

**NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA**

CAUSE NO. DF-24-18010

**IN THE MATTER OF
THE MARRIAGE OF**

**GWENDOLYN ULIJASZ-McKEMIE
AND
JASON McKEMIE**

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IN THE DISTRICT COURT

254TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

FIRST AMENDED PETITION FOR DIVORCE

1. Discovery

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

Preservation of Evidence: Respondent is put on notice to preserve and not destroy, conceal, or alter any evidence or potential evidence relevant to the issues in this case, including tangible documents or items in Respondent's possession or subject to Respondent's control and electronic documents, files, or other data generated by or stored on Respondent's home computer, work computer, storage media, portable systems, electronic devices, online repositories, or cell phone.

2. Objection to Assignment of Case to Associate Judge

Petitioner objects to the assignment of this matter to an associate judge for a trial on the merits or presiding at a jury trial.

3. Parties

This suit is brought by Gwendolyn Ulijasz-McKemie, Petitioner. The last three numbers of Petitioner's driver's license number are 456. The last three numbers of Petitioner's Social Security number are 457.

Jason McKemie is Respondent.

4. Domicile

Respondent has been a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

5. *Service*

Process should be served on Respondent at 539 Commerce Street, PMC 2010, Dallas, Texas 75208.

6. *Protective Order Statement*

No protective order under title 4 of the Texas Family Code, protective order under subchapter A of chapter 7B of the Texas Code of Criminal Procedure, or order for emergency protection under article 17.292 of the Texas Code of Criminal Procedure is in effect in regard to a party to this suit or a child of a party to this suit, and no application for any such order is pending.

7. *Dates of Marriage and Separation*

The parties were married on or about June 22, 2024 and ceased to live together as spouses on or about December 2024.

8. *Grounds for Divorce*

The marriage has become insupportable because of discord or conflict of personalities between Petitioner and Respondent that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation.

9. *Children of the Marriage*

There is no child born or adopted of this marriage, and none is expected.

10. *Division of Community Property*

Petitioner believes Petitioner and Respondent will enter into an agreement for the division of their estate, if any exists. If such an agreement is made, Petitioner requests the Court to approve the agreement and divide their estate in a manner consistent with the agreement. If such an agreement is not made, Petitioner requests the Court to divide their estate in a manner that the Court deems just and right, as provided by law.

11. *Waste of Assets*

Respondent has squandered community assets by making grossly excessive expenditures of community assets. Respondent has spent and wasted community funds at a time when Respondent knew or should have known that Petitioner would have objected to these expenditures. These expenditures of property are in direct violation of Respondent's duty as co-manager of the community estate.

12. *Separate Property*

Petitioner owns certain separate property that is not part of the community estate of the parties, and Petitioner requests the Court to confirm that separate property as Petitioner's separate property and estate.

13. *Reimbursement*

Petitioner requests the Court to reimburse Petitioner's separate estate for property used by Petitioner's separate estate to confer a benefit on the community estate that, if not repaid or reimbursed, would result in unjust enrichment to the community estate. The property of Petitioner's separate estate was used to pay a debt, liability, or expense that in equity and good conscience should have been paid from the community estate, and Petitioner requests the Court to reimburse Petitioner's separate estate the amount of the debt, liability, or expense paid by Petitioner's separate estate.

Petitioner requests the Court to reimburse Petitioner's separate estate for property used by Petitioner's separate estate to confer a benefit on Respondent's separate estate that, if not repaid or reimbursed, would result in unjust enrichment to Respondent's separate estate. The property of Petitioner's separate estate was used to pay a debt, liability, or expense that in equity and good conscience should have been paid from Respondent's separate estate, and Petitioner requests the Court to reimburse Petitioner's separate estate the amount of the debt, liability, or expense paid by Petitioner's separate estate.

14. *Breach of Fiduciary Duty*

Respondent Jason McKemie, as Petitioner Gwendolyn Ulijasz-McKemie's spouse, had a fiduciary relationship with and a fiduciary duty to Gwendolyn Ulijasz-McKemie. As a result of their fiduciary relationship, Gwendolyn Ulijasz-McKemie reposed a special confidence in Jason McKemie, and Jason McKemie had a duty in equity and good conscience to act in good faith and with due regard for Gwendolyn Ulijasz-McKemie's interests.

Jason McKemie, in violation of his duty to Gwendolyn Ulijasz-McKemie, has breached his duty to Gwendolyn Ulijasz-McKemie by misappropriating community funds.

15. *Fraud*

Respondent Jason McKemie committed fraud when he intentionally failed to disclose years of unpaid taxes and unpaid debts and pressured Petitioner into paying those amounts using her separate property because of their relationship.

16. *Facts Pertinent to Invasion of Privacy, Wiretapping, and Intention Infliction of Emotional Distress Claims*

Jason McKemie installed software on Gwendolyn Ulijasz-McKemie's phone and computers with the purpose of tracking her electronic activity and monitoring her

communications. Jason McKemie, without Gwendolyn Ulijasz-McKemie's consent, accessed Gwendolyn Ulijasz-McKemie's personal accounts, financial accounts, utility accounts, and business accounts. Once the relationship started turning sour, Jason McKemie furthered his intrusion and made efforts, many successful, to delete information, restrict Gwendolyn Ulijasz-McKemie's access to the accounts, and to monitor Gwendolyn Ulijasz-McKemie. Jason McKemie also utilized tracking devices put into Gwendolyn Ulijasz-McKemie's vehicle and bags in order to track her physical location.

17. *Invasion of Privacy*

Jason McKemie violated Gwendolyn Ulijasz-McKemie's right of privacy by installing devices meant to monitor and track Gwendolyn Ulijasz-McKemie's activity in her residence, on her personal belongings, and in her vehicles without her consent. Jason McKemie committed an intentional intrusion upon Gwendolyn Ulijasz-McKemie's solitude, seclusion, or private affairs and concerns which would be highly offensive to a reasonable person. Jason McKemie is liable to Gwendolyn Ulijasz-McKemie for her actual damages, mental anguish and suffering, punitive damages and costs.

18. *Texas Wiretapping Statute*

Texas Civil Practice and Remedies Code § 123.002 provides a cause of action against a person who intercepts, attempts to intercept or employs another to intercept or attempt to intercept a communication. Jason McKemie violated that statute by putting tracking devices in every aspect of Gwendolyn Ulijasz-McKemie's life and by installing software on Gwendolyn Ulijasz-McKemie's devices meant to copy and intercept communications and actions. Jason McKemie is liable to Gwendolyn Ulijasz-McKemie for statutory damages under §123.004 in the amount of \$10,000 for each occurrence, actual damages, punitive damages, and reasonable attorney's fees and costs.

19. *Intentional Infliction of Emotional Distress*

By putting tracking devices in every aspect of Gwendolyn Ulijasz-McKemie's life and intentionally obstructing and eliminating access to financial accounts and various other personal matters, and through the routine hacking and unauthorized access to Gwendolyn Ulijasz-McKemie's computer files, electronic devices and accounts, Jason McKemie has acted intentionally or recklessly, in an extreme and outrageous manner that exceeds the bounds of civil decency that has caused Gwendolyn Ulijasz-McKemie severe emotional distress. Jason McKemie is liable to Gwendolyn Ulijasz-McKemie for her actual damages, mental anguish and suffering, punitive damages and costs.

20. *Jurisdictional Claim for Relief*

The actions described above entitle Petitioner to damages within the jurisdictional limits of this court.

21. *Request for Change of Name*

Petitioner requests a change of name to Gwendolyn Ulijasz.

22. *Attorney's Fees, Expenses, Costs, and Interest*

It was necessary for Petitioner to secure the services of Sullivan & Cook, LLC, licensed attorneys, to prepare and prosecute this suit. To effect an equitable division of the estate of the parties and as a part of the division, judgment for attorney's fees, expenses, and costs through trial and appeal should be granted against Respondent and in favor of Petitioner for the use and benefit of Petitioner's attorney; or, in the alternative, Petitioner requests that reasonable attorney's fees, expenses, and costs through trial and appeal be taxed as costs and be ordered paid directly to Petitioner's attorney, who may enforce the order in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

23. *Prayer*

Petitioner prays that citation and notice issue as required by law and that the Court grant a divorce and all other relief requested in this petition.

Petitioner prays that Petitioner's name be changed as requested above.

Petitioner prays for attorney's fees, expenses, costs, and interest as requested above.

Petitioner prays for general relief and all other relief to which she may be justly entitled.

Respectfully submitted,

SULLIVAN & COOK, LLC

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CERTIFICATE OF SERVICE

This is to certify that on this 23rd day of June, 2025, a true and correct copy of the foregoing document has been sent by electronic filing and service to all counsel and pro se parties of record.

/s/ Ethan Scroggins

Ethan Scroggins