

20-6797

SUPREME COURT OF THE UNITED STATES

HEATHER STANTON (F/K/A
HEATHER SEMBRAT,

RESPONDENT,

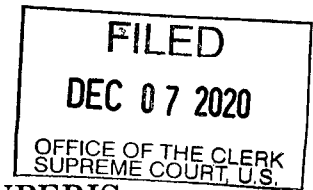
V.

KEVIN SEMBRAT,

PETITIONER-APPELLANT,

DOCKET NO. _____

ORIGINAL



MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Petitioner respectfully requests leave to file the attached Petition for Writ of Certiorari without payment of costs and to proceed *in forma pauperis* under Rule 39 of the Rules of Supreme Court of the United States (effective July 1, 2019).

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.

I swear or affirm under penalty of perjury that the foregoing statements made by me are true and correct. (28 U.S.C. §1746; 18 U.S.C. § 1621.)

Respectfully submitted,

Date: _____

12/7/20

Kevin A. Sembrat

Kevin A. Sembrat, Esquire
Counsel of Record and Member of the Bar
Petitioner, pro se

SUPREME COURT OF THE UNITED STATES

HEATHER STANTON (F/K/A
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RESPONDENT,

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KEVIN SEMBRAT,

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DOCKET NO. _____

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

I, Kevin A. Sembrat, Esquire, 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.

- 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 Note: Petitioner is Single with no Spouse, being divorced from and pay Child Support to Respondent.	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 3,267	\$ N/A	\$ 3,467	\$ N/A
Self-employment	\$ 0	\$ N/A	\$ 0	\$ N/A
Income from real property (such as rental income)	\$ 0	\$ N/A	\$ 0	\$ N/A

In Forma Pauperis
Declaration of
Kevin Sembrat
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Interest and dividends	\$ 0	\$ N/A	\$ 0	\$ N/A
Gifts	\$ 0	\$ N/A	\$ 0	\$ N/A
Alimony	\$ 0	\$ N/A	\$ 0	\$ N/A
Child support	\$ 0	\$ N/A	\$ 0	\$ N/A
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ N/A	\$ 0	\$ N/A
Disability (such as social security, insurance payments)	\$ 0	\$ N/A	\$ 0	\$ N/A
Unemployment payments	\$ 0	\$ N/A	\$ 0	\$ N/A
Public-assistance (such as welfare)	\$ 0	\$ N/A	\$ 0	\$ N/A
Other (specify):	\$ 0	\$ N/A	\$ 0	\$ N/A
Total monthly income:	\$ 3,267	\$ N/A	\$ 3,467	\$ N/A

2. *List your 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
Amazon	TEB6 – 22 Hightstown Cranbury Station, Cranbury, NJ 08512	10/4/2017-Present (past three years)	\$ 3,146

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
N/A	N/A – Note: Petitioner is Single with no Spouse; Petitioner is divorced from and paying Child Support to Respondent.	N/A	\$ N/A
N/A	N/A	N/A	N/A

4. How much cash do you and your spouse [Note: No Spouse] have? \$ 4.55
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
TD Bank	Checking	\$ 98.32	\$ N/A
Wisely (ADP)	Paycheck Deposit	\$ 109.23	\$ N/A
N/A	N/A	\$ N/A	\$ N/A

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

Home	Other real estate	Motor vehicle #1
(Value) \$ 0	(Value) \$ 0	(Value) \$
N/A	N/A	Make & year: Nissan 2009
		Model: Sentra Hatch
		Registration #: S66-MSW (NJ)

Motor vehicle #2	Other assets	Other assets
(Value) \$ N/A	(Value) \$ N/A	(Value) \$ N/A

Make and year: N/A	N/A	N/A
Model: N/A	N/A	N/A
Registration #: N/A	N/A	N/A

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
Heather Sembrat, Respondent (ex-Spouse from 2014 Divorce)	\$3,800.00 (i.e. the theft of this Petition)	\$ N/A [No Spouse]
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A

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 [or, if under 18, initials only]	Relationship	Age
Spenser Sembrat	Son	22
Schafer Sembrat	Son	18
A 3 rd Son is Kevin Sembrat, Jr., emancipated as a current Cadet at West Point (Army).	Son (Emancipated in Army)	21

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, semiannually, or annually to show the monthly rate.*

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home) 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	\$ 0	\$ N/A
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 112	\$ N/A
Home maintenance (repairs and upkeep)	\$ 150	\$ N/A
Food	\$ 420	\$ N/A
Clothing	\$ 50	\$ N/A
Laundry and dry-cleaning	\$ 20	\$ N/A
Medical and dental expenses	\$ 100	\$ N/A
Transportation (not including motor vehicle payments)	\$ 270	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 80	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$ 0	\$ N/A
Life:	\$ 40	\$ N/A
Health:	\$ 28	\$ N/A
Motor vehicle:	\$ 155	\$ N/A
Other:	\$ 0	\$ N/A
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ 0	\$ N/A
Installment payments		
Motor Vehicle: (Not Financed)	\$ 0	\$ N/A
Credit card (name): CapitalOne	\$ 58	\$ N/A

Credit card (name): CreditOne	\$ 30	\$ N/A
Credit card (name): Ollo	\$ 27	\$ N/A
Department store (name): None	\$ N/A	\$ N/A
Other: IRS Installment on 2018 Taxes	\$ 29	\$ N/A
Alimony, maintenance, and support paid to others	\$ 607	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ N/A	\$ N/A
Other (specify):	\$ N/A	\$ N/A
Total monthly expenses:	\$ 2,176	\$ 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.*

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? \$100.00*

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

Petitioner paid \$100.00 on 9/24/19 to the following court-approved professional stenographer for a 19-page Certified Transcript of the 6/28/19 Trial Court Proceedings, as required by the Appellate Court:
Patricia Brill, CCR, Certified Court Transcriber, 409 Wellington Court,
Venice, FL 34292, 908-963-9258, patty.brill@gmail.com.

12. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

Following the country-wide 2008 economic mortgage-crisis, my 2010 layoff as an in-house attorney left me unemployed with no attorney job prospects despite over 900 job applications. My 2014 divorce and 2015 bankruptcy filing followed that unemployment, leaving me with \$1,400 per month alimony and child support. Recently, that total support amount was reduced to \$607 per month.

Thereafter, pursuant to my accidental fall in 2016, I was in the hospital and wheelchair for 8 months rehabilitating my broken left hip and wrist while alimony and child support built up as arrears. I was released from the hospital in 2017 fully recovered and no longer in a wheelchair, but lack of attorney prospects after my recovery in 2017 required me to seek hourly warehouse employment to pay my support while my arrears have been tabled pending my youngest son's emancipation around 2024.

I have been surviving paycheck-to-paycheck these past three years despite paying my previous court filing fees, transcript fees, copy fees, and mailing fees (approx. \$1,125 to date) but the future docket fees are cost-prohibitive for me at this time. As such, I appreciate the Court's kind consideration regarding my Affidavit herein.

I declare under penalty of perjury that the foregoing statements made by me are true and correct.

Respectfully submitted,

Date: _____

12/7/20

Kevin A. Sembrat

Kevin A. Sembrat, Esquire
Counsel of Record and Member of the Bar
Petitioner, pro se
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Ledgewood, NJ 07852
(908) 528-3047
kevinsebratx@gmail.com