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9

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 FOR  
PROPER PROCEDURE

16  
17 The United States of America, through undersigned counsel, hereby responds to  
Trustee Elmer P. Vild's Motion for Proper Procedure (Doc. No. 42) as follows:

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19 As stated in the United States' previous Motions to Strike<sup>1</sup>, the Motion for Proper  
20 Procedure was improperly filed on DLP LT 13 Trust's behalf by Trustee Elmer P. Vild.

21  
22 <sup>1</sup> United States' Motion to Strike Defendant DLP LT 13 Trust's Answer and Motion to Dismiss (Doc. No. 36) and United States' Motion to Strike Defendant DLP LT 13's Second Motion to Dismiss, Third Motion to Dismiss, and Demand for Judge Without Conflict of Interest (Doc. No. 41).

1 Mr. Vild is not an attorney and is not authorized to represent parties other than himself,  
2 and the Motion for Proper Procedure should be stricken from the record. *See, e.g., Simon*  
3 *v. Hartford Life, Inc.*, 546 F.3d 661, 664-65 (9th Cir. 2008).

4 The Motion itself also has no basis in law, and appears to be yet another Motion  
5 to Dismiss. *See* Mot. to Dismiss (Doc. No. 24); Sec. Mot. to Dismiss (Doc. No. 37); Third  
6 Mot. to Dismiss (Doc. No. 38). Furthermore, the Jurisdiction Challenge (Doc. No. 25)<sup>2</sup>  
7 referred to by Trustee Elmer P. Vild was improperly filed by him on behalf of DLP LT  
8 13 Trust, and should also be stricken from the record.

9 In addition, the Jurisdiction Challenge failed to articulate any meaningful  
10 challenge to the jurisdictional basis for this case, clearly set forth as required in both the  
11 Complaint and the Amended Complaint.<sup>3</sup> *See* Compl. ¶¶2-3; Am. Compl. ¶¶2-3.

12 For the foregoing reasons, the United States opposes the Motion for Proper  
13 Procedure, and requests that it be stricken from the record.

14 Respectfully submitted this 11th day of January, 2010.

15 DENNIS K. BURKE  
16 United States Attorney

17 By: /s/ Alexis V. Andrews  
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21 <sup>2</sup>Styled as a "Notice."

22 <sup>3</sup>Indeed, Trustee Elmer P. Vild acknowledged that the United States had proffered a jurisdictional basis for this action: the United States Code sections set forth in the Complaint, which he referred to as "a mere 'code'" to which Defendants are not subject.

**CERTIFICATE OF SERVICE**

It is hereby certified that service of the foregoing UNITED STATES' RESPONSE IN OPPOSITION TO MOTION FOR PROPER PROCEDURE has been made this 11th day of January, 2010, by placing copies in the United States Mail addressed to the following:

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