

Exeter Trinity Properties, L.L.C.
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 Elmer P. Vild is the Tax Matters Trustee
 for the LLC.

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

United States of America,)	CV 10-8142-PCT-JWS
)	
Plaintiff,)	CORRECTED MOTION TO
)	CONTINUE
v.)	
)	(Expedited Ruling Requested)
JOSEPH J. LIPARI, EILEEN H. LIPARI)	
and EXETER TRINITY PROPERTIES,)	
L.L.C.)	
)	
Defendants.)	Honorable John W. Sedwick

COMES NOW Elmer P. Vild, Tax Matters Trustee for the Exeter Trinity Properties, L.L.C. (hereinafter called the LLC or Defendant) and resubmits his September 1, 2010 MOTION TO CONTINUE with its corrected caption. Defendant is 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 would like to bring the Court's attention to the following Judicial Notice submitted by this Defendant.

All officers of this Court are hereby placed on notice under authority of the supremacy and equal protection clauses of the United States Constitution and the common law authorities of *Haines v Kerner*, 404 U.S. 519, *Platsky v. C.I.A.* 953 F.2d. 25 and *Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000) relying on *Willy v. Coastal Corp.*, 503 U.S. 131, 135 (1992), "*United States v. International Business Machines Corp.*, 517 U.S. 843, 856 (1996), quoting *Payne v. Tennessee*, 501 U.S. 808, 842 (1991) (Souter, J., concurring). *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647, *American Red Cross v. Community Blood Center of the Ozarks*, 257 F.3d 859 (8th Cir. 07/25/2001). In re *Haines*: pro se litigants are held to less stringent pleading standards than BAR registered attorneys. Regardless of the deficiencies in their pleadings, pro se litigants are entitled to the opportunity to submit evidence in support of their claims. In re *Platsky*: court errs if court dismisses the pro se litigant without instruction of how pleadings are deficient and how to repair pleadings. In re *Anastasoff*: litigants' constitutional rights are violated when courts depart from precedent where parties are similarly situated. All litigants have a constitutional right to have their claims adjudicated according the rule of precedent. See *Anastasoff v. United States*, 223 F.3d 898 (8th Cir. 2000). Statements of counsel, in their briefs or their arguments are not sufficient for a motion to dismiss or for summary judgment, *Trinsey v. Pagliaro*, D.C. Pa. 1964, 229 F. Supp. 647.

With the above legal premises considered, this Defendant requests that all rulings and Orders issued in the instant case be thoroughly explained in plain English (no Latin or other legal phrases please) and in detail with sufficient clarity for a non-attorney to easily understand.

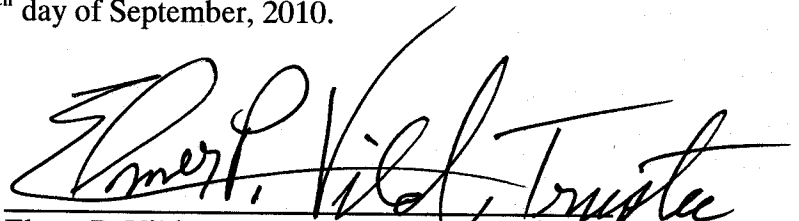
Exeter Trinity Properties, L.L.C., on this same day, has submitted a Motion for a more Definite Statement because Defendant considers the Plaintiff's Complaint deficient and is unable to answer the Complaint properly. If this Defendant sues the United States, the United States has 60 days to file an answer to the Complaint. But, this Defendant is only given 21 to answer a deficient Complaint filed by the United States. On its surface this would seem blatantly unfair.

In addition, it is my understanding that Joseph and Eileen Lipari have not yet been properly served with this instant lawsuit. The United States has delayed filing this lawsuit over 17 years since the property was first transferred on March 24, 1993. A delay of 60 or 90 days at this point should not harm anyone.

The Defendant requests that the Court act without first waiting for the Plaintiff to respond to this Motion to Continue. The 21 day limit would expire while waiting for the Plaintiff to respond to this Motion to Continue. It is the Plaintiff who submitted a deficient Complaint and therefore this Defendant should not suffer having to respond because of the Plaintiff's inattention to details.

With the legal premises express above and the Motion for a More Definite Statement submitted, this Defendant requests that the Court grant this Defendant 30 days to answer this lawsuit after the Plaintiff has answered the items requested by this Defendant in his Motion for a More Definite Statement.

Respectfully submitted this 7th day of September, 2010.


Elmer P. Vild, Trustee & Tax Matters Member

CERTIFICATE OF SERVICE

Original for the Clerk of the Court and one copy for the Honorable John W. Sedwick mailed this 7th day of September, 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 7th day of September, 2010 via first class mail to:

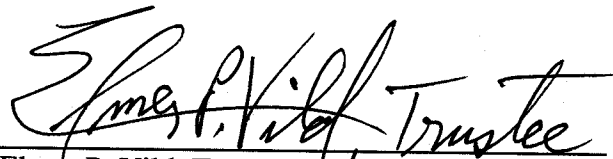
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Two Renaissance Square
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Phoenix, Arizona 85004-4408

Copies not mailed until address is known:

JOSEPH J. LIPARI (NOT MAILED)
ADDRESS UNKNOWN

EILEEN H. LIPARI (NOT MAILED)
ADDRESS UNKNOWN

A handwritten signature in black ink that reads "Elmer P. Vild" followed by the word "Trustee" written in a cursive script.

Elmer P. Vild, Trustee & Tax Matters Member
of Exeter Trinity Properties, L.L.C.