

D L P LT13  
Elmer P. Vild, Trustee  
989 S. Main St., #A-269  
Cottonwood, AZ 86326  
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E-Mail: [trustoneil@commspeed.net](mailto:trustoneil@commspeed.net)  
Elmer P. Vild is the Trustee for the  
D L P LT13 contractual entity.

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF ARIZONA**

United States of America, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Maria D. Forman; Jimmy C. Chisum and )  
 Elmer P. Vild, also known as Phillip O'Neil, )  
 as Trustees for the DLP LT 13 Trust; and )  
 Arizona Department of Revenue, )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

Civil No. CV 09-00444-PHX-SRB

**JURISDICTION CHALLENGED**

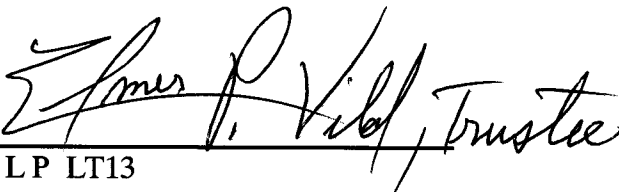
COMES NOW Elmer P. Vild, Trustee for the D L P LT13 contract in the form of a trust proceeding without the assistance of counsel relying on Haines v. Kerner and other U.S. Supreme Court decisions that hold pro se litigants cannot be held to the same standards as an attorney and the lower courts must point out any defects and allow a pro se litigant sufficient time to correct any defects. And, that the pro se litigants' pleadings are sufficient to call for an opportunity to be heard.

It is an axiom of law that when jurisdiction is challenged jurisdiction must be **proved** by the Plaintiff. Case law states that the Court cannot assume jurisdiction or declare that the Court has jurisdiction. Jurisdiction must be proven by the Plaintiff in the instant suit. The Plaintiff has

promulgated the theory that it has jurisdiction by a section or two of a mere "code" which the Plaintiff failed to demonstrate how the Defendants became subject to.

Request that the Court immediately Order the Plaintiff to prove jurisdiction or dismiss the case.

Executed this 22<sup>nd</sup> day of October, 2009.

  
D L P LT13  
Elmer P. Vild, Trustee

## CERTIFICATE OF SERVICE

Original for the Clerk of the Court  
and one copy for the Honorable  
Susan R. Bolton mailed this 22<sup>nd</sup> day  
of October, 2009 via first class mail to:

Clerk of the Court  
Sandra Day O'Connor U.S. Courthouse  
SPC 1  
401 W. Washington Street, Suite 130  
Phoenix, AZ 85003-2118

Copies mailed this 22<sup>nd</sup> day of October,  
2009 via first class mail to:

DIANE J. HUMETEWA  
United States Attorney  
District of Arizona  
Evo A. DeConcini Courthouse  
405 West Congress St., Suite 4800  
Tucson, Arizona 85801-5040

ALEXIS V. ANDREWS  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box 683, Ben Franklin Station  
Washington, D.C. 20044-0683

Maria D. Forman  
5640 East Duane Lane  
Cave Creek, Arizona 85331-6492

Arizona Department of Revenue  
1600 W. Monroe  
Phoenix, AZ 85007

Jimmy Chisum, 84388-008  
FCI Herlong, Satelite Camp  
P.O. Box 800  
Herlong, CA 96113

A handwritten signature in cursive script that reads "Elmer P. Vild, Trustee". The signature is written in black ink and is positioned above the printed name and title.

Elmer P. Vild  
D L P LT13, Trustee