

**DF-24-18010**

NO. \_\_\_\_\_

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IN THE MATTER OF	§	IN THE DISTRICT COURT THE
MARRIAGE OF	§	
	§	
GWENDOLYN ULIJASZ-MCKEMIE	§	<u>301st</u> JUDICIAL DISTRICT &
	§	
RESPONDENT MCKEMIE	§	DALLAS COUNTY, TEXAS

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**RESPONDENT’S EMERGENCY MOTION FOR WRITTEN DISCOVERY RULINGS, SUBPOENA LEAVE, EVIDENCE PRESERVATION, AND IMMEDIATE HEARING**

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TO THE HONORABLE JUDGE OF SAID COURT:

I, Respondent McKemie, Respondent pro se, files this *Emergency Motion to Convert Prior Motion-to-Compel Compliance Hearings Into Written Rulings, Enforce Certified Financial Discovery, Grant Leave to Issue Third-Party Subpoenas, Preserve Evidence, and Set Immediate Hearing*, and respectfully shows the Court as follows:

**I. EMERGENCY SUMMARY**

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1. Trial is approaching, and the thirty-day pretrial deadline is imminent.
2. Petitioner continues to claim compliance and trial readiness, but complete certified financial discovery has not been produced.
3. Prior motion-to-compel proceedings and compliance hearings in District 302 addressed certified financials, discovery noncompliance, and the need for third-party verification. Those issues were not reduced to complete written rulings sufficient to enforce compliance, preserve appellate review, or permit trial preparation.
4. Respondent now requests written rulings on those prior motion-to-compel and compliance issues because the lack of written rulings has allowed Petitioner to continue claiming compliance while the financial record remains incomplete.
5. The need for written rulings and third-party financial subpoenas is now critical because, on April 16, 2026, Petitioner participated in, coordinated, authorized, benefited from, or failed to prevent an entry/cleanout/property-removal event that resulted in the removal, theft, destruction, of Respondent’s hard drives, computers, storage media, litigation files, exhibit repositories, financial analysis, trial-preparation materials, and approximately sixteen months of litigation work.

6. Respondent cannot reconstruct the financial record, trial exhibits, or contradiction maps from incomplete party production while the hard drives and exhibit repositories used to organize that evidence are missing, stolen, destroyed, damaged, or inaccessible.
7. Petitioner should not be permitted to withhold complete certified financial records, benefit from the destruction or removal of Respondent's evidence repositories, and then argue trial should proceed because deadlines have passed.
8. The emergency is not ordinary delay. The emergency is that the record is incomplete, the prior compliance issues remain unresolved in enforceable written form, and Respondent's ability to rebuild the record has been materially impaired by the April 16 evidence theft/destruction event.

## **II. PRIOR COMPLIANCE HEARINGS AND NEED FOR WRITTEN RULINGS**

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9. Respondent previously filed motions and supplemental submissions seeking to compel complete certified financial discovery.
10. Respondent requested complete institution-origin monthly statements, account continuity records, transaction-detail pages, custodian-verifiable records, and third-party subpoena authority.
11. The prior record reflects repeated issues with incomplete financial production, including missing monthly statements, missing transaction-detail pages, duplicate or recycled production, editable activity exports, missing account continuity, and lack of institution-origin certified records.
12. Respondent requests that the Court enter written rulings on the prior motion-to-compel and compliance issues, including findings and enforceable deadlines.
13. Written rulings are required because oral comments, informal compliance discussions, and unresolved proposed orders cannot force production, preserve appellate review, or prevent Petitioner from continuing to claim compliance.
14. Without written rulings, Petitioner benefits from ambiguity.
15. Respondent asks the Court to enter written rulings stating whether Petitioner is compliant or non-compliant; what records remain due; what deadline applies; what sanctions or evidentiary consequences are reserved; and whether Respondent may issue third-party subpoenas to obtain the certified records Petitioner has not produced.

## **III. CERTIFIED FINANCIALS STILL REQUIRED**

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16. The marital estate cannot be fairly divided without complete, certified, institution-origin financial records.
17. Respondent requests an order requiring Petitioner to produce, within three calendar days, complete certified financial records including:
  - a. complete monthly statements, all pages, for every bank account, credit card, brokerage account, investment account, retirement account, HSA, FSA, reimbursement account, business account, trust account, payroll account, benefit account, and financial account used, controlled, accessed, funded, or beneficially owned by Petitioner from January 1, 2023 through present;
  - b. all transaction-detail pages for each statement period;
  - c. account-opening records;
  - d. account-closing records;
  - e. account-renumbering records;
  - f. successor-account records;
  - g. linked-account records;
  - h. balance-transfer records;
  - i. wire, ACH, Zelle, PayPal, Apple Pay, credit-card, debit-card, loan, reimbursement, and transfer records;
  - j. complete GLU Distribution-related financial records;
  - k. employer/payroll/equity/bonus/commission/expense-reimbursement records;
  - l. all records needed to reconcile Petitioner's sworn inventory, proposed property division, claimed balances, debts, reimbursements, and cash positions.
18. Petitioner should not be permitted to satisfy certified financial production with screenshots, summaries, partial exports, editable CSV/activity exports, duplicate documents, omitted pages, or attorney-created summaries unless those documents are separately verified by the financial institution or custodian.

#### **IV. LEAVE FOR THIRD-PARTY SUBPOENAS**

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19. Because Petitioner has not produced complete certified financials, Respondent requests leave to issue limited third-party subpoenas to custodians of records.

20. The subpoenas are necessary because party-controlled production has failed.
21. Respondent requests leave to issue subpoenas to financial institutions, card issuers, payroll/benefit custodians, account custodians, business-record custodians, lease/landlord custodians, and other third-party record holders necessary to verify the estate.
22. Respondent requests leave to subpoena, without limitation:
  - a. Chase;
  - b. American Express;
  - c. any bank or financial institution identified in Petitioner's production, inventory, bank records, credit-card records, or transaction history;
  - d. HSA/FSA custodians;
  - e. Capital One;
  - f. employer benefit/payroll/equity/reimbursement custodians;
  - g. Accenture-related payroll, reimbursement, benefits, and account custodians;
  - h. Cognizant-related payroll, reimbursement, benefits, and account custodians, if applicable;
  - i. GLU Distribution-related financial custodians;
  - j. landlord/property/lease-buyout custodians;
  - k. storage, moving, cleanout, shipping, and property-handling custodians related to the April 16 evidence/property event;
  - l. any custodian necessary to verify missing account continuity, concealed accounts, account balances, transfers, reimbursements, or financial dissipation.
23. Respondent requests authority to serve subpoenas immediately because trial is imminent and Petitioner's incomplete production has made third-party verification indispensable.

## **V. APRIL 16 EVIDENCE THEFT / HARD-DRIVE LOSS MAKES RELIEF CRITICAL**

24. On April 16, 2026, Petitioner participated in, coordinated, authorized, benefited from, or failed to prevent an entry/cleanout/property-removal event at Respondent's residence.

25. After that event, Respondent discovered missing, damaged, destroyed, contaminated, or inaccessible computers, hard drives, storage media, litigation records, exhibit files, financial analysis, contradiction maps, trial-preparation materials, professional equipment, and evidence repositories.
26. The missing/damaged devices included materials used to organize and prove approximately sixteen months of litigation work.
27. Respondent has had to attempt reconstruction while simultaneously dealing with loss of computer access, delayed internet access, property destruction, inventory uncertainty, contamination, housing loss, bankruptcy proceedings, and trial deadlines.
28. This materially changed trial readiness.
29. Respondent requests immediate preservation orders requiring Petitioner and all persons acting with her, for her, or under her direction to preserve and account for every hard drive, computer, storage device, SSD, RAID device, phone, tablet, camera, sync module, cloud credential, document, litigation file, financial record, box, bag, device, or evidence item removed from, accessed through, copied from, or connected to Respondent's residence, property, devices, accounts, or storage media.

## **VI. REQUESTED PRESERVATION ORDER**

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30. Respondent requests that the Court immediately order Petitioner and all agents, attorneys, family members, contractors, movers, storage facilities, security personnel, and third parties acting with or for Petitioner to:
  - a. preserve all hard drives, computers, laptops, desktops, SSDs, RAID devices, phones, tablets, USB drives, cloud credentials, cameras, sync modules, networking devices, storage media, documents, boxes, bags, and litigation/evidence materials removed from or accessed through Respondent's residence or property;
  - b. not power on, access, search, copy, image, alter, delete, wipe, transfer, discard, sell, donate, destroy, publish, disclose, or use any such device, storage media, file, image, video, document, or derivative data;
  - c. preserve all communications, texts, emails, call logs, invoices, receipts, photographs, videos, body-cam/CAD/dispatch records, shipping records, moving records, cleanout records, storage records, contractor records, inventory records, and chain-of-custody records relating to the April 16 event;
  - d. provide a sworn chain-of-custody accounting within twenty-four hours identifying every person who entered, removed property, handled property, transported property, stored

- property, accessed property, copied data, discarded property, destroyed property, or transferred property;
- e. identify the current location of every item removed;
  - f. return all computers, hard drives, storage media, litigation files, financial records, and evidence repositories through a neutral forensic protocol or make them available for neutral forensic imaging before either party accesses them.

## **VII. GOOD CAUSE AND NO TACTICAL DELAY**

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- 31. Respondent did not delay.
- 32. The April 16 event disabled Respondent's ability to litigate and delayed his ability to determine what evidence, drives, devices, files, and exhibits were missing.
- 33. Respondent did not have immediate reliable computer access. Respondent did not have immediate reliable internet access. Respondent did not have an orderly inventory environment. Respondent had to sort damaged, destroyed, contaminated, commingled, and missing property before he could determine what litigation materials survived.
- 34. Respondent was also simultaneously defending housing loss and bankruptcy-related emergency issues.
- 35. The delay in filing was caused by the same evidence theft, property destruction, financial deprivation, and trial-capacity destruction now before the Court.
- 36. Petitioner should not be permitted to create the impossibility of timely reconstruction and then benefit from the impossibility she created.

## **VIII. LEGAL BASIS**

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- 37. Texas Rule of Civil Procedure 190.5 permits the Court to modify the discovery control plan when the interest of justice requires.
- 38. Texas Rule of Civil Procedure 193.5 requires parties to amend or supplement incomplete or incorrect discovery responses and presumes supplementation less than thirty days before trial is not reasonably prompt.
- 39. Texas Rule of Civil Procedure 193.6 provides exclusion consequences for failure to timely respond, amend, or supplement unless good cause or lack of unfair surprise/prejudice is shown.

40. Texas Rule of Civil Procedure 196 governs requests for production and inspection of documents, tangible things, and electronic data.
41. Texas Rule of Civil Procedure 205 governs discovery from nonparties by subpoena.
42. Texas Rule of Civil Procedure 215 authorizes orders compelling discovery and sanctions for discovery abuse, incomplete responses, evasive responses, delay, and resistance to discovery.
43. The Court also has inherent authority to preserve evidence, protect the integrity of proceedings, enforce prior orders, prevent abuse of process, and prevent a party from profiting from evidence destruction, discovery obstruction, or trial-preparation sabotage.

## **IX. REQUEST FOR IMMEDIATE HEARING**

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44. Respondent requests an immediate hearing on this motion.
45. Respondent requests that the Court hear this motion before trial deadlines harden further and before Petitioner is allowed to claim trial readiness based on an incomplete financial record.
46. Respondent does not consent to any hearing on this motion without a court reporter or official verbatim record.

## **X. PRAYER**

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Respondent McKemie respectfully requests that the Court:

1. Set this matter for immediate hearing;
2. Enter written rulings converting the prior District 302 motion-to-compel and compliance-hearing record into enforceable written rulings;
3. Find that certified financial discovery remains incomplete unless Petitioner proves full compliance with institution-origin records;
4. Order Petitioner to produce complete certified financials within three calendar days;
5. Order Petitioner to provide a production map identifying every account, date range, Bates range, missing month, missing page, account transition, and custodian source;
6. Grant Respondent leave to issue limited third-party subpoenas to financial institutions, benefit custodians, payroll/reimbursement custodians, business-record custodians, lease/landlord custodians, and other third-party custodians necessary to verify the estate;

7. Order immediate preservation of all April 16 evidence, hard drives, computers, storage media, litigation files, financial records, cameras, cloud records, chain-of-custody records, communications, and property-handling records;
8. Order Petitioner to provide a sworn chain-of-custody accounting within twenty-four hours;
9. Order return or neutral forensic imaging of all hard drives, computers, storage media, litigation files, financial records, and evidence repositories removed from or accessed through Respondent's property;
10. Prohibit Petitioner from using, accessing, copying, disclosing, deleting, altering, or relying on any material obtained from Respondent's devices, files, cloud accounts, hard drives, cameras, litigation folders, or evidence repositories absent further Court order;
11. Reserve sanctions, adverse inference, contempt, exclusion, fee-shifting, reimbursement, evidentiary presumptions, and disproportionate-division relief;
12. Continue or abate trial if complete certified financials, third-party subpoenas, and evidence preservation/return cannot be completed in time for a fair trial;
13. Grant all other relief to which Respondent is entitled.

Best Regards,



**Jason McKemie**

539 W. Commerce St. #2010

Dallas, TX 75208

[jmckemie@mckemie.net](mailto:jmckemie@mckemie.net)

(214) 868-4901

My name is **Jason McKemie**. My date of birth is **April 8, 1976**. My address is **539 W Commerce St, Ste 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, my review of the case record, my review of prior discovery submissions, my review of the condition of my residence and property after April 16, 2026, my attempts to identify missing/damaged hard drives and litigation materials, and my review of the docket and prior filings.

Executed in **Dallas County, Texas** on **May 11, 2026**.

*Jason McKemie*

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Jason McKemie

## **CERTIFICATE OF CONFERENCE**

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This motion is filed on an emergency basis because trial deadlines are imminent, certified financial discovery remains incomplete, prior compliance issues require written rulings, third-party subpoenas are necessary for estate verification, and evidence repositories/hard drives were stolen, removed, damaged, or made inaccessible after the April 16 event.

Respondent has attempted or will attempt to confer with counsel regarding immediate hearing availability and preservation of evidence. Given the imminent trial deadline and preservation risk, Respondent files this motion immediately to preserve rights and prevent further prejudice.

A handwritten signature in black ink that reads "Jason McKemie". The signature is written in a cursive style with a long horizontal stroke underneath the name.

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Jason McKemie

## CERTIFICATE OF SERVICE

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I certify that a true and correct copy of this Motion 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 11, 2026**.

A handwritten signature in black ink that reads "Jason McKemie". The signature is written in a cursive style with a long horizontal stroke underneath the name.

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Jason McKemie

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