

Nos. 18-4150 and 18-4119

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAPOWER-3, LLC, ET AL

Defendants-Appellants

On Appeal from the United States District Court for the District of Utah
No. 2:15-cv-00828-DN
The Honorable David Nuffer

**APPELLANTS' MOTION TO EXCEED BRIEF WORD LIMIT FOR
APPELLANTS' REPLY BRIEF**

Appellants RaPower-3, LLC, International Automated Systems, Inc., LTB1, LLC, R. Gregory Shepard, and Neldon Johnson (collectively "Appellants") request that this Court allow them to exceed the brief length limits identified in Fed. R. App. P. 32(a)(7) and 28.1(e). In support of this motion, undersigned counsel state as follows:

1. Appellants' Reply Brief was timely filed on May 7, 2019.

2. According to the rule, Appellants are entitled to 6,500 words (one half of the word limit allowed for in a principal brief). Appellants' brief contains 7,388 words, and therefore exceeds the word limitation by 888 words.

3. Having reviewed appellee's brief, Appellants' counsel has made every effort to be succinct and still address the matters raised by Appellee. Appellee's brief is 80 pages, and nearly at the permitted word limit under Fed. R. App. P. 32(a)(7)(B).

4. Appellee added 275 pages of additional Appendix materials, which required review and to be addressed.

5. Differing standards of review have been proposed by Appellee, requiring length and argument that only became necessary because they were inaccurately presented.

6. Appellants believe that each argument is necessary and that significant efforts have been made to reduce the word count.

7. Therefore, Appellants respectfully request this Court allow the additional 888 words.

Respectfully submitted this 9th day of May, 2019.

NELSON SNUFFER DAHLE & POULSEN

/s/ Denver C. Snuffer, Jr.
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Certificate of Compliance

Receivership Estate

Pursuant to paragraph 10 of the Receivership Order (ECF 410) no receivership funds or receivership property was used in the preparation or filing of this document.

By: /s/ Denver C. Snuffer, Jr.
Attorney for Appellants/Defendants (Digital)

**CERTIFICATE OF DIGITAL SUBMISSION AND PRIVACY
REDACTIONS**

I hereby certify that a copy of the foregoing **APPELLANTS' MOTION TO EXCEED BRIEF WORD LIMIT FOR APPELLANTS' REPLY BRIEF**, as submitted in Digital Form via the court's ECF system, is an exact copy of the written document filed with the Clerk and has been scanned for viruses with the Windows Defender (virus scan up to date) and, according to the program, is free of viruses. In addition, I certify all required privacy redactions have been made.

By: /s/ Denver C. Snuffer, Jr.
Attorney for Appellants/Defendants (Digital)

CERTIFICATE OF SERVICE

I, Denver C. Snuffer, Jr., hereby certify that on the 9th day of May, 2019, I served a copy of the foregoing Appellant's Motion for Extension of Time to File and Serve Appellant's Reply Brief to the following in manner indicated:

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