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**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

Cause No. 233-765358-25

IN RE: M.E.M et al	§	In the <i>(check one)</i> :
CHARLES DUSTIN MYERS,	§	<input checked="" type="checkbox"/> <u>233rd</u> District Court
<u>Petitioner</u>	§	<input type="checkbox"/> County Court at Law No. _____
vs.	§	
MORGAN MICHELLE MYERS,	§	<u>TARRANT</u> County, Texas
<u>Respondent</u>		

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
Signature

03/21/2025
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
Signature

03/21/25
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
6641 ANNE COURT
WATAUGA, TEXAS 76148
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

6641 ANNE COURT

WATAUGA, TEXAS 76148

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
6641 ANNE COURT, WATAUGA, TEXAS 76148
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

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
6641 Anne Court
Watauga, TX 76148
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

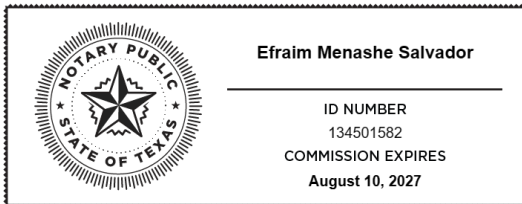
Charles Dustin Myers

6641 Anne Court

Watauga, TX 76148

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.

A blue electronic signature of Charles Dustin Myers, consisting of stylized cursive letters.

Electronically signed and notarized online using the Proof platform.

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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