26-6080 ORIGINAL

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
JUL 24 2026
OFFICE OF THE CLERK

MARCUS D. SMITH — PETITIONER

vs.

NORTHWEST MOTORSPORT, INC., et al. — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis.

Please check the appropriate boxes:

☐ Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s): _____

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

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

☐ Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding.

(Signature)

Marcus D. Smith, Petitioner pro se

AFFIDAVIT OR DECLARATION

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SUPREME COURT, U.S.

IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, Marcus D. Smith, 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 (gross).

Income source	Average monthly – You	Spouse	Expected next month – You	Spouse
Employment	$0	N/A	$0	N/A
Self-employment (Thompson Electrical Services)	$13,537	N/A	$13,537	N/A
Income from real property (gross rents, three rental properties)	$10,020	N/A	$10,020	N/A

Income source	Average monthly – You	Spouse	Expected next month – You	Spouse
Interest and dividends	$0	N/A	$0	N/A
Gifts	$0	N/A	$0	N/A
Alimony	$0	N/A	$0	N/A
Child support	$0	N/A	$0	N/A
Retirement	$0	N/A	$0	N/A
Disability	$0	N/A	$0	N/A
Unemployment payments	$0	N/A	$0	N/A
Public assistance	$0	N/A	$0	N/A
Other (specify): none	$0	N/A	$0	N/A
Total monthly income	**$23,557**	N/A	**$23,557**	N/A

Self-employment and rental figures are from my 2025 federal return ($162,445 business income; $120,240 gross rents). After expenses and depreciation, the rental

properties produced $0 net taxable income for 2025.

2. Employment history for the past two years, most recent first.

Employer	Address	Dates of employment	Gross monthly pay
Self-employed – Thompson Electrical Services	14201 SE Petrovitsky Rd, A3-221, Renton, WA 98058	March 2022 – present	$13,537

3. Spouse's employment history: N/A (not married).

4. How much cash do you and your spouse have? $500 (held in the Wells Fargo account below).

Type of account	Amount you have	Amount your spouse has
Business checking – Wells Fargo (Thompson Electrical Services)	$500	N/A
Checking – Seattle Credit Union	$0	N/A

5. Assets and their values.

Asset	Description	Value
☒ Home	16825 163rd Place SE,	$844,900

Asset	Description	Value
	Renton, WA 98058	
☒ Other real estate	5518 South Langston Rd, Seattle, WA 98178 (rental)	$455,900
☒ Other real estate	14606 SE 173rd Street, Renton, WA 98058 (rental)	$726,200
☒ Other real estate	8609 Delridge Way SW, Seattle, WA 98106 (rental)	$480,200
☒ Motor vehicle #1	2011 Toyota 4Runner Limited	$13,000
☒ Motor vehicle #2	2010 Mercedes-Benz E350	$7,000
☒ Other assets	2015 Sprinter work van (no loan)	$15,000
☒ Other assets	2017 Sprinter 350 HD Extended work van (loan approx. $37,000)	$25,000
☒ Other assets	Funds deposited in the Pierce County Superior Court registry (loan	$20,000

Asset	Description	Value
	proceeds; disposition pending)	
☒ Other assets	Non-refundable earnest money deposit held under the Skyway 120 purchase and sale agreement, funded by a Thompson Electrical Services business loan; credited toward the purchase price only if the sale closes; not available as cash	$50,000

6. Persons owing you or your spouse money: None.

7. Persons who rely on you for support.

Name	Relationship	Age
George K. Smith	Father (under petitioner's guardianship)	86

8. Average monthly expenses.

	You	Your spouse
Rent or home-mortgage payment (mortgage $3,523.05 + HELOC $2,950.00) Real estate taxes included? ☒ Yes ☐ No Property insurance included? ☒ Yes ☐ No	$6,473.05	N/A
Utilities	$875	N/A
Home maintenance	$500	N/A
Food	$1,100	N/A
Clothing	$0	N/A
Laundry and dry-cleaning	$0	N/A
Medical and dental	$896	N/A
Transportation (not vehicle payments)	$250	N/A
Recreation, entertainment, etc.	$500	N/A

	You	Your spouse
Insurance – Homeowner's	Included in mortgage	N/A
Insurance – Life	$125	N/A
Insurance – Health	$0	N/A
Insurance – Motor vehicle	Paid by business (see attachment)	N/A
Taxes (not deducted or in mortgage)	Included in mortgage	N/A
Installment – Motor vehicle (2011 Toyota 4Runner)	$324	N/A
Installment – Credit cards	Paid by business (see attachment)	N/A
Installment – Department store	$0	N/A
Alimony, maintenance, support paid to others	$0	N/A
Regular expenses for operation of business	$3,247	N/A

	You	Your spouse
(statement attached)		
Other: rental property expenses, three properties (mortgage interest, taxes, insurance, repairs; excludes depreciation; per 2025 Schedule E)	$3,615	N/A
Other: HOA dues	$35	N/A
Total monthly expenses	**$17,940.05**	N/A

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

Possible changes: Skyway 120, a proposed affordable-housing development I sponsor, has pending applications to the 2026 Washington State Housing Trust Fund and the Connecting Housing to Infrastructure Program. The site is held under a purchase and sale agreement. No financing has been awarded or committed. If a joint-venture partner joins and those awards are made, my income could change significantly. Also: continued enforcement of the fee awards entered against me, and the disposition of the $20,000 now held in the Pierce County Superior Court registry.

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? Approximately $150,000, paid for representation in the earlier proceedings. I may incur substantial additional attorney's fees if counsel is retained for further proceedings.

Attorney's name, address, and telephone number: Carl Colbert, Law Offices of Carl Colbert, Ltd., P.C., P.O. Box 327, Gig Harbor, WA 98335; (253) 265-3640.

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? ☐ Yes ☒ No

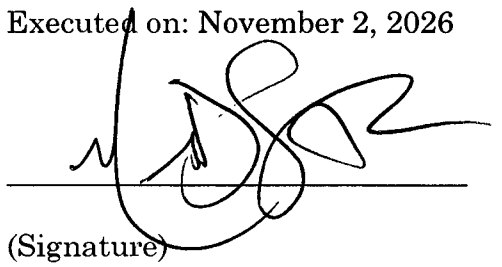
12. Provide any other information that will help explain why you cannot pay the costs of this case.

My home is encumbered by a HELOC that originally funded my business. In July 2024 a new balance was added to that HELOC to pay Respondents' judgment and obtain release of their lien. My $334,000 HELOC is now fully drawn; the balance was $333,999.56 as of October 29, 2026. Since July 2024 my monthly housing cost has increased by 83.73%, to $6,473.05. My business loans and debts have increased from approximately $175,000 to approximately $575,000, and the loan on my 2017 work van exceeds its value by about $12,000. I owe $12,701 in 2025 federal income tax. Fee awards entered against me in this litigation remain outstanding, including $68,638 awarded by the Court of Appeals on September 16, 2026, and fees awarded by the Supreme Court of Washington on April 22, 2026, which are being enforced in the trial court. I also support my 86-year-old father under guardianship.

He has now been admitted to EvergreenHealth Hospice Care (206-899-1080).

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

Executed on: November 2, 2026



(Signature)

Marcus D. Smith

ATTACHMENT TO QUESTION 8 – BUSINESS OPERATING EXPENSES

PAID MONTHLY

Marcus D. Smith – Thompson Electrical Services

Business credit debt payments	$1,923
Vehicle insurance	$600
2017 Sprinter work van loan payment	$724
Total	**$3,247**

No. _____

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MARCUS D. SMITH — PETITIONER

vs.

NORTHWEST MOTORSPORT, INC., et al. — RESPONDENT(S)

PROOF OF SERVICE

I, Marcus D. Smith, do swear or declare that on this date, November 2, 2026, as

required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI, with its appendix, on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

All parties required to be served have been served. The names, addresses, and telephone numbers of those served, and the parties they represent, are as follows:

Michael A. Goldfarb

Goldfarb & Huck Roth Riojas, PLLC

925 Fourth Ave., Ste. 3950

Seattle, WA 98104

(206) 452-0260

Counsel for Respondents Northwest Motorsport, Inc. and Northwest Motorsport, LLC

Howard M. Goodfriend

Ian C. Cairns

Smith Goodfriend, P.S.

1619 8th Ave. N.

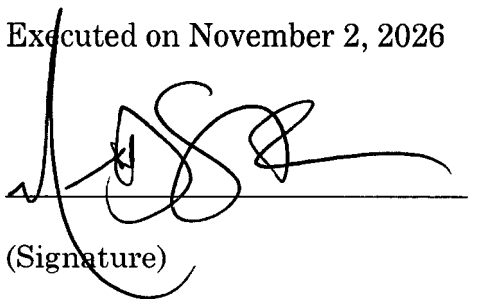
Seattle, WA 98109

(206) 624-0974

Counsel for Respondents Northwest Motorsport, Inc. and Northwest Motorsport, LLC

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

Executed on November 2, 2026



(Signature)

Marcus D. Smith