

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JAMES MACDONALD — PETITIONER

VS.

MARTIN DORI SINGER, et al, — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Los Angeles Superior Court - Case BC516016 - Order Granting
Court Fee Waiver - Feb. 3, 2015

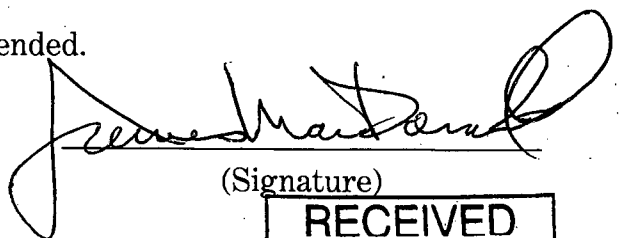
☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

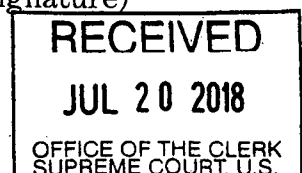
☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____, or

☐ a copy of the order of appointment is appended.


(Signature)



**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, JAMES MACDONALD, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

| Income source | Average monthly amount during the past 12 months | | Amount expected next month | |
|--|---|-----------------------|-------------------------------|---------------|
| | You | Spouse | You | Spouse |
| Employment | \$ <u>2,971.74</u> | \$ <u>N/A- Single</u> | \$ <u>2,971.74</u> | \$ <u>N/A</u> |
| Self-employment | \$ <u>100.00</u> | \$ <u>N/A</u> | \$ <u>100.00</u> | \$ <u>N/A</u> |
| Income from real property (such as rental income) | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Interest and dividends | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Gifts | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Alimony | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Child Support | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Retirement (such as social security, pensions, annuities, insurance) | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Disability (such as social security, insurance payments) | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Unemployment payments | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Public-assistance (such as welfare) | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Other (specify): _____ | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Total monthly income: | \$ <u>3,071.74</u> | \$ <u>N/A</u> | \$ <u>3,071.74</u> | \$ <u>N/A</u> |

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

| Employer | Address | Dates of Employment | Gross monthly pay |
|-----------------------|------------------------|--------------------------|----------------------------------|
| <u>S.S.T.A. Inc.</u> | <u>Culver City, CA</u> | <u>7/10/2017-Present</u> | <u>\$ 2,971.74 avg 7/17-7/18</u> |
| <u>Surf Shop, LLC</u> | <u>Los Angeles, CA</u> | <u>4/5/2016-7/5/2017</u> | <u>\$ 2,000.00 avg 7/16-6/17</u> |
| | | | <u>\$</u> |

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

| Employer | Address | Dates of Employment | Gross monthly pay |
|---------------------|---------|---------------------|-------------------|
| <u>N/A - Single</u> | | | <u>\$</u> |
| | | | <u>\$</u> |
| | | | <u>\$</u> |

4. How much cash do you and your spouse have? \$ 100.00
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

| Type of account (e.g., checking or savings) | Amount you have | Amount your spouse has |
|---|--------------------|------------------------|
| <u>Checking</u> | <u>\$ 460.07</u> | <u>\$ N/A - Single</u> |
| <u>IRA</u> | <u>\$ 1,086.61</u> | <u>\$</u> |
| | <u>\$</u> | <u>\$</u> |

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value N/A

☐ Other real estate
Value N/A

☐ Motor Vehicle #1
Year, make & model _____
Value Lease - see below

☐ Motor Vehicle #2
Year, make & model _____
Value N/A

☒ Other assets
Description Membership Interest in Surf Shop, LLC
Value 0

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

Amount owed to you

Amount owed to your spouse

See Attached

§ See Attached

\$ N/A - Single

\$_____

\$ _____

\$ _____

\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name

Relationship

Age

N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

Estimated based on averages:

You

Your spouse

Rent or home-mortgage payment
(include lot rented for mobile home)

RENT:

\$ 750.00

\$ N/A

Are real estate taxes included? ☒ Yes ☐ No

Is property insurance included? ☒ Yes ☐ No

Utilities (electricity, heating fuel, water, sewer, and telephone)

\$ 180.00

\$ N/A

Home maintenance (repairs and upkeep)

\$ N/A

\$ N/A

Food

\$ 600.00 est

\$ N/A

Clothing

\$ 25.00

\$ N/A

Laundry and dry-cleaning

\$ 25.00

\$ N/A

Medical and dental expenses

\$ 0.00

\$ N/A

| | You | Your spouse |
|---|---------------|-------------|
| Transportation (not including motor vehicle payments) | \$ 400.00 est | \$ N/A |
| Recreation, entertainment, newspapers, magazines, etc. | \$ 50.00 est | \$ N/A |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ N/A | \$ N/A |
| Life | \$ N/A | \$ N/A |
| Health | \$ N/A | \$ N/A |
| Motor Vehicle | \$ 106.00 | \$ N/A |
| Other: _____ | \$ N/A | \$ N/A |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | \$ N/A | \$ N/A |
| Installment payments | | |
| Motor Vehicle (Lease a 2006 Ford) | \$ 219.35 | \$ N/A |
| Credit card(s) | \$ N/A | \$ N/A |
| Department store(s) | \$ N/A | \$ N/A |
| Other: _____ | \$ N/A | \$ N/A |
| Alimony, maintenance, and support paid to others | \$ N/A | \$ N/A |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ N/A | \$ N/A |
| Other (specify): <u>copy costs, storage fees</u> | \$ 285.00 | \$ N/A |
| Total monthly expenses: | \$ 2,640.35 | \$ N/A |

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

(I have two lawsuits, one or both are stayed, as a result of the Bankruptcy of one of the Defendants (Lonnie Moore). I also have a claim in Mr. Moore's BK estate based on these lawsuits. See Attached.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

Note: I have paid an attorney to assist me in the underlying Los Angeles Superior Court case, for research and special appearances and research on the appeals. I have not paid her for this US Supreme Court Case. Her name is Susan Hargrove Esq.

6259 W 83rd Pl, Los Angeles, CA 90045-3912 Phone: (310) 938-4180

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

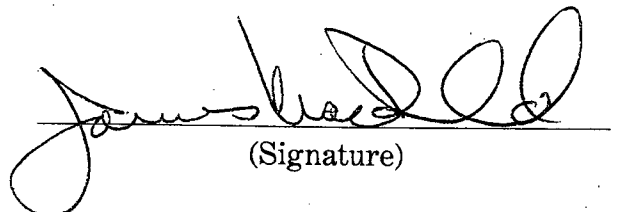
12. Provide any other information that will help explain why you cannot pay the costs of this case.

The expense to comply with the printing of 40 booklets, plus 3 copies per respondent, is estimated to be over \$3,300 which is beyond my current means. The additional printing costs for the briefs are also beyond my means. I received quotes

from multiple printers, including Cockle Legal Briefs and Supreme Court Press.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 16, 2018


(Signature)

Attachment to Declaration

Debts owed to MacDonald:

I have two lawsuits, one or both are stayed, as a result of the Bankruptcy of one of the Defendants (Lonnie Moore). I also have a claim in Mr. Moore's BK estate based on these lawsuits. I do not expect them to settle within 12 months considering appeals on any judgments, and am unsure if there will be assets to satisfy any judgment.

1) Los Angeles Superior Court, Case No. BC609428 (Stayed because of Lonnie Moore Bankruptcy.) Defendants: LONNIE MOORE, an individual; LONNIE MOORE, GRANTOR, SETTLOR & PROTECTOR OF THE 914 TRUST; 914 TRUST; COOK ISLANDS TRUST LIMITED, TRUSTEE, 914 TRUST; COOK ISLANDS TRUST LIMITED, a foreign corporation in Cook Islands; COOK ISLANDS TRUST PROTECTORS LTD, a foreign corporation in Cook Islands; ANTONY WILL, an individual; DANA MOORE, an individual; DANA MOORE, SUCCESSOR TRUSTEE, 914 TRUST; 914 PARTNERS, LTD, a Colorado Limited Partnership, DOLCE GROUP LLC, a California LLC, GEISHA HOUSE LLC, a California LLC, DOLCE GROUP CONCEPTS LLC, a California LLC, DOLCE GROUP ATLANTA LLC, a Georgia LLC, DOES 1 through 50, inclusive Defendants

Amount of Estimated Damages including Unpaid Wages, Unreimbursed Expenses, Damages: Amount to be determined at Trial, Estimated to be \$1.5 million to \$2.5 million.

2) Los Angeles Superior Court, Case No. BC516094 (Trial Set for May 2019) The Trial Judge issued a Stay but has not reversed the stay order even though he calendared the new Trial date. The above case is related to this case, and the amount of damages may overlap since the parties overlap. Defendants: DOLCE GROUP, LLC; DOLCE GROUP CONCEPTS, LLC; GEISHA HOUSE, LLC; SHEREEN ARAZM, an Individual; MICHAEL MALIN, an Individual; LONNIE MOORE, and Individual; 914 TRUST; 603 TRUST; and DOES 1 through 25, inclusive, Defendants.

Amount of Estimated Damages including Unpaid Wages, Unreimbursed Expenses, Damages: Amount to be determined at Trial, Estimated to be \$1.5 million to \$2.5 million.

Attachment to Declaration

Debts Owed to MacDonald (continued):

3) I have a claim in the Lonnie Moore Bankruptcy Estate for the estimated amounts and damages specified in the about two lawsuits.

The following is an ESTIMATE and PROJECTION of the total claims that MacDonald has or will have against the Moore Estate upon the conclusion of the two pending lawsuits:

Attorney fees and costs \$325,530

Unpaid Wages (\$48.07/hr x 1,115 hours 2011-2016) \$53,598

Lost Wages (Estimate ~\$10,000 for 2011 and \$60,000 per year 2012-2016) \$250,000

Estimate of Future Loss of Wages (\$60,000 x 10 years) \$600,000

Damages – House Foreclosure (In 2015, MacDonald lost his house that he owned for 12 years.) The purchase prices of the house, with improvements was: \$75,000

Damages – Exemplary & Punitive in Employment Case \$300,000

Damages – Exemplary & Punitive in Indemnity Case \$700,000

Total Claims: \$2,304,148

Note: The Moore BK Estate has creditor claims that exceed the assets available and even if MacDonald obtains judgements in the above cases, there is no guarantee MacDonald will be able to collect against the Parties above. Moore and Malin have both filed bankruptcy, Dolce Group, LLC, Geisha House, LLC, Dolce Group Concepts, LLC and Dolce Group Atlanta, LLC are out of business and are believed to have no assets.