

19-6499

ORIGINAL

No. 18A1034

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED  
JUN 24 2019  
OFFICE OF THE CLERK

John Berman — PETITIONER  
(Your Name)

VS.

David Modell — 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*.

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

Alameda Superior 2017

Cal 1st Dist Ct of Appeal 2018 Cal Sup. Ct 2018

1-16CV854 DAD-BAM 2016/Ninth Cir 2017

☐ 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.

(Signature)

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

**John Berman**

I, \_\_\_\_\_, 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>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Self-employment	\$ <u>300*</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Income from real property (such as rental income)	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Interest and dividends	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Gifts	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Alimony	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Child Support	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Unemployment payments	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
Other (specify): _____	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____
	-U			
<b>Total monthly income:</b>	\$ <u>-0-</u>	\$ _____	\$ <u>-0-</u>	\$ _____

\* non-uniform but anticipate future with improvement.

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
self			\$ irreg
			\$
			\$

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
			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 2300- at present  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
umpqua	checkin	\$ 200-	\$
Bank	checkin	\$ 2100-	\$
Stanf Fed CU	n	\$	\$

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

<input type="checkbox"/> Home Value _____	<input type="checkbox"/> Other real estate Value _____
<input type="checkbox"/> Motor Vehicle #1    2006 Nissan Altima Year, make & model _____ Value <u>paid \$2600 in 2018</u>	<input type="checkbox"/> Motor Vehicle #2 Year, make & model _____ Value _____
<input type="checkbox"/> Other assets    1 acoustic guitar, 2 electric guitars, violin Description _____ Value <u>guitar, ~2500; violin, unknown</u>	

restricted stock in s-corp, trust beneficiary, trust beneficiary of assets held extortionately, as i have properly alleged, extortion not immunized by lit. priv. or anti-SLAPP if one bothers to actually reads case law and not merely parrot "absolute" ...but not to make too fine a point of it.

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

Person owing you or your spouse money trust of which	Amount owed to you	Amount owed to your spouse
Respondent is trustee	\$~35,000 for expenses for mother's care	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
Victoria Anabella Berman	daughter	6

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.

	You	Your spouse
Rent <del>xxxxxxx</del> (include lot rented for mobile home)	\$ 600	\$
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$-100-	\$
Home maintenance (repairs and upkeep)	\$-0-	\$
Food	\$-150-	\$
Clothing	\$-0-	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$373 daughter med	\$

	You	Your spouse
Transportation (not including motor vehicle payments)	\$-100-	\$
Recreation, entertainment, newspapers, magazines, etc.	\$-0-	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0-0	\$
Life	\$-0-	\$
Health	\$ 64/	\$
Motor Vehicle	\$mo	\$
Other: _____	\$	\$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$-0-	\$
Installment payments		
Motor Vehicle	\$-0-	\$
Credit card(s)	\$ 0-0	\$
Department store(s)	\$ 0-0	\$
Other: _____	\$	\$
Alimony, maintenance, and support paid to others	\$-0-	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$-0-	\$
Other (specify): _____	\$	\$
<b>Total monthly expenses:</b>	<b>\$-1387-</b>	<b>\$</b>

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 believe I will be able to continue contract engineering work this year. Nearly all my time is devoted to my neurological & orthopedic recovery, while time window open

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:

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

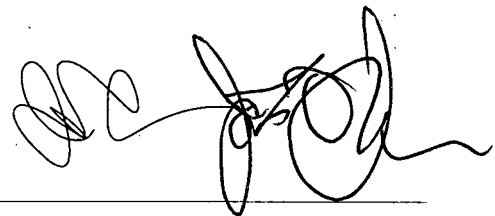
If yes, how much? \_\_\_\_\_

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. plane crash 1/15/19 (see 4/4/19 applic. to extend time here). I have double spinal cord injuries, extensive ortho damage to knees and ankles, neuro-deficits of varying degrees in 4 limbs/lower trunk from cervical cord & lumbar-sacral nerve-root injuries.

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

Executed on: 8/28, 2019



(Signature)