

JUSTIN D. HEIDEMAN (USB No. 8897)

HEIDEMAN & ASSOCIATES

2696 North University Avenue, Suite 180

Provo, Utah 84604

Telephone: (801) 472-7742

Fax: (801) 374-1724

Email: jheideman@heidlaw.com

Attorney for RaPower-3, LLC; International Automated Systems, Inc.; LTB1, LLC; and Neldon Johnson

**IN THE UNITED STATES DISTRICT COURT
IN AND 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.

**RENEWED NOTICE TO SUBMIT FOR
DECISION
[HEARING REQUESTED]**

Civil No. 2:15-cv-00828 DN

Judge: David Nuffer

Magistrate Judge: Brooke C. Wells

COMES NOW, Defendants RaPower-3, LLC; International Automated Systems, LLC; LTB1, LLC; and Neldon Johnson (“Defendants”), by and through counsel of record of the law firm Heideman & Associates, and resubmit their *Notice to Submit for Decision* pursuant to DUCivR 7-3, to respectfully request the Clerk of the above-entitled Court to submit for decision Defendants’ *Motion to Bifurcate* [Doc. 90].

Defendants filed their *Motion to Bifurcate and Memorandum in Support* [Doc. 90] on September 16, 2016.

Plaintiff filed their *Memorandum in Opposition to Motion to Bifurcate* [Doc. 95] on October 3, 2016.

Defendants filed their *Reply to Response to Motion to Bifurcate* [Doc. 100] on October 17, 2016.

Defendants filed a *Notice of Errata to Reply Memorandum to Motion to Bifurcate* [Doc. 103] on October 21, 2016.

Defendants filed a *Notice to Submit for Decision* [Doc.118] on January 4, 2017.

Defendants declare the matter is ripe for decision and all necessary pleadings are on file with the Court, and request the Court submit this matter for decision. Defendants request a hearing on this motion.

RESPECTFULLY SUBMITTED this 31ST day of January, 2017.

HEIDEMAN & ASSOCIATES

/s/ Justin D. Heideman

JUSTIN D. HEIDEMAN

*Attorney for Defendants RaPower-3, LLC; International
Automated Systems, Inc.; LTB1; and Neldon Johnson*

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
Donald S. Reay donald@reaylaw.com, donald@utahlaw.pro

DATED this 31ST day of January, 2017.

/s/ Wendy Poulsen
Legal Assistant