

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.

<b>Income source</b>	<b>Average monthly amount during the past 12 months</b>		<b>Amount expected next month</b>	
	<b>You</b>	<b>Spouse</b>	<b>You</b>	<b>Spouse</b>
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>	\$ _____
<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	checkin	\$	\$

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

Home Value \_\_\_\_\_  Other real estate Value \_\_\_\_\_

Motor Vehicle #1 2006 Nissan Altima  Motor Vehicle #2  
 Year, make & model \_\_\_\_\_ Year, make & model \_\_\_\_\_  
 Value paid \$2600 in 2018 Value \_\_\_\_\_

Other assets 1 acoustic guitar, 2 electric guitars, violin  
 Description \_\_\_\_\_  
 Value guitar, ~2500; violin, unknown

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.

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

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

<b>Name</b>	<b>Relationship</b>	<b>Age</b>
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.

	<b>You</b>	<b>Your spouse</b>
Rent (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	\$ _____

	<b>You</b>	<b>Your spouse</b>
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>	\$_____

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

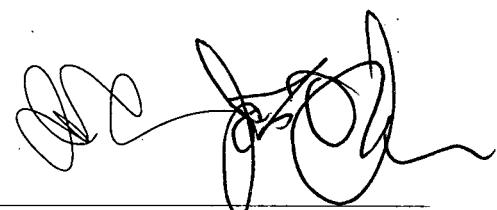
If yes, how much? \_\_\_\_\_

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)