

DF-24-18010

Cause No. \_\_\_\_\_

NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATAIN THE MATTER OF  
MARRIAGE OF

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GWENDOLYN ULIJASZ-MCKEMIE

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JASON MCKEMIE

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IN THE DISTRICT COURT THE

302nd JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

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**EMERGENCY MOTION TO ABATE ALL PROCEEDINGS, PRESERVE LIFE-SAFETY, COMPEL A WRITTEN RECORD, AND AUTHORIZE THIRD-PARTY SUBPOENAS FOR QLE/HEALTHCARE ADMINISTRATIVE RECORDS**

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TO THE HONORABLE JUDGE OF SAID COURT:

Movant, **Jason McKemie**, appears pro se due to financial deprivation and medical incapacity, and files this Emergency Motion to prevent irreparable harm and preserve due process. This Motion is narrowly tailored and is filed **for record preservation and life-safety**, not rhetoric.

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## I. EMERGENCY NATURE AND RELIEF REQUESTED

This Court is currently being asked to proceed toward hearing/trial deadlines while (1) Movant remains medically unstable, (2) the Court's **December 17, 2025 24-hour healthcare/HSA restoration order** remains uncured in practice, (3) discovery is materially incomplete and has been subject to last-minute document dumps, and (4) a federal bankruptcy trustee has been appointed and is actively reviewing overlapping financial issues.

A. Movant requests **immediate limited relief**:

1. **Abatement/continuance** of all pending proceedings and deadlines (including the Thursday hearing) until:
  - a. functional healthcare and HSA access is restored;
  - b. the Court resolves third-party subpoena authority for the QLE and benefits record; and
  - c. the bankruptcy trustee's near-term review produces an initial findings posture relevant to asset/debt allocation.
2. **Order that all hearings be on the record**, with a court reporter present, and that Movant's objections and offered exhibits be permitted for filing/marketing even if later excluded.

3. **Authorization to issue narrowly-scoped third-party subpoenas** to Accenture/Businessolver (Plan Administrator/delegated administrator) for the **QLE submission packet, attestations/affidavits, audit logs, cure documentation, eligibility transmissions, and call recordings**, including the recorded call where Movant gave actual notice that no divorce had occurred.
4. **Immediate interim medical stabilization relief** sufficient to enable medications and critical care **without out-of-pocket payment by Movant**, consistent with the Court's prior order and documented medical necessity.

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## II. FACTS SUPPORTING ABATEMENT AND EMERGENCY RELIEF

### A. Thirteen Months of Healthcare-Related Filings Reflect Systemic Non-Enforcement

Over the past 13 months, Movant has filed **more than 30 healthcare/HSA-related motions, notices, enforcement requests, and proposed orders** seeking restoration of access and compliance with Standing and Temporary Orders. A consolidated index is attached as **Exhibit A** (Healthcare-Related Filings Summary). This history is not delay-for-delay's sake; it is the record of repeated, unresolved life-safety issues.

### B. Court-Ordered Restoration Remains Uncured in Practice

On **December 17, 2025**, the Court ordered restoration of healthcare/HSA access within 24 hours. As of today, Movant remains without functional access to critical medications and benefits needed to prevent serious harm. Movant has suffered repeated emergency-room presentations, and treating providers have warned that continued interruption of medication access results in recurring emergency care and risk of decompensation.

### C. The QLE Submission is Dispositive and Controlled by Third Parties

Movant is presently awaiting production of the QLE submission packet and administrative record from Accenture/Businessolver. Petitioner has taken materially inconsistent positions: claiming impossibility of control, later claiming full compliance, while the administrative record shows uncured benefit waivers and ongoing access failures. The only way to resolve this contradiction is by obtaining the **source-of-truth third-party record** (QLE submission, attestations, audit trail, cure documents, eligibility feeds, and call recordings). Party discovery cannot substitute for this record.

### D. Discovery Collapse + Last-Minute Document Dumps Make Trial Preparation Impossible

Petitioner has represented discovery compliance while producing late, high-volume dumps that do not cure missing financial records. The production remains structurally deficient and

will require subpoenas to third parties. Proceeding toward trial without complete records is not “moving the case forward”; it is moving forward blind.

#### **E. Federal Bankruptcy Trustee Review Overlaps with the Marital Estate**

Movant has filed bankruptcy and a trustee has been assigned. The trustee is reviewing debt shifting, alleged fraudulent reporting of legal/medical charges, and related issues that overlap directly with relief sought in this case. Proceeding in state court without allowing the trustee process to stabilize will cause inconsistent rulings and irreparable prejudice.

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### **III. ARGUMENT**

#### **A. Abatement is Required to Prevent Irreparable Harm and Preserve Due Process**

This Court should not force trial/hearing proceedings to continue where doing so creates foreseeable life-safety risk, denies meaningful access to healthcare, and denies fair preparation due to incomplete discovery and third-party evidence being withheld.

#### **B. Record Preservation is Mandatory Where Proceedings Have Occurred Off the Record**

Movant has repeatedly been forced into hearings without an official record despite timely objection. When proceedings are conducted off the record, objections and evidence cannot be preserved for review. This Court must require future proceedings to be on the record and permit exhibit tender/markings.

#### **C. Third-Party Subpoena Authority is Necessary and Narrow**

This request is not a fishing expedition. It is narrowly targeted to QLE/eligibility/benefits records necessary to enforce existing healthcare orders and to resolve whether the termination and partial restoration were lawful or procedurally defective.

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### **IV. PRAYER**

For the foregoing reasons, Movant respectfully requests that the Court:

- 1. ABATE/CONTINUE TRIAL:**

Abate all proceedings and deadlines pending medical stabilization, third-party record production authority, and bankruptcy trustee progress;

2. **QLE/BENEFITS SUBPOENAS (ACCENTURE/BUSINESSOLVER):**

Authorize issuance of **narrow third-party subpoenas** to Accenture/Businessolver for QLE/eligibility administrative record and recordings;

3. **SANCTIONS AND INTERIM MAKE-WHOLE RELIEF (LIFE-SAFETY / FUNCTIONAL ACCESS):**

Order sanctions and interim make-whole relief based on materially false and irreconcilable representations to the Court and continued noncompliance with healthcare/HSA orders, including immediate relief sufficient to restore **functional access** to critical medications and healthcare **without requiring any out-of-pocket payment by Movant**, through direct payment authorization, plan/vendor override, escrow, registry deposit, or other mechanism the Court deems appropriate.

4. **STATUS HEARING:**

Set a **status conference** within a short timeframe to confirm compliance and production schedules.

5. **FINANCIAL SUBPOENAS (BANKS/INVESTMENT/COMP/BONUS/REIMBURSEMENTS):**

Authorize Movant to issue **narrow, targeted third-party subpoenas** for financial discovery necessary to complete the record and permit the case to proceed fairly, including but not limited to bank accounts, investment and equity accounts, bonus and compensation records, housing reimbursements, and related financial documents that remain outstanding or unproduced despite prior discovery requests and representations of compliance.

Respectfully submitted,



**Jason McKemie**

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this Emergency Motion and all exhibits were served on Petitioner and any counsel of record via e-service/e-filing on **February 2, 2026**.

  
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Jason McKemie

### Automated Certificate of eService

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#### Case Contacts

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