DONALD S. REAY (11948)
43 WEST 9000 SOUTH, SUITE B
SANDY, UTAH 84070
TELEPHONE: (801) 999-8529
FAX: (801) 206-0211
DONALD@REAYLAW.COM
Attorney for Defendants
R. Gregory Shepard and Roger Freeborn

IN THE UNITED STATES DISTRICT COURT FOR 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.	**FREEBORN'S FIRST SUPPLEMENTAL RESPONSE TO UNITED STATES' FIRST INTERROGATORIES TO ROGER FREEBORN** Civil No. 2:15-cv-00828 DN **Judge David Nuffer** **Magistrate Judge Brooke C. Wells**

Defendant Roger Freeborn hereby supplements his responses to the United States' First Interrogatories to Roger Freeborn by adding the below supplemental answers in red to the numbered paragraphs of the requests as follows:

PRELIMINARY STATEMENT

1. Defendant's investigation into all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Defendant's right to rely on other facts or documents at trial.

14. Defendant incorporates by reference every general objection set forth above into each specific response set forth below. A specific response may repeat a general objection for emphasis or some other reason. The failure to include any general objection in any specific response does not waive any general objection to that request. Moreover, Defendant does not waive its right to amend its responses.

OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

15. Defendant objects to Definition No. 16 of the **United States First Interrogatories to Roger Freeborn** regarding "document" or "documents" to the extent that it purports to impose obligations greater than those set forth in the Federal Rules of Civil Procedure. Defendant further objects to Definition No. 16 to the extent that it calls for documents protected from disclosure by the attorney-client privilege, deliberative process privilege, attorney work product doctrine, or any other applicable privilege.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

Specific Requests as Numbered

INTERROGATORIES

1. **REQUEST:** Identify all entities in which you have an ownership interest, including the name of the entity, the ownership percentage, the address of the entity and the business in which the entity is engaged.

OBJECTION: This Interrogatory request information that has no relevance to this matter. Without waiving any objection or privilege, Defendant Responds as follows:

RESPONSE: NONE

15. **REQUEST:** Identify each instance in which a customer complained that the customer was not receiving adequate rental income from their Lens or Lenses.

RESPONSE: I have never heard anyone ever complain.

16. **REQUEST:** Identify all attorneys or other tax advisors you consulted or from whom you received tax advice regarding any Lens, System or Component, including the dates consulted, the dates any advice was received, and the form of the advice (*i.e.*, oral, email, memoranda, opinion letters, other written correspondence, etc.).

OBJECTION: Defendant reiterates and restates each Objection from above, and adds that this Interrogatory requests information subject to privilege, including attorney work product. Defendant requests the protective order matter be settled prior to allowing the Plaintiff any such access or information. Defendant reserves the right to supplement this (and every other) Response. Without waiving any privilege, Defendant responds as follows:

RESPONSE: Relied upon the letters from Anderson Law Center dated August 8, 2012, from Kirton McConkie dated October 31, 2012, and from Hansen, Barnett & Maxwell on August 15, 2005.

VERIFICATION

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that I have read the foregoing Responses, which are based on a diligent and reasonable effort by me to obtain information currently available. I reserve the right to make changes in or additions to any of these answers if it appears at any time that errors or omissions have been made or if more accurate or complete information becomes available. Subject to these limitations, these Responses are true to the best of my present knowledge, information, and belief.

Executed this 17th day of May 2016.

/s/ Roger Freeborn
Roger Freeborn, signed electronically by Donald Reay with permission.