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## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED	STATES	OF	AMERICA,
UNITED	STATES	$\mathbf{O}\Gamma$	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' NOTICE OF CONVENTIONAL FILING REGARDING MOTION TO COMPEL DEPOSITION TESTIMONY OF CODY BUCK, KEN OVESON and DAVID MANTYLA

> Judge David Nuffer Magistrate Judge Brooke C. Wells

Pursuant to DUCivR 5-2(d)(4), the United States files this Notice, that it is filing its

Motion to Compel Deposition Testimony of Cody Buck, Ken Oveson, and David Mantyla under

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seal as of this date in accordance with the Court's Order.<sup>1</sup> Pursuant to the Court's Short Form Discovery Order, the United States seeks expedited treatment of this Motion.<sup>2</sup>

Dated: March 22, 2017

Respectfully submitted,

/s/ Christopher R. Moran CHRISTOPHER R. MORAN New York Bar No. 5033832 Email: christopher.r.moran@usdoj.gov Telephone: (202) 307-0834 ERIN HEALY GALLAGHER DC Bar No. 985760 Email: erin.healygallagher@usdoj.gov Telephone: (202) 353-2452 ERIN R. HINES FL Bar No. 44175 Email: erin.r.hines@usdoj.gov Telephone: (202) 514-6619 Trial Attorneys, Tax Division U.S. Department of Justice P.O. Box 7238 Ben Franklin Station Washington, D.C. 20044 FAX: (202) 514-6770 **ATTORNEYS FOR THE UNITED STATES** 

<sup>&</sup>lt;sup>1</sup> ECF Doc. 135.

<sup>&</sup>lt;sup>2</sup> ECF Doc. 115.

## **CERTIFICATE OF SERVICE**

I hereby certify that on March 22, 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:

Justin D. Heideman HEIDEMAN & ASSOCIATES 2696 North University Avenue, Suite 180 Provo, Utah 84604 jheideman@heidlaw.com ATTORNEY FOR RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1, LLC, and NELDON JOHNSON

Donald S. Reay REAY LAW, PLLC donald@reaylaw.com ATTORNEY FOR R. GREGORY SHEPARD AND ROGER FREEBORN

I further certify that I sent the foregoing document to counsel for Cody Buck, Ken Oveson, and David Mantyla via email (per agreement):

Eric G. Benson RAY QUINNEY & NEBEKER 36 South State Street Suite 1400 Salt Lake City, UT 84111 ebenson@rqn.com ATTORNEY FOR KEN OVESON

> <u>/s/ Christopher R. Moran</u> CHRISTOPHER R. MORAN Trial Attorney