

DKT (249)



MOTION TO COMPEL DISCOVERY

FILED ON: 11/15/2024

FEE: \$0.00

FILER/REQUESTOR: CHARLES DUSTIN MYERS

NO. 322-744263-23 & NO. 322-744538-23

In the Matter of the Marriage of
Morgan Michelle Myers & Charles Dustin Myers
and in the Interest of
M.E.M & C.R.M,
Minor Children.

MOTION TO COMPEL DISCOVERY

In the 322nd District Court.

Tarrant County, Texas

Respectfully submitted,

Charles Dustin Myers

RESPONDENT'S FIRST REQUEST FOR PRODUCTION & ADMISSIONS

1. Respondent, CHARLES DUSTIN MYERS, asks the Court to compel Petitioner, MORGAN MICHELLE MYERS, through her attorney of record, to produce the documents requested in Respondent's First Request for Production, Documents, and Admissions filed on 9/19/24.

2. Petitioner, MORGAN MICHELLE MYERS, has failed to timely object or respond to the requested admissions. Thus, they are deemed admitted under Texas Law. Tex.R.Civ.P. 198.2(c); see *Nguyen v. Nguyen*, No. 02-20-00070-CV, 23 (Tex. App. Aug. 26, 2021).

I. INTRODUCTION

3. On September 19, 2024, Respondent served Petitioner with his First Request for Disclosure, Production, and Admissions pursuant to Rule 190.3 of the Texas Rules of Civil Procedure. This request was made under the Level 2 Discovery Control Plan, with the discovery period ending thirty days prior to the final trial date.

4. The Respondent's First Request for Disclosure, Production, and Admissions requested essential information and documents, which Petitioner is legally obligated to

provide. A true and correct copy of this request is attached to this Motion as Exhibit A.

5. Despite the statutory requirement under 198.2(a) of the Texas Rules of Civil Procedure, Petitioner has failed to respond or object to these requests in a timely manner. As such, Respondent now seeks an Order from this Court to compel Petitioner to comply with discovery obligations under the Texas Rules of Civil Procedure.

II. FACTUAL BACKGROUND

6. On December 15, 2023, Petitioner defrauded the marital estate by transferring \$1,576 to a third party without Respondent's consent the week of Christmas, which resulted in the marital account being overdrawn by \$800. Respondent specifically requested Petitioner to admit or deny this fact in **Request for Admission No. 3**, which states:

"Admit or deny that Petitioner transferred \$1,576 to Daniel Branthoover's PayPal account on December 15, 2023, which resulted in the marital bank account being overdrawn by \$-800."

Petitioner's failure to respond to this admission request within the statutory time period should result in it being

deemed admitted under **Tex. R. Civ. P. 198.2(c)**. This admission is critical to Respondent's claim that Petitioner mishandled marital funds and defrauded the marital estate.

7. On December 15, 2023, Petitioner allegedly influenced her grandparents to serve an eviction notice on Respondent, citing a protective order and divorce petition that had not yet been filed. This is addressed in **Request for Admission No. 5**, which states:

"Admit or deny that over the weekend of December 15, 2023, Petitioner influenced her grandparents to serve an eviction notice to Respondent, citing a protective order and divorce petition that had not yet been filed."

Petitioner's lack of response to this admission request should result in it being deemed admitted, supporting Respondent's claim that the eviction notice was based on misleading or premature grounds.

8. On March 14, 2024, Petitioner, through her attorney, served Respondent with temporary orders. These orders included Respondent's alleged consent, as evidenced by his signature. However, Respondent disputes this alleged consent and the validity of these orders, as noted in **Request for Admission No. 13**, which states:

"Admit or deny that the Respondent has abided by the current temporary orders in place to the best of his ability, and that the child support calculations, the child custody arrangements, and the current injunctions in place have no legal or factual foundation."

By failing to respond to this admission request, Petitioner has effectively admitted that the temporary orders and related arrangements lack a legal or factual basis. This deemed admission supports Respondent's challenge to the validity of these orders.

9. Petitioner's Original Petition for Divorce, filed on December 18, 2023, allegedly contains false and misleading statements regarding family violence and the existence of an active protective order. Respondent addressed this allegation in **Request for Admission No. 6**, which states:

"Admit or deny that on December 18, 2023, the Original Petition for Divorce filed by Petitioner contains false and misleading statements regarding family violence and an active order of protection."

Petitioner's failure to respond to this admission request should lead to this fact being deemed admitted, supporting Respondent's assertion that the Original Petition for Divorce was filed with false claims.

10. Similarly, Petitioner's Protective Order filed on December 22, 2023, allegedly included additional claims of family violence without any active protective order in place during the marriage. This is addressed in **Request for Admission No. 7**, which states:

"Admit or deny that on December 22, 2023, the Original Protective Order filed by Petitioner contained additional claims of family violence, and at the time of filing, no active order of protection existed, and no such order has existed throughout the marriage."

By not responding to this request, Petitioner has effectively admitted that no active protective order existed during the marriage, thus supporting Respondent's position that the protective order contains unfounded claims.

11. During the marriage, Petitioner directly benefited from and was aware of Respondent's work-from-home business until his removal from the residence on January 16, 2024. This is addressed in **Request for Admission No. 10**, which states:

"Admit or deny that during the marriage, Petitioner directly benefitted from and was aware of Respondent's work-from-home business up until his removal on January 16, 2024."

Petitioner's failure to respond should result in this fact being deemed admitted, supporting Respondent's claim that Petitioner had full knowledge of and benefited from his business operations during the marriage.

III. CONCLUSION

Each of these facts corresponds directly to a specific **Request for Admission** that Petitioner failed to respond to within the statutory time period. As such, Respondent requests that these facts be deemed admitted by the Court under **Tex. R. Civ. P. 198.2(c)**, as they establish a basis for Respondent's claims regarding misuse of marital assets, false statements in legal filings, and improper issuance of temporary orders.

IV. PRAYER

Respondent prays that the court:

1. Order the Petitioner, MORGAN MICHELLE MYERS, to produce the requested documents outlined in the first request for discovery, production, and admissions to Respondent, CHARLES DUSTIN MYERS and deem all admissions as admitted.

2. Order any further relief the court deems
equitable and proper.

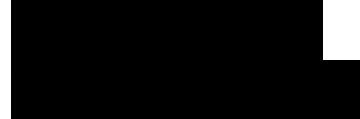
Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

Chuckdustin12@gmail.com

817-507-6562

A large rectangular area of the document has been completely blacked out, obscuring a handwritten signature.

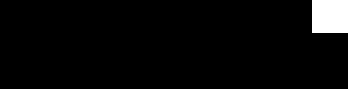
CERTIFICATE OF SERVICE

I, CHARLES DUSTIN MYERS, certify that a true copy of this MOTION TO COMPEL DISCOVERY and all exhibits were served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on
11/15/24:

Cooper L. Carter (Counsel for real party in interest)
by EMAIL/ESERVE at COOPERCARTER@MAJADMIN@COM

Morgan Michelle Myers (real party in interest)
by EMAIL/ESERVE at MORGANMW02@GMAIL.COM

Holly L. Hayes, Texas Office of the Attorney General
By EMAIL/ESERVE at 914-filer@texas.oag.gov

/s/ Charles Dustin Myers
Charles Dustin Myers
Chuckdustin12@gmail.com


tel: 1-817-507-6562
Pro-se

EXHIBIT A

322-744263-23

NO. 322-744263-23
IN THE 322ND DISTRICT COURT OF TARRANT COUNTY,
TEXAS

Morgan Michelle Myers,

Petitioner,

v.

**RESPONDENT'S FIRST REQUEST
FOR DISCLOSURE, PRODUCTION,
AND ADMISSIONS**

Charles Dustin Myers,

Respondent

2024-09-19

Respondent formally requests the forthcoming discovery materials pursuant to the level 2 discovery control plan. Given that this is the first request for discovery in this suit, the discovery period ends thirty days prior to the date of the final trial pursuant to Rule 190.3 of the Texas Rules of Civil Procedure.

I. Respondent's Request for Disclosure

A. Under Subchapter B, Chapter 301, Family Code, Section Pursuant to Sec. 301.051 and Sec. 301.052 of the Texas Family Code, Respondent formally requests that Petitioner disclose, not later than 30 days after the date of service of this request, the following information and material described pursuant to Section 301.052 of the Texas Family Code:

1. The correct names of the parties to the action.
(Sec. 301.052(a)(1))

2. The name, address, and telephone number of any potential parties.
(Sec. 301.052(a)(2))
3. The legal theories and, in general, the factual bases of the Petitioner's claims or defenses.
(Sec. 301.052(a)(3))
4. The name, address, and telephone number of any person having knowledge of relevant facts and a brief statement of each identified person's connection with the action.
(Sec. 301.052(a)(5))
5. Any discoverable settlement agreement described by Rule 192.3(g), Texas Rules of Civil Procedure.
(Sec. 301.052(a)(7))
6. The name, address, and telephone number of any person who may be designated as a responsible third party. *(Sec. 301.052(a)(11))*

II. Respondent's Request for Production

B. Pursuant to Rule 196 of the Texas Rules of Civil Procedure,

Respondent formally requests that Petitioner produce the following documents within 30 days of service of this request. The documents should be made available and filed with the E-filing system prior to 5:00 P.M. on **10/19/2024**:

1. All bank statements from December 2023 through September 2024 regarding the bank account solely in Petitioner's name.
2. A certificate of completion regarding the "Children in the Middle" parenting course, which was due on May 5th, 2024, or in the alternative – a written statement explaining the reasons for not having the certificate of completion.
3. Receipt of rent payment for the last six months made by the Petitioner in regard to [REDACTED]
4. All documents related to the children's healthcare, dental care, or any attempts to acquire healthcare and dental care for the children.
5. Current employer and address, date of employment, and average hours per week worked.

6. A list of all any exhibits that are to be presented at the final trial that have not been served to the Respondent under Rule 21a of the Texas rule of Civil Procedure.

7. The names, addresses, and telephone numbers of all witnesses expected to testify at trial.

8. The names, addresses, and telephone numbers of all persons who care for the minor children on a regular basis, the times of day the children are in their care, and for what purpose, and the cost of care, if any.

III. Respondent's Request for Admissions

C. Pursuant to Rule 198.1 of the Texas Rules of Civil Procedure,

Respondent **Charles Dustin Myers** requests that Petitioner **Morgan Michelle Myers** admit or deny the following statements within the scope of discovery.

Each admission or denial must be provided within **30 days** of service of this request. Failure to respond in a timely manner may result in the admissions being deemed admitted by the Court and a motion to compel to follow. For each denial, if any, Petitioner must provide a full explanation of the basis for the denial, along with any supporting facts, evidence, or documentation substantiating the denial:

**1. Admit or deny that between July 2015 and January 16, 2024, Respondent resided at the residence located at [REDACTED]
[REDACTED], with Petitioner. _____.**

If denied, provide the factual basis for the denial and any supporting documentation or proof of other residences during that time period.

Response:

2. Admit or deny that on **January 26, 2021**, Respondent made an employment switch to work from home, which contributed to the **financial stability** of the family leading up to **January 16, 2024**. _____.

If denied, provide an explanation and any financial records or employment information to support the denial.

Response:

3. Admit or deny that Petitioner transferred **\$1,576** to **Daniel Branthroover's PayPal account** on **December 15, 2023**, which resulted in the marital bank account being overdrawn by **\$-800**. _____.

If denied, provide all facts, bank records, and other evidence supporting the denial.

Response:

4. Admit or deny that over the weekend of **December 15, 2023**, Petitioner took the children to Oklahoma where she received assistance **from Daniel Branthroover** in filing the divorce paperwork. _____.

If denied, explain the purpose of the trip, the role of Daniel Branthroover, and provide relevant documents or correspondence regarding the trip.

Response:

5. Admit or deny that over the weekend of **December 15, 2023**, Petitioner influenced her grandparents to serve an **eviction notice** to Respondent, citing a protective order and divorce petition that had not yet been filed. _____.

If denied, provide all facts and any documents relating to the eviction notice and its justification, including communications with Petitioner's grandparents.

Response:

6. Admit or deny that on **December 18, 2023**, the **Original Petition for Divorce** filed by Petitioner contains **false and misleading statements** regarding family violence and an active order of protection. _____.

If denied, provide the factual basis for the accuracy of the statements made in the Original Petition for Divorce.

Response:

7. Admit or deny that on **December 22, 2023**, the **Original Protective Order** filed by Petitioner contained additional claims of family violence, and at the time of filing, **no active order of protection** existed, and no such order has existed throughout the marriage. _____.

If denied, provide the factual basis for any claims that an active protective order was in place during the marriage and during the filing of the protective order.

Response:

8. Admit or deny that on **March 6, 2024**, during Petitioner's visitation with the children, while Respondent was walking the children to school, Petitioner ran inside the family residence and locked the Respondent out.

If denied, provide an explanation and any evidence contradicting this event, including witness statements or other documentation.

Response:

9. Admit or deny that during the course of these proceedings following March 14th, 2024, Petitioner has made **no claims of abuse, drug use, or any concerns of violence or threat of violence** made by Respondent aimed at the Petitioner and has not served any documents related to the above to the Respondent during the pendency of the case through her attorney of record.

If denied, provide all documents, pleadings, or correspondence where such claims have been raised, filed, or served.

Response:

10. Admit or deny that during the marriage, Petitioner directly benefitted from and was aware of Respondent's **work-from-home business** up until his removal on January 16th, 2024. _____.

If denied, provide a full explanation and any financial documents or records to support the denial.

Response:

11. **Admit or deny** that during the pendency of the case, Petitioner is aware that Respondent has lived in **several different locations**, seeking relief from ongoing damages caused by the removal of his home. _____.

If denied, provide an explanation and all relevant documents supporting the denial.

Response:

12. **Admit or deny** that the Petitioner has made no meaningful effort to ensure that the Children's status quo is preserved during the pendency of the case. _____.

If denied, provide an explanation and all relevant documents supporting the denial.

Response:

13. **Admit or deny** that the Respondent has abided by the current temporary orders in place to the best of his ability, and that the child support calculations, the child custody arrangements, and the current injunctions in place have no legal or factual foundation.

If denied, provide an explanation and all relevant documents that can be found on the clerk's record supporting the denial and supporting the current arrangements.

Response:

IV. Time for Compliance and Filing Instructions

D. Petitioner is hereby reminded that all responses to this Request for Disclosure, Discovery, and Admissions, along with any requested documents, must be provided no later than 30 days after the date of service of this request. All documents and materials must be filed using the Electronic Filing Manager under the "**service only**" option and served on the Respondent. Failure to respond in a timely manner may result in the filing of a **Motion to Compel**, and any objections to the requests for admissions being deemed waived and the matters admitted by the Court.

- Please note that as of the time of this request, there are no formal pending settings that have been properly served on the Respondent pursuant to Texas Rules of Civil Procedure Rule 21a.

Respectfully submitted,

/s/ Charles Dustin Myers
Charles Dustin Myers

chuckdustin12@gmail.com
817-507-6562

CERTIFICATE OF SERVICE

Respondent hereby certifies that on **09/19/2024**, a true and correct copy of the **Respondent's First Request for Disclosure, Discovery, and Admissions** was served on the following parties via **electronic service through the Electronic Filing Manager (EFM)** and via **email** to the email address on record, pursuant to **Texas Rules of Civil Procedure 21a and 191.4.**

Served to:

- **Morgan Michelle Myers**, Petitioner via electronic filing system.
- **Cooper Carter**, Counsel for Petitioner via electronic filing system.
- **Email Addresses for Service:**

coopercarter@majadmin.com & morganmw02@gmail.com

Service was made using the "service only" option via the **Electronic Filing Manager** and was also served via email to Respondent's email address:
chuckdustin12@gmail.com.

/s/ Charles Dustin Myers
Charles Dustin Myers

chuckdustin12@gmail.com
817-507-6562

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 94352460

Filing Code Description: Motion (No Fee)

Filing Description: Motion to Compel Discovery

Status as of 11/15/2024 3:25 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	11/15/2024 1:55:22 PM	SENT
MORGAN MICHELLEMYERS		morganmw02@gmail.com	11/15/2024 1:55:22 PM	SENT
Cooper L.Carter		cooper.carter@majadmin.com	11/15/2024 1:55:22 PM	SENT
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	11/15/2024 1:55:22 PM	SENT