

**DONALD S. REAY (11948)**

43 WEST 9000 SOUTH, SUITE B

SANDY, UTAH 84070

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FAX: (801) 206-0211

[DONALD@REAYLAW.COM](mailto:DONALD@REAYLAW.COM)

*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.

**MOTION TO WITHDRAW AS ATTORNEY  
FOR DEFENDANTS**

Civil No. 2:15-cv-00828 DN

**Judge David Nuffer  
Magistrate Judge Evelyn J. Furse**

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COMES NOW, Donald S. Reay, attorney at law, and respectfully moves the Court for an Order allowing him to withdraw as the attorney for Defendants, R. Gregory Shepard and Roger Freeborn.

The grounds for the motion are as follows:

Pursuant to Local Rule DUCivR 83-1.4, this motion includes endorsements, attached hereto as Exhibits "1" and "2" that are signed by the Defendants indicating that they have been advised of the time and date and will be prepared for trial.

Counsel further certifies the Defendants have been fully notified of the existing scheduling order, which features all the deadlines and the trial date. The Defendants have both previously conference with me and I advised them of the status of the case.

Defendants have been advised of all pending discovery issues. They have been advised of the necessity to appear or appoint new counsel within twenty-one (21) days of any order allowing withdrawal.

Defendants' have been advised that although the scheduling order designates a trial date, in Counsel's view, the trial date may be rescheduled and may be continued based on a host of reasons between now and the end of the discovery periods and dispositive motions in this case.

Further, Defendants' have been advised of the risks and possibilities of sanctions, monetary and otherwise, if they do not respect the scheduling order and/or answer any discovery requests.

Furthermore, Defendants' have been advised to secure the services of another attorney to assist in their defense in this case.

Defendants' last known addresses are as follows:

Roger Freeborn  
P.O. Box 1616  
Estacada OR 97023

Gregory Shepard  
858 Clover Meadow Drive  
Salt Lake City, UT 84123

For the foregoing reasons Counsel respectfully requests he be allowed to withdraw from the matter.

DATED this 17th day of August, 2017.

/s/ Donald S. Reay  
Donald S. Reay

**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. I certify that a copy of this document was mailed, postage pre-paid, to the following:

**Roger Freeborn  
P.O. Box 1616  
Estacada OR 97023**

**Gregory Shepard  
858 Clover Meadow Drive  
Salt Lake City, UT 84123**

DATED this 17th day of August, 2017.

/s/ Donald S. Reay  
Donald S. Reay

EXHIBIT “1”

**DONALD S. REAY (11948)**

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*Attorney for Defendants*

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Plaintiff,

v.

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

Defendants.

**CONSENT OF DEFENDANT TO  
WITHDRAWAL OF ATTORNEY FOR  
DEFENDANTS**

Civil No. 2:15-cv-00828 DN

**Judge David Nuffer  
Magistrate Judge Evelyn J. Furse**

DEFENDANT, R. Gregory Shepard, hereby direct Donald S. Reay to withdraw as my attorney of record in case number 2:15-cv-00828 DN in the United States District Court for the District of Utah, Central Division. I have been advised of the time and date and will be prepared for trial.

DATED this 15 day of August, 2017.

  
R. Gregory Shepard

EXHIBIT “2”

**DONALD S. REAY (11948)**

43 WEST 9000 SOUTH, SUITE B

SANDY, UTAH 84070

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***Attorney for Defendants***

***R. Gregory Shepard and Roger Freeborn***

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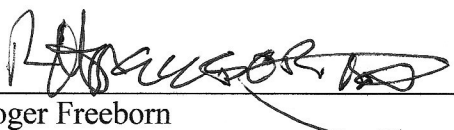
**CONSENT OF DEFENDANT TO  
WITHDRAWAL OF ATTORNEY FOR  
DEFENDANTS**

Civil No. 2:15-cv-00828 DN

**Judge David Nuffer  
Magistrate Judge Evelyn J. Furse**

DEFENDANT, Roger Freeborn, hereby direct Donald S. Reay to withdraw as my attorney of record in case number 2:15-cv-00828 DN in the United States District Court for the District of Utah, Central Division. I have been advised of the time and date and will be prepared for trial.

DATED this 17 day of August, 2017.

  
Roger Freeborn