

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,)	
)	CLARIFICATION REQUESTED
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.)	

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 would like to bring the Court's attention to the following Judicial Notice submitted by this Defendant.

All officers of this Court are hereby placed on notice under authority of the supremacy and equal protection clauses of the United States Constitution and the common law authorities of *Haines v Kerner*, 404 U.S. 519, *Platsky v. C.I.A.* 953 F.2d. 25 and *Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000) relying on *Willy v. Coastal Corp.*, 503 U.S. 131, 135 (1992), “*United States v. International Business Machines Corp.*, 517 U.S. 843, 856 (1996), quoting *Payne v. Tennessee*, 501 U.S. 808, 842 (1991) (Souter, J., concurring). *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647, *American Red Cross v. Community Blood Center of the Ozarks*, 257 F.3d 859 (8th Cir. 07/25/2001). In re *Haines*: pro se litigants are held to less stringent pleading standards than BAR registered attorneys. Regardless of the deficiencies in their pleadings, pro se litigants are entitled to the opportunity to submit evidence in support of their claims. In re *Platsky*: court errs if court dismisses the pro se litigant without instruction of how pleadings are deficient and how to repair pleadings. In re *Anastasoff*: litigants’ constitutional rights are violated when courts depart from precedent where parties are similarly situated. All litigants have a constitutional right to have their claims adjudicated according the rule of precedent. See *Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000). Statements of counsel, in their briefs or their arguments are not sufficient for a motion to dismiss or for summary judgment, *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647.

With the above legal premises considered, this Defendant requests that all rulings and Orders issued in the instant case be thoroughly explained in plain English (no Latin or other legal phrases please) and in detail with sufficient clarity for a non-attorney to easily understand.

On June 15, 2010, this Defendant requested a delay as follows:

This Court has before it a MOTION FOR DISMISSAL UNDER 12(b), a MOTION FOR A MORE DEFINITE STATEMENT and will soon have a letter from a doctor which will require the Court protect Maria D. Forman under Rule 17. Jurisdiction alone must be decided before the Court may proceed. Therefore, it is obvious that there should be a delay until the two motions **and Maria D. Forman’s doctor’s letter are dealt with by the Court.** Defendant prays that the Court will grant a 60 day delay or until all issues are settled before the parties proceed in the instant case. (emphasis added)

On June 18, 2010, a Doctor’s letter was filed with this Court. The Court has ruled on the motions but has remained silent on Maria D. Forman’s medical condition the

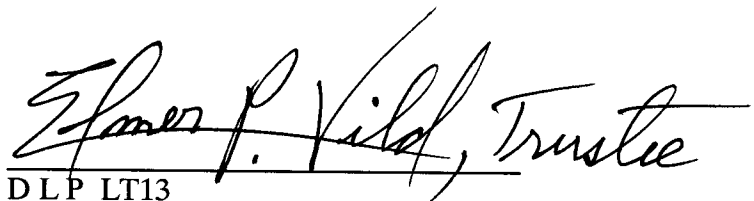
Court's obligation to rule as mandated by Rule 17. This Defendant would feel very uncomfortable participating in proceedings when one of the Defendants has been declared to be incompetent to handle legal matters and was not in attendance.

I am told the doctor's letter states that Maria D. Forman is incompetent to handle her legal matters. Rule 17 (c) states in part "The court must appoint a guardian — *ad litem* — or issue another appropriate order — to protect a minor or incompetent person who is unrepresented in an action." Rule 17 seems quite clear and leaves no room for interpretation. Rule 17 would seem to dictate that the Court is duty bound to insure that Maria D. Forman has representation at the up coming Rule 16 and Rule 26 meetings if she is impaired.

The Doctor's letter was sent to this Court as part of the official record. At the very lease, this Defendant requests that the Court have the Doctor's letter interpreted and send to all parties to this action.

Wherefore, above premises considered, and in the interest of justice, this Defendant requests the Court provide further guidance and explanation.

Respectfully submitted this 20th day of September, 2010.

A handwritten signature in cursive script that reads "Elmer P. Vild, Trustee". The signature is written in black ink and is positioned above a horizontal line.

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 20th day of September, 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 20th day of September, 2010 via first class mail to:

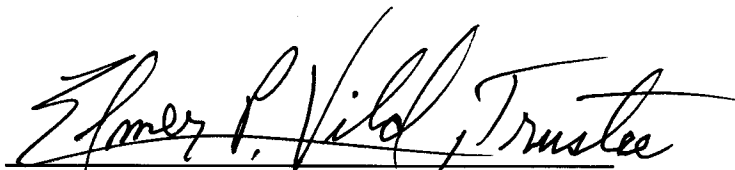
DIANE J. HUMETEWA
United States Attorney
District of Arizona
Evo A. DeConcini Courthouse
405 West Congress St., Suite 4800
Tucson, Arizona 85701-5040

ALEXIS V. ANDREWS
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DENISE ANN FAULK
Assistant Attorney General
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Phoenix, AZ 85007-2926

A handwritten signature in black ink that reads "Elmer P. Vild, Trustee". The signature is written in a cursive style and is positioned above a horizontal line.

Elmer P. Vild, Trustee of D L P LT13