inc.* (Tex. 1992). However, this is an alternative to exclusion and does not alter the default rule.

Respectfully submitted,

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
PRO-SE RESPONDENT  
[CHUCKDUSTIN12@GMAIL.COM](mailto:CHUCKDUSTIN12@GMAIL.COM)  
817-546-3693

## CERTIFICATE OF SERVICE

I certify that on this 9<sup>th</sup> day of December, 2025, a true and accurate copy of this RESPONDENT'S NOTICE OF RULE 193.6 OBJECTION AND REQUEST FOR CLARIFICATION has been served through the state approved EFM pursuant to § 21a of the Texas Rules of Civil Procedure.

Respectfully submitted,

/s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS  
PRO-SE RESPONDENT  
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817-546-3693

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OBJECTION AND REQUEST FOR CLARIFICATION

Status as of 12/10/2025 4:27 PM CST

### Case Contacts

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