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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

**UNITED STATES' AMENDED  
MOTION FOR LEAVE TO FILE  
MOTIONS TO COMPEL DEPOSITION  
TESTIMONY UNDER SEAL**

Judge David Nuffer  
Magistrate Judge Brooke C. Wells

The United States files this amended motion moving the Court for an order permitting it to file motions to compel deposition testimony under seal.<sup>1</sup>

The United States intends to file motions to compel deposition testimony from three individuals: Cody Buck, Ken Oveson, and David Mantyla. The factual support for these motions draws from documents that the defendants and third parties have designated “CONFIDENTIAL” and “CONFIDENTIAL-ATTORNEY’S EYES ONLY” in accordance with the protective order entered in this case.<sup>2</sup> Consistent with the protective order and DUCivR 5-2, and 26-2, the United States requests leave to file these motions, their supporting exhibits, and deposition transcripts under seal. In making this request, the United States does not concede that the designations are proper and reserves the right to challenge them.<sup>3</sup>

The motions to compel deposition will be in accordance with the Court’s Short Form Discovery Motion Procedure and will seek expedited treatment.<sup>4</sup> Accordingly, the United States seeks expedited treatment of this motion.

WHEREFORE, the United States requests leave to file its motions to compel deposition testimony of Cody Buck, Ken Oveson, and David Mantyla under seal.

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<sup>1</sup> The original motion was filed on March 9, 2017. Doc No. 133. The purpose of this amended motion is to seek expedited treatment. Doc. No. 115.

<sup>2</sup> Doc. No. 116.

<sup>3</sup> *Id.* ¶ 8(a).

<sup>4</sup> Doc. No. 115.

Dated: March 10, 2017

Respectfully submitted,

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***ATTORNEYS FOR THE  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 10, 2017, 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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I further certify that I sent the foregoing document to counsel for Cody Buck, Ken Oveson, Dave Mantyla via U.S. Mail:

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