

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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**ORDER GRANTING UNITED  
STATES' MOTION TO DEPOSE  
RICHARD JAMESON OUT OF TIME**

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

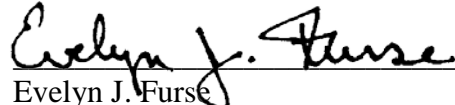
Judge David Nuffer  
Magistrate Judge Evelyn J. Furse

Upon consideration of the United States' expedited motion to take the deposition of Richard Jameson out of time (ECF No. 229), IT IS HEREBY ORDERED THAT the motion is GRANTED. Defendants could have asked to delay Mr. Jameson's fact deposition until after disclosure of his expert report to reduce the inconvenience and cost of two depositions. They did not do so. Therefore, the Court will permit the United States to depose Mr. Jameson on his anticipated expert testimony and the disclosed expert report.

The deposition of Richard Jameson, for purposes of discovery regarding the report disclosed by Defendants R. Gregory Shepard and Roger Freeborn on September 28, 2017, shall take place telephonically, no later than January 31, 2018, at a time and date set by agreement of the parties. The deposition shall not exceed four hours, and the United States shall not re-ask questions already posed. The Court strikes all prior objections asserted to questions posed to Mr. Jameson based on the lack of designation as an expert, given he is now designated.

The parties shall call the Court during the deposition if an issue related to this Order arises and cannot be resolved among the parties (ECF No. 115 ¶ 10).

DATED: March 25, 2017.

  
Evelyn J. Furse  
United States Magistrate Judge