

Civil No.:
5:24-cv-01311

MYERS V.
BRANTHOOVER

**WESTERN DISTRICT
OF OKLAHOMA**

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

CHARLES DUSTIN MYERS,	§	
	§	
Plaintiff,	§	
v.	§	Civil No.: <u>5:24-cv-01311</u>
	§	
DANIEL KENNETH	§	
BRANTHOOVER	§	
	§	
Defendant.	§	
	§	

FIRST AMENDED COMPLAINT

Plaintiff, Charles Dustin Myers, files this complaint against Defendant, Daniel Kenneth Branthoover, (“Branthrover, or “Defendant”), and alleges the foregoing:

SUMMARY

This case represents a chilling narrative of betrayal, deceit, and calculated malice. The Defendant, Daniel Kenneth Branthoover, did not merely engage in misconduct—he orchestrated a deliberate and malicious scheme to dismantle the Plaintiff’s family, livelihood, and reputation. With reckless disregard for the truth, the Defendant manipulated legal processes, misappropriated marital assets, and weaponized the legal system to inflict maximum harm on the Plaintiff. The Defendant’s actions, supported by a disturbing pattern of harassment, theft, and intimidation, reveal a profound disregard

for the principles of justice and decency. The Plaintiff brings this action not only to hold the Defendant accountable but also to shine a light on his reprehensible conduct and seek damages that reflect the egregious nature of these offenses.

JURISDICTION AND VENUE

1. Jurisdiction is proper in this United States District Court pursuant to **28 U.S.C. § 1332(a)** because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states. The plaintiff, Charles Dustin Myers, is a citizen of Watauga, Texas, and the defendant, Daniel Kenneth Branhoover, is a citizen of Yukon, Oklahoma. Furthermore, the defendant has sufficient minimum contacts with the forum state to establish personal jurisdiction.

2. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) because the Defendant resides in this judicial district and additionally under § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred within this judicial district over the weekend of December 15, 2023, at Defendant's domicile located at 3100 Copan Ct in Yukon, Oklahoma, 73099.

STATEMENT OF FACTS

Defendant is referred to in this section as "Branhoover"

3. Plaintiff and Wife were married on June 20th, 2015, and resided together at [REDACTED] until Plaintiff's removal on January 16, 2024, and share two daughters, M.E.M and C.R.M, aged 8 and 6.

4. Plaintiff began working from home in January of 2021 when he built his own business out of the family residence involving real-time market data solutions for clients across the United States and Canada.

5. Wife announced her desire to divorce from Plaintiff on December 1, 2023.

6. On December 14, 2023, Branhoover became involved in Plaintiff's family affairs, exchanging a total of 92 text messages with Wife between Branhoover's number, 940-312-3434, and Wife's number, 817-235-5189. (**Exhibit 1**)

7. On December 14, 2023, at 9:41 A.M., Branhoover texted Plaintiff at his cellular number 817-507-6562 and requested Plaintiff to call him regarding the recent divorce announcement at Branhoover's number at 940-312-3434 and asserted his desire to help Plaintiff. (**Exhibit 2**)

8. During the phone conversation on December 14, 2023, Branhoover convinced Plaintiff that his Wife should bring the children to his residency and claimed it would be a "good move".

9. Wife and the children left for Yukon, Oklahoma on December 15, 2023, to stay with Branhoover at his residence until December 17, 2023.

10. On December 16, 2023, at 5:01 A.M., Plaintiff was notified that his bank account was overdrawn by \$800 due to \$1,576 of funds being transferred to Branhoover's account. (**Exhibit 3**)

11. Plaintiff contacted Branhoover on December 16, 2023, at 3:54 P.M. and requested via text message that the funds be returned. (**Exhibit 4**)

12. Branthoover responded via text message at 8:20 P.M. on December 16, 2023, and claimed that Wife transferred the money to her own account which [Plaintiff] stated was hers and claimed Texas is a community property state. (**Exhibit 5**)

13. Plaintiff's bank statement from December 2023 defeats Branthoover's defense, as it clearly shows that the \$1,576 was transferred to "dmb575", which is the Defendant's PayPal account. (**Exhibit 6**)

14. On December 16, 2023, at exactly 8:23 P.M., Branthoover's true intentions behind Wife's visit to his residency became known, which was to help Wife with paperwork to initiate divorce proceedings. (**Exhibit 7**)

15. Branthoover purchased Wife a second phone on December 16, 2023, which is registered under 817-940-0852 as well as a can of pepper-spray mace. (**Exhibit 8**)

16. The 817-940-0852 number was used on the original petition for divorce filed on December 18, 2023, the affidavit of inability to pay court costs filed on December 18, 2023, and an application for a protective order filed on December 22, 2023, which were all prepared under Branthoover's directive. (**Exhibit 9**)

17. On December 19, 2023, the day after the divorce was filed, Branthoover reached out to Plaintiff via text message and held himself out to be Wife's attorney and referred to her as "his client", that he wanted to 'work together to write up the decree', 'has never lied to Plaintiff.', and has told Plaintiff 'exactly his plans since the beginning.' (**Exhibit 10**)

18. When served with the documents prepared under the directive of Branthoover, they contained allegations of family violence, sexual harassment, and sought to have Plaintiff removed from the residence under the narrative of needing protection, and waived the 60-day waiting period for divorce claiming that an active order of protection existed against Plaintiff and that family violence had been found to have occurred during the marriage. (**Exhibit 11**)

19. On January 16, 2024, Branthoover's willful involvement in preparing these documents culminated in Plaintiff's removal from his residence. (**Exhibit 12**)

20. On June 20, 2024, Plaintiff received a friend request from Branthoover on Facebook to which Plaintiff responded via Facebook Messenger and then blocked him. (**Exhibit 13**)

21. Branthoover then responded via text message at 9:47 P.M. on June 20, 2024, calling Plaintiff "pathetic" and informing Plaintiff that he has "enjoyed watching every filing get denied" referring to Plaintiff's efforts to obtain relief in the Second Court of Appeals in Texas in April and March of 2024. (**Exhibit 14**)

22. On June 23rd Plaintiff filed a motion in state court entitled MOTION FOR JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION at 12:14 P.M. (**Exhibit 15**)

23. On June 23rd at 1:54 P.M., Branthoover texted Plaintiff stating "Lol. And here comes another denial. Please sue me individually. Please.", referring to the earlier filed motion. (**Exhibit 16**) Branthoover welcomes this suit against him.

24. On December 10th, 2024, Branthoover reached out once more and stated “When things all over you get to deal with me. Just a heads up.”, a persistent theme since his involvement in mid December of 2023. (**Exhibit 17**)

25. Branthoover’s egregious behavior is part of a larger pattern of conduct that has led to significant financial and emotional harm suffered by Plaintiff and is rooted in intentional deception, entitling Plaintiff to recover damages because of the deceit.

COUNT ONE: DECEIT

Defendant’s actions constitute a violation of Title 76 OS § 1 et seq., as he knowingly and willfully deceived Plaintiff with the specific intent to induce detrimental reliance, thereby exposing Plaintiff to injury. Consequently, the Defendant is liable for the damages resulting from his conduct.

26. Paragraphs 1 through 25 are incorporated herein by reference.

27. Defendant persuaded the Plaintiff that his wife bringing their children to his residence was beneficial, suggesting a fact not believed to be true, as his real intention was to facilitate her legal actions against the Plaintiff, violating element 1 of deceit 76 OK Stat § 3(1).

28. Defendant knew this assertion to be false, as prior to making this statement he was actively assisting wife in an effort to have the Plaintiff removed from his home through an ex-parte temporary order of protection. *See Exhibit*

29. Defendant's selective disclosure to the Plaintiff about the discussions surrounding the divorce, while concealing his significant involvement in drafting legal documents for the Wife, constitutes deceit under element 3 of 76 OK Stat § 3(3). By presenting only partial information and withholding his full participation, Defendant

provided misleading context that was likely to—and did—mislead the Plaintiff regarding the nature of his involvement, which lead to significant damages, making defendant liable for any damage which he thereby suffered.

COUNT TWO: CONVERSION

Defendant's PayPal account was used as a medium to unlawfully convert \$1,576 from the Plaintiff's marital estate the week before Christmas.

30. Paragraphs 1 through 29 are incorporated herein by reference.
31. Plaintiff had a legal right to the funds in the joint PNC bank account, including the specific sum of \$1,576, as joint marital property.
32. Defendant knowingly and intentionally exercised unauthorized control over these funds by directing the transfer of \$1,576 to his PayPal account on December 15, 2023.
33. Defendant's actions deprived Plaintiff of the use and benefit of these funds, causing financial harm, including an overdraft of \$800, the loss of \$1,576, the discontinuation of certain business advertising, and prevented him from getting his children Christmas gifts as he had planned to purchase over the weekend.
34. Under Oklahoma and Texas law, conversion is complete when the holder of personal property asserts rights inconsistent with the title of the owner. *Russell v. City State Bank of Wellington, Texas*, 264 F. Supp. at 574. In this case, Defendant's conduct demonstrates an assertion of rights inconsistent with the Plaintiff's ownership and legal entitlement to the funds. By knowingly and intentionally directing the transfer of \$1,576 from the joint marital account to his PayPal account without Plaintiff's consent,

Branthrover deprived Plaintiff of his rightful possession and control over the funds, completing the tort of conversion as described in *Russell*.

COUNT THREE: INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

Defendant acted intentionally and recklessly, his conduct was extreme and outrageous, Plaintiff has suffered actual damages from this conduct, Plaintiff experienced emotional distress, and the emotional distress [is] severe. *Ishmael v. Andrew*, 2006 OK CIV APP 82, 19, 137 P.3d 1271, 1277; *Breeden v. League Services Corp.*, 1978 OK 27, 7, 575 P.2d 1374, 1376.

35. Paragraphs 1 through 34 are incorporated herein by reference.

36. Defendant's conduct constitutes intentional infliction of emotional distress as defined in the Restatement (Second) of Torts § 46 (1965), which states that "one who by extreme and outrageous conduct intentionally or recklessly causes severe emotional distress to another is subject to liability for such emotional distress." Defendant's conduct was both intentional and reckless, as the fraudulent documents prepared by him lead to the loss of Plaintiff's business, home, and the custody of this Children.

37. After Plaintiff suffered these losses, Defendant continued to harass the Plaintiff by texting him throughout the proceeds he helped initiate, calling him "pathetic" and stating that he has "enjoyed watching every filing get denied". This conduct is outrageous because the harm suffered by Plaintiff was a direct cause of Defendant's actions, and Defendant's clear interest in the case has been made apparent

notwithstanding his enjoyment of the damages he has caused to Plaintiff through his own admission.

38. Further, Defendant knew that Plaintiff operated his business out of his residency, knew of his recent success, his close relationship with his daughters, and was aware that Plaintiff was the primary breadwinner in the household, yet played an integral role in his unjust removal through deceptive measures.

39. Finally, Defendant inflicted severe emotional distress on Plaintiff by assisting in the act of up-ending his life by influencing his marriage to its' detriment, helping sever the close relationship he had with his children, and playing a crucial role in the destruction of Plaintiff's business he had built to provide for his family, causing reckless financial and emotional harm that has been ongoing since his involvement.

40. Defendant's self-admitted enjoyment of Plaintiff's distress is particularly egregious as it has affected far more than just Plaintiff's well-being, but has undone years of hard work and the damage is ongoing and is expected to persist into the future considering that the case he helped initiate is fundamentally flawed and has been stagnant for nearly 10 months.

DAMAGES

Defendant's actions alleged herein have caused significant and irreparable harm to Plaintiff and his family, who seeks redress in damages; compensatory and special, and seeks punitive damages to deter this behavior from occurring in the future.

41. Paragraphs 1 through 40 are incorporated herein by reference.

42. Under Oklahoma law, any person who suffers detriment from the unlawful act or omission of another may recover compensation in the form of damages. (See Okla. Stat. tit. 23, § 3). Plaintiff has suffered significant detriment due to Defendant's conduct, including the loss of income, increased living expense, personal and marital property, harm to his business, and harm to his familial relationships, which have all caused severe emotional distress.

Loss of income

43. Starting in December 2023, the Defendant's involvement directly disrupted Plaintiff's ability to focus on business operations and maintain client relationships. This disruption coincided with an accelerated decline in income, as reflected by Plaintiff's income showing a sharper drop in monthly earnings.

44. Prior to the Defendant's involvement, Plaintiff's average monthly income from Source 1 was approximately **\$3,612.83** over the 13 months preceding December 2023. Following the Defendant's involvement, Plaintiff's average monthly income dropped to **\$1,813.02**, representing a significant reduction of nearly 50%. Over the subsequent 13 months, this decline resulted in a total income loss of approximately **\$23,397.60 (Exhibit A)** as a direct result of Defendant's actions.

45. Similarly, Plaintiff's Source 2 transaction revenue data reflects a comparable trend. The annual transaction revenue dropped from **\$26,514.94** in 2023 to **\$15,099.78** in 2024, resulting in a loss of **\$11,415.16** over that period. (**Exhibit B**)

46. The total realized loss of income, combining the actual reductions in earnings from Source 1 and Source 2, is **\$34,812.76** since being removed from the residence. The projected loss of income over the next 12 months, based on forward-looking projections for Source 1 and Source 2, is **\$33,012.94** in consequential damages. Combined, the total loss of income is projected at **\$67,825.69** by this time next year given all circumstances are the same and factoring in consequential damages.

47. Defendant's actions have caused advertisements to stop running for Plaintiff's business, which have resulted in lost business opportunities and decreased website traffic, leading to lost business opportunities estimated at **\$14,200. (Exhibit C)**

Increased living expenses

48. During the pendency of the litigation instigated by Defendant, Plaintiff has been unable to access his home, resulting in a substantial increase in living costs to remain near his children as they had been accustomed to.

49. This forced Defendant to stay in hotels to exercise Thursday visitation and required him to rent local Airbnb locations to provide a stable living space for his children during extended periods. The total cost of Airbnb during the relevant period is **\$14,553.89**, and additional hotel costs amount to **\$873.31** to maintain the status quo of the Children to the best of Plaintiff's ability. (**Exhibit D**)

50. Plaintiff also incurred toll costs while exercising visitation to see his children, totaling **\$2,160.28**. This includes **\$450.61** and **\$492.00** on June 9, **\$887.92** on April 11, and **\$329.75** on April 26. These incurred expenses would not have been necessary if not

for Defendant's involvement, and the receipts of these transactions will be provided at trial.

51. Total damages for cost-of-living increases and travel expenses that would not have been made without Defendant's involvement amount to **\$17,587.48**.

Cost of litigation

52. Plaintiff has also incurred damages relating to the cost of litigation, which amounts to **\$3,000** for the retainment of his prior attorney used to fight the baseless allegations of violence, **\$155** to file a mandamus in the Second Court of Appeals, **\$255** to obtain certified copies of the pleadings, and **\$405** when attempting to remove the case to federal court, totaling **\$3,815** in litigation costs.

Damages from conversion

53. Plaintiff incurred damages amounting to \$1,576 from Defendant's unauthorized control over Plaintiff's marital assets on December 15, 2023.

Request for Jury Determination of Punitive Damages

53. In this case, the Defendant exploited his offer of assistance to the Plaintiff, subsequently diverting marital funds and orchestrating the initiation of divorce proceedings with the intent to cause harm. These actions displaced the Plaintiff from his livelihood and were accompanied by mockery of his efforts to seek relief. Such reckless conduct constitutes calculated deceit carried out with malice.

54. The Defendant's prior convictions for violating protective orders and tampering with government documents further highlight a troubling pattern of behavior that necessitates punitive damages. This damage is critical not only to hold the Defendant accountable but also to deter future misconduct and protect others from similar harm, which as here, has destroyed the Plaintiff's family.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Honorable Court issue summons on Defendant at his domicile and:

1. Plaintiff prays for special damages amounting to **\$90,804.18** from the increased cost of living, loss of income, loss of business opportunity, litigation expenses, and increased cost of travel caused by Defendant's malicious actions;
2. Plaintiff seeks general damages for emotional distress caused by Defendant's actions, including loss of enjoyment of life, disruption of familial relationships, loss of business opportunities, and distress from Defendant's threatening behavior;
3. Plaintiff prays for punitive damages in an amount to be determined by a jury in a bifurcated trial should a settlement not be reached;

SERVICE OF PROCESS

4. Plaintiff requests that this Court authorize service of process on Defendant by a United States Marshal, deputy marshal, or other person specially appointed by the Court pursuant to Rule 4(c)(3) of the Federal Rules of Civil Procedure;

5. Plaintiff requests such other and further relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury solely for the determination of punitive damages pursuant to Rule 38(c) of the Federal Rules of Civil Procedure if permitted by law and should settlement not be reached by the parties.

Respectfully submitted on this 28th day of January 2025,

/s Charles Dustin Myers
CHARLES DUSTIN MYERS [REDACTED]
[REDACTED]
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