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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

ORDER GRANTING RECEIVER'S  
NINETEENTH MOTION FOR APPROVAL  
TO CONSUMMATE SETTLEMENT AND  
ORDER PARTIALLY LIFTING FREEZE  
ORDER

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

District Judge David Nuffer  
Magistrate Judge Paul Kohler

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R. Wayne Klein, the Court-Appointed Receiver (the "Receiver"), in the above-captioned case, filed the Nineteenth Motion for Approval to Consummate Settlement with Chapter 7 Trustee and Motion to Partially Lift Asset Freeze Order (the "Motion").<sup>1</sup> In the Motion, the Receiver seeks the approval of a settlement agreement ("Settlement Agreement") related to bankruptcy proceedings involving a defendant in *Klein v. Randale Johnson*, 2:19-cv-00532, an ancillary action pending in this court. The settlement agreement will bring approximately \$8,500.00 in cash into the Receivership Estate along with assets owned by Johnson and rights to seek avoidance of an alleged fraudulent transfer by Johnson. The Motion also seeks a partial lifting of an earlier asset freeze order to allow the settlement agreement to be effectuated.

The Motion contains important details on the settlement and specifies how assets will be divided between the Receivership Estate and the Bankruptcy Estate.

The United States has informed the Receiver that it consents to the relief requested.

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<sup>1</sup>Docket No. \_\_\_\_\_, filed October 27, 2023.

Based on the Motion, and for good cause appearing,

IT IS HEREBY ORDERED that:

1. The Motion is GRANTED;
2. The Settlement Agreement is in the best interest of the Receivership;
3. The Receiver is authorized to enter into the Settlement Agreement for the benefit of the Receivership Estate; and

4. The asset freeze order previously entered by this court in August 2018 (ECF no. 444) and reiterated in September 2020 (ECF no. 1006) is partially lifted as follows:

a. Health Equity is directed to pay to Wayne Klein, Receiver, all funds it is holding in accounts under the name of Randale Johnson.

b. Mountain America Credit Union, America First Credit Union, Zions Bank, and Fidelity Investments are directed to pay to Phillip G. Jones, the Chapter 7 Trustee of the Bankruptcy Estate of Randale Johnson, all funds they are holding in accounts under the name of Randale Johnson.

Signed \_\_\_\_\_, 2023.

BY THE COURT:

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David Nuffer  
United States District Judge