

No. 21-5926

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Rimma Kunik

(Your Name)

— PETITIONER

FILED

OCT 03 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

VS.

New York City Dept of Education, — RESPONDENT(S)

Principal Kaye Holihan and Assistant Principle Dorisk Munoz
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS Fuentes

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):

☐ 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)

OCT 2, 2021

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

I, KUNIK Rimma, 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	\$ 0	\$ _____	\$ 0	\$ _____
Self-employment	\$ 0	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ 0	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ _____	\$ _____	\$ _____	\$ _____
Gifts	\$ 0	\$ _____	\$ _____	\$ _____
Alimony	\$ 0	\$ _____	\$ _____	\$ _____
Child Support	\$ 0	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ 3,200 (pension) before taxes 2,000 (Social Security)		\$ the same	
Disability (such as social security, insurance payments)	\$ 0	\$ _____	\$ 0	\$ _____
Unemployment payments	\$ 0	\$ _____	\$ 0	\$ _____
Public-assistance (such as welfare)	\$ 0	\$ _____	\$ 0	\$ _____
Other (specify): _____	\$ 0	\$ _____	\$ 0	\$ _____
Total monthly income:	\$ 5,200 before taxes	\$ _____	\$ 5,200 before taxes	\$ _____

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
N/a			\$
			\$
			\$

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			\$
			\$
			\$

4. How much cash do you and your spouse have? \$
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
checking	\$ 2,800	\$
checking	\$ 25,000	\$
	\$	\$

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

☐ Home Value 208,000

☐ Other real estate Value 0

☐ Motor Vehicle #1 Year, make & model Acura TLX Value Leased car 2020

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

☐ Other assets Description My retirement account with Teachers' Retirement System (TRS) Value 600,000

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
	\$ <u>0</u>	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____

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
<u>NO ONE</u>		

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 or home-mortgage payment (include lot rented for mobile home)	\$ <u>1,700.00</u>	\$ _____
Are real estate taxes included? <input checked="" 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)	\$ <u>550.00</u>	\$ _____
Home maintenance (repairs and upkeep)	<u>see the enclosed letter</u>	
Food	\$ <u>500.00</u>	\$ _____
Clothing	\$ <u>100.00</u>	\$ _____
Laundry and dry-cleaning	\$ _____	\$ _____
Medical and dental expenses	\$ <u>220.00</u>	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>60.00</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ _____
Life	\$ <u>0</u>	\$ _____
Health	\$ <u>480.00</u>	\$ _____
Motor Vehicle	\$ <u>200.00</u>	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>I do not know</u>	\$ <u>a few</u> <u>thousands</u>	\$ _____
Installment payments		
Motor Vehicle <u>Lease</u>	\$ <u>350.00</u>	\$ _____
Credit card(s)	\$ <u>1,500.00</u>	\$ _____
Department store(s)	\$ <u>200.00</u>	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): <u>repairs in my</u> <u>apartment</u>	\$ <u>unpredictable</u>	\$ _____
Total monthly expenses:	\$ <u>5,860.00</u>	\$ _____

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? \$1,500 – a divorce attorney

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

William Hirshfeld (845) 638 6761
67 N Main Street, Suite 201, New City, NY 10965

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

see the enclosed letter

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

Executed on: October 3, 2021



(Signature)

Rimma Kunik

296 Hubert Humphrey Drive, Apt.A10

Chestnut Ridge, NY 10977

845 623 1364 (home)

October 3, 2021

Supreme Court of the United States

The Office of the Clerk

To Whom It May Concern

Declaration

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

As I am filing a Motion to proceed in *forma pauperis* at the advice of the Clerk's Office in the Supreme Court, I need to explain the circumstances that force me to do it. It is a very hard thing for me to try to proceed this way because I am a very independent person and always relied on myself and myself only. I have never ever used public assistance and hope never will. However, the situation with COVID 19 affected me in a very unpredictable way that I will describe below.

- The situation with COVID 19 scared my former husband to the point that he was against my grandchildren coming to visit us at the town of Pearl River as they live close by. He was plainly scared to get it from them. He stopped visiting his daughter, too although she, too, lives close by.
- He is 92 now and his only desire is to live as long as possible. At some time in February, he decided he should live alone and moved back to Rockaway Park where he owns an apartment we had lived in together for 16 years.

- In Pearl River we lived in a rental that was pretty close to both his and my daughters (We both had been married before and had children from those marriages.). Our plan in 2016 when we moved to Pearl River was to stay there to be closer to the children. However, he was missing the place in Rockaway where he raised his children and the situation with COVID-19 made it easy for him to go back.
- Because my plans were different and I wanted to live close to my only daughter and especially my two grandchildren, we filed for a divorce after being together for 22 years and obtained it on July 17, 2021. The divorce was uncontested as we wanted to get it as fast as possible.
- He left and I started to look for a place to live as the rent in Pearl River is very high and unaffordable. Neither did I want to live in a private house. I wanted something that would be the place from which I would not have to move, considering my age. The best option was to buy a small place and know you would not have to move. However, small places were unavailable in the proximity to my daughter's place and when I came to the market after life began to come to normal – in May 2021, and I grabbed the first and only small condo that came to the market.
- The closing took place on June 10, 2021. However, prices were up by 20%, but there was no other option and I needed to leave the rental because it was too expensive for me. The apartment was sold "as is", but because it was my first and only real estate ownership and I had no experience with it, I did not suspect I was buying a problem.
- The building is 30 years old and nicely located, but the inspection was not done properly, so when I was able to move in, I discovered that the place had a lot of problems.

- So instead of just painting it and moving in, I had to place my stuff in a storage facility and stay with my daughter for almost 3 months as first, it was very hard to find a contractor who had no engagement and could come soon enough and second, because the apartment turned out to have lots of problems. The problems were solvable, but the repairs were extremely expensive as the contractor saw mold in the bathroom, so I had to change walls there. I also had to redo the floor. The roof had leaked over my condo many years ago, but I was not alerted to it and now I have problems with the ceiling.
- As a result, I was forced to borrow money from friends to pay the contractors. I used my credit cards to buy materials and appliances as they just did not work. Also, because everything was more expensive this spring – materials, labor, appliances, paint – my expenses were higher than I was prepared for. Moreover, the work is still continuing in my place and there is no end to it. However I have a place to live now.
- I cannot touch my saving in TRS as this is the money to pay to those who will take care of me in my really advanced age as I do not want to go to a nursing home. I have emergency cash in the amount of \$25,000 that I cannot touch either – I will have nowhere to go and I do not want to live on public assistance ever.
- My resources were also drained by 8 years of litigation and paying for legal help. I did my appeal and am doing my Writ petition pro se as I absolutely cannot pay for it with my income that does not even cover the expenses in today's reality. It will take me a few years to pay my credit cards debt and the money I was forced to borrow, but I have to watch my expenses.

- All the circumstances described in this letter are absolutely true, but the Writ cannot wait 4-5 years until I pay the money I owe, so today doing the Writ in a regular format is unaffordable for me at all as the price of 40 copies is too high for me today, even if I pay the \$300 fee. It is not the fee. It is everything else on top of my big debt incurred by my new place.

This is the reason my payments on my credit cards are so high, not because I do not know how to spend money.

Thank you for your understanding of the unforeseen situation I face and am trying to cope with. Feel free to contact me if necessary.

Sincerely,



Rimma Kunik