

No. 17-6583

SUPREME COURT of the UNITED STATES
Office of the Clerk
Washington, DC 20543-0001

IN RE: THOMAS J. CREAN and SUSAN CREAN,
[PRO SE] DISABLED SENIOR PETITIONERS.

v.

125 WEST 76TH STREET REALTY CORP. [NY, NY]; and,
BOARD PRESIDENT ALYSON REIM FRIEDMAN,
RESPONDENTS.

URGENT MOTION OF RECONSIDERATION FOR PETITIONERS
LEAVE TO KEEP AND PROCEED "IN FORMA PAUPERIS" STATUS.

TO: The Honorable Associate Justice Ruth Bader Ginsburg:

On October 27, 2017, [Pro Se] (Disabled) Senior Petitioners

[hereinafter P's] Petition/Writ of Certiorari was received by the Court,

issued US Supreme Court Case No. 17-6583, and docketed on 11/1/2017.

Being "Pro Se" (ill) disabled seniors, we were thrilled to see that our years of
pain-staking toil, prayers and effort had finally reached (and was accepted

into) the US Supreme Court ... an impartial venue that adheres to the US

Constitution. P's want the "Law" and "Justice" to prevail. ***[See: P's

'separate' Motion to the Court - Information previously submitted in P's

Suppl. Petition/Writ of Certiorari - Rule 40 (Veterans & Seaman) papers

prepared, as required by the Court's Rule 33.2 (on 8-½" x 11" paper).]

Before (timely), submitting our First Petition/Writ of Certiorari to the Court -

an original and 10 copies on 8-½" x 11" paper, double spaced with Appendices

A-I (and other enclosures), we had spoken with the Court's Case Analysts to get Instructions on how to comply with the "Rules of the Court;" we have no legal backgrounds, and we were instructed to file "in forma Pauperis." [*P's tried many times to get an attorney, even while, we were still living in Respondents [Hereinafter "R"] NYC Building - where P's were constantly subjected to the R's harassment, with threats of R wanting to evict us! R's ordered P's to vacate the Superintendent's Workshop within 10 days (while R's were making sure their false pretenses against P's obscured [and covered] their 'willful and wanton' releases of uncontained "Asbestos and other contaminates" that were released for over a decade in the many demolitions/renovations R sanctioned within R's Residential Building in addition, to "DRY" powdered Asbestos with other contaminates leaching out (for years) from other areas within R's (96+ year-old) building! Those contaminated areas within R's building were (specifically) mentioned in R's DEP/EPA Regulated [O&M] Operations & Maintenance Program for the [Safe] Removals of Asbestos and other contaminates, that were/are within R's entire Building!]

However, P's last known R's 'significant' (by EPA standards) Environmental "Spill" from uncontained demolitions/renovations - that was verified by the DEP/EPA Department of Environmental Protection, had occurred over [3] three days (from Tuesday 10/21/2014 to Thursday 10/23/2014).

R's '10/21/2014 'significant' Environmental "Spill" was allowed (by R's) to permeate (unhindered) throughout R's "Entire Building," exposing P's, Residents/Shareholders and other Workers to contaminate "DRY" Asbestos! The resulting Environmental (catastrophic "Spill") had "Spilled" over into the adjacent Public Middle School affecting hundreds of unknowns, children, their parents, and teachers, etc. (in that school alone).

[R's Residential Building is on Public Grounds, and is within the confines of a Public Middle School ... between that School's Children Recess Play Yard and Teachers Parking Lots!]

→ Moreover, direct "DRY" Asbestos contaminate (poison) went (unabated by R's) for [3] three days into the "Temple Preschool" (that is across the street from R's Building)!

R's were (and are) "indifferent" to precious "Life" and the "Environment" for R's to have repeatedly, continued to release (knowing 'full well' that they were releasing)"Dry" Asbestos with other highly toxic contaminates into the Environment WITHOUT containment that was self-serving to their interests with monetary gains! This was R's total "Moral Abandon" and "Dereliction of Corporate Trust and Duty" to 'knowingly and willfully' expose Ps and others to highly toxic Cancer-causing "DRY" Asbestos with

other contaminates (repeatedly, for over a decade), that is just Monstrous and Unforgivable! R's unnecessarily subjected P's and the Public to prolonged toxic exposure! P's, R's Workers, and R's own Residents/ Shareholders (with their families) were fully exposed to toxic contaminates WITHIN R's Building for prolonged periods - (from already leaching out degraded Asbestos Areas from within R's Building, including, R's 'willful and wanton' Asbestos Powdered releases from R's uncontained demolitions/ renovations) in Over a decade! R's repeatedly exposed 'hundreds' of Children in the adjacent Public Middle School, and exposed Toddlers in the Temple's Toddler Preschool.

[The principal of that "Temple's Preschool" came running out and was screaming at the NYC Firemen to remove R's subcontractor's "Open-to- the-Air" Commercial "PICK-UP" Truck ... that was parked in front of that Preschool for [3] three days (and was full of improperly sealed (and exposed to the air) contaminated "DRY" Asbestos Debris)! But, those Firemen said, it was not their jurisdiction to remove that Truck (and they left not wanting to touch it)! P's additionally called NYC #911 (after 10/21/2014) to come to R's Building to remove that contaminated truck - that is verifiable!]

After P Superintendent Thomas J. Crean was wrongfully 'demoted and dismissed' on 10/21/2014 (R's "Spill" date) by R's, and immediately there-

after, on 11/5/2014 P was wrongfully terminated by R's! P's went for help to the NYC Bar Assn., NELA, NOLO, Pro Bono, Private, and other charitable organizations - asking dozens for help at several junctures in this case "to no avail." P's asked for help (with our case) over these many years from 2014 to current 2017 ... culminating in the US Supreme Court in WADC. We were (and still have been-all this time) trying to get an attorney to represent us on a contingent basis!

→ Then, we got the Court's Order 12/11/2017 from Clerk, Scott S. Harris, (enclosed) denying us "in forma Pauperis" status. However (in the beginning), we were instructed by the Court's Case Analysts to file "in forma Pauperis" (because we have no money and no attorney). The Court told P's that they would "assign" us an attorney!" ♦♦♦ P's had submitted Veteran and Seaman Status to the Court and are entitled to Proceed on papers prepared by Rule 33.2 of the Court (8-½ x 11" paper)!

♦♦♦ P's are re-submitting P's additional Motion to the Court to proceed on papers prepared by the Court's Rule 33.2, along with our Motions for Reconsideration of "in forma Pauperis" status and Time Extension!

→ P's sent in to the Court P's required Motions for Leave to Proceed "in forma Pauperis" with the (very detailed) filled-out "in forma Pauperis" forms - that P's included in both our First and Supplemental Petitions/ Writs of Certiorari (with Appendices)!

[Your Honor, P's truly have no money to even live properly, and we have relied on family and friends for financial help in the past. (However, now, that our credit cards have maxed out, we cannot even afford medicine (with our recently diagnosed Asbestos-related "lung diseases"), with medical tests, pharmaceuticals, diabetic insulin and other medications. My wife was also recently diagnosed with diabetes requiring daily injections of insulin. Her pharmaceuticals (alone for Diabetes and this insulin) are >\$500/month! Her Endocrinologist/Diabetes doctor has (so graciously) been giving her insulin samples until her "drug coverage" goes into effect - *an additional monthly outlay expense (aside, from the expense of her getting additional monthly Medicare Supplemental insurance)!*

The above, is in addition to her being diagnosed with internal growths near her heart, in her abdomen and intestines, etc., with ground glass and scarring in both lungs, and she is under a Pulmonologist Surgeon's and other medical specialists care. Test results from the Veterans Hospital CAT (scans for me) and Lever Cancer Center (PET) and other CAT Scans for my wife showed those painful and debilitating internal growths (for which she needs immediate surgery)! Both Ps have lung scarring with calcified granulomas "Asbestos" exposure internal growths, skin pustules and warts (that are very itchy and painful); and those medical tests are continuing! My wife had lost 70 lbs in 2 months, and has been very ill (was near death)!

→ She has put off very serious intestinal (cancerous) surgery until after the holidays ... just to be able address this US Supreme Court's Order to comply and respond to the Court's 01/02/2018 deadline ... as I cannot type!

We can no longer afford taxis and have been living on a shoe-string (extremely "austere") budget. We can only get to the doctors in Waterbury, CT via the Senior Citizen Shuttle. And, I must be transported by the VA's Taxis to the Veterans Hospital in West Haven, CT to take additional tests! That Veteran's Hospital in CT has diagnosed me with COPD, Emphysema, and lung scarring with calcified granulomas that are "Asbestos" exposure-related! I have been on topical skin ointments and creams (for years, since living at R's building in NYC for skin growths that prior NYC Veteran's Hospital and NYC Private Dermatologist Specialists ... NEVER knew what was the cause of those growths)!

Those doctors NEVER knew, (and I NEVER knew) what was the cause of my skin growths, because R "CONCEALED" the fact and "NEVER" notified me, that there was Asbestos (and other) contaminates WITHIN R's building that has leached out (in powdered "DRY" form) for years, that were chiefly in my DAILY worksites throughout R's building (and those contaminates

that were removed by R in their wanton uncontained demolitions/
renovations (for over a decade)!

“DRY” powdered “Asbestos” had been VENTING continuously from the
contaminated Boiler Room’s “Rotted Out” Chimney Elbow Bend and Flue
Box ... (that was directly under P’s Kitchen and Living Room Windows)!
This included those Boiler Room contaminates which permeated our
Apartment through uncontained demolitions/renovations in the 14 years P’s
worked and lived in R’s 96+ year-old building ... because of holes (where
radiators used to be) in the old wooden parquet flooring of our apartment ...
(that was directly above R’s major source of toxic [ACM] “Asbestos” and
other contamination - R’s Boiler Room)!

I NEVER knew the cause of my skin’s sporadic growths, nor the cause of my
wife and I finding it hard to breathe in our apartment “until September
2014” ... when P’s found out (from [DOH] Dept of Health’s Registered
“Positive” for Asbestos Bulk Samples) that the R’s were “willingly”
releasing (over the course of more than a decade) “Asbestos “ and other
contaminates in Uncontained demolitions/renovations within R’s building!
R’s “willingly” released “DRY “ Asbestos and other contaminates, and
NEVER notified me, or other residents in their building of those toxic
contaminates!

We have NO car and have had to rely (going on four years) on CT Taxis, Buses and Metro North Trains, and NYC Taxis, Trains and Buses (in 2 states) ... just to get to those consulting attorneys offices (in 2014, 2015, 2016, & 2017), which were mostly all in NYC. [Every attorney consult P's had in Waterbury, CT told us they were "not licensed" to practice in NYC and all declined to take on this case!] While P's paid the average NYC attorney consultation fee ... that was between \$35 to \$50 --- One Attorney in NYC charged us \$200 for one-half hour's consultation ... and then, he wanted a \$15,000 retainer upfront [with no guarantees] ... which (of course), P's could NOT pay anyway!

Then, after P's were forced to leave R's premises on 3/25/2015, we incurred 'MANY' attorney consultation fees ... with traveling expenses from CT-to-NYC -and-back [3-1/2hrs just to get into NYC from Waterbury, CT by Metro North Trains - let alone the time we spent traveling within the City to get to our destinations from 42d street Grand Central Station [GC] ... then rushing back to GC to take a 2pm train back to CT ... *[that 2 pm train from GC coming into Waterbury, CT at 4:30pm mets up with the last bus 5pm that drops us off... so that, we could walk to our rental. Many times, we were delayed taking that scheduled GC - 2pm train back, and we had to take taxis within Waterbury, CT (at additional costs) to get home!* ... Usually, these travel expenses cost us (at minimum) \$100/each per

person- each time --- just for travel expenses to NYC and back (not including lawyer consultation fees) for a (mind-numbing, jostling ride) total of 11+ hrs)! This has always left us with cramps and pains every time!

After spending our time, money and giving these consulting attorneys documents along with our "story," we were dismissed and our documents returned. We fared even worse with The Bar Assn. in NYC, and they did not even let us "Talk" to anyone! We called them several times before going into the city (specifically) to see them. We sent them email contacts on their web page before going... and made special (city) appearances twice [2x] ... but each time, the "brusque" treatment we got was always the same (and no one ever called us back)!

→ [It was (at this time), that P's believed (and still believe) that the R's has somehow (unfairly and criminally) "Blacklisted" P's, because of the weird and horrible treatments; and unnecessary obstacles, that were put in our way, that we were (still are) experiencing, and that we have encountered!]

→ The R's Attorney colluded with R's and submitted falsified documents on their behalf to the Lower Courts ... when Ps gave him DEP Bona fide Federal/ State/NYC evidence to the contrary. He NEVER addressed that Evidence (that P's placed before him, and he suppressed it). Nor did R's attorney respond to P's timely-placed Motions and Briefs!

→ After P's worked 14 [24/7] (steadfast) years (and lived) in R's building, P's found ourselves, disabled (ill) seniors 'on-the-road' in a U-haul (self-moving) truck, displaced at our ages, by the R's, who maliciously maligned us as pretenses to their obscuring their willful and wanton releases of toxic contamination!

P were Unable to get "Unemployment insurance" (AFTER 30+ years of being an experienced dedicated 24/7 (fully-licensed) Residential/Commercial Building Superintendent - 14 of those years were spent working for R's!

P's were harassed by R's (and literally thrown out with our family) onto the streets by ruthless "Rogue" Board President 'Alyson Reim' [Friedman]; R's is not a native New Yorker! She was constantly harassing P Superintendent Thomas J. Crean to retire or quit (because of age)! This harassment to sign R's "Declaration of Retirement" was especially, more so, when P's Manager of (10+ years) Mr. Steven Miller [RIP] died in November of 2011 from lung cancer!

R maliciously libeled and slandered both my wife and I in R's 12/18/2013 published article that R disseminated throughout R's building and throughout the Upper West Side of Manhattan ... in addition, to HER

placing (on the internet) "HER" heinous (sarcastic, maligning and reputation discrediting) article on P's ... entitling that article, *"Battleship Blowups - Super," that R's blamed on her innocent young son (10 yrs old, at that time) for writing!*

R's made several sarcastic remarks, racial innuendoes (slights), and degrading commentaries in "HER" 12/18/2013 Published Article mentioning P's by name and address, she mocked P's service in the US Army to our Country (as P served in Korea at 18 yrs old; and was NOT just going into service at 27+yrs old ... (as R sarcastically, wrote in her article, among other degrading things).

[Your Honor, P's had been in the US Army and have been a US Seamen, and Merchant Marine... I have been a member of the US American Legion for many years. I am also, a member of the US [KWVA] Korean War Veterans Association. Recently, I received a communication from the Editor of that KWVA's Magazine ... (that Global Magazine is concerned with Facts of History ... as P's have studied ... are concerned with US History and Constitutional Law ...that an 'up-and-coming' article concerning the US Tank Battalion (that I was assigned to in Korea), and other contributing matters of interest will be featured for Veterans and the Public-at-large.]

R also mocked my Irish, and my wife's Spanish, Heritages in her malicious libelous article! R degraded (in "HER" article) P's discovered National Treasure of US importance - Spain's chalcographic tribute to US 16th President Abraham Lincoln ...That resides in the [ALPL&M] Abraham Lincoln's President Library & Museum in Springfield, IL (a historical 147yr old artifact that P's discovered). *[The details of R's malicious Libel & Slander were enclosed within both P's Petitions/Writs of Certiorari -in Appendices already submitted to the Court.]*

* * *

P's were in a hotel in Waterbury, CT for 3-½ weeks (with the additional cost of \$40/day renting our U-Haul Truck because we were not able to empty it)... before finally finding a rental in Waterbury, CT. P's were abruptly forced to move-out of R's Building (after P worked for R's 14 steadfast years 24/7). This cost P's dearly - not only in the 'emotional trauma level with, physical and financial loss, but in the immediate losses of friends and neighbors (relationships, that P's had built up over the course of 14 years living and working in R's building) ... with people we had come to know (we were present at their weddings and there for the births of their children... and they could rely on us 24/7)!

Any retirement money I had, was totally spent on this move-out (that required 3 moving trucks), hotel expenses, additional U-haul truck rentals,

and car rentals in CT ... to find lodgings and the eventual residence rental in Waterbury, CT (for which we had to pay monies upfront to get into a lease with utilities, paying for our own oil (and oil service contract), renter's yearly insurance, water and sewer, and maintaining the grounds, etc.)

*Yes, we are paying a mortgage on an old house in Nevada. that we initially purchased in 2003 to be our home of retirement. We borrowed "down-payment" money from a relative (and paid it back since 2003) ... and we are still paying that original 30-year mortgage (with escrow and all the monthly utilities: electric, water and sewer ... maintaining the grounds, and paying property taxes on it, etc. ... Along, with paying our rent in Waterbury, CT ... that has higher expenses than our mortgage in Nevada!

We do not rent out this NV house, as we were told our home insurance would increase significantly. And we have kept this house thinking we would eventually retire there; our older son lives there ... (he just recently got a job - that does not pay very much. But when he can, he helps us with some of the utilities there. ***We put this NV property "Up for SALE" twice [2x] after being forced out of R's Building in NYC, but it did NOT sell.

P's realized, that this desert environment was just too hot for us to live in! Then, we contacted a Veteran's Home Loan Re-financing Group (because I have a VA Certificate of Eligibility that I never used) ... but, after going through the Veterans stringent loan processes from Waterbury, CT, they

declined to refinance my mortgaged NV house, because we do not/cannot retire to live there (in that heat anymore) ... we have too many ailments ... were medically diagnosed with irreparable Asbestos exposure lung diseases (that are virtually untreatable), we cannot endure the climate in that heat, and besides, we have no money with which to move anywhere from Waterbury, CT.... the R's collateral damages made sure of that! P Superintendent Thomas J. Crean would have retired in his targeted date 7/01/2017 ... but the R's Total Retaliation and concealing their Uncontained releases of "Asbestos" and other contaminates was the equally driving force mandating P's leave R's building for fear of our safety!

P's are New Yorkers (born and raised). I am 76 yrs old, and it has been very hard for us to get used to (and to get around in) CT without a car... and with Waterbury, CT's mountains, forests, and abundant wildlife! Our family and friends are in New York City and surrounding boroughs!

*Additionally, we had to incur the expense of putting our (14 years) belongings into two storage units (for which we are still paying monthly storage costs in another state ... almost 4 years later)!

[Aside from this, the IRS told us, they did "NOT" allow moving expenses! The IRS said, we 'Elected' to move ... even 'AFTER' we sent the IRS proof of our being "forced" in the R's termination letter to us threatening us with "...legal action of trespassing, if, we did not vacate the Superintendent's

workshop within 10 days !” - A direct violation of SEIU 32BJ Union’s 2014
[CBA] Collective Bargaining Agreement!

R forced P’s to move out, after R’s ‘premeditated’ false pretense charges against P’s affected P’s ‘wrongful termination. R’s false and maligning pretenses were perpetrated (as a result by R’S to obscure their releasing uncontained Asbestos). ***R’s forced Ps to move out ... and P wrongful termination was R’s total Retaliatory Reprisals for P wife, Susan Crean calling NYC’s #311 Complaint Service, and EPA Authorities (on R’s willful Environmental “”Spill”” date 10/21/2014) to come to R’s building to stop R from releasing uncontained toxic “DRY” Asbestos and other contaminates)!

The IRS still made threatening phone calls to P’s (displaced and ill) Disabled Seniors to pay them! Even when, P’s called the IRS’s “Disabled” Advocate Office for help; they did NOT care! My wife was “legally disabled” before moving into R’s Building. But, that did not matter to the IRS!

[P has NEVER smoked a cigarette in her life ... to have the debilitating “ground glass” and “lung scarring” in both her lungs (she now has with other debilitating diagnoses) ... and, she’s NEVER had the Asbestos-related growths (she now has) that are directly attributed to Asbestos exposure -

(and that have been medically found in both of us through medical state-of-the-art testing diagnostic testing)!!]

P's had maxed out our credit cards after just getting into Waterbury, CT and we had to recently get a high-interest new credit card to pay over \$1,100+ interest in penalty fees to the IRS, whose back audit was (we feel, not qualified) ... for our final move-out on 3/25/2015 ... it took a total of [3] Three moving trucks (2 prior trucks) just to move us out entirely!]

However, P's were so very happy (albeit briefly) to finally get an attorney in CT (2015) to help us take on this case - when we just fell (from exhaustion of us being 'on-the-road') into Waterbury, CT. But, abruptly, he took himself off the case, and only 'AFTER' we had signed his retainer. Then, P's were legally bound to pay him \$13,200 ... of which we paid him \$500 a month (out of our social security checks) ... and we still owe him \$5,000+)!

He was only on the case for 1-½ months, before he started making several excuses not to see us! In our last conversation, he told us he wanted \$1,000 upfront to rent a hall in Waterbury, CT, (with additional monies) to depose the R's ... And, then (suddenly), he called us back, and took himself off the case, telling us that it was "Unconstitutional" for the R's to come to Waterbury, CT to address the issues of P's complaint!

P's and that attorney both agreed that our attorney/client relationship was at an impasse, and he left. However, the additional financial drain of paying this (now absent) attorney (for months since) is just one of the main reasons why, P's are "Pro Se" and why, P's have continued to be "Pro Se" ... AND, the chief reason why, P have filed "in forma Pauperis" to the US Supreme Court ... that is NOT by P's choice!

We had to temporarily stop paying that attorney, because we needed the money to get Supplemental Medicare insurance (after paying emergency room fees with Medicare only) in June 2017 .. And, that Supplemental Medicare Insurance has now gone into effect at \$250/month ... the pharmaceutical drug coverage (with co-pays for diabetic insulin) starts in January 2018 at additional costs - aside, from Medicines to stay alive!

When I took my wife to the Emergency Room in June 2017, she was in excruciating pain and did not want to go because we did not have additional coverage at that time. We had to pay back the bills from that one ER visit before her Medicare Supplement started the next month in July 2017!

Moreover (all during this time) P incurred expenses of getting "Self-help Legal books.." In addition to buying [3] years of legal supplies (legal fasteners, folders, etc.), expensive computer ink cartridges, cases of paper,

copying expenses, etc., and the expenses of mailing in Motion-after-Motion to 3 lower Courts (including the expenses of P's putting together (and mailing to each lower Court and R's attorney via USPS Express Mail) ... [8] Eight copies of our entire 10 Volume (1,000 page) color-coordinated with charts ... Legal Treatise, "The Conspiracy" - a detailed compendium of Federal/State/NYC Bona fide evidence that P have against R's ... that evidence never reviewed or addressed in the Lower Courts as a "Matter of Law!" Again, Ps mailed all these costing us considerable expenses via USPS Express Mail to all those lower Courts to meet Court deadlines and mailed these copies Certified Priority Mail/Return-Receipt-Requested to the R's Attorney, etc.

→ All orders received by P's from those lower courts had deadlines that required only P's to work through the Christmas and New Year's Holidays for 3 years in a row ... [Now stretched out for 4 years with P being given the US Supreme Court's Order to respond by 01/02/2018 over 2 major holidays!] And, those lower Courts even made P's work through St. Patrick's Day! The Lower Courts, (also) have considered "NOTHING" to be "Sacrosanct!"

To reiterate NOW (added to the lower Courts "injustice"), is the US Supreme Court making "Pro Se" [Disabled] Senior P's rush to comply with

an "incomprehensible" Order; giving P's an "unrealistic" deadline to respond over two Major Holidays (Christmas and New Year's) to the US Supreme Court by 01/02/2018! *** *This reconfiguration in Booklet form is "Blocking" P's Constitutional Law and Rights from coming forward!*

What the Court has ordered (and now requires of P's to do) is to send into the Court (by the 01/02/2018 deadline) a re-written conforming First Petition/Writ of Certiorari ... written to US Supreme Court "Specific" parameters in (small) "Booklet" form (that the professional supreme court printers have told us, that they cannot even comply given the deadline presented over these 2 major holidays. In addition, the costs to cull down and reproduce such [43-47] copies (of our 40-page First Petition/Writ of Certiorari with approximately 200 pages in the Appendice) in Booklet form is (at a minimum) Over \$3,000 - not including the exorbitant costs of mailing!

→ This is (positively), "Unconstitutional" and Against the "Bill of Rights"... for it IS "Cruel and Unusual Punishment" (to say the least); it IS a "Continuing Injustice" for the US Supreme Court to subject P's to previously experienced bias and harassment, as P experienced in the lower courts (for the previous 3 years)!

P's submitted our First Petition/Writ of Certiorari (an original and 10 copies of Appendices A-I) to the US Supreme Court - copying the R's Attorney. (The copying costs alone for this First Writ with Appendices was \$649+ and we USPS Express mailed it to the US Supreme Court timely at an exorbitant cost of \$160 (just for mailing it) ... P's did this ourselves being ill and under deadline ... while, this caused us unbelievable stress because we barely were able to use our maxed out credit card in Staples copying machines).

After receiving from R Attorney, his WAIVER to answer our First Petition/Writ of Certiorari, P's felt it necessary to put in our Supplemental Petition/Writ of Certiorari (which the Court has put P's entire document online)... P's condensed and added to our Supplemental Writ [to be more concise] clarifying the important issues we previously brought forward (in our First Writ) to be in the Court's stringent compliance (and we are Pro Se disabled (ill) seniors under several doctors care!

Plus, P's Supplement mentions that P Superintendent Thomas J. Crean is a US Army Veteran and Seaman, etc. before his working 30+ years as a Residential/ Commercial Building Superintendent of which 14 of those years were spent working for (and living in) R's building! Whereas, P's First Petition/Writ of Certiorari had this fact obscured within approximately P's 200 pages of Appendices.

There were several other important "Points and Additives" of new Legislation and "Additional" cases to P's Supplement, that we had painstakingly researched and submitted to the Court.

****However, BEFORE putting in our Supplemental Petition/Writ of Certiorari, P's (also) consulted the Court's Case Analysts before submitting this Supplement (as we consulted them BEFORE putting in our prior First Petition/Writ) ... and P were instructed (at both times) that we could file "in forma Pauperis" to the Court! P's First Petition/Writ of Certiorari was docketed 11/1/2017 and P's "Supplemental Brief" was put online by the Court on 11/24/2017.*

→ P's are enclosing the required \$300 US Supreme Court filing fee, but given, that we have no money, and have extremely minimal funds for living expenses (are barely keeping alive, and are ill with toxic poisoning ... including all the diseases and ailments that go along with Asbestos exposure)--- with us having to run around to different medical doctors and specialists and take tests... and our having to have ... even more monies taken out of our monthly social security checks for "Supplemental Medicare" and "Pharmaceuticals" insurances; it is just impossible for P's to try to live!

→ *This UNEQUAL and UNFAIR REPRESENTATION of P's is underscored by several injustices ... chiefly, of P's NOW having to re-file in "Booklet" form our First Petition/Writ of Certiorari ... In a timeframe cannot be met over the holidays! This is "Blocking" P's Constitutional Law and Rights and shielding the Respondents from all capability that the evidence shows!*

- Besides, this exorbitant expense which we do not have funds for [and cannot borrow anymore] will put an "Undue Hardship and Burden" on us!

We just do NOT have the money to have this "Booklet" form done professionally (as is NOW required by the Court) ... AFTER P were "instructed and fully compliant" with the Courts "in forma Pauperis" Guidelines of submittals to the Court! In addition, those professional printers (we consulted) can NOT do this daunting task within the Court's established deadline anyway.

- My wife needs a very serious invasive operation that is being put off (at her peril) because of this US Supreme Court's "Unconstitutional Law" Order (that was changed at the 11th hour)... our Constitutional Laws MUST PROTECT American Veterans and American Citizens ... That have and are currently being VIOLATED!

→ Remedy Below:

P's are asking the Court for immediate "Summary Judgment in P's favor"...

... to remedy P's ["Exemplary Damages"] of \$4 million dollars with additional compensation for any future pain and suffering to compensate P's for the "irreparable" and horrible painful injuries of R's ('criminally' and willfully) exposing P's to repeated exposures of "DRY" Asbestos and other highly toxic contaminates ... (that R's also exposed the Public, and caused irreparable [and irretrievable] harm the Environment)!

- Pro Se (disabled) Senior Petitioners, US Army Veteran and Seaman Thomas J. Crean and Susan Crean exposed to highly toxic contaminates by R's, who CONCEALED "the Fact": that there were toxic contaminates in their 96+ yr old building! ... (R's violated their Moral Duty and Corporate Trust ... in R NOT notifying P's, R's workers, or R's own Residents/ Shareholders of those toxic contaminates being in R's Building: 125 West 76th Street, NY, NY 10023 ... R's willingly and knowingly violated their own EPA Mandated [O&M] Operations & Maintenance Program for the [Safe] Removals of Asbestos and other contaminates by concealing "the Fact" and sanctioning uncontained demolitions/renovations on highly toxic contaminates ... R's willfully violated several major Federal/ State/NYC Environmental (and other) legal statutes!

♦ P's are enclosing our [borrowed money] USPS Money Order for \$300 to cover the Court's filing fees. *BUT, for a myriad of reasons (stated throughout P's Motion) ... P's cannot afford anything else due to our ages

and currently infirmities - we just do not have the funds to submit the now required (through no fault of our Own) Reconfigured "Booklet" form to comply with the 11th hour changes by Court's deadline of 01/02/2018!

- The Court "UNJUSTLY" revoked P's "in forma Pauperis Status and Ordered P's First Petition/Writ of Certiorari over this 2017/2018 Christmas and New Year's Holiday! By the Court revoking this previously given and clear "status" the Court is now "Revoking" a Veterean's (and his wife's) Rights to US Constitutional Law and the Bill of Rights!

◆◆◆P's additional Motion for an "Extension of Time" is also enclosed.

However, P's are imploring the Court to abide by "US Constitutional Law"... and permit P's to RETAIN our "in forma Pauperis" status (retaining the 8-1/2" X 11" Supreme Court Guidelines, as already submitted and filed with the Court in compliance with what P were instructed by the Court initially to do). In the interim, P's will try and cull down our "Questions Presented" for more concise application to the Court.

→ P's humbly request the Court to "Reconsider and maintain" P's "in forma Pauperis" Status. I am a 76 ear old US Army Veteran and Seaman. And, my wife, Susan Crean is the daughter of a (now deceased) WWII US Army Veteran, who served in the Normandy, Argonne Forests Campaigns (and other Theatres of Operation). Her father, WWII Staff Sargeant Samuel Weber received the "Bronze Star and 3 Purple Hearts"

for heroism and wounds in battle, with other medals and citations for Protecting our Constitutional Laws and Freedoms (against Nazism in Europe).

Her Uncle (his brother) Tech Sergeant Ephraim Weber, served in the Phillipines [Pacific Theatres of Operation] in WWII and received the "Silver Star" for heroism ... among others decorated in her family, who have served and died in US Wars abroad.

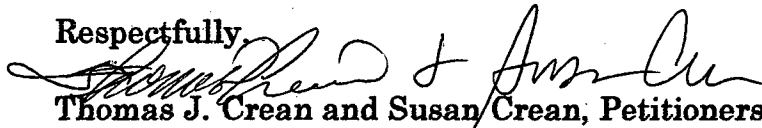
→ P's Thomas J. Crean and Susan Crean have, as US American (ill) Disabled Seniors - "Rights to Justice and Equal Protection of Law" under our JUST "US Constitutional Laws " and "Bill of Rights!"

P's hereby request the Court to GRANT our Motion for "Reconsideration to Retain our "in forma Pauperis" status - to Retain P's (already submitted on 8-½ x 11" formatted Petitions/Writs of Certiorari - First AND Supplemental that are already filed and docketed by the US Supreme Court in WADC) ...

→ → AND, for P's to be (additionally), "GRANTED" Summary Judgment AGAINST the R's ... for all the Federal/State/NYC documented "criminal" and fraudulent Acts and violations of Federal Legal Statutes R's ("willingly and "pre-meditatively") committed and perpetrated on P's, the Public, the Courts, and the Environment!

Pro Se (disabled) P's Thomas J. Crean and Susan Crean do hereby declare that all stated herein is True and Factual to the Best of our Beliefs!

Respectfully,


Thomas J. Crean and Susan Crean, Petitioners
101 Middlefield Avenue
Waterbury, CT 06705
1(203) 528-3731

Dated: 12/26/2017

Enclosures - ****Certificates of Service and Compliance are enclosed****

- 1) Copy of 12/11/2017 US Supreme Court Order from Scott S. Harris, Clerk of the Court -
 - 2) P's \$300 USPS money order to cover the Court's filing fee ... BUT still maintaining P's "in forma Pauperis" Status using our already filed Documents on 8-½ X 11" Paper, as detailed within this "Motion for Reconsideration" of P's "in forma Pauperis" Status" ... NOW Requesting "Summary Judgment" in P's favor. Or, the Court should appoint Attorney to represent senior (ill) disabled "in forma Pauperis" P's ... US Army Veteran Thomas J. Crean and Susan Crean to give us "equal Protection of the Law.
 - → 3) P's 'separate' Motions for an "Extension of Time" and to Proceed on papers prepared as required by Rule 33.2 of the Court, are also enclosed (attached along with a copy of P's already filed "Original" Suppl. Petition/ Writ of Certiorari filed by the Court 11/24/2017.)
 - ***4) Original (signed) Motions with enclosures to:
Associate Justice Ruth Bader Ginsberg; AND, Clerks of the Court
Scott S. Harris (with \$300 Filing Fee Money Order) and Jeff Atkins.
- Cc: 1) Ten [10] Copies of P Motion for Reconsideration of P's "in forma Pauperis" Status (with enclosures and copies of receipt of USPS \$300 Money Order (now required filing fee to the US Supreme Court).

- 3) One copy to:
Barry G. Margolis, Attorney for Respondents
Abrams, Garfinkel, Margolis, Bergson, LLP
1430 Broadway, 17th Floor
New York, NY 10018
1 (212) 201-1170

CERTIFICATE OF COMPLIANCE

No. 17-6583 - 11/1/2017

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE: THOMAS J. CREAN and SUSAN CREAN,
[PRO SE SENIOR] PETITIONERS.

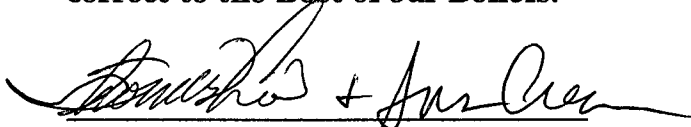
v.

125 WEST 76TH STREET REALTY CORP. [NY, NY]; and,
BOARD PRESIDENT ALYSON REIM FRIEDMAN,
RESPONDENTS.

As required by Supreme Court Rule 33. (h), Petitioners Certify that our →
URGENT MOTION OF "RECONSIDERATION" FOR LEAVE TO
*'Additionally' KEEP AND PROCEED "IN FORMA PAUPERIS" STATUS -
→ In forma Pauperis "Reconsideration Motion" contains approximately
6,120 words (or less) on [27] TWENTY-SEVEN pages (not including any
Appendices), and less excluding the parts of the petition that are exempted
by Supreme Court Rule 33.1(d).

[*In addition to Petitioners (separately submitted) RULE 40 Motion-
(Veterans & Seaman) for Leave to proceed by Rule 33.2 [8-½"x 11" PAPER]

We declare under penalty of perjury that the foregoing is true and
correct to the Best of our Beliefs.



Thomas J. Crean and Susan Crean
101 Middlefield Avenue
Waterbury, CT 06705
1-203-528-3731

Date: 11/26/2017

No. 17-6583

SUPREME COURT of the UNITED STATES
Office of the Clerk
Washington, DC 20543-0001

IN RE: THOMAS J. CREAN and SUSAN CREAN,
[PRO SE] DISABLED SENIOR PETITIONERS.

v.

125 WEST 76TH STREET REALTY CORP. [NY, NY]; and,
BOARD PRESIDENT ALYSON REIM FRIEDMAN,
RESPONDENTS.

URGENT MOTION FOR PETITIONERS UNDER US SUPREME COURT
RULE 40 (VETERANS AND SEAMEN) FOR LEAVE TO PROCEED ON
PAPERS PREPARED, AS REQUIRED BY RULE 33.2
[8-½" x 11" PAPER]

TO: The Honorable Associate Justice Ruth Bader Ginsberg:

[Pro Se] Disabled Senior Petitioners request the Court to
acknowledge "Veteran and Seaman" Status [Rule 40 of the Court] of
Petitioner [Hereinafter "P's"] Thomas J. Crean (and his wife, Susan Crean)
for Leave to Proceed on papers, as required by Rule 33.2 of the Court.

P's already prepared, submitted (was filed by the Court on
10/27/2017 and 11/24/2017, respectively) P's Petitions/Writs of Certiorari
and Supplemental (whose entire Supplemental document was put online
and stamped "ORIGINAL" by the Court)!

These Writs were submitted under "in forma Pauperis" status;
→ HOWEVER, BOTH P's Writs stated the "Veteran and Seamen" status

applicable to P's under Rule 40 of the Court; and P's being able to also file for Leave to Proceed on papers prepared as required by Rule 33.2.

P's First (40 page document-with approximately 150 pages total in Appendices A-I ... and attached to P's... Petition/Writ of Certiorari filed 10/27/2017 (along with other documents) Had P's "Veteran and Seamen" status information detailed (but this was obscured within P's Appendix "C" - (Appendix "C" which detailed (and showed) P's [redacted] Seamen (and other) Veteran papers on PP 24cx-26cx of Appendix C.

P's Supplemental Petition/Writ of Certiorari was submitted to bring forward (in more concise fashion P's First 40 Page Writ) ... P's Supplemental15 PP document [with few Appendices] had described in detail (on page 1 of that document) ... that P Thomas J. Crean is an Army Veteran, who formerly served in Cold War Korea, and his US Seamen [redacted] documents were also shown in Supplemental Appendix "S" B (same as shown in Appendix C" - previously accepted by the Court) and submitted with P's Declaration ... setting out "the moving party's Veteran Status!"

In addition, P's entire document "Supplemental Petition/Writ of Certiorari with (few) "Appendices" was stamped "ORIGINAL" and filed online by the Court on 11/24/2017!

Although, P's read and re-read the Courts "Rules, " we were unaware (being severely ill with toxic poisoning and running back-and-forth to

several medical Specialists), that we also had to submit a Motion for Leave to Proceed on papers prepared, as required by Rule 33.2 of the Court.

HOWEVER, US Supreme Court Rule 40's No. 1 (last paragraph) did state, "A copy of the motion shall precede and be attached to each copy of the petition for a writ of certiorari OR other substantive document filed by the Veteran."

P's filed a Supplemental Writ of Certiorari that included these criteria of this Rule 33.2 Motion "WITHIN" it. AND, for which, we are herewith, Re-submitting (separately) P's "Motion to Proceed on papers prepared as required by Rule 33.2 (attached to re-submitted P's Supplemental Petition/Writ of Certiorari (hence, 8-½" x 11" paper, applies [same as formatted in "in forma Pauperis" etc.] ... and P's will include our declaration in this Motion to Proceed on papers...etc. setting out the moving party's Veteran Status to fully comply with the Court].

This is 'IN ADDITION' to the objections P's have raised and submitted to the Court for changing (at the 11th hour) and denying our "in forma Pauperis" status ... in P's 27 page 'separate' "URGENT Motion of Reconsideration for Petitioners Leave to Keep and Proceed "in forma Pauperis" Status.

P's have also raised objections to the "UNJUST" period required for P's to conform and re-configure P's Writs with exorbitant costs and under

Enormous stress between two Major Federal Holidays - Christmas and New Year's! → P's MUST also RETAIN "in forma Pauperis" Status in addition to the Court Granting Rule 33.2!

The Court has denied P's "in forma Pauperis" status on 12/11/2018 ... giving P's NO reason(s) why, P's "in forma Pauperis" status was denied. P's had inquired why this was done of the Court by phone, so, that, we could effectively respond, submit our objections and/or supply the Court with additional information (dead lined 01/02/2018 to file).

♦ *(1) P's are (therefore), submitting our USPS Postal Money Order for \$300 to cover any filing fees for *(2) re-submitting our Writ ... along with *(3) P's Motion for Leave to Proceed on papers prepared by Rule 33.2 ... ADDING TO THAT, *(4) P's Motion for Reconsideration to Retain "in forma Pauperis" status (already filed on 8-½ x 11" paper) [WITHOUT the "injustice" of having [Pro Se] disabled (ill from toxic poisoning) Senior P's file a 'specific small' US Supreme Court "parametered" Booklet!]

P's have also filed a *(5) Motion to "Extend Time," for all Motions currently submitted before US Supreme Court Deadline 01/02/2018, so that, after reading P's 'motions and seeing P's 'multitudinous' Bona fide Federal/State/NYC evidence, that the Court will (hopefully) "GRANT" Petitioners "Summary Judgment" (in P's favor)!

→ P's want to COMPLY with the Court's ORDER in ALL respects!

In addition, we want to be able to live out what is left of the 'rest of our lives' WITHOUT living in abject destitution, pain, or fear of R's Reprisals for P's bringing the "TRUTH" to light!

[Pro Se] Disabled Senior Petitioners 'US Veteran and Seaman'

Thomas J. Crean and (his wife) Susan Crean do HEREBY DECLARE that all submitted in this Motion for Leave to Proceed on papers prepared, as required by Rule 33.2 ... (AND, as already prepared under "submittals to the Court previously filed "in forma Pauperis" be "Reconsidered" by the Court to also RETAIN "in forma Pauperis" status ... and "Re-instated "and GRANTED, along with "Proceeding on papers prepared by Rule 33.2 for US Veterans and Seamen."

→ Additionally, P's are submitting (separately, herewith) our Request for a 60 Days Time Extension (2 months) for all Court Motions submitted within the Court's ordered 01/02/2018 deadline ... so that, the Court will have had enough time to review P's submittals and to "GRANT "P's much needed "Summary Judgment" Against R's! Please bear in mind that both P's must go in for medical procedures and invasive surgery at the start of the year!

We would appreciate being given consideration for our Senior Ages, for our ill health, and for all the abusive acts perpetrated by the R's (and

others) on us that left us bereft of us our "Rights" under our US
Constitution of Law!

All Motions submitted herein are written up with their own individual Certificates of Compliance, "Combined" (and listed) on one Certificate of Service -that is Appended to P's [27 PP] URGENT MOTION of Reconsideration of Petitioners for Leave to Keep and Proceed "in forma Pauperis" Status ... ADDING to that P's Motion for Leave to Proceed on papers prepared [8-½ " x 11" Status], as required by Rule 33.2.

If, there is any reluctance about the Court accepting P's filing fee, in addition, to accepting P's "Veteran and Seamen Status" (In conjunction with "reinstating "P's Reconsideration with accepting "in forma Pauperis Status" the Court can always reimburse P's this filing fee.- but we are NOT lawyers and cannot afford the other Court Costs!

Respectfully,



Thomas J. Crean and Susan Crean,
[Pro Se Disabled Senior Petitioners]
101 Middlefield Avenue
Waterbury, CT 06705
1-203-528-3731

Dated: 12/26/2017

Enclosures:

1) P's Re-submitted Supplemental Petition/Writ of Certiorari (filed by the Court 11/24/2017) is ATTACHED to P's URGENT MOTION for Petitioners for US Supreme Court Rule 40 (VETERANS AND SEAMEN) for Leave to Proceed on papers prepared, as required by Rule 33.2 [8-½" x 11" PAPER]

[Enclosures Cont'd.]

2) P's individual Certificate of Compliance is attached to this Veteran and Seamen's Motion... (The Supplemental Writ has its own Certificate of Compliance that was previously submitted and docketed by the Court).

[♦ NOTE: *This Veterans and Seamen Motion is listed on the [COS] Certificate of Service with other Motions' listed...* that COS is attached in front of P's Motion for Reconsideration of "in forma Pauperis" status.]

1) Copy of 12/11/2017 US Supreme Court Order from Scott S. Harris, Clerk of the Court -

2) Copy of P's 'separate' Motions for an "Extension of Time" with its individual Certificate of Compliance.

***3) Original (signed) Motions with enclosures to:

Associate Justice Ruth Bader Ginsberg;

→ AND, Clerks of the Court Scott S. Harris and Jeff Atkins.

Cc: 1) Ten [10] Copies of P Motion Veterans and Seamen Status to the US Supreme Court.

3) One copy to:

Barry G. Margolis, Attorney for Respondents
Abrams, Garfinkel, Margolis, Bergson, LLP
1430 Broadway, 17th Floor
New York, NY 10018
1 (212) 201-1170

CERTIFICATE OF COMPLIANCE

No. 17-6583 - 11/1/2017

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE: THOMAS J. CREAN and SUSAN CREAN,
[PRO SE SENIOR] PETITIONERS.

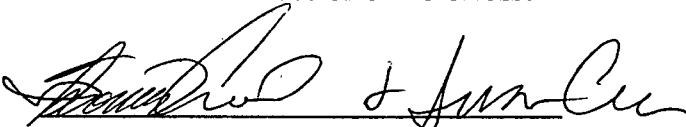
v.

125 WEST 76TH STREET REALTY CORP. [NY, NY]; and,
BOARD PRESIDENT ALYSON REIM FRIEDMAN,
RESPONDENTS.

As required by Supreme Court Rule 33. (h), Petitioners Certify that our
→ URGENT MOTION UNDER US SUPREME COURT → RULE 40
(Veterans and Seamen) FOR LEAVE TO PROCEED ON PAPERS
PREPARED, AS REQUIRED BY RULE 33.2 - [8-½" x 11" PAPER] contains
approximately 1,470 words (or less) on [7] SEVEN pages (not including any
Appendices), and less excluding the parts of the petition that are exempted
by Supreme Court Rule 33.1(d).

→ The REQUIRED "Accompanying" Supplemental Petition/Writ of
Certiorari (previously docketed and submitted to the Court) is herewith
being "Re-Submitted" and → is ATTACHED behind RULE 40 MOTION
(it has its own 'PRIOR' Certificate of Compliance and Proof of Mailing and
contains approximately 3,000 words (or less) on 15 pages (not including few
Appendices), and less excluding the parts of the petition that are exempted
by Supreme Court Rule 33.1(d).

We declare under penalty of perjury that the foregoing is true and
correct to the Best of our Beliefs.



Thomas J. Crean and Susan Crean
101 Middlefield Avenue
Waterbury, CT 06705
1-203-528-3731

Date: 11/26/2017

**Additional material
from this filing is
available in the
Clerk's Office.**