

NO. DF-24-18010	NOTICE:	CONTAINS SENSITIVE DATA
IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
	§	
GWENDOLYN ULIJASZ-MCKEMIE	§	<u>302</u> nd JUDICIAL DISTRICT
&	§	
JASON MCKEMIE	§	DALLAS COUNTY, TEXAS

EMERGENCY VERIFIED MOTION TO CONTINUE OR ABATE BENCH TRIAL

TO THE HONORABLE COURT:

Movant Jason McKemie, appearing pro se, files this **Emergency Verified Motion to Continue or Abate the February 24, 2026 bench trial setting** and to enter **trial-readiness orders** required for any final adjudication on property division, reimbursement claims, and credibility-dependent issues.

This Motion is a **procedural stop-button**. It asks the Court to prevent trial on a record that remains **legally stayed (bankruptcy posture), procedurally unenforceable (missing written enforcement orders), and factually unverifiable (discovery collapse and ongoing benefits noncompliance)**. Movant is not asking the Court to accept conclusions on faith. Movant is asking the Court to **find out**—through written rulings, enforceable deadlines, and limited third-party records—what cannot be reliably established through party-only production.

I. THE PRIMARY STOP BUTTON: BANKRUPTCY POSTURE REQUIRES ABATEMENT OF PROPERTY ADJUDICATION AND TRIAL READINESS

On December 12, 2025, Movant sought emergency assistance from the Court to prevent eviction and preserve the status quo while Movant had no access to marital resources and was in imminent collapse. Movant was advised that if those facts were true, bankruptcy protections were necessary to stabilize and prevent further harm. Movant did so. The bankruptcy posture is on file with this Court.

Movant is presently in an active bankruptcy posture while the estate is being evaluated and reconstructed under Trustee oversight, including review of asset movement and debt shifting that materially overlaps with the financial disclosures at issue in this divorce. Proceeding to a final property adjudication and bench trial while (i) discovery remains incomplete and unverifiable, and (ii) bankruptcy-related stabilization and record reconstruction are ongoing, **magnifies prejudice** and virtually guarantees immediate post-judgment emergency litigation.

Relief requested: The Court must continue/abate the February 24 trial setting and enter trial-readiness orders before any final adjudication affecting the marital estate proceeds.

II. SECOND STOP BUTTON: TRIAL IS NOT READY BECAUSE DISCOVERY NONCOMPLIANCE WAS CONFIRMED INSIDE THE FINAL PRETRIAL WINDOW

The procedural posture alone establishes the case is not trial-ready:

- **January 6, 2026:** Motion to Compel discovery and HSA-related requests heard.
- **January 9, 2026:** Court-ordered production deadline.
- **January 20, 2026:** Status hearing to assess compliance.
- **February 5, 2026:** Compliance hearing held inside the final pretrial window.

Petitioner did not complete production by January 9. Compliance status hearings followed because the compelled deficiencies remained unresolved. At the February 5 compliance hearing, Petitioner was unable to produce the statements requested to substantiate compliance with the compelled deficiencies. The Associate Judge then instructed Movant to prepare a **Unified Proposed Order** designed to bring the proceedings to an orderly conclusion. Movant complied with that instruction. **No written ruling has been entered adopting or denying that Unified Proposed Order.**

Trial remains set for February 24.

The Court cannot simultaneously:

- acknowledge unresolved discovery deficiencies,
- require additional procedural mechanisms to cure them, **and**
- proceed to final trial days later as though the estate is fully disclosed and verifiable.

This is not a minor defect. It is a **structural trial-readiness failure** requiring written orders and enforceable compliance before trial.

III. CLARIFICATION OF PROCEDURAL VEHICLE: THIS IS ENFORCEMENT, NOT DE NOVO

Movant anticipates potential confusion regarding the procedural vehicle invoked and addresses it directly.

A. The January 6 ruling is not being challenged

On January 6, 2026, the Associate Judge heard Movant's Motion to Compel discovery and requests regarding HSA. The Associate Judge's written report reflects that:

1. The Court **granted Movant's request** that financial documents be turned over by **January 9, 2026**; and
2. The HSA card was noted as provided at the time of the hearing.

Movant **does not** seek de novo review of that ruling. Movant does not ask the Court to overturn, rehear, or modify it. Movant does not contend the Associate Judge erred.

B. The issue now is compliance and enforceability

This Motion seeks **enforcement and clarification of compliance** with the Court's discovery directive and entry of written trial-readiness orders.

The notation "no de novo filed" reflects only that Movant did not request rehearing of the January 6 ruling. It does **not** resolve whether compliance occurred. It does **not** convert a compliance failure into adjudication. And it does **not** eliminate the District Court's authority to enforce discovery directives and enter written orders required for a verifiable trial posture.

C. Relief requested (enforcement + written rulings before trial)

Movant therefore requests:

1. Entry of a **written enforcement order** confirming the January 6 discovery directive and defining what constitutes compliance;
2. Entry of a **written ruling** adopting or denying the Unified Proposed Order prepared at the Court's direction; and
3. A **hard compliance deadline and enforcement setting** prior to any final trial.

If the Court determines any aspect of the January 6 ruling is deemed already adjudicated, Movant alternatively requests **written clarification** of what constitutes compliance and whether compliance has occurred.

IV. THIRD STOP BUTTON: THE FINANCIAL DISCOVERY RECORD IS FACIALLY NONCOMPLIANT AND INDICATES MATERIAL FALSITY / FRAUD UPON THE COURT

The "certified financials" in front of this Court are not merely incomplete. They are **facially noncompliant** and structurally defective in a manner that indicates material falsity and/or fraud

upon the Court. These are not technical errors; they prevent valuation and invert the proceeding by forcing Movant to reconstruct continuity from curated fragments.

Objective indicators include:

- Missing continuity across months and missing transaction-detail pages, preventing reconciliation across statement cycles;
- Substitution of non-statement exports/snapshots for institution-issued monthly statements, eliminating certification and uninterrupted coverage;
- Inaccessible production mechanics (e.g., restricted links / password mechanics) impairing timely review and trial preparation;
- Internal inconsistencies and apparent mislabeling (including identical transactions labeled as different months), indicating false labeling and potentially alteration;
- Mischaracterization of elective equity investments as “tax withholding” and other categorization tactics that materially distort income and estate valuation.

Relief requested: Written findings that party-only “certified financials” are not reliable for trial; authorization for **limited third-party subpoenas** for institution-origin records and continuity mapping; and an enforcement/sanctions setting addressing noncompliance and material falsity.

This is how you “call it by name” while staying bulletproof: **objective indicators** → **verify via custodians** → **enforce**.

V. CONTINUED MEDICAL HARM AND NONCOMPLIANCE WITH THE DECEMBER 17 HEALTHCARE ORDER

Movant’s healthcare benefits were cut off effective October 31, 2025. On December 17, 2025, the Court entered an order requiring restoration of terminated benefits and related HSA/FSA functionality. That relief has not been complied with. Movant requires surgery and ongoing medical care and has been repeatedly hospitalized.

As of February 2, 2026, Movant’s benefits summary reflects multiple benefit categories remain “Coverage Waived,” including:

- Employee Critical Illness
- Spouse/Domestic Partner Critical Illness
- Optional Life Insurance
- Optional AD&D

- Spouse/Domestic Partner Life AD&D
- Dependent Child Life/AD&D

The same summary reflects HSA/FSA enrollment categories, but the continuing dispute concerns **functional access and restoration/funding as ordered**, not mere enrollment labels.

Relief requested: An immediate enforcement hearing and a cure-steps order that requires verification by plan administrator/benefits vendors (not voluntary compliance alone) and includes replacement/escrow mechanisms sufficient to prevent continued harm.

VI. TRANSCRIPT / RECORD DEFECT — JANUARY 7 TRANSCRIPT IS NECESSARY FOR TRIAL PREP AND REVIEWABILITY

Movant has repeatedly moved for the certified transcript of the January 7, 2025 hearing and requested that it be treated as a litigation expense payable from community funds under Petitioner's control. Movant submitted a proposed order authorizing procurement and payment. The absence of this transcript prejudices trial preparation and prevents meaningful testing of sworn representations made at the foundational hearing.

Relief requested: Sign the transcript authorization order immediately and require a verbatim record/court reporter going forward.

VII. LIMITED THIRD-PARTY VERIFICATION IS THE MINIMUM PATHWAY TO A VERIFIABLE TRIAL


Movant requests narrow, custodian-specific third-party subpoenas to verify facts that cannot be reliably determined from party-only production, including:

1. complete institution-origin bank/credit card statements and continuity mapping;
 2. employer/benefits/QLE audit trails;
 3. plan administrator termination/reinstatement logs; and
 4. HSA/FSA administrator access history and restoration/funding records;
 5. landlord ledger/buyout records relevant to eviction-related disputes, where necessary to prevent double-collection and clarify offsets.
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VIII. PRAYER

For the foregoing reasons, Movant respectfully requests that the Court grant the Relief Requested, continue or abate the February 24, 2026 bench trial setting, enter written trial-readiness orders, and grant all other relief to which Movant is justly entitled.

VERIFIED UNSWORN DECLARATION (TEX. CIV. PRAC. & REM. CODE § 132.001)

My name is Jason McKemie. My date of birth is **April 8, 1976**. My address is **539 W. Commerce St., Suite 2010, Dallas, Texas 75208**. I declare under penalty of perjury that the factual statements in this Motion are true and correct based on my personal knowledge and review of the documents referenced here 



Executed in Dallas County, Texas on **February 20, 2026**.

Jason McKemie

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Dallas, TX 75208
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EXHIBIT LIST (FILED SEPERATELY):

- Exhibit A: Respondent/Movant Pleadings Index by Category (100 filings / 1,110 pages).
- Exhibit B: eFileTexas Envelope History for DF-24-18010.
- Exhibit C: District 302 Timeline (Judge Jackson) with short-form summaries.
- Exhibit D: Associate Judge's Report dated January 12, 2026 (Motion to Compel granted; Jan 9 deadline; HSA card note).
- Exhibit E: District docket sheet entry noting "no written orders re: 1/6/26 hearing or compel orders."
- Exhibit F: Order on Emergency Reinstatement of Healthcare signed December 17, 2025.
- Exhibit G: Benefits Summary generated February 2, 2026 reflecting multiple coverages waived.
- Exhibit H: Motion to Obtain Certified Transcript of January 7, 2025 Hearing (with proposed order).
- Exhibit I: Motion to Establish Conditions for Re-Entry of Counsel and Preserve Fair Trial.
- Exhibit J: Notice of Repeated Notice of Impossibility of Discovery Compliance via Statements (and deficiency demonstratives).
- Exhibit K: Unified Proposed Order drafted at the Associate Judge's direction following the February 5 compliance hearing (pending).

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Motion and proposed order were served on all counsel of record and/or parties entitled to notice in accordance with the Texas Rules of Civil Procedure and applicable e-service rules on the date of filing.


Jason McKemie

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.

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