

No. 21-____

IN THE
Supreme Court of the United States

CHARLES JAMES,

Petitioner,

v.

THOMSON SAILORS HOMES, L.L.C., THOMSON HOMES, L.L.C., DONALD SAILORS,
EDWARD B. THOMSON, III, TEAM 3 ARCHITECTS, INC., BRUCE H. BEATTY,
BOBBY SAILORS, ERIC BRADLEY THOMSON, ELSWOOD SMITH CARLSON, P.A.,

Respondents.

DECLARATION ACCOMPANYING MOTION FOR LEAVE
TO PROCEED *IN FORMA PAUPERIS*

I, Charles James, am Petitioner in the above-captioned case. In support of my motion to proceed *in forma pauperis*, I hereby declare that because of my poverty I am unable to pay the costs of this case or to give security therefore; and I believe that 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 | \$N/A | \$N/A | \$N/A | \$N/A |
| Self-employment | \$1,000 | \$N/A | \$500 | \$N/A |
| Income from real property (such as rental income) | \$500 | \$N/A | \$0 | \$N/A |
| Interest and dividends | \$N/A | \$N/A | \$N/A | \$N/A |
| Gifts | \$N/A | \$N/A | \$N/A | \$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 | \$N/A | \$N/A | \$N/A | \$N/A |
| Public-assistance (such as welfare) | \$N/A | \$N/A | \$N/A | \$N/A |
| Other (specify): | \$N/A | \$N/A | \$N/A | \$N/A |
| Total monthly income: | \$1,500 | \$N/A | \$500 | \$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 |
|-----------------|----------------|----------------------------|--------------------------|
| N/A | 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 |

4. *How much cash do you and your spouse have?* \$1,000. No spouse.

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 |
|------------------------------|------------------------|------------------------|-------------------------------|
| Academy Bank | checking | \$1,000 | \$N/A |
| Guaranty Bank | checking | \$150 | \$N/A |
| | | \$1,150 | \$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) \$N/A | (Value) \$120,000 (no equity in property) | (Value) \$3,000 |
| | | Make and year: 2001 Ford |
| | | Model: Ranger |
| | | Registration #:0PFT78 |

| Motor vehicle #2 | Other assets | Other assets |
|-------------------------|---------------------|---------------------|
| (Value) \$N/A | (Value) \$N/A | (Value) \$N/A |
| Make and year: | | |
| Model: | | |
| Registration #: | | |

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 |
|--|---|-----------------------------------|
| Section 8 tenant | ~\$129 in past-due rent I have been unable to collect | \$N/A |

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

| Name [or, if under 18, initials only] | Relationship | Age |
|---------------------------------------|--------------|-----|
| Kathryn James ¹ | Mother | 86 |

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | \$0 | \$N/A |
| Utilities (electricity, heating fuel, water, sewer, and telephone) | \$300 | \$N/A |
| Home maintenance (repairs and upkeep) | \$50 | \$N/A |
| Food | \$150 | \$N/A |
| Clothing | \$10 | \$N/A |
| Laundry and dry-cleaning | \$10 | \$N/A |
| Medical and dental expenses | \$10 | \$N/A |
| Transportation (not including motor vehicle payments) | \$100 | \$N/A |
| Recreation, entertainment, newspapers, magazines, etc. | \$10 | \$N/A |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's: | \$0 | \$N/A |
| Life: | \$5 | \$N/A |
| Health: | \$0 | \$N/A |
| Motor vehicle: | \$59 | \$N/A |
| Other: | \$N/A | \$N/A |
| Taxes (not deducted from wages or included in mortgage payments) (specify): | \$35 | \$N/A |
| Installment payments N/A | | |
| Motor Vehicle: Truck | \$5 | \$N/A |
| Credit card (name): Discover, Capital 1 | \$291 | \$N/A |
| Department store (name): | \$N/A | \$N/A |
| Other: | \$N/A | \$N/A |
| Alimony, maintenance, and support paid to others | \$N/A | \$N/A |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$100 | \$N/A |
| Other (specify): Rental repairs (on average) | \$100 | \$N/A |
| Total monthly expenses: | \$1,270 | \$N/A |

¹ This is almost entirely non-financial support because of my limited means.

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 spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit?* ☒ Yes ☐ No *If yes, how much?* I have paid about \$12,500 to my counsel for representation across five appeals in the Eighth Circuit, four appeals relating to the case on Petition for Writ of Certiorari in No. 21-1217 in this Court, and one in the appeal from which this Petition stems. I financed this representation through borrowing from my family. I have contractually committed to pay more, on an hourly basis, but my attorneys are aware of my financial situation and are not invoicing me currently given my inability to pay.

If yes, state the attorney's name, address, and telephone number: The attorney is my counsel of record in this Court:

Andrew Grimm, Digital Justice Foundation, 15287 Pepperwood Drive, Omaha, Nebraska 68154, Andrew@DigitalJusticeFoundation.org.

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?* Standard printing and shipping rates, of which I am not sure but I would estimate as a few hundred dollars.

If yes, state the person's name, address, and telephone number: FedEx Kinkos, printing and ship company.

12. *State the city and state of your legal residence.* Springfield, Missouri.

13. *Your age:* 58 *Your years of schooling:* 15

14. *Provide any other information that will help explain why you cannot pay the costs of this case.* I am the sole shareholder and sole person with ownership interest in Petitioner Designworks Homes, Inc., my home design-and-build company. At this time, my company has no revenues. Substantial health problems of mine and my family have meaningfully interfered with my attempts to generate revenues at this business in the past few years. I am appreciative of the Court's consideration of my financial condition and of my legal case.

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

Respectfully submitted,

/s/ Charles L. James

Charles L. James

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Petitioner