

DKT (241)



PRE TRIAL MOTION IN LIMINE

FILED ON: 11/04/2024

FEE: \$0.00

FILER/REQUESTOR: CHARLES DUSTIN MYERS

NO. 322-744263-23 & NO. 322-744538-23

In the Matter of the Marriage of

Morgan Michelle Myers & Charles Dustin Myers

and in the Interest of

M ■ E ■ M ■ & C ■ R ■ M ■,

Minor Children.

PRE-TRIAL MOTION IN LIMINE

In the 322nd District Court.

Tarrant County, Texas

IN REGARD TO:

JOINT MOTION TO RECUSE

TO BE PRESIDED BY JUSTICE LEE GABRIEL
ON NOVEMBER 7TH, 2024

I. INTRODUCTION

Relevant evidence is defined by Texas Rule of Evidence 401 as "having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Tex. R. Evid. 401; See *Morale v. State*, 557 S.W.3d 569, 573 (Tex. 2018).

This Pre-Trial Motion in Limine, respectfully brought forth by CHARLES DUSTIN MYERS, Respondent, seeks to preclude the use of unsupported, general objections as a tactic to hinder the presentation of valid arguments or evidence central to the matter at hand, specifically in the context of the Joint Motion to Recuse and pending Rule 12 motion. The use of an unsubstantiated objection to "relevance" without a supporting argument explaining how the evidence is irrelevant under Rule 401 of the Texas Rules of Evidence serves to stifle the fair examination of pertinent facts and prevent the Court from fully considering matters critical to its determination.

II. STATEMENT OF FACTS

1. The Rule 12 motion is specifically mentioned within the unaltered and fully hyperlinked Joint Motion to Recuse originally filed and served on all parties of record via the Electronic Filing Manager as required by Tex. R. Civ. P. 21(a)(1) on September 20, 2024, where on page 14 it reads:

"Attorney Cooper Carter's authority to represent the petitioner, currently being challenged through a Rule 12 motion, further deepens concerns about the integrity and fairness of these proceedings."

2. There have not been any pleadings filed on behalf of the Petitioner by her legal counsel in this matter.
3. There exists no response to any pleadings filed by the Respondent in his own defense in this matter, including a partial summary judgment filed on February 28th, 2024, which was acknowledged by the court on March 14th, 2024.
4. There have been no pleadings served on the Respondent in this matter through the Electronic Filing Manager from Cooper L. Carter as required by Tex. R. Civ. P. Rule 21(a)(1).
5. Between April 14th, 2024, and September 30th, 2024, the Respondent sought relief via a Petition for Writ of Mandamus in the Second Court of Appeals and the Texas Supreme Court.
6. The only effort to move the case forward during the appeal process was via a motion for pre-trial conference filed on April 24, 2024, on Cooper Carter's behalf by Roderick Marx, her former employer and founder of Marx Altman and Johson.
7. The Texas OAG attempted to intervene into the case on June 28th, 2024, was promptly objected to, and has since vanished.
8. It wasn't until the denial of the Respondent's Mandamus petition in the Supreme Court of Texas on August 30th, 2024, that the court began attempting to set a status conference informally through the Court Coordinator.
9. Cooper Carter's authority was challenged via a Rule 12 Motion on September 20, 2024, and remains unresponded to.
10. The Respondent, representing himself pro-se, has not been labeled a vexatious litigant. CHARLES DUSTIN MYERS respectfully moves the court

For the reasons stated above, Respondent respectfully requests that the Court disallow any unsupported objections to the relevance of evidence by either party, unless the objecting party provides a substantive argument or legal authority in support of their objection. The Court should permit the admission of evidence concerning the undisputed

facts outlined herein during the hearing scheduled for November 7, 2024, at 11:00 A.M.
in the 322nd District Court of Tarrant County.


PRAYER

Respondent, CHARLES DUSTIN MYERS, prays for the following relief from the Court in regard to this Motion in Limine:

1. That this Pre-Trial Motion in Limine be granted if no timely response in opposition is filed by 11:00 A.M. on November 7, 2024.
2. That the Court order all parties to refrain from making objections regarding the relevance of evidence without providing supporting legal arguments or citing applicable authority, ensuring that the hearing proceeds in a fair and equitable manner.
3. Any other relief that the Court deems just and equitable under the circumstances.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
PRO SE
817-507-6562
CHUCKDUSTIN12@GMAIL.COM



CERTIFICATE OF SERVICE

Respondent certifies that a true copy of this pre-trial motion in limine was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on **11/04/2024**:

Cooper L. Carter (Counsel for petitioner)

by EFM/ESERVE at COOPERCARTER@MAJADMIN@COM

Morgan Michelle Myers (real party in interest)

by EFM/ESERVE at MORGANMW02@GMAIL.COM

Holly L. Hayes, Texas Office of the Attorney General

By EFM/ESERVE at 914-filer@texas.oag.gov

The Honorable Justice Lee Gabriel

By EFM/ESERVE at LGabriel@tarrantcountytexas.gov

/s/ Charles Dustin Myers

Charles Dustin Myers

Chuckdustin12@gmail.com



Tel: 1-817-507-6562

Pro-se

Automated Certificate of eService

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Filing Description: Pre-Trial Motion in Limine

Status as of 11/4/2024 8:56 AM CST

Associated Case Party: MORGANMICHELLEMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
MORGAN MICHELLEMYERS		morganmw02@gmail.com	11/4/2024 8:51:09 AM	SENT
Cooper L.Carter		coopercarter@majadmin.com	11/4/2024 8:51:09 AM	SENT

Associated Case Party: CHARLESDUSTINMYERS

Name	BarNumber	Email	TimestampSubmitted	Status
CHARLES MYERS		chuckdustin12@gmail.com	11/4/2024 8:51:09 AM	SENT

Associated Case Party: ATTORNEY GENERAL OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
HOLLY HAYES		csd-filer-914@texasattorneygeneral.gov	11/4/2024 8:51:09 AM	SENT