

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

John Giallanza

(Name of Plaintiff or Petitioner)

v.

Time Warner Cable

(Name of Defendant(s) or Respondent(s))

**MOTION TO PROCEED *IN FORMA PAUPERIS*
AND SUPPORTING AFFIRMATION**

-CV-

07CV 6050 CJS(F)

I, John Giallanza, (print or type your name) am the plaintiff/petitioner in the above-entitled case and hereby request the Court's permission to proceed *in forma pauperis*.

In support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of this action or to give security therefor and that I believe I am entitled to redress.

I further declare that the responses which I have made in this affirmation below are true.

1. Are you presently employed? Yes ___ No
My Employer's Name and Address is: _____

My **Gross Monthly Wages** are: \$ _____

If you are not presently employed, state

Your Last Date of Employment: 10/30/05

Your Gross Monthly Wages at that time: _____

Is your spouse presently employed? Yes No ___

My Spouse's Employer's Name and Address is: Tanis and Jack
Eastview Mall

My Spouse's **Gross Monthly Wages** are \$ 4000

2. Have you received **any money** from any of the following sources within the past twelve months:

a. Business, profession or self-employment? Yes No ___
If yes, state **source** and **amount received** per month \$ 500

b. Rent payments, interest or dividends? Yes ___ No ___
If yes, state **source** and **amount received** per month \$ _____

c. Pensions, annuities, disability, or life insurance payments? Yes ___ No
If yes, state **source** and **amount received** per month \$ _____

d. Gifts or inheritances? Yes ___ No
If yes, state **source** and **amount received** per month \$ _____

e. Child Support? Yes ___ No
If yes, state **amount received** each month \$ _____

f. Government Benefits (Social Security, SSI, Welfare, AFDC, Veterans, etc.)? Yes ___ No
If yes, state **source** and **amount received** per month \$ _____

g. Friends, Relatives or any other source? Yes ___ No
If yes, state **source** and **amount received** per month \$ _____

If you have **not** received any money from any of the above sources, please explain how you are currently paying your expenses:

3. What is your total gross monthly income today: \$ 500 per month

4. How much **cash** do you have on hand? \$ 300 - a lot of dept

5. How much money do you have in a **checking account(s)**? \$ 300
6. How much money do you have in a **savings account(s)**? \$ 0
7. If you are an inmate of a correctional facility, state the amount of funds in your inmate account (**NOTE: prisoners must have inmate account balances certified by an authorized official of the correctional facility and must include a signed Authorization for payment of the filing fee**): _____
8. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No _____
 If so, **describe** the property in detail and give an **estimated value** of the property: \$ 165,000
- If you own property, are you paying off a **loan or mortgage** on it? Yes No _____
 If yes where are you obtaining the money to make such payments: Credit Cards + Loans
9. If you are not an inmate, state your **total monthly household expenses**:
 Rent or mortgage \$ _____ Food \$ _____ Utilities \$ _____ All other expenses \$ _____
 If your monthly expenses exceed the amount of income you listed in # 3 above, please explain how you are paying your expenses

10. List **all** of the people who are in your household and state the amount of money each one contributes to household expenses each month: 1500 per month
11. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support: wife, 2 children
12. Have you been adjudicated bankrupt within the past ten (10) years? Yes _____ No
 If the answer is yes, please include the court and date of filing _____

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

Executed on 1/24/07
 (Date)

[Signature]
 (Applicant's Signature)

PRISON CERTIFICATION SECTION

(Required for Prisoner Requests Only; Prisoner Requests Must Have This Section Completed By Prison Official)

I certify that the movant has the sum of \$ _____ on account to his/her credit at the _____
 _____ Correctional Facility where s/he is currently confined.

I further certify that the movant has the following securities to his/her credit according to the institution's records: _____

I further certify that the movant's average account balance was \$ _____ during the last six months.

 Signature of Authorized Officer of Institution

 Print Name of Authorized Officer of Institution