

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,	)	
	)	Civil No. CV 09-00444-PHX-SRB
Plaintiff,	)	
	)	MOTION TO STRIKE ALL OF
v.	)	PLAINTIFF'S MOTIONS AND
	)	PLEADINGS FOR LACK OF
Maria D. Forman; Jimmy C. Chisum, and	)	SIGNATURES
Elmer P. Vild, also known as Phillip	)	
O'Neil, as Trustees for the DLP LT 13	)	
Trust; and Arizona Department of	)	
Revenue	)	
	)	
Defendants.	)	

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.

This Defendant has just recently received the Judge's Order denying this Defendant's DEMAND FOR SIGNATURES as "...plainly without merit...". It is well founded in law that Plaintiff must sign his/her documents. The Defendant even sent Exhibits A and B demonstrating lack of signatures and stated that this Defendant had never received a signed document from the Court or the Plaintiff.

This Defendant had also informed the Court of its duty to look up any case law that it was unsure of when Defendant proposed a legal theory. The Court is also obligated to inform a Defendant representing himself of any rule, procedure and/or law that would assist in the orderly movement of the proceedings before it. Neither the Plaintiff nor the Court has informed this Defendant why he has not been served with a motion or pleading with a signature on it. The Defendant can therefore only assume that the Court is withholding information from the Defendant or the Court dismissed the Defendant's motion because the Defendant had not cited law regarding signatures.

Above premises considered the Defendant provides the following law that every motion and pleading must be signed as stated below:

C.A.9 (Cal.) 1994. Attorneys have duty to certify by their signature that they have read pleading or motion they file and that pleading or motion is well-grounded in fact, has colorable basis in law, and is not filed for improper purpose. Fed.Rules Civ.Proc.Rule 11, 28 U.S.C.A. *Smithy v. Ricks*. 31 F.3d 1478, certiorari denied 115 S.Ct. 1400, 514 U.S. 1035, 131 L.Ed.2d 287.

In *Wrenn v. New York City Health and Hospital* 104 F.R.D. 553 (1995) we find:

A. Denial Of Leave Based On Rule 11

[1,2] Rule 11 of the Federal Rules of Civil Procedure states that "[i]f a pleading, motion, or other paper is not signed, it shall be stricken..."

Whether or not there are signed documents on file, this Defendant deserves an answer other than "...plainly without merit..." and no explanation as to why the demand for signatures was not honored when the law clearly requires signatures. It is this Defendant's position that once he submitted his DEMAND FOR SIGNATURES the Plaintiff and/or the Court had a duty to provide him with either the signatures or a reasonable explanation why he was not receiving any motions or pleadings with a signature on them.

Defendant's current address is one hundred miles from the Court where the original documents are supposedly filed. Plaintiff and the Court have a duty to respond to the Defendant's demand to see a signature on motions and pleadings.

Wherefore, above premises considered, the Defendant requests this Court order the Plaintiff to provide the Defendant with sign documents or the Court provide the LAW that states the Defendant does not have to receive any signed documents.

Respectfully submitted this 16<sup>th</sup> day of February, 2010.

  
DLP LT13  
Elmer P. Vild, Trustee

# CERTIFICATE OF SERVICE

This document has been submitted into the court record as evidence by Terry I. Major, Notary Public, in and for the state of Arizona, County of Yavapai. My stamp is attached to identify me and my commission.

Original for the Clerk of the Court and one copy for the Honorable Susan R. Bolton mailed this 16<sup>th</sup> day of February, 2010 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 16<sup>th</sup> day of February, 2010 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 85701-5040

ALEXIS V. ANDREWS  
Trial Attorney, Tax Division  
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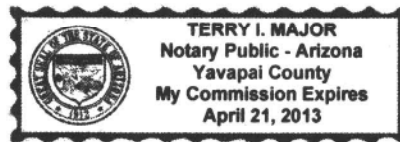
Jimmy Chisum, 84388-008  
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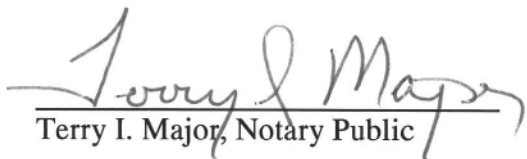
DENISE ANN FAULK  
Assistant Attorney General  
1275 West Washington St.  
Phoenix, AZ 85007-2926

State of Arizona     )  
                                  ) ss.  
County of Yavapai    )

{Seal}

This document has thus been served.



  
Terry I. Major, Notary Public