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

11 United States of America,

12 Plaintiff,

13 v.

14 Maria D. Forman et al.,

15 Defendants.

Civil No. 09-CV-444-PHX-SRB

UNITED STATES' RESPONSE IN  
OPPOSITION TO MOTION TO  
TRANSLATE DOCUMENT

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17 The United States of America, through undersigned counsel, hereby responds in  
18 opposition to Trustee Elmer P. Vild's Motion to Translate Document (Doc. No. 105) as  
19 follows:

20 On June 18, 2010, Trustee Vild filed a Notice of Arrival of Doctor's Letter (Doc.  
21 No. 93), in which he alleged that he had received a letter from Mexico. The letter, which  
22 he filed with the Notice, was written in Spanish, but Mr. Vild implied that the letter was

1 from a doctor and stated that the letter provided information regarding Defendant  
2 Maria Forman's health and ability to handle legal matters on her own behalf. It is not  
3 clear what standing Mr. Vild had to file such a document or raise the issue of Defendant  
4 Forman's health with the Court. (*See* U.S. Resp. to Mot. to Comply with Rule 17 (Doc.  
5 No. 69) and Order (Doc. No. 76) (holding that "Defendant Vild has no authority to  
6 represent Defendant Forman or standing to request that the Court appoint an attorney  
7 or guardian for her")).

8 During the Rule 16 Scheduling Conference on September 27, 2010, Mr. Vild  
9 raised the issue of this document and, pursuant to the Court's instructions,<sup>1</sup> he later  
10 filed a Motion to Translate Document (Doc. No. 105). In that motion, he identifies the  
11 document as "the letter from the Mexican doctor written in Spanish," and requests that  
12 it be translated.

### 13 **ARGUMENT**

14 *The Motion to Translate Document is an improper document and should be stricken.*

15 As an initial matter, and as stated in the United States' Motion to Strike All  
16 Pleadings and Documents Filed by Elmer P. Vild on Behalf of DLP LT 13, the Motion to  
17 Translate Document was improperly filed on DLP LT 13 Trust's behalf by Trustee  
18 Elmer P. Vild. Mr. Vild is not an attorney and is not authorized to represent parties  
19 other than himself. Furthermore, it appears that this Motion is not even filed on behalf

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20 <sup>1</sup> Mr. Vild had previously filed what he styled as a "Motion for Clarification" in which he raised the issue of the  
21 doctor's letter. (Doc. No. 102). When Mr. Vild raised the issue in the Scheduling Conference, the Court instructed  
22 him to file a motion requesting whatever relief he sought. Mr. Vild then filed the Motion to Translate Document. It  
would appear that to the extent the motion for Clarification was still pending after the Scheduling Conference, this  
Motion to Translate Document superseded the Motion for Clarification. However, if the Motion to Translate  
Document does not supersede the Motion for Clarification such that a response from the United States is still  
required, the United States respectfully requests an opportunity to respond.

1 of DLP LT 13, of which Mr. Vild is Trustee, but on behalf of Defendant Forman, whom  
2 the Court has already ruled he has no authority to represent. (Doc. No. 76). Thus, the  
3 Motion to Translate Document should be stricken from the record. *See, e.g., Simon v.*  
4 *Hartford Life, Inc.*, 546 F.3d 661, 664-65 (9th Cir. 2008).

5 ***The document does not need to be translated.***

6 Mr. Vild seeks the translation of a document he claims is a letter from a doctor in  
7 Mexico. However, there is no evidence to support this claim. The document has not  
8 been properly identified or authenticated. There is no evidence regarding the identity  
9 of the writer, his qualifications as a medical doctor, or the basis for the opinions Mr.  
10 Vild claims the letter contains. Without proper foundation, this document is hearsay –  
11 hearsay improperly filed on behalf of Defendant Forman by a non-attorney – and as  
12 such there is no need for the Court to order its translation. The Court has already ruled  
13 that Mr. Vild lacks standing to request that the Court appoint an attorney or guardian  
14 for Defendant Forman (Doc. No. 76); the Motion to Translate Document seeks to  
15 circumvent that ruling.

16 For the foregoing reasons, the United States respectfully requests that the Motion  
17 to Translate Document be denied.

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1 Respectfully submitted this 14<sup>th</sup> day of October, 2010.

2 DENNIS K. BURKE  
3 United States Attorney

4 By: /s/ Alexis V. Andrews  
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11 **CERTIFICATE OF SERVICE**

12 It is hereby certified that service of the foregoing UNITED STATES' RESPONSE  
13 IN OPPOSITION TO MOTION TO TRANSLATE DOCUMENT has been made this 14th  
14 day of October, 2010, by placing copies in the U. S. Mail addressed to the following:

15 Maria D. Forman  
16 c/o 5640 E. Duane Lane  
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