
THE UNITED STATES DISTRICT COURT
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.

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

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”).¹ 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.

Based on the Motion, and for good cause appearing therefor,

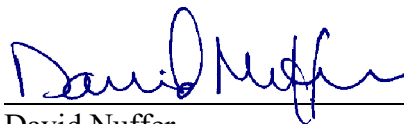
¹Docket No. 1260, filed October 27, 2023.

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 2018² and reiterated in September 2020³ 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.
5. On or before January 12, 2024, the Receiver shall, after meeting and conferring with adverse counsel as appropriate, file a status report in *Klein v. Randale Johnson*, 2:19-cv-00532 outlining the anticipated future course of that litigation.

Signed December 13, 2023.

BY THE COURT:



David Nuffer
United States District Judge

² [Memorandum Decision and Order Freezing Assets and to Appoint a Receiver](#), docket no. 444, filed August 22, 2018.

³ [Order Granting the United States' Motion for Production of Bank and Retirement Account Records of LaGrand Johnson and Randale Johnson and for Additional Relief](#), docket no. 1006, filed September 15, 2020.