

No. 22-7004

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
MAR 07 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

AMIT KHANNA, MAYURY BOUNPRAKOB
AND KHANNA'S BRUNO — PETITIONER
(Your Name)

VS.

MICHAEL VINDINH — 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):

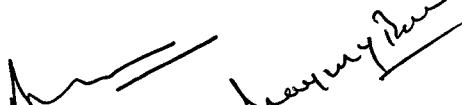
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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)

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

Boonprakob

I, AMIT KHANNA AND MARYA, 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 | \$ 11,000 | \$ - | \$ 0 | \$ - |
| Self-employment | \$ - | \$ 7,666 | \$ - | \$ 5,050 (~) |
| Income from real property (such as rental income) | \$ 2429 | \$ - | \$ 5,100 | \$ - |
| Interest and dividends | \$ 150 | \$ - | \$ 100 (~) | \$ - |
| Gifts | \$ - | \$ - | \$ - | \$ - |
| Alimony | \$ - | \$ - | \$ - | \$ - |
| Child Support | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Retirement (such as social security, pensions, annuities, insurance) | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Disability (such as social security, insurance payments) | \$ 3,166 | \$ 0 | \$ 0 | \$ 0 |
| Unemployment payments | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Public-assistance (such as welfare) | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Other (specify): _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
| Total monthly income: | \$ 16,745 | \$ 7,666 | \$ 5,200 | \$ 5,050 |

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 |
|---------------------|---|---------------------|-------------------|
| Edwards Lifescience | 1 EDWARDS WAY, IRVINE CA - 92614 | 09/26/22 - 1/30/23 | \$ 18,850 (~) |
| Salesforce | 350 MISSION ST, SAN FRANCISCO CA - 94105 | 01/13/20 - 3/23/22 | \$ 14,700 (~) |
| | | | \$ |

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 |
|----------------------------|--|---------------------|------------------------------|
| COLDWELL BANKER (AGENT) | 6137 Lasalle ave. Diedmont, Oakland- 94611 | 01/2015 - Present | On Commission \$ ~\$8,500 |
| | | | \$ |
| | | | \$ |

4. How much cash do you and your spouse have? \$ ~ 2,500

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 |
|---|-----------------|------------------------|
| Savings | \$ 18 | \$ - |
| Checking | \$ ~ 1600 | \$ 400 |
| Joint | \$ ~ (400) | \$ |

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

Home
Value \$ 1.15 mn

Other real estate
Value \$ 1.6 mn

Motor Vehicle #1
Year, make & model 2015 C300
Value \$ 9,950

Motor Vehicle #2 (on loan)
Year, make & model 2021 GLC 300
Value \$ 40,000 (Bank Owned)

Other assets
Description _____
Value _____

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>MICHAEL VINDING (lawyer)</u> | \$ ~ 48,000 | \$ _____ |
| <u>MARK ELLIS (lawyer)</u> | \$ ~ 24,000 | \$ _____ |
| <u>MARCUS BROWN (lawyer)</u> | \$ ~ 45,000 | \$ _____ |

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>VEENA KHANNA</u> | <u>MOTHER</u> | <u>77</u> |
| <u>TON BOUNPRAKOB</u> | <u>FATHER IN LAW</u> | <u>67</u> |
| <u>SOMVATH BOUNPRAKOB</u> AK | <u>MOTHER IN LAW</u> <u>DAUGHTER</u> | <u>77</u> <u>5</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) | \$ 8,059 | \$ 3,600 |
| 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 | | |
| Utilities (electricity, heating fuel, water, sewer, and telephone) | \$ 250 | \$ 350 |
| Home maintenance (repairs and upkeep) | \$ 40 | \$ 150 |
| Food | \$ 100 | \$ 400 |
| Clothing | \$ — | \$ 100 |
| Laundry and dry-cleaning | \$ 25 | \$ 100 |
| Medical and dental expenses | \$ — | \$ — |

| | You | Your spouse |
|--|----------------------------------|---------------------------------|
| Transportation (not including motor vehicle payments) | \$ 60 | \$ 350 |
| Recreation, entertainment, newspapers, magazines, etc. | \$ 0 | \$ 50 |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ ~ 0 | \$ 0 |
| Life | \$ 0 | \$ 100 |
| Health | \$ 0 | \$ 0 |
| Motor Vehicle | \$ 0 | \$ 336 |
| Other: <u>~ 600 (can't afford)</u> | \$ 3,500 | \$ - |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): <u>IRS PAYMENTS</u> | \$ | \$ 650 |
| Installment payments | | |
| Motor Vehicle | \$ 0 | \$ 1,000 |
| Credit card(s) | \$ 2,550 | \$ 500 |
| Department store(s) | \$ - | \$ 250 |
| Other: <u>LOANS incl. HELLOCS etc</u> | \$ 1,600 | \$ 905 |
| Alimony, maintenance, and support paid to others | \$ ~600 | \$ ~1400 |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) - <u>REAL ESTATE LICENSE</u> | \$ - | \$ 310.26 |
| Other (specify): <u>HOA PAYMENTS</u> | \$ ~1400 18,184 \$ ~ 9,110 | \$ ~10,551.26 \$ 5,851.26 |
| Total monthly expenses: | | |

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:

Other details attached in pages herewith

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? ~ \$450

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

George took, Free-lancer(upwork), 856-716-3804

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

I am unemployed as of 2nd feb '2023, My wife's income is commission based on Real estate. I have Student loans that will begin payment soon ~\$3,000. Economic environment coupled with responsibilities makes it tough to pay.
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/28, 2023



(Signature)

**PETITION REGARDING FILING FEE
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA
PAUPERIS**

Petitioner are requesting waiving fees for filing fees on the below ground explained in subsequent paragraphs.

1. If it is the Supreme Court's position that a fee is due, Petitioners make confidential request herewith supporting MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS , which identify the needs for their request to pay this fee, as a result of the devastation that Brady & Vinding (who did not receive the vote of the Westport Members as required by the Westport Declaration and By-Laws to represent Westport, or to file this law suit) have wreaked upon Petitioners in the legal fees paid in the hundreds of thousands, and substantial cost in maintaining their dog Bruno separate and apart from his family. Additionally, Petitioners' financial condition and prospects have been severely adversely affected thereby, as well as by Judge Hayashi's egregiously ridiculous and erroneous fee award against them in an amount exceeding \$350,000, and as well by Vinding's badgering of Petitioners' employers, and others to the point where Petitioners have been isolated significantly from any of their usual support.

The petitioners take care of their aging parents and one of the Petitioners Amit Khanna's mother, who was last year year hospitalized in India due to serious health emergency requiring biopsy and other critical procedures. She is 77 yr. old, partially

blind and requires constant medical support in form of 24 hr attendants, costly medication and other medical necessities as needed to function with no relief from insurance given the lack of social security concept in India and other serious healthcare challenges that relevant in the country. She is financially dependent on Amit and with the recent medical episode the finances have become even more restrained. Additionally, the Petitioners have incurred excessively costly medical expenses during a very trying times over the last 10 months and will incur more in coming months including uncertain economic environment impacting their livelihood and possible reinstatement of student loans . Appellant request the court to consider the above unforeseen circumstances including care for elderly parent/'s and others to grant relieve from such fees.

2. Possibly, given a successful, vindicating appeal, Petitioners may then be able to pay the petition fee, presumably, from the recoveries it may then get from Brady & Vinding in the suit for malicious prosecution they would then bring, and from suits against their attorneys for malpractice in not reading the provisions of the Declaration and By-Laws which led to the multi-year wasteful ordeal that it became, instead of the short shrift it could have been.

WHEREFORE, PETITIONERS REQUEST that this Honorable Court proceed in the matter pursuant to paragraph 1 hereof, but if it cannot, then pursuant to the fee waiver protocols, and if not that either, then by postponing payment of the fee until

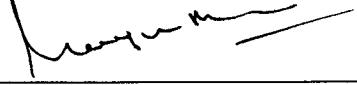
a time subsequent to Petitioners recoveries from the malicious prosecution by Brady & Vinding, and from the malpractice by attorneys Brown and Ellis perpetrated against Petitioners.

DATED: 02/28/2023

By 
Amit Khanna

Respectfully submitted

And


Mayury Bounprakob