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IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1, LLC, R. GREGORY SHEPARD, NELDON JOHNSON, and ROGER FREEBORN, Defendants.	Civil No. 2:15-cv-00828 DN SUPPLEMENT TO MOTION TO COMPEL RAPOWER-3 TO RESPOND TO PLAINTIFF'S FIRST INTERROGATORIES Judge David Nuffer
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On June 21, 2016, the United States filed its motion to compel RaPower-3 to respond to the United States' first interrogatories. (Doc. No. 53). Within hours, RaPower-3 provided responses, (Doc. No. 54; Exhibit B), but RaPower-3's responses are still deficient for the reasons stated below:

1. RaPower-3 did not sign the responses.
2. RaPower-3's responses do not correspond to the interrogatories propounded to it.

The United States propounded 22 interrogatories to RaPower-3. (Doc. No. 53-1.). RaPower-3 provided 18 responses. RaPower-3's responses appear to be a near-copy of the interrogatory responses of its co-defendants, International Automated Systems (IAS), and LTB1, LLC despite the United States issuing different and/or additional interrogatories to RaPower-3.

3. RaPower-3's responses are deficient for the same reasons that the United States noted in its letter of June 2, 2016 to Mr. Justin Heideman, regarding RaPower-3's co-defendants', IAS, LTB1, and Neldon Johnson. (Exhibit C.) Several of RaPower-3's responses are incomplete, non-responsive and improperly invoke the standard protective order.
4. Furthermore, RaPower-3's responses contain objections; any objections RaPower-3 may have had are waived because RaPower-3 failed to timely object. *See Kelatron v. Marlyn Nutraceuticals*, 2013 WL 4498722, at *3 (D. Utah 2013).

Accordingly, the United States requests that the Court:

1. Order RaPower-3 to sign the responses it provided on June 21, 2016 within 7 days.
2. Find that RaPower-3 has waived any objections to the United States' interrogatories and prohibit RaPower-3 from raising any objections in its responses to the United States' interrogatories;
3. Order RaPower-3 to fully answer the United States' first interrogatories in accordance with Fed. R. Civ. P. 33 within 7 days.

Dated: June 27, 2016

/s/ Christopher R. Moran
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**ATTORNEYS FOR THE
UNITED STATES**

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2016, The foregoing document was electronically filed with the Clerk of the Court through the CM/ECF system, which sent notice of the electronic filing to the following:

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