

DKT (364)



***** FROM 322-744263-23 *** NOTICE OF RELATED CASE
(CIV-24-1311-R WEST DIST 06/05/2025 OF OKLAHOMA)**

FILED ON: 06/05/2025

FEE: \$0.00

FILER/REQUESTOR: N/A

IN THE 322nd DISTRICT COURT OF TARRANT
COUNTY, TEXAS

ITMOMO,	§
MORGAN MICHELLE	§
MYERS,	§
Petitioner,	§
v.	§
	§
CHARLES DUSTIN	§
MYERS	§
Respondent.	§
	§
And in the interest of M.E.M and	§
C.R.M, two children	§

**RESPONDENT'S NOTICE
OF RELATED FEDERAL RICO
LITIGATION**

TO THE HONORABLE 322ND DISTRICT COURT OF TARRANT COUNTY:

Respondent, CHARLES DUSTIN MYERS, respectfully submits this notice with the court regarding concurrent litigation with overlapping claims docketed as Civil No. **5:24-cv-01311** in the Western District of Oklahoma, and in support thereof, shows the court the following:

I. INTRODUCTION

1. On December 16, 2024, the Respondent initiated a suit in the Western District of Oklahoma against Daniel Kenneth Branthoover, stepfather of the Petitioner in this suit, Morgan Michelle Myers.

2. On June 7, 2025, Respondent notified the Western District of Oklahoma of his intent to amend the complaint to establish federal question jurisdiction and enjoin Morgan Michelle Myers, the Petitioner in this suit, as an additional defendant with the possibility of enjoining additional defendants into the suit. This correspondence was in response to an order to show the

cause for the delay in effectuating service.

3. The federal action alleges violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961-1968, related to certain conduct involving wire fraud and subsequent acts, including the preparation of false documents as mentioned above.

4. While the federal action involves some of the same parties and certain overlapping factual allegations as this divorce proceeding, the federal case seeks remedies under federal law that are separate and distinct from the relief sought in this divorce action.

5. This Notice is being filed solely to inform the Court of the existence of related federal litigation that may involve matters relevant to this proceeding.

6. The undersigned party will provide this Court with any significant developments in the federal case that may affect matters before this Court.

II. THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT

The Racketeer Influenced and Corrupt Organizations Act (RICO) is codified in 18 U.S.C. §§ 1961-1968. This federal law provides both criminal penalties and civil remedies for racketeering activities conducted through an enterprise. The statute was originally enacted to combat organized crime but has been interpreted broadly to apply to various forms of organized unlawful activity.

In *Cruz v. FXDirectDealer, LLC*, 720 F.3d 115 (2d Cir. 2013), the court explained: "To establish a RICO claim, a plaintiff must show: (1) a violation of the RICO statute, 18 U.S.C. § 1962; (2) an injury to business or property; and (3) that the injury was caused by the violation of Section 1962." In other words, to establish a violation of § 1962(c), a plaintiff must show that a person engaged in "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity."

III. RICO ELEMENTS

1. Conduct of an enterprise

For a RICO claim to exist, there must be an "enterprise," defined as "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity" (18 U.S.C. § 1961(4)). In the instant matter, the Respondent believes he has enough evidence to prove that there exists an association-in-fact enterprise consisting of multiple individuals that have been working together toward a common purpose. The participants include:

- i. The mother, Morgan Michelle Myers, Petitioner to this suit;
- ii. The stepfather (in Oklahoma), Daniel Kenneth Branthoover;
- iii. Potentially the grandmother, Margie Evonne Wilson;

As noted in *Sundquist v. Hultquist*, Cause No. 1:20-CV-275-HAB (N.D. Ind. Sep 09, 2020), "Any RICO enterprise must consist of more than a group of people who get together to commit a pattern of racketeering activity." The enterprise must be "distinct, separate, and apart from a pattern of racketeering activity: although a pattern of racketeering activity may be the means through which the enterprise interacts with society, it is not itself the enterprise." Here, the enterprise appears to be a family-based association with the common purpose of removing the father from his home/business and depriving him of marital assets. This association exists beyond the specific racketeering acts themselves, suggesting a distinct enterprise for RICO purposes.

2. Pattern of racketeering activity

A "pattern of racketeering activity" requires at least two acts of racketeering activity within a ten-year period (18 U.S.C. § 1961(5)). Furthermore, these acts must be related and

amount to or pose a threat of continued criminal activity. The scenario in this case describes multiple potential acts that could qualify as "racketeering activity" under 18 U.S.C. § 1961.

- i. The attempt to obtain an ex-parte temporary order of protection on December 14, 2023, under false pretenses – obstruction of justice. (18 U.S.C. § 1503).
- ii. The transfer of \$1,576 on December 15 across state lines from the joint marital bank account to the stepfather's PayPal account - wire fraud (18 U.S.C. § 1343).
- iii. Filing a fraudulent divorce petition and false affidavit of indigency - obstruction of justice by making several perjurious statements under oath.
- iv. Serving an eviction notice citing a divorce and protective order that hadn't been filed yet - obstruction of justice.

These acts are not isolated events, but are related, as they share the common purpose of removing the father from his home/business and depriving him of marital assets. They also demonstrate continuity, as they occurred over a period and involved multiple coordinated actions.

3. Interstate commerce

RICO requires that the activities of the enterprise affect interstate or foreign commerce. In this scenario, the activities clearly cross state lines between Texas and Oklahoma:

- i. Communication between individuals in different states;
- ii. Transfer of funds across state lines via PayPal;
- iii. Travel between states to execute parts of the scheme.

As noted in RICO: A Primer (2022), on page 2:

"Notably, there must be some nexus to interstate or foreign commerce-it is a jurisdictional element of a civil RICO claim. Thus, predicate acts will often occur in

several States."

The interstate nature of the activities described in this scenario satisfies this element as Petitioner's transfer of \$1,576 made across state lines to Daniel Branthoover was made with the intent to defraud both the Respondent and this Court.

4. Injury to Business or Property

For a civil RICO claim, the plaintiff must demonstrate an injury to business or property caused by the RICO violation. In this scenario, the Respondent has suffered several concrete injuries:

- i. Loss of access to joint marital funds;
- ii. Removal from his home, which is also his business location;
- iii. Significant financial losses resulting from the removal;
- iv. Enforcement of a fraudulent settlement agreement, including the prevention of contact between Respondent and his children by the Mother.

These are concrete financial injuries to both Respondent's property interests and business operations, which would satisfy the injury requirement for a civil RICO claim. Here, the Respondent has suffered significant losses due to his at-home business operations being interrupted by the scheme, which is ongoing.

IV. JURISDICTIONAL CONSIDERATIONS

While federal courts have exclusive jurisdiction over RICO claims according to some authorities like *Intel Corp. v. Hartford Acc. and Indem. Co.*, others such as *Karel v. Kroner* suggest concurrent jurisdiction between state and federal courts. This jurisdictional uncertainty further emphasizes the importance of notifying this Honorable Court about related federal proceedings to avoid procedural pitfalls. When RICO claims are "inextricably entangled"

with state divorce proceedings, especially concerning marital property as noted in *Sakyi v. Berko*, coordination between courts becomes particularly important to prevent inconsistent rulings and preserve both courts' authority to adjudicate matters within their respective jurisdictions.

This notice serves a hybrid role in informing the court and raising the issues here to prevent preclusion issues from being raised by defense counsel.

V. THE UNJUSTIFIABLE CONDUCT DOCTRINE

In this case, the mother's actions attempting to obtain a fraudulent ex-parte order, emptying the joint marital bank account across state lines, filing a fraudulent divorce petition with false claims of abuse, serving an eviction notice referencing a non-existent divorce and protective order, and serving a settlement agreement without consent—could all be considered unjustifiable conduct. These actions were clearly intended to manipulate the legal system and gain an unfair advantage in the divorce proceedings.

Based on the unjustifiable conduct doctrine, this court could potentially decline to exercise jurisdiction or, more likely, take steps to remedy the consequences of fraudulent conduct. This might include reconsidering orders that were based on fraudulent information, such as the order removing the Respondent from his home.

VI. CONCLUSION

This court has unintentionally become an instrument in a broader scheme aimed at defrauding Respondent CHARLES DUSTIN MYERS of his home, business, children, and livelihood. The scheme involved coordinated interstate actions and fraudulent filings. Given these developments, Respondent seeks to amend his federal complaint in the Western District of Oklahoma to include additional responsible parties, including Petitioner Morgan Michelle Myers, potentially Margie Evonne Wilson, add and additional claims. Respondent respectfully

submits this notice to ensure the court remains informed and will update promptly regarding any significant developments.

Respectfully submitted,

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

Certificate of Service

Pursuant to Rule 21a of the Texas Rules of Civil Procedure, this notice has been duly served on all parties of record via the Texas Supreme Court approved EFM on 06/10/2025.

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
Pro-se Respondent