



D L P LT13
Elmer P. Vild, Trustee
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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

NOTICE TO THE COURT;
D L P LT13 NOT A TRUST VERBIAGE;
MOTION FOR DISMISSAL FOR LACK
OF PROOF

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.

Whether this Defendant is a lawyer or not is not relevant here. Under my authority granted by the contract, this Defendant controls D L P LT13. In the controlling contractual documents of D L P LT13 it specifically states that the entity is not a trust. The Plaintiff has the burden of proof when filing a lawsuit. The Plaintiff has not provided proof that the D L P LT13 is a trust and this allegation/contention/fact is under dispute. Until it is proven that D L P LT13 is or is not a trust this Defendant will not even address the question of whether he can Defend the entity as a non-lawyer.

Above premise considered, D L P LT13 moves this Court to dismiss this instant suit for lack of proof on the Plaintiff's part.

Executed this 8th day of January, 2010.

A handwritten signature in cursive script that reads "Elmer P. Vild, Trustee". The signature is written over a horizontal line.

D L P LT13
Elmer P. Vild, Trustee