

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
MOTION FOR CONTINUANCE

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.

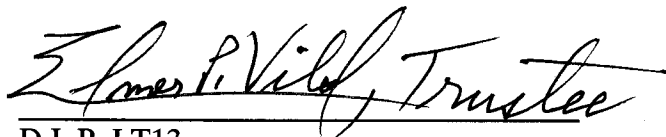
This Defendant D L P LT13, through its trustee, Elmer P. Vild, has received a telephone call from Mexico regarding Defendant Maria D. Forman. Trustee, Elmer P. Vild, was informed that Maria D. Forman will not be returning to the United States as

planned to attend the Conferencing Meetings. Ms. Forman's doctor has forbidden her from being alone without someone to take care of her. Mr. Forman's daughter Dulce was to take care of Maria when she returned to the United States. However, the daughter Dulce takes a vacation at the end of July. Therefore, Maria D. Forman's doctor has forbidden her from returning to the United States until after the end of July, 2010.

Additionally, this Defendant was informed that Mrs. Forman's doctor has written a letter stating his medical opinion that Maria D. Forman is disabled and incapable of handling her own affairs. This letter is on its way to this Defendant and expected to arrive within the next week. Upon the arrival of the doctor's letter it will be immediately forwarded to the Court for examination. This Defendant expects that after the examination of the said letter this Court will be under a duty to follow Rule 17 as previously requested (See Doc. #65) and appoint counsel for defendant, Maria D. Forman.

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.

Respectfully submitted this 15th day of June, 2010.



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 15th day of June, 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 15th day of June, 2010 via first class mail to:

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U.S. Department of Justice
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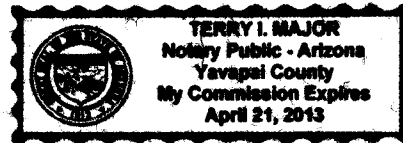
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State of Arizona)
) ss.
County of Yavapai)

{Seal}

This document has thus been served.




Terry I. Major, Notary Public