

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,)
)
 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

REPLY TO UNITED STATES'
RESPONSE TO ORDER TO SHOW
CAUSE

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 Plaintiff's entire case from the beginning has been "boiler plate smoke and mirrors". The Plaintiff has promulgated nothing but allegations without producing any facts to backup the allegations. In the UNITED STATES RESPONSE TO ORDER TO SHOW CAUSE (hereafter called the "RESPONSE TO ORDER"), the Plaintiff's counsel failed to directly address the issue. The Plaintiff brought up a collateral issue which the Court has not addressed and which has not been decided as yet. The Plaintiff's response was that D L P LT13 was a trust and the Defendant was not a lawyer. The Plaintiff addressed the ORDER TO SHOW CAUSE as if they had already won their UNITED STATES' MOTION TO STRIKE DEFENDANT DLP LT13'S ANSWER AND MOTION TO DISMISS dated December 22, 2009. Such is not the case, and the Court has yet to rule. The Plaintiff cannot respond to the Order with the fact they have a legal point in front of the Court that has not yet been decided. And, if the Court were to allow it, then the Court, following that same line of thinking, could not rule on anything until the Court rules on the Defendant's JURISDICTION CHALLENGED dated October 22, 2009. If the Plaintiff does not prove jurisdiction as the law demands, then all other pleadings filed are void *ab initio* and worthless.

The Court should avoid any hint of impropriety. To rule on the Plaintiff's MOTION TO STRIKE before ruling on other pleadings (including JURISDICTION CHALLENGED) would seem to indicate favoritism towards the Plaintiff and seem to indicate that the Court was letting Washington dictate to this Court. Whose pleadings were more important? This Defendant is confident the Court will not allow this to occur.

The Plaintiff's closing argument is that the Defendant is expected to obtain the Plaintiff's full identity through discovery. No, the U.S. Constitution, that the Defendant has quoted, does not say that a Defendant must wait for long drawn out discovery procedure to determine the identity of the Plaintiff. The Defendant has the absolute right to know who his accusers are from the very beginning so he can properly conduct discovery. How is this Defendant able to direct discovery questions towards his accusers without knowing who they are? In the interest of justice, all live bodies must be produced now. Additionally, Defendant must know who all the accusers are in order to prepare for depositions and to cross-examine live bodies, plus to seek the underlining evidence they may have. This right of the Defendant was never brought out more clearly than in *Melendez-Diaz v. Massachusetts* decided by U.S. Supreme Court on June 25, 2009. This Defendant has stated from the beginning that the Plaintiff was conducting a "fishing trip" lawsuit where the Plaintiff is hoping "bury" the Defendants in Court procedures while ignoring the United States Constitution.

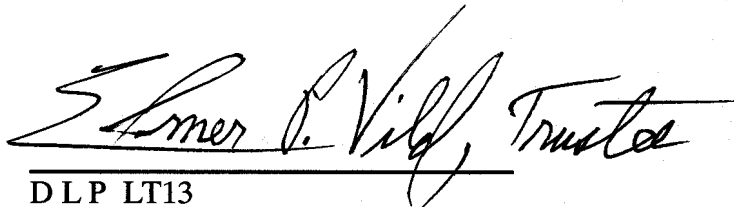
This Defendant just loves certain parts of the Plaintiff's RESPONSE TO ORDER. On page 2, line 8 the Plaintiff states "DLP LT13 Trust's 'belief' that 'there is no legal lawsuit before this Court' is not a legal basis for dismissal." (emphasis added) This Defendant agrees with that analogy 100%. This Defendant also believes that the Plaintiff has just done himself/herself in with that statement.

Please allow this Defendant to explain. The Plaintiff's biggest objection to the Defendant's pleadings is that the Defendant is attempting to represent a "trust" as a *pro se*. The Plaintiffs' response to the Court's "ORDER TO SHOW CAUSE" is based upon the Plaintiff's "belief" that the D L P LT13 entity is a common trust subject to the "trust laws" the Plaintiff quoted. D L P LT13 is not a trust and the Plaintiff's "belief" "is not a legal basis for

dismissal” or to “strike” any pleadings by the Defendant. What is good for the “goose is good for the gander” is the phrase that belongs here. The Plaintiff simply cannot have it both ways. The Plaintiff’s beliefs are no more important than the Defendant’s beliefs. However, there is a definite difference. The Defendant’s beliefs are based upon fact and the Plaintiff’s beliefs are not. The fact is, the Defendant has not seen a signature on any of the Plaintiff’s pleadings. Nothing delivered to the Defendant, thus far, has had a signature on it. Conversely, the Plaintiff has presented no facts upon which to base the Plaintiff’s belief. The Court, therefore, has nothing (no facts) upon which to rule in the Plaintiff’s favor. The Plaintiff is attempting to avoid this Court’s ORDER with off point and collateral issues.

This Defendant requests and prays this Court will order the Plaintiff to name all live body plaintiffs in order for the Defendant to conduct full and proper discovery.

Executed this 8th day of January, 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.

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 8th day of January, 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 8th day of January, 2010 via first class mail to:

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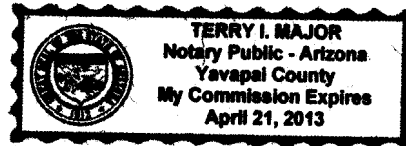
Jimmy Chisum, 84388-008
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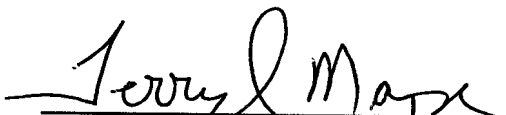
DENISE ANN FAULK
Assistant Attorney General
1275 West Washington St.
Phoenix, AZ 85007-2926

State of Arizona)
) ss.
County of Yavapai)

{Seal}

This document has thus been served.




Terry I. Major, Notary Public