

22-7645
No.

IN THE
SUPREME COURT OF THE UNITED STATES

BRYAN O'BRIEN

Petitioner

v.

Supreme Court, U.S.
FILED

DEC 29 2022

OFFICE OF THE CLERK

PRETI FLAHERTY BELIVEAU & PACHIOS, LLP,
JOHN SULLIVAN, MIKE LANE, and PAM LORING

Respondents.

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERSIS*

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.

Bryan O'Brien

BRYAN O'BRIEN

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

I, BRYAN PAUL O'BRIEN III, 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	\$ <u>16,947.12</u>	\$ <u>Unknown</u>	\$ <u>0</u>	\$ <u>Unknown</u>
Self-employment	\$ <u>0</u>	\$ <u>Unknown</u>	\$ <u>0</u>	\$ <u>Unknown</u>
Income from real property (such as rental income)	\$ <u>3,006.31</u>	\$ <u>Unknown</u>	\$ <u>0</u>	\$ <u>Unknown</u>
Interest and dividends	\$ <u>0</u>	\$ <u>Unknown</u>	\$ <u>0</u>	\$ <u>Unknown</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>19,953.43</u>	\$ <u>Unknown</u>	\$ <u>0</u>	\$ <u>Unknown</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
<u>Allen & Overy</u>	<u>Singapore</u>	<u>July 29, 2019 - April 16, 2023</u>	<u>\$ 18,750</u>

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
<u>Sprinklr</u>	<u>Singapore</u>	<u>November 2022+</u>	<u>\$ Unknown</u>
<u>Coach A</u>	<u>Thailand</u>	<u>Mar. - Nov., 2022</u>	<u>\$ Unknown</u>
<u>Self-Employed</u>	<u>Thailand</u>	<u>March 2022+</u>	<u>\$ Unknown</u>

4. How much cash do you and your spouse have? \$ 22.31

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
<u>Bank of America</u>	<u>Current Account</u>	<u>\$ 2,934.49</u>	<u>\$</u>
<u>UOB</u>	<u>Current Account</u>	<u>\$ 0.04</u>	<u>\$</u>
<u>DBS</u>	<u>Current Account</u>	<u>\$</u>	<u>\$ Unknown</u>
<u>DBS</u>	<u>Savings Account</u>	<u>\$</u>	<u>\$ Unknown</u>
<u>Kasikornbank</u>	<u>Savings Account</u>	<u>\$</u>	<u>\$ Unknown</u>

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

Home
Value _____

Other real estate
Value _____

Motor Vehicle #1
Year, make & model: 2008 Honda Accord
Value: \$ 4,000

Motor Vehicle #2
Year, make & model: _____
Value: _____

Other assets
Description: Swimwear Company
Value: Unknown/ Operates at a loss

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>Ms. Tong Yu</u>	\$ <u>6,843.20</u>	\$ <u>N/A</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>M. O'B.</u>	<u>Daughter</u>	<u>5</u>
<u>P. O'B.</u>	<u>Daughter</u>	<u>4</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>900.00</u>	\$ <u>Unknown</u>
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)	\$ <u>0</u>	\$ <u>Unknown</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>Unknown</u>
Food	\$ <u>150.00</u>	\$ <u>Unknown</u>
Clothing	\$ <u>0</u>	\$ <u>Unknown</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>Unknown</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>Unknown</u>

	You	Your Spouse
Transportation (not including motor vehicle payments)	\$ <u>300.00</u>	\$ <u>Unknown</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>Unknown</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>Unknown</u>
Life	\$ <u>0</u>	\$ <u>Unknown</u>
Health	\$ <u>0</u>	\$ <u>Unknown</u>
Motor Vehicle	\$ <u>180.75</u>	\$ <u>Unknown</u>
Other: _____	\$ <u>0</u>	\$ <u>Unknown</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>U.S. Federal (due June 15)</u>	\$ <u>Unknown</u>	\$ <u>Unknown</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>Unknown</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>Unknown</u>
Other (specify): <u>Childcare</u>	\$ <u>0</u>	\$ <u>Unknown</u>
Total monthly expenses:	\$ <u>1,530.75+</u>	\$ <u>Unknown</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? _____

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.

My wife and I are going through a divorce. With respect to Question 9 above, though I hope to find a new job in the next 12 months, I cannot expect to, given the current market as well as the fact that I must focus so much of my time and attention on the ongoing divorce proceedings. I do not have access to my wife's foreign bank accounts and have gained only limited information about her income and expenses through her pending petitions for alimony and child support. In particular, I learned the swimwear company she launched while she was previously unemployed is effectively defunct now, after spending approximately \$15,000 to generate less than \$2,000 in revenue. Currently, my wife and our children are living in Thailand with her parents. We last shared a residence in October of 2022. Since then, I sublet the Singapore apartment we rented out to others through April of 2023, when our lease term finished. My previous landlord has until May 30, 2023 to return my deposit, though it appears I will not receive the amount in full given some contested damages. The money I do receive will be used to return my subtenant's deposit and to repay a personal loan I took out to pay off my Singapore tax obligations, the payment for which was accelerated after I had received notice of my termination from my previous employer this past January. The loan was necessary because the tax due exceeded the sum of my savings and the salary I would receive during my notice period, which my previous employer was obligated to pay directly to the tax authority. Prior to my wife filing for divorce, I used our savings to pay off more than \$300,000 in student loans when the emergency freeze on student loan payments was scheduled to expire. I still owe \$5,000 in student loans. Other debts outstanding, including legal fees for my divorce and related proceedings abroad, total approximately \$7,060.66. I estimate my U.S. tax obligations outstanding to be less than \$5,000. Separately, please note that I gave my 2008 Honda Accord to my father back in 2018. Though he has been using it since that time, I am still the technical owner and pay for the related insurance.

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

Executed on: May 21, 2023



(Signature)