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*Attorney for Defendants*

*R. Gregory Shepard and Roger Freeborn*

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**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF UTAH**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

RAPOWER-3, LLC, INTERNATIONAL  
AUTOMATED SYSTEMS, INC.,  
LTB1, LLC, R. GREGORY SHEPARD,  
NELDON JOHNSON, and ROGER  
FREEBORN,

Defendants.

**DEFENDANTS R. GREGORY SHEPARD  
AND ROGER FREEBORN JOINDER TO  
DEFENDANTS'  
MOTION TO STRIKE [173]**

Civil No. 2:15-cv-00828 DN

**Judge David Nuffer  
Magistrate Judge Brooke C. Wells**

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DEFENDANTS, R. Gregory Shepard and Roger Freeborn, by and through their counsel of record Donald S. Reay, and hereby join in Defendants' RaPower-3, LLC; International Automated Systems, LLC; LTB1, LLC; and Neldon Johnson *Motion to Strike* filed in this case on or about May 26, 2017 (Docket Entry No. 173) for all the reasons, arguments and authorities found therein and incorporated the same herein by this reference. Wherefore the Defendants R. Gregory Shepard and Roger Freeborn respectfully request this Court, pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, strike from Plaintiff's Complaint any and all reference to

the viability of the solar technology in light of this Court's order denying bifurcation (Doc. 158) entered on April 21, 2017.

DATED this 8th day of June, 2017.

/s/ Donald S. Reay  
Donald S. Reay  
Attorney for Roger Freeborn and  
Gregory Shepard

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document was electronically filed with the Clerk of the Court through the CM/ECF system, which sent notification of the electronic filing to all counsel of record.

DATED this 8th day of June, 2017.

/s/ Donald S. Reay  
Donald S. Reay