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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

**ORDER RE: DEFICIENCIES IN
RANDALE JOHNSON’S PRODUCTION
OF FINANCIAL RECORDS**

Civil No. 2:15-cv-00828-DN

The Honorable David Nuffer

At the Court’s direction, R. Wayne Klein, the Court-Appointed Receiver (“Receiver”), filed a declaration¹ identifying deficiencies in Randale Johnson’s compliance with the Court’s September 15, 2020 *Order Granting the United States’ Motion for Production of Bank and Retirement Account Records of LaGrand Johnson and Randale Johnson and for Additional Relief (“Records Order”)*.² Randale Johnson filed a response³ and the Receiver filed a reply.⁴

¹ Docket No. 1018, filed October 6, 2020.

² Docket No. 1006, filed September 15, 2020.

³ Docket No. 1020, filed October 8, 2020.

⁴ Docket No. 10__, filed December 24, 2020. The Court directed the Receiver to file a reply and submit a proposed order. Docket No. 1040, filed December 16, 2020.

The Court has reviewed the submissions and based thereon, and for good cause appearing, the Court finds and concludes that Randale Johnson failed adequately to comply with the Records Order. The Records Order required him to deliver the Records Order to financial institutions holding all bank and retirement accounts in his name and to deliver to the Receiver within seven days records showing the account balances of each account as of February 25, 2020. Randale Johnson failed timely to deliver account records for at least four financial institution accounts and failed to deliver the Records Order to those financial institutions so the account balances would be frozen.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. Randale Johnson shall deliver to the Receiver, within 14 days, copies of account records for the Zions Bank #8227 and #9791 accounts for the period from October 2018 to present.
2. Randale Johnson shall deliver the Records Order forthwith to Health Equity and America First Credit Union, with directions to those institutions to freeze account balances and prevent any further disbursements from the accounts.
3. Randale Johnson shall restore, within 14 days, the Health Equity and America First Credit Union accounts to the balances that existed on those accounts at the close of business on March 10, 2020.
4. Randale Johnson shall File a declaration with the Court, within 21 days, certifying compliance with these requirements.

Signed _____, 202_.

BY THE COURT:

David Nuffer
United States District Judge