

24-6530

No. _____

ORIGINAL

FILED
NOV 22 2024

OFFICE OF THE CLERK
SUPREME COURT

IN THE

SUPREME COURT OF THE UNITED STATES

Timothy Dasler (and on behalf of his minor child T.D.)

— PETITIONER

(Your Name)

VS.

Dalene Washburn

— 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):

Vermnt Supreme Court 22-AP-331 and 2nd Circuit Court of Appeals

23-33 and 23-1156 and U.S. Supreme Court 23-7781

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

Type text here

☒ 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.

11/22/24

Timothy Dasler

(Signature)

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

I, Timothy Dasler, 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>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>3896</u>	\$ <u>0</u>	\$ <u>4400</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</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>24</u>	\$ <u>0</u>	\$ <u>24</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>	\$ <u>0</u>
Total monthly income:	\$ <u>3822</u>	\$ <u>0</u>	\$ <u>4424</u>	\$ <u>0</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
Self Employed		2020 to current	\$ 3700
			\$
			\$

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			\$
			\$
			\$

4. How much cash do you and your spouse have? \$64
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
Woodsville Savings Bank	Personal Checking	\$ 410	\$ N/A
		\$1605	\$
Woodsville Savings Bank	Business Checking		\$ N/A

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

<input type="checkbox"/> Home Value _____	<input type="checkbox"/> Other real estate Value _____
<input type="checkbox"/> Motor Vehicle #1 Year, make & model <u>TOYOTA RAV4(DAMAGED)</u> Value <u>\$10,000 (debt \$13,000)</u>	<input type="checkbox"/> Motor Vehicle #2 Year, make & model _____ Value _____

☒ Other assets
Description Violin family instruments, from failed business venture. Not easily liquidated
Value Debt exceeds the value of the assets. Bankruptcy filed, but dismissed due to incorrect filing. I am attempting to secure counsel to re-file

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 _____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

Name	Relationship	Age
T.D. _____	Daughter _____	8 _____
_____	_____	_____
_____	_____	_____

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)	\$ 1000 _____	\$ 0 _____
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 60 _____	\$ 0 _____
Home maintenance (repairs and upkeep)	\$ 0 _____	\$ 0 _____
Food	\$ 700 _____	\$ 0 _____
Clothing	\$ 50(for child) _____	\$ 0 _____
Laundry and dry-cleaning	\$ 0 _____	\$ 0 _____
Medical and dental expenses	\$ 200 _____	\$ 0 _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>400</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>12</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>394</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>67</u>	\$ <u>0</u>
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>Self Employment Tax</u>	\$ <u>650</u>	\$ <u>0</u>
<u>2023 back taxes (\$5,071 past due)</u>	<u>500</u>	
Installment payments		
Motor Vehicle	\$ <u>273.43</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: <u>Small Claims Judgment for debt from loan to pay legal fees associated with divorce</u>	\$ <u>50</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>200</u>	\$ <u>0</u>
Other (specify): <u>Child's educational/medical and other basic needs</u>	\$ <u>30</u>	\$ <u>0</u>
Total monthly expenses:	\$ <u>4586</u>	\$ <u>0</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:

I have used Just Answer to get narrow, and limited answers to legal questions. I don't have a specific attorney or phone number associated with that service. no phone #, website is JustAnswer.Com

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. In addition to the cost of filing, the difference in printing requirements appears to be upwards of \$6,000 for the 42 properly bound copies of the Petition. I also continue to face extraordinary obstruction through the Family Court system in VT, which has caused me to lose work, and incur expenses through the legal process and have been denied IFP status in VT in the last 6 months, and IFP or not, costs of transcripts for the pending appeals was not avoidable. I am thousands of dollars in debt to the IRS due to my deficit. My childcare obligations and pro-se status take up too much time for me to take on additional work. SEE ATTACHED

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

Executed on: 11/21/24 , 2024



(Signature)

UNITED STATES SUPREME COURT

TIMOTHY DASLER,
(and on behalf of his
minor child T.D.)
Petitioner,
v

CASE NO.

DALENE
WASHBURN,
Respondent

IFP AFFIDAVIT

Now comes Timothy Dasler submitting the following supplement to his IFP Application

Business Expenses

1. Mr. Dasler is a self-employed carpenter and incurs about \$10,000 in business related costs annually. He travels to job sites as much as 190 miles round trip, but most of his work is within 40 miles round trip.

1. Business mileage annually is around 8,000 miles. At IRS rate of \$0.67/mile that is a cost of \$5,360/year for business use of vehicle
2. Cost of business real-estate \$3062/year(renting space for tool storage and small workshop space, and associated costs)
3. Annual tool/material/supply cost is around \$2,300 on average.
4. Website/advertising Cost is \$177 annually
5. Total average business costs = \$10,899

2. He uses the mileage deduction rather than exact costs for tax purposes, so this cost is eliminated on the IFP form. The mileage deduction, however, would take in to account the complete costs of driving including depreciation of the vehicle, maintenance, repairs, etc.. which are not fully reflected in his form. So his cost is actually somewhat higher than reflected due to the difficulty in separating out these values.

3. Similarly, the cost of his home office space reflected on his taxes is deducted from his business

costs because it would otherwise appear as double-counting on the form. Therefore, his home office and personal vehicle costs, which include substantial business costs, are reflected only as personal costs.

- N 4. While food is not reflected as a business cost, Mr. Dasler works a high-energy job as a carpenter and has to consume a large number of calories to keep up with the workload. At 5'9" and 180 Lbs, he is average size, but consumes much more than average because of his high metabolism and energy needs due to work. Between that and feeding an 8 year old child, his monthly food bill is quite high.

Taxes

5. Mr. Dasler became full time self employed in March 2020. The changes to the tax code have made predicting tax liability very hard. His taxes owed in 2022 were nearly 10 times 2021.
6. 2023 were even higher as self-employment benefits went away.
7. Mr. Dasler was inundated with legal issues related to family court in 2022 as the freeze on court cases in 2020-2021 was lifted, causing him to be facing pro se issues in late 2022 and 2023 that were both expensive(transcripts, time off work to be in court, various legal/printing costs, attorney consults, etc...).
8. Without the knowledge of the change to the tax code, he did not anticipate such a high tax bill.
9. The pro se legal issues caused him to fall behind on other things, including tax filing. He made pre-payments believing he was keeping up with his obligation in that regard, however, upon completing his taxes past-due, he realized even with similar income and costs, his bill had grown by nearly \$5000/year.
10. That left him underfunded for 2022 AND 2023, and he is now trying to catch up in 2024.
11. He has raised his rates, tried to pick up additional work, and his higher income reflects his

efforts to adjust for higher costs of living and higher taxes in the last two years.

12. In June 2024, he should have \$3,900 set aside for 2024 taxes. As reflected in his checking accounts, he has less than \$1,000 and is trying to keep a buffer of cash in his checking account for emergencies/bills to hold him since he is self-employed as a contractor and doesn't get a regular paycheck. He has no sick/vacation time, and must keep some money on hand to cover costs if he is either unable to work or does not get any customer payments for a few weeks.
13. His current tax payment plan is to pay \$1,150/month to the IRS(\$5,571 owed for 2023), which will pay off his debt by the end of the year, and begin accounting for 2024's predicted \$8,000 tax bill. In total, he would have to pay \$1,907/month if he were actually to be fully caught up with taxes by year end. That simply isn't feasible with his current income.

Medical Costs

14. Mr. Dasler recently lost his health insurance and is trying to get it reinstated due to the clerical error. He expects that whether it is reinstated or he finds new insurance the cost will be similar.
15. His out of pocket costs reflect the costs of services/medicine not covered by insurance. In addition to these regular costs, deductibles, medications etc... he is attempting to schedule dental surgery needed to save some of his teeth. Dental insurance caps the payment at \$1,000 and he will be left with \$2,000-\$3,000 out of pocket and risks losing teeth without the surgery.

Child Support and Costs

16. Child support of \$24/month doesn't come close to covering the costs of raising the child.
17. The child continually outgrows clothes, and his conservative estimate of \$50 is after getting

some hand-me downs, and buying mostly thrift store clothing to fill in the child's other needs.

18. Ordinary health needs such as over the counter medications, educational needs are also significant, but variable costs.

Bankruptcy

19. Mr. Dasler attempted to file for Bankruptcy in 2022, but did not do it properly. It needs to be re-filed, and he is hoping to re-attempt it this year after clearing some of the legal hurdles of the ongoing issues related to family court and parallel civil suit(The VT Family Court declined to enforce some of Mr. Dasler's rights because the child's therapist was a non-party to the family court case and could therefore not be ordered compliance with the order granting him rights to the child's medical records and care providers. The court also disallows Tort cases in Family Court, so tort claims were separated and are moving independently, resulting in 3 parallel cases).
20. During the 2017-2018 divorce proceedings, Ms. Knapp filed 170 pages of accusations, 4 false police reports, many ex-parte suspensions of visitation, and Mr. Dasler's resulting legal fees were around \$40,000-\$50,000.
21. At that same time, he was removed from his home, separated from his workshop(while he was self-employed), and was forced to pay child support beyond his means during the ex-parte suspension of visitation(leaving him with \$1,200/m to pay his bills after child support).
22. The debt impossible to keep up with, and the court's valuation of his business assets did not account for his debt, and doubled the value above his purchase price. In essence, he bought around \$20,000 in business assets on credit at wholesale prices and the court valued it at near double, gave Ms. Knapp ½ the value and none of the debt(didn't even count the debt).

23. This was upheld on appeal in the SCOV because the lower court need not be reasonable in such calculations.
24. The end result is that Mr. Dasler's expectation of equity from the marital home covering his legal/business debts was quashed by unreasonable valuations and an exorbitant volume of litigation by Ms. Knapp.
25. Paying back these debts, for the most part, is not reflected in his income statement. He is paying \$50/month on one judgment, and the rest is yet to be resolved.
26. His estimate of outstanding debts is well over \$50,000, but an exact count with fees etc... is unknown.

Printing Costs

27. In addition to filing fees for the petition, Mr. Dasler hopes the court will consider the cost of printing booklets..
28. He was quoted \$2,000 for 10 booklets, so 40 is presumably \$8,000. Way beyond his means.
29. Even if he finds less expensive services, the printing/binding costs are far greater than he can afford.

CONCLUSION

30. Mr. Dasler is trying hard to dig out of this financial hole, but the debts are crushing.
31. The burdens of litigation that has spanned 6 years are immense.
32. Vermont's processes, some of which are challenged in this petition, are one of the causes of his difficult financial situation.
33. Considering the cost of printing as well as filing fees in conjunction with his financial burdens, he is unable to proceed if he does not have IFP status.

34. Respectfully Submitted,

11/21/24 Timothy Dasler



"I declare under penalty of perjury that the foregoing is true and correct. Executed on
11/21/24