

MAR 28 2022

OFFICE OF THE CLERK

No.

21-8169IN THE
SUPREME COURT OF THE UNITED STATESGHASSAN HAGE — PETITIONER
(Your Name)

VS.

FIDA MHNNA — 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):

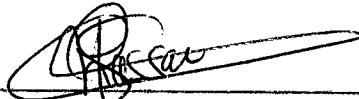
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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)**ORIGINAL**

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

I, Ghassan Hage, 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 <i>pre tax</i>		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>13162</u>	\$ <u>N/A</u>	\$ <u>13162</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>13162</u>	\$ <u>N/A</u>	\$ <u>13162</u>	\$ <u>N/A</u>

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
Synopsys	690 East Middlefield Road Mountain View, CA 94031	7/7/2008	\$ 13162 \$ \$

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 (Divorced)	N/A	N/A	\$ \$ N/A \$

4. How much cash do you and your spouse have? \$ 0

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
Bank of America (checkings)	\$ 0	\$
HSBC Bank (checkings)	\$ 0	\$
	\$	\$

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

Home Value None Other real estate Value None

Motor Vehicle #1 Year, make & model 1996 Mazda Protege Motor Vehicle #2 Year, make & model None
Value \$500.00 Value None

Other assets Description None Value None

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 300	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or <u>renter's</u>	\$ 30	\$ N/A
Life	\$ 0	\$ N/A
Health	\$ 209	\$ N/A
Motor Vehicle	\$ 40	\$ N/A
Other: _____	\$ _____	\$ N/A
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$ N/A
Installment payments		
Motor Vehicle	\$ 0	\$ N/A
Credit card(s)	\$ 250	\$ N/A
401K Loan		
Department store(s)	\$ 492.26	\$ N/A
Other: <u>IRS Installment</u>	\$ 350.00	\$ N/A
Alimony, maintenance, and support paid to others	\$ 2639	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ N/A
Other (specify): <u>Catholic Cemetery Grave</u>	\$ 1499.00	\$ N/A
Total monthly expenses:	\$ 10858.26	\$ 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? _____

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.

The Superior Court issued a writ of money judgment (Wage Garnishment) on 10/01/2021 in the amount of \$108,890.29 (Attached to this motion) causing hardship to petitioner

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

Executed on: June 3rd, 2022



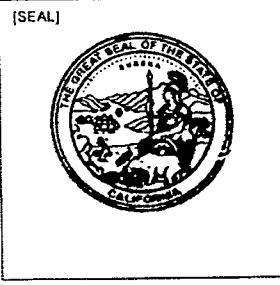
(Signature)

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME DAVID A. YOMTOV 167097		STATE BAR NO.	FOR COURT USE ONLY
FIRM NAME: Attorney at Law			
STREET ADDRESS: 255 North Market Street, Suite 110		STATE CA ZIP CODE 95110	
CITY San Jose		FAX NO.	
TELEPHONE NO.: (408) 993-0808			
EMAIL ADDRESS: david@yomtovlaw.com			
ATTORNEY FOR (name): FIDA MHANNA			
<input type="checkbox"/> ATTORNEY FOR: <input checked="" type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara			
STREET ADDRESS: 201 N. First Street			
MAILING ADDRESS: 191 N. First Street			
CITY AND ZIP CODE: San Jose, CA 95111			
BRANCH NAME: Family Justice Center			
PLAINTIFF/PETITIONER: Fida Mhanna		CASE NUMBER: 613FL010520	
DEFENDANT/RESPONDENT: Ghassan Hage		<input checked="" type="checkbox"/> Limited Civil Case (including Small Claims) <input checked="" type="checkbox"/> Unlimited Civil Case (including Family and Probate)	
<input checked="" type="checkbox"/> EXECUTION (Money Judgment) WRIT OF <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property			

1. To the Sheriff or Marshal of the County of: **Sacramento**
You are directed to enforce the judgment described below with daily interest and your costs as provided by law.
2. To any registered process server: You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.
3. (Name): **David Yomtov**
is the original judgment creditor assignee of record whose address is shown on this form above the court's name.
4. Judgment debtor (name, type of legal entity if not a natural person, and last known address):
Ghassan Hage
2680 Fayette Drive, #202
Mt. View, CA 94040
5. Judgment entered on (date): **5/25/21**
(See type of judgment in item 22.)
6. Judgment renewed on (dates):
7. Notice of sale under this writ:
a. has not been requested.
b. has been requested (see next page).
8. Joint debtor information on next page.
9. Writ of Possession/Writ of Sale information on next page.
10. This writ is issued on a sister-state judgment.

For items 11-17, see form MC-012 and form MC-013-INFO.

11. Total judgment (as entered or renewed)	\$	108,730.29
12. Costs after judgment (CCP 685.090)	\$	120.00
13. Subtotal (add 11 and 12)	\$	108,850.29
14. Credits to principal (after credit to interest)	\$	0.00
15. Principal remaining due (subtract 14 from 13)	\$	108,850.29
16. Accrued Interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees)	\$	
17. Fee for issuance of writ (per GC 70626(a)(i))	\$	40.00
18. Total amount due (add 15, 16, and 17)	\$	108,890.29
19. Levying officer:		
a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees)	\$	22.96
b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j))	\$	
20. <input type="checkbox"/> The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.		



Date:

OCT - 1 2021

Clerk, by

A. Georgieva

A. GEORGIEVA

Deputy

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.

Page 1 of 3

Plaintiff/Petitioner: Fida Mhanna	CASE NUMBER: 613FL010520
Defendant/Respondent: Ghassan Hage	

21. Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

22. The judgment is for (check one):

- a. wages owed.
- b. child support or spousal support. 60% of this is "in the nature of child support, pursuant to Fam. Code Sec. 2030" per the underlying orders.
- c. other.

23. Notice of sale has been requested by (name and address):

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

24. Joint debtor was declared bound by the judgment (CCP 989-994)

a. on (date): <input type="checkbox"/>	b. name, type of legal entity if not a natural person, and last known address of joint debtor: <input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c. Additional costs against certain joint debtors are itemized: below on Attachment 24c.

25. (Writ of Possession or Writ of Sale) Judgment was entered for the following:

a. Possession of real property: The complaint was filed on (date):
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)

- (1) The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
- (2) The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.
- (3) The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a Claim of Right to Possession at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a Prejudgment Claim of Right to Possession was served.) (See CCP 415.46 and 1174.3(a)(2).)
- (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
 - (a) The daily rental value on the date the complaint was filed was \$
 - (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

Plaintiff/Petitioner: Fida Mhanna	CASE NUMBER: 613FL010520
Defendant/Respondent: Ghassan Hage	

25. b. Possession of personal property.
 If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.

c. Sale of personal property.
d. Sale of real property.

e. The property is described below on Attachment 25c.

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and Address): David A. Yomtov, Attorney at Law 255 North Market Street, Suite 110 San Jose, CA 95110		LEVYING OFFICER (Name and Address): Sacramento County Sheriff's Office Sheriff's Civil Bureau 2969 Prospect Park Drive, Suite 200 Rancho Cordova, CA 95670
TELEPHONE NO.: Daytime: (408) 993-0808 FAX NO.: E-MAIL ADDRESS: david@yomtovlaw.com		(916) 875-2665 Fax: (916) 875-2664
ATTORNEY FOR (Name): David Yomtov		California Relay Service Number (800) 735-2929 TDD or 711
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 191 N First St MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Santa Clara Superior Court		COURT CASE NUMBER: 613FL010520
PLAINTIFF/PETITIONER: Fida Mhanna DEFENDANT/RESPONDENT: Ghassan Hage		LEVYING OFFICER FILE NUMBER: 2021025182
EARNINGS WITHHOLDING ORDER (Wage Garnishment)		

EMPLOYEE: **KEEP YOUR COPY OF THIS LEGAL PAPER.** EMPLEADO: **GUARDE ESTE PAPEL OFICIAL.**

EMPLOYER: Enter the following date to assist your recordkeeping.

Date this order was received by employer (*specify the date of personal delivery by levying officer or registered process server or the date mail receipt was signed*):

TO THE EMPLOYER REGARDING YOUR EMPLOYEE:

Name and address of employer Synopsis, Inc. c/o CSC-Lawyers Incorporating Service 2710 Gateway Oaks Dr Ste 150N Sacramento, CA 95833

ATTN: Payroll

Name and address of employee Ghassan Hage 2680 Fayette Drive #202 Mt. View, CA 94040

Social Security No. on form WG-035 unknown.

1. A judgment creditor has obtained this order to collect a court judgment against your employee. You are directed to withhold part of the earnings of the employee (see *instructions on reverse of this form*). Pay the withheld sums to the levying officer (name and address above).

If the employee works for you now, you must give the employee a copy of this order and the *Employee Instructions* (form WG-003) within 10 days after receiving this order.

Complete both copies of the form *Employer's Return* (form WG-005) and mail them to the levying officer within 15 days after receiving this order, whether or not the employee works for you.

2. The total amount due is: **\$111,703.20**

Count 10 calendar days from the date when you received this order. If your employee's pay period ends before the 10th day, do not withhold earnings payable for that pay period. Do withhold from earnings that are payable for any pay period ending on or after that 10th day.

Continue withholding for all pay periods until you withhold the amount due. The levying officer will notify you of an assessment you should withhold in addition to the amount due. Do not withhold more than the total of these amounts. Never withhold any earnings payable before the beginning of the earnings withholding period.

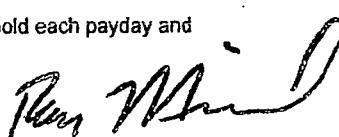
3. The judgment was entered in the court on (date): **05/25/2021**

The judgment creditor (*if different from the plaintiff*) is (name):

4. The *INSTRUCTIONS TO EMPLOYER* on the reverse tell you how much of the employee's earnings to withhold each payday and answer other questions you may have.

Date: **01/26/2022**

Scott R. Jones
Sheriff



Sacramento Sheriff's Authorized Agent

(TYPE OR PRINT NAME)

LEVYING OFFICER

REGISTERED PROCESS SERVER