

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

Designation Form to be Used by Counsel to Indicate the Category  
of the Cause for Purpose of Assignment to Appropriate Calendar

PENDING RELATED CAUSE, IF ANY

Number 70 C 790 , Judge \_\_\_\_\_ , Referee \_\_\_\_\_

BANKRUPTCY cases deemed related when:

1. ( ) Husband and wife
2. ( ) Involve property included in earlier numbered bankruptcy suit

CIVIL cases deemed related when:

1. (x) Related to property included in an earlier numbered pending suit
2. (x) Involve the same issue of fact or grow out of the same transaction as a pending suit
3. ( ) Involve the validity of infringement of a patent already in suit in any pending, earlier numbered case

(PLACE (x) IN CATEGORY WHICH INDICATES THE  
CHAPTER OF BANKRUPTCY THAT IS APPLICABLE)

BANKRUPTCY:

- |                         |                          |
|-------------------------|--------------------------|
| 1. ( ) Chapter I to VII | 3. ( ) Chapter X         |
| 2. ( ) Chapter XIII     | 4. ( ) Chapter XI to XII |

(Indicate here the County in which the bankrupt resides or has his place of business: \_\_\_\_\_)

CIVIL: (PLACE (x) IN ONE CATEGORY, ONLY)

- |   |   |
|---|---|
| 1. ( ) Antitrust                        | 7. ( ) Insurance  |
| 2. ( ) Civil Rights                     | 8. ( ) Land Condemnation  |
| 3. ( ) Contract                         | 9. ( ) Patent   |
| 4. ( ) Federal Employee's Liability Act | 10. ( ) Trade Mark  |
| 5. ( ) Habeas Corpus                    | 11. (x) General Civil (All other Civil and Admiralty causes)                                    |
| 6. ( ) Income Tax                       | Seeks injunction against further unauthorized use of property, dismissal of cited Case 70 C 790 |

(PLEASE STATE NATURE OF CASE: \_\_\_\_\_)

(Criminal Category FOR USE BY U. S. ATTORNEY, ONLY)

CRIMINAL:

- |                   |  |
|-------------------|--|
| 1. ( ) Antitrust  | 4. ( ) Mail Fraud  |
| 2. ( ) Conspiracy | 5. ( ) General Criminal Calendar (All other Criminal causes) |
| 3. ( ) Income Tax |  |

(U. S. ATTORNEY WILL PLEASE DESIGNATE PARTICULAR CRIME AND STATUTE CHARGED TO BE VIOLATED: \_\_\_\_\_)

9-12-66  
jtb/smb

Harold Weisberg, acting as his own attorney

Harold Weisberg  
Attorney ~~at law~~

Affidavit in Support of Motion to Appeal in Forma Pauperis

State of Maryland )  
County of Frederick) ss

I, Harold Weisberg, being first duly sworn, depose and say that I am the plaintiff in the above-entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefore I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefore; that I believe I am entitled to redress;

I further swear that the responses which I have made below relating to my ability to pay the cost of the proceeding are true.

1. Are you presently employed? I am self-employed, as a writer, but have and have had no fixed income or wages and for two years have had no significant income.

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent, payments, interest dividends or other source? No.

3. Do you own any cash or savings account? With my wife I have a joint checking account in the amount of approximately \$700.00.

4. Do you own stocks, bonds, real estate, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)? Yes. Jointly with my wife I own a residence and the land upon which it is and a 1958 Valiant automobile, the value of both shores being under \$21,500. (There is further explanation in letter dated May 29, 1970 to Mr. H. Stuart Cunningham.)


5. List the persons who are dependant upon you for support and state your relationship to those persons. Wife, Lillian S. Weisberg.

Signed   
Harold Weisberg

I hereby certify, that on this \_\_\_ day of \_\_\_\_\_, 1970, before the subscribed, a Notary Public of the State of Maryland in and for the County of Frederick, personally appeared Harold Weisberg who acknowledged the foregoing affidavit to be his act and further made oath in due form of law that the matters ~~xxx~~ and facts set forth therein are true to the best of his knowledge, information and belief.

As witness my hand and notarial seal.

My Commission Expires 7/1/70

  
Delores Ann Hovermale  
NOTARY PUBLIC



Lillian & Harold Weisberg

Coq d'Or Press ROUTE 8, FREDERICK, MD. 21701

Code 301/473-8186

5/29/70

Mr. H. Stuart Cunningham  
Chief Deputy Clerk  
U.S. District Court  
Northern District of Illinois  
U.S. Court House  
Chicago, Ill. 60604

Dear Mr. Cunningham,

Your letter of the 25th is, like those preceeding it, quite helpful, and I do thank you for the time you are taking to help me.

Having read the enclosed Section 1915 and the accompanying affidavit form, I am left with the question, do I meet the requirements of the law. If I do not, of course I do not want to utilize this means. On the other hand, if I do, I would very much want to, for we are in exceedingly poor financial shape. Perhaps if I explain this to you, you may be in a position to advise me. Meanwhile, as soon as the holiday is over, I will see which of the companies on the list you so kindly sent can accept the bonding fee from me here and file it there. Thus, if in your opinion, I do not meet the requirements of Section 1915, I will be in a position to proceed expeditiously.

I do own two properties. While I cannot give any firm valuation, aside from the mortgage, I'd say the value certainly would exceed \$50,000. I own an old car with about 75,000 miles on it. But I am indebted about \$40,000, have not had a salary in more than 20 years, have been self-employed in this period, and there has been no meaningful income from my books in more than two years. Some weeks go by and we do not get a single order. All property is jointly held with my wife except one piece of real estate of the two included in the above estimate, which is hers, not mine. If we restrict my real estate holdings to the full value of the property we own jointly, my debts exceed its total assessed valuation. We do have a small bank account. It does not now contain enough to pay pending taxes, insurance and medical costs. There are also other pending bills, like those of the utilities. The assessed value of this property is approximately \$18,000 and the outstanding larger bills alone, \$1,500, or about twice our bank balance. The land on which this jointly-held property is located is assessed at under \$5,000.

If I can find a notary today, I will execute the affidavit, leaving it up to you to determine whether I meet the statutory requirements, for there is no lawyer I can consult for an opinion. If you believe I do not, I would appreciate it if you would then return it to me.

But if I do, because I am going to act as my own lawyer, can you then, officially, file the case?

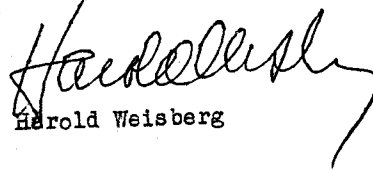
There will then still remain what for me will be serious problems. I will have to borrow the money to go to Chicago. Is there any protection I can have in advance that I will not incur this additional debt only to find that by some maneuver the case is postponed?

Then there is the question of subpoenas. I anticipate calling about six individuals. In two cases corporations are involved. Can I meet the requirements of your law by asking for subpoenas for responsible officials of these corporations in their managerial capacities? In three cases, I will want to ask for subpoenas duces tecum. May I have twice the number of subpoena forms I will need so that I may keep a copy of each?

Are the subpoenas duces tecum returnable prior to trial? I anticipate asking for copies of tape recordings. I think it would be a great and unnecessary burden on the court to have to play all the tape recordings where I might, in advance, go over them and either mark the appropriate parts or dub copies of these parts that are pertinent.

Again, I do thank you for your help.

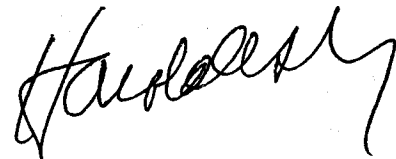
Sincerely,



Harold Weisberg

P.S. These matters are somewhat confusing to me, but I assumed, from your earlier sending of the other forms to me, that they are for me to execute. I therefore enclose herewith one of each of the two summons forms, filled in as much as I can, not knowing which is applicable; a copy of the designation form, filled in; and the affidavit, made out in the prescribed local form.

In preparing the affidavit, I started to follow the form you sent ~~you~~ me word for word. When I realized this was not completely applicable and because of the word "like" in the following instructions, I made the slight changes that seem appropriate in the form while sticking to the exact language of the questions and to their numbers. This is not an appeal of the kind~~a~~ apparently anticipated in that form.

A handwritten signature in cursive script, appearing to read "H. H. H. H.", located in the lower right quadrant of the page.