

DF-24-18010

NO.

IN THE MATTER OF
THE MARRIAGE OF

§
§
§

IN THE DISTRICT COURT

GWENDOLYN ULIJASZ-MCKEMIE

§
§

301ST JUDICIAL DISTRICT

&

RESPONDENT

§

DALLAS COUNTY, TEXAS

MOTION TO PRESERVE DISCOVERY AND TRIAL RIGHTS

TO THE HONORABLE JUDGE OF SAID COURT:

Respondent files this **Supplemental Emergency 30-Day Trial Deadline Notice and Motion to Preserve Witnesses, Extend or Reopen Discovery, Preserve Subpoena Rights, Authorize Targeted Third-Party Subpoenas, Preserve Sanctions and Exclusion Relief, and Object to Trial Readiness**, and respectfully shows the Court as follows:

I. PURPOSE AND LIMITED SCOPE

1. Trial is presently set for June 11, 2026.
2. This filing is made on May 12, 2026, the thirty-day trial deadline date.
3. This filing is submitted for the limited but urgent purpose of preserving trial rights, witness rights, discovery rights, subpoena rights, sanctions rights, exclusion/adverse-inference rights, and trial-readiness objections before any party later argues waiver, untimeliness, lack of diligence, lack of notice, or failure to request leave.
4. This filing is both a notice and a motion. To the extent the Court requires a live motion before authorizing additional discovery, subpoenas, witness supplementation, expert-related relief, evidence preservation, or trial-readiness case management, this filing is intended to serve as that motion.
5. This filing supplements and incorporates by reference Respondent's prior filings, including the prior Notice of Preservation of Witnesses, prior Final Trial Witness List, prior requests for subpoena authority, prior motions concerning financial discovery noncompliance, prior requests for healthcare enforcement, and the May 11, 2026 emergency filing requesting written discovery rulings, subpoena leave, preservation relief, and immediate hearing.
6. This filing is not offered as a full merits brief. It is a deadline-preservation filing to prevent prejudice and preserve the Court's ability to manage this case before trial.
- a. II. WHY THIS SUPPLEMENT IS NECESSARY NOW
7. This case is not trial-ready.
8. The case remains affected by unresolved certified financial discovery issues, unresolved third-party source-record needs, unresolved healthcare enforcement issues, unresolved evidence/property loss issues arising from the April 16, 2026 event, unresolved witness-identification issues, and unresolved trial-capacity issues.
9. Respondent has repeatedly sought financial source records, witness identification, third-party vendor identification, healthcare/QLE records, lease/landlord records, and subpoena authority.
10. Petitioner has not provided complete identifying information for all material third-party vendors, contractors, investigators, security personnel, technology/cyber vendors, movers, cleanout participants, property handlers, lease/landlord participants, benefits administrators, or witnesses whose conduct, statements, payments, reports, or records may be used at trial.
11. Without an order extending or reopening discovery and authorizing targeted third-party subpoenas, Respondent will be prejudiced by being forced to trial without institution-origin records, complete financial

account continuity, third-party verification, witness contact information, April 16 evidence/property chain-of-custody records, healthcare/QLE records, and records needed to test Petitioner's claims.

12. The Court should not permit trial to proceed on a record shaped by incomplete production, undisclosed vendors, unidentified witnesses, unresolved subpoena leave, and evidence repositories removed, destroyed, or made inaccessible during the April 16, 2026 event.
- b. III. RULE BASIS
13. Texas Rule of Civil Procedure 190.5 permits modification of a discovery control plan when the interest of justice requires it.
14. Texas Rules of Civil Procedure 193.5 and 193.6 govern supplementation, late disclosure, good cause, lack of unfair surprise or prejudice, exclusion consequences, and continuance or postponement when supplementation or discovery issues affect trial.
15. Texas Rule of Civil Procedure 205 governs discovery from nonparties by subpoena.
16. Texas Rule of Civil Procedure 176 governs subpoenas.
17. Texas Rule of Civil Procedure 215 authorizes discovery enforcement and sanctions.
18. Texas Rule of Civil Procedure 195a governs discovery regarding testifying experts in suits governed by the Family Code.
19. The Court also has inherent authority to preserve evidence, prevent abuse of process, protect the integrity of trial, prevent destruction or concealment of evidence, and manage the docket to ensure a fair trial.

IV. PRESERVATION OF WITNESSES

20. Respondent preserves the right to call all witnesses previously disclosed, listed, referenced, identified, or reasonably discoverable through pleadings, discovery, exhibits, affidavits, recordings, police reports, bodycam/CAD records, financial records, healthcare records, landlord records, eviction records, bankruptcy filings, ERISA/DOL records, prior witness lists, proposed orders, or trial filings.
21. Respondent specifically preserves the right to call, examine, cross-examine, impeach, rebut, or obtain records from the following witnesses and categories, including but not limited to:
 - A. PARTY / CORE FACT WITNESSES
 - a. Gwendolyn Ulijasz McKemie;
 - b. Respondent;
 - c. Christopher McNally;
 - d. Dane Patching;
 - e. Elizabeth Bender;
 - f. James McKemie;
 - g. Lynn McKemie;
 - h. Christina Segura;
 - i. Pam Woodman;
 - j. Clint Woodman;
 - k. Andy Ulijasz;
 - l. Patrick Winter;
 - m. Firas Junaid.
 - B. PROFESSIONAL / MEDICAL / TECHNICAL / THIRD-PARTY WITNESSES
 - a. Dr. Kathy Spangenberg;
 - b. Wynn E. Pott;
 - c. Jason Paru;

- d. Detective Vidal, San Antonio Police Department;
 - e. Detective Carnivally, San Antonio Police Department;
 - f. Detective Wesner, San Antonio Police Department;
 - g. Carolina Reyes, San Antonio Police Department;
 - h. Jerome D. Lee;
 - i. Dr. Younas Barber;
 - j. David Aron;
 - k. Lauren Whipple, M.D.;
 - l. any treating physician, benefits administrator, pharmacist, healthcare-plan representative, HSA/FSA custodian, PBM representative, or healthcare access witness relevant to healthcare reinstatement, medication access, surgery delay, prescription access, benefits-card functionality, HSA/FSA access, or QLE-related harm.
- C. APRIL 16, 2026 PROPERTY / EVIDENCE / CLEANOUT WITNESSES
- a. Respondent preserves the right to call and subpoena every person, company, custodian, agent, contractor, mover, cleaner, locksmith, landlord representative, property manager, security person, constable, deputy, officer, vendor, storage facility, property-handler, inventory preparer, dispatcher, supervisor, records custodian, or third-party participant involved in, present for, directing, authorizing, funding, scheduling, documenting, recording, benefiting from, or communicating about the April 16, 2026 entry, execution, cleanout, removal, property-handling, disposal, storage, transport, lockout, eviction, landlord, or evidence-loss event.
- D. FINANCIAL / ACCOUNT / PAYMENT WITNESSES
1. Respondent preserves the right to call and subpoena custodians, representatives, and records witnesses from:
 - a. JPMorgan Chase Bank, N.A.;
 - b. American Express;
 - c. Capital One;
 - d. any bank, credit union, brokerage, investment, retirement, trust, payment-app, credit-card, debit-card, loan, reimbursement, HSA, FSA, payroll, equity, bonus, commission, VEIP, or benefits account custodian identified in production, statements, inventories, proposed property divisions, subpoenas, tax records, or trial filings;
 - e. GLU Distribution and related financial custodians;
 - f. Accenture payroll, benefits, reimbursement, equity, compensation, and HR records custodians;
 - g. Cognizant payroll, benefits, reimbursement, equity, compensation, and HR records custodians, if applicable;
 - h. any custodian needed to verify account continuity, successor accounts, renumbered accounts, missing statements, hidden balances, rent payments, lease payments, legal-fee payments, reimbursement flows, transfers, credit-card payments, cash flow, and dissipation.
- E. HEALTHCARE / QLE / ERISA / BENEFITS WITNESSES
2. Respondent preserves the right to call and subpoena:
 - a. Accenture HR and benefits personnel;
 - b. Accenture ERISA plan administrators;
 - c. third-party benefits administrators;
 - d. COBRA administrators;

- e. HSA/FSA administrators;
 - f. medical carrier representatives;
 - g. pharmacy benefit managers;
 - h. payroll/benefits deduction custodians;
 - i. records custodians for all QLE submissions, eligibility determinations, dependent coverage changes, reinstatement requests, HSA/FSA card functionality, benefit-card access, portal access, call logs, tickets, audit logs, metadata, recorded calls, uploaded documents, attestations, employee certifications, administrator notes, and system entries relating to Respondent's healthcare coverage.
- F. LANDLORD / LEASE / EVICTION / HOUSING WITNESSES
- 3. Respondent preserves the right to call and subpoena:
 - a. landlord representatives;
 - b. property-management representatives;
 - c. lease custodians;
 - d. eviction-case custodians;
 - e. constable records custodians;
 - f. rent-payment custodians;
 - g. lease-buyout custodians;
 - h. guarantor records custodians;
 - i. persons involved in lease modification, lease buyout, rent reimbursement, eviction filings, writ execution, lockout, property access, property retrieval, and April 16 property removal.
- G. SECURITY / SURVEILLANCE / INVESTIGATION / CYBER / REPUTATION / EMPLOYMENT-INTERFERENCE WITNESSES
- 4. Respondent preserves the right to call and subpoena:
 - a. Jetty Partners;
 - b. Decisive Resources;
 - c. any security vendor;
 - d. any surveillance vendor;
 - e. any investigator;
 - f. any cyber, reputation, background, OSINT, monitoring, employment-screening, digital-forensics, tracking-device, vehicle-inspection, or litigation-support vendor;
 - g. any person or company involved in surveillance of Respondent, his residence, his employment opportunities, his communications, his devices, his litigation evidence, his financial records, or his professional contacts;
 - h. any person who contacted, influenced, discouraged, interfered with, obstructed, or caused withdrawal of any prospective employer, contractor, recruiter, client, witness, or professional opportunity for Respondent.
- H. WITNESS CONTACT / COACHING / PREPARATION / STATEMENT-PREPARATION WITNESSES
- 5. Respondent preserves the right to call and subpoena, subject to applicable privilege and privilege-log requirements, any person who:
 - a. communicated with Christopher McNally, Dane Patching, or any other material witness concerning this litigation;
 - b. drafted, edited, revised, transmitted, coordinated, funded, coached, solicited, or prepared witness statements, affidavits, declarations, police reports, protective-order narratives, expert disclosures, financial declarations, or trial testimony;

- c. participated in direct or indirect witness contact, witness intimidation, witness pressure, witness discouragement, witness isolation, witness coaching, witness tampering, or witness narrative coordination;
 - d. acted as shadow counsel, outside counsel, local counsel, out-of-state counsel, investigator, litigation consultant, vendor, agent, family member, or intermediary in connection with witness communications or evidence handling.
- I. EXPERTS / CONSULTANTS / CUSTODIANS
6. Respondent preserves the right to request, disclose, call, depose, rebut, cross-examine, or seek records from:
- a. any testifying expert disclosed by Petitioner;
 - b. any rebuttal expert needed after review of Petitioner's expert opinions or missing source records;
 - c. any forensic accountant needed to reconstruct the estate;
 - d. any digital-forensics expert needed to assess April 16 device/evidence loss, hard-drive loss, cloud access, deletion, metadata, chain of custody, imaging, or tampering;
 - e. any benefits/ERISA expert needed to address the QLE, healthcare reinstatement, HSA/FSA access, COBRA status, plan administration, or administrator compliance;
 - f. any medical witness needed to address functional healthcare harm, medication interruption, surgery delay, or trial-capacity effects;
 - g. any vocational/employment witness needed to address employment interference, reputational harm, job loss, recruiter interference, or third-party obstruction.

V. CHRISTOPHER MCNALLY AND DANE PATCHING

- 22. Christopher McNally and Dane Patching are specifically preserved as material witnesses.
- 23. Respondent preserves the right to obtain testimony, remote testimony, records, communications, impeachment evidence, rebuttal evidence, and preservation relief relating to both witnesses.
- 24. Respondent further requests preservation of all communications by Petitioner, Petitioner's counsel, newly admitted counsel, local counsel, out-of-state counsel, agents, family members, vendors, investigators, security personnel, contractors, or intermediaries with or about Christopher McNally, Dane Patching, or any witness identified in this case.
- 25. Respondent specifically requests that no party, counsel, agent, or intermediary delete, alter, conceal, withhold, destroy, selectively produce, or fail to preserve communications, call logs, text messages, emails, messages, notes, memoranda, drafts, statements, recordings, calendar entries, billing entries, or metadata relating to witness contact, witness preparation, witness scheduling, witness pressure, witness statements, or witness testimony.
- 26. Respondent does not seek privileged communications through this preservation request. If any person claims privilege over responsive communications, the communication must be preserved and identified by privilege log sufficient to permit later review.

VI. REQUEST TO EXTEND OR REOPEN DISCOVERY

- 27. Respondent requests that the Court extend or reopen discovery for the limited purpose of:
 - a. completing institution-origin financial discovery;

- b. obtaining missing account statements and account-continuity records;
 - c. obtaining third-party records from financial institutions;
 - d. obtaining healthcare, QLE, HSA/FSA, COBRA, ERISA, benefits, and payroll/benefits records;
 - e. obtaining landlord, lease, rent, eviction, writ, lockout, buyout, guarantor, and property-management records;
 - f. obtaining April 16, 2026 mover, contractor, security, landlord, constable, bodycam, CAD, dispatch, storage, cleanout, property-handling, and chain-of-custody records;
 - g. identifying unknown witnesses and third-party vendors;
 - h. conducting expert/rebuttal discovery made necessary by incomplete production, late disclosure, missing source records, and April 16 evidence/property loss;
 - i. supplementing witnesses, exhibits, impeachment evidence, rebuttal evidence, and trial disclosures after subpoena returns and source-record review;
 - j. seeking sanctions, adverse inference, exclusion, fee shifting, or continuance relief based on late production, incomplete production, concealment, evidence loss, or witness nondisclosure.
28. Respondent requests that any discovery extension run for at least ninety days after complete certified financial production and subpoena returns, or alternatively for any period the Court deems necessary to cure prejudice and permit fair trial preparation.
29. If the Court does not grant a broad extension, Respondent requests a minimum limited extension sufficient to serve targeted subpoenas, receive production, review the records, supplement witnesses/exhibits, and present motions for enforcement, sanctions, exclusion, or continuance.
1. VII. REQUEST TO PRESERVE AND AUTHORIZE TARGETED THIRD-PARTY SUBPOENAS
30. Respondent requests leave to issue targeted third-party subpoenas, including subpoenas duces tecum, subpoenas for testimony, and records subpoenas, to the categories listed above.
31. This motion preserves and requests subpoena authority now. Individual subpoena forms, notices, subpoenas duces tecum, witness subpoenas, deposition notices, and proposed orders may be filed or served separately after the Court grants leave or as otherwise permitted by the Texas Rules of Civil Procedure.
32. The subpoena targets include, but are not limited to:
- A. Financial Institutions and Account Custodians
 - a. JPMorgan Chase Bank, N.A.;
 - b. American Express;
 - c. Capital One;
 - d. any bank, credit union, brokerage, retirement, trust, HSA, FSA, reimbursement, credit-card, debit-card, payment-app, loan, payroll, equity, bonus, commission, VEIP, employer reimbursement, or financial account custodian identified in discovery, statements, inventories, proposed divisions, subpoenas, or trial filings.
 - B. Employment / Payroll / Benefits / Reimbursement Custodians
 - a. Accenture;
 - b. Cognizant, if applicable;
 - c. employer payroll custodians;
 - d. reimbursement custodians;
 - e. equity/bonus/commission custodians;
 - f. HRIS custodians;
 - g. benefits administrators;
 - h. COBRA administrators;
 - i. HSA/FSA administrators;

- j. PBM and medical carrier custodians.
- C. Lease / Landlord / Eviction / Housing Custodians
 - a. landlord;
 - b. property manager;
 - c. lease custodian;
 - d. eviction counsel records custodian, to the extent discoverable;
 - e. constable/writ execution custodian;
 - f. rent-payment custodian;
 - g. lease-buyout custodian;
 - h. guarantor and modification records custodian;
 - i. property access, cleanout, and storage custodians.
- D. April 16, 2026 Evidence / Property / Cleanout Custodians
 - a. movers;
 - b. cleanout contractors;
 - c. storage facilities;
 - d. security personnel;
 - e. locksmiths;
 - f. landlord representatives;
 - g. constable/deputy/officer personnel;
 - h. bodycam, CAD, dispatch, incident-report, and call-log custodians;
 - i. property inventory custodians;
 - j. disposal, shipping, storage, donation, sale, or destruction custodians;
 - k. anyone who handled, moved, inventoried, stored, discarded, copied, accessed, imaged, destroyed, or transported hard drives, computers, phones, tablets, cameras, storage media, documents, files, exhibit materials, financial records, or trial-preparation materials.
- E. Vendor / Investigator / Surveillance / Employment-Interference Custodians
 - a. Jetty Partners;
 - b. Decisive Resources;
 - c. security vendors;
 - d. cyber/reputation vendors;
 - e. investigators;
 - f. surveillance personnel;
 - g. vehicle-inspection or tracking-device vendors;
 - h. employment-screening vendors;
 - i. recruiters, hiring contacts, prospective employers, contractors, or third parties contacted about Respondent by Petitioner or anyone acting with her, for her, or on her behalf.
- F. Witness-Contact / Witness-Preparation Custodians
 - a. any person who contacted Christopher McNally;
 - b. any person who contacted Dane Patching;
 - c. any person who contacted, coached, prepared, pressured, discouraged, or communicated with material witnesses;
 - d. any person who prepared, edited, coordinated, funded, transmitted, revised, or ghostwrote witness statements, affidavits, declarations, police reports, protective-order narratives, expert disclosures, or trial testimony.

2. VIII. REQUEST FOR PRESERVATION ORDER

33. Respondent requests that the Court immediately order Petitioner and all persons acting with her, for her, under her direction, or in concert with her, including counsel, agents, family members, contractors, movers, storage facilities, property managers, landlords, security personnel, vendors, investigators, cyber/reputation vendors, and third-party litigation support, to preserve:
- a. all documents, communications, text messages, emails, call logs, messages, voicemails, recordings, notes, memoranda, drafts, billing records, invoices, payment records, metadata, photos, videos, bodycam, CAD, dispatch records, incident reports, property inventories, chain-of-custody records, storage records, and vendor records relating to April 16, 2026;
 - b. all hard drives, computers, laptops, desktops, SSDs, RAID devices, phones, tablets, USB drives, cloud credentials, sync modules, cameras, networking devices, storage media, documents, boxes, bags, files, litigation materials, trial-preparation records, financial analyses, exhibit repositories, and evidence materials removed from, accessed through, copied from, handled, transported, stored, discarded, destroyed, or made inaccessible from Respondent's residence, devices, accounts, property, or storage media;
 - c. all communications and records relating to Christopher McNally, Dane Patching, or any witness identified in this case;
 - d. all communications and records relating to any third-party vendor, investigator, security person, mover, property handler, cyber/reputation vendor, employment-related contact, surveillance vendor, vehicle-inspection/tracking-device person, or litigation-support participant;
 - e. all communications and records relating to healthcare, QLE, HSA/FSA, COBRA, ERISA, plan administration, dependent coverage, reinstatement, payroll deductions, benefits card access, prescription access, or administrator determinations;
 - f. all communications and records relating to lease modification, lease buyout, rent payment, guarantor obligations, rent reimbursement, landlord communications, eviction, writ execution, lockout, or property access.
34. Respondent further requests that the Court prohibit any person subject to the preservation order from deleting, altering, accessing, powering on, searching, copying, imaging, transferring, selling, donating, discarding, destroying, wiping, publishing, disclosing, or using any such device, storage media, file, image, video, document, account, or derivative data absent further Court order.
3. IX. GOOD CAUSE / NO TACTICAL DELAY
35. Respondent did not delay for tactical advantage.
36. Delay was caused by the same conditions now before the Court: unresolved financial discovery, incomplete third-party identification, healthcare enforcement problems, bankruptcy and eviction proceedings, April 16 evidence/property loss, damaged or inaccessible devices, loss of trial-preparation materials, and immediate trial-capacity collapse.
37. The April 16 event materially changed trial readiness because it affected hard drives, devices, litigation records, exhibit repositories, financial analyses, and trial-preparation materials.
38. Respondent has been attempting to reconstruct the record while simultaneously preserving rights across divorce, bankruptcy, eviction, healthcare/ERISA, and related proceedings.
39. Petitioner should not be allowed to benefit from incomplete disclosure, late production, undisclosed third-party actors, evidence/property loss, or the impossibility of reconstructing records caused by those events.

X. PRESERVATION OF SANCTIONS, EXCLUSION, ADVERSE INFERENCE, AND CONTINUANCE RELIEF

40. Respondent expressly preserves and does not waive any right to seek:

- a. sanctions;
- b. contempt;
- c. adverse inference;
- d. exclusion of undisclosed witnesses or exhibits;
- e. exclusion of late-disclosed evidence;
- f. exclusion of evidence withheld from discovery;
- g. fee shifting;
- h. reimbursement;
- i. evidentiary presumptions;
- j. discovery enforcement;
- k. trial continuance;
- l. trial abatement;
- m. reopening or extension of discovery;
- n. additional subpoenas;
- o. neutral forensic accounting;
- p. neutral forensic imaging;
- q. return of evidence;
- r. chain-of-custody orders;
- s. written findings;
- t. mandamus or appellate preservation;
- u. disproportionate division based on concealment, dissipation, fraud, waste, obstruction, or abuse of process.
- v. Respondent further preserves objections to trial proceeding while discovery remains incomplete, witnesses remain unidentified, subpoenas remain unavailable, healthcare enforcement remains unresolved, and April 16 evidence/property issues remain unaddressed.

XI. REQUEST FOR COURT REPORTER / VERBATIM RECORD

41. Respondent requests a court reporter or other official verbatim record for every hearing, conference, compliance setting, evidentiary proceeding, pretrial hearing, and trial proceeding.
42. Respondent does not waive objection to any off-record proceeding on discovery, trial readiness, subpoenas, sanctions, witness preservation, healthcare enforcement, financial relief, evidence preservation, or trial-capacity issues.

XII. REQUEST FOR HEARING

43. Respondent requests the earliest available hearing on this motion.
44. Because trial is set for June 11, 2026, Respondent requests that the Court hear this motion before trial deadlines further harden and before any party claims waiver, untimeliness, or trial readiness.
45. If the Court will not hear the motion before trial, Respondent requests written preservation of the objections and rights asserted herein.

XIII. REQUESTED RELIEF

Respondent respectfully requests that the Court:

1. acknowledge this filing as a timely 30-day trial-deadline preservation filing;
2. preserve Respondent's right to call, subpoena, examine, cross-examine, impeach, rebut, or supplement witnesses identified herein and in prior filings;
3. extend or reopen discovery under Texas Rule of Civil Procedure 190.5;
4. grant leave to issue targeted third-party subpoenas under Texas Rules of Civil Procedure 176 and 205;
5. authorize subpoenas to financial institutions, account custodians, benefits administrators, employer payroll/benefits/reimbursement custodians, healthcare/QLE/HSA/FSA/COBRA custodians, lease/landlord/eviction custodians, April 16 property/evidence/cleanout custodians, and vendor/investigator/security/employment-interference custodians;
6. order Petitioner to identify all third-party vendors, agents, contractors, investigators, security personnel, movers, cleanout participants, property handlers, cyber/reputation vendors, surveillance vendors, employment-related contacts, and persons with knowledge of relevant facts not previously identified;
7. order preservation of all April 16, 2026 evidence/property/device/chain-of-custody records;
8. order preservation of all communications and records concerning Christopher McNally, Dane Patching, and all material witnesses;
9. prohibit destruction, alteration, deletion, access, imaging, copying, transfer, sale, discard, publication, or use of evidence and devices connected to this case absent further Court order;
10. permit supplementation of witness lists, exhibit lists, impeachment evidence, rebuttal evidence, expert/rebuttal expert disclosures, and trial materials after subpoena returns and source-record review;
11. preserve sanctions, exclusion, adverse-inference, fee-shifting, reimbursement, contempt, continuance, abatement, and trial-readiness objections;
12. set a trial-readiness case-management hearing;
13. require a court reporter or other official verbatim record for all proceedings;
14. continue or abate the trial if discovery, subpoena returns, witness identification, healthcare enforcement, financial-source verification, and April 16 evidence preservation cannot be completed in time for a fair trial;
15. issue written rulings identifying whether any denial is based on lack of evidence, lack of authority, procedural defect, timing, scope, jurisdiction, mootness, prior ruling, or another stated ground;
16. grant all other relief to which Respondent is justly entitled.

XIV. PRAYER

For these reasons, Respondent respectfully requests that the Court grant this Supplemental Emergency 30-Day Trial Deadline Notice and Motion, preserve all rights stated herein, extend or reopen discovery, authorize targeted third-party subpoenas, preserve witness and evidence rights, set an emergency hearing, and grant all further relief to which Respondent is entitled.

Respectfully Submitted,


Respondent

jmckemie@mckemie.net

(214) 868-4901 *Mobile

VERIFICATION / UNSWORN DECLARATION

My name is Respondent. I am over eighteen years of age and competent to make this declaration. I declare under penalty of perjury that the factual statements in this filing are true and correct based on my personal knowledge, my review of the case record, my review of prior filings, my review of discovery and production history, my review of the condition of my residence and property after April 16, 2026, my attempts to identify missing or damaged devices and litigation materials, and my efforts to preserve witnesses, evidence, subpoenas, and trial-readiness objections.

Executed in Dallas County, Texas on May 12, 2026.



Respondent

CERTIFICATE OF CONFERENCE

This motion is filed on an emergency basis because trial is set for June 11, 2026, the thirty-day trial deadline is May 12, 2026, discovery and subpoena rights require immediate preservation, and evidence/witness issues remain unresolved. Due to the emergency deadline and risk of waiver, Respondent files this motion immediately and will confer with counsel regarding hearing availability and preservation issues as soon as practicable.



Respondent

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this filing was served on all counsel of record and/or parties entitled to notice through the e-filing/e-service system and/or email in accordance with the Texas Rules of Civil Procedure on May 12, 2026.



Respondent

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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Filing Description: RESPONDENTS MOTION TO PRESERVE
DISCOVERY AND TRIAL RIGHTS

Status as of 5/13/2026 10:35 AM CST

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