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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.

**DEFENDANTS R. GREGORY SHEPARD
AND ROGER FREEBORN JOINDER TO
DEFENDANTS' REPLY**

RE

MOTION TO STRIKE [173]

Civil No. 2:15-cv-00828 DN

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

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 *Reply to Motion to Strike* filed in this case on or about June 23, 2017 (Docket Entry No. 198) 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 23rd 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 23rd day of June, 2017.

/s/ Donald S. Reay
Donald S. Reay