

JUSTIN D. HEIDEMAN (USB No. 8897)  
**HEIDEMAN & ASSOCIATES**  
2696 North University Avenue, Suite 180  
Provo, Utah 84604  
Telephone: (801) 472-7742  
Fax: (801) 374-1724  
Email: [jheideman@heidlaw.com](mailto:jheideman@heidlaw.com)  
*Attorney for RaPower-3, LLC,*  
*International Automated Systems, Inc.,*  
*LTB1, and Neldon Johnson*

---

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

---

UNITED STATES OF AMERICA,

*Plaintiff,*

vs.

RAPOWER-3, LLC, *et al*,

*Defendants.*

**MOTION TO WITHDRAW AS  
COUNSEL FOR DEFENDANTS'  
RAPOWER-3, LLC,  
INTERNATIONAL AUTOMATED  
SYSTEMS, INC., LTB1, LLC, AND  
NELDON JOHNSON**

Case No. 2:15-CV-00828 DN

Judge: Honorable David Nuffer  
Magistrate Judge Evelyn J. Furse

---

Pursuant to DUCivR 83-1.4, Justin D. Heideman, and the law firm Heideman &

Associates ("Counsel"), hereby moves to withdraw as counsel for:

Client Name: RaPower-3, International Automated Systems, LTB1, and Neldon Johnson  
Address: 490 South Sherwood Drive, Delta, Utah 84624  
Telephone: (801)369-5951  
Email: [glendaejohnson@hotmail.com](mailto:glendaejohnson@hotmail.com)

The reasons for withdrawal are as follows:

1. Defendants RaPower-3, International Automated Systems, LTB1, and Neldon Johnson

have terminated the services of Heideman & Associates and Justin Heideman.

Defendants have indicated they will be hiring new counsel to represent them in this matter.

2. In the event this motion is granted, Client or new counsel for Client must file a notice of appearance of counsel within twenty-one (21) days after entry of the order permitting withdrawal of counsel, unless otherwise ordered by the Court.
3. Pursuant to Utah DUCivR 83-1.3, no corporation, association, partnership, limited liability company or other artificial entity may appear pro se, but must be represented by an attorney who is admitted to practice in this Court.
4. This Motion is made without the Client's written consent and Counsel certifies that the client has been served with a copy of this Motion.
5. Counsel undersigned certifies that no trial date has been set and there are not any hearings presently set.
6. The most recent Scheduling Order is attached hereto as Exhibit 1.
7. There is presently one pending Motion in this matter, DOC 163 Plaintiff's *renewed Motion to Compel Todd Anderson to produce documents and Memorandum in Support* which was filed by Plaintiff on May 18, 2017.
8. This matter is still in discovery, which fact discovery deadline is presently set for June 2, 2017. There are multiple depositions scheduled prior to the June 2, 2017 deadline.
9. A proposed order is attached hereto and has been submitted in word format by email to the presiding judge in this case.

**Certification**

Counsel hereby certifies that a copy of this Motion for Withdrawal of Counsel, and attached exhibits, has been sent to the Clients at the address indicated above as well as to all other parties to this case as indicated in the Certificate of Service below.

DATED and SIGNED May 19, 2017.

**HEIDEMAN & ASSOCIATES**  
/s/ Justin D. Heideman  
JUSTIN D. HEIDEMAN  
Attorney for Defendants

**CERTIFICATE OF MAILING**

On this May 19, 2017, I hereby certify a true and correct copy of the forgoing **MOTION TO WITHDRAW AS COUNSEL** was served on the following:

<b>Party/Attorney</b>	<b>Method</b>
<i>Attorney for Defendants</i> Donald S. Reay Reay Law PLLC 43 W 9000 S Ste B Sandy, Utah 84070 Tele: (801) 999-8529 Email: <a href="mailto:donald@reaylaw.com">donald@reaylaw.com</a>	Hand Delivery U.S. Mail, postage prepaid Overnight Mail Fax Transmission <u>X</u> Electronic Filing Notice
<i>Pro Hac Vice Attorney for Plaintiff</i> Erin Healy Gallagher Christopher R. Moran US Department of Justice (TAX) Tax Division P.O. Box 7238 Washington, DC 20044 Phone: (202) 353-2452 Email: <a href="mailto:erin.healygallagher@usdoj.gov">erin.healygallagher@usdoj.gov</a>	Hand Delivery U.S. Mail, postage prepaid Overnight Mail Fax Transmission <u>X</u> Electronic Filing Notice
<i>Pro Hac Vice Attorney for Plaintiff</i> Erin R. Hines US Department Justice Central Civil Trial Section RM 8921 555 4 <sup>th</sup> St NW Washington, DC 20001 Tele: (202) 514-6619 Email: <a href="mailto:erin.r.hines@usdoj.gov">erin.r.hines@usdoj.gov</a>	Hand Delivery U.S. Mail, postage prepaid Overnight Mail Fax Transmission <u>X</u> Electronic Filing Notice

**Heideman & Associates**  
/s/ Samantha Fowlks  
SAMANTHA FOWLKS  
Legal Assistant