

JOHN W. HUBER, United States Attorney (#7226)  
JOHN K. MANGUM, Assistant United States Attorney (#2072)  
111 South Main Street, Ste. 1800  
Salt Lake City, Utah 84111  
Telephone: (801) 524-5682  
Email: john.mangum@usdoj.gov

ERIN HEALY GALLAGHER, *pro hac vice*  
DC Bar No. 985670, erin.healygallagher@usdoj.gov  
ERIN R. HINES, *pro hac vice*  
FL Bar No. 44175, erin.r.hines@usdoj.gov  
CHRISTOPHER R. MORAN, *pro hac vice*  
NY Bar No. 5033832, christopher.r.moran@usdoj.gov  
Trial Attorneys, Tax Division  
U.S. Department of Justice  
P.O. Box 7238  
Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 353-2452

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

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

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

Defendants.

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Civil No. 2:15-cv-00828-DN-EJF

**ORDER GRANTING UNITED  
STATES' EXPEDITED MOTION TO  
TAKE CERTAIN DISCOVERY  
OUT OF TIME**

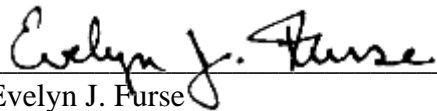
Judge David Nuffer  
Magistrate Judge Evelyn J. Furse

Upon consideration of the United States' motion to take certain discovery out of time, IT IS HEREBY ORDERED THAT the motion is GRANTED as follows:

1. The United States shall depose Defendants LTB1, LLC, International Automated Systems, Inc., RaPower-3, LLC, and Neldon Johnson during the week of June 26, 2017, on a schedule set by counsel for the United States.
2. If the Court grants the United States' motions to compel regarding Kenneth Birrell and/or Todd Anderson, the United States shall take any ordered deposition on or before October 6, 2017, at a date and time set by counsel for the United States upon reasonable consultation with all counsel.
3. If the Court grants the United States' motion to compel regarding Cody Buck, Ken Oveson, and/or David Mantyla, the United States shall take any ordered deposition on or before October 6, 2017, at a date and time set by counsel for the United States upon reasonable consultation with all counsel, and:
  - a. The United States shall take the deposition of Richard Jameson on or before October 6, 2017, at a date and time set by counsel for the United States upon reasonable consultation with all counsel.
  - b. If permissible under 26 U.S.C. § 6103(h)(4), the United States shall produce certain tax returns prepared by Jameson for Defendants' customers no later than two weeks after taking Jameson's deposition.
4. If the District Court for the Northern District of Texas grants the United States' motion to compel the deposition of John Howell:

- a. The United States shall take Howell's deposition on or before October 6, 2017, at a date and time set by counsel for the United States upon reasonable consultation with all counsel.
- b. If permissible under 26 U.S.C. § 6103(h)(4), the United States shall produce certain tax returns prepared by Howell for Defendants' customers no later than two weeks after taking Howell's deposition.

DATED this 15<sup>th</sup> Day of June, 2017.

  
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Evelyn J. Furse  
United States Magistrate Judge