

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

NO. DF-24-18010

|                           |   |   |
|---------------------------|---|---|
| IN THE MATTER OF          | § | IN THE DISTRICT                           |
| COURT THE MARRIAGE OF     | § |   |
|                           | § |   |
| GWENDOLYN ULIJASZ-MCKEMIE | § | <u>302<sup>nd</sup></u> JUDICIAL DISTRICT |
| &                         | § |   |
| JASON MCKEMIE             | § | DALLAS COUNTY, TEXAS                      |

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**EMERGENCY MOTION TO IMMEDIATELY RECLASSIFY CASE AS DIVORCE AND FOR EMERGENCY JUDICIAL REVIEW UNDER SEAL WITH IN CAMERA REVIEW**

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Respondent Jason McKemie, pro se not by choice, and respectfully files this **Emergency Motion to Reclassify Case as Divorce and For Emergency Judicial Review**, and in support thereof states as follows:

**I. SUMMARY OF EMERGENCY BASIS**

Respondent brings this motion due to the misclassification of the current matter as an annulment, which has procedurally suppressed multiple critical filings and denied Respondent access to remedies available only through divorce jurisdiction under the Texas Family Code.

The current classification as an annulment is not supported by the factual record. The parties shared a long-term intimate relationship, extensive financial interdependence, shared insurance policies, joint medical records, and the shared marital residence. The annulment classification is both factually inaccurate and legally prejudicial.

Respondent has filed over 25 motions, including multiple emergency filings, which have yet to be substantively ruled upon. Several of these filings raise urgent issues, including financial sabotage, discovery fraud, and life-threatening medical harm. As of the date of this motion, Respondent has been without proper access to healthcare or financial resources for over nine months.

This includes over **\$90,000 withdrawn by Petitioner** on December 17<sup>th</sup>, 2024, immediately after filing for annulment—an unexplained transaction that occurred within days of her petition. Additionally, **more than \$420,000 in marital assets vanished from joint and retirement accounts** over the course of the final four months of the relationship. Despite repeated efforts by Respondent to raise these issues in pleadings, hearings, and communications with opposing counsel, the matter has been met with **total silence and zero accountability**. Not a single explanation, tracing document, or rebuttal has been offered.

Petitioner also filed a blanket inventory and property claim asserting ownership over **every item in the marital residence**, including property owned by Respondent prior to the marriage, and even Respondent's **personal safe**. The pattern of financial abuse and asset seizure has crossed into the realm of potential criminal theft.

Respondent further notes that in December 2024, he **retained legal counsel** for divorce proceedings and paid a legitimate retainer using a marital credit card. Petitioner, after discovering the charge, **falsely reported the retainer as fraud**, triggering a chargeback that severed Respondent's access to counsel. In retaliation, she retained attorneys of her own and quickly filed for a protective order built on **fabricated claims**, including false allegations of instability, surveillance, and abuse. That moment marked the beginning of Respondent's **complete financial isolation**, which persists to this day. This entire proceeding was **launched through fraud and retaliation**, and every subsequent filing and motion has been structured around that original concealment.

Attached to this filing are photographic exhibits showing the spread of a documented staph infection that Respondent has been unable to treat due to continued procedural suppression, including denial of healthcare access and blocked access to marital accounts. Respondent is medically deteriorating while more than half a million dollars in marital funds have disappeared without explanation or judicial review.

The continued classification of this case as an annulment has rendered Respondent's filings functionally invisible, prevented court access to critical relief, and risks creating a fraudulent final record that ignores or suppresses the harm inflicted throughout this litigation.

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## II. REQUEST FOR RECLASSIFICATION AND IMMEDIATE REVIEW

Respondent respectfully requests that this Court:

1. Reclassify the case from annulment to divorce pursuant to Tex. Fam. Code § 6.001 (Insupportability) and in recognition of the counterpetition for divorce on file;
2. Stay all pre-trial proceedings and prevent trial setting until reclassification is entered and the Court has reviewed critical outstanding motions already on file;
3. Accept under seal additional time-sensitive motions and documentation for **in camera review**, including evidence of medical obstruction and financial concealment;
4. Permit Respondent to file additional supplemental exhibits and affidavits in support of his claims without restriction, given the documented medical and financial crisis;
5. Order that all prior filings submitted under the annulment classification be recognized as pending and entitled to full judicial review within divorce proceedings;
6. Grant such other and further relief as may be necessary and proper to preserve due process, judicial integrity, and procedural equity.

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## III. CONCLUSION

This is not a mere technical correction. The misclassification of this case has caused irreparable harm, denied medical care, frozen access to marital property, suppressed over two dozen filings, and deprived Respondent of a meaningful opportunity to be heard.

Respondent respectfully requests immediate judicial review and reassignment under the proper classification so the record may be lawfully and equitably resolved. Failure to intervene now will result in continued procedural abuse, medical deterioration, and potential miscarriage of justice.

Respectfully submitted,

**Jason McKemie**

Pro Se Respondent

539 W Commerce St, Suite #2010

Dallas, TX 75208

(214) 868-4901

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

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**EXHIBITS TO BE INCLUDED UNDER SEAL FOR IN CAMERA REVIEW:**

- Medical photographic evidence of untreated infection
- Emergency motion(s) regarding financial concealment and denial of care
- Subpoena request for concealed accounts
- Supplemental affidavit(s)

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Respectfully submitted,

**Jason McKemie**

Pro Se Respondent

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Dallas, TX 75208

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## **PRO SE NOT BY CHOICE (PROCEDURAL IDENTITY THEFT DISCLAIMER)**

Petitioner did not merely file first — she intercepted Respondent’s filing by fraudulently reversing his attorney retainer the day after his spinal surgery, she severed his access to counsel and funds. She withheld the retainer reinstatement until Friday to block re-engagement, then had attorneys work through the weekend to file first with a fabricated protective order — a calculated seizure of Petitioner status to construct a false narrative of abuse and victimhood, consistent with her documented legal history of doing so across multiple institutions.

Respondent was left destitute, forced to sell plasma for medication. Over the prior 4 months, Petitioner had funneled hundreds of thousands into hidden accounts and buried him in marital debt through emotional manipulation under the pretense of a “short term cash crunch”. In reality, large volumes of cash were flowing in yet she informed Respondent they were at risk of bouncing utility payments, encouraging him to get another credit card or to put groceries on 6mo payment plans. SAPD referred her to the Mental Health Division after the fourth AirTag she turned in — just as the prior 3 — was registered solely to her iCloud, effectively killing the “stalking” narrative. Despite 25 Motions, 5 Emergency Motions, 22 Ex Parte Judicial Requests for Relief, a Judge Recusal, over nine months... no court has ruled on the perjury, aggravated perjury, fraud, asset concealment, witness tampering,—or corrected the false “six-month marriage” narrative that was weaponized to deny Respondent spousal support, legal fees, and due process.

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## **Truth is an absolute defense to defamation.**

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### **—NOTICE TO THE COURT AND RECORD—**

This document is submitted with a standing constitutional and procedural reservation of rights. Respondent has previously notified this Court in writing of unrebutted allegations of discovery abuse, evidentiary suppression, financial coercion, and litigation misconduct—all of which remain unruled upon at the time of this filing.

Any entry of decree, final ruling, or trial-based judgment prior to formal rulings on these motions constitutes a willful denial of due process under both the Texas Constitution and the 14th Amendment to the U.S. Constitution.

This reservation is hereby entered into the permanent record and incorporated by reference into all prior and future filings, without waiver.

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## **“THE RIGHT TO DUE PROCESS WITHOUT ACCESS OR ENFORCEMENT IS AN ILLUSION OF JUSTICE—NOT JUSTICE ITSELF.**

This notice also preserves Respondent’s right to seek redress under 42 U.S.C. §1983 or there applicable remedies if fundamental rights violations are not corrected.



## **Trial May Not Proceed Until Outstanding Motions Are Ruled On**

Trial WOULD CONSTITUTE A PROCEDURAL FAILURE IF COMMENCED PRIOR TO THE Court’s ruling on all pending motions, including those relating to discovery violations, financial concealment, and procedural fraud. Proceeding without resolving these matters would not only violate due process but would also allow the foundation of trial to rest on unrebutted falsehoods and unresolved evidentiary conflicts.

Respondent respectfully requests that the Court confirm, on the record, that no trial setting or final ruling will occur until all outstanding motions have been fully adjudicated.

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JASON MCKEMIE | jmckemie@mckemie.net  
DB-24-18010 | (214) 868-4901

