

25-0378

HON. NEWELL MANDAMUS RECORD

05.07.25

No.25-_____

IN THE SUPREME COURT OF TEXAS

IN RE: CHARLES DUSTIN MYERS, *RELATOR*.

On Petition for Writ of Mandamus

to the 233rd Judicial District Court, Tarrant County

Cause No. 233-765358-25

On Mandamus Review from Cause No. 02-25-00171-CV in the Second
District Court of Appeals, Fort Worth, Texas

Hon. Kenneth Newell Presiding

MANDAMUS RECORD

Respectfully submitted by:

Charles Dustin Myers
chuckdustin12@gmail.com
Tel.: 817-546-3693
PRO SE RELATOR

Emergency Relief Requested

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STATE OF TEXAS
COUNTY OF TARRANT

AFFIDAVIT VERIFYING MANDAMUS RECORD

BEFORE ME, the undersigned authority, personally appeared **Charles Dustin Myers**, who, being by me duly sworn, deposed and stated as follows:

1. My name is **Charles Dustin Myers**. I am the Relator in the above-captioned proceeding and am competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are true and correct.
2. This affidavit is submitted in support of the **Mandamus Record**, filed pursuant to **Texas Rule of Appellate Procedure 52.7(a)**.
3. The documents contained in the Mandamus Record are true and correct copies of pleadings, motions, transcripts, and other materials that were **filed in the underlying proceeding** before the **233rd District Court of Tarrant County, Texas**, in Cause No. **233-765358-25**.
4. Each document included has been accurately reproduced from the court's file or my personal file maintained in the regular course of

litigation, and to the best of my knowledge, has not been altered in any way.

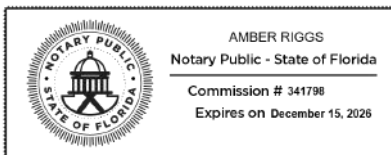
5. Each document is a true and accurate copy under penalty of perjury.

FURTHER AFFIANT SAYETH NOT.

Charles Dustin Myers
/s/ Charles Dustin Myers

Charles Dustin Myers

Relator



State of Florida County of

Bay County

This foregoing instrument was acknowledged before me by means of online notarization, this 04/16/2025 by Charles Dustin Myers.

Amber Riggs
Amber Riggs

___ Personally Known OR ☒ Produced Identification Type
of Identification Produced DRIVER LICENSE

Notarized remotely online using communication technology via Proof.

MR 1

COVER LETTER

TO SAPCR

Dated: 03/19/2025

MR 1

322-744263-23

FILED
TARRANT COUNTY
4/15/2025 10:28 AM
THOMAS A. WILDER
DISTRICT CLERK

Date: March 18, 2025

Via E-File

Thomas A. Wilder, District Clerk
Tarrant County District Courts
200 E. Weatherford St.
Fort Worth, Texas 76196

Re: Original Petition in Suit Affecting Parent-Child Relationship (“SAPCR”) – Request to File as Separate Case and Set Immediate Hearing (In the Interest of [M.M.] and [C.M.], minor children; *related to* Cause No. 322-744263-23, In re Marriage of Myers)

Dear Mr. Wilder and Honorable Court:

Please accept for filing the enclosed **Original SAPCR** concerning the above-referenced children. This SAPCR is **intentionally filed as a new, separate case**, rather than under the existing divorce cause, due to unique procedural defects in that divorce proceeding that have left the children in legal and physical limbo. **Immediate intervention** is required to protect the children’s best interests. Below, I outline the compelling reasons – supported by law and the record – why this SAPCR **must proceed separately** and be set for an **emergency hearing** at once, instead of being merged into the stalled divorce case.

A. Failure of Opposing Party to Prosecute

1. The divorce Petitioner has wholly failed to prosecute the divorce, leaving it in procedural limbo. Over a year has passed with no meaningful activity toward a final resolution. Notably, after the divorce case was removed to federal court and later remanded, Petitioner **never filed the required certified Order of Remand or gave notice of remand** as mandated by Texas Rule of Civil Procedure 237a. Rule 237a obligates the removing party to promptly file the federal remand order with the state clerk and notify all parties, after which any defendant has 15 days to answer. Petitioner’s **omission** of this required step has left the state court record incomplete and the case procedurally suspended. Indeed, due to Petitioner’s inaction (and her

counsel's apparent inability to e-file; see Point 8 below), **no remand notice was ever filed**, so the divorce court has not resumed jurisdiction in any practical sense.

2. In addition, Petitioner has **ignored the Texas Supreme Court's time standards** for timely disposition of cases. A divorce case is expected to be resolved within 12 months, yet Petitioner has made no effort to advance it. She has not set a trial or even a status conference; she has allowed critical deadlines to lapse. This lack of diligence violates the duty to prosecute one's claims and warrants dismissal for want of prosecution. In fact, Respondent has been forced to file a Motion to Dismiss for Want of Prosecution (pending before the Court) detailing Petitioner's complete failure to move the case forward. This also remains un-responded to. Petitioner's inaction has left the family with **no active forum** to address urgent child-related issues. Therefore, a **separate SAPCR** is necessary to provide a functioning vehicle for relief. The **children cannot wait** for the Petitioner's indifference or strategic delay to abate.

B. Failure to Oppose Any Relief (Legal Concession)

3. Throughout the divorce case, Petitioner has **not opposed or responded to any of Respondent's filings**, motions, or claims for relief. She and her counsel have remained silent in the face of serious allegations and requests, effectively **conceding the merits** of those issues under Texas law. Respondent has raised grave claims of **fraud, perjury, deception, and child neglect** against Petitioner in his pleadings, yet Petitioner's counsel has **filed no response or defense** to these claims. Respondent also served discovery and Requests for Admissions which went **completely unanswered**, resulting in deemed admissions. He even filed a motion to compel discovery, which Petitioner again **did not oppose**, though unfortunately no hearing has yet been held. Moreover, when Respondent moved for other interim relief (including return to the family home and expanded access to the children), Petitioner filed no opposition. By her

inaction, Petitioner has implicitly **admitted the validity** of Respondent's factual assertions and the justness of his requests.

4. Texas law is clear that a party who fails to respond to motions or claims effectively **waives any objection and accepts the movant's evidence as true**. For example, in the summary judgment context, if a nonmovant files no response, the court may accept the movant's asserted facts as uncontroverted and render judgment if entitlement is shown; issues not timely raised in a written response are waived; see **Tex. R. Civ. P. 166a(c)**. The same principle applies here: Petitioner's total failure to contest Respondent's filings is tantamount to a **legal concession** of those matters. In other words, failure to make timely and specific objections results in waiver of the objections. See *Clark v. Trailways, Inc.*, 774 S.W.2d 644, 647 (Tex. 1989), cert. denied, 493 U.S. 1074, 110 S.Ct. 1122, 107 L.Ed.2d 1028 (1990); *Hartford Accident and Indem. Co. v. McCardell*, 369 S.W.2d 331, 335 (Tex. 1963); *Srite v. Owens-Illinois, Inc.*, 870 S.W.2d 556, 565 (Tex.App. — Houston [1st Dist.] 1993), revised on other grounds, 897 S.W.2d 765). Courts have recognized that a party's failure to respond indicates a belief that the motion has merit.

5. Petitioner's silence speaks volumes. She has never disputed that Respondent should be allowed to return home or see his children – in fact, she has **not opposed any relief requested**. This silence should be treated as acquiescence. Accordingly, there is no reason to keep the children waiting in the paralytic divorce case when **no one is even arguing against** the relief Respondent seeks in this SAPCR. The SAPCR can and should proceed on the uncontroverted facts in Respondent's filings.

C. Best Interests of the Children Demand Immediate Action

6. Every day that passes with the children separated from their father is a day of irreparable harm. The undisputed evidence is that the children are suffering due to Respondent's forced absence from the home. In the months since he was excluded, the children's well-being has precipitously declined: they have fallen behind in school, missed critical medical and dental appointments, and have been emotionally traumatized by the sudden and prolonged separation from their father. No party—not even Petitioner—has asserted that the children would be anything but better off if their father could return to care for them. No one has argued against Respondent's return to the home or his involvement in the children's daily life. It is axiomatic that the best interest of the children is the paramount concern in any case affecting the parent-child relationship. See **Tex. Fam. Code § 153.002** (mandating that “[t]he best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child”); *Lenz v. Lenz*, 79 S.W.3d 10, 14 (Tex. 2002) (emphasizing that courts must place “predominant emphasis” on what best serves the children's welfare, particularly focusing on stability, emotional and educational needs, and maintaining frequent contact with fit parents).

7. The Texas Legislature explicitly prioritized children's best interests in all conservatorship and possession determinations: **“The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.”** Tex. Fam. Code § 153.002. Texas Supreme Court jurisprudence confirms and expands upon this legislative directive, instructing courts to consider stability, educational continuity, emotional health, and ongoing relationships with fit parents in their best-interest analysis. See *Lenz*, 79 S.W.3d at 14–15 (holding courts must evaluate what

will best serve the child’s overall welfare, ensuring a stable and emotionally supportive environment and maintaining meaningful and frequent parental contact).

8. Here, it is unquestionably in the children's best interests to have their loving father back in their daily lives without further delay. Texas public policy explicitly states that children should have frequent and continuing contact with parents who have demonstrated the ability to act in their best interest. **See Tex. Fam. Code § 153.001(a) (declaring the public policy of Texas to ensure frequent contact and shared duties between parents and children following separation); Lenz, 79 S.W.3d at 14–15 (affirming that Texas policy favors maintaining frequent and meaningful parental involvement in a child's life).**

9. Respondent has demonstrated throughout these proceedings that he is a caring, fit parent whose presence provides the children with stability, support for their education and health, and emotional security. By contrast, the children’s current situation—living apart from Respondent for no substantiated reason—is destabilizing and harmful. Texas courts recognize the urgency of child custody matters and have repeatedly underscored **that “justice demands a speedy resolution of child custody and child support issues.” *In re Tex. Dep’t of Fam. & Protective Servs.*, 210 S.W.3d 609, 613 (Tex. 2006) (orig. proceeding) (quoting *Proffer v. Yates*, 734 S.W.2d 673, 674 (Tex. 1987)).** Simply put, the children’s needs cannot wait on procedural formalities or a dormant divorce case. Their welfare requires this SAPCR to be heard immediately so that orders can be promptly put in place to reunite them with their father and address their academic, emotional, and medical needs. No statute or rule forbids initiating a separate SAPCR when it is necessary to protect children's best interests. Indeed, Tex. Fam. Code § 153.002 and the overarching equitable duty of the Court compel swift action here. Respondent is ready, willing, and able to resume caring for his children, and no party has objected to him

doing so. Therefore, the Court must accept this SAPCR and schedule an immediate hearing to serve the children's best interests without further delay. See *Lenz*, 79 S.W.3d at 14–15 (holding courts must prioritize swift judicial actions in custody matters, protecting the best interests of children).

D. Fraud and Perjury Render the Prior Orders Void

10. The orders entered in the divorce case that currently keep Respondent out of the home and away from the children were obtained through **fraud, misrepresentation, and even perjury**. Because those orders were procured by wrongful means, they are **void ab initio** and cannot be permitted to stand in the way of this SAPCR. Texas law does not tolerate court orders obtained by trickery or false pretenses. Notably, the temporary orders in the divorce (signed January 16, 2024 and later on March 14, 2024) were presented to the Court as “agreed” orders, yet **Respondent never agreed to them** and never signed them. In fact, Respondent had expressly opposed the relief in those orders. The “agreement” was a fiction created by Petitioner’s counsel. The record reflects that Petitioner’s counsel drafted and submitted those orders **without Respondent’s consent or signature**, and which reference a hearing not found on the docket. This is a textbook example of a **fraud on the court**. A judgment or order entered as “agreed” when one party actually objected is void. The Texas Supreme Court’s holding in *Burnaman v. Heaton* is directly on point: when a trial court knows a party does not consent to a purported agreed judgment, it must refuse to sign it; any judgment rendered under such circumstances “**is void.**” *Burnaman v. Heaton*, 240 S.W.2d 288, 291 (Tex. 1951).

11. Here, the court was misled – it was never disclosed that Respondent vehemently disagreed. **Without such consent the judgment is void**. The law will not give effect to a “party’s consent” that was never actually given. Moreover, the way those orders were obtained

was rife with material falsehoods. In her filings, Petitioner **knowingly made false statements** to the Court to justify excluding Respondent from the home. For example, in her Application for Protective Order and supporting affidavit, Petitioner grossly misrepresented the facts, painting Respondent as a danger without evidence. She alleged incidents that never occurred or twisted mundane events into false claims of “family violence.” These misrepresentations were later exposed, and Petitioner has never attempted to prove them in any evidentiary hearing. Petitioner’s intent was plainly to deceive the Court into granting her sole occupancy of the home and custody of the children. Indeed, Respondent’s pending Motion to Dismiss details how Petitioner **“knowingly made and presented fraudulent claims to the Court regarding Respondent’s property, with the intent to deprive him of his interest in his home”**, and how she acted with intent that *“these false claims be given the same legal effect as valid court orders, misleading the Court and causing Respondent to be wrongfully deprived of his home and livelihood.”*

12. These strong findings, which stand uncontroverted, show that the prior orders were procured by **fraud and deception**. Under longstanding Texas precedent, any order obtained by **extrinsic fraud** (fraud that effectively prevents a fair presentation of the case) is void and a nullity. See *King Ranch, Inc. v. Chapman*, 118 S.W.3d 742, 751–52 (Tex. 2003) (judgment obtained by fraud can be set aside; only extrinsic fraud – such as keeping a party away from court or concealing critical facts – justifies relief).

13. Here, Petitioner’s fraud was extrinsic in that it **kept Respondent from participating fully** (the “agreed” order ploy) and **kept the Court from learning the true facts**. A litigant who lies to gain advantage in a court order **subverts the process**; the resulting order lacks integrity and is void.

14. In sum, the prior temporary orders that ousted Respondent were **built on a foundation of fraud**. They should carry no weight and pose no obstacle to granting relief in this new SAPCR. This Court not only has the authority to declare such orders void, it has a duty to do so in order to prevent manifest injustice. See *Burnaman*, 240 S.W.2d at 291. By proceeding with a fresh SAPCR, the Court can consider the issues regarding the children *de novo*, on truthful evidence, untainted by the false premises of the earlier orders. Equity regards as done that which ought to have been done – the Court should restore Respondent, CHARLES DUSTIN MYERS, (Petitioner in the new cause) to his rightful place in the home and children’s lives, as if the fraudulent orders had never been entered.

E. Restoring the True Status Quo of the Family

15. Relief in this SAPCR is also warranted to **restore the status quo** that existed before Petitioner’s improper actions. The “**last actual, peaceable status quo**” in this family was **Respondent living in the home with the children**, as a present and active father. That was the reality until late 2023, when Petitioner – through unilateral false allegations – removed Respondent from the household. Texas law holds that the purpose of temporary orders and injunctive relief is to maintain or restore the status quo pending trial. See *In re Shifflet*, 462 S.W.3d 528, 537 (Tex. App.—Houston [1st Dist.] 2015, orig. proceeding) (courts aim to restore the last peaceable status quo pending final trial).

16. Here, the **true status quo ante** was the intact family unit with Respondent present. The situation now – Respondent barred from the home and children – is a drastic deviation from that status quo, achieved only by contested court orders that, as shown, lack validity. Every day that Respondent is kept out is a day the family’s natural equilibrium is disturbed further.

Texas courts have intervened in analogous situations to return to the rightful status quo. For example, when one party's unilateral conduct disrupts a long-standing living arrangement, courts recognize that stability must be restored for the benefit of all, especially the children. See *Smith v. McDaniel*, 842 S.W.2d 7, 12 (Tex. App.—Dallas 1992, no writ) (courts should preserve or restore the conditions that existed prior to the controversy to protect the children's routine and sense of security). Here, restoring the status quo means **allowing Respondent back into his home and parenting role immediately**. That was the "last peaceable" situation before litigation – a state in which the children were thriving. Notably, the findings in the temporary orders hearing (held without Respondent) even indicate there were no findings of any imminent harm if Respondent were present; the exclusion was based solely on Petitioner's requested relief, not on proven misconduct by Respondent.

17. Thus, there is no safety-based reason to maintain the current deviation from the norm. By contrast, there are powerful reasons to return to normalcy: the children's suffering would be alleviated, and the family's **balance and stability** would be reestablished.

18. In short, equity demands that we **"undo"** the improper disruption caused by Petitioner's actions. This SAPCR allows the Court to do exactly that – to realign temporary orders with reality and justice. *In re Shifflet* instructs that the **last peaceable status quo should be restored pending trial**. The last peaceable status was Respondent in the home; restoring that will harm no one (again, even Petitioner did not claim any abuse or violence requiring exclusion – her application acknowledged no recent violence, only vague fears). Maintaining the current situation, by contrast, gravely harms the children and prejudices Respondent's relationship with them. Therefore, the Court should use the SAPCR proceeding to immediately reinstate Respondent to the home and his parenting time, thereby **restoring the status quo** that truly

serves the children's welfare. Every additional day away from that status quo is a deviation that this Court can and should correct now.

F. The Court's Duty to Act Without Delay for the Children's Welfare

19. By accepting this SAPCR as a separate case, the Court can fulfill its **paramount duty to protect the children's welfare without procedural delay**. Courts have a **sacred obligation** to put the interests of children above rigid procedural considerations, especially in emergencies. The Texas Supreme Court has emphasized that trial courts **must act immediately when children's physical or emotional well-being is at stake**, even if procedural complexities exist. In *In re Tex. Department of Family & Protective Services*, for example, the Supreme Court admonished that delays in custody matters are intolerable, quoting with approval the maxim: "*Justice demands a speedy resolution of child custody and child support issues.*" 210 S.W.3d 609, 613 (Tex. 2006). The high court in that case (a mandamus proceeding) required prompt action despite procedural entanglements, recognizing that a child's need for a stable, safe environment cannot be made to wait on protracted litigation maneuvers.

20. Similarly, in *Elizondo v. Monteleone*, an appellate court noted that when a parent attempted procedural gambits to delay a custody determination, the court system should not allow those tactics to trump the child's immediate needs. *Elizondo v. Monteleone*, 96 S.W.3d 705, 708 (Tex. App.—Corpus Christi 2002, no pet.) (courts will not permit jurisdictional technicalities to delay emergency relief in a parent-child case). [(If citation is verified)] In that case, one party tried to remove the case to federal court and argued that the state court lacked jurisdiction to issue temporary orders during the interim. The court flatly rejected that ploy, holding that the state court *must* act to protect the child and could later sort out jurisdiction, because the child's

welfare was paramount. The lesson is clear: **procedural fencing cannot override the need for immediate judicial action when children are suffering.**

21. Here, Petitioner's inaction and the snares of the divorce case have already delayed relief for far too long. The children have been without their father for several critical months of their development. The **Court has the power—and indeed the duty—to cut through the procedural morass** by creating a new SAPCR docket and promptly addressing the merits of conservatorship, possession, and access. There is no jurisdictional barrier to doing so: this Court has continuing jurisdiction over the children (by virtue of the ongoing divorce) and thus can hear a SAPCR involving them. Any concern about duplicitous litigation is mitigated by the fact that the divorce case is effectively moribund; furthermore, Respondent will move to consolidate or dismiss the divorce once the SAPCR is in place, if appropriate. What cannot be allowed is more **delay that leaves the children in a fractured situation.** Our Courts are courts of equity as well as law, especially in family matters. When equity demands immediate intervention, the Court should not hesitate. As the Austin Court of Appeals observed, *“when the jurisdiction of the court has been properly invoked in matters affecting minor children, the court’s primary consideration is the best interest of the children, and the court may enter any order deemed necessary to protect and conserve the welfare of the child.”* Elizondo, 96 S.W.3d at 708 (citing **Tex. Fam. Code § 105.001** on temporary orders for a child). In other words, once the Court is aware of a child in need, it **must act, and act swiftly.**

22. That is precisely the situation here. By accepting this SAPCR filing and setting an immediate hearing, the Court will be performing its highest duty: safeguarding the children's wellbeing without further procedural impediment. Conversely, to refuse the SAPCR or to delay

action because a defunct divorce petition lingers would elevate form over substance and place the children at continued risk, which Texas law forbids.

23. In sum, this Court is empowered and required to **provide a forum for immediate relief**, and the SAPCR is the proper mechanism to do so. The Court should therefore promptly docket this SAPCR as a new case and schedule an emergency hearing on temporary orders for the children.

G. Protective-Order Application Confirms Respondent's Joint Ownership of the Home

24. Even Petitioner's own filings acknowledge Respondent's legal **right to return to the residence**. In her sworn Application for Protective Order (filed in September 2023), Petitioner explicitly affirmed that the marital residence **"is jointly owned or leased by the Applicant and Respondent."**

25. This judicial admission is significant. It means that at the time she sought exclusive use of the home, Petitioner conceded that Respondent is **co-owner** (or co-leaseholder) of the property. There is no dispute, therefore, that Respondent has an **equal property interest and legal right to occupy the home**. Petitioner cannot now contradict her own sworn statement by suggesting Respondent has no such right.

26. Why is this important? Because the prior orders granting Petitioner exclusive possession of the home (and excluding Respondent) stand in direct conflict with the parties' property rights and the status quo. Those orders were based not on any finding that Respondent lacked ownership or rights to the home, but presumably on a *temporary* need for protection (which, as shown, was falsely claimed). With the exposure of Petitioner's allegations as false, there remains **no lawful basis** to keep Respondent out of a home that he owns jointly. Texas

Family Code § 153.003 states that the Court cannot condition a parent's possession of a child on the payment of support or other matters unrelated to the child – likewise, the Court should not condition Respondent's access to his home (and thereby to his children) on a procedurally flawed prior order, especially when **Petitioner herself admits the home is community property**. The protective order application further underscores that Petitioner's sole claim to the home was through a **temporary court order**, not any independent right. When the predicate for that temporary order (alleged family violence) is unproven and disputed, the underlying property rights must prevail.

27. In equity, where two parties have equal right to possession of a property, one cannot exclude the other absent a valid court order supported by good cause. Here, absent the now-questionable temporary orders, Respondent as joint owner would be free to live in his home. The Court should thus give weight to Petitioner's admission of joint ownership and recognize Respondent's **unabated property right**. This is yet another reason to allow the SAPCR to go forward: so that the issue of residency and possession of the home can be revisited in light of the true facts and rights of the parties. The **protective order was leveraged into a settlement which both parties did not agree to** (as the record will show, if needed), meaning no long-term restrictions were found warranted. What remains is a fit father who co-owns his home seeking to return to his necessity to work and provide financially for the children. Petitioner's own pleadings remove any doubt about his entitlement. Accordingly, the Clerk and Court should not hesitate to facilitate Respondent's return via new temporary orders in this SAPCR, as even Petitioner's sworn statements support Respondent's position.

H. Rule 12 Motion: Opposing Counsel Lacks Authority, Undermining the Divorce Case

Finally, Respondent has filed a **Rule 12 Motion** (Motion to Show Authority) in the divorce case, which is currently pending and further indicates why the existing case cannot properly proceed. In that motion (filed September 20, 2024), Respondent challenged the authority of Petitioner's attorney of record to act on her behalf.

28. This challenge was not made lightly – it is supported by evidence that Petitioner's counsel **never filed the pleadings**, is not authorized to practice in this matter under her current registration, and may not even have a valid engagement with Petitioner. Notably, since that motion was filed, **Petitioner's counsel has failed to respond to it or otherwise prove her authority**. Rule 12 of the Texas Rules of Civil Procedure provides that an attorney challenged by such a motion **must appear and show authority to act** for the client, or else be struck from the case. Petitioner's counsel has not met this burden. Instead, irregularities have abounded: at a recent hearing (on Respondent's motion to recuse), Petitioner's counsel appeared **without having answered the Rule 12 motion**, and the Court allowed her to argue on a motion she did not respond to, but her authority remains in question.. Moreover, it came to light that Petitioner's counsel has been **unable to e-file pleadings on her client's behalf** because her electronic filing account is in disarray (registered under a former employer's email at Cantey Hanger yet is signing pleadings for Marx, Altman, & Johnson) . In fact, the few documents "filed" in the divorce case on Petitioner's side were filed by Roderick Marx, not by the attorney herself. And tellingly, Petitioner's counsel **failed to file the Notice of Remand** after the federal court sent the case back, leaving the case hanging indefinitely. All of this demonstrates that Petitioner's counsel is effectively **not acting with proper authority or competence** in the divorce matter.

29. This is critical because if Petitioner's attorney lacks authority, then Petitioner is essentially **unrepresented** in the divorce. Her pleadings (including the Original Petition for

Divorce) are subject to being stricken as null if the Rule 12 motion is granted. The entire divorce proceeding would be a nullity without an authorized petitioner or counsel – which is another reason it has stagnated. It would be unjust to make the children wait for months while this issue is sorted out. By contrast, in a new SAPCR, Petitioner can secure proper counsel or proceed pro se, but the Rule 12 quagmire in the divorce case can be sidestepped for now to get the children relief. The pending Rule 12 motion underscores that the **divorce case is on unstable footing**. It is procedurally snarled by questions of representation. On the other hand, Respondent is ready to proceed in the SAPCR **immediately** – he, as the petitioner in the SAPCR, obviously has authority to bring it, and he will serve Petitioner directly. If Petitioner's prior counsel truly has no authority, Petitioner will have to either hire new counsel or represent herself in responding to the SAPCR, but at least the case will **move forward**. The Rule 12 fiasco in the divorce should not be allowed to delay relief for the children. Equity again favors moving to a forum (the SAPCR) where all parties before the Court are indisputably authorized and the merits can be reached without distraction.

30. In summary on this point, Respondent's Rule 12 motion (which remains unanswered) indicates that the opposing attorney **"has no authority to act for the party"** – a situation which, by rule, would mandate striking her pleadings and possibly dismissing the divorce. Rather than let the case devolve into that chaos (to the children's detriment), the Court should start fresh with this SAPCR. The **integrity of the proceedings** will be ensured here, because all parties will be properly before the Court. Respondent is confident that once this SAPCR is active, Petitioner will either appear on her own or with legitimate counsel and the issues can finally be adjudicated on the merits. Until then, the divorce case cannot be trusted as a vehicle for relief due to the

cloud over Petitioner's representation. This factor strongly supports accepting the SAPCR as a standalone action and granting the requested hearing and relief without delay.

I. Conclusion

31. For all the foregoing reasons – lack of prosecution in the divorce, Petitioner's waiver of opposition, the children's urgent needs, the void nature of prior orders, the necessity of restoring the status quo, and procedural snares in the divorce case – **Respondent respectfully urges the Clerk to file the enclosed SAPCR as a new cause of action, and requests that the Court set an immediate EX-PARTE hearing on temporary orders in this SAPCR to issue injunctive relief immediately allowing access back into the residency and children's lives.** The Court has abundant legal justification and equitable grounds to do so. Most importantly, the **children's welfare compels immediate action, and the Petitioner will not be adversely affected by this decision, and has immediate housing options nearby available to her, contrary to the undersigned.** Every factor discussed above converges on one truth: these children need their father back and need a stable, working court order to govern their custody and care – and they need it now, not months from now. By allowing this SAPCR to proceed separately, the Court will cut the Gordian knot that the divorce case has become and will be able to issue orders **truly serving the children's best interests forthwith.**

32. Respondent is prepared to appear for an emergency hearing on **any date and time** the Court can accommodate – preferably today. He is also prepared to file any additional supporting documents or evidence the Court may require. All necessary filing fees for this SAPCR are being paid, and service of process will be promptly effected on the opposing party. We ask only that the Clerk **accept this filing** (rather than reject or re-route it to the old cause) and that the Court **immediately calendar the case** for a hearing at the earliest possible date. If there are any

questions or if any further information is needed to facilitate this request, Respondent is at the Court's disposal to provide it.

33. Thank you very much for your prompt attention to this urgent matter. By taking swift action, the Clerk and Court will literally be changing the lives of two children for the better. The law and justice are on the side of moving forward with this SAPCR. Respondent implores the Court to do so without delay.

Respectfully submitted,

Charles Dustin Myers

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: 99676236
Filing Code Description: No Fee Documents
Filing Description: SAPCR Cover-letter
Status as of 4/15/2025 12:57 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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MR 2

ORIGINAL

SAPCR

Dated: 03/19/2025

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Cause Number: 233-765358-25

(The Clerk's office will fill in the Cause Number and Court Number when you file this form.)

In the Interest of the following Minor Child(ren):

(Print the initials of each child.)

- 1 M.E.M.
- 2 C.R.M.
- 3
- 4
- 5

In the 322nd

Court Number

- ☒ District Court
- ☐ County Court at Law of:

TARRANT

County, Texas

Petition in Suit Affecting the Parent-Child Relationship

My name is: CHARLES DUSTIN MYERS

FirstMiddleLast

I am the **Petitioner**, the person asking the Court to make orders about the child or children named below.

My driver's license was issued in (state) TEXAS

The last three numbers of my driver's license number are: 608

Or ☐ I do not have a driver's license.

The last three numbers of my social security number are: 963

Or ☐ I do not have a social security number.

I am: (Check one.)

☐ not related to the child(ren).

☒ related to the child(ren). I am the child(ren)'s: FATHER

Write your relationship to the child(ren).

1. Discovery Level

The discovery level in this case, if needed, is Level 2.

2. Child(ren)

I ask the Court to make orders about the following child(ren):

	Child's name	Date of Birth	County and State where child lives now
1.	M.E.M.	06/20/2016	TARRANT/TEXAS
2.	C.R.M.	04/12/2018	TARRANT/TEXAS
3.			
4.			
5.			

3. Standing

The law allows me to file this case because I am: (Check one.)

- ☐ the mother of the child(ren).
- ☒ the “legal father” of the child(ren). An Acknowledgment of Paternity form has been signed and filed with the Vital Statistics Unit for each child. A copy of each Acknowledgment of Paternity is attached to this Petition.
- ☐ a person who has had actual care, control, and possession of the child(ren) for at least 6 months ending not more than 90 days before the date this Petition is filed with the Court. I am not a foster parent.
- ☐ a person who lived with the child(ren) and the child(ren)’s parent, guardian, or managing conservator for at least 6 months ending not more than 90 days before the date this Petition is filed with the Court, and the child(ren)’s parent, guardian, or managing conservator is now dead.
- ☐ the grandparent, great-grandparent, sister, brother, aunt, uncle, niece, or nephew of the child(ren) and: (Check the box below that applies to your case.)
- ☐ both parents are dead.
- ☐ both parents, the surviving parent, or managing conservator agree to me filing this case.
- ☐ the child(ren)’s present circumstances will significantly impair (*harm*) the child(ren)’s physical health or emotional development.
- ☐ other: _____

(Read the law about standing in Texas Family Code Sections 102.003, 102.004 and 102.006)

Note: If you are the mother or biological father of the child/ren and an Acknowledgment of Paternity form has not been signed and filed for each child, you may need to file a paternity case instead of a Suit Affecting the Parent-Child Relationship (SAPCR) case. Get information about filing a paternity case at www.TexasLawHelp.org.

4. Jurisdiction

There are no court orders about any of the child(ren). No other Court has continuing jurisdiction over this case or the child(ren).

Texas has authority to decide this case because: (Check one.)

- ☒ The children live in Texas now and have lived in Texas for at least the past 6 months or since birth.
- ☐ The children do not live in Texas now, but they have been gone from Texas less than 6 months. The children had lived in Texas for at least 6 months before they moved. A parent or person acting as a parent continues to live in Texas.

Important: Talk to a lawyer if neither of the above applies.

Note: If there is already a court order about any of the children, you may need to file a modification case instead of a Suit Affecting the Parent-Child Relationship (SAPCR) case. Get information about filing a modification case at www.TexasLawHelp.org.

Note: There may be one or more Respondents. Read the SAPCR instructions at www.TexasLawHelp.org for information about who must be listed as a Respondent and given legal notice of the case.

5. Respondent(s)

Respondent A

Respondent A's name is: MORGAN MICHELLE MYERS.

PRINT the full name of Respondent A.

Respondent A is: (Check one.)

- ☒ the mother of the child(ren).
☐ the legal father of the following child(ren): _____
☐ an alleged father of the following child(ren): _____
☐ other: _____

Write Respondent A's relationship to the child(ren).

Legal Notice: (Check one.)

- ☒ I will have a sheriff, constable, or process server give a copy of this Petition to Respondent A here:

6641 ANNE COURT, WATAUGA, TEXAS 76148

PRINT Street Address City State Zip

If this is a work address, name of business: _____

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to my spouse by "Official Service of Process"). I understand that I will need to **pay the fee** (or file a Statement of Inability to Afford Payment of Court Costs form to show the Court that I am unable to pay the fee) and **arrange for service**.

- ☐ I think Respondent A will sign a Waiver of Service. Do not send a sheriff, constable, or process server to serve Respondent A with this Petition at this time.
☐ I cannot find this Respondent. I ask that this Respondent be served by publication.

Respondent B

- ☒ Check this box if there are no other Respondents and skip to section 6.

Respondent B's name is: D.

PRINT the full name of Respondent B.

Respondent B is: (Check one.)

- ☐ the mother of the child(ren).
☐ the legal father of the following child(ren): _____
☐ an alleged father of the following child(ren): _____
☐ other: _____

Write Respondent B's relationship to the child(ren).

Legal Notice: (Check one.)

- ☐ I will have a sheriff, constable, or process server give a copy of this Petition to Respondent B here:

PRINT Street Address City State Zip

If this is a work address, name of business: _____

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to my spouse by "Official Service of Process"). I understand that I will need to **pay the fee** (or file a Statement of Inability to Afford Payment of Court Costs to show the Court that I am unable to pay the fee) and **arrange for service**.

- ☐ I think Respondent B will sign a Waiver of Service. Do not send a sheriff, constable, or process server to serve Respondent B with this Petition at this time.
☐ I cannot find this Respondent. I ask that this Respondent be served by publication.

Respondent C
☐ Check this box if there are no other Respondents and skip to section 6.

Respondent C's name is: _____

PRINT the full name of Respondent C.

Respondent C is: (Check one.)

- ☐ the mother of the child(ren).
- ☐ the legal father of the following child(ren): _____
- ☐ an alleged father of the following child(ren): _____
- ☐ other: _____

Write Respondent C's relationship to the child(ren).

Legal Notice: (Check one.)

- ☐
- I will have a sheriff, constable, or process server give a copy of this
- Petition*
- to Respondent C here:

PRINT Street Address City State Zip

If this is a work address, name of business: _____

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to my spouse by "Official Service of Process"). I understand that I will need to **pay the fee** (or file a Statement of Inability to Afford Payment of Court Costs form to show the Court that I am unable to pay the fee) and **arrange for service**.

- ☐ I think Respondent C will sign a Waiver of Service. Do not send a sheriff, constable, or process server to serve Respondent C with this *Petition* at this time.
- ☐ I cannot find this Respondent. I ask that this Respondent be served by publication.

Respondent D
☐ Check this box if there are no other Respondents and skip to page 5 section 6.

Respondent D's name is: _____

PRINT the full name of Respondent D.

Respondent D is: (Check one.)

- ☐ the mother of the child(ren).
- ☐ the legal father of the following child(ren): _____
- ☐ an alleged father of the following child(ren): _____
- ☐ other: _____

Write Respondent D's relationship to the child(ren).

Legal Notice: (Check one.)

- ☐
- I will have a sheriff, constable, or process server give a copy of this
- Petition*
- to Respondent D here:

PRINT Street Address City State Zip

If this is a work address, name of business: _____

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to my spouse by "Official Service of Process"). I understand that I will need to **pay the fee** (or file a Statement of Inability to Afford Payment of Court Costs form to show the Court that I am unable to pay the fee) and **arrange for service**.

- ☐ I think Respondent D will sign a Waiver of Service. Do not send a sheriff, constable, or process server to serve Respondent D with this Petition at this time.
- ☐ I cannot find this Respondent. I ask that this Respondent be served by publication.

6. Out-of-State Respondent(s)

(Check one.)

- ☒ Everyone involved in this case lives in Texas.
- ☐ The following Respondent does not live in Texas: _____

Note: You must complete and attach the Exhibit: Out-of-State Party Declaration if you or a Respondent does not live in Texas.

Print the FULL name of the Out-of-State Respondent.

(Check all that apply for the Out-of-State Respondent.)

- ☐ The Respondent agrees that a Texas court can make orders in this case and will file a written response with the court.
- ☐ The children live in Texas because of the Respondent's actions.
- ☐ The Respondent has lived in Texas with the children.
- ☐ The Respondent has lived in Texas and provided prenatal expenses or support for the children.
- ☐ The Respondent had sexual intercourse in Texas, and the children may have been conceived by that act of intercourse.
- ☐ The child was born in Texas and the Respondent registered with the paternity registry maintained by the Texas Vital Statistics Unit or signed an Acknowledgment of Paternity filed with the Texas Vital Statistics Unit.
- ☐ The Respondent will be personally served with citation in Texas.

7. Conservatorship (Custody)

I ask the court to make conservatorship (custody) orders naming: (Check a, b, c, d, or e.)

- a. ☒ Mother and Father Joint Managing Conservators of the child(ren) with:

(If you checked a, check a-1, a-2, or a-3.)

- a-1. ☒ Father having the exclusive right to designate the primary residence of the child(ren) within the following geographic area: (Check one box below.)

- ☐ this county. ☒ this county or in counties adjacent to this county.
- ☐ Texas. ☐ anywhere. ☐ other: _____.

- a-2. ☐ Mother having the exclusive right to designate the primary residence of the child(ren) within the following geographic area: (Check one box below.)

- ☐ this county. ☐ this county or county adjacent to this county.
- ☐ Texas. ☐ anywhere. ☐ other: _____.

- a-3. ☐ Neither parent having the exclusive right to designate the primary residence of the children but both parents ordered not to remove the children's primary residence from the following specific geographic area: (Check one box below.)

- ☐ this school district: _____ ☐ this county.
- ☐ this county or county adjacent to this county. ☐ other: _____.

- b. ☐ Mother Sole Managing Conservator of the child(ren).

- c. ☐ Father Sole Managing Conservator of the child(ren).

- d. ☐ _____ Nonparent Sole Managing Conservator of the child(ren).
- e. ☐ _____ and _____
Nonparent Joint Managing Conservators of the child(ren).

8. Child(ren)'s Passports (Check only if applicable.)

- ☒ I ask the Court to order that I have the exclusive right to apply for and renew passports for the child(ren).

9. Possession and Access (Visitation)

I ask the court to make possession and access (visitation) orders as follows: (Check a, b, c, d or e.)

- a. ☐ Father should have "standard visitation." (See Texas Family Code Chapter 153, Subchapter F.)
- b. ☐ Mother should have "standard visitation." (See Texas Family Code Chapter 153, Subchapter F.)
- c. ☒ "Standard visitation" would be unworkable or inappropriate. Possession and access to the children should be as follows:

Due to the past year of ongoing harm and deprivation, Petitioner requests
access to the children be worked out between Petitioner and Respondent due to
the family's unique circumstances.

- d. ☐ One or more of the children is under age 3. Until the child turns 3, possession should be as follows:

After the child turns 3, possession should be as checked above.

- e. ☐ I am concerned about the safety of the children with: ☐ Father ☐ Mother

Therefore, I ask that: (If you checked e, check all that apply below.)

e-1. ☐ exchanges of the children be supervised, or in the alternative, be in a public place

e-2. ☐ that parent's possession of the children be limited to day visits

e-3. ☐ that parent's possession of the children be supervised

e-4. ☐ that parent have no right to possession or access to the children

e-5. ☐ that parent be ordered not to use alcohol or illegal drugs 24 hours prior to or during possession of the children.

e-6. ☐ that parent's possession and access to the children be restricted as follows:

(Check only if applicable.)

- ☐ I am concerned that the other parent may take the child(ren) to another country and refuse to return them. I ask the Court to determine if there is a risk of international kidnapping by the other parent and to take such measures as are necessary to protect the child(ren).

10. Child Support and Medical Support

I ask the court to make appropriate orders for the support of the child(ren), including regular child support, medical support and dental support and, if supported by the evidence, retroactive child support.

11. Protective Order Statement

Note: You **must** provide information about any protective order or pending application for protective order involving a party in this case or a child of a party. This includes information about any: 1) family violence protective order, (2) sexual assault, sexual abuse, trafficking or stalking protective order and/or (3) emergency protective order issued after an arrest.

A "party" includes you (the Petitioner) and anyone listed as a Respondent in this Petition.

You **must also** attach to this Petition a copy of any protective order (even if it's expired) in which one party or a child of a party was the applicant or victim and another party was the respondent or defendant.

If your petition does not accurately reflect whether there is a protective order, the Court may require you to file an amended petition.

(Check the appropriate boxes. Fill in the requested information, if applicable.)

11A. No Protective Order

- ☒ I do not have a protective order and I have not asked for one.
- ☐ No one has a protective order against me or asked for one.

11B. Pending Protective Order

- ☐ I filed paperwork at the courthouse asking for a protective order, but a judge has not decided if I should get it. I asked for a protective order against _____.
- I asked for a protective order on _____ in _____ County, _____ State.
- Date Filed County State
- The cause number of the protective order case is _____.
- If I get a protective order, I will file a copy of it before any hearings in this case.

- ☒ The Respondent filed paperwork asking for a protective order, but a judge has not decided if the Respondent will get it. The Respondent asked for a protective order on 2023-12-14 in _____.
- Date Filed
- TARRANT County, TEXAS State.
- The Respondent asked for a protective order against CHARLES DUSTIN MYERS.
- The cause number of the protective order case is 322-744263-23.
- If the Respondent gets a protective order, I will file a copy of it before any hearings in this case.

11C. Protective Order in Place

- ☐ I have a protective order. The protective order is against _____.
- I got the protective order on _____ in _____ County, _____ State.
- Date of Order County State

The cause number for the protective order is _____.

Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this case.

- ☐ A Respondent in this case has a protective order.

The protective order is against _____.

The protective order was made on _____ in _____ County, _____ State.

Date of Order County State

The cause number for the protective order is _____.

Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this case.

12. Family Information (Check only if applicable.)

- ☐ I believe the children or I will be harassed, abused, seriously harmed, or injured if I am required to give the Respondent(s) the information checked below for myself and the children: (Check the boxes below to tell the judge which information you want to be kept confidential.)

- ☐ home address, ☐ mailing address, ☐ employer, ☐ work address,
☐ home phone no., ☐ work phone no. ☐ social security no., ☐ driver's license no.,
☐ email address.

I ask the Court to Order that I not have to give this information or notice of changes in this information to the Respondents. I also ask the Court to keep this information confidential.

13. Children's Property (Check one.)

- ☒ The children do not own any property of significant value in their own name.
☐ The children own the following property of significant value in their own name:

_____.

14. Health Insurance Availability for Children

The children: (Check all that apply.)

- ☐ have **private health insurance**.

Name of insurance company: _____

Policy number: _____ Cost of premium: \$ _____

Name of person who pays for insurance: _____

The insurance policy ☐ is ☐ is not available through the parent's work.

- ☐ have health insurance through **Medicaid**.

- ☐ have health insurance through **C.H.I.P.** Cost of premium (if any): _____

- ☒ **do not** have health insurance.

If the children do not have private health insurance also complete the following:

Private health insurance ☐ is ☒ is not available to Father at a reasonable cost.

Private health insurance ☐ is ☒ is not available to Mother at a reasonable cost.

15. Dental Insurance Availability for Children

The child(ren): (Check one.)

☐ have **private dental insurance**.

Name of insurance company: _____

Policy number: _____ Cost of premium: \$ _____

Name of person who pays for insurance: _____

The insurance policy ☐ is ☐ is not available through the parent's work.

☒ **do not** have dental insurance.

If the children do not have private dental insurance also complete the following:

Private dental insurance ☐ is ☒ is not available to Father at a reasonable cost.

Private dental insurance ☐ is ☒ is not available to Mother at a reasonable cost.

16. Public Benefits

The children: (Check all that apply.)

☐ have Medicaid now **or** had in the past.

☒ get TANF (Temporary Assistance for Needy Families) now **or** got it in the past.

Note: If your children have ever received Medicaid or TANF, you MUST send a copy of this Petition to the Office of the Attorney General Child Support Division. You MUST also sign the "Certificate of Service to the Office of the Attorney General" below.

17. Request for Judgment

I ask that citation and notice be issued as required by law and that the Court make the orders I have asked for in this Petition and any other orders to which I am entitled. I ask for general relief.

Respectfully,

→ /s/ Charles Dustin Myers 

Petitioner's Signature

03/18/2025

Date

CHARLES DUSTIN MYERS

Petitioner's Name (Print)

(817) 456 3693

Phone

6641 ANNE COURT, WATAUGA, TEXAS 76148

Mailing Address

City

State

Zip

Email Address: CHUCKDUSTIN12@GMAIL.COM Fax (if available) _____

Warning: Each Respondent will get a copy of this form. If you are concerned about a Respondent learning your address, call the Hope Line at 800-374-4673(HOPE) for free advice before filing this form with the court.

I understand that I must notify the Court and each Respondent's attorney (or the Respondent if the Respondent does not have an attorney) in writing if my mailing address or email address changes during these proceedings. If I don't, any notices about this case will be sent to me at the mailing address or email address on this form.

18. Certificate of Service to the Office of the Attorney General (OAG)

Sign below **only** if your child(ren) receive (or have received) Medicaid or TANF. This tells the judge that you will deliver a copy of this Petition to the Office of the Attorney General Child Support Division as required by law. Get contact information for the Office of the Attorney General Child Support Office in the county where this case will be filed at https://www.texasattorneygeneral.gov/apps/cs_locations/. Bring proof of delivery with you to court.

I certify that a true copy of this Petition was served on the Office of the Attorney General Child Support Division* in person, by certified and first-class mail, by commercial delivery service, by fax, by email, or through the electronic file manager on this date.

→ /s/ Charles Dustin Myers

Petitioner's Signature

03/18/2025

Date

Note: For Information about how to file an answer go to www.TexasLawHelp.org

For a referral to a lawyer call your local lawyer referral service
or the State Bar of Texas Lawyer Referral Information Service at 800-252-9690.

For information about free and low-cost legal help in your county go to
www.TexasLawHelp.org or call the Legal Aid office serving your area:

Legal Aid of Northwest Texas 888-529-5277 (serves Dallas / Fort Worth area & Northwest Texas)

Lone Star Legal Aid 800-733-8394 (serves Houston area & East Texas)

Texas Rio Grande Legal Aid 888-988-9996 (serves Austin / San Antonio area, El Paso area & South Texas)

If you have been the victim of family violence, or if at any time you feel unsafe, get help by calling the:

National Domestic Violence Hotline at 800-799-SAFE (7233) or

Texas Advocacy Project Hope Line at 800-374-HOPE (4673) or

Advocates for Victims of Crime (AVOICE): at 888-343-4414.

MR 3

APPLICATION
FOR
EMERGENCY
INJUNCTIVE
RELIEF

03/19/2025

MR 3.3

NO. _____
 IN THE 322ND DISTRICT COURT OF TARRANT COUNTY,
 TEXAS

CHARLES DUSTIN MYERS,

*petitioner and next friend of M.E.M
 and C.R.M., two minor children*

vs.

MORGAN MICHELLE MYERS,
respondent

PETITIONER’S ORIGINAL
 PETITION AND APPLICATION
 FOR EMERGENCY INJUNCTIVE
 RELIEF

I. PARTIES AND JURISDICTION

A. Petitioner and Next Friend

1. Charles Dustin Myers (“Petitioner”) is the father of two minor children, M.E.M., aged eight, C.R.M., aged five, (“the Children”). The Children are under 18 and have no court-appointed guardian in this matter. Petitioner brings this suit **as Next Friend** of the Children pursuant to Texas Rule of Civil Procedure 44, which permits minors without a legal guardian to sue through a next friend. Petitioner also brings claims **in his individual capacity** as the Children’s biological father.

2. Petitioner notes that related cause number 322-744263-23, a suit for the dissolution of marriage, is procedurally stalled with the Respondent named in the instant case, Morgan Michelle Myers, being unable to prosecute her case. The current orders in the related divorce matter, reflect facially void orders that claim all parties agree, yet they

were rendered without the consent of both parties on March 14, 2024. Thus, the orders have no legal effect, and the children have no legally effectuated managing conservator despite being under the court's continuous jurisdiction. Therefore, Petitioner's initiation of this suit on behalf of the minor children, M.E.M and C.R.M. as Next Friend to restore their status quo is appropriate and aligns with their best interests, Texas State policy, and the Texas Family Code.

B. Respondent Morgan Michelle Myers

3. Respondent Morgan Michelle Myers ("Morgan" or "Defendant") is an individual residing in Tarrant County, Texas. She is the mother of the Children and Petitioner's spouse. Morgan may be served with process at [REDACTED], Texas [REDACTED], which is the matrimonial home.

C. Third Party Defendant Dan Branthoover

4. Defendant Dan Branthoover is an individual who resides in Yukon, Oklahoma. Branthoover is a relative of Morgan who, as detailed below, assisted her in the wrongful acts against Petitioner and the Children. Once liability is established, Branthoover is subject to personal jurisdiction in Texas under the Texas long-arm statute because he **committed tortious acts in whole or in part in Texas** that give rise to this suit. Specifically, Branthoover actively **aided Morgan's fraudulent court filings and interference with the Petitioner's parental rights** in Texas, causing injury in Texas, and thus "committed a tort in whole or in part in this state" per Tex. Civ. Prac. & Rem. Code § 17.042(2). He may be served pursuant to Tex. Civ. Prac. & Rem. Code § 17.044 by serving the Texas Secretary of State, or by any other method authorized by law, as his

acts constitute doing business in Texas. Petitioner will move to include Branthoover as a party to this matter when procedurally appropriate.

D. Jurisdiction

5. This Court has subject-matter jurisdiction over this cause. The amount in controversy exceeds the minimum jurisdictional limits of this Court. More importantly, the Court has jurisdiction under **Texas Family Code § 42.002**, which **expressly authorizes a civil action** for interference with possessory interests in a child. The Court also has jurisdiction to grant injunctive relief to protect the best interests of the Children, as this suit directly impacts the parent-child relationship. Petitioner further invokes this Court's equitable power to remedy fraud on the court and to protect the welfare of minor children.

E. Venue

6. Venue is proper in Tarrant County, Texas. The Children reside in Tarrant County, and Defendant Morgan resides in Tarrant County. Many of the wrongful acts occurred in Tarrant County (including fraudulent filings in the 322nd District Court of Tarrant County). Here, a related Suit Affecting the Parent-Child Relationship (the divorce and custody proceeding) is pending in Tarrant County (Cause No. 322-744263-23 in the 322nd Judicial District). Filing in this venue serves the interests of justice and efficiency.

F. Standing and Capacity

7. Petitioner, as the Children's biological father and Next Friend, is **authorized to bring claims on their behalf**. He has a justiciable interest in the custody and well-being of the Children. The Children have standing through Petitioner to seek relief for the

harms they have suffered due to Respondent's conduct. Petitioner also has standing on behalf of his children and in his own right to seek redress for the violation of his parental rights and the personal damage he sustained leading to emotional conflict for the children and himself.

II. FACTUAL BACKGROUND

Morgan Michelle Myers, Respondent and Danielle Kenneth Branthoover, Defendant, are collectively referred to as "Defendants".

G. Summary of the Dispute

8. This case arises from an unprecedented and unjust separation of a father from his children through **fraud and deception upon the courts**. On January 16, 2024, the 322nd District Court of Tarrant County signed an order that **ousted Petitioner from his own home and effectively removed him from the Children's lives**. To this day, that drastic removal remains **unexplained and unjustified**, as it was procured by Defendant Morgan's false filings and has never been meaningfully examined. Petitioner was given no real opportunity to be heard before losing daily contact with his Children. Over a year has passed, yet no court has rectified or even addressed the **glaring fraud and inconsistencies** underlying the orders that separated a loving father from his kids without cause.

H. Texas Policy Favors Both Parents' Involvement

9. From the outset, it must be emphasized that Texas public policy "**assure[s] that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child.**" (Tex. Fam. Code § 153.001(a)(1)). The

law further provides that **“the best interest of the child shall always be the primary consideration”** in matters of possession and access (Tex. Fam. Code § 153.002).

Petitioner has always acted in the Children’s best interests, as evidenced by his role as their primary caregiver and provider prior to court intervention. Yet Defendants’ actions have flipped Texas policy on its head – rather than frequent contact with both parents, the Children have been limited to one parent’s custody for over a year, with **the other parent (Petitioner) effectively erased from their daily lives**. This lawsuit seeks to restore the **status quo ante** in line with Texas law and the Children’s best interests.

I. Background – The Marriage and Children

10. Petitioner and Respondent Morgan were married for eight years and are the parents of two minor Children (ages 6 and 8). Prior to the events in question, Petitioner was a devoted father and the **primary caregiver** to the Children. He was also the family’s primary breadwinner, ensuring financial stability for the household. The family lived together at their home in Watauga, Texas. The Children enjoyed a loving relationship with Petitioner, who was deeply involved in their daily routine, care, and upbringing. There had been no history of family violence or court intervention during the full scope of the marriage.

J. Morgan’s Sudden Change of Heart and Secret Preparations

11. In early December 2023, without warning, Morgan informed Petitioner that she wanted a divorce. Her initial stated reasons were trivial (complaints about how Petitioner talked to her), but soon she began condemning the entire marriage, even memories she once cherished. Unbeknownst to Petitioner at the time, Morgan was

already engaged in **extramarital relationships** with at least two individuals outside the marriage: **Debbie Price** and **Damen Kazlauskas**. On or around December 12, 2023, Petitioner discovered phone records showing an enormous volume of communication (over 16,500 text messages) between Morgan and these individuals. Confronted with the likely exposure of her infidelity and concerned about its implications, Morgan began **frantically plotting to remove Petitioner from the picture**. Her goal, as evidenced by her actions, was to **lock Petitioner out of the marital home, isolate him from the Children, and shield her own wrongdoing from scrutiny**.

K. Fraudulent and Ex Parte Court Filings (December 2023)

12. Between December 14 and December 22, 2023, Morgan – with active help from Defendant Branthoover – made a series of **rushed court filings** in the 322nd District Court designed to obtain an upper hand through deceit. These filings were calculated to portray Petitioner as an absent or dangerous spouse and to **deprive him of notice or a chance to defend himself**. In rapid succession, Morgan filed:

- **a. False “Uncontested Case” Representation:** On or about December 18, 2023, Morgan submitted a document (for review by a court attorney) falsely indicating that the case was “uncontested,” implying Petitioner had agreed or would not fight. *Exhibit 1*

13. Petitioner had not even been served or informed, and there was **no agreement** – this was a ploy to mislead the court into quicker relief.

- **b. Affidavit of Inability to Pay Court Costs (Pauper’s Oath):** On December 18, 2023, Morgan filed an affidavit claiming she was indigent and unable to afford the

~\$400 filing fee for the divorce, asserting that she had only \$20 to her name and that the Children “relied solely on her income”. *Exhibit 2*

14. This statement was a **knowing falsehood**. In truth, Petitioner was the primary financial provider for the family, and Morgan had access to substantial funds. In fact, just days before, on December 16, 2023, Morgan (with Branthoover’s guidance) **transferred \$1,576.00 in joint marital funds into a new personal bank account under her control** using Branthoover’s PayPal as a method to obscure her banking information. Morgan admitted in text messages with Branthoover that she moved these funds, and bank records later confirmed it. Thus, at the time she swore she was penniless, she was in possession of significant community assets. She also grossly misrepresented her expenses in that affidavit – claiming she alone paid the mortgage/rent and car loans – when in fact **Petitioner had been paying those bills** and continued to pay them. (Notably, one of the vehicles Petitioner was paying for has been repossessed by the dealer due to financial hardship.) These **glaring contradictions** in Morgan’s pauper’s affidavit demonstrate perjury and fraud upon the court. *Exhibit 3.*

Morgan’s divorce case should never have even been docketed without fees, given her deceit.

- **c. Original Petition for Divorce with Inconsistent Allegations:** Also on December 18, 2023, Morgan filed an Original Petition for Divorce. In it, she made convoluted and **contradictory statements regarding a protective order**. She alleged that she had applied for a protective order on December 14 that was “undecided,” yet simultaneously claimed an “active” protective order finding

family violence was in place (apparently to invoke a 60-day waiting period waiver for divorce). *Exhibit 4*

15. Both cannot be true; this inconsistency should have been a red flag. Furthermore, if an active protective order truly existed, Texas law (Tex. Fam. Code § 6.405(b)) **required Morgan to attach a copy of it to her petition.** She attached no such order, because none existed – the “active” protective order was a **fiction.** In short, Morgan was telling the court whatever was convenient at the moment, truth be damned.

- **d. Application for Protective Order (Second Attempt):** On December 22, 2023, Morgan filed yet another request – an Application for a Protective Order – in the 322nd District Court. *Exhibit 5*

16. This was perplexing, since just four days earlier she had implied she already had a protective order. The second application underscores that Morgan was **“bent on amassing multiple orders”** against Petitioner without justification. The Application was based on allegations of “family violence” by Petitioner, but **no credible evidence** was ever presented to support such claims. On the very day this second application was filed (Dec. 22), Morgan and Petitioner were photographed **laughing and playing with the Children together in the family home** – hardly the behavior of someone in imminent fear for her safety. Morgan’s own contemporaneous text messages and photos show a normal, even happy, family scene that day. This directly **contradicts her sworn claims** that she needed protection from Petitioner. *Exhibit 5.1*

L. Branthoover’s Involvement

17. Defendant Branthoover (Morgan’s relative) played a pivotal role in this scheme. Immediately after Morgan’s first filing on Dec. 14, she traveled to Yukon, Oklahoma – Branthoover’s location – where he “**assisted her in preparing subsequent filings designed to achieve the very result we see today—Respondent’s abrupt removal from his home.**”. Branthoover’s assistance is confirmed by his own admissions via text and is the basis of a pending lawsuit against him in Oklahoma for his role in this fraud. *Exhibit 6* In essence, Branthoover acted as a co-conspirator, helping Morgan craft and present false evidence to Texas courts. He had **actual knowledge** of Morgan’s plans and the falsehoods in her filings, yet actively furthered them. Under Texas law, one who **aids or assists** in the interference with another’s possessory rights in a child is **jointly liable** for the damages caused (Tex. Fam. Code § 42.003). Branthoover’s liability in this action flows from his knowing aid in Morgan’s tortious conduct.

M. “Agreed” Temporary Orders

18. Making matters worse, Morgan’s counsel allegedly retained on the spot drafted “**Temporary Orders**” following the January 22 reset in related case 322-744263-23, which purported to memorialize an agreement or hearing that never truly occurred and is not found within the docket sheet. These Temporary Orders claim that all parties “agreed” to the terms – yet **Petitioner never agreed** to any such orders, and his signature is absent from such. The court cannot legally enforce temporary orders that claim to be agreed when consent is absent at the time of rendition. Such is the case here, and they should be immediately vacated. *Exhibit 7*

19. No **proper hearing was ever held, no evidence was taken, and Petitioner never signed or approved those orders.** Indeed, the only signature on the Temporary

Orders is Morgan's and her counsel's; Petitioner's signature is absent. The orders also reference a motion that **was never served** on Petitioner. This is clear procedural irregularity. These "agreed" Temporary Orders, entered on false pretenses, gave Morgan temporary custody of the Children and possession of the home, while barring Petitioner from both. By any measure, such orders – obtained without notice, without a genuine hearing, and predicated on false statements of agreement – **lack validity**. They are *void ab initio* and cannot stand as a barrier to the relief Petitioner seeks here. Morgan's misuse of the court's processes to rubber-stamp an unjust arrangement is part and parcel of her tortious conduct.

N. Morgan's Abdication of the Truth and Procedure

20. After securing the Temporary Orders, Morgan and her attorney effectively went dark and **stonewalled the litigation**. They **refused to participate in discovery**, ignored deposition notices, and generally failed to prosecute the divorce on the merits. Tellingly, neither Morgan nor her counsel has ever filed any substantive response to Petitioner's numerous sworn allegations of fraud in the pending case. They offered **no rebuttal** to the detailed factual record Petitioner built demonstrating Morgan's deceit. Morgan's silence in the face of these accusations is deafening – she could not defend the indefensible. Instead, her counsel's rare court appearances were limited to raising baseless objections aimed at **preventing Petitioner from cross-examining Morgan** or exposing the truth. This strategy of "obfuscation and evasion" underscores that Morgan has **no legitimate defense** for her actions; her plan was simply to **run out the clock** while Petitioner remained in forced exile from his Children.

O. Harm to Petitioner and the Children

21. The impact of Defendants' actions has been devastating and continues to worsen. Petitioner **lost his family, his home, and even his livelihood** as a direct result of the fraudulent orders. Being evicted from his home without notice not only separated him from the Children, but also disrupted his business/employment, causing severe financial strain. The family's previously stable finances have been thrown into chaos. Petitioner has incurred substantial expenses fighting these false accusations and attempting to reunite with his Children. He has suffered extreme emotional distress, detailed further below, from the traumatic loss of his role as father and daily caregiver.

22. The **Children** have likewise suffered immensely. They went from having a loving father present each day to suddenly **no contact at all**, effectively overnight. This abrupt, unexplained loss of a parent's daily presence has caused the Children profound confusion, anxiety, and emotional pain. They were too young to understand why their father vanished from their lives. Family members (including Morgan's own relatives) have struggled to explain the situation to the Children, because the truth – that it was all based on lies – was concealed. Instead, the Children have been left with the impression that their father “went away” or did something wrong, which is untrue and damaging to their mental well-being. The Children have essentially been **deprived of a parent's love, guidance, and support for over a year** through no fault of their own. Moreover, during this period, Morgan has **introduced a new man (Defendant Kazlauskas) into the Children's lives**, spending substantial time with him and even allowing him to take the Children places alone. The Children now see this **stranger more often than their own father**.

23. This is exactly the kind of harmful disruption in a child's life that Texas law seeks to prevent. **Texas law prioritizes frequent, meaningful contact between children and both parents**, yet the Children's reality is the opposite. As the Texas Supreme Court has recognized, children depend on "the positive benefits flowing from parental love, affection, protection, emotional support, services, companionship, care, and society" from both parents. Defendants have callously stripped the Children of these benefits from Petitioner.

24. In sum, **Morgan's fraudulent actions, aided by Branthoover, have caused unprecedented and ongoing harm**. Petitioner was **the primary caregiver** and a fit, loving parent. There was no legitimate reason to remove him. Yet due to Defendants' tortious conduct, **the Children have effectively lost a parent for over a year**, and Petitioner has lost irreplaceable time with his kids. This is a human tragedy as much as a legal wrong. The facts are largely undisputed – Morgan has **never rebutted the evidence of her lies** – and the need for relief is urgent. Every day that passes is another day of childhood the Children can never get back with their father.

25. That being said – Petitioner wishes no ill will toward any Defendant or participant in this suit – he simply wants what's right by his children in alignment with Texas law.

III. CAUSES OF ACTION

Count 1: Tortious Interference with Parental Rights (Interference with Possessory Interest in a Child)

26. **Interference with Possessory Rights:** Petitioner incorporates the facts above. Texas law expressly forbids one parent (or any person) from wrongfully depriving another parent of his court-ordered possessory rights with respect to a child. Under Texas Family Code § 42.002, **“a person who takes or retains possession of a child or who conceals the whereabouts of a child in violation of a possessory right of another person may be liable for damages to that person.”**

27. A “possessory right” defined in the Family Code includes a court-ordered right of possession or access, as well as a parent’s natural and statutory rights absent a valid court order to the contrary. Here, Petitioner had possessory rights to his Children both as a matter of law (being their father with equal rights during the marriage) and under any prior court understanding. **Defendants intentionally interfered with and violated Petitioner’s possessory rights** by orchestrating and enforcing a situation in which Petitioner has been excluded from the Children’s lives.

28. **Morgan’s Direct Interference:** Morgan took and retained sole possession of the Children at a time when Petitioner was **entitled to joint possession and access on March 6th, 2024**, Morgan acted **without lawful excuse** in keeping the Children away from Petitioner by locking him out of his own house. She violated the fundamental possessory right of Petitioner to have access to his Children. Each day that she refused to produce the Children to Petitioner, she was in **ongoing violation of Petitioner’s rights**. Notably, Texas law makes it a **crime** to knowingly violate a custody order or to keep children away from a legal custodian (Tex. Penal Code § 25.03), underscoring the public policy against such interference. Morgan’s conduct here is even more egregious because she herself engineered the void order on which she then relied.

29. **Branthoover's Aiding and Abetting:** Pursuant to Texas Family Code § 42.003, **"a person who aids or assists in conduct for which a cause of action is authorized by this chapter is jointly and severally liable"**

Branthoover aided and assisted Morgan's interference with Petitioner's possessory rights at every step. He helped draft the false pleadings that led to Petitioner's removal. He had **actual notice** that Petitioner had rights to possession of the Children and knew that the intended result of the filings was to cut off those rights. Thus, Branthoover is jointly liable for the tortious interference with Petitioner's parental rights and custody.

30. **Elements and Malice:** Defendants' conduct was **willful and intentional**. Morgan's objective from the moment she realized her infidelity might be exposed was to **willfully deprive Petitioner of possession of the Children** to protect herself. She pursued multiple legal actions not to address any real danger or harm, but as "strategic maneuvers to lock in 'temporary' orders" ensuring Petitioner's removal. Such acts were inherently malicious and without justification. Petitioner was entitled to be with his Children – instead, Defendants' actions **wrongfully divested him of that entitlement**.

31. **Damages (Count 1):** As a direct result of this tortious interference, Petitioner has suffered damages in an amount within the jurisdictional limits of the Court. His damages include, but are not limited to: loss of business income for being **unable to conduct his normal course of business for the last year**, **loss of the value of the parent-child relationship** during the period of interference; **mental anguish and emotional suffering** caused by being separated from his Children; expenses incurred in

attempting to locate, contact, and regain possession of the Children and residence which he depends on for work (including legal fees and investigative costs); and other economic losses such as lost business opportunities and housing costs stemming from his ouster. Texas Family Code § 42.006 specifically allows recovery of **mental suffering and anguish** for violation of possessory rights, all of which Petitioner has experienced. These losses are ongoing and increasing as the interference continues.

32. Furthermore, Defendants acted with **malice** and **intent to harm** Petitioner, warranting the imposition of **exemplary (punitive) damages** under Tex. Fam. Code § 42.006(b) and Chapter 41 of the Civil Practice & Remedies Code. Defendants' conduct was outrageous, deliberate, and undertaken with conscious disregard for Petitioner's parental rights and the Children's wellbeing. Petitioner seeks **exemplary damages** to punish and deter such egregious misconduct.

Count 2: Intentional Infliction of Emotional Distress

33. Petitioner incorporates all prior paragraphs. Independently of (or in addition to) the above, Defendants have committed the tort of **Intentional Infliction of Emotional Distress ("IIED")** against Petitioner. Under Texas law, IIED occurs when: (1) the defendant acted intentionally or recklessly, (2) the conduct was extreme and outrageous, (3) the actions caused the Petitioner emotional distress, and (4) the emotional distress was severe. All elements are met here.

34. **Extreme and Outrageous Conduct:** Defendants' conduct – fraudulently fabricating allegations to strip a loving father of his children, and perpetuating that lie for over a year – is **extreme and outrageous in the extreme**. It "goes beyond all possible

bounds of decency” and is utterly intolerable in a civilized community. Texas courts have recognized that behavior calculated to destroy the bond between parent and child can be outrageous. Morgan **lied under oath repeatedly** (alleging nonexistent abuse, poverty, etc.), **exploited the trust of the court**, and effectively **kidnapped the Children under color of law**. She did so with malice aforethought, aiming to cause Petitioner the maximum emotional pain – the loss of his children – as punishment for uncovering her affair. Branthoover, in turn, facilitated this scheme with knowing disregard of the harm it would inflict. It is hard to conceive of a more cruel and emotionally abusive act than to **falsely portray a parent as dangerous and remove his children from him without cause**. Defendants’ conduct offends basic societal standards of decency and has been **described as a “travesty” and “alarming” even within the context of the court record**.

35. Intent or Recklessness: Morgan’s intent to cause emotional harm to Petitioner (or at least reckless disregard thereof) is evident. By her own words and actions, her priority was to *silence and punish* Petitioner. When Petitioner confronted her with evidence of her infidelity, she did not respond by addressing the issue honestly or seeking a fair separation – instead, she embarked on a campaign to **“ensure Respondent’s removal”** at all costs.

36. She knew that separating Petitioner from the Children would devastate him – indeed, she weaponized the Children as pawns to hurt Petitioner. Even if her primary motive was self-interest, she certainly **knew with substantial certainty** that Petitioner would suffer extreme distress if he lost his Children due to false accusations and suffer financial losses. Thus, she acted with at least reckless disregard for the near certainty of

severe emotional harm to Petitioner. Branthoover likewise knew that helping Morgan perpetrate this fraud would cause Petitioner great anguish; any reasonable person would recognize that outcome as the obvious consequence of these actions. Proceeding in the face of that knowledge is the epitome of recklessness.

37. Severe Emotional Distress: As a direct result of Defendants' outrageous actions, Petitioner has suffered **severe emotional distress**. The distress is ongoing and has manifested in depression, anxiety, humiliation, and despair. Petitioner has experienced sleeplessness, loss of appetite, and a profound sense of injustice and grief. He has been **deprived of the joys of watching his children grow** – their birthdays, holidays, and everyday moments have been lost to him, causing an emotional void that cannot be quantified. The **trauma of being falsely painted as a danger and seeing his children turned against him** has caused Petitioner mental pain far beyond what any person should bear. This distress has **substantially disrupted** Petitioner's daily life and ability to function. He has required counseling/therapy to cope, and even that is insufficient to fully address the harm. The severity of Petitioner's emotional suffering meets and exceeds the standard required under Texas law (which demands a high degree of mental pain and distress that is more than mere worry, anxiety, or anger). Here, Petitioner's entire familial world was unraveled maliciously – a truly catastrophic emotional injury.

38. No Alternative Remedy: Petitioner acknowledges that IIED is a "gap-filler" tort under Texas law, meant to supplement other causes of action when the conduct causing the emotional distress is not adequately addressed by other tort claims. To the extent any of Defendants' conduct might be deemed outside the scope of the interference

tort or other claims, Petitioner pleads IIED in the alternative. The emotional devastation inflicted on Petitioner stems not only from the interference with custody (Count 1) but also from the **cumulative effect of the lies, betrayal, and abuse of process**. Should the court find that any aspect of Defendants' conduct (for example, the defamatory implications of false abuse allegations, or the misuse of legal process) is not fully remedied by another tort, IIED should apply to ensure Petitioner is made whole. In any event, Defendants' conduct is so egregious that public policy would allow an IIED claim to proceed.

39. Damages (Count 2): For this Intentional Infliction of Emotional Distress, Petitioner seeks to recover all damages allowable by law. This includes **compensation for past and future mental anguish**, emotional pain and suffering, loss of enjoyment of life, and any physical symptoms or illness resulting from the severe stress. No cap on damages applies to intentional torts of this nature, and Petitioner will ask the trier of fact to award a sum that reflects the enormity of the harm (in an amount far in excess of the minimum jurisdictional limits). Petitioner also seeks **punitive damages** on the IIED claim, as Defendants acted willfully, maliciously, and with conscious disregard of Petitioner's rights. The Court should send a strong message that such outrageous abuse of a parent and the court system will not be tolerated.

Count 3: Deprivation of Support and Parental Consortium (On Behalf of the Children)

40. Petitioner incorporates the preceding paragraphs. This Count is brought **on behalf of the minor Children, through Petitioner as next friend**, to recover for the distinct injuries the Children themselves have suffered due to Defendants' wrongful

conduct. Texas law recognizes that children have a right to the **“positive benefits flowing from parental love, affection, protection, emotional support, services, companionship, care, and society”** of their parents.

Depriving a child of a parent’s support and companionship is a grave injury to the child. Here, Defendants’ actions intentionally deprived the Children of the **support, nurture, and companionship of their father**, Petitioner. This includes both **emotional support (parental consortium)** and **financial support** that Petitioner would have provided.

41. **Intentional Deprivation:** Morgan knew that by removing Petitioner from the home and blocking all contact, she was also **depriving the Children of their father’s presence and support**. She proceeded in spite of that, placing her own interests above the Children’s emotional needs. Such conduct evidences a **“profound disregard for her children’s needs.”** Indeed, Morgan was so consumed with maintaining her fraudulent narrative and pursuing extramarital relationships that she willfully ignored the harm to the Children.

42. Branthoover, by enabling Morgan, likewise demonstrated disregard for the impact on the Children. Defendants cannot claim ignorance – it is obvious that **children suffer when a loving parent is unjustly kept from them**. The Children here have effectively suffered the loss of a parent (albeit still living, but absent by Defendants’ design) for an extended period. This loss is analogous to, if not worse than, the loss a child experiences from a parent’s severe injury. In Texas, a child is entitled to recover for loss of parental consortium when a parent is seriously injured by a third party’s tort.

43. Defendants' intentional acts inflicted a different kind of injury on Petitioner (reputational and relational rather than physical), but the **end result for the Children is the same**: they have been **bereft of their father's daily love, guidance, and care**. The law should not countenance a situation where a tortfeasor escapes liability simply because the harm was achieved through abuse of legal process rather than physical injury.

44. **Emotional and Developmental Harm**: As detailed, the Children have experienced emotional turmoil, confusion, and grief from the sudden loss of Petitioner's involvement. They have been **denied the comfort of his love**, bedtime stories, help with homework, coaching at sports, and countless other forms of parental support that were part of their lives. This deprivation has likely caused lasting psychological harm, manifesting in anxiety, behavioral changes, and academic impacts. They have effectively lost the **daily affection and guidance of their father**, a loss that courts have recognized as compensable in tort when caused by wrongdoing. Additionally, by undermining Petitioner's ability to provide, Defendants have also jeopardized the Children's financial support. Petitioner, as the primary earner, would have used his income for the Children's benefit – providing them a stable home, educational opportunities, and necessities. When Morgan ousted Petitioner and commandeered the finances under false pretenses, the Children's financial security was damaged. For example, Morgan's misappropriation of joint funds (the \$1,576 and possibly more) and her reckless handling of assets (e.g. damaging a car that Petitioner must pay for) depleted resources that would otherwise have gone toward the Children's upbringing. Furthermore, Petitioner's diminished earning capacity resulting from this ordeal (he lost access to his home office/business and

spent substantial time on legal battles) directly translates to less support available for the Children.

45. Further, the oldest child, M.E.M., barely surpassed the third grade without the guidance of her father, someone who would always assist her with school prior to his removal. *Exhibit 8*

46. **Children's Claim for Relief:** Considering the above, the Children, by and through Petitioner, state a cause of action for the intentional deprivation of their right to support and consortium of their father. This cause of action is grounded in general tort principles of intentional injury to familial relationships, as well as the strong public policy of Texas to protect the parent-child bond. While Texas's recognition of a child's loss-of-parent consortium claim has typically involved cases of a parent's physical injury or death, the rationale applies here with even greater force because Defendants' conduct was **intentional and malicious** toward the parent-child relationship itself. The Children were the **foreseeable and indeed intended victims** of Morgan's scheme – she knew isolating Petitioner would necessarily mean depriving the Children of their dad's care, and she proceeded anyway. Such deliberate harm to children is actionable.

47. **Damages to the Children (Count 3):** The Children seek damages for the **loss of their father's consortium, love, and affection** from January 16, 2024 to present (and continuing). This includes compensation for their **mental anguish, emotional pain, and loss of enjoyment of life** during their formative years without their father. Even at their young ages, the Children have deeply felt the loss – crying for their father, asking why he is gone, and exhibiting signs of emotional trauma. These noneconomic damages are inherently difficult to quantify, but Texas law entrusts the jury to assign a monetary value

to such losses, and **courts have allowed recovery for a child's loss of a parent's companionship and society** when caused by a defendant's tort.

48. Additionally, to the extent the Children suffered any **economic harm** (such as loss of financial support or trust funds diminished by Defendants), they seek recovery of those amounts as well.

49. The Children also seek **exemplary damages** against Defendants for this claim. Intentionally inflicting harm on minor children by robbing them of a parent is reprehensible. Morgan's actions violated her fundamental duty as a parent to act in her children's best interests, instead of using them as leverage in her deceit. Punitive damages are warranted to punish Defendants and deter others from similar conduct.

IV. REQUEST FOR IMMEDIATE INJUNCTIVE RELIEF

50. **Need for Immediate Relief:** Petitioner, both individually and as Next Friend of the Children, hereby applies for a **Temporary Restraining Order ("TRO") and Temporary Injunction to immediately restore the Children to Petitioner's custody (or at least resume meaningful possession/access)** and prevent further irreparable harm. The facts detailed above show that Petitioner has a **probable right to the relief** sought on final trial, and there is a **probable, imminent, and irreparable injury** in the interim if relief is not granted. Money damages, while sought, are inadequate to fully compensate the loss of time with one's children. **Every day that passes is irretrievable for the Children's upbringing and Petitioner's relationship with them.** No amount of money can restore lost childhood moments or erase the trauma of prolonged separation. Thus, only injunctive relief can prevent ongoing irreparable injury by restoring the status quo.

51. **Likelihood of Success on the Merits:** Petitioner has made a strong prima facie showing of his case. Defendants' fraud and misconduct are essentially **undisputed** – Morgan has never denied the core factual allegations, and the documentary evidence (texts, bank records, court filings) overwhelmingly supports Petitioner's claims. Petitioner has already presented much of this evidence to various courts without any rebuttal from Morgan. In essence, **Petitioner's evidence stands unchallenged**, and it demonstrates that the current custody arrangement was obtained by fraud and is contrary to law. Given this, Petitioner is exceedingly likely to prevail on the merits of his tort claims and ultimately have the prior orders set aside.

52. **Imminent, Irreparable Harm:** The harm to be enjoined is the **continued separation of the Children from Petitioner's custody and care**, and any further acts by Defendants to interfere or conceal the Children. This harm is **imminent** and ongoing – every moment of continued separation is harm occurring in real time. It is **irreparable** because once passed, time with one's children cannot be recovered or adequately compensated. The Children are growing and changing; Petitioner is missing milestones that will never repeat. Additionally, the Children's emotional well-being is at stake – prolonging the separation risks permanently damaging their relationship with Petitioner and their trust in their parents and the legal system. Texas courts recognize that **the parent-child relationship is unique and irreplaceable**, and its unjust interruption constitutes irreparable injury as a matter of law.

53. If injunctive relief is denied and Defendants are later found liable, it will be cold comfort to have a judgment for damages when the Children's childhood has already

elapsed. The urgency is underscored by the fact that **over a year has already been lost**; the Court must act now to prevent further harm.

54. No Adequate Remedy at Law: Petitioner has no adequate remedy at law for the injuries described. While Petitioner does seek monetary damages, those alone will not make him or the Children whole. The law does not favor substituting dollars for parents. Only the **return of the Children to Petitioner's custody/possession** and the cessation of Defendants' interference can truly restore the status quo and serve the Children's best interests. The ongoing divorce proceeding has proven inadequate to promptly address the issue – despite Petitioner's diligent efforts, the family court has not provided timely relief. Thus, equitable relief is necessary here and now.

55. Balance of Equities and Public Interest: The balance of equities strongly favors Petitioner and the Children. Granting the TRO/injunction merely restores what should never have been taken – a father's presence in his kids' lives – and aligns the situation with the truth (that Petitioner poses no danger). Denying relief would reward fraud and allow an innocent family to suffer further. Defendants cannot claim any legitimate interest in continuing to enforce a fraudulent status quo. Morgan may argue she will be inconvenienced or upset by losing sole possession, but any such "harm" is self-inflicted by her misconduct and is far outweighed by the harm to the Children of continued separation. Moreover, it is **in the public interest** to reunite the Children with Petitioner. **Texas's public policy** (Tex. Fam. Code § 153.001) is to ensure children have frequent contact with parents who act in their best interests; – here, Petitioner unquestionably is such a parent, and nothing suggests otherwise. The public also has an interest in **deterring litigants from abusing court processes through false claims**;

granting injunctive relief sends a message that the court will not abide orders built on fraud.

56. Finally, a TRO and injunction will promote stability for the Children: rather than the current limbo, they will have both parents available, which is presumptively better for them (and even for Morgan, who can also see the Children, as the goal is to ensure both parents share time).

57. **Requested Injunctive Relief:** Therefore, Petitioner respectfully requests that the Court enter a **TRO immediately** and, after notice and hearing, a **temporary injunction**, ordering the following relief:

- **a. Immediate Custody/Access:** Morgan Michelle Myers shall **immediately surrender the Children to Petitioner's custody**. Petitioner shall be restored to possession of the Children and the marital residence at [REDACTED] [REDACTED] [REDACTED] TX, forthwith. In the alternative, the Court should at least **grant Petitioner immediate and unsupervised access to the Children** on a frequent schedule (e.g. joint or alternating custody) pending further orders. This ensures the Children are no longer wrongfully kept from their father.
- **b. Enjoining Interference:** Defendants (and anyone acting in concert with them) are **restrained from interfering with Petitioner's custody or access** to the Children. They shall not remove the Children from Tarrant County without Court permission, shall not conceal or hide the Children's location, and shall not take any action to prevent or hinder the contact between Petitioner and the Children.

- **c. Suspension of Prior Orders:** To the extent necessary, the Court should **suspend the operation of the March 14, 2024 “Temporary Orders” or any other orders** that currently limit Petitioner’s access to the Children as they are facially *void ab initio*. The Court has authority to do so because those orders were obtained by fraud, lack the consent of both parties, and have never served the best interests of the Children. The injunction should clarify that Morgan may not enforce any prior order to exclude Petitioner from the home or children, and that this Court’s injunctive order supersedes any conflicting provision, and that the Petitioner’s custody and access to the residence are explicitly restored pending trial on the merits.
- **d. Preservation of Evidence:** Defendants should be enjoined from destroying or altering any documents, communications, or evidence relating to the matters in this suit (including electronic evidence like text messages, emails, social media posts, bank records, etc.), to ensure a fair trial on the merits. (This is standard but particularly warranted given the allegations of fraud.)
- **e. Other Equitable Relief:** The Court may impose any other conditions deemed necessary to effectuate the purposes of the injunction, such as ordering family counseling or supervised transition if the Court finds it helpful (though Petitioner maintains he poses no risk that would necessitate supervision).

58. Petitioner is willing to provide frequent status updates. The urgency of this matter cannot be overstated – Petitioner seeks a TRO *ex parte* due to the immediate harm and asks that the Court set a hearing for a temporary injunction at the earliest possible date and then a trial on the merits on an expedited schedule.

V. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Petitioner Charles Dustin Myers, individually and as Next Friend of M.E.M. and C.R.M., prays that Defendants be cited to appear and answer, and that upon final trial, Petitioner and the Children be granted judgment against Defendants for all relief requested above, including:

- **Actual damages** in an amount to fully compensate Petitioner and the Children for their injuries, including but not limited to mental anguish, loss of companionship, lost support, and other economic and non-economic damages, all within the jurisdictional limits of the Court;
- **Exemplary (punitive) damages** in an amount to punish Defendants and deter similar conduct, as allowed by law due to Defendants' malicious and fraudulent actions;
- **Permanent Injunctive Relief** upon final judgment, to the extent needed to ensure the Children's ongoing relationship with Petitioner and to bar Defendants from engaging in any further interference or retaliation;
- **Pre- and post-judgment interest** as allowed by law;
- **Court costs and reasonable attorneys' fees** (to the extent recoverable, including under Tex. Fam. Code § 42.006 for interference with possessory rights, which permits recovery of attorney's fees and costs incurred to enforce the order and prosecute the suit); and

- An expedited court order permitting Petitioner, CHARLES DUSTIN MYERS, and next friend of M.E.M. and C.R.M. to return to their lives and his residency.
- **All other and further relief** at law or in equity to which Petitioner and the Children may show themselves justly entitled. This includes, if necessary, a declaration voiding or nullifying the prior fraudulent temporary orders, and such other declaratory relief to restore the status quo and protect the Children's best interests. Petitioner also asks for any appropriate sanctions against Defendants for their abuse of the judicial process, as may be justified by the evidence.

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

[REDACTED]

CHUCKDUSTIN12@GMAIL.COM

817-546-3693

PRO-SE NEXT FRIEND

DATED 03-16-2025

EXHIBIT LIST – COVER SHEET

TITLE

DATE

EXHIBIT 3 – Money Transfer12.15.2023

EXHIBIT 6 – Third Party Assistance (Branthoover).....12.16.2023

EXHIBIT 8 - Eldest Child School Report Showing Regression02.28.25

EXHIBIT 8.1 – Youngest Child Cavity Untreated03.01.25

***NOTE – THIS DOCUMENT IS FULLY HYPERLINKED FOR YOUR
CONVENIENCE**

EXHIBIT 3

MONEY TRANSFER

12.15.23



My Wife



you're implying that there's more you haven't told me about, yet demanding the \$1,576 I transferred to make sure it didn't go somewhere that I can't access..

★ 10:03 PM

Tuesday, December 19, 2023

The only thing filed is a petition for divorce. It's not an actual agreement. All of the details that we need to sit down and agree on will officially happen in 61 days.


★ 5:22 PM

Friday, December 22, 2023



Read ★ 7:50 PM

Virtual Wallet Spend Statement

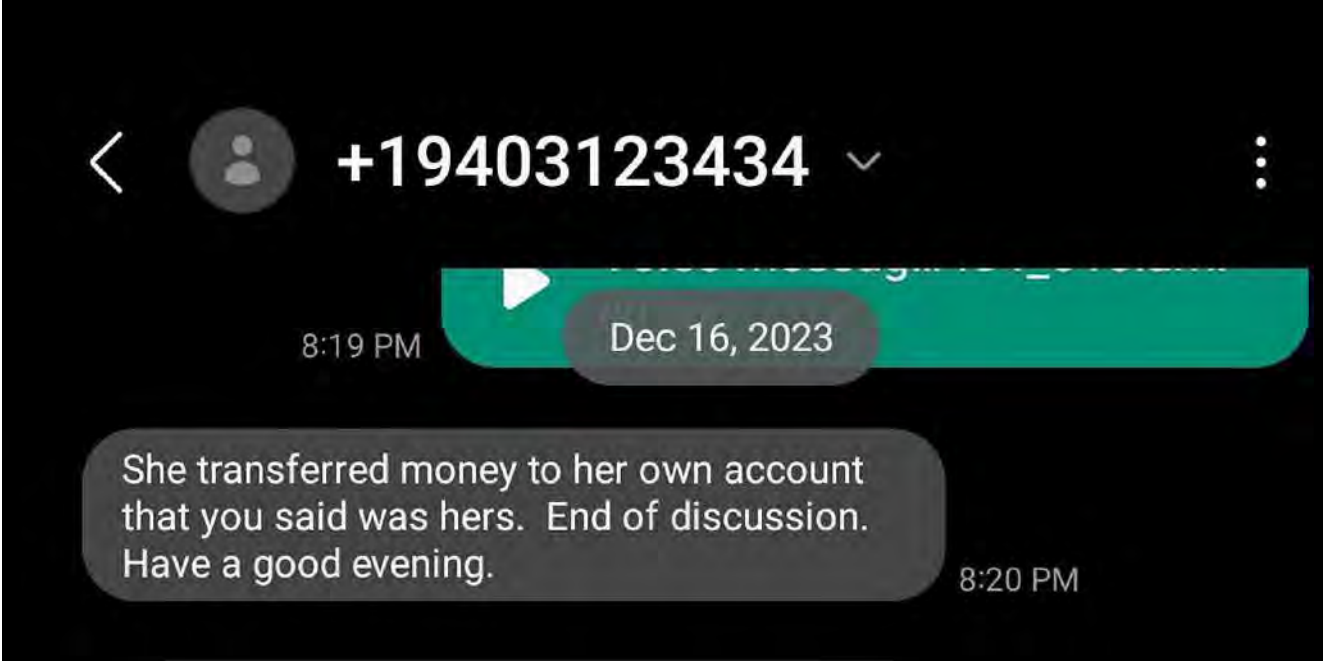
 For 24-hour information,sign on to PNC Bank Online Banking
on pnc.com

For the period 12/02/2023 to 01/02/2024
CHARLES MYERS
Primary account number: -8826
Page 4 of 6

Account Number: - continued

Banking/Debit Card Withdrawals and Purchases - continued

Date	Amount	Description
12/15	1.33	3117 Debit Card Purchase Paypal *dkb575
12/18	1,576.00	3117 Debit Card Purchase Paypal *Dmb575
12/18	10.65	3117 Recurring Debit Card Microsoft*Xbox Game P
12/19	80.00	3117 Debit Card Purchase Google *Svcs753f2d7d-7
12/19	3.19	POS Purchase Google *Google Mountain Vie Ca
12/20	9.73	3117 Debit Card Purchase Prime Video *Zb2Ax6Hc3
12/20	1.00	3117 Debit Card Purchase Elevenlabs.io
12/21	12.99	3117 Recurring Debit Card Abcmouse.Com*
12/21	38.86	3117 Debit Card Purchase DD Doordash Sonicdriv
12/21	80.00	3117 Debit Card Purchase Google *Svcs07659609-d
12/21	14.02	3117 Debit Card Purchase Wmt Plus Dec 2023
12/26	55.17	3117 Debit Card Purchase Amzn Mktp US*R35H22C73
12/26	138.38	3117 Debit Card Purchase Amzn Mktp US*Ui1Wh8M23
12/26	31.37	3117 Debit Card Purchase Amzn Mktp US*1I3TH8Gf3
12/26	15.14	3117 Recurring Debit Card Google *Youtubepremiu
12/26	80.72	3117 Recurring Debit Card Att*Bill Payment
12/26	188.35	3117 Recurring Debit Card Openai Httpsopenai C
12/26	52.89	3117 Recurring Debit Card Discord* 10Xserverboo
12/26	118.43	3117 Recurring Debit Card Klarna Klarna.Com
12/27	80.00	3117 Debit Card Purchase Google *Svcsd05bfd7b-1
12/28	25.40	3117 Debit Card Purchase Til*PI Cicis 22 Hurst
12/28	20.00	3117 Debit Card Purchase Cicis Pizza 22 Arcade
12/28	16.85	3117 Debit Card Purchase Big Z Watauga Tx
12/28	6.99	3117 Recurring Debit Card Atom Finance, Inc.
12/28	2.10	3117 Debit Card Purchase Ism, Inc. DBA Airup
12/28	5.32	3117 Debit Card Purchase Amznfreetime*XI50U2M73
12/29	10.00	3117 Debit Card Purchase Big Z Watauga Tx
12/29	17.16	3117 Debit Card Purchase Shell Oil 57543389001
12/29	2.80	3117 Debit Card Purchase Shell Oil 57543389001



You sent \$1.00 USD to Daniel Branthoover

Transaction Details

Transaction ID	Transaction date
69W824410S437530E	December 8, 2024
<hr/>	
Money sent	\$1.00 USD
Fee	\$0.33 USD
Paid with:	
VISA x-8126	\$1.33 USD
This transaction will appear on your statement as PAYPAL *Dmb575	
<hr/>	
You paid	\$1.33 USD
Daniel Branthoover will receive	\$1.00 USD

Get the Details

EXHIBIT 6

DAN
BRANTHOOVER'S
INVOLVEMENT
12.16.23 / 12.19.23



75



Dan Branthoover



Saturday, December 16, 2023

Charlie. I want to make this as clear as I can. You're getting divorced. Please hear that and absorb it. You are getting divorced. I hope I can help with the paperwork and make this go as easy as possible. That's up to you.

★ 8:23 PM

Charlie. The money is in her checking account. Please take some time and speak to an attorney. Get some good solid advice. Have a good evening.

M.3275

MF

★ 8:24 PM

< +19403123434
5:50 PM, Dec 19

Charlie, it's come to my understanding you have retained an attorney. I'm sure he has told you that all further communication should take place between attorneys. I must formally ask you refrain from discussing details of this case with my client moving forward and only communicate with me or your attorney.

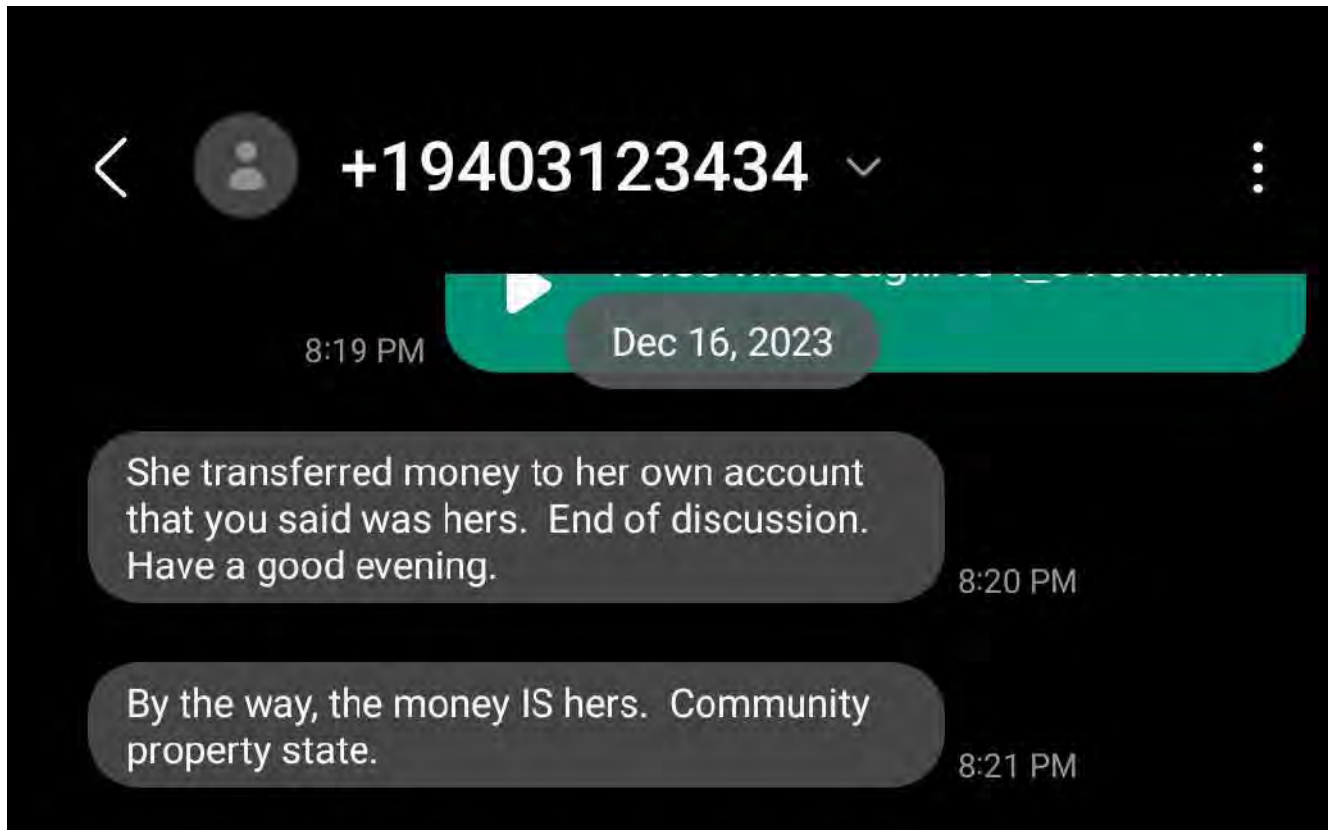


EXHIBIT 8

ELDEST CHILD SCHOOL REPORT

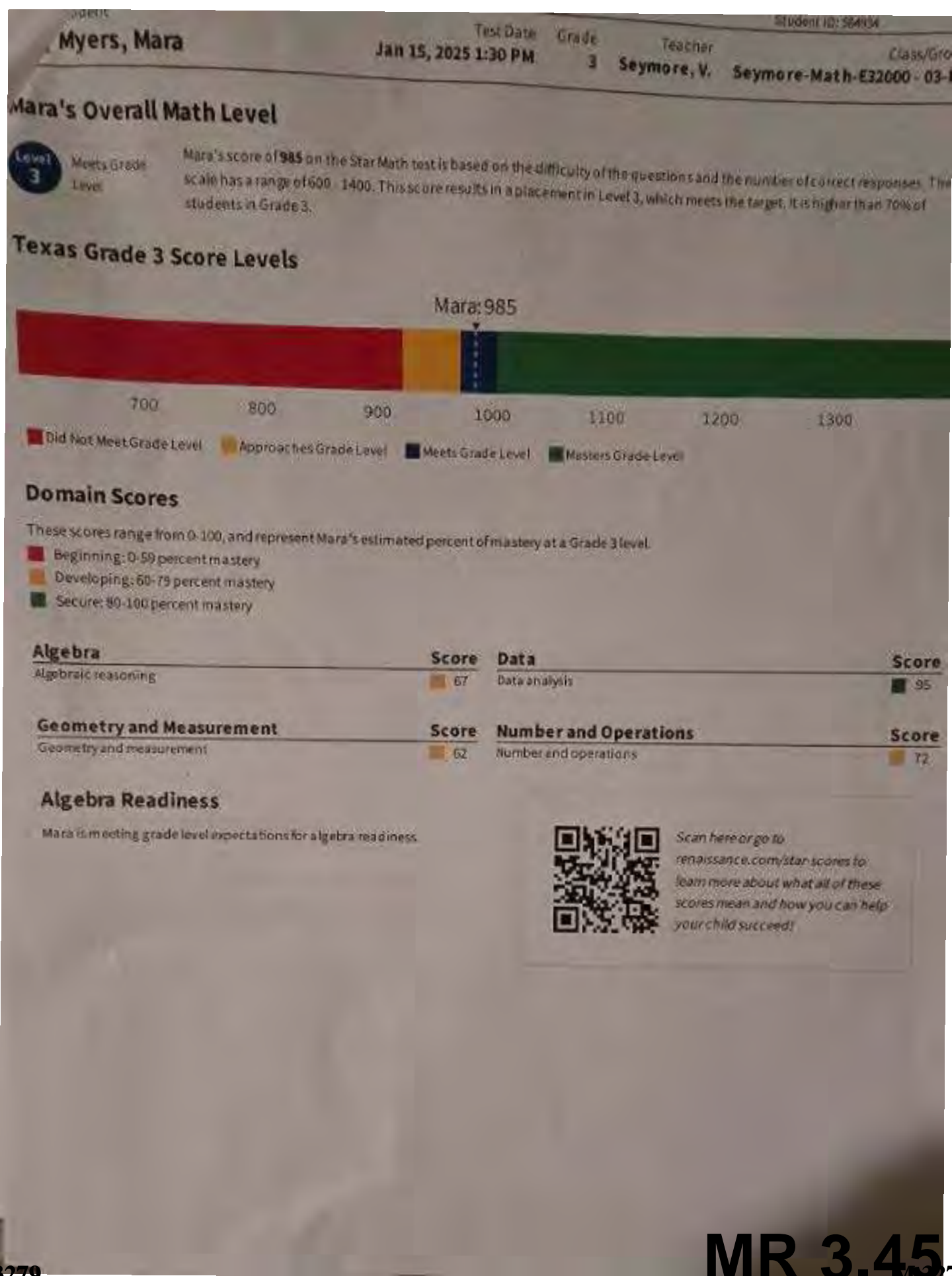
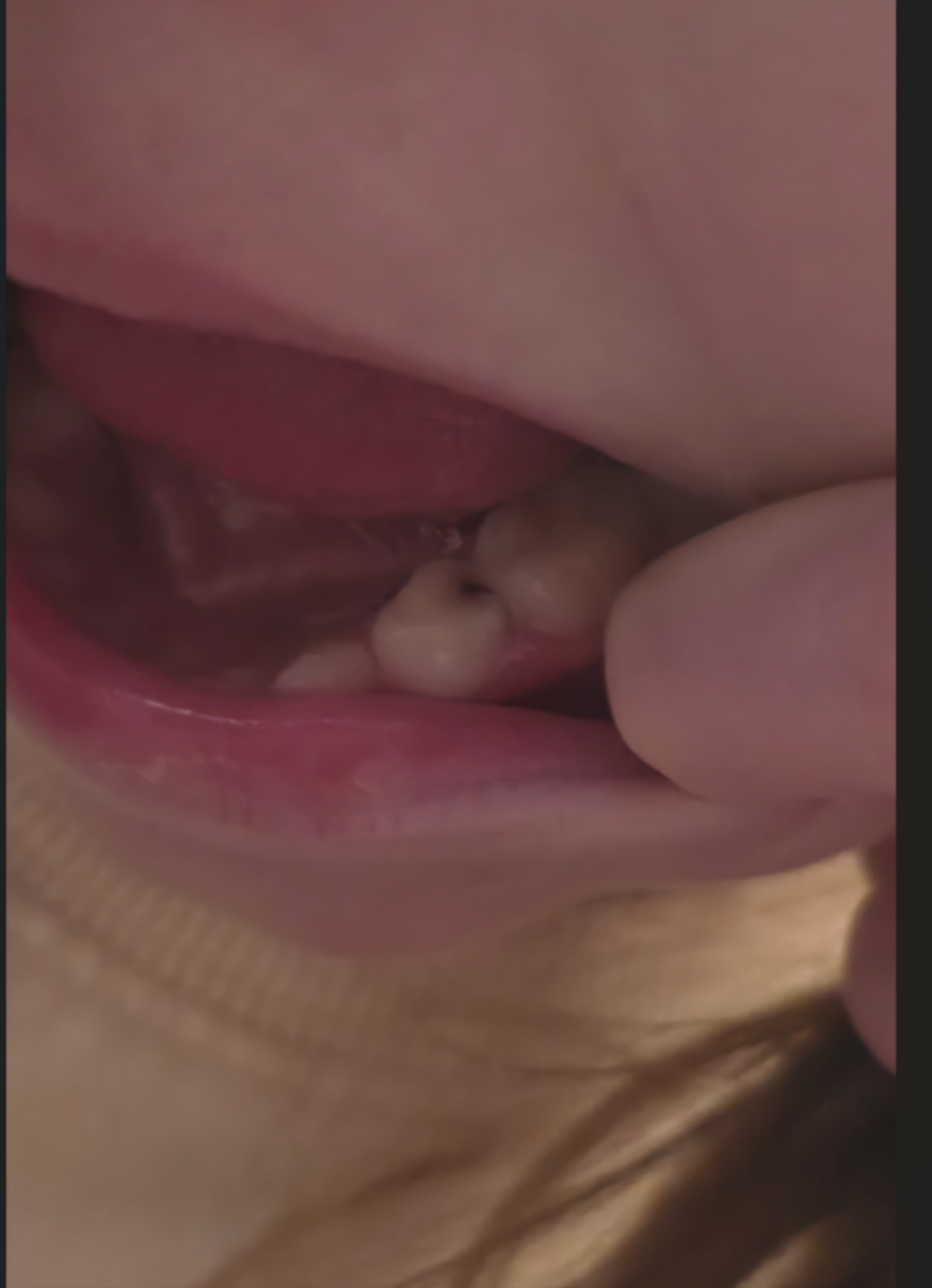


EXHIBIT 8.1

Youngest - Untreated
Cavity (C.R.M.)



MR 4

RESP. ORIGINAL ANSWER

Dated: 03/20/2025

233-765358-25

FILED
TARRANT COUNTY
3/20/2025 8:23 AM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
MARA MYERS AND CAROLINE MYERS,	§	233RD JUDICIAL DISTRICT
	§	
CHILDREN	§	TARRANT COUNTY, TEXAS

RESPONDENT'S ORIGINAL ANSWER

MORGAN MYERS, Respondent, files this original answer. Respondent has not been issued a driver's license. Respondent has not been issued a Social Security number.

Preservation of Evidence: Petitioner is put on notice to preserve and not destroy, conceal, or alter any evidence or potential evidence relevant to the issues in this case, including tangible documents or items in Petitioner's possession or subject to Petitioner's control and electronic documents, files, or other data generated by or stored on Petitioner's home computer, work computer, storage media, portable systems, electronic devices, online repositories, or cell phone.

1. *Information about Children*

Information required by section 154.181(b) and section 154.1815 of the Texas Family Code will be provided at a later date.

2. *Denial of Allegations*

Respondent enters a general denial.

3. *Verified Defense*

There is another suit pending in Texas between the same parties involving the same claim. That suit is Cause No. 322-744263-23, pending in TARRANT County, Texas, styled "In the Matter of the Marriage of Morgan Myers and Charles Myers And In the Interest Of Mara

Myers and Caroline Myers, Children.

4. *Attorney's Fees, Expenses, Costs, and Interest*

It was necessary for Respondent to secure the services of COOPER L. CARTER, a licensed attorney, to prepare and defend this suit. Petitioner's suit was filed frivolously or is designed to harass Respondent.

If the parties are unable to reach an agreement on all issues, Petitioner, CHARLES MYERS, should be ordered to pay reasonable attorney's fees, expenses, and costs through trial and appeal, and a judgment should be rendered in favor of this attorney and against Petitioner and be ordered paid directly to Respondent's attorney, who may enforce the judgment in the attorney's own name. Respondent requests postjudgment interest as allowed by law.

5. *Prayer*

Respondent prays that all relief prayed for by Petitioner be denied and that Respondent be granted all relief requested in this answer.

Respondent prays for attorney's fees, expenses, and costs as requested above.

Respondent prays for general relief.

MARX ALTMAN & JOHNSON
2905 Lackland Rd.
FT. WORTH, Texas 76116
Tel: (817) 926-6211
Fax: (817) 926-6188

By: /s/ Cooper L. Carter
COOPER L. CARTER
State Bar No. 24121530
coopercarter@majadmin.com
Attorney for Respondent

Certificate of Service

I certify that a true copy of this Respondent's Original Answer was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on March 20, 2025:

Charles Myers by electronic filing manager.

/s/ Cooper L. Carter

COOPER L. CARTER

Attorney for Respondent

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.

Roderick Marx on behalf of Cooper Carter

Bar No. 24121530

MAJFIRM@YAHOO.COM

Envelope ID: 98671190

Filing Code Description: Answer/Contest/Response/Waiver

Filing Description: RESPONDENT'S ORIGINAL ANSWER

Status as of 3/20/2025 1:59 PM CST

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	3/20/2025 8:23:15 AM	SENT

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 8:23:15 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 8:23:15 AM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	3/20/2025 8:23:15 AM	SENT

MR 5

MOTION TO CONSOLIDATE

Dated: 03/20/2025

233-765358-25

FILED
TARRANT COUNTY
3/20/2025 8:38 AM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
MARA MYERS AND CAROLINE MYERS,	§	233RD JUDICIAL DISTRICT
	§	
CHILDREN	§	TARRANT COUNTY, TEXAS

NO. 322-744263-23

IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
	§	
MORGAN MYERS	§	322ND JUDICIAL DISTRICT
AND	§	
CHARLES MYERS	§	
	§	
AND IN THE INTEREST OF	§	
MARA MYERS AND	§	TARRANT COUNTY, TEXAS
CAROLINE MYERS		

MOTION TO CONSOLIDATE

This Motion to Consolidate the above lawsuits is brought by MORGAN MYERS, who shows in support:

1. These lawsuits involve common questions of law or of fact as the parties have a current divorce case pending in the 322nd Judicial District Court, Cause No. 322-744263-23.
2. It would serve the convenience of the Court, litigants, and counsel and would avoid multiplicity of suits, duplication of testimony, and unnecessary expense and delay to have these lawsuits consolidated for trial.

MORGAN MYERS prays that the Court grant the Motion to Consolidate and consolidate these lawsuits under the older and lower cause number.

Respectfully submitted,

MARX ALTMAN & JOHNSON
2905 Lackland Rd.
FT. WORTH, Texas 76116
Tel: (817) 926-6211
Fax: (817) 926-6188

By: /s/ Cooper L. Carter
Cooper L. Carter
State Bar No. 24121530
coopercarter@majadmin.com
Attorney for MORGAN MYERS

Certificate of Service

I certify that a true copy of this Motion to Consolidate was served in accordance with rule
21a of the Texas Rules of Civil Procedure on the following on March 20, 2025:

CHARLES MYERS by electronic filing manager.

/s/ Cooper L. Carter
Cooper L. Carter
Attorney for MORGAN MYERS

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.

Roderick Marx on behalf of Cooper Carter
Bar No. 24121530
MAJFIRM@YAHOO.COM
Envelope ID: 98671723
Filing Code Description: Motion (No Fee)
Filing Description: MOTION TO CONSOLIDATE
Status as of 3/20/2025 4:52 PM CST

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	3/20/2025 8:38:49 AM	SENT

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 8:38:49 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 8:38:49 AM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	3/20/2025 8:38:49 AM	SENT

MR 6

MOTION TO STRIKE RESP'S ANSWER / CONSOL

Dated: 03/20/2025

233-765358-25

FILED
TARRANT COUNTY
3/20/2025 9:55 AM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS**IN RE: M.E.M., ET AL.******CHARLES DUSTIN MYERS, ****

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

2025-03-30

MOTION TO STRIKE RESPONDENT'S
ANSWER AND MOTION TO
CONSOLIDATE

TO THE HONORABLE 233rd DISTRICT COURT:

Petitioner, CHARLES DUSTIN MYERS, respectfully submits this motion to strike Respondent's answer and motion to consolidate, and in support thereof, would show the court the following:

I. STATEMENT OF FACTS

1. On March 20, 2025, Respondent, MORGAN MICHELLE MYERS, filed an answer entering a general denial for the claims made against her and a motion to consolidate.

2. The response alleges that it was necessary for the Respondent to acquire the services of Cooper L. Carter.

3. The Respondent's answer and motion to consolidate were filed on Cooper Carter's behalf by Roderick D. Marx, a party not named in either this suit or the related divorce suit (322-744263-23).

4. Roderick D. Marx has filed all pleadings on Cooper Carter's behalf because Cooper Carter's electronic filing manager credentials are registered under the law firm Cantey and Hangar, LLP. See Exhibit 1.

5. Respondent's answer and motion to consolidate are an attempt to subvert the relief the children desperately need, and failed to argue as to how these pleadings are in the best interests of the children.

A. Sudden Activity after Months of Delay

6. Respondent's Answer asserts the existence of a prior divorce case (Cause No. 322-744263-23) involving the parties as a basis to delay or abate this Suit Affecting Parent-Child Relationship (SAPCR). However, that divorce case has been stalled for months with no meaningful action by Respondent or her alleged counsel. Respondent's counsel has failed to diligently prosecute the divorce matter, and a dormant case cannot justify stalling this separate SAPCR proceeding. In short, the children's issues should not be put on hold due to an unrelated divorce case that remains inactive.

B. SAPCR Suit Focus (Lack of Child-Related Response)

7. This SAPCR is focused on the welfare and best interests of the children, yet the Respondent's Original Answer is devoid of any substantive response regarding the children. Respondent merely states that the information required under Texas Family Code §§154.181(b) and 154.1815 "will be provided at a later date" and then enters a general denial. No specific

conservatorship, support, or visitation issues are addressed at all. By failing to engage with the core child-related allegations in the Petition, Respondent's Answer is irrelevant to the central issues of this proceeding and provides the Court with nothing of substance on the SAPCR matters.

8. Respondent's Answer claims that it was "necessary for Respondent to secure the services of COOPER L. CARTER, a licensed attorney, to prepare and defend this suit". Yet the pleading was filed under the letterhead of **Marx, Altman & Johnson** (Attorney Roderick D. Marx's firm) and is electronically signed by Cooper L. Carter as "Attorney for Respondent". This inconsistency creates confusion as to who represents Respondent in this case. Texas practice expects clarity in counsel of record (see Tex. R. Civ. P. 8 requiring designation of lead counsel), but here Respondent's Answer sends mixed signals by invoking Mr. Carter's name and services while being filed through Mr. Marx's firm. Such a contradiction in representation is procedurally improper and fails to clearly identify the attorney in charge of Respondent's case.

9. In addition to the above, there are irregularities in the manner Respondent's Answer was filed. Upon information and belief, the Answer was submitted via an Electronic Filing Manager (EFM) account registered to Cooper L. Carter under the law firm **Cantey & Hanger**, which is not the firm appearing on the pleading. In other words, the electronic filing credentials used do not match the law firm or attorney officially listed on the document. This raises serious concerns about the validity of the filing and compliance with Texas e-filing rules (see Tex. R. Civ. P. 21(f)). Filings must be made by the attorney of record under their proper account for transparency and proper notice. Using an EFM account associated with a different firm (Cantey & Hanger) for a pleading filed under Marx, Altman & Johnson's banner is a procedural anomaly that calls into question whether Respondent's Answer was filed in accordance with the required

procedures. Further, the email address COOPERCARTER@MAJADMIN.COM associated with the pleadings filed in this court is **NOT** registered under the EFM in which they were filed.

10. **Texas Rule of Civil Procedure 21(f) requires that electronic filings be made through an authorized EFM account corresponding to the attorney of record.** The use of an account registered under one firm (Cantey & Hanger) to file pleadings under a different firm's name (Marx, Altman & Johnson) constitutes a procedural violation, undermining the validity of the filing and raising concerns about whether the attorney of record actually authorized or executed the filing.

11. This discrepancy calls into question the **legitimacy of Respondent's Answer** and warrants immediate review by the Court. Given the attorney filing the document **did not use their own credentials under which the pleading was submitted**, yet claimed her individual services were necessary, renders the filing as **procedurally defective and should be struck from the record** *sua sponte*.

PRAYER FOR RELIEF

12. Petitioner respectfully requests that the Court strike Respondent's Original Answer and motion to consolidate in its entirety *sua sponte*. Petitioner further requests that Respondent be required to refile any answer or responsive pleading in compliance with all applicable procedural rules – including proper attorney-of-record designation and use of correct electronic filing credentials – and to ensure that any such pleading addresses the substantive SAPCR issues regarding the children. Petitioner also prays for such other and further relief, at law or in equity, to which he may be justly entitled.

13. **WHEREFORE, PREMISES CONSIDERED**, Petitioner respectfully requests that the Court strike Respondent's Original Answer and Motion to Consolidate in its entirety as

procedurally deficient. Petitioner further requests that Respondent be required to refile any answer or responsive pleading in compliance with all applicable procedural rules – including proper attorney-of-record designation and use of correct electronic filing credentials – and to ensure that any such pleading addresses the substantive SAPCR issues regarding the children. Petitioner also prays for such other and further relief, at law or in equity, to which he may be justly entitled.

Respectfully submitted,


/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693

PRO-SE

EXHIBIT 1

Improper EFM registration

Public Service Contact List


First Name
COOPER

Last Name
CARTER

Email Address

Firm Name

Search

 Cooper Carter

ccarter@canteyhanger.com

Rows per page: 10 1-1 of 1 < >

CERTIFICATE OF SERVICE

Pursuant to Rule 21 of the Texas Rules of Civil Procedure, Respondent, CHARLES DUSTIN MYERS, certifies that this Motion to Strike Respondent's Answer and Motion to Consolidate has been filed with the electronic filing manager and served on the parties of record on this 20th day of March 2025, including:

MORGAN MICHELLE MYERS, RESPONDENT

Via her email registered under the EFM: MORGANMW02@GMAIL.COM

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693
[REDACTED]
PRO-SE

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: 98676933
Filing Code Description: Motion (No Fee)
Filing Description: Motion to Strike
Status as of 3/21/2025 8:47 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 9:55:21 AM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	3/20/2025 9:55:21 AM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	3/20/2025 9:55:21 AM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/20/2025 9:55:21 AM	SENT

MR 7

RULE 12 MOTION TO SHOW AUTHORITY

Dated: 03/21/2025

****THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY****

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

Cause No. 233-765358-25

IN RE: M.E.M et al
CHARLES DUSTIN MYERS,
Petitioner

VS.

MORGAN MICHELLE MYERS,
Respondent

20

2

20

In the (check one):

☒

1

TARRANT County, Texas

Motion for RULE 12 SHOW AUTHORITY

Print your answers

My name is:

CHARLES DUSTIN MYERS

First

Middle

Last

I am the ☒ Petitioner ☐ Respondent in this case and request the Court grant this motion for PETITIONER'S RULE 12 MOTION TO SHOW AUTHORITY. In support, the

(title of motion)


following is shown:

SEE ATTACHED.

Certificate of Conference *(check one)*

☒ I certify that I telephoned the other party's attorney or the other party (if the other party does not have an attorney), three times, but my phone calls were never returned. Therefore, we were not able to reach an agreement.

☐ I certify that I telephoned the other party's attorney or the other party (if the other party does not have an attorney) and we were not able to reach an agreement.

 /s/ Charles Dustin Myers 03/21/2025
Signature *Date*

Certificate of Service

I certify that I delivered a copy of this document to each party in this case, or if a party is represented by a lawyer to the party's lawyer, by: *(Check one or more)*

☐ Hand delivery to the other party _____

☐ Hand delivery to the other party's lawyer _____


☒ Email to this email address MORGANMW02@GMAIL.COM COOPERCARTER@MAJADMIN.COM

☐ Regular mail to this address: _____

☐ Certified mail to this address: _____

☐ Commercial delivery service (for example FedEx) to this address: _____

☐ Fax to fax #: _____

 /s/ Charles Dustin Myers 03/21/25
Signature *Date*

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS**IN RE: M.E.M., ET AL.******CHARLES DUSTIN MYERS, ****

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

2025-03-21

PETITIONER'S RULE 12 MOTION TO
SHOW AUTHORITY**TO THE HONORABLE JUDGE OF THE 233RD DISTRICT COURT:**

COMES NOW, CHARLES DUSTIN MYERS, Petitioner pro se, and files this Rule 12 Motion to Show Authority pursuant to Texas Rule of Civil Procedure 12, and respectfully shows the Court as follows:

1. There is a general presumption that an attorney is acting with authority; however, that presumption is rebuttable. *Breceda v. Whi*, 187 S.W.3d 148, 152 (Tex. App.--El Paso 2006, no pet.). If evidence or circumstances cast doubt on the attorney's authority, the presumption gives way and the attorney must prove actual authority. For example, an attorney who conducted a trial is presumed authorized to pursue an appeal, but that presumption can be rebutted with contrary evidence. Here, the unusual facts surrounding Ms. Carter's involvement thoroughly rebut any presumption of her authority to represent the Respondent named in this matter, Morgan Michelle Myers, as detailed below.

I. Texas Rule of Civil Procedure 12 – Attorney Must Show Authority

A. Carter’s Lack of Authority Indicia

2. A party in a suit or proceeding pending in a court of this state may, by sworn written motion stating that he believes the suit or proceeding is being prosecuted or defended without authority, cause the attorney to be cited to appear before the court and show his authority to act. The notice of the motion shall be served upon the challenged attorney at least ten days before the hearing on the motion. At the hearing on the motion, the burden of proof shall be upon the challenged attorney to show sufficient authority to prosecute or defend the suit on behalf of the other party. **Tex. R. Civ. P.**

3. Multiple red flags call into question whether Carter is authorized – or even genuinely acting – as Ms. Myers’s counsel, justifying relief under Rule 12. Petitioner respectfully requests that the court requires RODERICK D. MARX and COOPER L. CARTER to appear and show their authority to represent MORGAN MICHELLE MYERS in this matter to clear up the ambiguity surrounding their representation.

B. Pleadings Filed by Proxy

4. Every filing attributed to Carter in this case was filed through another attorney, Roderick Marx, rather than by Carter herself. Mr. Marx is the founding partner of the MAJ firm Carter formerly worked for, and he submitted documents “on her behalf” through the electronic filing manager. In effect, Carter has not personally prosecuted or defended anything – someone else is handling the filings. This raises serious doubts about whether Carter is acting as counsel or whether Mrs. Myers’s case is being carried (or neglected) by others without a clear designation. An attorney of record should be the one signing filings or at least directly supervising and endorsing them; if

not, the court and opposing party cannot even be sure the attorney whose name is on the pleadings is truly involved. Such proxy filings strongly indicate that Carter may lack authority or engagement – if she had authority, one would expect her direct participation. Rule 12 is meant to prevent exactly this sort of scenario where a suit might be conducted by someone without clear authorization.

C. Employment/Firm Misrepresentation

5. Carter’s own public statements conflict with the representations made to the court about her role. While her pleadings continued to identify her as “Cooper Carter, Marx Altman & Johnson” (with a MAJ email address), her initial response in the instant case was filed by Roderick D Marx, signed by Cooper Carter with the Marx, Altman & Johnson letterhead, and then claimed that Cooper L. Carter was retained in her individual capacity. Further:

- i. Carter’s public Facebook profile claims that she is no longer employed with Marx, Altman, & Johnson.
- ii. Carter’s public LinkedIn profile claims that she is no longer employed with Marx, Altman, & Johnson, and that she currently is employed at Cantey and Hanger, LLP.
- iii. Carter’s Electronic Filing Manager is registered under ccarter@canteyhangar.com.

This level of ambiguity is unnecessary and could be deliberate. In fact, Texas law requires attorneys to keep their State Bar profile updated with current employment information (Tex. Gov’t Code § 81.115), which currently reflects her employment with Marx, Altman & Johnson. So the question remains: why would Carter update her Texas State Bar profile to reflect her current employer but leave her social media and LinkedIn outdated?

D. Failure to Participate or Respond (Abandonment)

6. Carter's complete failure to prosecute the divorce case for an extended period also undercuts any claim of active authority. An attorney who is truly acting with a client's authorization is expected to pursue the client's interests diligently – e.g. respond to motions, appear at hearings, move the case forward. Carter, however, has been conspicuously silent. She has not plead any defense for her client, has not participated in any discovery.

7. Carter's abrupt appearance in this suit—after months of silence in the divorce case—mirrors the same confusion and procedural uncertainty that plagued the divorce action. This re-emergence appears tactical, not substantive, and should not obstruct the SAPCR's merits-based progression. She has not mentioned anything about the children, their status, or how the current situation is what's best for them.

8. Carter's only notable action in the last six months related to her client has been to seek consolidation of the SAPCR with the dormant divorce – essentially tethering the active custody matter to a paralyzed divorce case which would further prejudice the children and delay the relief sought.

II. Conflicts of Interest and Duty of Candor

9. Misrepresenting one's role or affiliation can also create **conflicts of interest** and breaches of the duty of candor. If an attorney signs pleadings stating it was “necessary to retain their legal services” while filing under a firm's name, it muddles who was retained – the individual lawyer or the firm. This ambiguity can prejudice the client's interests and the opposing party's understanding of the representation.

10. For example, in the case at hand the answer explicitly stated, “*It was necessary for Morgan [Michelle] Myers to secure the services of COOPER L. CARTER, a licensed attorney, to*

prepare and defend this suit.”. Yet, the filing was styled as coming from “*Marx Altman & Johnson*” with Carter as the attorney. If Mrs. Carter was operating as a solo practitioner at that point, the pleading arguably misled the court about who had been hired. This kind of misrepresentation may violate the lawyer’s **candor toward the tribunal** (e.g. Tex. Disc. R. 3.03 or its equivalents) since it obscures a material fact – the lawyer’s true status. Courts have held that lawyers must not omit facts necessary to keep statements from being misleading. Failing to clarify that the attorney is no longer with the named firm, it could be seen as an omission that makes the filing as a whole misleading.

III. Unauthorized Filings and “Ghost” Representation

12. Having documents filed by another attorney who has not formally appeared is another problematic practice. In proper procedure, every pleading or motion must be signed by an attorney of record – i.e. a lawyer who has made an appearance in the case. Texas is clear: “*Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name.*” If Attorney A is counsel of record, it is improper for Attorney B (who has not appeared in the case) to file documents on A’s behalf without disclosure or court permission.

13. In the example above, the e-filing system’s certificate shows “**Roderick Marx on behalf of Cooper Carter**” as the filer, neither of which have formally appeared. This kind of “ghost filing” blurs who is responsible for the document. **Courts frown upon undisclosed involvement of attorneys** because it can circumvent accountability and confuse the record. At best, it is an irregular practice; at worst, it could be seen as misrepresentation to the court. Here, given the same circumstances exist in the divorce case which has been abandoned, Petitioner believes the situation leans more towards misrepresentation.

14. Procedurally, if an attorney who is not counsel of record submits a filing, the court may treat that filing as nullity or require it to be redone. **No appearance means no authority to act.** From an ethical standpoint, using another lawyer to file pleadings without notice may implicate rules against aiding in rule violations. **Lawyers are forbidden from assisting or inducing others to violate the rules** (see Tex. Disc. R. 8.04(a)(1)). If Attorney A knows they should appear officially but instead has Attorney B file a document to evade a procedural requirement, both attorneys tread on thin ice. They could be seen as trying to circumvent the rules of the tribunal. At a minimum, this lack of transparency undermines trust. The proper course would have been for the second attorney to file a notice of appearance (if joining the case) or for the original attorney to personally sign and file the pleading. Having someone “cover” a filing without formal acknowledgment is not a recognized practice. In short, **any attorney involved in a case needs to either be of record or stay behind the scenes entirely.** But if an attorney actually files or signs on behalf of the attorney of record, that person effectively **steps into the role of counsel without the court’s knowledge**, which is improper. It is better to err on the side of disclosure – either by formal association of that attorney or by avoiding involvement in filing.

15. As pointed out, the Petitioner believes that this is occurring because Carter’s EFM account is setup under her prior employer’s email address. So why not change it to reflect the correct address and file your own pleadings? Lastly, these same issues have been present in the divorce matter, and although Carter was served with a Rule 12 motion in that case on September 20, 2024, she has yet to clear up this issue.

IV. CONCLUSION AND PRAYER

For the above stated reasons, Petitioner requests the following relief from the court:

1. That before any requested relief is granted and before any motion can be set for hearing by COOPER L. CARTER, that she be required to appear alongside RODERICK D. MARX and show their authority to represent MORGAN MICHELLE MYERS in this matter;
2. If the authority to represent MORGAN MICHELLE MYERS cannot be shown, Petitioner requests that the court strike all pleadings and motions filed by either attorney in this SAPCR pursuant to Rule 12 of the Texas Rules of Civil Procedure and;
3. Grant any further relief that the court deems just and equitable given the circumstances.

Respondent affirms that the above titled motion was filed in good faith, and the relief sought ultimately serves the best interests of the children named in this suit.

Respectfully submitted,

Charles Dustin Myers

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

CHUCKDUSTIN12@GMAIL.COM

817-546-3693

[REDACTED]

PRO-SE

AFFIDAVIT OF CHARLES DUSTIN MYERS
STATE OF TEXAS § § COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, personally appeared CHARLES DUSTIN MYERS,
who, being duly sworn, deposed and stated:

1. "My name is CHARLES DUSTIN MYERS. I am over 18 years of age, of sound mind,
and fully competent to make this affidavit. I have personal knowledge of the facts herein
stated, and they are true and correct.
2. I am the Petitioner in Cause No. 233-765358-25, currently pending in the 233rd District
Court of Tarrant County, Texas.
3. I filed this Rule 12 Motion to Show Authority due to reasonable and substantial doubt
regarding the authority of attorneys COOPER L. CARTER and RODERICK D. MARX
to represent Respondent, MORGAN MICHELLE MYERS.
4. I have personally observed and documented procedural irregularities, including but not
limited to: a. Failure of attorney COOPER L. CARTER to formally appear or file a notice
of appearance in the case, creating ambiguity regarding her representation. b. Pleadings
attributed to COOPER L. CARTER being filed solely through attorney RODERICK D.
MARX, raising questions regarding actual representation authority and participation. c.
Inconsistencies in public statements and professional profiles by COOPER L. CARTER
concerning her current employment and representation status. d. The complete absence of
meaningful participation or prosecution of related divorce proceedings for a prolonged
period, contrasted by her sudden appearance and procedural interference in this Suit
Affecting Parent-Child Relationship (SAPCR).

5. These facts collectively cast substantial and justifiable doubt upon the claimed representation of MORGAN MICHELLE MYERS by COOPER L. CARTER and RODERICK D. MARX, necessitating judicial inquiry.
6. My primary motivation in filing this Rule 12 Motion is to ensure clarity of legal representation, procedural integrity, and, most importantly, to safeguard the best interests and welfare of the children involved in this case.
7. I believe wholeheartedly that Cooper L. Carter is litigating in bad faith, has no genuine interest in the best interests of the Children, and only exists as a barrier to the relief the Petitioner has diligently sought for over a year for his children.

FURTHER AFFIANT SAYETH NOT."

Charles Dustin Myers 03/21/2025

CHARLES DUSTIN MYERS

CHUCKDUSTIN12@GMAIL.COM

817-546-3693

[REDACTED]

PRO-SE

CERTIFICATE OF SERVICE

Pursuant to Rule 21 of the Texas Rules of Civil Procedure, Respondent, CHARLES DUSTIN MYERS, certifies that the above motion, Petitioner's Rule 12 Motion to Show Authority, has been filed with the electronic filing manager and served on the parties of record on this 21st day of March 2025, including:

MORGAN MICHELLE MYERS, RESPONDENT

Via her email registered under the EFM: MORGANMW02@GMAIL.COM

COOPER L. CARTER

Via her email not registered under the EFM: COOPERCARTER@MAJADMIN.COM

Charles Dustin Myers 03/21/2025

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693

PRO-SE



Commonwealth of Virginia

County of Newport News Virginia

The foregoing instrument was subscribed and sworn before me on 03/21/2025 by Charles Dustin Myers.

Micheala Keisha Grant
8070793

My commission expires: 08/31/2027

Notarized remotely online using communication technology via Proof.

EXHIBIT 1
RULE 12 MOTION FROM
322-744263-23
FILED 09/20/2024

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

Morgan Michelle Myers,

Petitioner,

v.

Respondent's Rule 12 Motion to Show
Authority

Charles Dustin Myers,

Respondent

2024-09-20

To the Honorable Judge of the 322nd District Court of Tarrant County:

REBUTTABLE PRESUMPTION

There is a general presumption that an attorney is acting with authority; however, that presumption is rebuttable. *Breceda v. Whi*, 187 S.W.3d 148, 152 (Tex. App.--El Paso 2006, no pet.); *Kelly v. Murphy*, 630 S.W.2d 759, 761 (Tex. App.--Houston [1st Dist.] 1982, writ ref'd n.r.e.); *see also City of San Antonio v. Aguilar*, 670 S.W.2d 681, 684 (Tex. App.--San Antonio 1984, writ dism'd) ("[A]n attorney who has conducted a case in the trial court is presumed to have authority to pursue an appeal, although this presumption can be rebutted."). Here, however, this presumption is to be rebutted for the foregoing reasons:

I. Legal Basis for Rule 12 Motion

2. Pursuant to Tex. R. Civ. P. § 12, a party may challenge an attorney's authority to act on behalf of a party in a proceeding. When such a challenge is raised, the burden of proof shifts to the challenged attorney to demonstrate their authority to represent the party. *Id.* The attorney must appear before the trial court and show sufficient authority to prosecute or defend the suit on behalf of their client. (*Breceda v. Whi* (2006) 187 S.W.3d 148, 152; *Kelly v. Murphy* (1982) 630 S.W.2d 759, 761).

3. Rule 12 of the Texas Rules of Civil Procedure permits any party to challenge an attorney's authority to prosecute or defend a lawsuit. (See *Nolana Open MRI Ctr., Inc. v. Pechero* (2015) No. 13-13-00552-CV, at *15). The purpose of a Rule 12 motion is to protect parties from groundless suits and to permit dismissal of suits instituted without authority. (See *Nicholas v. Envtl. Sys. (Int'l) Ltd.* (2016) 499 S.W.3d 888, 895; *Angelina Cty. v. McFarland* (1964) 374 S.W.2d 417, 422–23).

4. Here, the procedural inconsistencies, lack of formal notice, and submission of documents by other parties on behalf of Ms. Carter raise substantial doubts about whether she possesses the necessary authority to represent the Petitioner. Despite being allegedly retained on January 22, 2024, Ms. Carter has not filed a formal notice of appearance, leaving her role ambiguous. Further complicating matters, filings under her name have been submitted by others, including the founder of Marx Altman & Johnson, her purported former employer. Coupled with her suspiciously timed State Bar profile update and lack of meaningful engagement, these facts compel the Respondent to seek clarification and challenge her authority under Rule 12.

II. Procedural Basis

5. No Formal Notice of Appearance Filed. Although Cooper Carter was allegedly retained on January 22, 2024, she has not filed a formal Notice of Appearance in this case. The absence of a Notice of Appearance creates substantial ambiguity regarding her authority to represent the Petitioner, especially given the procedural irregularities discussed below.

6. Lack of engagement. Throughout the proceedings, Ms. Carter has consistently failed to engage in any meaningful way and has failed to respond to any pleadings in the suit.

7. Filings Submitted on Behalf of Cooper Carter. All court documents and pleadings attributed to Ms. Carter have been submitted "on her behalf" by **Roderick Marx**, the founder of **Marx Altman & Johnson**. There is no indication that Ms. Carter is directly involved in this matter, raising significant questions about whether she is properly authorized to act as counsel for Morgan Michelle Myers.

8. Discrepancies in employment. On Ms. Carter's public social media, she claims to be a former attorney for Marx Altman & Johnson and claims to be employed currently with Cantey Hanger LLP.¹ The timeliness of her profile aligns with the public article released by Cantey Hanger LLP

¹ [Ms. Carter's public LinkedIn profile](#)

themselves.² Further, Every attorney in Texas is required by law to maintain a current and up-to-date profile. Tex. Gov't Code § 81.115. Notably, Ms. Carter's profile was updated on **March 13th, 2024**, one day prior to the only hearing that has occurred in this matter³ to her former employer. The Respondent has actively been seeking relief from the result of the aforementioned hearing for nearly seven months without any engagement or any authoritative activity from Ms. Carter, thus warranting this motion.

III. Prayer and Relief

9. Given the ongoing procedural irregularities and the apparent lack of clarity surrounding **Cooper Carter's** authority to represent Petitioner **Morgan Myers**, the Respondent respectfully requests the following:

- i. The Court should schedule a hearing requiring Cooper Carter to personally appear and definitively prove her authority to represent **Morgan Myers**, and to provide clarification as to who is involved in the case, and in what capacity Morgan Michelle Myers is being represented in this matter.
- ii. "Upon [her] failure to show such authority, the court shall refuse to permit the attorney to appear in the cause, and shall strike the pleadings if no person who is authorized to prosecute or defend appears." (Tex. R. Civ. P. 12; see *Kindle v. Wood Cnty. Elec. Co-op, Inc.* (2004) 151 S.W.3d 206, 210)

² [News article corroborating employment timeline](#)

³ [Ms. Carter's Texas State Bar profile.](#)

- iii. Grant of Summary Judgment Motion: Given that the Respondent's pending summary judgment motion filed on February 26th, 2024, remains unchallenged due to the lack of any meaningful engagement from **Cooper Carter**, and in light of the procedural deficiencies highlighted above, the Court should **grant the pending summary judgment via the attached order** as unopposed for judicial efficiency and to reset the status quo ante.
- iv. Stay all other formal settings and proceedings until resolution of this motion.
- v. **Respondent seeks no further sanctions against Ms. Carter given she fails to show her authority over the Petitioner in this matter.**

Respectfully submitted,

Respectfully Submitted,
/s/ Charles Dustin Myers
Charles Dustin Myers
Chuckdustin12@gmail.com
1-817-507-6562


CERTIFICATE OF SERVICE

Respondent hereby certifies that on **09/20/2024**, a true and correct copy of the **Respondent's Rule 12 Motion to Show Authority** 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

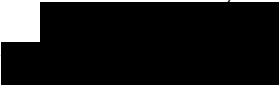
/s/ Charles Dustin Myers
Charles Dustin Myers

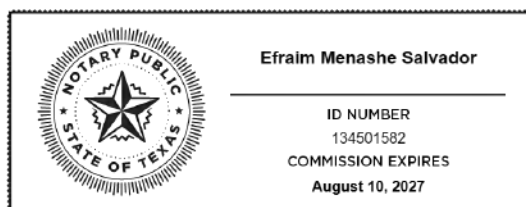

chuckdustin12@gmail.com
817-507-6562

Certificate of Conference

Pursuant to the Tarrant County Local Rule 4.01(10)(b), a conference was not held with Cooper L. Carter on the merits of this motion because Cooper Carter failed to respond to email correspondence sent on **09/17/2024**.

Charles Dustin Myers
/s/ Charles Dustin Myers
Charles Dustin Myers


chuckdustin12@gmail.com
817-507-6562



State of Texas

County of Johnson

Sworn to and subscribed before me

on 09/20/2024 by Charles Dustin Myers.


Electronically signed and notarized online using the Proof platform.

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: 92285306
Filing Code Description: Motion (No Fee)
Filing Description: RULE 12 MOTION TO SHOW AUTHORITY
Status as of 9/20/2024 4:33 PM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	9/20/2024 3:31:19 PM	SENT
Cooper L.Carter		coopercarter@majadmin.com	9/20/2024 3:31:19 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	9/20/2024 3:31:19 PM	SENT

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: 98746105
Filing Code Description: Motion (No Fee)
Filing Description: Rule 12 Motion to Show Authority
Status as of 3/24/2025 11:54 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/21/2025 2:11:08 PM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	3/21/2025 2:11:08 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	3/21/2025 2:11:08 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/21/2025 2:11:08 PM	SENT

MR 8

EMERGENCY TRO AND ORDER SETTING HEARING

Dated: 03/24/2025

233-765358-25

FILED
TARRANT COUNTY
3/24/2025 4:42 PM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN RE: M.E.M., ET AL.

**CHARLES DUSTIN MYERS, **

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

2025-03-24

EMERGENCY MOTION FOR TRO

TO THE HONORABLE COURT:

Petitioner, CHARLES DUSTIN MYERS ("Father"), urgently brings before this court an EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER to be issued immediately and without prior notice to the Respondent, MORGAN MICHELLE MYERS ("Mother"), for the safety and welfare of their two minor children M.E.M. and C.R.M., the parties' biological children. The Respondent has been informed of this request for a TRO as well as her attorney, COOPER L. CARTER. Petitioner has received

no response from either individual. Swift injunctive relief is needed to safeguard the well-being of the children – including immediate medical needs, schooling needs, financial needs, and emotional needs that the Petitioner has the ability, desire, and duty to satisfy.

The Respondent has disrupted the stable living environment enjoyed by the children up until the Petitioner's unlawful exclusion on March 6, 2024. They have been left without a Father for over thirteen months without any legal justification and are now being raised by their elderly great-grandparents in place of their Father.

The forthcoming and undisputed facts uncover the true intent behind the Respondent's actions and clearly demonstrate the need for the Petitioner's immediate re-entry into their lives.

I. STATEMENT OF JURISDICTION

This Court has jurisdiction, and the authority grants the requested relief because no valid existing orders bar such action. The only prior orders affecting the parties were issued in the 322nd District Court of Tarrant County, but those orders are void and of no legal effect. Under Texas Family Code § 201.013(b), an associate judge's order does not become final unless and until the referring district court judge signs the order.

Moreover, the orders claim that all parties agree to the terms of the order despite the Petitioner's signature being absent. In the prior proceedings (Cause Nos. 322-744263-23 in the 322nd District Court), an associate judge signed a "temporary" order on March 14, 2024 that purported to be an agreement between the parties. Critically, no district judge of the 322nd District Court ever signed or adopted that order, as required by law. TEX. FAM. CODE Sec. 201.013. Given this fact, the orders have no legal effect and

should be declared void by this court, or in the alternative, voidable, and vacated without delay. There is effectively no valid court order currently governing the parties' residence or conservatorship rights. This Court may therefore proceed to protect the children's welfare and the parties' rights as justice requires, unimpeded by the defective 322nd District Court order.

Furthermore, this court has jurisdiction because the Respondent cannot argue that the related cause number retains dominated jurisdiction. Texas law does allow a court to lose dominant jurisdiction if the party with the first suit proceeded in bad faith or the suit is not actively pursued. Both apply here, as demonstrated below. The first suit was unquestionably brought in bad faith, and the case hasn't been actively pursued for over six months by the opposition, leaving the children in procedural limbo and their needs unaddressed.

II. STATEMENT OF FACTS

1. On December 12, 2023, Petitioner discovered over 6,500 text messages exchanged between the Respondent and an individual named DAMEN GAULT KAZLAUSKAS by checking the usage history on the joint AT&T account owned by the Respondent's grandmother and paid for by the Petitioner, who had access to the account. (these records are voluminous and will be provided at hearing)

2. On December 14, 2023, in response to this discovery, the Respondent made plans to visit the residence of an individual named DANIEL KENNETH BRANTHOOVER, her stepfather.

3. During this trip, the Respondent withdrew the entirety of funds within the joint marital bank account, totaling \$1,576, and transferred the funds to Mr. Branthoover's PayPal account, which is reflected in the Petitioner's bank statements as "dmb575".

4. The Respondent and Mr. Branthoover both admitted this transaction occurred via text message evidence.

5. The Petitioner requested the funds be returned on December 16, 2023, and informed Mr. Branthoover of the fund's intent being for the Children's Christmas gifts and household bills related to Petitioner's business operations.

6. The intentions of the trip to Mr. Branthoover's residence located in Yukon, Oklahoma were then made clear in his response when Mr. Branthoover informed the Respondent via text message that "he would be getting divorced" and that he "hope[s] [he] can help with the paperwork."

7. On December 17, 2023, the Petitioner was served an eviction notice by the Respondent's grandmother, which cited a protective order and a divorce as the grounds for eviction. Exhibit 5

8. On December 18, 2023, the Petitioner filed for divorce in the 322nd District Court of Tarrant County claiming financial indigency and waived the 60-day waiting period due to claiming an active protective order was in effect against Petitioner, as well as made the claim that she believed herself or the children would be abused or harassed if any contact info were given to Petitioner.

9. On December 19, 2023, Mr. Branthoover reached out via text message and informed the Petitioner not to contact "his client" any further.

10. On December 22, 2023, the Respondent filed for another protective order claiming that family violence had occurred on December 18, 2023, in the presence of the children.

Exhibit 8

11. On the same evening that she filed for protection, the Respondent can be seen at home with the Petitioner in no emergency. Exhibit 9

12. Between December 23 and January 16, the Petitioner and Respondent peacefully cohabitated with the children continuing their normal routine where the Petitioner stayed home and worked during the day and would pick the children up from school and care for them in the evenings and on weekends.

13. The Petitioner was responsible for the children's daily meals, bathing, helped in getting them ready for school, taking them to school, and picking them up from school throughout their lives alongside the Respondent.

14. On January 16, 2023, the 322nd District Court of Tarrant County ordered the Petitioner to vacate the matrimonial home at [REDACTED] Texas and the case was reset for January 22, 2024.

15. On January 19, 2024, Petitioner retained Dan Bacalis, a licensed attorney.

16. On January 22, 2024, after the reset hearing was already supposed to have started, RESPONDENT retained COOPER L. CARTER in the lobby of the 322nd

District Court on the fly and then requested a continuance, which was granted, and the case reset to February 1st, 2024.

17. On February 1, 2024, the parties appeared by counsel and entered into a settlement agreement via an Associate Judge's Report that had the following provisions ordered by the Associate Judge:

- i. A typed written Order conforming to this Report will follow within 20 days from the date this report is signed.
- ii. The order shall be prepared by DAN BACALIS.
- iii. Each attorney should approve the Order.
- iiii. The parties do not need to approve the Order.
- iiiii. The attorney reviewing the Order will have (5) days to do so.
- iiiii. There are no 10 day letters.
- iiiii. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from the signing of this Report.

18. On February 5, 2024, Petitioner terminated the services of Dan Bacalis.

19. On February 8, 2024, Petitioner put the court on notice that he rescinded the agreement and filed an EMERGENCY MOTION TO RECONSIDER EVIDENCE AND VACATE TEMPORARY ORDERS containing the following exhibits:

DKT.53 - A.1 - TEXT RECORDS AND VISUALIZATIONS

DKT.54 - EXHIBIT A.2 - TEXT TO PAPA W

DKT.55 - EXHIBIT A.3 - FINANCIAL TRANSACTION

DKT.56 - EXHIBIT A.4 - OVERDRAWN ACCOUNT

DKT.57 - EXHIBIT A.5 - EVICTION NOTICE TORN

DKT.58 - EXHIBIT B.1 - DIVORCE PETITION

DKT.59 - EXHIBIT B.2 - DISMISSED EVICTION

DKT.60 - EXHIBIT C.1 - FILINGS REGARDING PROTECTIVE ORD

DKT.61 - EXHIBIT C.2 - 01.16.2024 RENDITION UNSIGNED

DKT.62 - EXHIBIT C.3 - RENDITION FOR JANUARY 22ND, 2024

21. On February 12, 2024, an order was rendered effectuating the termination of Dan Bacalis by the court.

22. On February 22, 2024, Petitioner filed a MOTION FOR PARTIAL SUMMARY JUDGEMENT with an attached parenting plan.

23. On February 27, 2024, a notice of hearing was filed with the clerk and scheduled the Petitioner's EMERGENCY MOTION TO RECONSIDER EVIDENCE AND VACATE TEMPORARY ORDERS for March 14, 2024.

24. On March 6, 2024, while walking his two children to school, the RESPONDENT ran inside the marital home and locked the Petitioner out of the home.

25. On March 14, 2024, RESPONDENT and her counsel, COOPER L. CARTER, were seen in the conference room preparing Temporary Orders moment before the hearing was to begin.

26. On March 14, 2024, Petitioner was handed a document titled "Temporary Orders" which had already been signed by the opposing party.

27. On page 1 of the orders, the orders claimed "All parties consent to the terms of these orders as evidenced by the signatures below."

28. On March 14, 2024, the Associate Judge denied the Petitioner's emergency motion.

29. On March 14, 2024, the Associate Judge adopted the Associate Judge's Report signed by the parties on February 1st and ordered the Petitioner to sign them by 1:30 P.M. that same day.

30. On March 26, 2024, the Temporary Orders signed on March 14, 2024, were filed with the clerk.

31. On March 26, 2024, the Petitioner filed a request for findings of fact and conclusions of law.

32. On April 8, 2024, the Petitioner filed a Petition for Writ of Mandamus in the Second Court of Appeals.

33. On April 10, 2024, the Petitioner's Petition for Writ of Mandamus was denied.

34. On April 22, 2024, the Petitioner filed a Motion for Rehearing in the Second Court of Appeals.

35. On April 24, 2024, RODERICK D. MARX, a party not named in the suit, filed a MOTION FOR PRETRIAL CONFERENCE on behalf of COOPER L. CARTER.

36. On April 24, 2024, Petitioner filed an OBJECTION to the MOTION FOR PRETRIAL CONFERENCE.

37. On April 25, 2024, Petitioner's motion for rehearing was denied.

38. On April 27, 2024, Petitioner filed a Motion for Reconsideration En Banc with the Second Court of Appeals.

39. On April 30, 2024, Petitioner filed a notice of completion regarding the 'children in the middle' course.

40. On May 2, 2024, Petitioner's motion for reconsideration en banc was denied.

41. On May 13, Petitioner filed a PETITION FOR WRIT OF MANDAMUS in the Texas Supreme Court.

42. On June 2, 2024, the RESPONDENT's grandmother called the Petitioner, raising several concerns regarding the children's well-being.

43. On June 28, 2024, the Texas Attorney General's Office filed an INTERVENTION.

44. On July 1, 2024, the Petitioner filed an OBJECTION TO INTERVENTION pleading.

45. On August 30, 2024, the Petitioner's mandamus was denied in the Texas Supreme Court.

46. On September 10, 2024, the Petitioner filed a MOTION FOR REHEARING in the Texas Supreme Court.

47. On September 17, 2024, the Petitioner served a REQUEST FOR DISCOVERY, PRODUCTION, AND ADMISSIONS on the opposing party.

48. On September 20, 2024, the Petitioner filed a RULE 12 MOTION TO SHOW AUTHORITY against COOPER L. CARTER.

49. On September 26, 2024, the Petitioner filed a MOTION FOR TEMPORARY ORDERS, later amended on September 27, 2024.

50. On October 7, 2024, the Petitioner filed a JOINT MOTION TO RECUSE the district and associate judges from the case.

51. Petitioner's motion for rehearing was denied by the Texas Supreme Court on October 18, 2024.

52. On November 1, 2024, Justice E. Lee Gabriel was assigned to hear the recusal motion.

53. On November 4, 2024, Petitioner filed a PRE-TRIAL MOTION IN LIMINE.

54. On November 6, 2024, the Petitioner requested confirmation from the clerk that Justice E. Lee Gabriel took her required Oath of Office.

55. On November 15, 2024, Petitioner filed a MOTION TO COMPEL DISCOVERY regarding the discovery requests sent on September 17, 2024.

56. On November 19, 2024, an order DENYING the recusal of the associate and district judges was filed with the clerk.

57. On December 12, 2024, the Petitioner filed a NOTICE OF REMOVAL with the 322nd District Court, and removed the case to the Northern District of Texas.

58. On December 14, 2024, the case was REMANDED by the Northern District of Texas for lack of subject matter jurisdiction.

59. On January 12, 2025, Petitioner filed a MOTION TO DISMISS FOR WANT OF PROSECUTION.

60. On March 18, 2025, Petitioner filed an original SAPCR and motion for injunctive relief with this court.

61. On March 22, 2025, the Petitioner learned through a family member that Respondent's public Facebook profile states "In a Relationship since February, 2024".

62. On March 22, 2025, the Petitioner informed the opposing party of this motion.

63. On March 23, 2025, the Petitioner filed this suit with this court seeking immediate and emergency relief given the extraordinary circumstances leading up to this point.

III. IMMEDIATE NEED FOR RELIEF

64. Every day that Petitioner remains barred from his home and children inflicts irreparable injury on both Petitioner and the children. Irreparable harm means an injury that cannot be adequately compensated for money damages or corrected later. That is exactly the case here.

65. Petitioner is being deprived of the irreplaceable experience of parenting his children during their formative years. No amount of monetary compensation or later visitation can make up for the lost time, missed milestones, and emotional bonding that has been denied for over a year. Courts have recognized that interference with custodial or visitation rights constitutes irreparable harm, as time lost with one's child is gone forever. The children are likewise losing the benefit of a father's love, guidance, and daily care – a harm that is unquestionably irreparable. If this wrongful separation continues, the risk increases that the parent-child bond could be permanently damaged. Reunification becomes harder as more time passes; thus the urgency is extreme.

66. The children have been suffering confusion, instability, and emotional distress due to the sudden absence of Petitioner and the drastic changes imposed by Respondent. They went from having both parents in their daily life to seeing only one parent, with no satisfactory explanation. Respondents' insertion of a new father-figure (Mr. Kazlauskas) has exacerbated their confusion and anxiety. This kind of emotional turmoil in young children can lead to long-term psychological issues – a classic irreparable injury, as the court cannot later repair the trauma inflicted on a child's sense of security. Restoring Petitioner's presence is needed now to begin healing the damage and to reassure the children that their father has not abandoned them. The more time that passes, the deeper the potential harm to the children's mental health.

67. Petitioner's fundamental right to maintain his familial relationship with his children (protected by the U.S. and Texas Constitutions) is being violated. Such a violation is inherently irreparable. Deprivation of one's home – being ousted without cause – is also a profound personal harm for which there is no adequate remedy at law.

Petitioner has effectively been made a stranger to his own family and property based on false pretenses. If the Court does not act, the Petitioner will continue to suffer intangible harms such as loss of income, anguish, and the erosion of his role as a father, none of which can be quantified or compensated later.

IV. THE RESPONDENT'S MISCONDUCT

Perjury and Aggravated Perjury (Tex. Penal Code §§ 37.02–.03)

68. Texas law makes it a crime to make false statements under oath. Perjury occurs when a person, with intent to deceive, makes a false statement under oath in a proceeding where an oath is required.

69. If the false statement is made in connection with an "official proceeding" and is material, it becomes Aggravated Perjury, a third-degree felony. In civil cases, knowingly submitting false affidavits or testimony can also constitute perjury and be treated as a fraud upon the court. Courts have recognized that false sworn statements in family law matters are serious misconduct, undermining the judicial process and potentially warranting sanctions or even criminal referral (e.g., *Skepnek v. Mynatt*, 8 S.W.3d 377, 381 (Tex. App. – El Paso 1999) (attorney sanctioned \$30,000 for filing false affidavit).

70. Here, Respondent swore to multiple false statements under oath, meeting all elements of perjury and aggravated perjury. For example:

False Affidavit of Indigency

71. On December 18, 2023, Respondent filed a sworn "Affidavit of Inability to Pay" court costs, claiming she had only \$20 in her bank account. This statement was knowingly false. Just two days prior, Respondent had transferred \$1,576.00 in marital funds to herself, as confirmed by text messages with her relative (Dan Branthoover) on December 16. She then appeared in court swearing she was penniless and could not afford the \$400 filing fee. In that same affidavit, Respondent also lied that she alone paid certain expenses (two car loans and \$800 rent plus utilities), when in fact Petitioner had been paying those bills; he continued to pay for the vehicles Respondent claimed to finance on her own. Bank statements and financial records will clearly establish this fact on the merits. Respondent's counsel has never refuted these facts. Thus, Respondent made multiple false statements under oath, meeting Penal Code § 37.02. Because these affidavits were filed in court proceedings and were material to the case (securing a fee waiver and influencing the court's actions), they also qualify as aggravated perjury under § 37.03. Each false statement was material to issues before the court (Respondent's financial status and credibility), satisfying the materiality requirement.

False Statements in Protective Order Filings

72. Respondent submitted false sworn statements in her applications for protective orders. Texas Family Code § 82.009 requires that an application for a temporary ex parte protective order "contain a detailed description of the facts" of alleged family violence and be sworn as true by the applicant. Respondent sought an ex parte protective order on or about Dec. 14, 2023, claiming abuse, yet on Dec. 22, 2023, she was photographed laughing and playing with the children alongside Petitioner – conduct wholly inconsistent with someone in fear of imminent harm. In fact, that same day, she

had applied for a second protective order against the Petitioner with similar allegations. No credible evidence of family violence was ever presented in thirteen months of litigation but has been used as a barrier from accessing the home where the Petitioner is needed.

73. The contextual evidence of falsity (her normal familial behavior with Petitioner the same day she sought Protection) defeated her sworn claims of "fear" or violence and display that they were indeed fabricated. At the very least, her contradictory sworn assertions – e.g. claiming on Dec. 18 to have an "active" protective order based on family violence (to justify a divorce waiver) when in truth none existed – demonstrate a reckless disregard for the truth under oath.

74. These false protective order filings were not isolated incidents but part of a calculated strategy to remove Petitioner from the family home and children's lives. The timing of these filings—immediately after the discovery of Respondent's extramarital relationship with Mr. Kazlauskas—reveals their true purpose: not to protect against genuine violence, but to preemptively silence Petitioner and prevent him from exposing Respondent's infidelity and financial misconduct. By falsely claiming fear while simultaneously engaging in normal family activities with Petitioner, Respondent demonstrated the fabricated nature of her allegations.

75. The pattern of deception is unmistakable: Respondent drained the family bank account on December 15-16, filed false indigency claims on December 18, falsely claimed an existing protective order in her divorce petition that same day, then filed yet another protective order application on December 22—all while continuing to interact

normally with Petitioner at home. This coordinated sequence of events shows a premeditated plan to use the legal system as a weapon against Petitioner rather than as the shield of protection it was designed to be.

Controlling Law

76. False testimony or affidavits in a civil proceeding can warrant severe consequences. While the proper remedy for "intrinsic" fraud (false statements on issues litigated at trial) is often a new trial or sanctions rather than voiding a judgment, courts do not hesitate to act on clear perjury. Texas courts have inherent authority to address fraud on the court, and criminal prosecution for aggravated perjury is a possibility for egregious lies under oath. Indeed, aggravated perjury in court proceedings is a felony punishable by 2–10 years' imprisonment (Tex. Penal Code § 37.03(b)).

77. That is precisely what has occurred in this case, and Respondent should face some consequences for her actions, but Petitioner believes that prolonged incarceration would not be in the best interests of his children, but that some form of legal repercussion is necessary to deter similar behavior in the future. She has made no effort to defend these claims, no effort to prosecute her case, and the Petitioner prays that this court realize the severity of this situation on those effected most: the children.

V. BEST INTEREST OF THE CHILDREN

78. The Texas Family Code references "the best interest of the child" 109 times throughout its text, and throughout the entirety of the code itself – the word "always" only appears once. TEX. FAM. CODE. Sec. 153.002. (The best interest of the child shall

always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.)

79. Here, this statutory mandate was grossly violated by the Respondent and her purported counsel, who have suddenly become active in the litigation here despite remaining silent for over eight months in the parallel case destined for dismissal.

80. Indeed, the instant case reveals a Mother with an agenda to erase the parent the children relied on the most from their lives despite a valid legal reason, and has disregarded their livelihood in the process.

81. Respondent's conduct constitutes a blatant violation of the "best interest" standard mandated by Texas Family Code §§ 153.001 and 153.002. Texas law declares it the public policy of this state to assure that children have frequent and continuing contact with parents who act in the child's best interest, to provide a safe and stable environment for the child, and to encourage both parents to share in raising the child. Moreover, the best interest of the child must always be the court's primary consideration in matters of conservatorship and access. Respondent has flagrantly defied these principles by prioritizing her extramarital relationship with Mr. Damen Kazlauskas over the emotional, psychological, and familial stability of her own children.

Orchestrated Campaign of Deception at the Family's Expense

82. The evidence reveals a disturbing pattern: Respondent orchestrated a comprehensive campaign of deception that sacrificed her children's emotional well-being and family stability to pursue her extramarital relationship. This was not a series of isolated incidents but a calculated strategy that unfolded in precise sequence:

83. First, Respondent engaged in an extramarital relationship with Mr. Kazlauskas (evidenced by over 6,500 text messages);

84. Second, upon discovery of this relationship, she immediately sought assistance from Mr. Branthoover to draft legal documents;

85. Third, she drained the family's financial resources (\$1,576) that were intended for the children's Christmas gifts;

86. Fourth, she filed false protective order applications and a fraudulent indigency affidavit;

87. Fifth, she misrepresented to the court that an active protective order existed when none did;

88. Finally, she used these fraudulent filings to remove Petitioner from the family home and children's lives.

89. Each step in this sequence was designed not to protect the children but to advance Respondent's personal agenda at their expense. The children have been collateral damage in Respondent's effort to reconstruct her life with Mr. Kazlauskas, who she now publicly acknowledges as her partner "since February 2024"—a relationship that began while she was still actively living with Petitioner and the children.

Deception and Psychological Confusion of the Children

90. Respondent has knowingly misled the minor children about the status of their family by telling them that she and Petitioner are already divorced, even though the divorce is not final. This deliberate falsehood serves Respondent's personal narrative but

wreaks emotional havoc on the children. They are left in a state of confusion—believing their family has been permanently fractured when in fact the legal marriage remains intact. By intentionally misrepresenting such a fundamental truth, Respondent has shown a willingness to confuse and emotionally harm her children to justify her own choices, in direct contravention of her duty to prioritize the children's emotional well-being.

Prioritizing an Extramarital Relationship Over Family

91. Compounding the harm, Respondent is openly celebrating a relationship with Mr. Kazlauskas – a man with whom she entered an extramarital relationship while still married to Petitioner. She has flaunted this relationship and positioned Mr. Kazlauskas as a replacement father figure to the children, celebrating milestones with him that should be reserved for family. In doing so, Respondent elevates her personal relationship over her children's need for stability and continuity with their real father. This behavior sends the children a disturbing message: that their father's role in their lives is interchangeable or unimportant. Such a message is detrimental to the children's best interests, as it undermines their sense of security, identity, and trust in their family structure and the close relationship that they have shared with their father throughout their lives.

Active Alienation and Erasure of the Father

92. Respondent has gone to alarming lengths to minimize and erase Petitioner's presence in the children's lives. She has introduced Mr. Kazlauskas to the children as if he were a new parent, while simultaneously telling the children that Petitioner (their father) is no longer in their lives. This calculated act of alienation strikes at the very heart

of Texas public policy, which seeks to ensure children maintain frequent and continuing contact with both parents.

93. Instead of fostering the father–child relationship, Respondent has deliberately attempted to sever it. The children are being taught through Respondent's words and actions that their father has effectively disappeared and been substituted by a stranger, causing profound emotional damage and confusing the children about who their father is. This behavior is not only cruel; it is directly contrary to the children's best interests and Texas's clear directives that children benefit from the love and involvement of both parents.

93. The children's current living situation—being raised primarily by elderly great-grandparents rather than their capable and willing father—further demonstrates how Respondent's personal agenda has superseded the children's needs. Rather than allowing Petitioner to fulfill his parental role and provide daily care and support to the children, Respondent has relegated this responsibility to extended family members, depriving the children of their father's presence, guidance, and care during crucial developmental years.

94. Respondent's systematic use of false protective orders, perjured testimony, and procedural manipulation has created a legal fiction that has kept Petitioner from his children for over thirteen months. This separation was not based on any legitimate safety concern or the children's best interests, but solely on Respondent's desire to reconstruct her family unit with Mr. Kazlauskas at the center—effectively erasing Petitioner from the children's lives to accommodate her new relationship.

95. The harm to the children from this prolonged, unjustified separation from their father cannot be overstated. Research consistently shows that children benefit from the active involvement of both parents, and that unnecessary disruption of the parent-child bond can cause lasting psychological damage. By prioritizing her personal relationship over her children's need for both parents, Respondent has demonstrated a fundamental misalignment with the "best interest" standard that Texas law demands be the "primary consideration" in all matters affecting children.

96. Despite the Respondent's egregious actions, the Petitioner wishes her no ill will as she is the mother of his Children and only seeks an amicable path forward that suits their best interests. As of now, the Children need their father, and this situation engineered by the Respondent shows that her fitness as a parent has been called into question, and her priorities are not in the correct place. Petitioner vows his return to the family home will only bring much needed stability to his children and will be in their best interests for their day-to-day livelihood.

VI. PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully prays that this Honorable Court:

(1). Issue an immediate Temporary Restraining Order for the safety and welfare of the children without notice to Respondent, restraining Respondent from:

a. Denying Petitioner access to the children;

b. Denying Petitioner access to the family residence at [REDACTED],
[REDACTED], Texas 7[REDACTED]

c. Disturbing the peace of the Children;

d. Disrupting the status quo of the children as it existed on March 6, 2024;

c. Removing the children from Tarrant County, Texas;

d. Making disparaging remarks about Petitioner to or in the presence of
the children;

e. Interfering with Petitioner's possession of and access to the children;

f. Destroying, removing, concealing, encumbering, transferring, or
otherwise harming or reducing the value of the property of the parties;

g. Falsifying any records relating to the children or property;

h. Misrepresenting any facts to the children regarding the marriage,
divorce proceedings, or Petitioner's role in their lives;

i; Bringing the Children near DAMEN GAULT KAZLAUSKAS;

(5). Set a hearing on Petitioner's request for a Temporary Injunction at the earliest
possible date not later than 14 days from the electronic delivery of this TRO to the
Respondent;

(6). After hearing, issue a Temporary Injunction containing the same prohibitions
as this Temporary Restraining Order;

(7). After trial, if no agreement can be reached, grant Petitioner primary conservatorship of the children;

(8). After trial, if no agreement can be reached, grant Petitioner exclusive possession of the family residence until damages can be fully restored and alternative residency can be established nearby the Children;

(10). Grant such other and further relief to which Petitioner may be justly entitled.

It's been a long road. The Petitioner prays he may now return home to his children and prepare for this difficult time in a manner which comports with their fundamental needs.

Thank you.

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS, Pro Se

[REDACTED]

[REDACTED]

Phone: 817-546-3693

Email: CHUCKDUSTIN12@GMAIL.COM

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 4.11(11)(e)

Petitioner certifies that after diligent attempts to reach both the Respondent and her Counsel, all attempts were unsuccessful.

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS



817-546-3693

CHUCKDUSTIN12@GMAIL.COM

Automated Certificate of eService

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Envelope ID: 98863782
Filing Code Description: Proposed Order
Filing Description: PROPOSED ORDER
Status as of 3/26/2025 3:31 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	3/25/2025 2:10:47 PM	NOT SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/25/2025 2:10:47 PM	NOT SENT

Cause Number 233-765358-25

Print cause number and other court information exactly as it appears on the petition filed in this case.

In the interest of:

In the: (check one):

1. M.E.M.
2. C.R.M.
3. _____
4. _____
5. _____

233

Court Number

- ☐ District Court
☐ County Court at Law

Child(ren)

TARRANT

County, Texas

Temporary Restraining Order and Order Setting Hearing

On 03/24/2025 Date Petitioner, CHARLES DUSTIN MYERS Your full name
presented a motion for a temporary restraining order to this Court.

Respondent's name is: MORGAN MICHELLE MYERS
Respondent's full name

The child(ren) who are the subject of this suit are:

	Child's name	Date of Birth	Gender
1.	<u>MARA EVONNE MYERS</u>	<u>06/20/2016</u>	<u>FEMALE</u>
2.	<u>CAROLINE ROSE MYERS</u>	<u>04/12/2018</u>	<u>FEMALE</u>
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

1. The Court finds that the issuance of a temporary restraining order is necessary to protect the child(ren) who are the subject of this suit.

IT IS THEREFORE ORDERED that the Clerk of this Court issue a temporary restraining order that immediately restrains Respondent from doing the following:

(check off each restraint that the Judge orders at the hearing)

- ☐ Threatening the child(ren) with imminent bodily injury. (See Texas Family Code 6.501(a)(5))
- ☐ Causing bodily injury to the child(ren). (See Texas Family Code 6.501(a)(4))
- ☐ Disturbing the peace of the child(ren). (See Texas Family Code 105.001(a)(3))

- ☐ Removing the child(ren) beyond a geographic area identified by the Court. (See Texas Family Code 105.001(a)(4))
- ☐ Withdrawing the child(ren) from the school or day-care facility where they are presently enrolled without the written consent of Petitioner.
- ☐ Hiding or secreting the child(ren) from Petitioner.
- ☐ Engaging in any criminal activity while the child(ren) are in the Respondent's possession.
- ☐ Using alcohol or illegal drugs 24 hours prior to or during his/her possession of the child(ren).

2. The Court further finds that it clearly appears from specific facts shown by Petitioner's affidavit that immediate and irreparable injury or harm will result to the child(ren) before notice can be served and a hearing can be held.

The injury or harm to the child(ren) is:

The children are suffering daily from their father being prevented access to the marital home. The Respondent has prevented access since March 6, 2024, knowing the Petitioner's need for the residence to work. This has left the children without the care of either parent for the majority of the time, and are being told that the divorce has been finalized and that their father is a bad person.

The above injury or harm would be irreparable because:

Prior to the Respondent's removal, the Children were cared for both emotionally and financially by the Petitioner. The Respondent knowingly and willingly sabotaged this relationship to further her own agenda with a separate relationship.

The emotional well-being and stability of the children have been destroyed, and their stable life has been dismantled by the Respondent in bad faith. There exists no legal basis for the current situation to persist, and the children are already showing signs of distress, emotional trauma, and are beginning to struggle academically.

The children need the Petitioner's stable, nurturing care during this difficult time, and they will soon lose all access to their Father who will be homeless given the circumstances.

The temporary restraining order is granted without notice because:

The Petitioner has been fighting for over a year to get back into his residence to no avail. The Respondent has refused to participate, and continues to prioritize her new relationship over the children. Notice would only spark more deceptive legal actions from the Respondent to try and subvert justice.

Petitioner will be able to surprise the children by picking them up from school, and they will finally be reunited with their father,
 something that they anticipate and desperately need. The Respondent has shown no ability to act in the children's best interests.

It is therefore ordered that:

☐ The bodies of the child(ren) be attached and that the child(ren) be placed in the possession of:

☐ The Petitioner

☐ The following person: _____
 (See Texas Family Code 105.001(c)(1-2))

☐ Respondent is excluded from possession of or access to the child(ren) until notice can be served and a hearing can be held.

☐ Respondent's possession of or access to the child(ren) is limited as follows until notice can be served and a hearing can be held:

☐ Respondent is excluded from unsupervised possession of the child(ren).
 Possession of the child(ren) shall be supervised by:

☐ Any person approved in writing by Petitioner

☐ A person approved by the Court: _____

☐ Respondent is excluded from overnight visits with the child(ren). Any day visits shall begin no earlier than _____ a.m. and shall end no later than _____ p.m.

☐ Respondent may not allow the child(ren) to have any contact with the following person(s):
 DAMEN GAULT KAZLAUSKAS

☐ Respondent may not engage in the following acts during any periods of possession or access:

Respondent must not forbid the Petitioner from access to the marital home. Respondent must not disturb the peace of the children.

Respondent must maintain an amicable candor towards all members of the household.

Both parties must maintain the status quo as it was prior to the unlawful lockout of Petitioner which occurred on March 6, 2024.

3. This restraining order is effective immediately and will continue in full force and effect until it expires by its terms within a time period determined by the Court (not to exceed 14 days), unless within that time frame the order is extended for good cause shown, or unless the Respondent consents that it may be extended for a longer period. See Texas Rule of Civil Procedure 680.

This restraining order expires on the following date: 2025/04/12.

THE VIOLATION OF A TEMPORARY RESTRAINING ORDER IS PUNISHABLE BY CONTEMPT AND THE ORDER IS SUBJECT TO AND ENFORCEABLE UNDER CHAPTER 157 OF THE TEXAS FAMILY CODE. See Texas Family Code 105.001(f).

4. The requirement of a bond is waived. See Texas Family Code 105.001(d).

Order to Appear

IT IS ORDERED that Petitioner's application for temporary injunction and temporary orders be scheduled for a hearing at the earliest possible date and that the Clerk of this Court issue notice to Respondent to appear in person before this Court at the following date, time, and place (as required by Texas Rule of Civil Procedure 680):

Date: _____

Time: _____

Address: _____

The purpose of the hearing is to determine whether the Court should order the following temporary relief while this case is pending:

- a. Convert the preceding temporary restraining order into a temporary injunction.
- b. Enter temporary orders for the safety and welfare of the child(ren), including but not limited to conservatorship, possession and access.
- c. Enter any other orders that are necessary for the safety and welfare of the child(ren).

SIGNED on _____, 20_____, at _____ .m.

PRESIDING JUDGE

Automated Certificate of eService

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MR 9

PETITIONER'S OBJECTION TO CONSOLIDATION

Dated: 03/21/2025

233-765358-25

NO. 233-765358-25

FILED
TARRANT COUNTY
3/24/2025 12:46 PM
THOMAS A. WILDER
DISTRICT CLERK

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS**IN RE: M.E.M., ET AL.******CHARLES DUSTIN MYERS, ****

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

PETITIONER'S OBJECTION TO
CONSOLIDATION

2025-03-24

INTRODUCTION

1. Texas law does generally **require consolidation of divorce and custody matters** to avoid conflicting parallel litigation. Under Family Code § 6.407, if a SAPCR involving the child is already pending in one court when a divorce is filed in another court, the SAPCR must be **transferred to the divorce court** so that one judge handles everything. Likewise, if the parents are in the middle of a divorce, any new custody suit typically should be joined into that divorce case instead of proceeding separately. The policy behind this is to have one court speak on all parent-child issues at a time, preventing inconsistent orders. In a normal scenario, if Parent A filed for divorce (including child custody) in Court X, Parent B would **not be allowed to file a separate SAPCR in Court Y** at the same time – the law would mandate that the child's case be heard in the first-filed divorce court.

2. So, generally, an active divorce case would mean any custody claims belong in that lawsuit, not in a new, independent suit elsewhere.

3. However, § 6.407 assumes the initial divorce suit is properly filed and being pursued. Its joinder and transfer rules are meant to coordinate *valid, concurrent* proceedings. It does **not explicitly address** a situation where the original divorce/SAPCR is essentially a sham or has stalled out. In your case, while technically the divorce case exists, it was filed in bad faith and has produced no valid orders or final judgment. This puts it outside the typical scenario § 6.407 contemplates. If the original case is on track to be dismissed or is proven to be jurisdictionally defective, there may soon **be no “pending” case to join into**. Thus, the usual mandatory joinder rule may not pose a long-term barrier, especially if you move to dismiss the old case for lack of prosecution. In short, **ordinarily you must litigate child issues in the divorce suit**, but when that suit is effectively defunct or void, the rationale for mandatory joinder falls away.

II. Dominant Jurisdiction and Exceptions for Bad-Faith First Filings

4. Even when no final order exists, Texas follows a “first in time” rule for parallel cases: the court where a suit is first filed generally has dominant jurisdiction, meaning it has the primary right to proceed, and any later-filed suit involving the same parties and issues should be abated (paused) or dismissed. Applied here, because the divorce case was filed earlier, a new SAPCR in another court would normally face a plea in abatement from the first filer. The second court would typically defer to the first-filed court’s authority over the matter. **But importantly, Texas law also recognizes exceptions** to the first-filed rule in cases of inequitable conduct. If the person who filed the first suit did so *merely to gain an upper hand* (for example, to lock in a preferred venue or harass the other parent) **without any genuine intent to prosecute the case**, that behavior can **estop** (prevent) them from claiming the benefits of dominant jurisdiction.

5. Here, this is precisely what has occurred. COOPER L. CARTER, attorney for Respondent, has not prosecuted the first-filed case in over *eight months*. Her authority remains

in question under rule 12 of the Texas Rules of Civil Procedure, and hasn't filed the mandatory **notice of remand** after federal removal, which occurred back in December of 2024. This procedurally prevents the case from moving forward until this requirement is met, which has not only been pointed out to Ms. Carter, but has been wholly disregarded.

6. Now, Ms. Carter is before this court seeking to consolidate the SAPCR suit filed and captioned above back into the original suit *in which she has not been prosecuting*. Such action would further prejudice the children, and Ms. Carter should have to explain why she has failed to prosecute the main case, but yet can show up here and request consolidation. If Ms. Carter were genuinely looking to uphold the best interests of the children in this case, she wouldn't allow their well-being to hang in the balance within the originally filed case – but she has been – which is why this SAPCR was brought before this court.

7. Further, The Texas Supreme Court in *Curtis v. Gibbs* explained that a first filer's bad faith or fraud can remove the shield of the first-filed rule and allow a later suit to go forward. This also applies here. Ms. Carter's client initiated the divorce action in bad faith, and waived the 60-day waiting period for divorce claiming an active order of protection was in effect against the undersigned. This was elected for the *sole purpose* of gaining an unfair advantage in the divorce proceedings. Once this advantage was gained, she stopped prosecuting the suit.

8. Generally, if *Suit 1* was essentially a placeholder or manipulation (filed “merely to obtain priority, without a bona fide intention to prosecute the suit” and the filer's conduct kept *Suit 2* from being filed sooner, a court can find that *Suit 1* was an inequitable sham. In that event, the second court may **deny the plea in abatement and take the case**, effectively jumping past the first court. *Id.* Here, the facts suggest the prior divorce action was in bad faith and then abandoned – precisely the kind of scenario in which Texas courts allow an exception to the

“first-filed” rule. The Respondent in this matter had no serious intent to pursue the divorce/SAPCR (e.g. they filed to harass or to get temporary orders, then let the case languish), giving this court the discretion to refuse to abate/consolidate this SAPCR. The first court’s **dominant jurisdiction dissolves if the first suit was a null effort**. Therefore, given the circumstances, the opposing counsel should have to explain the reasoning behind her failure to prosecute before consolidation ordered under the assertion that it is “mandatory”.

III. Filing a New SAPCR in a Different Court Under These Circumstances

9. Given the above, **nothing in Texas law absolutely bars the undersigned from filing a new SAPCR** for his children in this court, because the original case truly produced no final orders and is effectively moribund. Texas Family Code § 155.001(d) explicitly provides that if no final order has been rendered in a SAPCR, any *subsequent suit* regarding the child is simply treated as a new original proceeding.

9. That means the undersigned legally permitted to start fresh with a new custody suit because the first case never culminated in a final judgment. Additionally, the Texas Supreme Court has described a subsequent SAPCR in these circumstances as “a **new suit** in which no court has continuing exclusive jurisdiction”. *Curtis v. Gibbs*, 511 S.W.2d 263, 267 (Tex. 1974) (orig. proceeding) - confirming that a pending-but-unresolved prior case does not freeze the undersigned out of seeking relief from this court on behalf of his children.

IV. The Old Case Faces Statutory Dismissal for Failure to Prosecute

10. Interestingly, the first case has already had a motion to dismiss for want of prosecution filed. Unfortunately, due to Ms. Carter’s inability to prosecute the case, it remains in procedural limbo never properly remanded from federal court. So even if the cases were

consolidated, she would have no ability to proceed with the litigation, effectively putting this scenario back in the same spot, which would be prejudicial to the children.

11. Under the *Curtis v. Gibbs* line of cases, the new court has authority to determine if the first filer's conduct was inequitable. The Petitioner in this matter has not received any counter argument or denial regarding the claims of the Respondent's inequitable conduct, only continuous attempts to subvert justice for the children named in this suit.

12. The key point is that **no “continuing, exclusive” jurisdiction binds the undersigned or the children to the old case**, and an **abandoned/invalid suit should not prevent a parent from protecting their child's interests in a new forum**. The law intends for one court at a time to handle a child's case, but it does not reward a party who tried to game the system by filing first and then dropping the ball. The undersigned has proceeded diligently and transparently in the new SAPCR, and Texas law provides a path for him to do so.

IV. CONCLUSION

13. Because the prior divorce/SAPCR never resulted in a valid final order (and its only interim orders are void), that court **never obtained continuing, exclusive jurisdiction** over the children. *In the INTEREST OF A.F., W.J., A.J., and J.J., Children* No. 02-19-00117-CV. A parent in this situation is generally free to initiate a new SAPCR as an original proceeding in the appropriate court. TEX. FAM. CODE 155.001(b)(2). While Texas law usually tries to funnel all custody matters into one court, it will not force you to remain tethered to a lawsuit that was filed in bad faith and then abandoned. The doctrines of continuing exclusive jurisdiction and mandatory joinder **do not bar a new suit** when the original case is effectively *a nullity*. Here, that is precisely the case, and until these points are rebutted by the opposing party, they prevail.

Respectfully submitted,

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

[REDACTED]

817-546-3693

CHUCKDUSTIN12@GMAIL.COM

CERTIFICATE OF SERVICE

Petitioner, Charles Dustin Myers, hereby certifies that a true and correct copy of the foregoing PETITIONER'S OBJECTION TO CONSOLIDATION was served on Respondent's counsel of record, Cooper L. Carter, via the via email to cooperlcarter@majadmin.com (email address on file) on this 24th day of March, 2025, in accordance with the Texas Rules of Civil Procedure and to Petitioner, MORGAN MICHELLE MYERS, through the Electronic Filing Manger in accordance with Texas Rules of Civil Procedure 21a to her email address MORGANMW02@GMAIL.COM.

/s/ Charles Dustin Myers

CHARLES DUSTIN MYERS

[REDACTED]

ChuckDustin12@gmail.com

817-546-3693

Pro Se

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: 98851189
Filing Code Description: No Fee Documents
Filing Description: OBJECTION TO CONSOLIDATION
Status as of 3/26/2025 8:25 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/25/2025 11:34:47 AM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	3/25/2025 11:34:47 AM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	3/25/2025 11:34:47 AM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	3/25/2025 11:34:47 AM	SENT

MR 10

PETITIONER'S STATEMENT

Dated: 04/01/2025

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN RE: M.E.M., ET AL. **CHARLES DUSTIN MYERS, ** Petitioner, MORGAN MICHELLE MYERS, Respondent. 2025-03-31	Petitioner’s Statement
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TO THE HONORABLE COURT:

CHARLES DUSTIN MYERS, Petitioner in the above filed case, files this

Request for Declaratory Judgement, and in support thereof shows the following:

I. STATEMENT OF FACTS

1. Petitioner, representing himself pro-se, removed cause number 322-744263-23 to the Northern District of Texas on December 6, 2024. (No. 4:24-CV-01185-O)
2. The case was remanded on December 8, 2024, for lack of subject matter jurisdiction. *Exhibit 1*
3. Rule 237a of the Texas Rules of Civil Procedure states:

“When *any cause* is removed to the Federal Court and is afterwards remanded to the state court, *the plaintiff shall file* a certified copy of the order of remand with the clerk of the state court and shall forthwith give written notice of such filing to the attorneys of record for all adverse parties.” (emphasis added)

4. This places the obligation on COOPER L. CARTER to file with the clerk of the state court a certified notice of remand, which she has failed to do as of March 31, 2025, nearly three months later.

5. COOPER L. CARTER's authority to represent MORGAN MICHELLE MYERS has been in question since September 20, 2024, in cause number 322-744263-23 and is similarly in question in the instant case.

6. COOPER L. CARTER has never filed a pleading on MORGAN MICHELLE MYERS' behalf in either this court or the 322nd district court since she was allegedly retained on January 22, 2024, in her individual capacity over *fourteen months ago*.

7. RODERICK D. MARX has filed every pleading on behalf of COOPER L. CARTER in both this matter and the divorce matter.

8. RODERICK D. MARX has not made an appearance or otherwise been named as a party in either suit.

9. Neither RODERICK D. MARX nor COOPER L. CARTER have filed any response to any pleadings served to them by CHARLES DUSTIN MYERS.

10. Neither RODERICK D. MARX nor COOPER L. CARTER have filed any pleading since April 24, 2024, in the divorce matter, nearly *twelve months ago*.

11. COOPER L. CARTER has left the 322nd District Court without any ability to proceed to final trial, thereby resulting in an inevitable dismissal for want of prosecution. *Exhibit 2*

12. COOPER L. CARTER's EFM is registered to her prior employer's email address, which has been pointed out several times by Petitioner. *Exhibit 3*

13. The 322nd District Court of Tarrant County does not have continuous exclusive jurisdiction of the minor children.

14. The Petitioner opened a separate SAPCR before this court in March of 2025.

15. Without any submissions from Respondent since April 24, 2024, COOPER L. CARTER suddenly submits pleadings to this court claiming bad faith and answers with a general denial.

16. COOPER L. CARTER has not provided a response to the EMERGENCY TRO, yet feels it is appropriate to influence the proceedings with false promises to the tribunal. *Exhibit 4*

17. On March 28, 2025, the Petitioner arrived at the 233rd District Court to present his emergency TRO as scheduled with the Court Coordinator on March 27, 2025. *Exhibit 5*

18. The Petitioner was then told to contact COOPER L. CARTER by the Court Coordinator to select dates for the TRO hearing prior to his presentation once he arrived at the court. *Exhibit 6*

19. The parties selected April 10, 2025, to have the hearing, and the Petitioner went before the Associate Judge to present his emergency TRO. *Exhibit 7*

20. Prior to being called up to present, the Associate Judge left the room and conversed with the court coordinator.

21. When she returned, Petitioner was called up to present the emergency TRO.

22. Before getting a chance to speak, the Associate Judge informed the Petitioner that COOPER L. CARTER had filed the consolidation motion in the wrong court and would be filing one with the 322nd District Court.

23. The Petitioner was denied an opportunity to present his emergency TRO and was told to instead file the pleading with the 322nd District Court.

24. The Petitioner then reminded the Associate Judge that the 322nd District Court does not have the ability to proceed on the merits lacking a certified notice of remand pursuant to Rule 237a.

25. The Associate Judge disagreed and refused to hear the emergency TRO.

26. At the close of business on March 28, 2025, nothing was ever filed with the 322nd District Court by COOPER L. CARTER.

27. Petitioner and the children in this suit were denied due process outright despite being correct in his legal position.

28. Petitioner's detriment to his position is the fact that he is self-represented.

29. Respondent's detriment to her position is the lack of prosecution or defense.

II. ARGUMENT

30. When it comes to remand, the obligation falls on the *plaintiff* to file with the state court a certified copy of the order of remand. TEX. R. CIV. P. 237a; see also *Kashan v. McLane Co.*, NO. 03-11-00125-CV, 7 (Tex. App. Jun. 7, 2012) (holding that rule 237a's notice requirements cannot be satisfied by the district court, but must come from the *plaintiff*.)

31. This prevents any trial on the merits, and prevents any relief to the Petitioner and his children.

32. All other facts supported by evidence have already been provided to COOPER L. CARTER yet continues to not engage and instead call in favors from the bench.

III. CONCLUSION

Petitioner traveled to this court with a prepared emergency supported by exhibits only to be turned away at the eleventh hour due to his self-represented status and in the face of no real opposition. The children were denied due process outright, and now have been left without a remedy. The proper course of action should have been to hear the TRO and put in place protections for the minor children pending any promises of consolidation.

The above statement of facts, unless promptly rebutted by COOPER L. CARTER, warrant immediate relief as duly requested in the emergency TRO through a declaratory judgement, and this court should proceed with the hearing date originally set for April 10th, 2025, and the emergency TRO should be GRANTED without further delay.

COOPER L. CARTER disrupted much needed relief for the minor children in this case with false promises delivered to the tribunal that directly undermined the Petitioner's due process rights. COOPER L. CARTER is fully aware that she cannot file anything in 322nd District Court because in doing so she would be acting *ultra vires*.

Petitioner reasserts his position that COOPER L. CARTER is acting without authority, has no ability to comply with 237a of the Texas Rules of Civil Procedure, and cannot explain how she is able to abandon a case for nearly a full calendar year, yet can suddenly show up to defend her alleged client before this court for the sole purpose to prevent Petitioner's emergency TRO from being heard, which was permitted despite being told he could present the motion. In what sense is this appropriate when children are involved? Does the attorney's license give her a free pass to thwart the rules and litigate in bad faith?

It may be a needle in the haystack, but this case defies the initial presumption that pro-se litigants are not as equipped or as capable as licensed attorneys, and it is no fault of COOPER L. CARTER. The Petitioner reminds the court that the true culprit responsible for this circumstance remains the puppet master hiding in the background – the Respondent – and yet Petitioner wishes no harm to her because this litigation is about the children. The children need their mother, but they also need their father.

Perhaps the zealous passion has been misunderstood for contempt by the tribunal, but Petitioner's motive runs parallel to that set forth in the Texas Family Code. However, despite the procedural quagmire, the anomalies, the pro-se status, the solution remains simple:

Grant the relief. Nobody has argued against it, Texas law demands it, and the best interests of the Children depend on it. There remains no logical or legal basis to give COOPER L. CARTER any further deference in the face of Petitioner's self-represented status. Petitioner welcomes any response from

COOPER L. CARTER to the contrary. If such response were to be filed, it would be the first in over fourteen months of litigation.

If approached from a logical standpoint, the situation can be interpreted as such:

- i. COOPER L. CARTER is shackled by Rule 12 and Rule 237a of the Texas Rules of Civil Procedure from reaching final trial.
- ii. The 322nd District Court is shackled from proceeding due to Cooper L. Carter's failure to prosecute.
- iii. The Petitioner is shackled from his home, his children's daily lives, and his place of business under facially void orders that claim consent.
- iv. Most critically, the children are shackled in a situation that is not in their best interests and continue to suffer irreparable harm without any opportunity for relief and without any lawful basis.

Indeed, that leaves just one party un-chained from this situation:

the Respondent. Petitioner rests his case.

IV. PRAYER

WHEREFORE promises considered, the Petitioner, CHARLES DUSTIN MYERS, requests the following expedited relief:

1. Take judicial knowledge that COOPER L. CARTER disrupted an emergency in bad faith and failed to fulfill her promise.
2. Grant the emergency TRO without delay and keep the original hearing date set for April 10th as agreed by the parties on March 28th, 2025.
3. Give no further deference to attorney COOPER L. CARTER, who has not prosecuted nor defended her position, and require a written response.

4. Provide any further relief that the court deems appropriate given the extraordinary circumstances of this case.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693
PRO-SE

CERTIFICATE OF SERVICE

Petitioner, CHARLES DUSTIN MYERS, confirms that on 03/31/2025, a copy of this PETITIONER'S STATEMENT was served on the following party of record through their account registered under the Electronic Filing Manager pursuant to Rule 21a of the Texas Rules of Civil Procedure:

MORGAN MICHELLE MYERS, Respondent, at:

MORGANMW02@GMAIL.COM

A copy of the above pleading was also served to:

COOPERCARTER@MAJADMIN.COM

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693

MR 11

PETITIONER'S NOTICE

(BEFORE AND AFTER)

Dated: 04/02/2025

233-765358-25

FILED
TARRANT COUNTY
4/2/2025 9:13 AM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS**IN RE: M.E.M., ET AL.******CHARLES DUSTIN MYERS, ****

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

2025-04-02

PETITIONER'S NOTICE

TO THE HONORABLE COURT:

Petitioner, CHARLES DUSTIN MYERS, submits this notice to provide a different perspective into the current situation:

I. BEFORE AND AFTER

1. **This side-by-side comparison illustrates the stark differences in the children's quality of life, parental involvement, and household stability *before* and *after* the removal of the Father from the family home.** It presents a clear, fact-based evaluation of how the familial environment, care structure, and overall wellbeing of the children have been significantly impacted. Each point demonstrates a substantial decline in stability, support, and morality—raising urgent concerns about the children's best interests, safety, and development under the current arrangement.

BEFORE**AFTER*****FATHER + MOTHER***

• Father works from home / \$134k per year	• Father removed from home \$12k/ per year
• Mother works part time	• Mother works full time
• Father and Mother share in parenting	• Great grandparents / aunt care for children
• Father and Mother communicate	• Mother refuses to communicate w/ Father
• Father takes girls to dance class	• Mother takes girls out of dance class
• Father helps children with schoolwork	• Neither parent helps with schoolwork
• Father and Mother create a stable home	• Father is removed; Mother is never home

CHILDREN

• Have always at least one parent home	• Neither parent is home most of the time
• Medically cared for	• Medically neglected
• Frequent access to both parents	• Frequent access to neither parent
• Enjoy extracurriculars	• Taken out of extracurriculars
• Enjoy a stable household	• Introduced to chaotic routine
• Enjoy bedtime stories before bed (dad)	• No bedtime stories
• Are walked to school and back (dad)	• Picked up and dropped off by relatives.
• Exceptional in school	• Academic regression (eldest)
• Enjoy daily playtime (dad)	• They are stuck indoors and on screens.
• Enjoy frequent visits with their grandparents	• Grandparents become primary caretaker
• Receive help with schoolwork (dad)	• Attend school longer (tutoring)
• Strong parental guidance	• No parental guidance
• Secure financial future	• Destabilized financial future
• Moral upbringing and family values	• Immoral and damaging conduct (mom)

2. Now, a comparison between the claims initially raised by the parties:

II. INITIAL CLAIMS**MOTHER****FATHER**

• FAMILY VIOLENCE ALLEGATIONS	• FALSE CLAIMS OF VIOLENCE
• FINANCIALLY INDIGENT	• MOTHER CONVERTED \$1,576 OF MARITAL ASSETS

• CLAIMS TO HAVE ACTIVE PROTECTIVE ORDER	• CLAIMS NO SUCH PROTECTIVE ORDER EXISTS
• CLAIMS CASE IS UNCONTESTED	• CLAIMS MOTHER IS LYING
• CLAIMS IRRECONCILABLE DIFFERENCES	• CLAIMS MOTHER WAS HAVING AN EXTRAMARITAL AFFAIR
• CLAIMS FATHER DOESN'T NEED HOME TO WORK	• CLAIMS THE HOME IS ESSENTIAL FOR WORK AND CHILDREN
• CLAIMS FEAR OF SAFETY FROM FATHER	• CLAIMS MOTHER FEARS ACCOUNTABILITY
• CLAIMS RESPONSIBILITY FOR MONTHLY FINANCES	• CLAIMS RESPONSIBILITY FOR MONTHLY FINANCES
• CLAIMS FATHER AGREES TO SETTLEMENT	• CLAIMS DURESS AND OPPOSES ANY SETTLEMENT OFFER

III. EVIDENCE EXCHANGED

3. Now, a comparison of the evidence provided to each party to support the initial claims made in the form of exhibits that can be found within the clerk's record, and that the opposing party has had in their possession for multiple months without raising any arguments or opposition:

MOTHER

FATHER

	• TXDPS Criminal Record showing no history of family violence.
	• Bank statements and texts showing conversion.
	• Shows contradicting statements on Mother's pleadings
	• Shows pictures of mother cohabiting with father while simultaneously seeking frivolous protective orders
	• Shows extensive financial damage from being barred from the family residence
	• Shows over 16,500 text messages exchanged between two individuals outside of the marriage in a one-year timespan.
	• Show's Mother's Facebook status boasting her one-year anniversary with her new boyfriend while the divorce is ongoing.

	<ul style="list-style-type: none">Shows communications with AIR BNB hosts showcasing the difficulty in working to full capacity outside of the home.
	<ul style="list-style-type: none">Shows photos and videos of the children with father throughout the holidays while mother is planning father's removal.
	<ul style="list-style-type: none">Shows untreated cavities in the youngest child's mouth from medical neglect.
	<ul style="list-style-type: none">Shows declining academic performance from oldest child.
	<ul style="list-style-type: none">Shows communications between himself and mother's grandparents showcasing an ability to put the children before the litigation.
	<ul style="list-style-type: none">Provided a comprehensive parenting plan supporting the children's best interest.
	<ul style="list-style-type: none">Provided video evidence of the children being left alone during the evening.
	<ul style="list-style-type: none">Provided financial receipts for rent payments, utilities, and other financial obligations as primary breadwinner.
	<ul style="list-style-type: none">Provided evidence that Mother is actively disposing of his personal belongings.
	<ul style="list-style-type: none">Provided evidence mother fabricated her claims of family violence and indigent financial status.
	<ul style="list-style-type: none">Provided evidence mother received help in preparing her initial pleadings filed with the court
	<ul style="list-style-type: none">Provided evidence mother is preparing her second wedding prior to finalizing the divorce

IV. MOTIVES

4. Based on the record, it conclusively establishes the motives of each parent regarding the relief sought:

MOTHER

FATHER

<ul style="list-style-type: none">Pursing extramarital affair	<ul style="list-style-type: none">Restore status quo of children / financial stability
---	--

V. ACTIONS

5. The motives can be established from the following actions derived from the clerk’s record within the pleadings:

MOTHER	FATHER
<ul style="list-style-type: none">Fabricated a narrative of family violence.	<ul style="list-style-type: none">Spent time with the children over the holidays.
<ul style="list-style-type: none">Hired an attorney to defend herself, not represent the children’s best interests.	<ul style="list-style-type: none">Hired an attorney to defend his children’s best interests and terminated him when he failed.
<ul style="list-style-type: none">Only communicates with her extramarital partner.	<ul style="list-style-type: none">Can only communicate with the children via an online videogame chatroom.
<ul style="list-style-type: none">Convinces the children the divorce is final so her new relationship appears morally justifiable.	<ul style="list-style-type: none">Has relentlessly sought relief to restore the children’s status quo.
<ul style="list-style-type: none">Has offered nothing of substance regarding the children.	<ul style="list-style-type: none">Has provided everything to the court regarding the children.
<ul style="list-style-type: none">Asked for sole use of the residency to pursue her new relationship.	<ul style="list-style-type: none">Asked for time to ensure the children are not affected by unnecessary, abrupt changes.
<ul style="list-style-type: none">Lied to the court to remove Father to pursue her new relationship.	<ul style="list-style-type: none">Forced to live in alternative housing during the pendency of the case, business income destroyed.

<ul style="list-style-type: none"> Lied to the court and falsified her indigency, then sticks Father with the car payments she claimed to pay for. 	<ul style="list-style-type: none"> Financial strain leads to one of the vehicles being repossessed, credit score plummets.
<ul style="list-style-type: none"> Sat dormant for months only to block emergency relief in a separate SAPCR suit. 	<ul style="list-style-type: none"> Opened a separate SAPCR suit to escape the procedurally defunct divorce to obtain relief for the children.

6. All the above can be established through the numerous exhibits that have been provided to the opposing side. After nearly twelve months of silence, there has been no objection, argument, opposition, or response offered for the exhibits given. More critically, there has been no response, opposition, or argument offered regarding the relief being sought from the Petitioner, which is simply to return to the residence that he was unlawfully removed from so that he can begin rebuilding the status quo of the children. Finally, we compare the benefits versus the detriments if granting relief to Petitioner:

VI. BENEFITS VERSUS DETRIMENTS OF GRANTING RELIEF

BENEFITS

DETRIMENTS

<ul style="list-style-type: none"> Children will have a parent active in their daily life as opposed to none. 	<ul style="list-style-type: none"> The respondent will have to choose between her extramarital relationship or working towards the divorce.
--	--

<ul style="list-style-type: none"> Children will have help with homework from home and help preparing for STAR Testing. 	<ul style="list-style-type: none"> The respondent will have to choose between co-habitation or reside in an alternate residence near-by.
<ul style="list-style-type: none"> Children will have frequent and continuous access to both parents. 	
<ul style="list-style-type: none"> Financial damages can be repaired. 	

VII. CONCLUSION

This situation is destructive, and truly a one-sided case. Respondent's prolonged silence, in fact, says everything. Without any arguments or opposition on record, it begs the question as to how this situation has been permitted to persist as long as it has. The only drawbacks of granting relief fall on the Respondent – and are minor inconveniences at best that can never outweigh the benefits that the children would reap if relief were to be granted. All the Petitioner asked for in the beginning was time. Now, time has been wasted, and we remain in the same spot. The point is – the Mother cannot just fabricate family violence to have Father removed from the home – especially when she knew and benefitted from his at-home business operations which have since been significantly damaged. Despite all the harm done, the Petitioner is confident that it can be repaired, the family can get back on track, and this process can be finalized without sacrificing the stability and well-being of the children that they have been accustomed to throughout their lives.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
817-546-3693
CHUCKDUSTIN12@GMAIL.COM

CERTIFICATE OF SERVICE

Petitioner certifies that pursuant to Rule 21a of the Texas Rules of Civil Procedure, this Notice of Comparison was served on all parties of record through their electronical filing manager email, including:

MORGAN MICHELLE MYERS (Respondent)
MORGANMW02@GMAIL.COM

This notice was also served on the following parties:
COOPERCARTER@MAJADMIN.COM

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
817-546-3693
CHUCKDUSTIN12@GMAIL.COM

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: 99168475
Filing Code Description: Notice
Filing Description: Petitioner's Notice
Status as of 4/2/2025 3:00 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/2/2025 9:13:17 AM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	4/2/2025 9:13:17 AM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	4/2/2025 9:13:17 AM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/2/2025 9:13:17 AM	SENT

MR 12

TRO COMMUNICATIONS

EXHIBIT 1
TRO COMMUNICATIONS
03/21/25



FUDSTOP <chuckdustin12@gmail.com>

Notice of Temporary EX-Parte TRO

2 messages

FUDSTOP <chuckdustin12@gmail.com>

Fri, Mar 21, 2025 at 10:44 PM

To: Cooper Carter <coopercarter@majadmin.com>

Ms. Carter,

Pursuant to **Tarrant County Local Rule 3.30(c)**, this letter provides notice that I intend to present an **Emergency Ex Parte Application for Temporary Restraining Order (TRO)** seeking immediate relief in the interest of my children's well-being and to prevent irreparable harm to my property, family relationships, and ability to earn a living.

The TRO will **NOT** request **exclusive temporary use of the marital residence** but that if your client has issue, she has alternative housing and has used possession of the residence to damage my livelihood and restrict my parenting time. The application will include verified evidence supporting the necessity of immediate relief, including:

- Verified communications acknowledging my need for the home to work
- Records of financial losses from displacement (Airbnb receipts, business losses, etc.)
- Evidence of your client disposing of or concealing my personal property
- Proof that the children have been left unsupervised overnight by your client on multiple occasions.
- Documentation from the school showing excessive absences and academic concerns regarding M■■■.
- Text evidence between myself and the multiple AIRBNB hosts showcasing the difficulty faced in setting up operations outside of the reliable setup of the house.
- Photographs and texts contradicting claims made in previous pleadings
- Dental neglect of my youngest daughter (photos of untreated cavities)
- Financial documents showing I paid all vehicle and rent obligations, contrary to your client's claims
- Text messages between myself and the grandparents of your client showing we can be amicable during this situation and put the children first.
- Photo evidence showing the only way I have to communicate with my daughters is via an online game, ROBLOX, due to your client preventing communications.
- My criminal record showing that I have never been convicted of a violent crime.
- The current temporary orders which are facially void and can be collaterally attacked in any court at any time.

Again, there is absolutely zero reason to have me barred from the residence and strip the children of their parents. It contradicts the lodestone of the Family Code which is in the best interests of the children.

This is the more logical solution. If we pursued this route in the beginning, we'd already be divorced and the children's financial stability wouldn't have been sacrificed. There is no risk of danger. There is no risk of harm to the children. There is only the possibility of recovery. **That is in their best interests.**

There is no legal reason your client has to want me out of the house other than just that. She cannot unilaterally decide that I agree to everything and then do as she pleases with my personal belongings and neglect the children in multiple areas.

Your argument that I agreed to the orders in place falls flat on its face for many reasons which will not be repeated here.

I am providing this notice strictly to comply with **Local Rule 11(e)**. I will proceed to present the application to the Court **without further delay** due to the nature of the harm and urgency involved.

If you wish to discuss these matters, I'm happy to do so - otherwise I will inform the court that you **do not agree** to the orders upon submission.

This situation cannot continue, and the alternatives that are available must be pursued to uphold the best interests of the children before any further damage to their well-being is sustained.

Respectfully,
Charles Dustin Myers

FUDSTOP <chuckdustin12@gmail.com>

Sat, Mar 22, 2025 at 3:17 PM

To: Cooper Carter <coopercarter@majadmin.com>, Morgan Wilson <morganmw02@gmail.com>

Cooper,

Petitioner (your client) filed the original divorce petition in December 2023 in the 322nd District Court (Cause No. 322-744263-23). In that petition, she alleged **false claims of family violence** and sought a waiver of the 60-day waiting period for divorce, ostensibly to expedite temporary relief by labeling me as an abuser and claiming she had an **active order of protection against me at the time of filing**.

On February 1, 2024, a temporary orders hearing was held before an **Associate Judge**. The parties (through counsel) announced an apparent agreement on temporary custody and other matters. The associate judge signed an "*Associate Judge's Report for Temporary Orders*", titled as "Agreed Temporary Orders." Importantly, this report **did not itself constitute a signed court order**; instead, it outlined the agreed terms and directed further action before any order would be final. Specifically, the report stated that **Respondent's attorney (Dan Bacalis) would prepare a formal temporary orders document**, which would be prepared from 20 days from the date of signing, which would have been **February 22nd, 2024**. It also required that **both attorneys were to approve it to form within 5 days (have 5 days to approve the order)**, and that if **no agreement on form was reached, a motion to sign would need to be filed within 30 days**. The report noted that the parties' personal approval was not required for entry of the order, implying the attorneys' sign-off or a court motion would suffice. No district judge signed an order at that time – the associate judge's report was essentially a **recommendation** to be formalized in a written order.

Immediately after the Feb 1 hearing, Respondent lost confidence in his attorney's actions and **fired his attorney**. Believing that the "agreement" did not reflect the child's best interests or was entered under false pretenses (due to Petitioner's unfounded allegations), Respondent promptly **withdrew his consent** to the announced terms. On February 5, 2024, *before any temporary order was signed by the court*, Respondent (now pro se) filed an *Emergency Motion to Reconsider and Vacate Temporary Orders*. This motion put the court on notice that Respondent **no longer consented** to the supposed agreed terms and that he objected to any temporary order being entered as announced.

Despite this, the reconsideration was denied and no findings were ever entered. In fact, the order **explicitly ordered Respondent to sign the orders to which he did not agree in violation of his own directives**.

Texas law is clear that an associate judge's report or proposed order is not a final, enforceable court order unless and until it is adopted and signed by the referring court. Under the Family Code, an associate judge may conduct hearings and recommend orders, but those recommendations *remain subject to approval by the district court judge*. Section 201.011 of the Texas Family Code provides that an associate judge's report "may contain the associate judge's findings, conclusions, or recommendations and may be in the form of a proposed order". In other words, the associate judge's report (even if titled "Temporary Orders") is essentially a *draft* or advisory decision; it does **not** itself carry the force of a court order until the proper procedures are completed.

Family Code § 201.013 unambiguously outlines how and when an associate judge's proposal becomes an order of the court. If a party timely requests a de novo hearing by the referring judge, the associate judge's proposed order may be enforced in the interim (except for certain matters) pending that hearing. **However, if no timely request for a de novo hearing is filed, the statute states that "the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment."**

Thus, absent a de novo appeal, an associate judge's recommendation **must be signed by the district judge** to have any legal effect. Until the judge signs it, it is merely a *proposed* order, not an actual court order.

Because the February 1, 2024 temporary orders were never signed or adopted by the court, Respondent was (and is) under no legal obligation to follow them, and neither party could properly enforce those terms through contempt or other remedies. A party cannot be held in contempt for violating a **non-existent court order**. Here, the "Agreed Temporary Orders" are, at most, an agreement between the parties that was not entered as a judgment. When Respondent withdrew his agreement (as discussed below), even that contractual underpinning fell apart. The Family Code's requirements were not met, and thus the purported temporary orders are **void ab initio** due to lack of rendition or entry by the referring court.

The stage is thus set for this Court to intervene, because as of now, **there is no operative temporary order governing the child's conservatorship or possession**.

The Purported Temporary Orders Are Void and Subject to Collateral Attack in This SAPCR

Because the February 1, 2024 temporary orders were never properly entered as a court order (and would have been invalid if entered without consent - which is clearly the case here), they are **void** and can be attacked in this proceeding. Generally, once a court renders a final judgment, parties are constrained to challenge that judgment on direct appeal or in the original case; *collateral attacks* on final judgments are disfavored. **However, only a void judgment is subject to collateral attack in a separate proceeding.** *Browning v. Prostok*, 165 S.W.3d 336, 346 (Tex. 2005) (“*Browning v. Placke*, 698 S.W.2d 362, 363 (Tex. 1985)”).

In this SAPCR, Respondent is effectively **collaterally attacking** the temporary orders from the divorce case by asserting their invalidity. Such a collateral challenge is permissible here because those orders are void. As the Texas Supreme Court has explained, “*Only a void judgment may be collaterally attacked.*” *Id.*

Accordingly, Respondent asks this Court to **formally declare** that the March 26, 2024 “Agreed Temporary Orders” (and any interlocutory rulings associated with them) in Cause No. 322-744263-23 are **void, of no effect, and not binding** on the parties. This declaration will remove any doubt or argument by Petitioner that those terms still govern the parties’ rights. It will also foreclose any attempt to enforce or rely on those non-orders (for example, in claims of violation or in arguing *res judicata*). The Court has the authority in equity and under the Uniform Declaratory Judgments Act (Tex. Civ. Prac. & Rem. Code chapter 37) to declare the rights and status of the parties vis-à-vis that prior proceeding – particularly given that the SAPCR directly concerns the child who was also at issue in the divorce temporary orders. Granting such relief is appropriate to prevent confusion and multiplicative litigation. Once the prior “orders” are declared void, this Court can proceed to issue fresh temporary orders for the child without any conflict or cloud from the divorce case.

In sum, the prior temporary orders are a legal nullity and this Court should treat them as such. The Court’s order declaring them void will simply recognize the reality that, due to the procedural faults and lack of consent, those orders never had legal existence. This clarification is critical to move forward in protecting the child’s welfare, as discussed next.

Immediate Emergency Relief Is Necessary to Protect the Child’s Best Interest

Every day that passes without a valid temporary order is a day of potential harm or uncertainty for the child. The current situation – a divorce case stuck in limbo with no operative orders, and parents in dispute – is untenable for a child’s well-being. The child has effectively been living under an informal or contested arrangement since February 2024. Petitioner has acted as though she has primary custody under the (void) temporary orders, while Respondent has been sidelined and denied the normal possession or decision-making that a proper order (or a true agreement) would have provided him. This dynamic, fueled by Petitioner’s unproven allegations of family violence, has caused significant stress and instability for the child. Respondent fears that Petitioner is leveraging the appearance of an order to restrict his contact with the child and to make unilateral decisions that are not in the child’s best interest. Meanwhile, the divorce proceeding has not moved forward to a final resolution – **over 12 months** have elapsed since the March hearing, with no trial setting in sight. This stalemate directly affects the child: there is no clear court-sanctioned framework for conservatorship, visitation, or support, and your client has only introduced chaos into their lives.

This Court, now handling the SAPCR, has both the authority and the duty to step in and provide stability. Under Tex. Fam. Code § 105.001, “**the court may make a temporary order, including the modification of a prior temporary order, for the safety and welfare of the child,**” including orders for temporary conservatorship and possession.

The Family Code specifically empowers courts to act **expeditiously** to protect a child: if there is immediate danger to the child’s physical or emotional health, the court can even issue temporary orders **without notice** (such as a temporary restraining order) to address the emergency. Here, Respondent asserts that the child’s emotional welfare is indeed in jeopardy. The lack of a valid order has enabled Petitioner to marginalize Respondent’s role in the child’s life, purportedly under the guise of the void temporary orders. Petitioner’s false accusations of violence – never tested or proven in court – have created a pretext for her to limit Respondent’s access. Consequently, the child is being unjustly deprived of time and a relationship with Respondent, who has been a loving father with no history of abuse. This scenario is precisely what emergency temporary orders are designed to prevent. The Court should not allow a procedural quagmire to result in a child effectively losing a parent or receiving inferior care.

Most importantly, the “**best interest of the child**” is the **paramount consideration** in any conservatorship or possession decision. See 153.002 TEX. FAM. CODE.

All Texas courts must ensure that their orders first and foremost serve the child’s best interest. By that standard, continuing under the shadow of void orders and parental discord is plainly not in this child’s best interest. Instead, the child’s best interest calls for fresh, valid temporary orders that set forth clear, fair, and safe arrangements for custody and visitation while the parents’ disputes are resolved. The Court should craft these orders based on current evidence and the child’s needs – not based on an outdated and unconsented plan from February. The Family Code’s public policy (Tex. Fam. Code § 153.001) favors frequent, continuing contact with fit parents and stable environments free of violence or abuse. Here, Respondent is ready, willing, and able to care for the child and poses no danger. He simply seeks a normal custody schedule that allows the child to have both parents in his life. Petitioner’s unsupported claims of family

violence (made to gain a litigation advantage) should not dictate the child's reality any longer, especially since those claims have not been substantiated in any court hearing.

Why your consolidation motion and response are insufficient, and will fail, or be met with mandamus if granted (after reconsideration)

Normally, even without continuing *exclusive* jurisdiction, a prior *pending* suit would require the new suit to be consolidated or abated (as discussed above with § 6.407 and dominant jurisdiction). The mother (divorce petitioner) could argue that the original court "has jurisdiction" over the children by virtue of the pending divorce, so the SAPCR should not proceed separately. However, the **void nature of the prior temporary orders** is a game-changer. If those orders are void, then the original case has not effectively adjudicated anything regarding the children's current custody or support. The SAPCR petitioner can contend that because the prior orders are null, there is no valid existing order or active management of the children's case, and the new court is free to act in the children's best interests. This is the **EXACT argument made**. In effect, the argument is that the divorce case's jurisdiction over the children lapsed into dormancy or "dormant jurisdiction" due to your failure to prosecute the case.

It's important to distinguish *jurisdiction* from *orders*. The **continuing jurisdiction doctrine** would typically prevent a different court from issuing orders if a final order existed or if another court was actively handling the case. But here the SAPCR is filed in the *same county* as the divorce. There is no risk of two different counties competing; it's an internal issue. The SAPCR effectively asks the **court to take up a new cause number** and to recognize that the old cause has stalled and its orders are void.

EVEN IF the void argument fails, there is another nuance to this area of law. Despite the lack of a final order, the pending divorce still technically invokes the court's jurisdiction over the children. Typically, the proper course is to *revive or dismiss* the dormant divorce, rather than maintain a wholly separate SAPCR on the side. Texas courts adhere to the principle that the first suit filed (here, the divorce) should dominate; a later-filed suit concerning the same subject (the children) can be abated to prevent conflicting rulings. In fact, in *In re Shifflet*, for example, a party attempted parallel litigation regarding child custody, and the court emphasized that modifications must be filed in the court with jurisdiction over the original case

The **only exception** to the one-court rule is narrow. Texas law **does allow** a court to **lose dominant jurisdiction if the party with the first suit proceeded in bad faith or the suit is not actively pursued**. Both apply here. The first suit was unquestionably brought in bad faith, as the declaration of an active protective order being in effect against the Respondent was **an intentional fabrication designed to provide your client with an advantage**. Despite this, the Texas legislature should have prevented the first hearing from **ever happening, because 6.405b of the Texas Family Code** required your client to present the alleged order to the court **BEFORE ANY HEARING**.

CONCLUSION

Thus, the SAPCR is appropriately before the court, and the only argument you made in your Response fails. The court denied my attempt to open this separate suit, requiring me to file a **17 page argument** as to why the case should be accepted, and then it was.

So your response **effectively mirrors the first denial from the court**, which amounts to no response being filed at all.

It is clear you are not representing your client in a manner to uphold the law or the best interests of the children, but to only appear when needed to obstruct the much needed justice that the children need and deserve.

This is my position.

Charles Dustin Myers



FUDSTOP <chuckdustin12@gmail.com>

CAUSE# 233-765358-25 EX-PARTE TRO

5 messages

FUDSTOP <chuckdustin12@gmail.com>
To: FLCCoordinator@tarrantcountytx.gov

Wed, Mar 26, 2025 at 5:48 PM

Hello,

This is Charles Dustin Myers, Petitioner in the above captioned cause, and I received an automated reply deferring me to this email when originally reaching out to the Honorable Coordinator.

The original email's purpose was to inform the Honorable Coordinator that I had just received notification through the EFM that the emergency ex-parte TRO had been accepted by the court.

I am following up to inquire about the status of the request.

I thank you for your attention to this urgent matter, and I will wait for further directive from the court to proceed accordingly.

As mentioned in the motion, the Respondent in this matter and her counsel of record have been duly notified of the relief being sought and the motion itself, but have not responded to any attempts to communicate regarding this urgent matter.

Thank you and have a wonderful evening.

Respectfully,

Charles Dustin Myers
chuckdustin12@gmail.com
817-546-3693

Tegan B. Allison <TBAAllison@tarrantcountytx.gov>
To: FUDSTOP <chuckdustin12@gmail.com>

Thu, Mar 27, 2025 at 8:45 AM

This order needs to be presented in person. Likewise, you need to inform opposing counsel of the date and time you intend to present this order to the court.

Thank you,

Tegan Allison

Auxiliary Court Coordinator

Tarrant County Family Law Center

Phone: (817)884-1614

[200 E Weatherford](#)[Fort Worth, TX 76196](#)TBAAllison@tarrantcountytx.gov



From: FUDSTOP <chuckdustin12@gmail.com>
Sent: Wednesday, March 26, 2025 5:49 PM
To: Courts - FLC Coordinator <FLCCoordinator@tarrantcountytx.gov>
Subject: CAUSE# 233-765358-25 EX-PARTE TRO

You don't often get email from chuckdustin12@gmail.com. [Learn why this is important](#)

EXTERNAL EMAIL ALERT! Think Before You Click!

[Quoted text hidden]

FUDSTOP <chuckdustin12@gmail.com>
To: "Tegan B. Allison" <TBallison@tarrantcountytx.gov>

Thu, Mar 27, 2025 at 8:59 AM

Ms. Allison,

Thank you for the update.

Is there a time available tomorrow to come and present the order? Preferably between 9am and 2pm?

I have informed the opposing party of the intent to present the order and will provide the time and date upon determination of the court's availability.

Thank you for your assistance.

Charles Dustin Myers
Chuckdustin12@gmail.com
817-546-3693

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image001.jpg
6K

Tegan B. Allison <TBallison@tarrantcountytx.gov>
To: FUDSTOP <chuckdustin12@gmail.com>

Thu, Mar 27, 2025 at 9:05 AM

You may present the order during that time. Please keep in mind that the court will be closed from 12pm-1:30pm for lunch and administrative tasks.

Tegan Allison

Auxiliary Court Coordinator

Tarrant County Family Law Center

Phone: (817)884-1614

200 E Weatherford

Fort Worth, TX 76196

TBAllison@tarrantcountytx.gov



From: FUDSTOP <chuckdustin12@gmail.com>
Sent: Thursday, March 27, 2025 9:00 AM
To: Tegan B. Allison <TBAllison@tarrantcountytx.gov>
Subject: Re: CAUSE# 233-765358-25 EX-PARTE TRO

EXTERNAL EMAIL ALERT! Think Before You Click!

Ms. Allison,

Thank you for the update.

Is there a time available tomorrow to come and present the order? Preferably between 9am and 2pm?

I have informed the opposing party of the intent to present the order and will provide the time and date upon determination of the court's availability.

Thank you for your assistance.

Charles Dustin Myers

Chuckdustin12@gmail.com

M.3391

MR 12.8 M.3391

817-546-3693

On Thu, Mar 27, 2025, 8:45 AM Tegan B. Allison <TBallison@tarrantcountytx.gov> wrote:

This order needs to be presented in person. Likewise, you need to inform opposing counsel of the date and time you intend to present this order to the court.

Thank you,

Tegan Allison

Auxiliary Court Coordinator

Tarrant County Family Law Center

Phone: (817)884-1614

[200 E Weatherford](#)

[Fort Worth, TX 76196](#)

TBallison@tarrantcountytx.gov

[Quoted text hidden]

FUDSTOP <chuckdustin12@gmail.com>
To: "Tegan B. Allison" <TBallison@tarrantcountytx.gov>

Thu, Mar 27, 2025 at 9:19 AM

Ms. Allison,

Thank you very much.

I have informed opposing counsel that I intend to present the TRO tomorrow at 9:00 AM, the relief being sought, and if anything changes I will inform the court and likewise the opposing party.

Have a wonderful day.

Respectfully,

Charles Dustin Myers
Chuckdustin12@gmail.com
817-546-3693

[Quoted text hidden]

4 attachments

~WRD0000.jpg
1K



image001.jpg
6K



image001.jpg
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EXHIBIT 2
TRO COMMUNICATIONS
03/24/25



FUDSTOP <chuckdustin12@gmail.com>

RE ITIO MYERS CHILDREN, CAUSE NO. 233-765358-25 CL-12105

3 messages

Cooper Carter <coopercarter@majadmin.com>

Mon, Mar 24, 2025 at 10:03 AM

To: "Angie D. Wierzbicki" <ADWierzbicki@tarrantcountytx.gov>

Cc: Charlie Vids <chuckdustin12@gmail.com>

Good Morning,

Opposing party is a pro se Petitioner in the above referenced case. He has filed a SAPCR petition regarding this matter. There is a current pending divorce case that encompasses issues regarding children. Our office has filed an Answer as well as a Motion to Consolidate and proposed order in this case to consolidate this SAPCR into the pending divorce proceeding in the 322nd.

Could you please provide dates and times that the Court is available to hear my motion?

Opposing party has been cc-ed to this e-mail for convenience.

Thank you,

Cooper L. Carter

Attorney at Law

Marx, Altman & Johnson

2905 Lackland Road

Fort Worth, Texas 76116

Tel: (817) 926-6211

Fax: (817) 926-6188

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL AND PROTECTED FROM DISCLOSURE BY LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION OR COPYING IS PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA E-MAIL. THANK YOU.

WILL NOT RESPOND.

From: Cooper Carter <coopercarter@majadmin.com>
Sent: Monday, March 24, 2025 10:03 AM
To: Angie D. Wierzbicki <ADWierzbicki@tarrantcountytx.gov>
Cc: 'Charlie Vids' <chuckdustin12@gmail.com>
Subject: RE ITIO MYERS CHILDREN, CAUSE NO. 233-765358-25 CL-12105

EXTERNAL EMAIL ALERT! Think Before You Click!

[Quoted text hidden]

FUDSTOP <chuckdustin12@gmail.com>
To: "Angie D. Wierzbicki" <ADWierzbicki@tarrantcountytx.gov>
Cc: Cooper Carter <coopercarter@majadmin.com>

Mon, Mar 24, 2025 at 10:15 AM

Ms. Wierzbicki, Mr. Carter,

Thank you for the update. However, I must respectfully object to the assertion that this is a mandatory consolidation.

Under Texas Rule of Civil Procedure 174(a), consolidation is discretionary and not automatic where doing so would cause delay, injustice, or prejudice to a party. Additionally, the Texas Supreme Court in *Curtis v. Gibbs*, 511 S.W.2d 263 (Tex. 1974) expressly carved out exceptions to dominant jurisdiction where:

The original case was filed in bad faith,

The case isn't been prosecuted;

Equity and justice require an independent forum.

All three conditions are present here. The SAPCR was filed in good faith after the 322nd case became procedurally stalled and legally defective—with no Notice of Remand, no evidentiary rulings on the children, and pending dispositive motions including unopposed requests for dismissal.

It would be prejudicial to the children to consolidate a case that had no ability to proceed.

Thank you.

Respectfully,
Charles Dustin Myers
Pro Se Petitioner

[Quoted text hidden]

Angie D. Wierzbicki <ADWierzbicki@tarrantcountytx.gov>
To: Cooper Carter <coopercarter@majadmin.com>
Cc: Charlie Vids <chuckdustin12@gmail.com>

Mon, Mar 24, 2025 at 10:08 AM

Good morning,

The Motion to Consolidate just needs to be filed in the 322nd Divorce case and sent to their Judge to sign; no hearing necessary, it's a mandatory consolidation.

Thank you,

Angie D. Wierzbicki

Court Coordinator

233rd Judicial District Court

(817) 884-2686

Tarrant County Family Law Center

200 E. Weatherford St., 5th Floor

Ft. Worth, TX 76196



*****PLEASE NOTE: YOU MUST PROVIDE LOCAL COURT RULE DOCUMENTS IF YOU ARE SET FOR A HEARING IN EITHER COURT. FAILURE TO PROVIDE LOCAL COURT RULE DOCUMENTS COULD RESULT IN THE RESET OF YOUR CASE*****

YOU MUST INCLUDE EVERYONE ON YOUR EMAIL COMMUNICATION. IF YOU FAIL TO INCLUDE OPPOSING COUNSEL OR SELF REPRESENTED LITIGANTS, I

EXHIBIT 3
TRO COMMUNICATIONS
03/26/25



FUDSTOP <chuckdustin12@gmail.com>

Notice

1 message

FUDSTOP <chuckdustin12@gmail.com>

Wed, Mar 26, 2025 at 7:19 PM

To: Cooper Carter <coopercarter@majadmin.com>, Morgan Myers <morganmw02@gmail.com>

Friends on other side,

The Emergency EX-PARTE TRO has been filed and accepted by the court and is awaiting the judge's review.

If a hearing is required, I will CC Cooper in the email correspondence.

If a hearing is not required, I will serve each of you with a copy of the TRO and proposed order in accordance with the rules no later than seven days prior to the hearing.

The TRO has the following provisions:

*** Respondent is PROHIBITED from preventing Petitioner from entering the matrimonial residence located at [REDACTED]**

*** Respondent is PROHIBITED from disturbing the peace of the minor children named in this suit.**

*** Petitioner and Respondent are PROHIBITED from acting without candor towards all members of the household in the presence of the children.**

*** Respondent is PROHIBITED from bringing the children in the presence of DAMEN GAULT KAZLAUSKAS.**

*** Respondent is PROHIBITED from taking the children outside of Tarrant County, Texas.**

These provisions, if granted, will be in effect until a full hearing is held no later than **14 days after the order is signed by the judge.**

Once the notice of hearing is served on all parties, I will be filing a motion for pre-trial conference to discuss the Rule 12 motion filed and served last week to ensure those issues are resolved prior to trial.

At the hearing, the relief I am seeking is to convert the provisions from the TRO into temporary injunctions which will be the exact same but will ask for them to remain until further order of the court and reset the status quo to March 6, 2024, which was the last peaceful time enjoyed by all parties prior to the Respondent's unlawful lockout.

If a continuance is needed in order to get your affairs in order for the Rule 12 conference, please reach out as I have no problem signing an agreed continuance if more time is needed.

I am not seeking sanctions at this time.

If granted, I believe the preceding details suit the best interests of M [REDACTED] and C [REDACTED], preserves their emotional and financial well-being, allows myself to repair the substantial damage caused from the prior thirteen months, promotes an amicable co-parenting relationship, and most importantly upholds Texas Law in ensuring that children have continuous, frequent access **to both parents** and that **parents are encouraged** to work together during and after divorce because doing so **is in their best interests.**

I'm not looking to punish, hurt, or ruin anyone. I'm simply looking to do what's best for the kids and start working together to finish this so we can all move on with our lives.

If you have any suggestions, modifications, or alternative solutions, please feel free to reach out and let me know, or schedule a time and place to meet in person that best meets your schedule.

M.3399
Respectfully,**MR 12.15**
M.3399

Charles Dustin Myers
chuckdustin12@gmail.com
817-546-3693

EXHIBIT 4
TRO COMMUNICATIONS
03/27/25



FUDSTOP <chuckdustin12@gmail.com>

TRO + Exhibits + Proposed Order

1 message

FUDSTOP <chuckdustin12@gmail.com>

Thu, Mar 27, 2025 at 5:54 PM

To: Cooper Carter <coopercarter@majadmin.com>, Morgan Myers <morganmw02@gmail.com>

Attached for your reference is the TRO, proposed order, and exhibits.

Respectfully,


Charles Dustin Myers

[REDACTED]


817-546-3693

chuckdustin12@gmail.com

3 attachments

 **emergency_motion_formatted (3) (2).pdf**
273K

 **PROPOSED ORDER (2).pdf**
185K

 **EXHIBITS - TRO.pdf**
8784K



FUDSTOP <chuckdustin12@gmail.com>

ITIO MORGAN CHILDREN, CAUSE NO. 233-765358-25 CL-12105

6 messages

Cooper Carter <coopercarter@majadmin.com>
To: "Angie D. Wierzbicki" <ADWierzbicki@tarrantcountytx.gov>
Cc: Charlie Vids <chuckdustin12@gmail.com>

Thu, Mar 27, 2025 at 6:20 PM

Good Evening,

I have received communication from opposing party who is pro se that he will be walking through an Emergency TRO. Our office has a hearing scheduled for tomorrow morning in Parker County and is unable to attend. However, I will be available by cell phone regarding this matter if the udge would like to speak to me regarding the Emergency TRO. Please contact our office to patch me in for any calls that udge would like to have.

Additionally, this case already is pending in the 322nd for a divorce proceeding regarding property and children matters. We will be consolidating the case and walking it through the 322nd for signature next week.

Thank you,

Cooper L. Carter
Attorney at Law

Marx, Altman & Johnson
2905 Lackland Road
Fort Worth, Texas 76116
Tel: (817) 926-6211
Fax: (817) 926-6188

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL AND PROTECTED FROM DISCLOSURE BY LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION OR COPYING IS PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA E-MAIL. THANK YOU.

FUDSTOP <chuckdustin12@gmail.com>
To: Cooper Carter <coopercarter@majadmin.com>

Thu, Mar 27, 2025 at 7:03 PM

Court staff,

Ms. Carter's recent correspondence is improper for several reasons, and appears to be an attempt to delay or interfere with proceedings in which she has otherwise failed to meaningfully participate in. The following reasons support this statement:

1. An objection to consolidation is already on file and remains unopposed. It cites controlling Texas precedent. Any suggestion that consolidation is agreed upon or inevitable is misleading. Instead, she should properly file with the court why the consolidation is improper or at the very least argue against Petitioner's position.
2. Ms. Carter has not fulfilled her obligation under Texas Rule of Civil Procedure 237a to file a Notice of Remand. Until she does, she is prohibited from proceeding or filing anything in the 322nd District Court as they currently do not have jurisdiction over this matter until this obligation is fulfilled.
3. Her authority to represent the Respondent remains under challenge pursuant to a Rule 12 motion filed September 20, 2024. No hearing has been held, no written statement of authority has been filed, and no ruling has been made. Until resolved, Rule 12 bars her from participating in either proceeding.
4. Ms. Carter has not prosecuted the case in the 322nd District Court in over eight months. This inaction has prejudiced the Petitioner and delayed resolution of urgent matters affecting the children.
5. She has failed to file any objections, responsive pleadings, or legal arguments opposing the relief requested—including the Emergency TRO now pending.
6. Rather than reaching out to Petitioner to resolve any scheduling conflict, Ms. Carter improperly attempted to influence the court by email. This violates the spirit of cooperation required by the rules, particularly where her participation is procedurally barred.
7. Ms. Carter's conduct appears designed to delay relief and subvert the best interest of the children, despite her failure to oppose the requested relief in any meaningful way.
8. She has been provided with full notice of the Emergency TRO, the proposed order, supporting exhibits, and the time and location of presentment. She has no legal basis to subvert Petitioner's due process rights.

In summary, Ms. Carter has not provided anything of substance in either Court, has not prosecuted the case, has not argued on behalf of her client, or followed proper procedure.

Simply labeling the opposition as pro se and claiming that the consolidation will be filed without disclosing the above facts is dishonest and should not be permitted as it will only cause further unnecessary delays to the relief being sought without any substance being provided.

Again, all of these points have been argued in both courts, and it is her duty as counsel to handle these matters in accordance with Texas Law.

These matters should be handled between the parties - not attempt to influence court staff after hours.

The reason we are here in the first place is due to the above unanswered facts. Ms. Carter has had ample time to file an objection, response, or counter argument, but has chosen not to do so.

It would've been far more appropriate for Ms. Carter to have reached out to me directly to discuss scheduling conflicts.

Prior to the latest email, there was no indication Ms. Carter intended to participate at all despite being provided with all relevant materials.

The court should disregard this email correspondence in its entirety for the reasons stated herein as it is highly prejudicial to Petitioner and the children.

Pro se litigants are expected to follow the rules of procedure to the same extent licensed attorneys are.

This email chain should be disregarded in its entirety.

Have a good evening.

Respectfully,
Charles Dustin Myers
Petitioner, Pro Se
[Quoted text hidden]

FUDSTOP <chuckdustin12@gmail.com>

Thu, Mar 27, 2025 at 7:07 PM

To: Cooper Carter <coopercarter@majadmin.com>, "Angie D. Wierzbicki" <ADWierzbicki@tarrantcountytx.gov>

Court staff,

Ms. Carter's recent correspondence is improper for several reasons, and appears to be an attempt to delay or interfere with proceedings in which she has otherwise failed to meaningfully participate in. The following reasons support this statement:

1. An objection to consolidation is already on file and remains unopposed. It cites controlling Texas precedent. Any suggestion that consolidation is agreed upon or inevitable is misleading. Instead, she should properly file with the court why the consolidation is improper or at the very least argue against Petitioner's position.

2. Ms. Carter has not fulfilled her obligation under Texas Rule of Civil Procedure 237a to file a Notice of Remand. Until she does, she is prohibited from proceeding or filing anything in the 322nd District Court as they currently do not have jurisdiction over this matter until this obligation is fulfilled.

3. Her authority to represent the Respondent remains under challenge pursuant to a Rule 12 motion filed September 20, 2024. No hearing has been held, no written statement of authority has been filed, and no ruling has been made. Until resolved, Rule 12 bars her from participating in either proceeding.

4. Ms. Carter has not prosecuted the case in the 322nd District Court in over eight months. This inaction has prejudiced the Petitioner and delayed resolution of urgent matters affecting the children.

5. She has failed to file any objections, responsive pleadings, or legal arguments opposing the relief requested—including the Emergency TRO now pending.

6. Rather than reaching out to Petitioner to resolve any scheduling conflict, Ms. Carter improperly attempted to influence the court by email. This violates the spirit of cooperation required by the rules, particularly where her participation is procedurally barred.

7. Ms. Carter's conduct appears designed to delay relief and subvert the best interest of the children, despite her failure to oppose the requested relief in any meaningful way.

8. She has been provided with full notice of the Emergency TRO, the proposed order, supporting exhibits, and the time and location of presentment. She has no legal basis to subvert Petitioner's due process rights.

In summary, Ms. Carter has not provided anything of substance in either Court, has not prosecuted the case, has not argued on behalf of her client, or followed proper procedure.

Simply labeling the opposition as pro se and claiming that the consolidation will be filed without disclosing the above facts is dishonest and should not be permitted as it will only cause further unnecessary delays to the relief being sought without substance being provided.

EXHIBIT 5
TRO COMMUNICATIONS
03/28/25

Again, all of these points have been argued in both courts, and it is her duty as counsel to handle these matters in accordance with Texas Law.

These matters should be handled between the parties - not attempt to influence court staff after hours.

The reason we are here in the first place is due to the above unanswered facts. Ms. Carter has had ample time to file an objection, response, or counter argument, but has chosen not to do so.

It would've been far more appropriate for Ms. Carter to have reached out to me directly to discuss scheduling conflicts.

Prior to the latest email, there was no indication Ms. Carter intended to participate at all despite being provided with all relevant materials.

The court should disregard this email correspondence in its entirety for the reasons stated herein as it is highly prejudicial to Petitioner and the children.

Pro se litigants are expected to follow the rules of procedure to the same extent licensed attorneys are.

This email chain should be disregarded in its entirety.

Have a good evening.

Respectfully,
Charles Dustin Myers
Petitioner, Pro Se

[Quoted text hidden]

Angie D. Wierzbicki <ADWierzbicki@tarrantcountytx.gov>

Fri, Mar 28, 2025 at 9:15 AM

To: Cooper Carter <coopercarter@majadmin.com>

Cc: Charlie Vids <chuckdustin12@gmail.com>

Good morning,

Mr. Myers appeared before me to schedule the hearing for the TRO; my apologies I did not realize this was that same case. We can go ahead and set the TRO with us, but most likely the case will be transferred prior to the hearing date and the case needs to be transferred prior to that date.

Mr. Myers will be emailing with dates available for the hearing.

Thank you,

Angie D. Wierzbicki

Court Coordinator

233rd Judicial District Court

(817) 884-2686

Tarrant County Family Law Center

200 E. Weatherford St., 5th Floor

Ft. Worth, TX 76196

MR 12.24



*****PLEASE NOTE: YOU MUST PROVIDE LOCAL COURT RULE DOCUMENTS IF YOU ARE SET FOR A HEARING IN EITHER COURT. FAILURE TO PROVIDE LOCAL COURT RULE DOCUMENTS COULD RESULT IN THE RESET OF YOUR CASE*****

YOU MUST INCLUDE EVERYONE ON YOUR EMAIL COMMUNICATION. IF YOU FAIL TO INCLUDE OPPOSING COUNSEL OR SELF REPRESENTED LITIGANTS, I WILL NOT RESPOND.

From: Cooper Carter <coopercarter@majadmin.com>
Sent: Thursday, March 27, 2025 6:20 PM
To: Angie D. Wierzbicki <ADWierzbicki@tarrantcountytx.gov>
Cc: 'Charlie Vids' <chuckdustin12@gmail.com>
Subject: ITIO MORGAN CHILDREN, CAUSE NO. 233-765358-25 CL-12105

EXTERNAL EMAIL ALERT! Think Before You Click!

[Quoted text hidden]

Angie D. Wierzbicki <ADWierzbicki@tarrantcountytx.gov>
To: Cooper Carter <coopercarter@majadmin.com>
Cc: Charlie Vids <chuckdustin12@gmail.com>

Fri, Mar 28, 2025 at 9:19 AM

Additionally, since there is an objection to the consolidation, y'all will need to reach out to request how to proceed with the 322nd as I am usure of their procedures.

Thank you,

Angie D. Wierzbicki

Court Coordinator

233rd Judicial District Court

(817) 884-2686

Tarrant County Family Law Center

200 E. Weatherford St., 5th Floor

Ft. Worth, TX 76196



*****PLEASE NOTE: YOU MUST PROVIDE LOCAL COURT RULE DOCUMENTS IF YOU ARE SET FOR A HEARING IN EITHER COURT. FAILURE TO PROVIDE LOCAL COURT RULE DOCUMENTS COULD RESULT IN THE RESET OF YOUR CASE*****

YOU MUST INCLUDE EVERYONE ON YOUR EMAIL COMMUNICATION. IF YOU FAIL TO INCLUDE OPPOSING COUNSEL OR SELF REPRESENTED LITIGANTS, I WILL NOT RESPOND.

[Quoted text hidden]

FUDSTOP <chuckdustin12@gmail.com>

To: "Angie D. Wierzbicki" <ADWierzbicki@tarrantcountytexas.gov>

Cc: Cooper Carter <coopercarter@majadmin.com>

Fri, Mar 28, 2025 at 9:59 AM

Hello all,

Sorry for the delay. I had to hunt down wifi.

Available dates are:

04/10/25 at 930 AM

04/09/25 at 130 PM

04/08/25 at 930 AM

04/07/25 at 130 PM

Any of these dates work for me.

Respectfully,

Charles Myers
8175463693
[Quoted text hidden]



image001.png
120K

EXHIBIT 6

03/28/25

requirement of a bond is waived. See Texas Family Code 106.001(a).

Order to Appear

IT IS ORDERED that Petitioner's application for temporary injunction and temporary orders be scheduled for a hearing at the earliest possible date and that the Clerk of this Court issue notice to Respondent to appear in person before this Court at the following date, time, and place (as required by Texas Rule of Civil Procedure 880):

Date: April 10, 2025
Time: 9:30 AM
Address: 233rd Associate Court, 5th Floor
200 E. Weatherford St., Ft. Worth, TX 76104

ADW

The purpose of the hearing is to determine whether the Court should order the following temporary relief while this case is pending:

- a. Convert the preceding temporary restraining order into a temporary injunction.
- b. Enter temporary orders for the safety and welfare of the child(ren), including but not limited to conservatorship, possession and access.
- c. Enter any other orders that are necessary for the safety and welfare of the child(ren).

SIGNED on _____ 20____ at _____ m

PRESIDING JUDGE

EXHIBIT 7
TRO COMMUNICATIONS
04/03/2025



FUDSTOP <chuckdustin12@gmail.com>

RE MOTION FOR CONSOLIDATION CL-12105

2 messages

Cooper Carter <coopercarter@majadmin.com>
To: Charlie Vids <chuckdustin12@gmail.com>

Thu, Apr 3, 2025 at 1:33 PM

Good Afternoon,

This is to inform you that I will be walking through the attached Motion for Consolidation and Proposed Order tomorrow morning at 9:00 a.m. in the 322nd for signature.

Thank you,

Cooper L. Carter
Attorney at Law

Marx, Altman & Johnson
2905 Lackland Road
Fort Worth, Texas 76116
Tel: (817) 926-6211
Fax: (817) 926-6188

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL AND PROTECTED FROM DISCLOSURE BY LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION OR COPYING IS PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA E-MAIL. THANK YOU.

2 attachments**Motion to Consolidate V.1.pdf**
13K



Order on Motion to Consolidate V1.pdf

10K

FUDSTOP <chuckdustin12@gmail.com>
To: Cooper Carter <coopercarter@majadmin.com>

Thu, Apr 3, 2025 at 1:55 PM

Cooper,

I've already objected.

You have no legal authority to do so until you address my objection filed and served to you.

Furthermore, you have not sent the Notice required by rule 237a of the Texas Rules of Civil Procedure and have not shown you authority to represent the Petitioner in this matter.

Finally, you claimed to have been retained in your individual capacity yet are claiming Marx Altman and Johnson is filing pleadings on your behalf, and Roderick D. Marx is not a party in this suit nor has he made a formal appearance.

You're well aware of these obligations, and any order resulting from this motion will be challenged via the proper legal proceedings.

You cannot continue to disregard the rules of procedure, fail to respond to motions or evidence served to you, and continue to expect favors from the bench in leu of you performing your duties as a licensed attorneys.

You are put on notice that if any such motion is presented to the court in the face of the above facts or the unanswered objection already served to you, I will move for your disqualification immediately and will provide the Texas OAG with your information and detailed misconduct as well as the State Bar of Texas.

Further, you have not provided or served a copy of the proposed order which you intend to present, which is required.

This conversation will be filed and made apart of the official court record.

Respectfully submitted,

Charles Myers
817-546-3693
Chuckdustin12@gmail.com

[Quoted text hidden]

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: 99676236
Filing Code Description: No Fee Documents
Filing Description: SAPCR Cover-letter
Status as of 4/15/2025 12:57 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/15/2025 10:28:09 AM	SENT
Cooper L.Carter		coopercarter@majadmin.com	4/15/2025 10:28:09 AM	SENT
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	4/15/2025 10:28:09 AM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/15/2025 10:28:09 AM	SENT

MR 13

NMOTION TO CONSOLIDATE

Dated: 04/03/2025

FILED
TARRANT COUNTY
4/3/2025 1:32 PM
THOMAS A. WILDER
DISTRICT CLERK

NO. 322-744263-23

**IN THE MATTER OF
THE MARRIAGE OF**

**MORGAN MYERS
AND
CHARLES MYERS**

**AND IN THE INTEREST OF
M■■■■ M■■■■ AND
C■■■■ M■■■■**

§ **IN THE DISTRICT COURT**
§
§
§ **322ND JUDICIAL DISTRICT**
§
§
§
§
§ **TARRANT COUNTY, TEXAS**

NO. 233-765358-25

IN THE INTEREST OF

**M■■■■ M■■■■ AND C■■■■
M■■■■,**

CHILDREN

§ **IN THE DISTRICT COURT**
§
§ **233RD JUDICIAL DISTRICT**
§
§ **TARRANT COUNTY, TEXAS**

MOTION TO CONSOLIDATE

This Motion to Consolidate the above lawsuits is brought by MORGAN MYERS, who shows in support:

1. These lawsuits involve common questions of law or of fact as the parties have a current divorce case pending in the 322nd Judicial District Court, Cause No. 322-744263-23.

2. It would serve the convenience of the Court, litigants, and counsel and would avoid multiplicity of suits, duplication of testimony, and unnecessary expense and delay to have these lawsuits consolidated for trial.

MORGAN MYERS prays that the Court grant the Motion to Consolidate and consolidate these lawsuits under the older and lower cause number.

Respectfully submitted,

MARX ALTMAN & JOHNSON
2905 Lackland Rd.
FT. WORTH, Texas 76116
Tel: (817) 926-6211
Fax: (817) 926-6188

By: /s/ Cooper L. Carter
Cooper L. Carter
State Bar No. 24121530
coopercarter@majadmin.com
Attorney for MORGAN MYERS

Certificate of Service

I certify that a true copy of this Motion to Consolidate was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on April 3, 2025:

CHARLES MYERS by electronic filing manager.

/s/ Cooper L. Carter
Cooper L. Carter
Attorney for MORGAN MYERS

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.

Roderick Marx on behalf of Cooper Carter
Bar No. 24121530
MAJFIRM@YAHOO.COM
Envelope ID: 99245636
Filing Code Description: Motion (No Fee)
Filing Description: MOTION TO CONSOLIDATE
Status as of 4/4/2025 8:18 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	4/3/2025 1:32:16 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/3/2025 1:32:16 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/3/2025 1:32:16 PM	SENT

Associated Case Party: ATTORNEY GENERAL OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	4/3/2025 1:32:16 PM	SENT



FUDSTOP <chuckdustin12@gmail.com>

RE MOTION FOR CONSOLIDATION CL-12105

2 messages

Cooper Carter <coopercarter@majadmin.com>
To: Charlie Vids <chuckdustin12@gmail.com>

Thu, Apr 3, 2025 at 1:33 PM

Good Afternoon,

This is to inform you that I will be walking through the attached Motion for Consolidation and Proposed Order tomorrow morning at 9:00 a.m. in the 322nd for signature.

Thank you,

Cooper L. Carter
Attorney at Law

Marx, Altman & Johnson
2905 Lackland Road
Fort Worth, Texas 76116
Tel: (817) 926-6211
Fax: (817) 926-6188

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2 attachments

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13K

**Order on Motion to Consolidate V1.pdf**

10K

FUDSTOP <chuckdustin12@gmail.com>
To: Cooper Carter <coopercarter@majadmin.com>

Thu, Apr 3, 2025 at 1:55 PM

Cooper,

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Furthermore, you have not sent the Notice required by rule 237a of the Texas Rules of Civil Procedure and have not shown you authority to represent the Petitioner in this matter.

Finally, you claimed to have been retained in your individual capacity yet are claiming Marx Altman and Johnson is filing pleadings on your behalf, and Roderick D. Marx is not a party in this suit nor has he made a formal appearance.

You're well aware of these obligations, and any order resulting from this motion will be challenged via the proper legal proceedings.

You cannot continue to disregard the rules of procedure, fail to respond to motions or evidence served to you, and continue to expect favors from the bench in leu of you performing your duties as a licensed attorneys.

You are put on notice that if any such motion is presented to the court in the face of the above facts or the unanswered objection already served to you, I will move for your disqualification immediately and will provide the Texas OAG with your information and detailed misconduct as well as the State Bar of Texas.

Further, you have not provided or served a copy of the proposed order which you intend to present, which is required.

This conversation will be filed and made apart of the official court record.

Respectfully submitted,

Charles Myers
817-546-3693
Chuckdustin12@gmail.com
[Quoted text hidden]

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Roderick Marx on behalf of Cooper Carter
Bar No. 24121530
MAJFIRM@YAHOO.COM
Envelope ID: 99245636
Filing Code Description: Motion (No Fee)
Filing Description: MOTION TO CONSOLIDATE
Status as of 4/4/2025 8:18 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
Cooper L.Carter		coopercarter@majadmin.com	4/3/2025 1:32:16 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/3/2025 1:32:16 PM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	4/3/2025 1:32:16 PM	SENT

Associated Case Party: ATTORNEY GENERAL OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	4/3/2025 1:32:16 PM	SENT

MR 14

NOTICE OF INTENT TO FILE MANDAMUS

Dated: 04/07/2025

233-765358-25

FILED
TARRANT COUNTY
4/7/2025 3:46 AM
THOMAS A. WILDER
DISTRICT CLERK

NO. 233-765358-25

IN THE 233RD DISTRICT COURT OF TARRANT COUNTY, TEXAS**IN RE: M.E.M., ET AL.******CHARLES DUSTIN MYERS, ****

Petitioner,

MORGAN MICHELLE MYERS,

Respondent.

2025-04-07

PETITIONER'S NOTICE OF INTENT TO
FILE MANDAMUS AND EMERGENCY
STAY**TO THE HONORABLE JUDGE OF SAID COURT:****I. INTRODUCTION**

There comes a time in the journey of life when a man finds himself standing in the same muddy footprints he left as a child, gazing up at the same towering courthouse steps, and feeling that same sinking sensation in his chest. It's a peculiar thing, this cycle of disappointment—to have lived it once as a bewildered child and then again as a rule-abiding adult. The faces change, the dates on the calendar advance, but the feeling remains as familiar as an old, worn book.

Petitioner comes before this Court not with anger burning in his chest, nor with vindictiveness poisoning his pen, but rather with that quiet, heavy disappointment that settles in a person's bones when they've done everything by

the book only to find the book itself has been shelved away, forgotten by those sworn to read from it.

Petitioner followed the rules. He honored the procedures. He placed his faith in a system that promised justice would flow like water, clear and unobstructed, to those who seek it properly. He lived under the façade of facially void orders, and sustained extraordinary damages that were all caused intentionally by one person: **the Respondent**, who has sat in complete silence as this breakdown has continued to occur.

Yet here stands Petitioner, a father twice removed—once from his home and once from his children—knocking on the courthouse door with papers properly filed, only to be told that the door shall remain closed because someone else might, at some future date, file papers at another door entirely. If this strikes the Court as a curious interpretation of justice, then we find ourselves in rare agreement.

Mark Twain once observed that “the difference between the almost right word and the right word is really a large matter—it’s the difference between the lightning bug and the lightning.” In matters of law and children’s welfare, the difference between almost justice and actual justice is equally vast—it’s the difference between children thriving and children suffering, between a father’s presence and his absence, between following the law and merely gesturing toward it.

The Petitioner is now in an extraordinary circumstance. On one hand, he must seek mandamus relief respectfully compelling this Court to fulfill its

ministerial duty to hear and rule on Petitioner's properly filed emergency TRO, which this Court refused to hear on March 28, 2025. The refusal came not from any defect in the filing itself, but solely from representations made by opposing counsel regarding a future filing in another court which she abandoned—a procedural sleight of hand that has left children in distress and a father without an adequate remedy for an appeal.

On the other hand, the Petitioner must prohibit the 322nd District Court from setting a matter for a hearing that cannot bear a valid result through a concurrent Writ of Prohibition. The proper procedure wasn't followed, and cannot be overlooked in the face of an emergency.

In essence, a procedurally improper forward-looking consolidation motion to be filed in a different court was used to block a properly filed emergency TRO before this court. The court cannot rule on a case not before it, and mandamus is the proper remedy here if this court refuses to act. Given the extraordinary circumstances of this matter, and given there has been no response or opposition to the relief being requested, the court should **grant the emergency TRO immediately through a written order delivered to all the parties via the electronic filing manager**, set the matter for a hearing 14 days from the signing of the order, and require a written response from the opposing party no later than 7 days prior to the hearing.

Despite the circumstances of this case, Petitioner feels that settlement will and could be a possibility in the future, but the priority remains to rebuild the status quo of the children that has been destroyed and regain the ability to provide for his children financially while damages are assessed and attended to. Petitioner is at the very least entitled to this immediate relief. He is not asking this court for anything more than what it has the discretion to do and what the law demands that it must do given the circumstances. This intent to file mandamus is filed out of respect and serves as a notice to all parties of record of my position on this matter.

Such absurdity should end with an order from this court in Petitioner's favor, and in support thereof, he shows the following unopposed facts:

II. STATEMENT OF FACTS

1. On January 24, 2025, after more than 11 months of inaction, Petitioner filed a Motion to Dismiss for Want of Prosecution. The divorce case no substantive action from Respondent since April 2024, a legal ghost ship drifting without direction or purpose. That motion wasn't attempted to be set for hearing until **September of 2024**, only after the Petitioner exhausted all efforts seeking relief throughout the Texas Judiciary without any participation from the opposing side.

2. On March 19, 2025, driven by mounting concerns about the children's welfare and learning that the 322nd District Court did not have continuous, exclusive jurisdiction over the children in this matter, Petitioner filed a new

SAPCR in this Court (Cause No. 233-765358-25) seeking emergency relief for the children. The very next day, March 20, 2025, Ms. Carter suddenly reappeared like a character presumed missing in the second act, filing an answer to the SAPCR petition in this Court and thereby submitting to this Court's jurisdiction by filing a response rather than a motion to abate.

3. On March 21, 2025, Petitioner filed a verified Rule 12 motion challenging Ms. Carter's authority to represent Respondent in this matter—the second such challenge, met with the same resounding silence as the first.

4. On March 25, 2025, Petitioner filed an Objection to Consolidation and an Ex-Parte Emergency Motion for TRO. Two days later, on March 27, 2025, Petitioner contacted the court coordinator, requested a date and time to present the motion, and served the documents to the opposing party with the intent to present on March 28, 2025, at 9:00 A.M. before the Associate Judge of this Court. On that fateful morning of March 28, 2025, Petitioner drove to the courthouse, paid for parking, met with the coordinator, communicated with opposing counsel, and secured a hearing date of April 10, 2025. Petitioner then proceeded to the Associate Judge's courtroom to present the TRO.

5. Before Petitioner could present his case—before he could speak a single word about his children's welfare—he was told that Ms. Carter would be filing a motion to consolidate in the 322nd District Court, that his motion was improperly before the court, and that the Associate Judge refused to hear the motion. It was a

curious thing, this refusal. Ms. Carter wasn't even present in the courtroom, yet her words carried more weight than Petitioner's physical presence, his properly filed papers, and most importantly, the urgent needs of his children. She stopped the proceedings with nothing more than word of mouth for the incorrect motion. A true showcasing of disregard for the process, and the children.

6. On April 2, 2025, Petitioner filed a Pre-Objection to Motion to Consolidate in the 322nd District Court. Ms. Carter's motion to consolidate wasn't filed with the 322nd District Court until April 3, 2025—six days after she used its mere possibility to prevent this Court from hearing Petitioner's emergency motion. Her motion disregarded Petitioner's pre-objection entirely, as if it were invisible ink on the page.

7. On April 4, 2025, unable to acquire a ruling due to Petitioner's objection, Ms. Carter attempted to set the motion for a hearing before the 322nd District Court. That same day, Petitioner filed a Pre-Objection to Motion to Transfer in this Court, given that a motion to transfer must come before any attempt at consolidation. Ms. Carter, who had been so urgently concerned about consolidation when it served to block Petitioner's emergency hearing, suddenly claimed to be unavailable until late April—causing significant delays that could have been avoided had this Court simply heard the motion before it on March 28, 2025.

8. Throughout this period of procedural maneuvering, the children have been subjected to psychological manipulation and medical neglect. They have been removed from Petitioner's care and placed with elderly great-grandparents on a daily basis, and are being gaslighted into a false belief that the divorce is finalized. Petitioner's eldest child's academic performance has plummeted, and both children have become emotionally estranged from both parents. Petitioner has suffered approximately \$110,500 in verifiable financial damages due to being locked out of his home and business, and it grows each day. But the financial toll pales in comparison to the emotional cost of watching Petitioner's children suffer while the courts exchange procedurally incorrect volleys over his head.

III. ARGUMENT

A. The Court's Ministerial Duty

9. It is well-established Texas law that a trial court has a ministerial duty—not a discretionary duty—to consider and rule upon motions properly filed and pending before it. *In re Sheppard*, 193 S.W.3d 181, 183 (Tex. App.—Houston [1st Dist.] 2006, orig. proceeding); *In re Chavez*, 62 S.W.3d 225, 228 (Tex. App.—Amarillo 2001, orig. proceeding). The Texas Supreme Court has consistently held that while a court has discretion in how it rules on a motion, it has no discretion to refuse to rule at all. *In re Blakeney*, 254 S.W.3d 659, 661 (Tex. App.—Texarkana 2008, orig. proceeding) ("When a motion is properly filed and pending before a trial court, the act of considering and ruling upon that

motion is a ministerial act, and mandamus may issue to compel the trial judge to act.").

10. This principle is not merely a procedural nicety but a fundamental cornerstone of our judicial system. When a court refuses to hear a properly filed motion, it effectively denies access to justice itself. As the Texas courts have repeatedly emphasized, "A trial court's refusal to rule on a pending motion within a reasonable amount of time constitutes a clear abuse of discretion." In re Bonds, 57 S.W.3d 456, 457 (Tex. App.—San Antonio 2001, orig. proceeding). This abuse is magnified exponentially when the motion concerns the welfare of children and seeks emergency relief.

11. The Court's refusal to hear Petitioner's properly filed emergency TRO on March 28, 2025, constitutes a clear failure to perform a ministerial duty. This failure is particularly concerning given that:

- a) The motion was properly filed and noticed for hearing and the parties agreed on a date and time set for April 10th, 2025;
- b) Petitioner communicated with court staff, physically appeared at the courthouse ready to present the motion and was told he could present his motion;
- c) The motion concerned the immediate welfare of children; and
- d) The refusal was based solely on representations about a future filing in another court that had not yet occurred.

B. Clear Abuse of Discretion

12. A writ of mandamus is appropriate when a trial court clearly abuses its discretion and there is no adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004); *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992). An abuse of discretion is clearly established from point one below, and supported by points two through eight:

i. First, it refused to perform its ministerial duty to hear and rule on a properly filed motion based solely on representations about a future filing in another court. It's as if a doctor refused to treat a bleeding patient because another doctor might, at some future date, claim the patient should be treated at a different hospital.

ii. Second, it failed to recognize that by answering the SAPCR petition in this Court, Respondent submitted to this Court's jurisdiction and should have instead filed a motion to abate or should have moved to transfer the case. The law doesn't allow for half-measures of jurisdiction.

iii. Third, it failed to recognize that this Court maintained jurisdiction until any transfer was completed pursuant to Texas Family Code § 155.005(d) as no final order has been rendered in the 322nd District Court. Jurisdiction isn't a hot potato to be

dropped at the first mention of another court—it's a solemn responsibility that remains until properly transferred.

iv. Fourth, it failed to recognize that the proper procedure for consolidation of cases in different courts requires a motion to transfer to be filed and granted before any motion to consolidate can be considered, pursuant to Texas Family Code §§ 155.201 and 6.407. The law provides a sequence, a proper order of operations, that cannot be reversed or circumvented without creating procedural delay, which is what the emergency TRO sought to prevent from occurring.

v. Fifth, it allowed opposing counsel to circumvent proper legal procedure by influencing this Court's decision without being present and without having filed any response to the emergency TRO properly before this Court. It's as if the referee in a football game made a call based on what someone in the parking lot said might happen in the fourth quarter when she had the rules of the game mixed up.

vi. Sixth, it failed to consider that the purported "agreed" orders in the divorce case are void for lack of consent under *Burnaman v. Heaton*, 240 S.W.2d 288, 291 (Tex. 1951). A void order is no order at all—it's a legal nullity, as insubstantial as a

shadow on the wall. No court has continuous, exclusive jurisdiction over the children in this matter.

vii. Seventh, it failed to recognize that the Associate Judge's orders in the divorce case were never properly adopted by the referring District Court as required by Texas Family Code § 201.013(b). An unadopted order is like an unsigned check—it may look official, but it carries no legal weight, yet it has been used to bar the Petitioner from his residence, business, and children, and impose a disruptive and chaotic schedule upon the children.

viii. Eighth, and perhaps most troublingly, it disregarded the children's best interests in favor of procedural considerations, contrary to Texas Family Code § 153.002 and has languished for over a year due to the opposition's failure to prosecute.

12. The law is clear that in matters involving children, their welfare must be the court's primary consideration—not procedural niceties, not docket management, and certainly not the convenience of opposing counsel.

C. No Adequate Remedy by Appeal

13. When Justice Delayed Is Justice Denied Petitioner has no adequate remedy by appeal for reasons that should stir the conscience of any court: The emergency nature of the injunctive relief sought requires immediate action, as

Petitioner's children are suffering immediate and ongoing harm while procedural issues remain unresolved. *In re Texas Dep't of Family & Protective Servs.*, 255 S.W.3d 613, 615 (Tex. 2008) (granting emergency relief where children's welfare was at immediate risk). Petitioner's children are being alienated from him, causing long-term psychological damage that cannot be undone by a favorable ruling months or years in the future. *In re Scheller*, 325 S.W.3d 640, 643 (Tex. 2010) (recognizing that interference with the parent-child relationship can constitute irreparable harm).

14. The improper procedural maneuvers by opposing counsel are causing significant delays that cannot be remedied through the normal appellate process. Each day that passes is another day the children suffer, another day their academic performance declines, another day they become more emotionally estranged in a situation that the law should've prevented from existing to begin with.

15. Temporary orders in family law cases are generally not appealable, leaving Petitioner in a procedural trap with no exit. Waiting for a final judgment to appeal would allow the improper procedural tactics to succeed, causing irreparable harm to Petitioner and his children.

16. Void orders are being enforced against Petitioner, causing ongoing harm that cannot be adequately remedied by appeal. *In re Sw. Bell Tel. Co.*, 35 S.W.3d 602, 605 (Tex. 2000). Petitioner is caught in a procedural echo chamber

with no effective remedy, as both courts have effectively denied him access to the judicial system. *In re Team Rocket, L.P.*, 256 S.W.3d 257, 262 (Tex. 2008).

D. Opposing Counsel's Contradictory Behavior

17. Cooper L. Carter's contradictory behavior warrants particular attention, like a character in a novel whose actions never quite align with their words: She zealously defended her client by filing an answer to the SAPCR in this Court, thereby submitting to this Court's jurisdiction, only to then influence this Court to refuse to hear Petitioner's properly filed motion by representing that she would file a motion to consolidate in the 322nd Court, which would be moot by statute.

18. She had abandoned the divorce case for nearly a year, filing nothing since April 24, 2024, only to suddenly reappear precisely when I sought emergency relief for the children—like a firefighter who ignores a smoldering house for months, only to rush in when someone else calls for help. She failed to respond to a Rule 12 motion challenging her authority to represent the Respondent, her silence speaking volumes about the nature of her representation. She subsequently filed an improper motion to consolidate in the 322nd Court without first filing the required motion to transfer, putting the procedural cart before the horse. She is now claiming unavailability until late April in the 322nd Court, creating unnecessary delay after using the urgency of consolidation to block Petitioner's emergency hearing.

19. This pattern demonstrates a tactical attempt to manipulate both courts' dockets to prevent me from obtaining a timely hearing on Petitioner's properly filed emergency motion. It's a shell game played with the children's welfare as the prize. This Court should not allow itself to be used as an instrument in such procedural gamesmanship, particularly when it involves a failure to perform a ministerial duty required by law and when children's welfare is at stake.

IV. CONCLUSION

This Court's refusal to hear Petitioner's properly filed motion constitutes a failure to perform a ministerial duty for which there is no adequate remedy by appeal. The proper legal procedure requires a motion to transfer to be filed and granted before any motion to consolidate can be considered, and by answering the SAPCR petition in this Court, Respondent submitted to this Court's jurisdiction.

The children who are the subject of this proceeding are suffering immediate and ongoing harm while procedural issues remain unresolved. Each day that passes without addressing the emergency concerns raised in Petitioner's TRO is a day of certain damage to the children's psychological well-being and development.

Petitioner once heard it said that the true measure of a society is found in how it treats its most vulnerable members. By that measure, the procedural labyrinth that has prevented this Court from hearing Petitioner's emergency

motion speaks volumes about how far we have strayed from the ideal of justice. The children— innocent, vulnerable, and deserving of the Court’s protection— have instead become collateral damage in a game of procedural chess.

Petitioner provides this petition not out of anger or vindictiveness, but out of that quiet, heavy disappointment that settles in a person’s bones when they’ve done everything by the book only to find the book itself has been shelved away. Petitioner followed the rules. He reiterates that he honored the procedures. He placed his faith in a system that promised justice would flow like water, clear and unobstructed, to those who seek it properly.

Petitioner asks this Court to remember that behind every case number, behind every filing, behind every procedural rule, there are often real children with real lives that continue whether the courts act or not. Time doesn’t stop for them while adults sort out procedural disagreements. They grow, they hurt, they form memories and impressions that will shape them for a lifetime.

As Mark Twain might have observed, the difference between justice served and justice delayed is the difference between a father’s presence and his absence, between children thriving and children suffering, between following the law and merely gesturing toward it.

V. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests that this Court correct its error sua sponte, recognize the seriousness of

this situation, and grant relief without delay given the extraordinary circumstances of this case. Petitioner specifically requests that this Court:

- i. Immediately grant the attached proposed order requesting an emergency TRO preventing the Respondent from barring Petitioner's access to the matrimonial home located at [REDACTED] [REDACTED] Texas [REDACTED] pursuant to Texas Family Code § 105.001(b) and serve the order on all parties of record through the EFM pursuant to rule 21a of the Texas Rules of Civil Procedure;
- ii. Have the parties confer with the court coordinator to set this matter for a hearing within 14 days from the signing of the order, and require Respondent's written response no later than 7 days before the hearing;
- iii. Take judicial notice that this Court has personal jurisdiction over the respondent to issue a TRO given her response to the original SAPCR;
- iv. Take judicial notice that no opposition to the requested relief appears on record;
- v. Grant such other and further relief as the Court deems just and necessary to protect the best interests of the children, under § 153.002 and aid the parties in satisfying Texas State policy under § 153.001.

Petitioner emphasizes that this request is urgent and narrowly tailored to avoid further procedural delay that places the children at risk.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
CHUCKDUSTIN12@GMAIL.COM
817-546-3693
PRO-SE

CERTIFICATE OF SERVICE

Respondent, CHARLES DUSTIN MYERS, certifies that, pursuant to Rule 21a of the Texas Rules of Civil Procedure that:

A copy of this NOTICE has been served to MORGAN MICHELLE MYERS through her EFM registered under MORGANMW02@GMAIL.COM

A copy of this NOTICE has been provided to COOPER L. CARTER through her email COOPERCARTER@MAJADMIN.COM

A copy of this NOTICE has been served to HOLLY HAYES through her EFM registered email address: CSD-FILER914@TEXAS.OAG.GOV

Served on: 04/07/2025

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
817-546-3693
CHUCKDUSTIN12@GMAIL.COM
PRO-SE

Automated Certificate of eService

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Status as of 4/7/2025 2:57 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/7/2025 12:05:40 PM	SENT
CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	4/7/2025 12:05:40 PM	SENT
CHARLES MYERS		chuckdustin12@gmail.com	4/7/2025 12:05:40 PM	SENT
MORGAN MICHELLEMYERS		MORGANMW02@GMAIL.COM	4/7/2025 12:05:40 PM	SENT

MR 15

ORDER GRANTING

CONSOLIDATION

Dated: 04/11/2025

NO. 233-765358-25

IN THE INTEREST OF

§ IN THE DISTRICT COURT

ME [REDACTED] ME [REDACTED] AND
ME [REDACTED],

§ 233RD JUDICIAL DISTRICT

CHILDREN

§ TARRANT COUNTY, TEXAS

NO. 322-744263-23

IN THE MATTER OF
THE MARRIAGE OF

§ IN THE DISTRICT COURT

MORGAN MYERS
AND
CHARLES MYERS

§ 322ND JUDICIAL DISTRICT

AND IN THE INTEREST OF


TARRANT COUNTY, TEXAS

M [REDACTED] M [REDACTED] AND
C [REDACTED] M [REDACTED]

ORDER ON MOTION TO CONSOLIDATE

On Apr. 10, 2025 the Court considered the Motion to Consolidate of MORGAN MYERS and ORDERS that the above lawsuits be consolidated under the older and lower cause number of the divorce action in the 322-744263-23 cause of action.

SIGNED on April 10, 2025


JUDGE PRESIDING

CERTIFICATE OF SERVICE

Relator certifies that on April 10, 2025, a true and correct copy of the foregoing Emergency Motion for Declaratory Relief was served on all parties and counsel of record as follows:

Respondent

Hon. Kenneth Newell

District Judge, 233rd District Court

Tarrant County Family Law Center

200 E. Weatherford St.

Fort Worth, TX 76196

817-884-1197

Via electronic submission to the court coordinator

Via email: ADWierzbicki@tarrantcountytexas.gov

Real Party in Interest

Morgan Michelle Myers

[REDACTED]

[REDACTED]

817-235-5189

MORGANMW02@GMAIL.COM

Counsel for Real Party in Interest

Cooper L. Carter

Marx, Altman & Johnson

2905 Lackland Road

Fort Worth, TX 76116

Via email: coopercarter@majadmin.com

/s/ Charles Dustin Myers

Charles Dustin Myers

PRO-SE RELATOR

SERVED: 5/07/2025

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Case Contacts

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CHARLES DMYERS		CHUCKDUSTIN12@GMAIL.COM	5/7/2025 10:58:49 AM	SENT