

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Barry J. Bluefeld – Petitioner

VS.

Barry S. Cohen, Joel S. Meisel and David H. Cohen - 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): NA

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

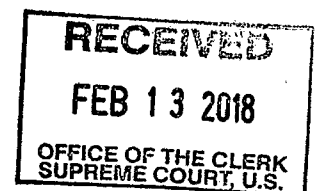
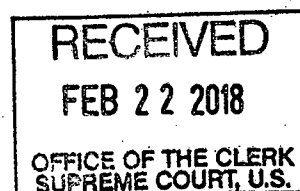
☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ 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:
NA, or

☐ a copy of the order of appointment is appended.

Barry Bluefeld



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

I, Barry Bluefeld, 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.

The petitioner in this case is not married so there is no information to report for a spouse.

Income source	Average monthly amount during the past 12 months	Amount expected Next Month
Employment	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>1585</u>	\$ <u>1585</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>1666</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance security, pensions, annuities, insurance)	\$ <u>1461</u>	\$ <u>1461</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>

Other (specify): \$ 0 \$ 0

Total monthly income: \$ 4712 \$ 3046

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.) Not Employed

3. How much cash do you have? \$ 5,677

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
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Bank of America	Checking Account	\$ <u> 5,677 </u>
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American Express	Savings Account	\$ <u> 2,700 </u>
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4. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home Rent (Don't own) ☐ Other real estate: See Below

☐ Motor Vehicle #1 : Year, make & model-

2016: Ford Fusion Value-\$17,000.00

☐ Motor Vehicle #2 None

☒ X Other assets 5% ownership of Annuity Associates, Inc.

Description – The ownership of these shares are the subject of this legal action.

Description follows infra.

Value – The Defendants, by way of their property management of this commercial property, have fraudulently decreased the value of this asset. My 5% share of the total market value of \$8,000,000 would be \$400,000.

Considering the value of Petitioner's ownership of this asset and also the amount of money owing to Petitioner by various sources (See Below) it would certainly make sense that a high level attorney appointed as legal counsel for this Petition would be paid an excellent fee depending on how much was recovered by the Petitioner. This is a strong case that would allow a very good compensation for an appointed counsel.

5. 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**

Confidential \$ 40,000 to 52,000 (This is an ongoing real estate transaction that is not supposed to be disclosed. I signed a non-disclosure agreement). It is the biggest reason why I cannot afford an attorney. I have paid for all my attorney expenses until now. If I am successful in acquiring this property, I will be able to pay all my legal expenses for litigation of this case, if remanded to the District Court. However, I will prefer to bring on additional plaintiffs and share the expenses. I can only do that by way of an attorney to coordinate a joinder.

Annuity Associates, Inc. \$ 4,110.64 This was withheld from a distribution in June 2012

The 3 Respondents (not Annuity) \$ 8,221.28

This is triple damages for fraudulent creation of a false debt. This is part of the \$12,331.92 (triple damages) that is paid by Respondents and not by Annuity Associates, Inc.

Charles Chester \$ 6,000.00

He was the attorney for this case from Dec 2015 to April 2016. His work was unsatisfactory and he did not do half of what he was paid for. This is being settled by the Attorney Grievance Commission of Maryland.

John E. Coppock Jr. \$ 10,000.00

He was the second lead attorney representing me in this case from August 20, 2016 to Sept 21, 2016. He did a terrible job and did nothing right or in my best interests. This also is being taken up by the Attorney Grievance Commission of Maryland. This is the entire retainer that he was paid and I am looking to be reimbursed in full.

David Cohen \$ 22,046 The monthly report to the Class B investors shows that \$66,138 was paid by Annuity for legal expenses in 2016 and 11 months of 2017. The respondents are being sued for financial wrongdoing that caused harm primarily to the corporation. The corporation should not be paying for their defense, rather it should be reimbursed for its losses. A couple of the investors, beside Petitioner have raised a concern about this and their criticism has been circulated to all the investors by email. Petitioner has not seen bank statements for quite some time but it is expected these charges were made to David Cohen who is both an attorney and a Defendant. This is another example of the Defendants' self-dealing. If they repay triple damages, it amounts to \$198,414.00 and each of the investors would get 1/9th of that (for 5% shareholders) or \$22,046. The defendants do not recognize the derivative suit because some of the time during the appeals, when there was no dual jurisdiction in the District Court, Petitioner was not represented by an attorney. If the case is remanded to the District Court, then an attorney for the Plaintiff will reach out to the minority shareholders and see if they are interested in joining the suit or if they want to be reimbursed. It is likely the court will eventually determine how this money is distributed. Until that time, only the petitioner's portion of \$22,046 is listed above. It is hoped that this case will be continued in the District Court. If it is not, and this Petition is not successful, then a grievance with the Attorney Grievance Commission of Maryland will be the best way to resolve this unauthorized payment to David Cohen for legal services.

The 3 Respondents

Pending full Accounting

Approx \$ 666,000.00

For this case, there are many distributions that went to the Respondents or Joel Meisel's employee and no one else. Their business and personal expenses were also paid from Annuity Associates, Inc. In Maryland, all fraudulent activity must be repaid treble damages- just like RICO. So, either way, whether this is RICO or not, the respondent's owe up to \$2M that they have taken or misspent or diverted during the timeframe of this litigation. The \$2M should be multiplied times 3 (triple damages) giving about \$6M, approximately and divided by 9 (the equivalent of 9 5% investors, like Petitioner) would give- \$666,000. For each shareholder like Petitioner.

Total for all the above: \$ 766,378.00 This figure includes \$50,000 that is not part of this litigation and \$16,000 from former attorneys.

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

Just myself

7. 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.

Rent or home-mortgage payment

(include lot rented for mobile home) \$ 2,475.00

Are real estate taxes included? 0 ☒ Yes 0 No

Is property insurance included? 0 Yes 0 ☒ NO

Utilities (electricity, heating fuel,
water, sewer, and telephone) \$ 200.00

Home maintenance (repairs and upkeep) \$ 100.00

Food \$ 1,000.00

Clothing \$ 100.00

Laundry and dry-cleaning \$ 25.00

Medical and dental expenses \$ 10.00

Transportation (not including motor vehicle payments) \$ 75.00

Recreation, entertainment, newspapers, magazines, etc. \$ 75.00

Insurance (not deducted from wages or included in mortgage payments)

Homeowner's or renter's \$ 15.00

Life \$ 0

Health \$ 105.00

Motor Vehicle \$ 115.00

Other: (Personal Umbrella) \$ 62.50

Taxes (not deducted from wages or included in mortgage payments)

(specify): _____ \$ 0

Installment payments

Motor Vehicle \$ 0 This is paid up for the next two years. Balance is \$11,700.

Credit card(s) \$ 1500.00

Department store(s) \$ 0

Other: Student loans \$ 0 None now, they are deferred. Student loans for Master of Science Degree in Forensic Digital Investigation at U. of Baltimore. Loans are accumulating until completion later this year. Hope to find employment where student loans will be paid for.

Alimony, maintenance, and support paid to others \$ 0

Regular expenses for operation of business, profession, or farm (attach detailed statement)
\$ 500.00

These are fees for real estate brokerage company with two broker licenses - \$636 – GCAAR, \$492 – MLS Access, Insurance-E&O & business- \$1000, Broker licenses- \$550 Biennial Tax DC- \$200, MD SDAT- \$300 Supplies & Telephone & Internet- \$2400 Total: \$5600

Other (specify): \$ NA

Total monthly expenses: \$ 6358.00

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ X Yes ☐ No

If yes, describe on an attached sheet.

There will be major changes in my income by the end of the year. A great deal of financial pressure will be reduced in the next few months as my negotiation for the purchase of a commercial real estate property is resolved. I will get back approximately \$50,000 for my earnest money deposit plus expenses or else I will end up owning the property with significant monthly income. This will also markedly decrease my current credit card payments that were accrued for the purpose of funding this acquisition.

The second major change is that I will be completing the coursework for a Master's Degree in Forensic Digital Investigation (Cybersecurity plus legal Expert Qualification) at the University

of Baltimore in the fall of this year. I have been advised that I should not take a job unless it pays over \$100,000 and starting as a GS7, minimum with the Federal government.

The third change is that I expect to begin receiving at least \$40,000 per year from this property investment- especially if there is a new third party property management company instead of Meisel & Cohen Management Co. This is the only fair solution with this litigation. It is for the good of all shareholders and is the least to be expected if the referred company takes over the day to day management. That company is Allegiancy Company and Christopher K. Sadler.

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? ☐ X Yes ☐ No Approximately \$65,000 has already been paid for this case. It was filed in September 2015 and money was spent on attorneys going back to September 2011. No money has been or will be paid in connection with this form, other than nominal fees for Petitioner's own online legal research that was performed without an attorney.

If yes, how much? \$ 65,000.00

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

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 ☒ X No

If yes how much? NA Since the booklet is not required for In Forma Pauperis, a printing company is not necessary. Any binding of these full size pages will be done by myself.

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.

If not for the \$50,000 spent for the acquisition of the commercial property, which I will get back, I would have been able to pay for these legal expenses. Also, the service provided by all three of my attorneys has been deficient for questionable circumstances. If I have an attorney appointed, it would be less likely that the Defense attorney would tamper with Plaintiff's

privately hired counsel. It should not be overlooked that there is already solid evidence proof that the defendants committed subornation of perjury by themselves with their accounting firm in early 2011 (details in a later section) and by Defense Counsel with a recruited defense attorney specialist from Texas.

If the Respondents lost this case, it would cost them dearly. So much so, that they would do anything to keep it out of court. It is very possible that they put up as much as \$600,000 as a likely retainer that was paid for legal expenses contingent on keeping this out of court. It is ironic that there were no distributions to shareholders in 2015 and there could have been the same amount of \$600,000 that should have been distributed to shareholders. An accurate figure can only be determined if this case is returned to the District Court. This is only one example of their self-dealing in which Annuity paid as much as \$600,000 for their legal expenses. At the same time, I have been paying for all my legal expenses out of my own pocket. Not at all a very fair situation.

If legal counsel is provided, the U.S. Federal Treasury will recover millions of dollars for ending the money laundering offenses committed by the Respondents and there will be a big net gain for this country. There is straight forward evidence of this money laundering scheme. Obvious data manipulation can be demonstrated on their reports when compared with the actual bank statements. Unfortunately, bank statements have been withheld for the past few years. It is hard to tell what financial causes of action are still being performed. Furthermore, if Barry Cohen pays for his back taxes and penalties for tax evasion to the Maryland Department of revenue (for state income taxes), Maryland will recover \$2 to \$3 M. Finally, I would like to see an attorney who is appointed to this case to be paid by myself as well as other potential Plaintiffs if he is successful and does good work. He or she could be paid well with at least a market rate hourly fee on top of any payment by the government. He or she should share in the recovery if excellent results are attained in this meritorious case.

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

Executed on: February 10, 2018

Barry Bluefeld
