

NO. 24-0395

IN THE SUPREME COURT OF TEXAS

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CHARLES DUSTIN MYERS, *Petitioner*,

V.

MORGAN MICHELLE MYERS, *Respondent*

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On Petition for Review from the  
Second District Court of Appeals at Fort Worth  
No. 02-24-00149-CV

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NOTICE OF CLARIFICATION

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Respectfully submitted by:

Charles Dustin Myers

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WEATHER NEWS

## Latest: North Texans brace for more below-freezing temperatures, another cold front on way

BY HARRIET RAMOS

UPDATED JANUARY 16, 2024 5:17 PM



The Tarrant County Courthouse is lightly dusted with snow the morning after a light snowfall in downtown Fort Worth on Monday, Jan. 15, 2024. CHRIS TORRES [ctorres@star-telegram.com](mailto:ctorres@star-telegram.com)

The Petitioner respectfully submits this notice to the Clerk of the Court, Debra Spisak, in response to the case notice provided in respect to the above numbered cause, electronically served at approximately 6:06 P.M.

This notice is submitted in good faith, and is brought before this Honorable Court in the interest of judicial efficiency for the following reasons:

**1. Two Judges Presiding – three temporary orders issued.**

- a. On January 16<sup>th</sup>, 2024, the Petitioner was ordered to show cause for a protective order filed by Morgan Michelle Myers, which was served to him on January 27<sup>th</sup>, 2024.

- b. Due to the inclement weather, it was learned upon arrival that District Judge, Hon. James Munford, was the only available judge in the courtroom at the time.
  - c. Judge Munford presided over the initial show cause hearing, where he consolidated the case with the concurrent divorce suit filed by Morgan Michelle Myers, Respondent herein, on December 18<sup>th</sup>, 2023, granted a continuance, and ruled on all major issues temporarily. A certified copy of the initial rendition issued 01.16.2024 is attached to this notice.
  - d. On January 22<sup>nd</sup>, Jeffrey Kaitcer presided over the case and would remain the presiding judge for the remainder of the proceedings. The Petitioner was represented by Dan Bacalis, and the Respondent retained Cooper L. Carter minutes before the scheduled hearing, which caused further delay until February 1<sup>st</sup>, 2024, and which temporary orders were issued by Judge Kaitcer. A certified copy of this order has been attached to this notice.
  - e. On February 1<sup>st</sup>, 2024, the legal representatives entered into a settlement agreement, which was later withdrawn and challenged on reconsideration before Hon. Jeffrey Kaitcer on March 14<sup>th</sup>, 2024, which was denied. A certified copy of the agreement has been attached to this notice along with the denial of the Petitioner's motion to vacate.
2. **The relief being sought aims to vacate temporary orders issued by Jeffrey N. Kaitcer.**

- f. On March 26<sup>th</sup>, 2024, the Agreed Associate Judge's report was reduced to writing and filed with the court, becoming the temporary orders the Petitioner seeks to vacate that remains in effect until the final decree of divorce is signed. A certified copy of this order has been attached to this notice.

### **3. Issues in the Second Court of Appeals**

- g. On April 8<sup>th</sup>, 2024, a notice was filed with the Second Court of Appeals regarding the Petitioner's writ of mandamus, which was addressed to both Honorable judges mentioned herein, however, for the purposes of the appellate record, was only addressed to Hon. James Munford, a copy of which has been attached to this notice.
- h. The Petitioner's subsequent motions for rehearing and rehearing en banc pointed out this clerical issue, but it remains on the record.

### **4. Issues in the Supreme Court**

- i. The Petitioner filed a petition for review yesterday, May 13<sup>th</sup>, 2024, captioned identically to this notice. However, upon receipt of the notice, the same issues remain, which the Petitioner seeks to have rectified for judicial efficiency given the seriousness of the case, and ensure that the Court is able to perform a proper review of the case void of these errors. Additionally, the notice incorrectly designates the petition for review as a writ of mandamus, where the standard of review differs.

## 5. Conclusion

j. The Petitioner respectfully requests that the Court take judicial notice of the following:

- i. Two judges presided over the case, Hon. James Munford and Hon. Jeffrey Kaitcer from the 322<sup>nd</sup> District Court of Tarrant County.
- ii. The Petitioner seeks *de novo* review of his case from the Supreme Court on petition for review.
- iii. The Petitioner understands that the court has the discretion to re-classify the brief as a mandamus if the issues raised and relief sought align more closely to the Court's jurisdiction, or for judicial efficiency.
- iv. The Petitioner files this notice to ensure the court is fully aware of the involvement of two Judges, thereby aiding in a fair and efficient judicial review.

Respectfully submitted,

/s/ Charles Dustin Myers

Charles Dustin Myers

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CERTIFICATE OF SERVICE

I certify that a true copy of this Notice of Clarification was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following parties on **05-14-2024**:

**Cooper L. Carter** by EMAIL/ESERVE at  
COOPERCARTER@MAJADMIN@COM

**Morgan Michelle Myers (Respondent)** by EMAIL/ESERVE at  
MORGANMW02@GMAIL.COM

/s/ Charles Dustin Myers

Charles Dustin Myers

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#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		CHUCKDUSTIN12@GMAIL.COM	5/14/2024 9:44:00 PM	SENT