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NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

NO. DF-24-18010

NOTICE: DOCUMENT CONTAINS SENSITIVE INFORMATION.

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

**NOTICE OF VOLUNTARY COMPLIANCE & OBJECTION TO PREMATURE,
POST-CUTOFF, THIRD-PARTY SUBPOENA REQUEST WITHOUT A SINGLE PRIOR PRODUCTION REQUEST**

Jason McKemie files this **Notice of Voluntary Compliance and Objection to Petitioner’s “Motion for Leave to Conduct Limited Post-Cutoff Discovery.”** Petitioner seeks leave to issue post-cutoff subpoenas to Amazon, Apple, and PhysicalAddress.com.

I. SUMMARY OF OBJECTION (THE “WHY THIS IS IMPROPER” IN 30 SECONDS)

- Eleventh-hour, post-cutoff end-run.** Petitioner affirmatively asks the Court to reopen discovery after the cutoff and requests a fourteen (14) day compliance period—despite trial being set for February 24, 2026.
- No meet-and-confer; no prior email request; no targeted request to cure.** This motion is presented as the first step, rather than the last resort after a good-faith attempt to obtain the information directly.
- Not “previously requested but not produced” as presented.** Petitioner asserts that Respondent did not “meaningfully produce” and that records were “previously requested but not produced.” Mr. McKemie disputes that framing and states he has been producing promptly and repeatedly; the real issue is that Petitioner has not produced complete, continuity-based financial statements necessary for trial preparation.
- This is not narrow.** Petitioner seeks full itemized Amazon and Apple purchase histories and shipping information for a 29-month period (Aug. 1, 2023 through Dec. 31, 2025), plus private mailbox scan images for 2024–2025.
- Filed on the eve of the hearing set to address discovery compliance.** The Court’s attention should remain on compelling complete, certified financial disclosures and continuity records, rather than permitting new post-cutoff fishing expeditions.

II. WHAT PETITIONER ASKS FOR (AND WHY IT'S NOT "LIMITED")

Petitioner requests leave to issue three subpoenas:

- **Amazon:** itemized purchase history and shipping info for Aug. 1, 2023–Dec. 31, 2025.
- **Apple:** itemized purchase history/subscriptions/hardware purchases/payment methods for the same period.
- **PhysicalAddress.com:** digital scan images of packages/envelopes for mail addressed to Petitioner (individually or jointly) for calendar years 2024 and 2025.

Petitioner further asks that each subpoena include a custodian affidavit to streamline admissibility at trial.

III. OBJECTIONS

A. Lack of diligence and improper sequencing (no good-faith attempt first)

Petitioner's motion is procedurally backwards. Rather than (i) serving a targeted request, (ii) conferring in good faith, and (iii) moving to compel only if necessary, Petitioner seeks court-authorized third-party subpoenas first. Petitioner's explanation that prior counsel did not issue subpoenas is not good cause to reopen discovery now—particularly where Petitioner had counsel during the discovery period and now seeks to shift the consequences of her own litigation management to the Court and to third parties.

B. The motion's own "good cause" narrative is conclusory and disputes key facts

Petitioner claims Mr. McKemie did not "meaningfully produce" and that the materials were "never obtained" before counsel withdrew. Mr. McKemie disputes that and states he has produced materials promptly and repeatedly, including re-production when asked—while Petitioner's own financial production remains incomplete and non-continuous.

Petitioner also asserts she was excluded from the marital residence and "blocked" from accessing "storage locations and private mailboxes." These assertions are disputed and, in any event, do not establish good cause to reopen discovery post-cutoff when the requested relief could have been pursued timely through ordinary discovery tools.

C. Disproportionate scope and privacy burden

The subpoenas seek broad, itemized histories for multiple years "regardless of payment method," plus detailed mail/package exterior scans for 2024–2025. Even if framed as

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“neutral business records,” this is a sweeping request that captures far more than what would be necessary for a fair inventory of household items and invites collateral disputes and trial distraction.

D. The “December 24 cutoff” explanation underscores lack of diligence, not good cause

Petitioner states the discovery cutoff “fell on December 24, 2025” and offers travel/work obligations and a healthcare-related dispute as “context.” That context does not justify reopening discovery after the deadline, particularly where the motion seeks a new 14-day subpoena window and is filed immediately before the hearing already set to address discovery compliance.

IV. REQUEST FOR RELIEF

Mr. McKemie respectfully requests that the Court:

1. **DENY** Petitioner’s Motion for Leave to Conduct Limited Post-Cutoff Discovery; or, in the alternative,
2. Require Petitioner to first **meet and confer** and serve a narrowly tailored written request identifying specific missing items and date ranges, and only permit third-party subpoenas upon a showing of necessity after that process; and
3. Grant such other relief as the Court deems just.

Respectfully Submitted,



Jason McKemie
539 W Commerce St # 2010
Dallas, TX 75208
(214)868-4901
jmckemie@mckemie.net

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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jason McKemie		jmckemie@mckemie.net	1/8/2026 12:37:57 PM	SENT
Gwendolyn Ulijasz McKemie		GUlijasz@gmail.com	1/8/2026 12:37:57 PM	SENT
JASON EMORYMCKEMIE		jason@callvital.com	1/8/2026 12:37:57 PM	SENT