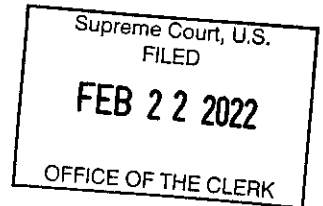


21-7208

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES



Theresa Bailey — PETITIONER  
(Your Name)

VS.

New York Law School 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):

The Second Circuit Court of Appeals; the U.S. District Court for the Southern District of New York; and New York State Supreme Court.

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

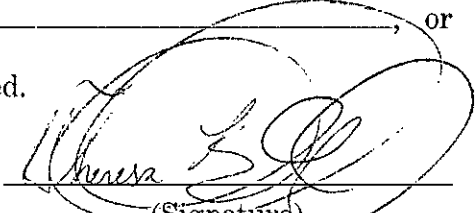
☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

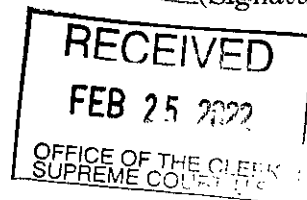
☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ 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, Theresa Bailey, 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	\$N/A	\$0	\$N/A
Self-employment	\$57.92	\$N/A	\$0	\$N/A
Income from real property (such as rental income)	\$N/A	\$N/A	\$N/A	\$N/A
Interest and dividends	\$0.56	\$N/A	\$0.56	\$N/A
Gifts	\$16.67	\$N/A	\$0	\$N/A
Alimony	\$N/A	\$N/A	\$N/A	\$N/A
Child Support	\$N/A	\$N/A	\$N/A	\$N/A
Retirement (such as social security, pensions, annuities, insurance)	\$N/A	\$N/A	\$N/A	\$N/A
Disability (such as social security, insurance payments)	\$N/A	\$N/A	\$N/A	\$N/A
Unemployment payments	\$2,340	\$N/A	\$N/A	\$N/A
Public-assistance (such as welfare)	\$N/A	\$N/A	\$N/A	\$N/A
Other (specify): <u>Stimulus checks</u>	\$166.67	\$N/A	\$N/A	\$N/A
<b>Total monthly income:</b>	<b>\$2,581.82</b>	<b>\$N/A</b>	<b>\$0.56</b>	<b>\$N/A</b>

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
None	N/A	N/A	\$N/A
None	N/A	N/A	\$N/A
None	N/A	N/A	\$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	N/A	N/A	\$N/A
N/A	N/A	N/A	\$N/A
N/A	N/A	N/A	\$N/A

4. How much cash do you and your spouse have? \$5,455.34

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	\$973.93	\$N/A
Savings	\$ 50	\$N/A
Online Personal Investing Apps (sum/total):	\$ 265.10	\$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  
Value N/A

☐ Other real estate  
Value N/A

☐ Motor Vehicle #1  
Year, make & model None  
Value N/A

☐ Motor Vehicle #2  
Year, make & model None  
Value N/A

☐ Other assets  
Description None  
Value 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
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	Relationship	Age
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	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.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 600	\$N/A
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 240	\$ N/A
Home maintenance (repairs and upkeep)	\$250	\$ N/A
Food	\$200	\$ N/A
Clothing	\$ 25	\$N/A
Laundry and dry-cleaning	\$ 27	\$N/A
Medical and dental expenses	\$ 25	\$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 127	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 20	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ N/A	\$ N/A
Life	\$ 5	\$ N/A
Health	\$ N/A	\$ N/A
Motor Vehicle	\$ N/A	\$ N/A
Other: N/A	\$ N/A	\$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>Personal Income Tax,</u>	\$ 93.67	\$ N/A
<u>New York City and State</u>		
Installment payments		
Motor Vehicle	\$ N/A	\$ N/A
Credit card(s)	\$ 250	\$ N/A
Department store(s)	\$ N/A	\$ N/A
Other: <u>(Undergrad) Student Loans</u>	\$ 442.89	\$ N/A
Alimony, maintenance, and support paid to others	\$ 125	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)- <b>statement attached</b>	\$ 80.33	\$ N/A
Other (specify): <u>Tithes and Offering (church)</u>	\$ 291.78	\$ N/A
<b>Total monthly expenses:</b>	<b>\$ 2,802.67</b>	<b>\$ N/A</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.

(A detailed response to question 9 is 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? N/A

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

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? N/A

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.

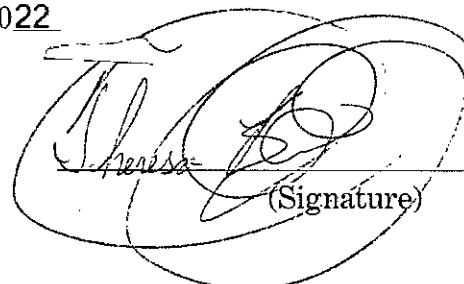
( A summary is included below; see attached for a detailed response to question 12.)

My income is \$0, and there's no indication that my financial situation will improve this year.

The cash and bank accounts on hand do not exceed 2 months of ordinary expenses.

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

Executed on: 2/22, 2022

  
(Signature)

**Addendum: Motion for Leave to Proceed *In Forma Pauperis*:**

***(Supplemental Responses to the Motion to Proceed In Forma Pauperis questionnaire)***

**8. Itemized Statement for Regular business expenses:** Biennial Statement fee: **\$9**;  
Domain names (17): **\$204** per year; Domain/Website hosting (site 1): **\$252** per year;  
Domain/Website hosting (site 2): **\$120** per year; Domain/Website hosting (site 3): **\$120** per  
year; Domain/Website hosting (site 4): **\$99** lifetime; P.O. Box: **\$160** per year.

**9. Major changes to income and expenses in 2022:** (a) Student Loans for New York Law School: **\$272,364**, will become due: May 2022; (b) increased healthcare costs (healthcare is accessible/available to me – Theresa Bailey – only when I have cash to fund needed care; I have already foregone all routine, wellness, and gender-specific medical care the past two years, including doctor-recommended emergency procedures, and can delay this care no longer.) (c) Moving/new residence costs: owner of present housing intends to sell, which requires me to leave also. (d) My current income is \$0: last year's income was almost entirely unemployment, and COVID-19 pandemic checks; my self-employment brought in less than the cost to maintain and operate, with no indication this will change in 2022.

**12. Additional information on inability to pay the costs of this litigation:** In addition to the cost of living and income challenges cited above and in the *In Forma Pauperis* Motion-questionnaire, the injuries stated, described, and reasonably ascertained as basis for the underlying lawsuit have not disappeared, lessened, mitigated, or been redressed. These injuries directly and indirectly caused and created my current financial hardship; and, these injuries have only worsened and metastasized, resulting in multiple crises at a pivotal time in my life as Black American woman; it will take me time and expense to undo and repair the harm imposed.

While peers are studying for the bar exam, building a legal career, marrying and having children, and adjusting to or creating a new normal in the COVID pandemic, I am becoming more destabilized by additional external barriers (not self-created; acts of God), including that substantially all of my income is spent on emergency housing (temporary shelter), patchwork healthcare (care needed to reverse a sudden emergency), and the most basic cost of living. Neither quality of life nor a humane standard of living by U.S. standards is made reasonably possible by such conditions.

Since the loss of my fulltime employment with benefits in 2015, due to the injuries suffered at and from New York Law School, I have not recovered or regained fulltime employment, nor the associated employee benefits on which I relied to pay all of my expenses, to live a healthy, full, and enjoyable life, and to spend as needed to become an attorney in the U.S. (I have no second citizenship or other national birthright to reasonably pursue my selected career path or access benefits and opportunity in another country: my family and I are citizens of the U.S.) The benefits I lost through this ordeal are those which would best aid my recovery, and include: health and dental insurance, employer sponsored wellness programs, and an employer-sponsored retirement programs (Public Service Student Loan Forgiveness is now also far removed with the loss of this benefit-eligible employment); these lifelines, which factored into my plans, were lost unexpectedly and have not been replaced.

I remain housing insecure: I've worked off and on, while ill and without access to healthcare, to maintain a roof over my head these past years; I've regularly foregone medical care to cover housing costs and expenses, while subject to poor conditions (including I was approached by a sexual predator while exiting the residence, and my financial documents were torn open and strewn in the hallway—both incidents were reported to the residence Board, and



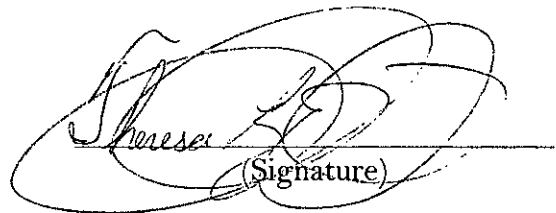
the predator was reported to the police). Housing and food expenses exhaust any cash I attempt to reserve for medical care, and each month is a juggling act between what I owe and need, and what I can afford. I manage these crises alone: my family has not contributed to my living, education, or health expenses from seventeen years of age – due to inability. The hardships and instability I face are not of my own making, and have been widely shown to be the reasonable and expected consequence for women who have endured sex or gender discrimination involving violent or sexual contact in places of work or study. I note this in my supplemental responses of my *In Forma Pauperis* questionnaire not as legal argument, but to explain myself and my living conditions to the Court reviewing my Motion and questionnaire; no woman wants to be in this position or to explain in public documents the injuries resulting from such harm; yet today I must so that this Court can decide this Motion to Proceed IFP.

Respectfully submitted,

Theresa Bailey

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

Executed on: February 16, 2022

A handwritten signature in black ink, appearing to read 'Theresa Bailey', is written over a horizontal line. The signature is stylized with loops and flourishes. Below the signature, the word '(Signature)' is printed in a small, sans-serif font.