

D L P LT13  
Elmer P. Vild, Trustee  
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Ph. (928) 634-5669  
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

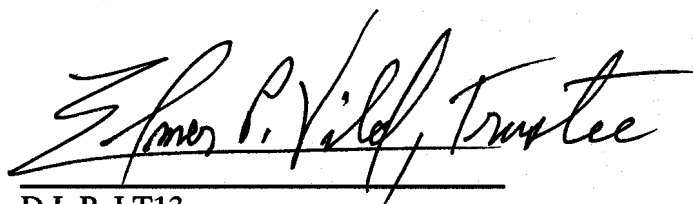
**DEMAND FOR JUDGE WITHOUT  
CONFLICT OF INTEREST**

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.

The Constitution of the United States provides that judge's pay shall not decrease in any manner during their time on the bench. However, circa 1938, judges waived their constitutional right to not have their pay decreased while on the bench by agreeing to be subject to the federal income tax laws and therefore subject to audits by the Internal Revenue Service (IRS).

Common sense tells us one does not choose a "fox to guard the hen house". Having a judge sit on the instant case who is subject to a government audit procedure by the IRS presents an obvious conflict of interest because the government (which includes the IRS) is also the Plaintiff in the instant case. Defendant D L P LT13 demands that in the interest of justice and fair play that no judge rule upon, decide or oversee this instant case who is subject to an audit by the Plaintiff government.

Respectfully submitted this 22<sup>nd</sup> day of December, 2009.

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

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 22<sup>nd</sup> day of December, 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 December, 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 85701-5040

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


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

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

State of Arizona        )  
                                  ) ss.  
County of Yavapai     )

{Seal}

This document has thus been served.

  
Terry I. Major, Notary Public

