

**DONALD S. REAY (11948)**

43 WEST 9000 SOUTH, SUITE B

SANDY, UTAH 84070

TELEPHONE: (801) 999-8529

FAX: (801) 206-0211

[DONALD@REAYLAW.COM](mailto:DONALD@REAYLAW.COM)

*Attorney for Defendants*

*R. Gregory Shepard and Roger Freeborn*

---

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

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAPOWER-3, LLC, INTERNATIONAL  
AUTOMATED SYSTEMS, INC.,  
LTB1,LLC, R. GREGORY SHEPARD,  
NELDON JOHNSON, and ROGER  
FREEBORN,

Defendants.

**DEFENDANTS R. GREGORY SHEPARD  
AND ROGER FREEBORN  
MOTION TO BIFURCATE**

Civil No. 2:15-cv-00828 DN

**Judge David Nuffer  
Magistrate Judge Brooke C. Wells**

---

DEFENDANTS, R. Gregory Shepard and Roger Freeborn, by and through their counsel of record Donald S. Reay, and hereby move the Court to Bifurcate the case and join in Defendants’ RaPower-3, LLC; International Automated Systems, LLC; LTB1, LLC; and Neldon Johnson *Motion to Bifurcate* filed in this case on or about September 15, 2016 (Docket Entry No. 90) for all the reasons, arguments and authorities found therein and incorporated the same herein by this reference. Wherefore the Defendants R. Gregory Shepard and Roger Freeborn respectfully request this Court bifurcate this case and settle the material, essential matter of whether the technology is viable.

DATED this 3rd day of October, 2016.

/s/ Donald S. Reay

Donald S. Reay

Attorney for Roger Freeborn and  
Gregory Shepard

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document was electronically filed with the Clerk of the Court through the CM/ECF system, which sent notification of such filing to all attorneys to be noticed under this matter as follows:

**2:15-cv-00828-DN-BCW Notice has been electronically mailed to:**

**Christopher R. Moran** christopher.r.moran@usdoj.gov, central.taxcivil@usdoj.gov

**Donald S. Reay** donald@reaylaw.com, Donald@UtahLaw.pro

**Erin Healy Gallagher** erin.healygallagher@usdoj.gov, central.taxcivil@usdoj.gov,  
russell.s.clarke@usdoj.gov

**Erin R. Hines** erin.r.hines@usdoj.gov, central.taxcivil@usdoj.gov

**John K. Mangum** john.mangum@usdoj.gov, CaseView.ECF@usdoj.gov,  
mykel.mason@usdoj.gov

**Justin D. Heideman** jheideman@heidlaw.com, speterson@heidlaw.com,  
sstelmasek@heidlaw.com, wpoulsen@heidlaw.com

DATED this 3rd day of October, 2016.

/s/ Donald S. Reay

Donald S. Reay