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

UNITED STATES OF AMERICA, :
Plaintiff, : Civil No.
2:15-cv-00828-DN-EJF
-v- :
RAPOWER-3, LLC, INTERNATIONAL :
AUTOMATED SYSTEMS, INC., Deposition of:
LTB1, LLC, R. GREGORY : NELDON JOHNSON
SHEPARD, NELDON JOHNSON, and
ROGER FREEBORN, :

Defendants. :

Place: UNITED STATES
ATTORNEY'S OFFICE
111 South Main Street
Suite 1800
Salt Lake City, Utah 84111

Date: June 28, 2017
9:10 a.m.

Reporter: Vickie Larsen, CSR/RMR

A P P E A R A N C E S

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Also Present:
Tom Mancini
Glenda Johnson

-oOo-

Plaintiff Exhibit
579

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June 28, 2017 9:10 a.m.

P R O C E E D I N G S

NELDON JOHNSON,
called as a witness, having been duly sworn,
was examined and testified as follows:

MS. HEALY-GALLAGHER: All right. We're on the record in the case of the United States v. RaPower-3, et al., on June 28th, and we're starting at approximately 9:10 a.m.

My name is Erin Healy-Gallagher of the U.S. Department of Justice's Tax Division, appearing on behalf of the United States.

Counsel, would you please make your appearance.

MR. SNUFFER: My name is Denver Snuffer, and I'm on behalf of Mr. Neldon Johnson today.

It's my understanding that there is a protective order that's in place in this case, and it's also my understanding that whatever the scope of the questions are today, that the protective order would apply to the testimony of this witness.

And I haven't seen the protective order, haven't read it, but I discussed it with the client

and I know that there is one, and I think it's applicable.

MS. HEALY-GALLAGHER: Well, there are provisions in the protective order for invoking it, so that's up to you at your discretion.

Mr. Don Reay is not present today. He represents R. Gregory Shepard and Roger Freeborn.

And, Mr. Snuffer, am I correct you also represent International Automated Systems, RaPower-3, LLC, and LTB1, LLC?

MR. SNUFFER: Right. All of -- all of those parties. But today's deposition is, as I understand it, of Neldon Johnson individually.

MS. HEALY-GALLAGHER: That's correct.

MS. HINES: Erin R. Hines, also appearing on behalf of the United States.

MS. HEALY-GALLAGHER: And we have Christopher Moran on the phone.

Also present with us in the room are Dr. Tom Mancini and Mrs. Glenda Johnson.

All right. This deposition will be governed by the Federal Rules of Civil Procedure and the rules of the District of Utah.

The exhibits will be marked and kept here for the course of this week of depositions, after

which time they'll go with the court reporter.

And we'll address any other stipulations as the need arises.

EXAMINATION

BY MS. HEALY-GALLAGHER:

Q. Would you please, sir, state your name and address for the record.

A. Yes. Neldon Paul Johnson, and my mailing address is 2730 West 4000 South, Oasis, Utah.

Q. Is that your home address or simply where you receive mail?

A. That's where I receive the mail.

Q. Would you give me the city and state of your home address.

A. I don't know it. I never use it. Do you want me to ask my wife and see what my address is?

MR. SNUFFER: If you don't know, you don't know.

THE WITNESS: I don't know the address.

Q. BY MS. HEALY-GALLAGHER: Do you know what county you live in?

A. What is it? Millard County? Yeah, Millard County.

Q. Utah, yes?

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A. Millard County, Utah.
Q. Yes?
A. Yes, uh-huh.
Q. As I just said, my name is Erin Healy-Gallagher, and I'll be taking your deposition today.
A. Okay.
Q. Have you ever been deposed before?
A. Yes.
Q. We'll talk about those depositions in a bit. For right now, I'd like to cover the ground rules for this deposition. You may have discussed this with Mr. Snuffer, but I find it's helpful that we get on the same page right at the front end.
In this deposition I will ask you questions. My questions and your answers will be recorded by the court reporter that we have here next to us. So you need to speak loudly enough for her to hear you and answer my questions verbally.
Do you understand?
A. Uh-huh. Yes, I do.
Q. For example, the court reporter cannot record a nod or a shake of the head, and words like uh-huh or huh-uh are not -- do not create a good transcript.

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A. Utah, it's going to be a real problem for us.
Q. Well, I will --
A. I'm just joking.
Q. I will let you know if I need a different answer.
A. I'm just being funny. I shouldn't do that. I'm sorry.
Q. Okay. We also have a tendency, in casual conversation, to speak over one another. For example, to start answering a question before it's finished being asked. In this context here, please wait until I'm finished asking my question before you start your answer.
A. I will. Thank you.
Q. When I do finish asking each question, your task for today is to give full and complete answers.
Do you understand that obligation?
A. Yes, I do.
Q. It's my obligation to ask understandable questions to you. So if you don't understand a question for any reason, please let me know and I'll try to ask a better one.
Will you do that?

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A. Yes.
Q. Occasionally, another attorney may object to a question that I ask. The objection is simply to make a note on the record. So unless your attorney instructs you not to answer to protect a privilege, you need to go ahead and answer my question.
Do you understand?
A. Yes, I do.
Q. Sometimes it will happen that you may give an answer as completely as you can, but then later on, whether it's a couple minutes or a couple of hours later, you may remember additional information or different information that would clarify or correct a previous answer.
When that occurs, if it occurs, please let me know and we'll just clear up the record right then.
Will you do that?
A. Yes. Thank you.
Q. And I'll also try to give you some opportunities for that throughout the course of the day.
A. Okay.
Q. And when you're answering a question, if you think that there's a document or some documents

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that may help you remember the correct answer, please let me know and we'll see if we have them here.
A. Okay.
Q. I'll try to remember to break every 90 minutes or so, but if you need a break at any time, please let me know.
The only thing that I will ask is that if there's a question pending, you must complete your answer to the question before we take a break.
Do you understand?
A. Yes, I do. Thank you.
Q. All right. Mr. Johnson, we're here today to get as accurate a record as we can of the facts of the case as you know them. So I have to ask if there's anything that would prevent you from understanding or answering my questions with the full capacity of your recollection today?
A. I don't believe so.
Q. Okay. Are you taking any drugs or medications of any kind that might interfere with your memory?
A. No.
MR. SNUFFER: You do have a cold today, though; right?
THE WITNESS: Yeah, but I don't take any

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1 medication for it.
2 MR. SNUFFER: Okay.
3 THE WITNESS: I just -- it's just a light
4 -- it's just a little light snuffling and sniffles, or
5 whatever. I hope it's not contagious, but I don't
6 know.
7 Q. BY MS. HEALY-GALLAGHER: Are you
8 currently under a doctor's care for any illness?
9 A. No, I'm not.
10 Q. Is there any other reason you can think
11 of why you may not be able to answer my questions
12 fully and accurately today?
13 A. No, I don't believe so.
14 Q. Have you had anything alcoholic to drink
15 in the last eight hours?
16 A. No.
17 You sound like my bishop now.
18 Q. Mr. Johnson, what's your date of birth?
19 A. January 31, 1946.
20 Q. To prevent me from having to do math, how
21 old does that make you today?
22 A. 71 years old. Almost as old as he -- oh,
23 no, not even close.
24 Q. Are you married?
25 A. I am.

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1 Q. To whom?
2 A. Glenda E. Johnson.
3 Q. Do you have any children?
4 A. I have four children. Three boys, one
5 daughter.
6 Q. And actually real quick, how long have
7 you been married to Mrs. Johnson?
8 A. Going to get me in trouble. What, 16, 17
9 -- 16 years? Almost -- yeah, it's over 16 years;
10 right? 16 years, yeah.
11 Q. Were you married before Mrs. Johnson --
12 the current Mrs. Johnson?
13 A. I was married before, yes.
14 Q. To whom?
15 A. Ina Marie Jolly Johnson.
16 Q. How long were you married to her?
17 A. 37 years.
18 Q. Any other marriages besides to the two
19 women you've identified --
20 A. No.
21 Q. -- already?
22 A. No.
23 Q. Let's go to your children. What are
24 their names?
25 A. First one is Donnel, D-O-N-N-E-L, Paul

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1 Johnson. LaGrand Todd Johnson. Randale -- I can't
2 think of his middle name -- oh, no, it's Donnel Robert
3 Johnson, and it's Randale Paul Johnson. And Brenda
4 Marie Johnson.
5 When you get older you get a little
6 senile, so it's okay.
7 Q. Are you under a doctor's care for any --
8 A. No.
9 Q. -- mental condition?
10 A. No, I'm just teasing. I just -- I just
11 got the two names mixed up.
12 Q. Have any of your children ever gone by
13 any other names?
14 A. No.
15 Q. Have you ever gone by any other name?
16 A. No.
17 Q. Mr. Johnson, one of the depositions that
18 you have given was to the Securities Exchange
19 Commission; correct?
20 A. It is, correct, yes.
21 Q. All right. And in that deposition you
22 went through some of your education and background.
23 Do you remember that?
24 A. Probably not. It's been a long time ago.
25 Q. Okay. I'm just prefacing that by saying

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1 I'm going to pick up where they left off, because we
2 already have that information from that deposition.
3 A. Okay.
4 Q. I'm going to start us at about 2001 --
5 A. Okay.
6 Q. -- which is when that deposition was
7 taken.
8 And I'm going to ask: Have you had any
9 formal education on any topic from 2001 to the
10 present? For example, a degree program, a certificate
11 program?
12 A. I think I was in -- I got my pilot's
13 license. I think that's -- was through, I think, a
14 college, but I'm not positive. There was some college
15 credits involved, but I'm not sure. But I don't
16 believe I've done anything else. I can't think of
17 anything.
18 Q. Have you had any formal education in the
19 area of solar energy technology?
20 A. No, huh-uh.
21 Q. Had you had any education in the field of
22 solar energy technology before 2001?
23 A. No, I haven't.
24 I take that back. When I was in college,
25 in my first years of college, we -- they were just

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1 changing from -- from tube technology to solid state,
2 and I was one of the first classes to learn solid
3 state technology.
4 And in that we used some photovoltaic
5 systems that were being early developed, and some of
6 those, I think, were copper sulfate or copper --
7 copper -- I can't think of the name.
8 It was -- it wasn't copper sulfate. It
9 was -- but it was a copper solar energy that was just
10 coming out, and then we were just exploring
11 photovoltaic at the time. So it's been a long time
12 ago.
13 Q. Approximately what year was that?
14 A. '64 -- '64, I believe. 1964.
15 Q. Any other education in solar energy
16 technology besides what you just described?
17 A. No, I haven't had any.
18 Q. Since 2001 have you had any education of
19 any kind in the field of federal taxation?
20 A. No, I have not.
21 Q. Before 2001 had you had any education in
22 the field of federal taxation?
23 A. Well, we -- I probably took -- had taken
24 some business classes during my tenure in college.
25 I'm not positive, but it seemed like in some of the

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1 business classes there was some information on some
2 taxations. But I'm not -- it's been such a long time
3 ago, I really can't be sure.
4 Q. About when would that have been?
5 A. '64, something like that.
6 Q. Any other education on federal taxation,
7 other than those classes you mentioned around 1964?
8 A. No, I haven't. I did develop a program.
9 Q. That's okay, Mr. Johnson. If it's not an
10 education, the question is complete.
11 A. Okay.
12 Q. Since 2001 -- withdraw that.
13 Since 2001, have you been an employee of
14 any other person or entity?
15 A. I'm considered an employee of, I think,
16 International Automated Systems, RaPower, Cobblestone
17 Central, BLT, DCL16 something, Solstice, XSun --
18 Q. I'm sorry?
19 A. Solstice.
20 Q. Could you spell that, please.
21 A. Probably not. I -- I think it's
22 S-O-L-I-C-E [sic], but I'm not positive. And I think
23 that's all. I'm not sure, really, I'm an employee. I
24 don't get paid, so is that -- is that considered
25 employee?

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1 Q. I'll ask that question.
2 Do you receive a Form W-2 from any of the
3 entities that you identified?
4 A. No. I -- I think -- no, I don't think
5 so. I don't think I get...
6 Q. Okay. We'll talk about those entities in
7 a moment.
8 Mr. Johnson, do you recognize the e-mail
9 address Neldon@IAUS.com?
10 A. Yes. That's my -- that's my personal
11 e-mail system, I think, yeah.
12 Q. That's your e-mail address?
13 A. Yes. That's my e-mail address, yes.
14 Q. And do you recognize the e-mail
15 address -- I'm sorry, let me take -- let me withdraw
16 that.
17 So if people want to contact you, they
18 can reach you at Neldon@IAUS.com?
19 A. Well, if I look at it. I don't normally
20 even pay much attention to it, unless somebody tells
21 me to look at something. And if they do, then I'll
22 look at it. But normally I don't -- I don't spend
23 much time looking at the system.
24 If you e-mail me and you didn't tell me,
25 chances are you wouldn't get a response.

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1 Q. Do you recognize the email address
2 GlendaEJohnson@hotmail.com?
3 A. That's my wife's e-mail.
4 Q. What about the e-mail address
5 RJ@IAUS.com?
6 A. I believe that's my son Randy. Randy
7 Johnson's.
8 Q. Mr. Johnson, have you ever published any
9 papers or books on solar energy technology?
10 A. Well, I -- I've written quite a bit for
11 the website. Would that be considered a publication?
12 Q. Which website is that?
13 A. For International Automated Systems.
14 Q. Has anything you've written ever been
15 subject to peer review?
16 A. Yeah, I think so.
17 Well, I don't know how you classify peer
18 -- peer review, but we've had white papers where we've
19 hired people to come and evaluate and get their
20 assessment as a -- as professionals in their fields.
21 Q. Mr. Johnson, are you familiar with the
22 process of submitting a paper to a journal, for
23 example, that is peer reviewed?
24 A. I don't know. I don't know what that
25 process would be.

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1 Q. Have you ever submitted any of your
2 writings to a journal to be peer reviewed by that
3 journal?
4 A. I don't know. I was invited to speak at,
5 I think, the Royal Academy of Sciences in London.
6 Q. Mr. Johnson, that's not my question.
7 A. I don't know what the question is, then.
8 MS. HEALY-GALLAGHER: Could you read back
9 my question.
10 (The record was read as follows:
11 "Q. Have you ever submitted any of
12 your writings to a journal to be peer
13 reviewed by that journal?")
14 THE WITNESS: No, I don't believe I have.
15 Q. BY MS. HEALY-GALLAGHER: Have you ever
16 submitted anything you've written to any other person
17 or entity for peer review?
18 A. Other than just the patent office. Is
19 that -- would that be considered a peer review of some
20 sort?
21 Q. If that's your answer, that's your
22 answer.
23 A. I'm not sure it is. I don't know what it
24 is. I know I've done a lot of patents and that's -- I
25 guess that would be a peer review of the technology,

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1 so in that -- in that -- if -- if that's true, then,
2 yes, then I have -- I have submitted a number of --
3 lots of patents.
4 Q. Mr. Johnson, have you submitted any of
5 your writing to anywhere other than the patent office,
6 to any other person or entity for peer review?
7 A. Well, there again, you're talking
8 about --
9 Q. Mr. Johnson --
10 A. -- you're talking about a journal.
11 Q. -- the answer is yes or no. I'm not
12 talking about a journal.
13 A. Well, then you're talking about, like, if
14 I submitted a -- if there was a group of higher
15 people, such as Stanford University.
16 The dean of Stanford University did --
17 did some reviews on -- on some of my equipment. I
18 think MIT did some. And I think that -- I'm not sure
19 MIT, but I think that's correct.
20 But then BYU did some peer reviews on
21 some of my technology. Some other entities that were
22 professional in the field of -- of lens --
23 professional to evaluate the lens, the solar lens that
24 we developed.
25 And then there were peer reviews by some

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1 people that worked for -- I believe they worked for
2 NASA. They were -- they were doctors. There was
3 three, I think. Three professionals that evaluated
4 the turbine.
5 Q. So I'm going to --
6 A. And --
7 Q. I'm going to ask you to stop there for a
8 second and we're going to revisit some of these folks.
9 Who at Stanford, Mr. Johnson? The name
10 of the person at Stanford.
11 A. I don't remember his name. He was just
12 the dean of the -- like, the dean department.
13 Q. Did that person provide you anything in
14 writing in response to what you submitted?
15 A. Yes, he did. Yes.
16 Q. What did he provide?
17 A. He provided the explanation of his
18 interpretation of what was presented, and he felt like
19 that I was accurate in what I presented, and I think
20 he said it would be viable technology.
21 Q. Mr. Johnson, do you have that writing
22 from this person at Stanford?
23 A. I don't, no.
24 Q. When did you receive that writing from
25 this person at Stanford?

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1 A. It was a long time ago. It was before
2 19- -- it was before 2001. It was -- I think it was
3 about in the 19 -- early -- mid-1990s, actually. Been
4 quite a while ago.
5 Q. So you do not have the writing that this
6 person from Stanford provided to you?
7 A. The SEC does. So if you need it, they
8 probably have it.
9 Q. Okay. MIT --
10 A. I don't keep those things.
11 Q. Mr. Johnson, the person at MIT. Who was
12 that?
13 A. It wasn't me that did that. I think it
14 was BYU that gave it to them, but I'm not positive how
15 that relationship --
16 Q. So, Mr. Johnson, please listen to my
17 questions and answer them.
18 If you don't know the person at MIT, you
19 can just say "I don't know."
20 A. Okay.
21 Q. So I'm going to ask you again: Who is
22 the person at MIT to whom you or someone else
23 submitted a writing or technology for their review?
24 A. I don't know.
25 Q. Who is the person at BYU to whom -- well,

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1 let me ask you this: Is there just one person at BYU
2 to whom you or someone else has submitted information
3 about your technology?
4 A. Well, no. There was -- there was
5 different technology submitted to BYU. And I don't
6 know exactly the procedure, but the last one was the
7 dean -- I think the dean of electrical engineering
8 department at BYU.
9 Q. Okay. We'll stop you right there.
10 How many people at BYU do you think have
11 reviewed your writings or your technology?
12 A. Boy, I don't know. There was a group
13 there at one time. There was -- I don't know. It was
14 three or four. I don't -- at least three or four, I
15 imagine.
16 Q. Okay. What were their names?
17 A. I don't know.
18 Q. When did these people review anything you
19 wrote or your technology?
20 A. Well, the first group was right around, I
21 think, in 2000 or 2001.
22 Q. I'm going to stop you there for a second.
23 You said "the first group." Who was in
24 that group?
25 A. I don't know. I don't know the names,

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1 but there was -- there were several of them.
2 Q. And you said that was in 2000 to 2001?
3 A. Somewhere around there. 2001, yeah.
4 Q. Did that group provide any writing in
5 response to what you submitted?
6 A. No, that group didn't, I don't believe.
7 Q. Did there come a time when there was any
8 other information or technology submitted to anyone at
9 BYU?
10 A. Not that I -- not on -- not on -- not --
11 not in 2001, no, I don't believe so.
12 Q. Since then?
13 A. Yeah, I believe so. I believe Dave
14 Nelson submitted some information to some BYU...
15 Q. When?
16 A. It was in -- I don't know exactly when.
17 It was after we got the patent on the project, so
18 would be about 2010 or '12. I don't know. I can't
19 remember.
20 Q. 2010 or 2012 you say?
21 A. Well, it was in between -- in between
22 those dates. I'm not -- it may have even been after
23 that. So I'm not positive just the dates. I don't
24 know.
25 Q. Do you have any idea what it is that

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1 David Nelson submitted to BYU at some point between
2 2010 and 2012?
3 A. Yeah. It was the electronic voltage --
4 DC voltage control form.
5 Q. And David Nelson is one of your
6 attorneys; correct?
7 A. He's the patent attorney, yeah.
8 Q. For this technology, which he may have
9 submitted to someone at BYU.
10 Do you know the names of the person at --
11 person or persons at BYU who reviewed it?
12 A. I don't remember names like that. I have
13 a hard time with names.
14 Q. Did you receive anything in writing in
15 response from any folks at BYU about your technology?
16 A. Yes. We had a white paper given to us by
17 the person at BYU.
18 Q. Do you still have that white paper?
19 A. Yes, somewhere. I'm sure. Dave has it
20 at least, so it's -- it's -- it's -- you probably have
21 it. I'm quite sure you do.
22 Q. Has any of your writing or technology
23 been submitted to BYU, other than these two times
24 we've discussed?
25 A. I don't know. We met -- also we met with

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1 the dean of the college of U- -- of UVU over our
2 technology in that --
3 Q. Excuse me, sir. Is that BYU?
4 A. No, it's UV- --
5 Q. Okay. I'm asking about BYU right now.
6 So has there been any other time that you
7 have submitted technology or writing to BYU, other
8 than the two times you've already identified?
9 A. There may have been. They -- they may
10 have come down and visited the site and may -- they
11 may have received --
12 Q. Why do you think they may have visited
13 your site?
14 A. We get -- we get hundreds of people visit
15 with us, and some of those people represent themselves
16 as having been to various colleges or universities.
17 Q. Have you had --
18 A. So we don't -- but we don't keep track of
19 them.
20 Q. So do you have names of anyone at BYU --
21 from BYU who have visited your site?
22 A. I don't have, no.
23 Q. All right. Mr. Johnson, other than the
24 time that something was submitted in 2000-2001, or
25 David Nelson may have submitted some of your

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technology to BYU, have you, or anyone else on your behalf, submitted any other writings or technology to BYU for review?
A. Not that I'm aware of, no.
Q. Okay. Mr. Johnson, what is UVU?
A. Utah Valley University, I think.
Q. And you believe you may have submitted your writings or technology to UVU at some point?
A. Yeah. They invited me over, so we had two, three, four meetings over there. And they had -- one of the group there was the head of the department over the solar energy department at -- and another one was over the electrical engineering department, I believe, in automation robotics. And the dean of the college there was also there.
Q. When was that?
A. Not positive, but it was just a few years back. Been three, four years back, something like that. But I don't remember the dates.
Q. What were the names of the people that you met with at UVU?
A. I don't remember who they are.
Q. Did anyone from UVU provide you with any written evaluation --
A. No.

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Q. -- of your technology?
A. No. We didn't -- didn't ask for that.
There was one other -- there's one other time that we did have some peer reviews on my technology, twice, and that was by the -- by the United States Government.
So it was quite a while ago. We were invited -- I was invited back to -- to Washington D.C. to discuss one of our technologies, and they had --
Q. I'm going to stop you right there, Mr. Johnson, for a quick second.
What agency?
A. That's what I was going to say. There were several agencies there present. There was...
Q. I'm sorry, sir. Which agency invited you?
A. I'm not sure now. I think it was NSA, but I'm not sure.
Q. Do you have a name of the person who invited you?
A. No, I don't, but -- but...
Q. Do you have any names of the people that you met with there?
A. No. I didn't keep track of them.
Q. Did anyone from the U.S. Government, on

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this visit, provide a written evaluation of any of your technology or writings?
A. No, I don't think so. But there were six of the best scientists in the whole country there, supposedly.
Q. I'll object to the responsiveness of the answer.
Sir, when was this that you went to Washington at the invitation of...
A. It was -- it was before 2000, but I don't remember the time. I don't remember the exact date.
Q. Did you ever go back?
A. I went back, yes.
Q. How many times?
A. They -- they -- they went -- I went back there one time and then they came -- brought their group out to my offices one time.
Q. Do you have any names of any person with whom you met or who visited your offices?
A. No, I don't -- I didn't keep track of anything like that.
Q. You mentioned NASA. When, Mr. Johnson, did you submit any technology or writings to NASA?
A. Well, they were -- there was a whole group of people at the time.

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Q. I'm sorry, sir. When?
A. I don't know the date. That's what I'm saying. But it wasn't just NSA, it was also CIA, the -- somebody from the FBI, somebody from the Department of Energy, somebody from the Department of Defense, and six scientists.
Q. Mr. Johnson, so when you said earlier that NASA had reviewed some of your technology or writings, was NASA included in this meeting with the --
A. Yes.
Q. -- U.S. Government you described?
A. Yes.
Q. Yes?
A. I believe so. There were other groups that they didn't even mention who they were. They were names that -- that I wouldn't have recognized anyway, but...
Q. So, Mr. Johnson, other --
A. There was a group of them.
Q. Mr. Johnson, other than that meeting with the U.S. Government, did you ever submit any of your technology or writings to NASA separately?
A. No. They didn't -- they had it all -- it was all together. It was all done in the same

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1 meeting.
2 Q. Mr. Johnson, you said that somebody at
3 BYU provided a white paper in response to David
4 Nelson's submission. Have you received any other
5 white papers from any other people or entities?
6 A. Yeah. There was -- I think there was,
7 like I said, people from -- that were specialists in
8 the field of -- of optics. There was a specialist in
9 the field of -- of thermodynamics, rocket scientists,
10 mechanical engineering.
11 So we had -- yeah, there was -- there had
12 been, I think, several white papers from those areas.
13 Q. Okay. Mr. Johnson, who's the optics
14 specialist who provided you a white paper?
15 A. I don't know who the name of the people
16 were. It's listed somewhere, but I don't have it.
17 Q. When did you receive this white paper
18 from the optic specialist?
19 A. I don't know. It was about 2005 or 2007,
20 something -- between 2005 and 2007. I'm not sure
21 exactly the date.
22 Q. Mr. Johnson, what's the name of the
23 thermodynamic specialist who provided you a white
24 paper?
25 A. I don't -- I don't know the names. The

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1 names are on the white paper themselves, but I don't
2 -- I don't remember the names.
3 Q. When did you receive the white paper from
4 the thermodynamic specialist?
5 A. Seems like in the early 2000s, but I'm
6 not sure the dates on this.
7 Q. Mr. Johnson, when did you receive the
8 white paper from the rocket scientist?
9 A. It was in the -- it was between the dates
10 of 2002 and 2005, I think. But I'm not sure the date.
11 Q. And what was that person's name?
12 A. I don't know.
13 Q. And what about the mechanical engineer
14 specialist? What's that person's name?
15 A. I don't know who they are. I don't know
16 the names.
17 Q. And approximately when did you receive
18 the white paper from the mechanical engineer
19 specialist?
20 A. Between 2002 and 2007 -- or '5. I'm not
21 sure.
22 Q. All right. Mr. Johnson, we're going to
23 run through some questions about some entities.
24 And with respect to these entities, I'll
25 ask it in each question, but -- we'll just carry on.

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1 Mr. Johnson, you're familiar with a
2 company called International Automated Systems, Inc.;
3 correct?
4 A. Yes, I am.
5 Q. Okay. And I understand that people call
6 it both IAUS and IAS.
7 Is that your understanding?
8 A. It's -- it's -- excuse me -- it is -- can
9 I have just a little drink of water there. Yeah, I
10 apologize.
11 IAS is the acronym that's used to
12 identify, you know, the company, International
13 Automated Systems.
14 IAUS is the stock symbol of the company.
15 And some people refer to it as IAUS because of the
16 stock symbol. But that's not something that we do,
17 actually.
18 Q. Oh, okay. So your preferred acronym is
19 IAS?
20 A. Right.
21 Q. We may see both of those today.
22 A. Right, exactly. But you understand why
23 they -- why they identified it that way.
24 Q. Sure.
25 A. Okay.

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1 Q. And you mentioned the IAUS is what's on a
2 stock ticker. So IAS is owned by shareholders;
3 correct?
4 A. That's correct. It's a public
5 corporation.
6 Q. What's your percentage of ownership in
7 IAS?
8 A. Probably 80 percent, or something in that
9 neighborhood.
10 Q. And that's of the preferred stock or
11 generally?
12 A. It's just the general ownership. It's
13 the voting -- voting rights.
14 Q. What, if any, percentage of IAS is owned
15 by the NPJ Family Partnership?
16 A. Well, actually, that's -- I apologize. I
17 don't -- I don't own it. It's -- it's actually owned
18 by the -- it's actually owned by -- by the partner.
19 It's a family trust of some sort.
20 It's a -- I think -- but I think that
21 it's been -- I think that's been transferred now to --
22 the ownership's been transferred to two other
23 companies. One is called Starlight, and the other
24 one's Blacknight, and they each own half.
25 So I don't own -- I don't own anything,

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1 actually. I don't -- I personally don't own any of
2 IAS's stock at all.
3 Q. So just to make sure I understand
4 correctly.
5 A. Right.
6 Q. Previously the NPJ Family Partnership had
7 owned about 80 percent of the IAS stock?
8 A. That's correct, yes.
9 Q. But your understanding is that now --
10 A. It's been --
11 Q. -- two different companies --
12 A. -- split, yes.
13 Q. -- have split that 80 percent ownership;
14 correct?
15 A. Right, yes.
16 Q. And one company is called Starlight and
17 one company is called Blacknight?
18 A. I think -- I believe that is correct.
19 Q. Do you know if the split is even between
20 them?
21 A. I believe that it is.
22 Q. And do you know where Starlight is
23 incorporated?
24 A. I think they're in new -- Nevis.
25 Q. Nevis? N-E-V-I-S?

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1 A. I think so, yeah.
2 Q. What about Blacknight? Where is it
3 incorporated?
4 A. Same. Nevis. Nevis.
5 Q. Who owns Starlight?
6 A. It's owned by the family. It's a fam- --
7 the same group that owned the NPJ Trust or the same
8 group that owned the two other companies.
9 Q. What two other companies?
10 A. The Starlight and Black -- Blacknight, I
11 believe.
12 Q. Okay. So, to your understanding,
13 Starlight is owned by the NPJ Family Partnership?
14 A. No. The same people own -- that owned
15 the trust own the -- the new trust. They just -- they
16 just transferred into two entities, and then they
17 wanted two entities rather than one.
18 Q. Okay. And who are those people?
19 A. I think they're my two sons, Randale
20 Johnson and LaGrand Johnson. And I, myself, own --
21 own -- I think I own 10 percent --
22 Q. Does --
23 A. -- membership.
24 Q. To your knowledge, does anyone other than
25 you, Randale Johnson, or LaGrand Johnson own

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1 Starlight?
2 A. I think that's -- that's all that owns
3 that, yes.
4 Q. And, to your knowledge, the only owners
5 of Blacknight are yourself, Randale, and LaGrand
6 Johnson?
7 A. I believe that's correct, yes.
8 Q. Does the NPJ Family Partnership still
9 exist?
10 A. I believe it still exists, but I don't
11 think it has any assets in it. I'm not positive about
12 that, but -- I'm not sure.
13 Q. Mr. Johnson, IAS has a website that's
14 identified as IAUS.com; is that correct?
15 A. That is correct, yes.
16 Q. Who is responsible for maintaining that
17 website?
18 A. Myself.
19 Q. And who writes the content for the
20 website?
21 A. I write -- I write a lot of it, and then
22 I have it reviewed by some other -- other people
23 review it, but I -- I do most of the writing for that.
24 Q. Who else might do writing, if not you?
25 A. They wouldn't understand the tech- --

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1 nobody understands the technology but me, so I would
2 have to be the one to write it.
3 Q. Okay.
4 A. But I have it reviewed, you know, to make
5 -- for accuracies and...
6 Q. Who reviews it?
7 A. Just the -- the board of directors, the
8 -- my son Randy, my son LaGrand. There may be other
9 people that I use, but that's the basic ones. But the
10 content is basic -- what I do. I should say
11 "basically," I apologize.
12 You got to review everything I say and
13 then I can say it accurately so when I look at these
14 depositions, like, who in the devil would speak like
15 that? It's crazy, isn't it?
16 Q. And my understanding, Mr. Johnson, is
17 that IAS owns certain technology that it licenses to
18 RaPower-3?
19 A. Actually, the -- the -- actually, they
20 don't own any technology. What they do is they
21 license the technology from the -- the Starlight and
22 Blacknight on an exclusive license.
23 Q. Okay. We'll come back to that in a
24 second.
25 Does IAS have employees?

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1 A. Just myself, I believe, right now. Yeah.
2 And I'm -- I don't really know if I'm an employee,
3 but, yeah.
4 Q. So then -- and my question is: If IAS is
5 going to take action, are you the person to take that
6 action?
7 A. Yes, yes. I'm the only one that does it,
8 actually. That and the board of directors, you know,
9 that control the company.
10 Q. Who's on the board of directors?
11 A. Oh, man, you would ask that.
12 MR. SNUFFER: I'm going to object to the
13 extent it calls for testimony about IAS, whose
14 deposition will be later this week.
15 If you know, you can answer.
16 THE WITNESS: I'm trying to think of the
17 names. Curtis Snow and...
18 MRS. JOHNSON: It's not Curtis. It's
19 Stacey.
20 MS. HEALY-GALLAGHER: It's okay. If you
21 don't know, you don't know. That's fine.
22 THE WITNESS: Okay. Yeah, I went to a
23 party one time, okay, and -- or a group where I -- a
24 professional group there, and somebody asked my name
25 as I walked in. I says, hold on a minute, I got to go

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1 ask somebody. It was embarrassing, wasn't it? It was
2 terrible.
3 MS. HEALY-GALLAGHER: This will be 507,
4 please.
5 (Exhibit 507 was marked for identification.)
6 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson,
7 you've been handed a copy of what's been marked as
8 Plaintiff's Exhibit 507. Please go ahead and take a
9 look at that document. Feel free to review it and let
10 me know when you're ready.
11 A. Okay. I'm ready.
12 Q. Okay. Mr. Johnson, IAS has a yearly
13 reporting requirement to the U.S. Securities and
14 Exchange Commission; correct?
15 A. No, it doesn't.
16 Q. No?
17 A. No. We're -- we're -- it's -- it's not a
18 requirement. We're -- we as a voluntarily --
19 volunteer -- volun- -- okay. Say the word for me.
20 Voluntary. It's voluntary on our part to submit these
21 documents.
22 Q. And Plaintiff's Exhibit 507 is IAS's Form
23 10-K for the fiscal year ending June 30, 2016;
24 correct?
25 A. That's correct, uh-huh.

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1 Q. Would you take a look, please, at Page 32
2 of 41.
3 A. 32, 41 -- or 31, 41, okay. 32. Okay.
4 32's on the --
5 Q. There we go.
6 A. Oh, there we go. Blaine Phillips. Okay.
7 Q. Okay. So you're recognizing other
8 directors of IAS on this form; correct?
9 A. Correct.
10 Q. Okay. And at the top of the signature
11 list, here we see that this page is the signature page
12 for the 10-K; right?
13 A. Right.
14 Q. And your name is signed electronically at
15 the top; correct?
16 A. Correct.
17 Q. So you signed this 10-K?
18 A. I did.
19 Q. Mr. Johnson, if there are other Form
20 10-Ks available for IAS on the SEC's website, would
21 you have any reason to believe that those are not
22 accurate copies of what you submitted to the SEC?
23 A. I hope they are accurate, yes.
24 Q. Any reason to believe that they're not
25 accurate copies of what you submitted?

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1 A. No. They should be accurate, yes.
2 Q. Okay.
3 A. Absolutely accurate.
4 Q. Mr. Johnson, you're familiar with the
5 company called RaPower-3, LLC?
6 A. Yes, I am.
7 Q. Who owns RaPower-3, LLC?
8 A. I think it's DCL16. They -- I think, but
9 I'm not exactly positive, but I think that's who.
10 Q. Did you say that's DCL16A?
11 A. I think so.
12 Q. Who owns that entity?
13 A. I think that's owned by Starlight or
14 Blacknight, and I'm not positive.
15 Q. Does RaPower-3 have any employees?
16 A. None that get paid, so I don't --
17 Q. What do you mean by that?
18 If you don't know, Mr. Johnson, just say
19 you don't know. Please don't look at your wife for
20 answers.
21 A. Okay. I -- I -- I do not believe -- I do
22 not believe that they have any what you'd call
23 employees. So I'm not -- I don't think so. I'm not
24 positive, but I don't think so.
25 Q. RaPower-3 is an LLC; correct?

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A. That's correct, yes.
Q. So who are the members of the LLC?
A. RaPower, I think, is -- DCL16, I think, is the members. I may have some ownership in it. I may have 10 percent. But I think the major owner is DCL16A. And I haven't -- in order to be accurate, I'd have to review the, you know, the documents, you know, the legal documents, but...
Q. Who's the manager of RaPower-3, LLC?
A. That I can tell you. That's myself.
Q. So when RaPower-3 acts, it acts through you; correct?
A. Yes. Yes, it does. When I'm acting as the manager. So I don't know that there's a distinction between what you just said.
Q. I'll ask you this: When RaPower -- like, does RaPower-3 act through anyone else?
A. No. No. But I just don't know the distinction of what -- of what you -- of how you classified your statement. And I just wanted to make that clear that while I -- while I'm acting as a manager of RaPower, I'm acting as -- as the manager.
Q. Sure. Maybe --
A. Not in -- not in behalf of myself.
Q. Sure. Maybe -- maybe this will help

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clarify.
A. Okay.
Q. When -- who gets to make the decisions on behalf of RaPower-3?
A. Well, it's the manager of RaPower-3, which I am then the manager. But I'm not acting at that point in time for and behalf of myself.
Q. Does anyone, other than you, make decisions on behalf of RaPower-3?
A. There again, the statement "you" is confusing. Am -- if you're referring to you as a manager --
Q. Mr. Johnson --
A. I know, but I know it's -- I know it's -- but my mind works that way, I'm sorry. Because it takes the details and looks at them very closely. And so when you say "you," if you're referring to me as the manager, then, yes, then I am the one who makes the decisions.
If you're referring to me as the individual, then, no. Or if you're referring to me as the CEO of International Automated Systems, then, no. See?
Q. So, Mr. Johnson, does anyone else make decisions for RaPower-3?

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A. No. Only the manager. Yes.
Q. And the manager is you?
A. The manager is myself, yes.
Q. Mr. Johnson, what relationship, if any, does R. Gregory Shepard have with RaPower-3, LLC?
A. He is an independent salesperson.
Q. What relationship, if any, does the -- does Shepard Global have with RaPower-3, LLC?
A. As far as -- I assume nothing more than what I just explained. That's their only -- their only sales people that are part of an MLM marketing company.
Q. Okay. Does Mr. Greg Shepard have the authority to make decisions on behalf of RaPower-3?
A. No.
Q. Mr. Johnson, who owns RaPower-3.com?
A. I believe that's Greg Shepard's website, but it's not owned by RaPower-3, nor is it associated as any control by RaPower-3, the LLC.
Q. What about RaPower-3.net?
A. I believe it's the same. We don't -- RaPower-3 does not own a website in behalf of itself.
Q. So, to your knowledge, Greg Shepard is responsible for RaPower-3.net?
A. Not -- we have a letter written to him by

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Dave which he signed indicating that he is totally responsible for any of the content that's placed upon that website.
Q. Do you have a copy of that letter?
A. I don't have, but it's in the -- it's -- Dave Nelson has it. So if you don't have it, you can get one.
Q. Do you know when that letter was written?
A. Several years ago. I don't know the exact date, no.
Q. Do you know why it was written?
A. Yes, I do.
Q. Why is that?
A. Because we asked if certain information would be not put up on his website. And then he, without consulting me -- and he said he would do what he wanted to. It was his. So I had to write a letter stating that fact.
Q. All right. Let's back that up a little bit.
What information are you talking about that he put on the website without your permission?
A. Two letters. The -- supposedly the tax opinion letter written by McConkie and Anderson. I didn't want -- I didn't want that information out.

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1 Q. Do you remember approximately when that
2 was?
3 A. I don't know. When I -- I didn't know it
4 was out until I -- it was made aware of me through
5 some other entity. But I -- I think it was 2011,
6 2012, but I'm not positive.
7 Q. How did you come to learn that
8 Mr. Shepard had posted a Kirton McConkie memorandum
9 and Anderson letter on his website?
10 A. I think some other individual brought my
11 attention to it about that time.
12 Q. How did Mr. Shepard get those documents?
13 A. Well, he probably got them from me, but I
14 -- he was never authorized to go out on to the
15 websites.
16 Q. Is there any way he could have gotten
17 those documents other than from you?
18 A. I don't know that he could have done.
19 Q. Was there any other content that
20 Mr. Shepard posted on his website that you did not
21 want out there?
22 A. There probably was certain things that I
23 asked him not to -- to put out in the way that he put
24 the things out, yes.
25 Q. What was that?

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1 A. I don't remember what they were, but they
2 -- there were probably a number of items that I
3 disagreed with.
4 Q. But you can't remember what those items
5 are?
6 A. Not specifically, no.
7 Q. Since this incident when Mr. Nelson wrote
8 the letter to Mr. Shepard, what, if anything, have you
9 done to monitor what Mr. Shepard says on his websites
10 about your companies?
11 A. I tell him that I don't think some things
12 are appropriate is all. But I don't know what they
13 were. I can't remember.
14 Q. So have you reviewed the websites
15 occasionally to see what he's saying?
16 A. I -- I hardly ever -- I don't think I've
17 ever even looked at it, actually. Other people tell
18 me what's up there. I don't usually -- I don't -- I
19 don't really have a lot of time to spend doing that
20 kind of stuff. I have a full plate.
21 Q. Who tells you about what Mr. Shepard
22 posts?
23 MR. SNUFFER: Objection. Hearsay.
24 THE WITNESS: I don't know. I just --
25 just people will tell me things and I'll say, well,

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1 I'll see what I can do to talk to him.
2 But I don't -- specifically I don't
3 know -- I don't have -- I don't have -- I have not
4 designated a particular individual to monitor.
5 Every -- every person that sells for us
6 is entitled to a website of their own, so anybody that
7 is a salesperson could put out a website. Some do,
8 some don't. I don't know. I've never looked at it.
9 But we don't -- we have -- we try -- we
10 put out specific things in -- in the -- I think in the
11 -- in the document that -- that allows them to do
12 certain things with websites, and hopefully they stay
13 within those guidelines.
14 But we don't have anybody specifically to
15 monitor those.
16 Q. BY MS. HEALY-GALLAGHER: Have there been
17 any other occasion that you've written a letter to
18 Mr. Shepard telling him to take information off of his
19 website?
20 A. I've never -- I don't -- I don't
21 personally write those kind of letters. I -- I would
22 go through an attorney whenever I do anything like
23 that.
24 Q. Has there ever been an occasion --
25 another occasion when you've asked an attorney to do

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1 that?
2 A. I don't believe I have, but I'm not
3 positive that I haven't either. So I don't...
4 Q. Mr. Johnson, you -- well, let me ask you
5 this: What, if anything, do you know about an entity
6 called RaPower Web, LLC?
7 A. I don't know anything about it, actually.
8 Q. What about an entity that's called
9 RaPower, LLC?
10 A. I'm not sure about that one either. I'm
11 not familiar with it. Not right off the top of my
12 head.
13 Q. What about an entity called RaPower
14 Three, with the "three" spelled out --
15 A. There --
16 Q. -- LLC?
17 A. I'm not familiar with the -- I may know
18 -- I may have documentation somewhere, but it's not --
19 it's not something that I would -- that I recognize.
20 Q. Mr. Johnson, are you familiar with an
21 entity called Cobblestone Center?
22 A. I am.
23 Q. Who owns that entity?
24 A. I think it's DCL16A, but I'm not --
25 without the documentation, I'm not positive. I may

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1 only gain 10 percent.
2 Q. Do you know what kind of entity that is?
3 A. Just an LLC.
4 Q. Who's the manager of Cobblestone Center?
5 A. I'm the manager of Cobblestone Center.
6 Q. Does Cobblestone Center have any
7 employees?
8 A. Yes, they do.
9 Q. About how many employees?
10 A. I think it's about 30.
11 Q. Who runs the daily operations for
12 Cobblestone Center?
13 A. I do, as the manager of Cobblestone
14 Center.
15 Q. Who makes decisions on behalf of
16 Cobblestone Center?
17 A. I do.
18 Q. Does anyone else make decisions on behalf
19 of Cobblestone Center?
20 A. No.
21 Q. What does Cobblestone Center, LLC do?
22 A. They are the manufacturing facility --
23 they're the -- the company that actually manufactures
24 the solar energy project.
25 Q. What, if any, role, Mr. Johnson, does

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1 Mrs. Glenda Johnson play for Cobblestone Center?
2 A. She's not actually an employee of
3 Cobblestone Center, so she doesn't do anything.
4 Q. Mrs. Johnson does not perform any work on
5 behalf of Cobblestone Center?
6 A. She does it in behalf of myself, and I
7 ask her to do things for me.
8 Q. What do you ask her to do?
9 A. She -- she takes care of the paper.
10 Q. Anything else?
11 A. No, that's about it.
12 Q. What role does Mrs. Johnson have with
13 respect to RaPower-3?
14 A. She basically -- there again, she's not
15 an employee, but she -- she works -- she does things
16 when I ask her to do them, and basically she takes
17 care of the -- the bookkeeping of the system, but not
18 -- she doesn't act as an employee.
19 Q. What, if anything else, does she do other
20 than bookkeeping?
21 A. That's about it. That's about all she
22 does.
23 Q. What, if any, role does Mrs. Johnson play
24 with respect to IAS?
25 A. None.

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1 Q. She doesn't perform any work?
2 A. She writes checks for me. Again,
3 bookkeeping. But she doesn't -- there again, not as
4 an employee, just as a favor to me.
5 Q. Does Mrs. Johnson --
6 A. And I don't pay her, either.
7 Q. Does Mrs. Johnson do anything other than
8 writing checks and engage in bookkeeping for IAS?
9 A. No.
10 Q. Okay. Now we're going to turn to the LTB
11 entities.
12 A. Okay.
13 Q. And there are a few involved here, so I
14 want to make sure I understand the distinctions.
15 A. Okay.
16 Q. Are you familiar with a company called
17 LTB, LLC?
18 A. I do.
19 Q. Who owns LTB, LLC?
20 A. I don't know. I don't know. I can find
21 out, but I don't know.
22 Q. Who is the manager for LTB, LLC?
23 A. I am. Neldon Johnson is.
24 Q. So you make decisions on behalf of LTB,
25 LLC?

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1 A. I do.
2 Q. Does anyone else make decisions on behalf
3 of LTB, LLC?
4 A. No.
5 Q. When was LTB, LLC incorporated?
6 A. I don't know. I really --
7 Q. Do you have a rough idea?
8 A. I don't know. About 2007 -- about 2000
9 -- I don't -- just right around 2007, but I'm not
10 positive.
11 Q. Since 2007, have you been the sole
12 decision maker for LTB, LLC?
13 A. I can't answer that for positive, but I
14 -- from my recollection, I believe I am, yes.
15 Q. Do you have any reason to believe that
16 anyone else made decisions on behalf of LTB since
17 2007?
18 A. I don't know. I -- I'm not -- I'm not
19 really positive, but I'm just -- just saying that
20 there may have been -- been somebody else, but I can't
21 remember.
22 Q. Who might that person have been?
23 A. I think it would have been Chris Taylor,
24 but I'm not positive. I'm not positive of that.
25 Q. Anyone else?

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A. No.
Q. What is the business purpose of LTB, LLC?
A. The only purpose is to operate the power plant when it -- when the power plant is selling power. It's to regulate the sales of power, mostly, and to maintain the -- the power plant when it's in operation.
Q. Mr. Johnson, to your knowledge, has LTB, LLC ever operated a power plant?
A. No, it has not.
(Exhibit 508 was marked for identification.)
Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, I'm handing you what's been marked as Plaintiff's Exhibit 508. For the record, the Bates number of this document is Ra3009201.
Would you take a look at that document and let me know when you've had a chance to review it.
A. Okay.
Q. Do you recognize this document, Mr. Johnson?
A. I don't really, but I can read it, yes.
Q. Okay. So this is a profile of LTB, LLC.
Do you see that?
A. Uh-huh.
Q. Yes?

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A. Yes, I see that.
MRS. JOHNSON: Where did this come from?
MS. HEALY-GALLAGHER: Let's go off the record, please.
(There was a discussion held off the record.)
MS. HEALY-GALLAGHER: Back on the record, please.
Q. All right. Mr. Johnson, we're taking a look at what's been marked as Plaintiff's Exhibit 508, and you've had a chance to take a look at that document; is that correct?
A. That's correct.
Q. Now, let's take a look real quick. This is, like we said, a profile of LTB, LLC, and the description there says:
"A power generating company formed to operate International Automated Systems, Inc., IAS proprietary solar thermal and bio burner power plants."
A. Yes. I am familiar with that part of it, yes.
Q. Okay. And it identifies manager/member Chris Taylor.
Do you see that?
A. I -- yes, I do.

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Q. And that's the Chris Taylor you mentioned earlier?
A. That is correct.
Q. Okay. Do you have an understanding of what Mr. Taylor's background is or was?
A. No, I do not.
Q. Okay. Do you know if Mr. Taylor had any experience operating any solar energy plant?
A. I know he did not, no. He did not have that experience.
Q. Then when we see under -- next to "Plant Manager" it says:
"Experienced manager of power plants to be named."
Do you see that?
A. Yes.
Q. Do you have any idea of who might have been an experienced manager of a power plant that LTB might have named?
A. The only thing that I can remember is that there was an individual that had worked for a power plant in Hawaii. And they were talking -- we were talking about him through the board of directors, but prior to the new board of directors that are there now.

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And I think there was a relationship between that board of directors and the plant manager that they're referring to here, is that individual in Hawaii.
Q. What's that person's name?
A. I don't know. The -- I can't remember the names, but it's the -- it's the old guy. What's his name? Oh, man, I wish I had better memory on names.
Q. Do you --
A. That's one thing I don't have.
Q. Do you remember about when anyone was talking to this plant manager in Hawaii?
A. It's about 2007, in that relationship there.
Q. Did the plant manager from Hawaii ever join LTB?
A. No. The -- it didn't go any further than talk, as far as I know.
Q. Has LTB ever since sought to hire a manager of power plants?
A. No. They're -- there hasn't been any need to do that yet, no.
Q. Why not?
A. Because they haven't been -- been given a

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1 power plant to manage. That's the reason.
2 Q. Let's take a look down at the "Summary
3 Scope of Work By Contractor/Coordinator for LTB, LLC."
4 Do you see that section?
5 A. Let's see. You got marketing,
6 contractor. Is that below that --
7 Q. Skip that.
8 A. Is that it?
9 Q. I guess it's under -- yeah, it's under
10 that heading.
11 A. Okay.
12 Q. It's the last third of the page.
13 A. Right. Contract company. Starts there?
14 Q. Right.
15 A. Okay. Okay. Yes, I've got that.
16 Q. Okay. Let's take a look at
17 "Interconnection." Next to "Interconnection" it says:
18 "All technical and commercial aspects
19 for grid interconnection."
20 Did I read that correctly?
21 A. Let's see. Company is also wholesale
22 power.
23 Q. Sir, let me point that out to you.
24 A. Yeah, right there (indicating).
25 Q. Right here where it says

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1 "Interconnection."
2 A. I'm sorry, I didn't read down far enough.
3 Q. So next to "Interconnection" it says:
4 "All technical and commercial aspects
5 for grid interconnection."
6 Did I read that correctly?
7 A. Correct, uh-huh.
8 Q. Sir, do you have any experience with the
9 requirements for technical and commercial aspects for
10 grid interconnection?
11 A. I do, yes.
12 Q. You do, okay.
13 What experience?
14 A. But I don't know that this -- this person
15 has. I don't -- I don't know what they're talking
16 about.
17 Q. Hang on.
18 What, if any, experience do you have with
19 the technical and commercial aspects for grid
20 interconnection?
21 A. I'm going to -- I'm -- I'm an FCC
22 electronics engineer, and part of my schooling would
23 have been in power, electrical engineering as well.
24 And -- and so the interconnect was
25 developed a considerable number of years after I

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1 graduated, of course. But we have studied out the
2 requirements to interconnect with the grid and what --
3 what applications and what equipment are required. In
4 fact, we do have that -- that equipment.
5 And so, yes, I am -- I am -- perfectly
6 understand what -- what's required in connecting to
7 the grid.
8 Q. And what's your understanding of that
9 process?
10 A. Well, you have to get -- the procedure is
11 to -- is to get the qualify -- or the owner -- the
12 owner of that portion of the grid permission and to
13 hook up to their grid.
14 Q. Have you --
15 A. And --
16 Q. Sorry, let me stop you there.
17 Have you ever obtained permission from
18 any person or entity to connect to their electrical
19 grid?
20 A. I'm not positive, but we were in --
21 Q. Yes or no, sir.
22 A. Well, I'm not positive, so -- I could
23 have done. Because we were in Mesquite and we hooked
24 it up there, I believe. But that was with the City of
25 Mesquite. And so they -- they're the ones that hooked

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1 -- hooked it into the grid.
2 But I'm not positive about the procedure
3 that we followed at that -- it's been a long time ago.
4 It was 2005.
5 Q. Since 2005, have you ever actually
6 obtained permission to hook into the grid owned by any
7 other person or entity?
8 A. No. No, I don't -- we did -- we did
9 before that, though, with Utah -- it was Utah Power &
10 Light at the time, I think. Rocky Mountain Power.
11 This was back in 2001-2002. We got permission to hook
12 to the grid on -- I think with the Rocky Mountain
13 Power.
14 Q. And, Mr. Johnson, since 2005, has any
15 entity that you direct obtained permission to hook
16 into any electrical grid owned by any other person or
17 entity?
18 A. No.
19 Q. All right. You've identified two
20 situations, one in 2001 or 2002, and one in 2005 where
21 you believe you may have gotten permission to hook
22 into an electrical grid.
23 A. Yes.
24 Q. Are there any other -- others prior to
25 those two times --

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A. No.
Q. -- or other than those two times?
A. No.
Q. With respect to 2005, where is Mesquite?
A. Mesquite, Nevada. I'm sorry.
Q. Do you have any agreements, such as an interconnection agreement, with respect to that 2005 hookup?
A. It was just for -- they were there at the time and they hooked it in.
Q. So, no, you don't have a written interconnection agreement?
A. I do not, no.
Q. And when you say they gave you verbal permission, who is "they"?
A. I believe it was the City of Mesquite, if I remember correctly. I think that was the people that allowed us in. And I'm not positive on that, but that's -- they could have been some other entity, but it -- as I recollect, I think it was some of the people -- manager of the city or something. I -- but I'm not positive.
Q. Do you have any names of anyone from that situation?
A. No.

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Q. So in 2005, Mr. Johnson, did you, or any entity under your control, actually produce electricity that went onto the grid?
A. Yes.
Q. Did any other person or entity purchase that electricity?
A. No.
Q. How do you know that electricity was placed on the grid in Mesquite, Nevada?
A. We had meters on it.
Q. Do you -- did you keep any record?
A. No.
Q. Sorry, let me finish the question. I know I paused.
A. Sorry.
Q. I pause sometimes.
Do you keep -- did you keep any record of electricity being produced and put on the grid in Mesquite, Nevada, in 2005?
A. No.
Q. Did you keep any data regarding the electricity that you believe was put on the grid in Mesquite, Nevada?
A. No.
MS. HEALY-GALLAGHER: Could we take a

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quick break off the record for a second.
(There was a break taken.)
Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, what was the technology in use in Mesquite, Nevada, when you believe you put electricity on the grid?
A. It was the -- we had purchased some Fernel [sic] lens.
THE REPORTER: What kind of lens?
THE WITNESS: Fernel. Fresnel. I don't know how to...
MS. HEALY-GALLAGHER: F-R-E-S-N-E-L.
THE WITNESS: Lenses from a manufacturer. They're very expensive, by the way.
We then used our turbine and our -- and our new heat exchanger -- the old style heat exchangers and the turbine.
The International Automated Systems patented turbine was used and a generator was attached to that turbine. And then we produced power from that system and showed that it would hook into the grid, demonstrated the fact that it would, and make power.
Q. BY MS. HEALY-GALLAGHER: You mentioned that there was an old-style heat exchanger?
A. Well, it's the traditional. It wasn't our new heat exchanger. It was traditional heat

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exchangers.
Q. Did you use a heat transfer fluid?
A. Yes, we did.
Q. What was that heat transfer fluid?
A. It was a high temperature oil.
Q. Is there a commercial name for this heat transfer fluid?
A. Yes, but I -- I don't know what it is. It's -- I think it was a Dow Chemical company, but I'm not even positive about that.
Q. But you think it might have been Dow? D-O-W?
A. Yeah, but I'm not positive.
Q. Do you know what the chemical composition was of the heat transfer fluid?
A. No. It was just designed to get right around 700 degrees Fahrenheit. If you put it under pressure with a nitrogen, you can go higher.
Q. Mr. Johnson, how long -- for how long a period of time did this technology in Mesquite generate electricity that went on the grid?
A. It wasn't -- it wasn't constant. It was just off and on. And then it was -- it was there for, I don't know, maybe a month or so. But it was just sporadic.

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1 Q. Do you know how much power the technology
2 generated in the course of that month?
3 A. I don't, no.
4 Q. Did you keep any records of the
5 performance of the technology and how much -- and/or
6 how much power was generated in Mesquite, Nevada?
7 A. Not that I recall.
8 Q. Did you record any data about the
9 performance of the technology in Mesquite, Nevada?
10 A. Not that I recall.
11 Q. Why did you leave it up for only a month?
12 A. It was just a demonstration unit. I was
13 asked to provide some people that were in some kind of
14 position in Mesquite to -- to demonstrate our
15 technology in Mesquite. It was close to Las Vegas and
16 so there were a lot of people that wanted to see it
17 that didn't want to travel up -- clear up to Utah.
18 But not only that, it was a portable
19 unit. It wasn't -- it wasn't really very big. Just
20 one of our small units. And so it was just -- it was
21 just to demonstrate the technology actually
22 functioned.
23 Q. You said that there were some people
24 interested in seeing the technology?
25 A. Oh, yeah. There was a lot of people from

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1 Vegas that came up. Hundreds of them.
2 Q. What, if -- what, if anything, happened
3 after that with those people who were interested?
4 A. A lot of them bought stock. A lot of
5 them want me to get involved with them in developing
6 projects for them, you know.
7 I think one was -- city was -- they even
8 offered some ground. I think it was Boulder City.
9 Maybe it was -- not Boulder. Was it Boulder? Anyway,
10 there was some city that was interested in doing some.
11 They still are, I think. I don't -- I don't know.
12 Q. For the people who were interested in
13 having projects for themselves, have any of those come
14 to fruition?
15 A. No.
16 Q. Why not?
17 A. We hadn't got through everything that I
18 wanted to get done.
19 Q. What does that mean?
20 A. Just means that I didn't want to put out
21 something that -- that would have been a -- that I
22 would have felt like would be too expensive to operate
23 and maintain. It was more expensive than I wanted to
24 introduce. We had other things that were -- that were
25 testing and research and development that I felt like

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1 would be more pertinent for our overall -- what we
2 wanted to accomplish with the project.
3 Could we have done? Probably. It would
4 have diverted our attention, I think, away from what I
5 wanted to accomplish.
6 Q. Mr. Johnson, has any entity that you make
7 decisions for ever entered a Power Purchase Agreement?
8 A. I don't know. We had -- there was a
9 power purchase in the process of being submitted as --
10 it was a -- it was a -- it was a -- it was about this
11 thick of the process. Whether or not that actually
12 went through, I -- I don't recall. But it -- we did
13 -- there was one submitted, I think, yeah.
14 Q. When was that one that you recall being
15 in process?
16 A. I think it's about 2007, something like
17 that, yeah.
18 Q. Mr. Johnson, for the entities that you
19 make decisions for, could anyone but you sign a Power
20 Purchase Agreement?
21 A. No.
22 Q. For the entities that you make decisions
23 for, could anyone but you sign an interconnection
24 agreement?
25 A. No.

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1 Q. Okay. Let's talk -- I think this will
2 just be very quick and we'll take a break -- about the
3 Utah Power & Light project in 2001-2002.
4 You -- Mr. Johnson, you testified earlier
5 that you recalled, I believe, having put power on the
6 grid at that time?
7 A. Yeah. I'm not positive, but there was --
8 Utah Power & Light wanted to -- to get engaged with me
9 on a -- on a project, and they invited me to come down
10 to the power plant at Bluffdale down in Beaver County,
11 geothermal power plant.
12 And at that time they had an electrical
13 engineer that was assigned to work with me in getting
14 that project hooked up to their geothermal plant in
15 Millard County -- or not Millard -- Beaver County.
16 Q. So did this have to do with solar lenses?
17 A. Well, it had to do with the -- with the
18 -- with one aspect of it, which was the turbine.
19 Q. Okay. But not the solar lenses that
20 we're talking about in this case?
21 A. Well, the -- yeah, the -- no, there was
22 -- it was -- this demonstrates the feasibility of the
23 turbine itself, yeah.
24 Q. Okay. So the 2001-2002 situation with
25 Utah Power & Light --

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A. It was --
Q. -- did not involve the solar lenses that are at issue in this case; correct?
A. No. That was for coal fired and -- and geothermal site.
MS. HEALY-GALLAGHER: Okay. Off the record, please.
(There was a break taken.)
(Ms. Hines left the proceedings.)
MS. HEALY-GALLAGHER: We'll go back on the record, please.
Q. Mr. Johnson, we're back on the record after a short break.
A. Thank you.
Q. Are there any answers to my questions so far that you need to add information to or change?
A. I forgot them all. I can't even remember which one you asked.
Q. Okay. Did you talk to anyone during the break about the facts of this case?
A. Yeah. He said I was boring.
Q. And that's your attorney, Mr. Snuffer?
A. Yeah. Isn't that rude? I can't believe he would say that.
Q. One quick follow-up on RaPower-3.

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Do you recall when RaPower-3 was incorporated?
A. I don't know the date. I don't know.
Q. From the date of its incorporation to the present date, has anyone else made decisions on behalf of --
A. No.
Q. -- RaPower-3?
A. No.
Sorry, didn't mean to interrupt.
Q. And with respect to Cobblestone Center, has there ever been anyone else to make decisions on behalf of that entity, other than you?
A. No.
Q. To your knowledge, Mr. Johnson, is LTB, LLC in good standing with its state of incorporation?
A. I think they changed the state to Utah. That was done by Dave Nelson, and I believe it is in good standing.
Q. What -- let's see.
So what was the initial state of incorporation for LTB, LLC?
A. The initial state was Nevada.
Q. And, to your understanding, that changed when?

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A. Just recently. Within a year or two, or three. I -- I can't remember, but that's -- I think definitely it is changed to the Utah corporation.
Q. Do you know why?
A. I'm not positive. I think it's just easier to do business in Utah than it is Nevada, is the only reason. I don't know.
Q. Who made that change?
A. I asked Dave Nelson to make that change for me.
Q. So did you decide to make the change?
A. I did.
Q. Okay.
A. I did.
Q. So why did you decide to make that change?
A. I just felt like that Utah was a more favorable place to do business.
Q. Do you know if LTB, LLC is still the name of the company in Utah?
A. I -- as far as I know, it hasn't changed the name.
(Ms. Hines joined the proceedings.)
Q. BY MS. HEALY-GALLAGHER: Okay. Let's talk about LTB1, LLC. Are you familiar with that

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entity?
A. I think they're the same. They do the -- maybe that's what they changed the name to. I'm not positive, but -- so I'm not sure there's any difference between the two.
Q. You're not sure there's any difference between LTB, LLC and LTB1, LLC?
A. Not that I know of.
Q. So -- sorry, let me rephrase that a little bit.
So, to your knowledge, there is no difference between LTB, LLC and LTB1, LLC; correct?
A. Well, I think they assume the same functions. If there are -- if there's a difference in the name and why they changed, I'm not -- I don't remember why -- if there is a change.
Q. Well, let's --
A. They would -- they would function as the same -- do the same function.
Q. Well, let's start with who owns LTB1, LLC?
A. That I don't know without going through the records. I wouldn't know.
Q. Who is its manager?
A. I think I am the manager. Like, I don't

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1 think Chris Taylor is anymore, of the LTB1. I don't
2 know Chris Taylor was ever LTB1, but I -- I believe I
3 am the manager.
4 Q. So you make decisions on behalf of LTB1?
5 A. I do.
6 Q. Does anyone else make decisions on behalf
7 of LTB1?
8 A. No.
9 Q. Has anyone else ever made decisions on
10 behalf of LTB1?
11 A. No.
12 Q. What does LTB1 do?
13 A. They -- they're -- they don't do anything
14 right at the present time, nor have they done
15 anything. It's -- it's a -- it's a company that --
16 that may or may not be the manager or -- of a power
17 plant, and there isn't any definite decision made on
18 that. It's just that it's available if we need it.
19 Q. So correct me if I -- if I state this
20 wrong, but it sounds to me like LTB1 could fulfill the
21 same functions as LTB, LLC?
22 A. That's correct.
23 Q. But LTB1, LLC has never maintained or
24 operated a power plant; correct?
25 A. That's correct.

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1 Q. Do you know where LTB1, LLC is
2 incorporated?
3 A. I believe it's Utah.
4 Q. So, to your knowledge, Mr. Johnson, LTB1,
5 LLC has never entered an interconnection agreement;
6 correct?
7 A. Correct.
8 Q. And, to your knowledge, LTB1, LLC has
9 never entered a Power Purchase Agreement; correct?
10 A. Correct.
11 Q. Are you familiar with the entity LTB O&M?
12 A. LTB what?
13 Q. O&M. I believe that's LLC.
14 A. Not that I know of.
15 Q. Please don't look at your wife, sir. If
16 you don't know the answer, just say you don't know.
17 A. Sorry. Okay. All right. I'm in
18 trouble. Are we going to have a fight? That makes it
19 more interesting. It wouldn't be so boring.
20 Q. So, Mr. Johnson, do you know who owns LTB
21 O&M, LLC?
22 A. I -- not myself. I don't know.
23 Q. Do you know who the manager of LTB O&M,
24 LLC is?
25 A. I -- as far as I know, I've never seen

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1 the document. But I may have done, I just don't
2 recall.
3 Q. So you don't know who the manager is?
4 A. I don't recall anything about the company
5 at all. I'm sure that I -- if I saw some paperwork, I
6 -- I might find a recollection. But at this point in
7 time, I -- I don't have any recollection of that.
8 Q. Okay. Are you familiar, sir, with the
9 entity XSun Energy?
10 That's the letter X --
11 A. Yes, uh-huh.
12 Q. -- S-U-N.
13 A. Okay. Sorry.
14 Q. You are, okay.
15 Who owns XSun Energy?
16 A. I don't know who the ownership is without
17 looking at the documents, but I think I still own
18 probably 10 percent.
19 Q. Do you know, sir, who the manager is for
20 XSun Energy?
21 A. I believe that is -- I am the manager of
22 XSun.
23 Q. Do you recall when XSun Energy was
24 formed?
25 A. I don't. 2008, '9, '10, I don't know.

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1 I'm not positive.
2 Q. And do you make decisions on behalf of
3 XSun Energy?
4 A. I do. I do.
5 Q. Since XSun Energy was formed, has anyone
6 else made decisions on behalf of XSun Energy?
7 A. No.
8 Q. What does XSun Energy do?
9 A. They're a marketing organization for the
10 technology -- energy technology, with an agreement, I
11 believe, with International Automated Systems on a
12 license royalty agreement.
13 Q. What's the difference, if any, between
14 what XSun Energy does and what RaPower-3 does?
15 A. There's a difference -- excuse me --
16 there's a difference in the way they market the
17 products.
18 Q. What's that difference?
19 A. One -- I -- one is a multilevel marketing
20 company; one is a direct sales organization.
21 Q. So XSun Energy is direct sales?
22 A. Yes, uh-huh. The -- the -- there's --
23 they don't operate -- the sales people are -- are --
24 are separate. They're not employees of XSun, either,
25 but they don't operate as a multilevel marketing

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1 group.
2 Q. But the RaPower-3 sales structure is a
3 multilevel marketing group; correct?
4 A. That is licensed in all 50 states, yes,
5 it is.
6 Q. And that is the multilevel marketing?
7 A. That's correct, yes.
8 Q. Does XSun Energy have any employees?
9 A. No, they do not. But me, I mean, I don't
10 know how you qualify that to me, but -- so I am an
11 employee, I guess, of XSun.
12 Q. What, if any, role does Mrs. Glenda
13 Johnson play with respect to XSun Energy?
14 A. She would take care of the bookkeeping by
15 just a favor of -- for me. She's not an employee.
16 Q. She writes checks for XSun Energy?
17 A. Yes, yes. She takes care of all the
18 money for me.
19 Q. Does she do anything else other than
20 bookkeeping and check writing for XSun Energy?
21 A. She does not.
22 Q. And let me ask you this, too: What, if
23 any, role does Mrs. Johnson play with respect to LTB,
24 LLC?
25 A. None.

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1 Q. No bookkeeping?
2 A. There hasn't been any bookkeeping for
3 that company. I don't even know if it has a bank
4 account, to tell you the truth.
5 Q. And is the same true for LTB1, LLC?
6 A. That's correct. Excuse me. That's
7 correct, yes.
8 Q. Does XSun Energy, LLC do anything other
9 than marketing the technology?
10 A. No.
11 Q. Okay. Let's talk about SOLCOI, LLC. Are
12 you familiar with that entity?
13 A. Yes, I am.
14 Q. Who owns SOLCOI, LLC?
15 A. There again, without having the
16 documents, I don't really know. But I think I still
17 own 10 percent.
18 Q. Who is the manager of SOLCOI, LLC?
19 A. That -- that's me. That's Neldon
20 Johnson.
21 Q. Do you recall when SOLCOI, LLC was
22 formed?
23 A. It's been a while. 2008, '9. Or it
24 could even be later than that. I don't know. Could
25 have been before that, too. I don't know.

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1 Q. Do you make the decisions for SOLCOI,
2 LLC?
3 A. I do.
4 Q. Since SOLCOI was formed, has anyone else
5 made decisions for that entity?
6 A. No.
7 Q. What, if any, role does Mrs. Glenda
8 Johnson play with respect to SOLCOI?
9 A. She, again, as a favor to me does the
10 bookkeeping and controls the money.
11 Q. Anything else?
12 A. No.
13 Q. What does SOLCOI do?
14 A. Just the marketing. It has marketing
15 arrangements with IAS with a contract on royalties.
16 Q. How is SOLCOI's marketing different from
17 RaPower-3's or XSun Energy's?
18 A. Just probably the size of the projects.
19 They have a different entity, there's different
20 requirements to -- different sales structure,
21 different entity that they're able to work with rather
22 than the -- the XSun or the RaPower.
23 Q. So what's different about the SOLCOI
24 structure and system?
25 A. They're able, then -- they're able to

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1 separately negotiate contracts without having a -- a
2 set structure on -- on the way the negotiations of the
3 separate contracts are arranged.
4 Q. Who negotiates on behalf of SOLCO?
5 A. I -- I -- I do all the negotiations on
6 behalf of -- of SOLCO as their manager.
7 Q. How many customers does SOLCO have?
8 A. I don't know for sure.
9 Q. More than five?
10 A. Could be, but I don't know for sure. I
11 -- I don't keep track of that unless I need -- need to
12 know for some reason.
13 Q. Who does keep track?
14 A. Well, my wife does the bookkeeping, and
15 so she -- Glenda Johnson probably has a record of it
16 on her computer system. So...
17 But she does it, you know, as a favor for
18 me.
19 Q. So do you have an idea of SOLCO's sales
20 since it was formed?
21 A. Well, I know of a couple.
22 Q. I mean gross. Gross sales?
23 A. I -- it's in the tens of millions of
24 dollars. I don't know. They're under contract. They
25 have -- they haven't collected all that money, but

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there's money in escrow accounts, as far as from what I understand, to complete the project.
Q. Do you have an idea of the number of customers that XSun Energy has?
A. I don't know right off the top of my head, no.
Q. Do you have an idea of XSun Energy's gross sales?
A. No, I'm -- I don't even venture on that one. I -- without looking at the books, I really wouldn't know.
Q. Does SOLCOI sell lenses or does it sell something else?
A. No, it does sell lenses, but the projects are negotiated on a different basis and there's different requirements on -- on the legal structures that we enter into that we require them to have, I think, in order to do business on that level.
Q. Does XSun Energy sell lenses or does it sell something else?
A. Mostly just lenses.
Q. And RaPower-3 sells lenses; correct?
A. That's correct.
Q. And are they the same lenses, whether it's RaPower-3, XSun Energy, or SOLCOI that's doing

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the selling?
A. Yeah. Well, you know, we could enter into a contract for different sizes of lenses, and I suppose that --
Q. I'm sorry, I'm going to stop you right there.
Different physical sizes of the physical lens or a different quantity of lenses?
A. No. We can -- the size of the lenses are -- are -- are variable according to the -- the mold that goes on the machine.
Q. Okay. Well, let me -- let me ask potentially a better question.
A. Okay.
Q. In the past, as of today, have RaPower-3, XSun Energy, and SOLCOI sold the same lenses?
A. Yes. Yes, that's correct.
Q. Is there any difference in pricing of those lenses between XSun Energy, SOLCO, and RaPower-3?
A. No, the pricing is the same.
Q. For lenses sold by RaPower-3, XSun Energy, and SOLCOI, LLC, is it Cobblestone Center that manufactures the infrastructure for those lenses?
A. That's correct, yes.

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Q. Okay. And is the idea that those -- that the lenses sold by XSun Energy, RaPower-3, and SOLCOI would ultimately be operated and maintained by LTB, LLC or LTB1, LLC?
A. It depends on the contracts. The contracts are not -- the people that buy the lenses are not obligated to use LTB or any -- any -- any operational company. That's their choice.
Q. To your knowledge, has anyone who has bought lenses chosen a company other than LTB, LLC or LTB1, LLC?
A. No, not that I know of.
MS. HEALY-GALLAGHER: Let's go off the record for a quick second.
(There was a discussion held off the record.)
(Exhibit 509 was marked for identification.)
MS. HEALY-GALLAGHER: All right. Mr. Johnson, we have set up what has been marked as Plaintiff's Exhibit 509, which is a disk exhibit. And like we talked about, what we're going to do is walk through some files on this disk, and I will call those out for the record as we go through.
Q. First off, Mr. Johnson, do you recall that on April 4, 2017, the United States counsel made a site visit to Millard County, Utah?

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A. Yes.
Q. Okay. And the first place that we stopped there was the manufacturing plant.
Do you recall that?
A. Correct.
Q. Okay. Then we traveled to a house that was on some land.
Do you recall that?
A. Yes.
Q. And behind that house was a large field that had certain structures in it. I believe you called that the construction site; is that right?
A. Correct.
Q. Okay. And then after we visited the construction site, we drove a little bit and visited what I understand to be the R&D side.
Is that your understanding as well?
A. That's correct.
Q. Okay. So -- all right.
Let's take a look at the first video, which file name is video 12_4_00-4-23. And just for the record, the starting time stamp for this video clip is 13:01:38.
(Video played.)
Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, do

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you recognize what's shown in this particular video clip?
A. Yes.
Q. This video clip is a pan of at least much of the R&D site; correct?
A. Correct.
Q. And, Mr. Johnson, the only towers that have been built are the ones that are on the R&D site; correct?
A. Correct.
Q. Next clip is video 12_4-38-5_15. The beginning time stamp is 13:2:16.
(Video played.)
Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, was that an accurate depiction of what the R&D site looked like on April 4th?
A. Yes.
Q. Next clip is video 16_12_24-12_41. The beginning time stamp is about 13:28:16.
(Video played.)
Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, does that video clip accurately reflect a board burning underneath a set of lenses?
A. Yes.
Q. Next clip is video 16_1_38-1_59.

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Beginning time stamp is 13:17:30.
(Video played.)
Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, what's depicted in that video clip?
A. That represented a fire input to a new type of heat exchanger that we had patents -- just received patents on.
Q. So is the new heat exchanger featured in this video clip?
A. It is.
Q. Okay. I'm going to play it again and you tell me where we first see it.
A. Okay.
(Video played.)
THE WITNESS: Okay. Right there.
Q. BY MS. HEALY-GALLAGHER: Okay. So that's at time stamp 13:17:42.
I'm going to continue the clip and you let me know when the heat exchanger is no longer in view.
A. Okay.
(Video played.)
Q. BY MS. HEALY-GALLAGHER: Okay. The clip just ended, so then did the camera pan to see the entire heat exchanger?

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A. It did.
Q. Okay.
A. Yes. Sorry.
Q. Next video clip is video 16_2_10-2_40. Beginning time stamp is approximately 13:18:2.
(Video played.)
Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, what's depicted in that video clip?
A. That's the burner -- gas burner control system for the burner -- the gas burner.
Q. Is that an accurate depiction of the gas burner control that was on site April 4th?
A. It is.
Q. And you know what, I'll ask for the previous video clip: Was that an accurate depiction of the heat exchanger as it appeared on April 4th?
A. Yes, it is.
Q. Okay. Back to the gas burner control. What does that do?
A. That controls the temperature of the -- of the molten salt that we're using there and so that we can heat water with the molten salt for the turbine.
Q. How, if at all, is the gas burner control connected to anything?

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A. Well, it -- the gas burner controller is connected with the valves on the -- on the piping that controls the gas flow for the burner, and then part of the control mechanism also controls the ignition of the gas in the burner that has a temperature control mechanism that maintains proper temperature for the mold. So...
Q. You mentioned molten salt. Was there any molten salt on site when we visited on April 4th?
A. Yes.
Q. Where was it?
A. It was inside the heat exchangers and the tanks and the other heat exchangers.
Q. Where did you get the molten salt?
A. That just -- we -- there's a company -- there's several companies that -- that make molten salt. We -- we found this company that makes a molten salt that is a very low temperature melting point molten salt, and so -- but I can't remember the company.
Q. You don't know the company name?
A. I don't. I don't remember what it is.
Q. Is it in any of your documents?
A. Oh, yes. It's -- it's there in the -- in your documents.

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1 Q. Mr. Johnson, what's the composition of
2 the molten salt that you use?
3 A. Without -- without looking at the exact
4 composition, I don't know. But I can -- I can give an
5 approximation if you want.
6 Q. I'll take an approximation right now.
7 A. Okay. It's a -- it's a potassium
8 chloride -- sodium chloride combination, I think -- I
9 think, and I don't know this -- it's combined with a
10 fluoride salt to get the temperature to the lowest
11 possible melting points.
12 I'm not sure of the fluoride, but I think
13 it has fluoride in it.
14 Q. Have you ever used any other heat
15 transfer fluid other than molten salt at the R&D site?
16 A. Yes. We've used the high temperature oil
17 as well. But you can't -- well, we'll let you ask
18 that question, I guess.
19 Q. Have you used any other heat transfer
20 fluid besides high temperature oil or molten salt?
21 A. Yes. We've used water and we've used a
22 liquid metal, a metal that is a low temperature
23 melting metal. I think the melting point of the metal
24 is actually a little over 110 degrees.
25 Q. Have you used any other heat transfer

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1 fluid besides high temperature oil, molten salt,
2 water, or liquid metal?
3 A. No, I don't believe so.
4 Q. Is the high temperature oil the same oil
5 you said you used in Mesquite?
6 A. Not positive. I'm not sure exactly.
7 There was a problem with the oil in Mesquite that --
8 that higher temperatures, even adding the nitrate --
9 nitrogen side of it, when it got -- got on to the
10 burner side, it would coagulate, cause me some
11 problems. I think we changed the oil.
12 Q. And that -- I'm sorry.
13 The oil that coagulated, was the one in
14 Mesquite?
15 A. Yes. It was more difficult to use, I
16 think.
17 Q. And what was the liquid metal that you
18 used as heat transfer?
19 A. Cesium -- combination cesium.
20 Q. I'm sorry, could you spell that, please.
21 A. I'm not sure of the name, but I think it
22 was cesium, C-E-S-S-I-U-M [sic], I think. But I'm not
23 even positive of that, but I think it was a cesium,
24 lead, babbitt formation there.
25 THE REPORTER: Babbitt?

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1 THE WITNESS: Babbitt, B-A-B-B-I-T [sic],
2 I believe. I'm not positive the spelling either.
3 Q. BY MS. HEALY-GALLAGHER: Since we visited
4 on April 4th, have you used any other heat transfer
5 fluid than molten salt?
6 A. No. No, we haven't used anything else.
7 Not -- not in that system that you saw. In the heat
8 exchanger that you represented we haven't changed the
9 -- from that molten salt out of that system.
10 Q. Okay. When we visited on April 4th, was
11 the molten salt actually molten?
12 A. No.
13 Q. Has it ever been?
14 A. Yes. Yeah, several times. Lots of
15 times. I should say many times.
16 That's -- when I read that, put "many
17 times."
18 Q. All right. The next video clip that
19 we're going to take a look at is video _8_32-8_57.
20 All right. The beginning --
21 approximately the begin time stamp of this video clip
22 is 15:24:24.
23 (Video played.)
24 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, was
25 that video clip an accurate depiction of what was on

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1 the R&D site on April 4th?
2 A. Yes, it was.
3 Q. What did that video clip show?
4 A. It shows the step-up transformer on the
5 three-phase step-up transformer system.
6 Q. And what does that do?
7 A. Takes your power generated from your
8 generator on your turbine and increases the voltage up
9 to the -- the -- it could -- it brings it up to the
10 line level on your -- on your power lines.
11 Q. Mr. Johnson, at the beginning of this
12 video clip at time stamp 13:24:25, I see what looks
13 like a power line coming out of the step-up
14 transformer; is that right?
15 A. That might be. I can't see the whole
16 thing, but it appears to be that's what it is.
17 Q. Looking at this video play a little bit
18 more --
19 A. Yes. That looks like that's what it is,
20 yes.
21 Q. You see that that is what that is?
22 A. Uh-huh.
23 Q. Okay. Where does that cord go?
24 A. I'm not positive, because we -- we're
25 also using power to drive a motor that we -- that we

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were going to put on a well. So it could go to there or it could go up to the power grid. I'm not exactly sure where that line -- what that line does, whether it goes to the well on the power grid.
Q. Where is the well?
A. The well is on the west side of the property -- southwest side of the property there.
Q. So is that going in the direction of the house?
A. Oh, no. It goes west of that. House is northeast of the property here that this is on.
Q. Okay. So if it's not going to the well, it's going to the power lines?
A. Right.
Q. Okay.
A. Right. Absolutely.
Q. The next video clip is video 9_2_18-2_31. Beginning time stamp is approximately 12:41:12.
(Video played.)
Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, did that video clip appear to be an accurate depiction of -- actually, a portion of the construction site that we visited?
A. That's correct.
Q. Okay. And what we see in this video

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clip, correct, at time stamp 12:41:14 is -- in the back rear of the clip we see the towers from the R&D site; correct?
A. No. This is the construction site.
Q. I'm pointing your attention to the horizon.
A. Okay.
Q. And there we see in the horizon, we see the towers from the R&D site; right?
A. That's correct.
Q. And that's in the upper left-hand view of this video.
A. You got good eyes.
Q. And we also see, running through the main portion of this screen that we can see right now, what appear to be power lines; is that right?
A. That's correct, yes.
Q. So, Mr. Johnson, is -- are these the power lines that run from that step-up transformer to the -- connect to the power lines by the house?
A. One of the lines is a three-phase power line, and it goes up to operate some equipment. The other power line is -- goes to the grid. So there's two -- we can interchange the way we use the power, but one -- one does go to the grid, yes.

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Q. Okay. And on April 4th when we visited, there was no electricity running through these lines; correct?
A. That's correct, yes.
Q. Okay. Next video clip is video 18_2_58-3_13. Beginning time stamp is about 14:21:51. And, actually, at time stamp 52 I'm just going to pause this real quick to ask you first.
Mr. Johnson, is -- is this an accurate depiction of a portion of the construction site?
A. Yes. Yeah, that's it.
Q. Okay. And what do you see in this image right now?
A. This is just a fuse box.
Q. And what, if any, role does this fuse box play?
A. It doesn't -- doesn't play any -- it just provides power to the buildings behind there and -- and there the interconnections are actually -- the line you're referring to is actually buried in the ground over to the -- over to the pole. These are -- these are just -- these are just from the house over to the buildings, I think.
Q. Okay. So where does -- the power line that we saw going across the land, where does that end

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up?
A. It's buried into the -- into that box right there. You can't see it, but the transformer's in this small building right there (indicating).
Q. Oh, okay. So you just pointed -- in the view that we see here, you pointed to what looks like some plywood --
A. Right.
Q. -- on the right-hand view?
A. Right.
Q. And so you're saying the transformer is in the portion contained in the plywood?
A. Right.
Q. Okay. So what role does the transformer play?
A. It just continually either steps up or steps down, depending on where I want to use the power and how I want to use it. If I want to use it for the house, then I use a step-down transformer. If I want to use it for the grid, I step it up for it. It's just how you connect the transformers.
Q. I'm sorry, just to make sure that I have it right.
The line that we saw going across the land goes into the transformer?

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A. Uh-huh.
Q. Yes?
A. Right, uh-huh.
Q. Next clip is video 18_0_34-0_57. Beginning time stamp is approximately 14:19:7.
(Video played.)
MS. HEALY-GALLAGHER: And you know what, I'm going to pause this and restart it, and I will ask you to take the audio on this.
THE REPORTER: If I can.
MS. HEALY-GALLAGHER: Right. Understood.
(Video played and transcribed.)
"Hi, hey, this is the electronic device that automatically monitors the power on the line, makes it legal to put the power from the -- our solar energy project on the power grid and protects the grid from being -- the power going onto the grid when there's not power on the grid. So it protects the -- the -- transformer and hooks to the grid. Okay? That's what we use and I keep that down away when I don't need it here."

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Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, was that video clip an accurate depiction of what was on site during our site visit April 4th?
A. Yes, it was. Thank you.
Q. And that was you in the video; correct?
A. That was me. I'm in my work clothes.
Q. And at time stamp 14:19:12, you are holding and pointing to what looks like a box. What is that box?
A. This is the control panel board of the box, basically, and -- and then what this does, it's an interconnect from your -- a power plant to a open-grid circuit. And this is required to -- to maintain power to the grid when the grid is -- is alive or have -- or it's already active.
If for some reason the grid, the wire loses power, then this shuts off the power coming from your solar power plant to the grid.
Otherwise, you would keep the grid alive when -- when there was no power being produced, and the people working on the grid would think that they shut the power off. And if you didn't have this on it, they would still have a live -- a live grid.
And so what this does is monitoring the -- monitors the power on the grid. And if you lose

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power off the grid, it makes it so that this connection from my solar power plant doesn't activate the grid.
Q. Okay. Have you ever connected that box --
A. Yes, I have.
Q. -- to -- I'm sorry, let me finish the question.
Have you ever connected that box to any piece of equipment on the R&D site or the construction site?
A. Yes. We -- we tested it out to make sure that it was going to work.
Q. When?
A. Oh, I don't know, several years ago when we first bought it. It was a long time ago. But I think we had a Rocky Mountain Power man with us when we tested it out.
Q. And, I'm sorry, when did you say you bought that?
A. I'm not sure. It was quite a while ago. It was...
Q. Before or after 2010?
A. I'm not positive. I mean, I don't remember, but it was -- I think it was before, but I'm

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not positive.
Q. Why wasn't it connected when we visited?
A. We didn't have any kind of power going to the grid from where you were at, but we also don't -- I -- I don't have the right to keep it on from -- I don't have a statement from Rocky Mountain Power that I can keep that permanently hooked in. Without that, we wouldn't -- we wouldn't do that.
Q. A couple questions. Number 1, where does that go?
A. Well, it -- it -- it goes on the low -- the low power side.
Q. Of what?
A. Of your -- of your transformer. Because this -- this one only goes up to, I think, 600 volts, and so you'd be -- it would be on the low side of your power transformer. And it's before your grid.
Q. What statement are you talking about from Rocky Mountain Power?
A. I'm not sure what you -- what -- what frame reference you're referring to.
Q. Well, you said that you don't have a statement from Rocky Mountain Power that allows you to keep that connected.
A. Correct.

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Q. What statement are you talking about?
A. Well, in order -- like, you have a -- like a solar panel on your house. In order to hook that solar panel up to your -- to the -- to the -- to the grid, you might say, you have to have authorization from the -- the power provider that owns the grid to make sure that the -- the -- the -- the equipment is actually working properly and -- and -- and then that they -- that you have access and the right then to access your power onto their -- onto their power lines.
Q. And you don't have such authorization from Rocky Mountain Power; correct?
A. We do not. We do not.
Q. Okay. Have you ever had that authorization?
A. Well, we had -- not -- not that type, no. We haven't had that type of authorization.
Q. Have you had any other authorization from Rocky Mountain Power?
A. Just the verbal. Just the testing procedures, I think.
Q. And when, if ever, did you get verbal permission from Rocky Mountain Power to test something?

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A. It's been a long time ago. It's probably right around 2010 or before. I don't -- I'm not sure.
Q. Who gave you verbal permission from Rocky Mountain Power to test something?
A. Oh, it was just one of the -- the people that worked there.
Q. Who?
A. I don't know the names. I -- some guy that works at Utah -- that was working there at the time.
Q. What did this person give you permission to do?
A. Just to fire it on and test it out, make sure it was going to function properly.
Q. Fire what on?
A. I mean, just put the -- the circuit on and make sure that the -- the -- it would do what it was supposed to do. And he had -- you know, and he checked it out and he agreed that it worked according to what the specifications were.
Q. What is it that you actually -- you say fire it on -- fire the circuit on. He tested it. What's "it"?
A. We actually put -- we actually -- this is it. We actually put power --

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Q. This -- I'm sorry --
A. -- we actually put power to the system, which then turned the system on, which then produced -- which then produced the connection for it to go onto the grid.
Q. And you're pointing at the --
A. The -- this is the -- yeah, the power -- the circuit that controls the -- your access from -- from your access point, from your -- from your power plant to the grid portion of the power delivery system, you must have an interconnect system that's certified by the -- by the power plant or the government that it operates according to this.
And this is the box -- this is the circuit here that can -- that operates that. To make it operational, we had to feed it with some power, and then we had to monitor that the power's going on.
Then we had a place where we could break the power from the power grid back into this to make sure that this was going to operate properly.
Q. Okay. So when you talk about this operating properly, this --
A. I'm talking about --
Q. Hang on. Let me let me just finish the -- let me finish the question.

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A. Pardon me. Sorry.
Q. I want to make this clear for the record.
A. Okay.
Q. When you're talking about this working properly, you're talking about the box that appears in video 18_0_14-0_57?
A. That is correct.
Q. And what did you call that again?
A. It's the -- it's the -- it's the circuit -- it's the circuit interconnect from a -- from a source of power on one side of the box to make it so that you can connect that -- that electricity being produced on this side of the control circuit board through the -- through this --
Q. Interconnect?
A. -- interconnect to the grid.
Q. Okay. So we're going to call this the "interconnect."
A. Okay.
Q. Okay.
A. All right.
Q. You said that you had to run electricity through the interconnect to see if it worked; correct?
A. Correct, uh-huh.
Q. Where did the electricity come from that

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1 you ran through the interconnect?
2 A. Just off our power plant system down
3 there. The R&D power plant on the -- on the cords
4 that you see on the line.
5 Q. When did that happen?
6 A. I don't know. It's been a long time ago.
7 2009, 2010. It's just when we -- when we purchased it
8 I don't -- I wanted to make sure that it was going to
9 operate properly.
10 Q. And, Mr. Johnson, did you keep any record
11 of producing electricity from the R&D site that went
12 through the interconnect onto the grid?
13 A. No, I did not.
14 Q. Did you keep any data about that
15 electricity?
16 A. No, I didn't. I didn't keep any data.
17 Q. Who else was there when you produced
18 electricity and ran it through the interconnect?
19 A. I don't really remember. I -- it was
20 just when I got it in. When I got the circuit
21 interconnect in I wanted to test it out, and just
22 whoever was working there at the time would have been
23 there, but I didn't need any help. I did it just
24 myself. And the person from the power company.
25 Q. Who's name you don't know?

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1 A. Who -- I don't know the names.
2 Q. Do you know what this person's role was
3 at Rocky Mountain Power?
4 A. He was just a worker.
5 Q. Aside from this time when you tested the
6 interconnect, is there any other time that electricity
7 has been generated from the R&D site and gone onto the
8 grid?
9 A. No, no, there hasn't been. It's not
10 something I would do.
11 Q. Did you tell anybody that you had take --
12 put -- taken electricity from the R&D site and put it
13 on the grid?
14 A. No, I did not.
15 Q. Why not?
16 A. Because it would have created everybody
17 wanting to see it, and I -- and I just didn't want to
18 show it at that time for -- it was reasons because I
19 just felt like that it would interfere with the R&D
20 that I was doing at the time.
21 I could have -- I don't know how to
22 explain it, because it just doesn't make sense to
23 other people. But to me it makes perfect sense,
24 because I was finishing off things that would make a
25 power plant much more -- much -- much less expensive

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1 to build, much less expensive to operate and to
2 maintain.
3 And I didn't want to -- I didn't want to
4 start projects that would -- that would -- would cost
5 me more and create a maintenance problem the
6 traditional power plants have.
7 Q. Okay.
8 A. And I wanted to avoid that and I didn't
9 want people to badger me about, well, you got it
10 working, let's go down and put it up.
11 Q. Okay. We're going to take a look at what
12 I believe is one last video clip for right now, which
13 is video 18_2_27-2_39. The beginning timestamp to the
14 video is 14:21:22.
15 (Video played.)
16 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, was
17 that an accurate depiction of being on the
18 construction site on April 4th?
19 A. Yes, it was.
20 Q. Okay. And, again, that was you in this
21 video clip; correct?
22 A. Correct.
23 Q. All right. I'm going to play this again.
24 I'm going to pause it and ask you some questions.
25 (Video played.)

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1 Q. BY MS. HEALY-GALLAGHER: Okay. I'm at
2 timestamp 14:21:28.
3 Now, Mr. Johnson, I believe in this clip
4 you are pointing to the utility pole where you expect
5 to connect to Rocky Mountain Power; correct?
6 A. Correct.
7 Q. Okay. I see a total of one, two, three,
8 four poles in this image.
9 A. Okay.
10 Q. Do you agree?
11 A. Right.
12 Q. So which pole is it?
13 A. It's the middle pole.
14 Q. So are we -- you see this pole that's all
15 the way on the right (indicating)?
16 A. Right.
17 Q. That has a line connecting --
18 A. That's correct.
19 Q. -- to something?
20 A. Uh-huh.
21 Q. That's not it?
22 A. No.
23 Q. No.
24 Then we have a pole that's pale to the
25 left of the first pole?

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A. Correct.
Q. That has what looks like a cylindrical item at the top of it?
A. Right.
Q. Is that the pole?
A. That's correct.
Q. Okay. But there is no line on that pole; correct?
A. There is a -- there's a power line on the pole that's connected to the grid. There isn't -- the -- there isn't a power line connected to a place where I could connect into that pole.
Q. Okay.
A. Can't see it, but it's there.
Q. Okay. And you know what, if we look at the very top of that pole --
A. Right, you'll see the power.
Q. -- there's a very faint line --
A. Right.
Q. -- is that right?
A. That's the grid.
Q. So that's the grid.
But you do not have a connection to that pole; correct?
A. That's correct.

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Q. Have you ever had a connection to that pole?
A. I have not, no.
Q. So then how did electricity get from the R&D site to the grid?
A. Well, it didn't -- the reason -- you want me to explain why you're seeing what you're seeing?
Q. I'm --
A. I probably did at the site.
The reason why we bought this particular piece of property is because it would have cost us more to run a power -- power line to my other property than it cost me to buy this property and the house.
Q. Mr. Johnson, actually, I'm going to stop you there.
Would you please repeat my question?
A. Right.
Q. No, no. Mr. Johnson, I'm asking the court reporter to repeat my question.
A. Okay. You'll still get the same answer, because you won't understand it if I don't do it.
(The record was read as follows:
"Q. So then how did electricity get from the R&D site to the grid?")
Q. BY MS. HEALY-GALLAGHER: That's the only thing I want to know.

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A. This pole right here is connected to the grid (indicating).
Q. Okay. So the first pole on the right of this image is connected to the grid?
A. Correct.
Q. And how is that wire connected to where the interconnect went?
A. The interconnect hooks on to where the transformer is from my -- from the main house from the house, and there it's connected to that grid. And I pull the power line, I can -- I can -- I told you I can run that transformer either to the house or I can run it to the grid.
If I ran it to the house, then this grid is connected to the house.
Q. The first pole?
A. Right. And then the power goes through to the house box in the -- into this circuit, and that's how it's connected.
Q. Okay.
A. If you want me to explain why this is here then I will.
Q. Mr. Johnson, what, if any, plans have you established with Rocky Mountain Power to connect anything to the second pole from the right in this image?

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A. You see this transformer right here? This on the pole there's a little box you're calling (indicating) --
Q. I see.
A. This is called the transformer.
Q. Okay.
A. Okay. The amount of power that you can put on the grid is determined by the size of your transformer that you interconnect to the grid.
The -- the transformer that delivers power to the house is -- is a small transformer that's insufficient to carry the amount of power that I would deliver when I hook the full power plant up to the grid.
Q. Sir, I'm going to stop you again.
A. Okay.
MS. HEALY-GALLAGHER: Ma'am, would you read back my question.
(The record was read as follows:
"Q. Mr. Johnson, what, if any, plans have you established with Rocky Mountain Power to connect anything to the second pole from the right in

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1 this image?")
2 MS. HEALY-GALLAGHER: Please answer that
3 question, sir.
4 THE WITNESS: Well, that's what I was
5 trying to do.
6 Q. BY MS. HEALY-GALLAGHER: Have you spoken
7 with anyone at Rocky Mountain Power?
8 A. They're the one that put the pole in.
9 Q. Okay. What is the next step with Rocky
10 Mountain Power to connect that?
11 A. Just to put an interconnect right there.
12 It's all done. Power's already down to the
13 interconnect, all I got to do is get the interconnect
14 lines over there and connect it in. It's all done.
15 I'm paying -- I'm paying --
16 Q. You say, sir, it's all done -- sir, you
17 say it's all done?
18 A. Right.
19 Q. And you also testified earlier that you
20 do not have permission from Rocky Mountain Power to
21 use the interconnect. So what is the next step with
22 Rocky Mountain Power, and what is your timeline to
23 accomplish it?
24 A. Well, now you're asking me for a crystal
25 ball. I could tell you what we've accomplished.

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1 Q. I'm asking for your plan for your next
2 steps.
3 A. Well, that's all done.
4 Q. Sir --
5 A. There isn't any plan other than just
6 connecting in and say can I connect to the grid.
7 Q. Okay. When are you going to do that?
8 A. When I get -- when I get it done --
9 sufficiently done -- I'm getting -- slow down, okay.
10 I'm trying to -- I'm trying to get an
11 understanding of what you're trying to get me to say.
12 Q. Sir, my questions --
13 A. And what I have -- what I already have,
14 and so I don't want to get --
15 Q. My questions are very simple.
16 A. Okay. Well, they're not -- the answers
17 aren't simple, though. You're asking for a
18 complicated answer.
19 Q. Do you have a plan --
20 A. Yes, I do.
21 Q. -- by the end of 2017 to accomplish
22 permission from Rocky Mountain Power to connect to
23 your interconnect?
24 A. Right. The business plan we have, I
25 think you have a copy of it. It's quite involved.

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1 Q. Okay. And, sir --
2 A. It's a very complex -- very complex
3 business plan that we provided to you.
4 Q. What are your next steps to accomplish
5 getting permission from Rocky Mountain Power to
6 interconnect?
7 A. Okay. The first thing we want to do is
8 make sure that we have the proper ability to provide
9 the parts for the projects in sufficient quantity that
10 we can meet the deadlines that this is going to
11 generate when we turn the power on.
12 And so once we turn the power on, it's
13 going to generate huge amounts of -- of -- it will --
14 it will -- it will put in place huge amounts of
15 contracts that have deadlines to produce.
16 And as soon as -- as soon as those power
17 hits the line, those deadlines come in place. And
18 until the power lines are there, I don't have those
19 deadlines.
20 And so what happens is, is we have to
21 make sure that we can meet those deadlines without --
22 without causing problems with the -- our customer base
23 and -- and putting a -- a legal burden on -- on the
24 production side.
25 We have chosen to develop -- making sure

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1 that we have developed the proper relationships, you
2 might say, with -- now with the manufacturing of our
3 -- of our different parts in sufficient quantity that
4 can meet the needs of what we're going to be doing.
5 And there's several people we have met
6 within China and India of making these parts, and we
7 have a part -- we have had shipment of those to make
8 sure that those parts are accurate and they do fit
9 within the requirements.
10 So once we have established that we have
11 the proper parts and they have guaranteed that we can
12 get delivery over certain time frames, we then can
13 finish off the interconnection to the power plant.
14 Q. Sir --
15 A. The law states that we interconnect to
16 that. All I have to pay them is -- is the -- is what
17 they call a voided energy cost. It's legal. There's
18 no -- they can't stop me from doing it.
19 And so that's not the problem. It never
20 was.
21 Q. Sir, couple quick questions.
22 A. Okay.
23 Q. Is it your testimony that you do not need
24 permission from Rocky Mountain Power to interconnect?
25 A. I -- they can't with- -- what I'm saying

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is they can't withhold the permission. Once I've established that we have the -- the proper interconnections, the proper equipment that's -- that's designed to hook up to their grids, by law, they cannot stop me from hooking into their grid, if there -- if there is available space on the grid.

We are at the very end of the grid. That means that space is -- is all the way back to their power line. We can drive the whole thing back to their power line and provide power all along the system all the way back.

So we're able to connect into the power grid at the maximum capacity of that line at any time. That's why we have it the way it is.

And so, no, they can't stop us from interconnecting, as long as we comply with the legal requirements that allow us to interconnect.

Q. Okay. So you are familiar with the requirements that Rocky Mountain Power may have to interconnect with its system?

A. Yes, we are.

Q. Okay.

A. We totally are in compliance with everything that we have.

Q. Where can I find those requirements?

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A. You can -- you can -- any -- any agency that deals with solar energy, for example, have -- have those legal requirements. But you could put --

Q. Sir, that's not my question.

A. I don't know.

Q. Where can I find Rocky Mountain Power's requirements for interconnecting with its system?

A. You can ask Rocky Mountain Power. I don't know.

Q. Do you have a copy of their requirements?

A. Yeah, we do somewhere.

Q. Did you produce it to the United States?

A. I don't know. I -- I wasn't -- Rocky Mountain Power stuff, it wasn't ours. I'm sure you did, but I don't know what was produced and what wasn't. But we knew we had it. It was in somewhere. It may even be in the business plan, I don't even know.

Q. All right.

A. But, yeah, you have access to it.

Q. Another question I have, sir: You say you currently have contracts that would obligate you to go into full-blown production as soon as you're connected to the grid. Did I understand that correctly?

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A. There's a timeframe which we have -- we would be obligated to meet in order to release the money to us. There's a timeframe on the releasing of the money to us and the timeframe of which we must start producing power.

Q. How many such contracts are outstanding?

A. I'm not sure. There are at least one or two, but -- and they're big contractors, but they're all -- but they're not just -- they're not -- there's one that already has their money in escrow.

Q. Who's that?

A. I'm not sure. It's a company in -- back east. But there's -- but --

Q. I'm sorry. I'm sorry, sir.

And with which entity is that contract made?

A. SOCOI -- I mean SOLCO.

Q. So SOLCOI entered a contract with a company back east you say?

A. Right.

Q. And you don't know the name of that company?

A. I do know the name, but I don't remember the names. I just don't know them. I just don't ever do that.

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Q. When did SOLCOI enter that contract?

A. Two or three years ago.

Q. Did you sign that contract on behalf of SOLCO?

A. I did.

Q. And did that company back east pay any money to SOLCO?

A. Yes, they did.

Q. How much?

A. I think it was a million dollars.

Q. What was that $1 million for?

A. It was a down payment on -- on the contract that they then could exercise the other contracts. There's three other contracts they wanted to exercise.

Q. What does that mean?

A. It means that they -- this gives them the right to exercise those other contracts. I can't stop them from exercising those other contracts.

Q. What do you mean exercising "those other"? What are those three other contracts for?

A. It was -- it was for a large power plant.

So I can't stop them from exercising those other contracts once we get -- once we accomplish -- once we put power to the grid, I can't

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1 stop them from exercising those contracts.
2 Q. So does that mean those three other
3 contracts would obligate --
4 A. Yes.
5 Q. -- SOLCO, or another entity that is at
6 your direction, to build power plants --
7 A. Yes.
8 Q. -- for these people?
9 A. Yes.
10 Q. Okay. All right.
11 So that's one company back east that
12 SOLCO has a contract with?
13 A. Right.
14 Q. What, if any, other contracts are
15 outstanding?
16 A. Well, they're not -- they're not
17 contracts, but they're the same way. These other
18 companies want -- entered into the same kind of a
19 contract that this group has.
20 Q. How many other companies?
21 A. Well, the ones we've talked to are the --
22 Q. No, sir. I'm not interested in who you
23 talked to.
24 What other companies have entered
25 contracts?

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1 A. Well, they haven't actually entered the
2 contracts. What I'm saying, they want to enter into
3 the same contract.
4 Q. Okay. So the only company that has a
5 contract with SOLCO is the one whose name you can't
6 remember back east?
7 A. Right.
8 MS. HEALY-GALLAGHER: Let's go off the
9 record, please.
10 (The lunch break was taken from
11 12:25 p.m. until 1:31 p.m.)
12 (Exhibit 510 was marked for identification.)
13 MS. HEALY-GALLAGHER: We'll go back on
14 the record, please.
15 Q. All right. Mr. Johnson, we're back on
16 the record after a lunch break.
17 Did you talk to anyone about the facts of
18 this case while you were on break?
19 A. Nope, I didn't.
20 Q. Are there any answers from this morning
21 that you would like to change or amplify?
22 A. No.
23 Q. Okay. All right.
24 First a revisit to XSun Energy real quick
25 with Plaintiff's Exhibit 510.

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1 A. Okay.
2 Q. Just take a look through there and let me
3 know when you're finished.
4 While you're looking, for the record, the
5 Bates for Exhibit 510 are Ra3005695 through 5714.
6 A. Okay.
7 Q. Mr. Johnson, do you recognize Plaintiff's
8 Exhibit 510?
9 A. Well, yeah, I guess I recognize the
10 contracts.
11 Q. The contracts.
12 And these are contracts between a Rick
13 Rowe and XSun Energy; correct?
14 A. Yes. I -- I didn't -- I didn't sell
15 this. I signed the contracts, but I wasn't the
16 seller.
17 Q. Okay. Well, let's --
18 A. I don't know who this guy is, actually.
19 Q. Well, let's take a look at the page
20 that's Bates marked Ra35698.
21 A. Right.
22 Q. Under the line there for XSun Energy,
23 seller, is that your signature?
24 A. It is.
25 Q. All right. As the manager of XSun

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1 Energy; correct?
2 A. That's correct.
3 Q. Okay. And is Plaintiff's Exhibit 510 a
4 true and correct copy of documents you produced to the
5 United States?
6 A. Is it what again?
7 Q. A true and correct -- does it appear to
8 be a true and correct copy of --
9 A. Oh, yes.
10 Q. -- documents from your records that you
11 produced to the United States?
12 A. Yes, uh-huh.
13 Q. Okay. Mr. Johnson, where did you get
14 your understanding that Rocky Mountain Power must
15 allow you to interconnect and put power on the grid?
16 A. I think it's either state law or federal
17 law, but I think it was under Clinton administration
18 is where the original solar energy laws were enacted.
19 And from my recollection, and I think they made it
20 illegal for -- to block, I think, the transmission of
21 renewable energy, I think, under the Clinton admin.
22 I'm not positive, but I think that's true.
23 Q. Do you have any understanding of whether
24 someone has to agree to purchase the power before it
25 can be placed on the grid?

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A. Well, there's two ways that -- that that happens. One is what they call the energy -- the void energy amount that they can pay. I'm not sure that's the right word. Avoided energy cost, is what they call it.

And with that they -- they can -- as long as -- as you're willing to pay them power at the avoided energy cost, then they -- they have to then, I think, take the power. As long as the -- as long as there's -- the line is able to take that much power.

The other part of the Clinton administration, I believe, is that if you have an agreement with a -- the government, United States Government must buy renewable energy power if it's within a certain price of the power that they're buying on the regular price on the regular production of the price of regular power.

They -- it can be a little bit above that, I think, but I know that if it's equal, then the United States Government has to buy that power if they're using that -- if they're using the power that you're -- if it's available to them.

And you do have to then get a signature or some kind of authorization from the government then to -- that authorizes you to -- to do that process.

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But, yeah, but it's a law that they have to. The government -- the government itself must buy renewable energy, and it came under the Clinton administration, I think.

Q. And, Mr. Johnson, it's correct that any agreement to buy -- there must be an actual agreement to buy the power; correct?

A. Right. But it can't be -- as long as you're within the price range.

Q. Let me just stop you there. I just -- I want to be clear that there has to be a contract --

A. Yes, right.

Q. -- for another person or entity to buy power that you might generate, for example.

A. Right. But it -- but the contract isn't like a regular contract where -- where you're asking a person to sign it and they have the right to turn it down, see.

Q. Nonetheless, Mr. Johnson, there must be a contract?

A. Right. But --

Q. Yes. Okay.

A. But you have to understand that it's not a regular contract.

Q. But there must be --

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A. Because it would be --

Q. Mr. Johnson, I'm going to object to the responsiveness of the answer. There must be a contract; correct?

A. Under the conditions that -- that the contract is a non-deniable contract.

Q. Okay. Do you currently have any Power Purchase Agreement with any other person or entity?

A. I don't know if they ever got that other one signed and delivered. I don't know. In California.

Q. So is the answer no?

A. No, it's not no. It's just I don't know.

Q. You don't know?

A. Right.

Q. Okay. So for any of the entities over which you exercise decision-making authority, you don't know if any of those entities have power purchase agreements?

A. No. There may be one that does, and I don't know if I do or not because we -- we went through the process -- but it's been a long time ago -- of acquiring a Power Purchase Agreement. Whether or not that went through and when it was signed or whether it wasn't signed, I don't -- I don't really

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know.

Q. Who would have signed that contract?

A. Well, I would have done, but I don't remember whether I did or whether I didn't. But we did go through the process of doing that.

But -- but let me -- let me rephrase that one question on that contract.

There are what they call -- and you saw that in that other document -- people that -- that buy and sell power for the grid. And I'm trying to think of what they're -- they're called. But -- excuse me.

Q. Excuse us.

A. They're -- but -- but you don't have to have a contract to -- to -- with an individual to sell power on the grid. It goes through what they call a scheduler, and if -- and the lowest price, they accept the lowest price bid at the time to bid.

Q. So I'm going to stop you there.

Mr. Johnson, do you have any agreements in place, whether with you or any of the entities that you exercise decision-making control over, are there any agreements in place to sell energy?

A. Yes. That's what I'm trying to get at. We have --

Q. Yes or no, sir?

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A. We have an agreement --
Q. Or I don't know. Those are the three answers: Yes, no, I don't know.
A. We have an agreement with the people that -- that buy -- that operate the lines to schedule the power.
Q. Who is that?
A. They have agreed that we can -- that they will buy our power if it goes a certain point below what the other power is scheduled in.
Q. Sir, who is that?
A. I'm not -- I don't know the name, but it's -- it's -- we can get it. It's -- you have it.
Q. Which entity has an agreement with these schedulers?
A. Well, all -- all of them do that sell power. So LTB would, and so --
Q. Are any of these -- I'm sorry, sir.
Are any of these agreements in writing?
A. Yeah, I'm sure there are, yeah.
Q. Where are they in your production? Did you produce them to the United States?
A. I would imagine that you got all the papers we had, and that would have been part of those papers that you would have got. But what it is is the

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scheduling people and we have -- we have -- we have the -- of the way -- of the way to do it and how to schedule it in.
Q. Mr. Johnson, I'll represent to you that we did not receive any such documents.
A. Well, then we'll see -- we'll find it.
Q. We'll include that in a request to your attorney after this deposition to produce those documents to the United States.
A. Okay.
Q. I'm going to come back around and we're going to take another look at some of the video clips here.
A. Okay. Can you get by me?
Q. You're fine. Thank you.
Okay. So we are taking a look at video 12_4_38-5_15.
(Video played.)
Q. BY MS. HEALY-GALLAGHER: Okay. I've paused the video at timestamp 13:2:39.
Mr. Johnson, what we're looking at here, right, is a set of towers on the R&D site; correct?
A. That's correct.
Q. And it's my understanding that you invented the -- the design of this system on the site;

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is that right?
A. That's correct.
Q. Okay. Did anyone help you invent this item?
A. I don't know exactly what you mean by "help."
Q. Did you collaborate with anyone as you were inventing this system?
A. Again, I'm not -- I'm not entirely sure what you mean by "collaborate." As far as the technical part of it, the actual science behind the system and the implementation of how it will be implemented and the characteristics of the design, I did by myself, you know, designed it.
I did not -- I did not build every one of those pieces. I had people to help me, you know, weld the towers together, put things together. But the design, the technology, the -- the intellectual property was all done by me.
Q. Okay. Who or what entity did construct these towers on the R&D site?
A. That would have been -- I don't know. Could have been Rob -- just another -- probably could have been International Automated Systems, I think. IAS at the time.

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Q. When were these towers constructed?
A. 2000 -- I don't know, 2006, 2007, 2008, in that -- in that area, I think.
Q. And you believe it was IAS that constructed the towers?
A. I think they're the entity that paid -- paid for the construction of the towers, I think. I'm not positive, but I think that's who it was.
Q. So --
A. This could have been done earlier than that even, I don't know, but I think it's the timeframe.
Q. Since these towers were built, which entity operates and maintains the towers?
A. Right now the ones that do it are -- is -- is the -- so, what is it called? Cobblestone Center.
Q. When did Cobblestone Center start operating and maintaining?
A. Sure. I can't remember when it was started, but I think it was right around 2010 or 2011, but I can't be sure.
Q. And before that was IAS operating and maintaining the towers?
A. Yes. I think they were, yes.

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1 Q. During the time that IAS was operating
2 and maintaining the lenses -- I mean -- I'm sorry, the
3 towers -- was IAS also responsible for installing the
4 lenses?
5 A. Yes, uh-huh.
6 Q. And maintaining the lenses?
7 A. Yes, uh-huh.
8 Q. Since Cobblestone took over operating and
9 maintaining the towers, has Cobblestone been the
10 responsible party for installing and maintaining the
11 lenses?
12 A. Yeah, but I need to maybe qualify IAS's
13 relationship.
14 I personally, I think during that period
15 of time, I personally was the one that hired IAS to do
16 this. So IAS was operating as a contractor under my
17 employment to do that -- to do that work.
18 Q. To do what work?
19 A. To do the work of installing and
20 operation and -- and whatever there was. So I'm --
21 I'm not positive, but I think what was happening is I
22 -- I provided the money and the capital directly to
23 them, bought their -- bought them to -- paid them to
24 -- to do the work, actually, as a separate contractor.
25 So I'm not sure exactly how that

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1 relationship fits, but I think that's -- that's how I
2 -- that's how I did it.
3 So it would have been me, I guess, in a
4 way that put those -- that had them put up, because it
5 would have been my -- you know, under my capital, I
6 think.
7 Q. And who --
8 A. I'd have to go back and look at the, you
9 know, the records, but I -- I'm not sure exactly that
10 relationship, but I think that's what we're...
11 Q. Okay. So what -- why did Cobblestone
12 take over from IAS?
13 A. Well, it was a business decision that I
14 made, and there's a considerable amount of liability
15 that goes with the construction companies, and I just
16 didn't feel like that it would -- it would be
17 detrimental to International Automated Systems to be
18 involved in the construction of this project because
19 of the -- of the liability that it incurred on a -- on
20 a construction site.
21 And so because of that we decided that it
22 would better -- better off to avoid International
23 Automated Systems to protect the intellectual property
24 from -- from a dangerous situation that didn't need to
25 -- didn't need to exist.

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1 Q. And who is it that pays Cobblestone to
2 operate and maintain the towers and lenses?
3 A. That would be whoever -- whoever is
4 selling the product, that they would contract with
5 Cobblestone and to -- to do the work. And so they
6 would be paid either by RaPower, Solstice, or any
7 other entity that is buying -- buying the actual
8 sales, selling equipment.
9 Q. So it's your testimony, sir, that the
10 marketing entities for the lenses pay for Cobblestone
11 to operate and maintain the R&D site?
12 A. They -- they pay to have the construction
13 work done. There's nothing that they operate right
14 now. They're -- mostly it's just construction
15 and -- and that kind of entity.
16 The R&D side of it is paid out of, you
17 know, out of some of the same stuff now. It was paid
18 out by International Automated Systems.
19 Q. When did IAS stop paying for it?
20 A. I'm not sure exactly, but I -- it's 2010,
21 2011, '12 range, I don't know.
22 Q. Okay. All right.
23 So, sir, I believe I have an
24 understanding of how the system works generally, so
25 I'm going to walk through it and ask you whether to

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1 agree or disagree or let me know if I'm off base.
2 So we're still looking at timestamp
3 13:2:39. And what I see here is that there are lenses
4 installed on towers.
5 Do you agree?
6 A. Yes.
7 Q. Okay. And the idea is that the sunlight
8 will hit the lens and then be directed down to a
9 concentrator; is that right?
10 A. That's correct.
11 Q. And we see a -- a concentrator right in
12 the middle of the pole that's in the middle of the
13 view; correct?
14 A. Correct.
15 Q. The concentrator basically concentrates
16 the sunlight from the lenses that are above it; right?
17 A. Well, it -- no. This particular
18 concentrator is -- is designed for a test on -- on a
19 different subject.
20 Q. Okay. But what I'm asking, the purpose
21 of the concentrator, sir --
22 A. You're not going to get --
23 Q. Hang on.
24 The purpose of the concentrator is to
25 collect -- to receive and collect the sunlight that

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1 passes through the lenses; is that right?
2 A. Well, the concentrator is the lens
3 themselves.
4 Q. Okay. So then --
5 A. This is the receiver.
6 Q. Okay. So then that item right in the
7 middle of the pole in the middle of the view is a
8 receiver?
9 A. Right.
10 Q. Okay.
11 A. Just like the -- would be like a mirror
12 focusing. So the concentrator would be the mirror,
13 and this is a lens, which would focus the light on
14 that point.
15 Q. Okay. Onto the receiver?
16 A. Right.
17 Q. And in the receiver there -- the idea is
18 that there is a heat transfer fluid that is heated up
19 by the concentrated rays of the sun; is that right?
20 A. That's correct.
21 Q. Then the idea is that that heat transfer
22 fluid would flow through pipes to some collection
23 point --
24 A. Correct.
25 Q. -- correct? Okay.

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1 The collection point is what? The heat
2 exchanger or a storage tank?
3 A. The collection of the -- of the heat
4 coming off the tower?
5 Q. Right. But where does the heat transfer
6 fluid go?
7 A. It goes into a heat exchanger.
8 Q. Heat exchanger?
9 A. And then the heat exchanger exchanges the
10 heat derived from the tower into a -- into the working
11 fluid, such as water.
12 Q. Well, the heat transfer fluid ends up in
13 the heat exchanger; right?
14 A. Exactly.
15 Q. And then the idea is that the heat from
16 the heat transfer fluid heats up water?
17 A. Correct.
18 Q. Turns it into steam?
19 A. Turns it into hot water under pressure.
20 Q. Okay.
21 A. And that's very important. It's a
22 difference between being able to use salt water rather
23 than perfectly chemically treated water that's -- that
24 doesn't have any particles in it, you know. So...
25 Q. Okay. So the -- the heat transfer fluid

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1 transfers its heat to hot water under pressure?
2 A. Right.
3 Q. Which then turns the turbine?
4 A. Okay. The hot water then goes into the
5 turbine and is a liquid all the way through to the
6 rocket engines, rocket nozzles, okay. And then that
7 is where the energy is -- is transferred into a motion
8 by the expansion of the steam through the rocket
9 nozzles.
10 Q. Okay. And then that turns the turbine?
11 A. The rocket engine then turn the turbine,
12 yes.
13 Q. And the turbine creates electricity?
14 A. That's correct.
15 Q. Then, again, the theory is the
16 electricity from the turbine would then go where?
17 A. Well --
18 Q. To the step-up transfer station?
19 A. Right. But -- but there again, see,
20 you're not seeing the full value of this thing the way
21 you're describing it.
22 Q. I'm just asking for one scenario, sir.
23 A. Well, yeah. The ideal scenario of what
24 we use on that side, okay, is instead of using a
25 generator, we use three-phase motors. And the

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1 three-phase motor will turn into a generator if you --
2 if you put more energy into it, it will push the motor
3 into a phase change which creates then the -- a
4 backward flow on the electricity back on the line.
5 But the advantage -- let me just tell
6 you, the advantage of this system is -- and it's very
7 critical that you understand this -- because what
8 happens is, is when you turn on my turbines with the
9 motor running, it automatically syncs to the line.
10 That syncing process normally requires an
11 individual to be there when you turn the turbine on to
12 make sure that you're sync -- on a regular generator
13 to sync to the line, and by doing the electric motor I
14 eliminate that person.
15 Now, I have an electric motor that goes
16 up to the speed of the line, and then I hit the
17 turbine with the hot -- hot water with the energy in
18 it, and that forces a phase change in the system to
19 drive electricity back on the line.
20 Q. I'm going to stop you there. I'm going
21 to stop you there.
22 A. Did you understand that?
23 Q. Okay. I'm going to stop you there.
24 First off, when we visited on April 4th,
25 the turbine was not on the R&D site; correct?

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A. No. It was in the side of the building.
Q. The turbine was in the manufacturing plant; correct?
A. Right, correct.
Q. So the turbine was not hooked into this system at all?
A. Correct.
Q. Okay. And I have some questions here.
So, Mr. Johnson, in this view that we see again at timestamp 13:2:39, I do not see any piping coming off of these towers.
A. Yeah, you see it right here. You see all these little pipes that go right here (indicating).
Q. Okay.
A. Up to -- up there (indicating).
Q. I see.
So right next to the --
A. Across the top there, down -- down across here, and then you see the piping right here across these is all connected in.
Q. Okay. So is the piping that's visible on this video, is that piping connected to the heat exchanger?
A. Yes.
Q. Okay. Where can we see that?

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A. You didn't take pictures of it. It's in the ground. Goes into the trailer.
Q. Where does it go into the trailer?
A. Goes into the -- into the -- remember the trailer was -- not the other heat exchanger, but the other trailer next to it. It goes into those heat exchangers or those heat exchangers from the solar fields.
Q. So we saw earlier a video of one of the heat exchangers.
A. Well --
Q. I can show you again if you want.
A. But that was the heat exchanger that -- that eliminated -- that heat exchanger is very unique.
Q. Sir, that had one of the heat exchangers. Are you telling me there's another heat exchanger on the R&D site?
A. There's probably ten.
Q. And where are those?
A. In those -- in those two big containers right there, and the trailers (indicating).
Q. So you're telling me, sir, that the piping from these towers --
A. See that white --
Q. -- is -- hang on.

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A. See that white? See that? That's all insulated with that special insulation that is brand new, comes out of Turkey. And that is really high -- really a high valued heat -- insulator, but it's not water soluble and it doesn't collect water.
Q. What -- what is that style of insulation?
A. It's a brand new -- it's -- you saw that whole stack in there when you went down, I think.
Q. What's the brand name?
A. I don't know. But you -- there's a whole -- I bought a whole bunch, because I thought there was going to be a war in there, so I bought a whole bunch to do a thousand projects, you know. But -- but I wouldn't get it -- so I bought it because the advantage of this, it's a --
Q. I'm going to stop you there. That's fine.
A. And it doesn't absorb water.
Q. What kind of piping do you use?
A. Just regular pipe. We just cover it with this insulation.
Q. What is the piping made of?
A. Just steel. Just steel pipe.
Q. What kind of heat loss do you see when running the heat transfer fluid through those pipes?

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A. I'd have to -- it's, like, point -- it's a factor about 40 of 22 or 44, but it's about .00 BTUs per pound per square foot, or something like that. It's really high.
Q. Have you always used steel piping?
A. Yeah, I think so.
Q. Have you considered using other kinds of piping in the past?
A. Yeah, we have. We've tested a lot of piping, but none of them -- none of it measured up to -- to what the specs we wanted and the cost, so we went back to steel.
Q. When did you try out other kinds of piping?
A. Since 2004. 2000 and -- 2002 -- the turbine itself has been operating since --
Q. I'm asking about the piping.
A. Well, I know, but the piping that we deliver the fluid is we tested it through all those years, plus we've been testing it later on. We wanted to see that -- you have different -- different characteristics.
For example, if you want to use molten salt in that field you'd have to -- you'd have to -- you'd have to have a coating on inside of the pipe,

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1 but you could use thin wall pipe.
2 If we want to use water in the system
3 then we have to use Schedule 80 piping in -- in -- for
4 the pipe.
5 The piping we put in there is
6 Schedule 80, because we didn't know exactly what fluid
7 we were going to use, so we used the highest --
8 highest pressurized piping that we could that would
9 deliver -- would hold in at 2500 PSI. We didn't know
10 whether we could use water, whether we couldn't, see.
11 Q. So have you changed the piping based on
12 the heat transfer fluid that you have tried in the
13 past?
14 A. We -- we have done and tested it out on
15 different towers, but mainly we kept the same one
16 because there's no sense replacing something. But we
17 did test different things and see how much -- how much
18 change would take place.
19 And then we have it taken to the
20 laboratory and put a laboratory test on the piping,
21 and then they would grade that out, and then they
22 would -- they would then tell us over how much time
23 they could extrapolate that testing out to see how
24 much -- how much molten salt would last on a
25 particular type of piping. And of course oil is --

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1 doesn't have that problem at all.
2 Q. Do you have any records of the different
3 tests that have been performed on the piping and heat
4 transfer fluids?
5 A. No, but we did them. So...
6 Q. Where did you do the testing?
7 A. People that made the pipe, we did it --
8 we used their testing and said what -- this is what
9 we're using, what can we expect.
10 Q. Who are those people?
11 A. The people that make the different grades
12 of pipe. And so we used their testing on various
13 types of piping.
14 Q. And who are those people who make the
15 pipe?
16 A. I don't know. I just -- same thing. I
17 can't remember those people, you know. I don't
18 remember their names but...
19 Q. What company?
20 A. I don't remember the companies. There's
21 several companies that do this so -- that do different
22 types of grades of pipe.
23 Q. How do you know where to buy more pipes
24 from?
25 A. Well, I can look back and see where I

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1 looked up, you know, that's not a problem. But I just
2 don't -- I just don't have it in my fingertips.
3 Q. So the information about who made the
4 pipes is in your records?
5 A. Well, it's somewhere in my -- where I can
6 look it up in my computer. And when I see it, I know
7 who I talked to.
8 Q. And if that information is not in the
9 documents that you produced to the United States, will
10 you produce that information?
11 A. Well, I just look it up on the Internet
12 and I could tell who I talk -- I can see and remember
13 who I talked to.
14 Q. So it's not in your records, you just
15 look it up on the Internet?
16 A. Right, that's all -- that's all I've ever
17 done.
18 Q. Let's talk about heat transfer fluid.
19 A. Okay.
20 Q. You talked about molten salt, you talked
21 about a high temperature oil you used in Mesquite,
22 Nevada, you talked about a different high temperature
23 oil other than the kind you used in Mesquite, Nevada,
24 you talked about water, and you talked about a liquid
25 metal that you had tried out as heat transfer

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1 fluids --
2 A. Right.
3 Q. -- in this system?
4 A. Right.
5 Q. Are there any other heat transfer fluids
6 that you've used?
7 A. We used sulfuric acid to see what kind of
8 reaction I would get when you use -- when you put
9 sulfuric acid into a concentrate sulfuric acid.
10 Q. And --
11 A. And see what happens.
12 Q. Let me make sure I'm being clear.
13 I mean heat transfer fluids that have
14 actually been used on the R&D site. I don't mean ones
15 that you have tested right now.
16 A. Well, they've all been tested on the
17 tower. It's the only way you could do it. I don't
18 have any other way of testing.
19 Q. Do you have records of having conducted
20 those tests?
21 A. I don't keep those kind of records. I
22 don't -- I don't keep any records.
23 Q. Do you have any data resulting from those
24 tests?
25 A. I don't even have any records that show

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that I -- that I used to get the patents with.
Q. So the answer is no?
A. No, I don't -- I don't do it. I don't have to.
Q. So you mentioned that the high temperature oil in Mesquite coagulated?
A. Right.
Q. What -- when did you realize you did not want to use the high temperature oil you used in Mesquite?
A. We'd used that system since 2002, is when we built the system that we used in Mesquite, and over -- over that period of time that we had used that system --
Q. Sir, that's not my question.
When did you stop -- when did you decide to stop using the high temperature oil that you used in Mesquite?
A. That's what I'm trying to arrive at. See, in my thinking I'm trying to get a timeline. I'm just thinking out loud to arrive at your question.
I mean, I can think about the same thing without speaking, but it's -- you wouldn't see the process and make it easier for you to understand.
So what we did is we used --

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Q. Sir, I just want the answer.
A. Up until 2000 -- I'm just trying to think -- 2005 we went to Mesquite, and when I brought the system home from 2005 from Mesquite, I couldn't get the -- the system to pump through the system.
And so that's when we took the system down and cleaned the system out, and we found out that the -- the oil, that it had started to coagulate inside the -- inside some of the heat exchangers, and so that would have been about 2005-2006.
Q. What did you try next as a heat transfer fluid?
A. Well, that's when we decided -- we went to a molten salt system, and then we went to a water system after -- in between that.
Q. Wait.
In between what?
A. Well, we tried the molten salt and then we tried water, and that's why I put the -- the 80 -- Schedule 80 piping, is because we were -- we wanted to get a variety of testing.
There's -- there's plus and minuses to everything that you do.
Q. Right. I'll ask you about that in a second.

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But right now I want to know how long you tried molten salt before you switched to water? When did you stop using molten salt?
A. I don't think there was an exact time difference. We were interchanging different ways of doing things, so we would put one in and test it and change it back and forth to see what kind of problems we'd have with water against molten salt or -- or another type of oil.
Q. So when did you try water?
A. Same -- after -- well, it was before two -- we tried it before and after 2000 -- we tried water all the way through, as well as oil, from 2000 and -- we actually started the water in 2001 and 2002, so then we went to an oil.
Q. Real quick, sir, have you ever used water as the heat transfer fluid in the system using your solar lenses to generate electricity?
A. Yes.
Q. When?
A. After 2006.
Q. When after 2006?
A. I don't know. It was just during that period of time we were testing a variety of things, and so we would have used -- we used water, we used

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oil, we used molten salt.
Well, we set up -- the system up to use water in case that would have been a good way to go.
Q. And let me ask you this: When you say yes you generated electricity, how do you know you generated electricity using water as the heat transfer fluid?
A. Okay. We just use meters. It's easy to do.
Q. You used meters where?
A. On the -- on the generator systems.
Q. So that would be after the water, as a heat transfer fluid, has passed through a heat exchanger and the system has gone through the turbine to generate electricity?
A. Well, yeah, there's advantages to using water over another fluid.
Q. Sir, that's my question.
Is that correct?
A. Well, that's partially correct, but your understanding is not clear.
Q. So there was a meter at the generator stage; correct?
A. Yeah, you put a meter on to generate power.

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1 Q. So did any of the electricity that you
2 say was generated by using water as a heat transfer
3 fluid, did that ever end up powering anything?
4 A. Yeah, we turned the lights on. In
5 fact --
6 Q. What lights?
7 A. Well, if you see the back of my
8 trailer --
9 Q. Sir, what lights?
10 A. That's what I'm trying to tell you.
11 On the door of those trailers that you
12 saw, you had a whole bank of these lights that you had
13 on there, and I burned them all out. I turned them,
14 lit up the whole valley, and then I didn't have it
15 regulated properly and it put out too much power and
16 it burned them all out.
17 Q. Has water, as the heat transfer fluid,
18 ever powered anything other than those lights on your
19 trailer?
20 A. No.
21 Q. Did the high temperature oil, as a heat
22 transfer fluid that you used in Mesquite, Nevada --
23 well, I'll withdraw that.
24 Have you stopped using water as a heat
25 transfer fluid?

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1 A. No. We were looking at it the other day.
2 The problem is is your collection process. And in
3 order to do -- in order to do it one way, you limit
4 your -- you limit your square footage of your -- of
5 your -- of your heat exchanger of the collector on
6 your -- on your towers.
7 So by using water, and then you have to
8 -- you have to cover the pipes in a -- in a glass tube
9 to prevent them from pushing the heat back out into
10 the area, and it -- and also losing it on the infrared
11 side.
12 And so, yeah, we've done that, and we
13 were looking at it again to eliminate the problems I
14 have with molten salt, and the temperature I have to
15 regulate temperature on -- on the -- on the oil.
16 Q. All right. Sir, I'm going to stop you
17 there. I'm going to stop you there.
18 A. With water I can lose -- I can lose a
19 little bit of flow and the temperature could rise
20 rapidly, and I still don't have a bad effect. And
21 molten salt works the same way.
22 Q. I'm going to stop you there, sir, because
23 I have other questions.
24 A. If the oil goes high, you lose it.
25 Q. I'm going to cut you off. Now we're --

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1 A. Just trying to get you to understand.
2 Q. Sir, I want you to answer my questions.
3 A. Okay. I'm trying to.
4 Q. Okay. Thank you.
5 A. Okay. Thanks.
6 Q. All right. So you said you started using
7 molten salt in 2006. Have you continuously used
8 molten salt at your R&D site?
9 A. Yeah, it's always -- we always use it on
10 the fire side. Always have. There's a reason for
11 that.
12 Q. On the fire side?
13 A. We've always used it on where you have
14 the actual fire coming in. If you use --
15 Q. What does that mean?
16 A. Well, if you use a hybrid system, you
17 want -- you want 24 hours a day, you have to have --
18 Q. Sir, I'm going to redirect your focus
19 here.
20 What I am talking about is the heat
21 transfer fluid that's in this receiver right here
22 (indicating).
23 A. I'm not confused on what you're saying.
24 You're confused on the power.
25 Q. Okay.

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1 A. On the -- on -- on your power plant,
2 you're talking about -- you're talking about the power
3 plant itself.
4 Q. I'm talking about this right here, sir
5 (indicating).
6 A. Yeah, but when you change --
7 Q. That's what I'm talking about.
8 Is that molten salt -- was that molten
9 salt on April 4th? Was that molten salt in there?
10 A. No. There was oil in there.
11 Q. There was oil in there on April 4th?
12 A. Uh-huh.
13 Q. Where was the molten salt?
14 A. The molten salt, you see -- you have to
15 have --
16 Q. Sir, where was the molten salt on site on
17 April 4th?
18 A. It was in the -- in the -- in the other
19 side of the total power plant is a combination of
20 solar, and on this one is natural gas or propane,
21 actually.
22 So you're talking about -- if you're
23 talking -- if you -- the problem is you get confused
24 on one tower. The tower is the -- in the power plant.
25 Q. So on a -- on different towers is there

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1 different heat transfer fluid going through the pipes?
2 A. There could be, but there isn't. Not on
3 this -- not now. But there could have been. We had
4 them that way to check out which would be the best.
5 Q. Okay. When did you have it that way?
6 When did you try out different heat transfer fluids
7 on --
8 A. I don't know. Over the past years, we
9 change it around to see if I've overlooked something.
10 Q. Have you decided on a heat transfer fluid
11 to move forward with this project?
12 A. Yes. We're just -- we just -- we just
13 found out that we can lower the temperature and keep
14 the oil running in a -- by -- by lowering the
15 temperature of the speed and the size of the piping.
16 Q. I'm going to stop you there. I'm going
17 to stop you there.
18 What have you decided on as your heat
19 transfer fluid to go through the receiver?
20 A. Well, we're probably going to use an oil.
21 But the problem is --
22 Q. What oil, sir? What oil?
23 A. Just a heat -- a heat -- something that
24 could take a temperature right around 700 degrees.
25 Q. What kind of oil?

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1 A. Well, it's a synthetic oil that we use.
2 Q. What's the brand name?
3 A. I don't know.
4 Q. Where do you get it?
5 A. I just -- we just buy it and we get it
6 in. We -- they just -- we just get it and ship it in.
7 Q. From whom?
8 A. Just some oil company that -- that --
9 that has a really nice oil and seemed like it works,
10 but we don't -- I don't know the name.
11 Q. When did you decide on oil as your heat
12 transfer fluid moving forward?
13 A. We haven't decided. We tested a whole
14 bunch of variety of things.
15 Q. So, sir, I'm going to stop you there.
16 So you have not decided on oil as your
17 heat transfer fluid for moving forward with this
18 project. Isn't that right?
19 A. It's like saying to an automobile
20 manufacturer what kind of coolant are you going to put
21 in your radiator? Water, and I'm going to use Xerox,
22 and then I'm going to use some other fluid.
23 When are you going to decide which one
24 you're going to use, Xerox or the other fluid?
25 Tell me, how -- how is that relevant

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1 to -- whether or not which oil I use, as long as it is
2 a qualified oil, and I may change my mind on the
3 company just because of price.
4 Q. Sir, new question for you: How many
5 turbines have you built?
6 A. I don't know. We've got 20 bodies back
7 there. I don't know.
8 Q. Where are they?
9 A. Back in that room there.
10 Q. What room?
11 A. In the storage room where we -- you saw
12 the -- saw the -- the -- the lenses and the -- and the
13 insulation.
14 Q. At the manufacturing facility?
15 A. Uh-huh.
16 Q. Yes?
17 A. Yes. We got a lot of them out there.
18 I've thrown away a few. Froze a few. Left water in
19 them and froze up.
20 Q. How many turbines are operational
21 currently?
22 A. I don't know. We got one -- I know of
23 one, two -- maybe ten, I don't know. Five or ten.
24 Q. Five or ten you think?
25 A. Yeah. They're easy to build. They're

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1 not hard, yeah. We got 20 ready to put together, ten
2 or 20.
3 Q. Mr. Johnson, have lenses on the R&D site
4 ever generated electricity for the house that is on
5 site?
6 A. Yes.
7 Q. When?
8 A. Just whenever I choose to. Just whenever
9 I want to test it, I test it out.
10 Q. When did that first happen?
11 A. 2006, probably. 2007. I don't know.
12 Q. And about how many times would you say
13 you've done that since 2006?
14 A. Hundred times. I don't know.
15 Q. Hundred times?
16 A. Yeah.
17 Q. Do you have any records of having done
18 so?
19 A. Nope.
20 Q. No?
21 A. No.
22 Q. Do you have any data for those attempts?
23 A. No.
24 Q. Well, was anyone else around to see what
25 you had done?

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A. No. I just turn them on on weekend.
Q. No?
A. No. I just turn them on on weekend and test things out to see whether or not something's working the way I want it to work and what kind of changes I might have to make just to gear sizes on the generator, what kind of RPMs I'm going to get.
Q. Thank you, sir. That answers my question.
A. Okay.
Q. Did anyone -- has anyone ever paid for the electricity that you purport to have provided to that house?
A. No.
Q. Has anyone ever paid for electricity that you claim was generated by lenses at the R&D site?
A. No.
Q. No?
A. No.
Q. Please be -- did you get it?
A. No.
Did you get that? No, I'm sorry. I'm facing the wrong direction, I'm sorry. Just tell me to get over and speak up, or whatever you need.
Q. Has -- have the lenses been used in any

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system that has generated heat?
A. I don't know what you mean by that. I am totally confused by what -- what that is. What are you -- what are you talking about?
Q. Well, we saw earlier that these lenses burnt a two-by-four piece of wood; right?
A. Right.
Q. So the lenses generate heat?
A. Right.
Q. Right.
Has anyone ever paid for that heat that the lenses generate?
A. Yeah, the R&D.
Q. Who?
A. Myself.
Q. Who has paid for the heat?
A. Me.
Q. Who have you --
A. Individually. I pay for the R&D work to be done.
Q. Who did you pay for the heat generated by --
A. International Automated Systems.
Q. Sir, let me finish the question.
A. Okay.

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Q. Who did you pay for the heat that was generated by those lenses?
A. Okay. So I paid for the heat so that I can do R&D on a project. So if I'm -- I'm developing a new -- a new system, okay, and I -- I hire people to work for me to work so that we can develop a new patent and new technology, that's called research and development.
So I pay for all the research and development that went into that to get my patents, and so I paid for the generation of the heat to develop all -- see how all these other projects were going to fit together and the turbine would work, and would it generate electricity, what kind of fluid I would need to use. All of that has to be paid for.
Q. Okay. Sir, I'm going to stop you there.
A. I paid for that.
Q. I'm going to stop you there.
Who did you pay?
A. I paid all the people that work for me to pay to do that.
Q. Okay. Did you ever pay the owner of any lens for the heat that the person's lens produced?
A. Not yet I haven't. But they -- they will get -- they've got the contract. In order -- in order

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for them to get the -- to -- for me to use that, they entered a contract, and that contract tells me I have the right to use that in an R&D situation.
MS. HEALY-GALLAGHER: Object to the responsiveness of the answer after "no."
THE WITNESS: Well, you said -- you asked me the question.
Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, have the lenses in the towers ever been used to heat or cool a structure?
A. Yeah.
Q. What structure?
A. Those -- those built -- those things out there that hold molten salt have to be heated in order to -- to keep the molten salt from -- from -- from, you know...
Q. So the trailers on the R&D site?
A. Uh-huh, yeah.
Q. Yes?
A. Yes.
Q. Has anyone paid for those trailers to be heated by warmth from the lenses?
A. Mr. Johnson has paid, bought all the heat, and for the process of R&D, so, yes.
Q. Who did you pay for that heat?

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A. I paid the workers that work for me, International Automated Systems, and they did -- they paid for the people to work on my research and development.
Q. Did you ever pay the owner of any lens for the heat that was generated for the trailers?
A. I'm not responsible to pay anything to anybody.
Q. Sir --
A. I don't have a contract to pay anything.
Q. -- yes or no?
A. I didn't directly pay, but through the contract, they got paid.
MS. HEALY-GALLAGHER: Object to the responsiveness after "no."
THE WITNESS: Okay. If that's the way you want to be.
Q. BY MS. HEALY-GALLAGHER: Have any lenses on the R&D site been used to provide hot water in a structure?
A. Yes.
Q. What structure?
A. Same ones. That's all hot water out there and they -- we changed it to -- we did it for the structures --

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Q. Excuse me, sir.
A. -- of the --
Q. Where is the hot water that's generated by the lenses?
A. They go in the heat exchangers, and the heat exchangers produce hot water for me then to run through the pipes to -- to melt the -- the molten salt.
Q. Okay. So when you say they're being used to generate hot water, they are -- they are being used in the heat exchanger -- the hot water is used inside the heat exchanger; is that right?
A. It's still a structure.
Q. Is that your testimony?
A. Yes. It is a structure.
Q. Any other hot water generated by the lenses?
A. I don't know. I may want hot water to wash my hands with, I guess, if that's what you're saying.
Q. Have you ever done that, sir?
A. Yes, I have.
Q. When?
A. All the time if I wanted hot water out there, that's how I got it.

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Q. If you wanted hot water out on the R&D site, what did you do?
A. Run it through one of my lenses and heat it up. It's not hard to do.
Q. Did you pay anyone for that hot water?
A. I paid for the R&D, yes, I did. So I paid it. Whether -- whether or not anybody else paid what they -- what they obligated to pay is not the issue. It's me. You're talking to me as Neldon Johnson. I did the R&D. I paid the right -- I paid for people to give me this stuff through contracts. I paid people money to work on that project, which is R&D.
Q. Sir, did you pay --
A. And that's what I did.
Q. Did you pay --
A. Yes.
Q. -- the owner of any lens for the hot water that their lens generated for you?
A. I don't have a contract to pay that.
Q. Yes or no, sir?
A. No. As Neldon Johnson, I don't own -- I don't have any responsibility to pay anybody but for the R&D site of this thing.
Q. So the answer is no, sir. Isn't that

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correct?
A. So the answer is that I did not pay directly to anybody, no.
Q. Okay. For any of the entities for which you make decisions, have any of those entities ever paid a customer for the use of their lens?
A. Well, in the terms -- in terms of payment, we -- we have a contract that they -- they -- that obligates them.
Q. Sir --
A. So when they buy the contract --
Q. -- that's nonresponsive. I object to the responsiveness of the answer, sir.
Have any of your entities paid money to the owner of any lens for the use of their lens to generate any product? Yes or no?
A. Not that I know of. Not that I know, no.
Q. Not that you know of.
A. No. The contract is -- the contract is such that we don't pay it until certain things get done, so it's not -- we're not violating any contracts.
Q. Have you, Mr. Johnson, paid the owner of any lens for any purified water that their lens generated?

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A. No.
Q. Has any entity under your control ever paid the owner of any lens for purified water that their lens generated?
A. No.
Q. Mr. Johnson, I'm handing you what's been marked already as Plaintiff's Exhibit 16 -- oh, that's two copies. Actually, I can take that back. I'll take back one of those copies.
A. Oh, sorry.
Q. And I'm also handing you what's previously been marked Plaintiff's Exhibit 17.
Just take a quick look at Plaintiff's Exhibit 16 and 17.
A. Okay.
Q. And let me know when you're ready.
A. Okay. What did you want me to do?
Q. Do you recognize, sir, Plaintiff's Exhibit 16 and 17?
A. I think I've seen them before.
Q. What are they?
A. One's a new Solar Breakthrough and May Compete With Gas, the other one is an IAUS Technical Overview.
Q. All right. And do you recognize these

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documents?
A. As far as I know, yeah. I mean, I'd have to read them carefully, but I think I probably wrote them.
Q. Okay. You think you wrote these papers, sir?
A. Oh, yeah, I think so.
Q. Are these the white papers that you've been -- we've talked about earlier today?
A. No. The white papers would be written by someone else.
Q. And do you have any idea whether you produced the white papers written by others to the United States?
A. As far as I know that you -- yeah, you would have these documents.
Q. No. The white papers written by others?
A. Yes. As far as I know you did, yeah. I assume you did. Attorneys had them. So...
Q. So, Mr. Johnson, it's your testimony that you wrote Plaintiff's Exhibit 16?
A. Yes.
Q. And you wrote Plaintiff's Exhibit 17?
A. I think so.
Q. Well, take a look.

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A. Well, I don't -- I -- okay. This is part -- this is partly the white papers. This was a white paper. I didn't -- I didn't write these. This is the white paper on the lenses, and this is the analysis made by the optical engineer who wrote this, who gave that.
Q. All right. Let's -- let's --
A. So then this is the efficiency of the radius of the lenses --
Q. Okay. So hang on.
A. -- that shows that we're within those limits.
Q. I'm going to slow us down so that we're clear.
A. Okay.
Q. Let's take a look back, please, at Exhibit 16.
A. Okay.
Q. Okay. 16, sir.
A. 16. Which one is 16?
Q. The number's on the bottom in the yellow sticker.
A. Oh, okay. All right. There you go. Now I got -- I'm on track with you now.
Q. Okay. So you wrote Plaintiff's

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Exhibit 16; correct?
A. Well, let's see how much I wrote of it. I wrote a lot of it. That wouldn't have been the white papers. So this would have been probably my personal data that I -- that I produced, and so that would have been -- yeah, I wrote those, yeah. I think I wrote most of them.
Q. When did you write Plaintiff's Exhibit 16?
A. Oh, now, I wouldn't know that. I wrote it a long time ago.
Q. Before or after 2000?
A. Oh, after 2000.
Q. Before or after 2010?
A. Probably before that, actually. I think that would be before that.
Q. Before or after 2005?
A. Probably after 2005.
Q. Okay. So sometime between 2005 and 2010; correct?
A. Probably in that neighborhood, I think, yeah. Because -- I know when these were done. So...
Q. Let's take a look at Plaintiff's Exhibit 17.
A. Okay.

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1 Q. All right. Sir, you believed that other
2 folks had written at least portions of Plaintiff's
3 Exhibit 17?
4 A. Did you read the note at the bottom of
5 the Page 19?
6 Q. Sir, that's not an answer to my question.
7 A. Well, I'm just saying, if you read the
8 note it says: "In the following section" --
9 Q. Sir, stop, please.
10 A. Okay.
11 Q. You need to answer my questions.
12 A. What was the question?
13 Q. The question is: You believe that other
14 people wrote sections of Plaintiff's Exhibit 17;
15 correct?
16 A. Correct.
17 Q. Okay. Can you identify for me what
18 sections other people wrote?
19 A. Yeah, I could probably do that.
20 Q. Okay.
21 A. The -- the evaluation overview of the
22 design philosophy of the IS solar panel.
23 Q. All right. And that's on Page US001852.
24 A. So 20.
25 And then you have the analysis of the

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1 optics, and -- and shows that our optics do, in fact,
2 meet the required optics to qualify as a -- for that
3 lens.
4 And this was analysis made by an outside
5 individual that analyzed our lenses and come to this
6 conclusion. You see the charts?
7 Q. Okay. So that section goes through
8 US001869; correct?
9 A. Let's see what it goes through. 27 --
10 we're still on 29. Let's see. All right. We're into
11 29. 31 still is part of the analysis, 33 is still
12 part of the analysis, and getting --
13 Q. Sir, keep going, please.
14 Please take a look and -- let's go and
15 take a look --
16 A. Concentration ratios, 35. The
17 temperature and showing all the degrees that we
18 anticipated to get to -- to 38 and part of 39.
19 Q. Okay. Well, let's talk about the optics,
20 because the optics only went through 1869; correct?
21 A. Oh, wait a minute. Yeah, that turbine,
22 yeah, that went through 37.
23 Q. 1869; correct?
24 A. Well, the page I got is 37. So right
25 here it says 37 (indicating).

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1 Q. Sir, the --
2 MRS. JOHNSON: No. Down further.
3 MS. HEALY-GALLAGHER: US001869 at the
4 bottom. I understand now. Now we're tracking.
5 Q. Okay. So who wrote this section?
6 A. It was an optical engineer.
7 Q. What's that person's name?
8 A. I don't know.
9 Q. Did you know at one time?
10 A. Of course I did.
11 Q. Who was that person employed by?
12 A. Probably employed by me.
13 Q. Do you have any record of this person's
14 identity or existence in your records?
15 A. Well, yeah, we've got the names of all of
16 them. I just don't have it on the page because we
17 didn't want to publish their names, for obvious
18 reasons. But the names are on the original documents,
19 and we have it. And you should have -- you should
20 have the original documents.
21 Q. Well, sir, I will represent to you that
22 we have no names, so we will follow up with that with
23 your counsel as well.
24 A. You should have the original names.
25 Q. So what's the next section that a third

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1 party wrote?
2 A. All right. Let's see. The next one is
3 we start out with the turbine evaluation.
4 Q. And that's on Page US1870?
5 A. Right. How much I wrote and how much the
6 introduction. And then -- and then part -- then I
7 could have written some of the introductions.
8 Let's see, the -- okay. UC Davis, his
9 Ph.D. dissertation -- okay. Got that. So that would
10 have been mine to the introduction of who he was, the
11 turbine efficiencies and the introduction here.
12 And then his, basically, analysis was
13 written after the introduction, and all of these are
14 referenced to his analysis.
15 And then we get to 1872. We get the
16 analysis that he did on the nozzles that we did. He
17 used our number systems and our analysis as the
18 nozzles, the predicted turbine efficiency was written
19 by him, all the conclusions were written by them.
20 All -- all that page -- so 1872, 1873 was
21 written by those people.
22 Q. And, sir, I'm going to stop you here.
23 I'm going to ask you to silently go through the rest
24 of the document so you can just tell me where someone
25 else's work starts and stops. Okay?

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A. Well, I'd have to read the entire document, but I think it is all his writings. I would -- I may have introduced a paragraph or two to -- in -- in somewhere.
Q. Sir, through where? You said he started at 1870?
A. I start the 38 and -- or 1870.
Q. Okay. And then his work started?
A. And I would -- I would interject.
Q. Sir, let me just ask here: His work started on 1871; correct?
A. Well, I think some of it's in 1870.
Q. Okay.
A. And 1871.
Q. And then where does his work -- sir, where does his work stop?
A. Well, I'd have to have a pencil and I'd have to cross out only my words.
Q. Okay. So --
A. But I don't know -- but this looks like mostly his -- his writing on 1872 was all his. 1873 was all his -- all theirs. I think there's three people involved.
So 1874, let's see, were all -- were all those people. 1875 were theirs. 18 -- let's see --

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including 1876 were theirs, 1877 were theirs, 1878 were theirs.
THE REPORTER: I'm sorry, I didn't understand.
THE WITNESS: Enthalpy, E-N-T-H-A-L-P-Y. And I got that right because I can read it. That's the only way I would have gotten it right, by the way.
So there you go. That -- that analysis on 1879 was theirs, their analysis on 1880 was theirs, 1881 was theirs, 1882 was theirs, 1883 was theirs, 1884 was theirs, 1885 was theirs, 18 -- you don't have beyond that, but it's still theirs.
Let's see. All right. It stopped on 1887 is where I would have interjected my opinions on what they have -- what -- what my conclusions were based upon their -- their --
Q. BY MS. HEALY-GALLAGHER: Okay. So let's go -- let's go back, please, sir.
For this most recent section that you talked about, you said three people that you recall wrote about that?
A. I think there was three people involved.
Q. Who were they?
A. I don't know the names, but they -- they're the ones that wrote the document.

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Q. When did they provide you this writing?
A. It's been a long time ago. It's been -- been years ago. I don't even know. Could have been before we ever started solar.
Q. Before or after 2000?
A. Well, all of it would have been after 2000, but I don't know when. I have no idea.
Q. Before or after 2010?
A. No, it would have been before that, but I don't know exactly.
Q. Before or after 2005?
A. It could have been 2001, could have been 2002, '3, or '4. It could have been all the way up.
Q. So early 2000s, it sounds like?
A. Yeah. I don't -- but I have no idea. We -- we did this to evaluate whether or not we wanted to spend any more money --
Q. Sir, I'm going to stop you there --
A. -- on the project.
Q. -- because you've answered my question.
With respect to the earlier section on the IAUS solar panel, when did you receive that writing?
A. Well, that was after probably 2006, I would imagine, right around there.

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Q. Around 2006?
A. I think so.
Q. Okay. All right.
So then we pick up in Plaintiff's Exhibit 17 with Pages US1887 through 1890. And did you say that that's where you --
A. 18 what?
Q. 1887.
A. 1887. 1887 is probably where I did my analysis of their -- of their -- of their analysis.
Q. Okay. So --
A. Okay.
Q. Where is the data or research that supports your analysis?
A. This was what -- this was what this was right here, both this and the solar -- this, and this, and I think we have foot marks of where we came up with all of this.
Q. Okay. So the content, sir, your testimony is the contents of Plaintiff's Exhibit 17 is what informed your analysis on Pages US 1887 through 1889?
A. Most of it. And the other stuff came through other -- obvious things about electrical efficiency, plan availability, turbine cycle

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1 efficiency, conclusion. We drew the conclusions from
2 the -- the other, and then of course the summary.
3 Q. And, sir, do you have any other documents
4 or data that support what you've written here?
5 A. I'm sure you have it, actually.
6 Q. No, sir. Do you have it?
7 A. I don't know. I don't keep that kind of
8 stuff, so I don't know. I don't need to. Not for
9 what I do.
10 It was an internal -- it was basically
11 internal thing we did to see if we wanted to continue
12 with the project in -- in spending money on it in 2001
13 and '2, '3. We wanted to make sure we weren't wasting
14 our money and time.
15 Q. So, Mr. Johnson, you're aware that these
16 documents are on RaPower-3.com; correct?
17 A. Well, there's nothing wrong with that, as
18 far as I know, but --
19 Q. Okay.
20 A. -- I imagine they would be.
21 Q. How did Mr. Shepard get these white
22 papers?
23 A. He would have got them from me.
24 Q. Sir, with all of the contents of the
25 white paper -- actually, I take that back.

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1 We looked at Plaintiff's Exhibit 16 and
2 17, yes?
3 A. We've looked at exhibit -- we looked
4 through Exhibit 17. We -- with -- with the -- on --
5 on every page. We only glanced at --
6 Q. Plaintiff's Exhibit 16?
7 A. 16, yeah, we just glanced at that one.
8 Q. Okay. How many other white papers, other
9 than Plaintiff's Exhibit 16 and 17, do you have about
10 your solar energy technology?
11 A. I'm not really positive. We have them on
12 the photovoltaic system from BYU, the Polish control
13 board system. And the analysis was developed by --
14 the analysis of the -- of the photovoltaic system, the
15 new system we have that's on the website is valued by
16 a third party.
17 Q. When did you get those?
18 A. Oh, it was just a few years ago. This
19 is --
20 Q. And, sir, have you ever had a third-party
21 review of your system as a whole?
22 A. Yes, I have.
23 Q. Who has done that?
24 A. They hired an expert, Dave -- through
25 Dave Nelson, and he came down and valued it.

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1 Q. Who is that?
2 A. I don't know. I'd have to get Dave to
3 give me a name. But, yeah, we had it evaluated
4 several times.
5 Q. Mr. Johnson, when did Mr. Nelson hire an
6 expert to evaluate your whole system?
7 A. It's been -- it's been -- could have been
8 in 2012 or 2013.
9 Q. Why did he do that?
10 A. Because I asked him to.
11 Q. Why did you want that to happen?
12 A. I've -- I always want to make sure that
13 we're on the right track and evaluate and see if we're
14 -- if we've missed something in our calculations.
15 Q. So what --
16 A. We always --
17 Q. -- written product, if any, did you get
18 from that expert who came down in 2012 or 2013?
19 A. I don't know that I got one on him. If I
20 would have done I probably would have published it,
21 but -- but --
22 Q. Why didn't you get a written product from
23 him?
24 A. I didn't feel like I needed a whole
25 outline. I just was looking at it from a standpoint

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1 of was there something that I was -- that I had missed
2 or -- I -- I go through the process of what I invent
3 and not look at anybody else's stuff, because I don't
4 want to get clouded by somebody else's thinking.
5 And I get it done and evaluate it, and
6 then I bring in outside people to evaluate my work to
7 make -- I don't do it for the people. I do it for
8 myself to make sure that I haven't -- haven't --
9 haven't lied to myself somewhere.
10 Q. Okay. So --
11 A. And that's what I do.
12 Q. -- is there any other person who has
13 evaluated your system as a whole, other than --
14 A. Well, I have people come down all the
15 time that evaluate it.
16 Q. Sir, have you -- have you received any
17 written evaluation of your system as a whole?
18 A. I haven't, but I'm sure people have
19 written about it, but I don't think I have, you know.
20 Q. All right. Mr. Johnson, we've been
21 talking about lenses so far today.
22 A. Your computer's tired. Your computer
23 wore out before I did. That's sad. I'm a lot older
24 than that computer.
25 MS. HEALY-GALLAGHER: Do we want to take

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1 a five-minute stretch break?
2 THE WITNESS: I'm just teasing.
3 MS. HEALY-GALLAGHER: I'm just asking.
4 It's totally fine if you do.
5 THE WITNESS: You're better than most
6 people I've dealt with in depositions. So...
7 MS. HEALY-GALLAGHER: Great.
8 THE WITNESS: Normally they usually come
9 over the table at me. You haven't done that yet.
10 MS. HEALY-GALLAGHER: The day is young.
11 THE WITNESS: I know. Wait and see. You
12 might have a good day after all.
13 Q. BY MS. HEALY-GALLAGHER: All right.
14 Mr. Johnson, I'm showing you what's been marked
15 Plaintiff's Exhibit 2. Please take a look at that.
16 It is front and back, such as it is.
17 A. Okay.
18 Q. Do you recognize Plaintiff's Exhibit 2,
19 Mr. Johnson?
20 A. Yes. It's one I developed.
21 Q. Okay. So Plaintiff's Exhibit 2 is a
22 printout from the IAUS.com website; correct?
23 A. Yeah. This is a very early one,
24 actually. This probably was right around 2006, I
25 would imagine.

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1 Q. Well, I want to direct your attention to
2 the text, Mr. Johnson. Did you write this text?
3 A. I believe so, yeah.
4 Q. Okay. And we've been talking about
5 lenses, and I want you to take a look at the picture
6 that's on the left-hand side of the page.
7 A. Okay.
8 Q. Now, Mr. Johnson, am I correct in
9 thinking a lens is one of those triangular-shaped
10 items that formed the circle?
11 A. No. There's two lenses.
12 Q. Okay. So there was a double pane?
13 A. No. It's just two lenses in that one
14 triangle.
15 Q. Okay. So every triangle that we see in
16 this picture --
17 A. Has two lenses in it.
18 Q. Has two lenses. There's two layers of
19 plastic?
20 A. No. There's just two separate lenses in
21 there. One that -- they're divided right there with
22 the -- with some divider in it and allocated according
23 to the square footage. So, yeah.
24 Q. I want to make sure we're talking about
25 the same thing.

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1 Can you show me your version there of
2 Plaintiff's Exhibit 2?
3 A. Each triangle has two lenses, not one.
4 Q. Can I see your -- I want to make sure
5 we're tracking here.
6 A. Sure.
7 Q. All right. So in this triangle that I'm
8 tracing out with my pen right here, that forms one
9 pedal, kind of, this flower here?
10 A. Right.
11 Q. This has two --
12 A. This it -- it goes this area right here,
13 and this area right here form one lens. This forms
14 another lens right there (indicating).
15 Q. I see. Okay.
16 So you've made some marking on
17 Plaintiff's Exhibit 2 that each -- okay. Now I
18 understand.
19 A. Okay.
20 Q. There's two?
21 A. Two lenses.
22 Q. So is that two different pieces of
23 plastic?
24 A. Uh-huh.
25 Q. Yes?

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1 A. Yeah.
2 Q. Okay. So when a customer buys a lens,
3 what is the customer buying?
4 A. He buys that lens, that's what he buys.
5 Q. The whole triangle?
6 A. No, just the half. Just the lens. He
7 buys one lens.
8 Q. Which half?
9 A. Whatever he chooses. We just put a
10 number on it and then he gets it. We just choose
11 ourselves.
12 Q. Who's "we"?
13 A. I -- I put a number on the lens he buys
14 and it goes out to the site.
15 Q. Okay. Let's start -- let's start with
16 Plaintiff's Exhibit 460, previously marked.
17 A. Okay.
18 Q. Mr. Johnson, I'll represent to you that
19 this is a screen shot of one of the video segments
20 that we captured on April 4, 2017.
21 A. Okay.
22 Q. Does this look like a true and accurate
23 representation of the portion of the manufacturing
24 facility from our site visit day on April 4th?
25 A. It is.

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Q. Okay. Now, these pallets are stacks of plastic, are they not?
A. Stacks of lenses.
Q. Okay. These are in rectangles; right?
A. Right.
Q. So how does a rectangle of plastic get to become any part of the triangles that we see in Plaintiff's Exhibit 2?
A. Because if you take the two triangles together, they make a square. That's the only way you could have got them off the rolls, and they break them apart.
Q. So how does any one piece of plastic in a rectangle in Plaintiff's Exhibit 460 --
A. Well, just -- they're just cutting in half which creates the two lenses. So there's two -- on every -- on every square there's two lenses, and that's what goes in -- goes into that. And so they're cut in half and so that represents the lenses.
Q. So each one of the rectangles in Plaintiff's Exhibit 460 --
A. Yeah, they cut on an angle, which creates the triangle.
Q. -- gets cuts in an angle, creates the triangle, and that triangle is then one lens or two

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lenses?
A. Would be two lenses, yeah. So each one of -- each one of those flat panels, those two lenses, and there's -- you don't see them and they're cut, they cut them -- cut so they package them and transform them for the purposes of transporting them. But there's two lenses on each -- on each level.
Q. Okay. And I'm correct; right? Plaskolite provides these lenses?
A. Yeah. I used to know them as Lucite. I don't know -- I don't -- I didn't know that was their name, actually.
Q. But whoever manufactures --
A. Lucite. It used to be Lucite. They've been sold out, yeah.
Q. Sure.
Whoever manufactures the materials on the pallets that we see in Exhibit 460 --
A. Right.
Q. -- before they ship them to you, they cut them on an angle so that they are triangular?
A. We cut them.
Q. You cut them?
A. But it -- the design, see -- see, you -- you don't understand how hard this was.

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Q. Mr. Johnson, I'm just asking what's here now. That's it.
A. But what I'm saying is, if you saw that, you would see that they're separated by a line through there, okay. But to get them through that roll -- see this is a big roll. You ever seen how they do plastic?
Q. I understand the roll, sir.
So in the design of the rectangle, there's a pre- -- there's a line that goes through; right?
A. Yeah.
Q. And then when the rectangle gets to the manufacturing facility --
A. No, no, no, no.
Q. -- Cobblestone cuts it?
A. See that's what -- you need to let me explain to you what it is.
Q. Well, sir, I don't want the whole back story. I want to know what's happening right now.
So if you want to tell me what's happening right now, can you do that?
A. We -- those lenses are rolled out in a -- in a plastic rolling machine.
Q. Yes.

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A. They -- they're not squares when they -- when they -- we don't ship anything to -- to plastic. Plastica makes the whole thing at once. They -- they have a plastic -- they have raw plastic, okay, little bubbles of it, okay, little BBs of raw plastic.
They heat that plastic up, it goes through an extruder, it goes to my roller. It rolls them out into a flat square like this. And that was impossible from what everybody told me, and it was impossible to do until I put my math to it and got it out and got three patents on it.
Q. Okay. So now they produce --
A. Yeah.
Q. -- rectangles for you?
A. Yeah. Then you cut them in half.
Q. Who cuts them in half?
A. We do. But they will. They're --
Q. No, no, no.
Who does, sir? Who does cut them in half?
A. I hire people to cut them in half.
Q. At your manufacturing facility; correct?
A. Right, exactly.
Q. So is it Cobblestone Center workers who do that?

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A. Yes, yes.
Q. Okay. Thank you.
A. That wasn't easy to do, by the way.
Q. Okay.
A. Do you want me to tell you why?
Q. Nope.
A. I didn't think so.
You're not even very nice to me. Nobody let's me talk.
MR. SNUFFER: You can talk all the way back to my office.
THE WITNESS: No, then you say you're boring, I'm not going to go with you again. You're sensitive. Too sensitive.
Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, which entity buys the lenses from Plaskolite?
A. I don't know. It would be -- we started out with International Automated Systems, but I think it would be Cobblestone now.
Q. I'll show you what's been marked as Plaintiff's Exhibit 461.
A. Yeah.
Q. Again, I'll represent to you, sir, that Plaintiff's Exhibit 461 is a screen shot from our site visit on April 4th.

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A. Right.
Q. Does this look like a true and accurate feature of what was at the manufacturing facility on April 4th?
A. Right. And so now what happens is they buy this -- Cobblestone does buy it from International. But since we've changed, it would be bought by Cobblestone.
Q. When did you make that change?
A. I don't -- I don't know. I don't even know if we've ever bought anything through Cobblestone. We bought a lot through International Automated Systems.
We had to buy a whole -- we had to buy a really big run in order to get them. So we bought thousands, tens of thousands of them, I don't know, to get -- to get them out. You can't just do a small run.
So there's quite an investment in it. This is probably only a third of what we've actually bought, actually, what you saw there. We probably bought three times that much.
Q. Where's the remaining two-thirds?
A. We've used them up in the testing of the product out there. We've used -- we put a lot of --

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we put a lot of lenses up and a lot came down to see -- to see just which ones are going to be the best.
We bought different thicknesses, we bought different ways of putting them up. We developed lots of things. And in the process we went through thousands and thousands of lenses. Probably 10,000 lenses. I don't know for sure, but it's a lot.
Q. Mr. Johnson, I'm going to come around and stand next to you again to take a look at the video.
All right. Before we do that, Mr. Johnson, you said that you apply a serial number to each lens; is that right?
A. Yeah, normally we do. When they -- when we put them out there on the site, they're -- everybody has a serial number on there.
Q. When did you start applying serial numbers to lenses?
A. Before -- before the DOJ come down on their -- their raid on us, so they saw them.
Q. So before 2012?
A. Yeah, it was before then.
Q. Did you start before 2010?
A. I don't know. Probably. We -- we had -- there's always been serial numbers on everybody's lenses. Whether we actually put them on or not,

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they're still there.
Q. I'm not sure I understand your last statement.
A. Well, we have them available to put on and -- and we sometimes we'll wait until we make sure they're going to last before we stick something on, but -- but we can and we have done in the past.
Q. So when, typically, is a serial number applied?
A. Just whenever I choose to. Just when I tell them to.
Q. Who do you tell to put serial numbers on lenses?
A. Just one of the workers. I just hand them a bunch of numbers and I say go put some numbers on those lenses.
Q. Which lenses?
A. The ones -- ones I usually put in the towers I put lenses -- put tags on.
Q. Before or after a lens goes in a tower does it get a serial number?
A. No, huh-uh.
Q. Before or after, sir?
A. It's after.
Q. How are serial numbers applied?

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A. Just little -- they're just little -- just little kind of plastic things you can print off a computer and then just rip them off, stick them on. Just a little rubber -- little glue side on, you just stick them on. Little stickers.

Q. Going to show you what is labeled on Plaintiff's Exhibit 409, video 10_0_47-0_47 -- 57, sorry.

Hang on just one second, sorry. Having some -- oh, geez. That's not what I want.

And for the record, the timestamp is 12:46:19, and I will play it.

(Video played.)

Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, did that video clip appear to be a true and accurate representation of what was on the construction site on April 4th?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. What we saw in that video clip I believe I was told were lenses that had been framed --

A. Right.

Q. -- and were ready to install --

A. Right.

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Q. -- in the trusses that would go at the top of the towers; is that right?

A. Right.

Q. So do these lenses have serial numbers on them, sir?

A. No.

Q. No. Because they're not in a tower yet?

A. Right. And to get in the tower, we designate -- we designate what towers with so many -- with people's identification, and we have the number -- we can add a number where the tower is on the serial number so we can identify where the -- where they are. These are -- these are warrantied for 15 years.

Q. Okay. Sir --

A. So if they break, we need to know who -- who to replace them.

Q. Well, that's what I was going to ask.

How do you keep track -- or I'm sorry.

First off, you said Cobblestone Center is the entity responsible for applying serial numbers now?

A. They are, yes.

Q. And who was responsible for that before Cobblestone Center?

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A. Just whoever I designated before.

Q. Okay. How does Cobblestone -- when did Cobblestone Center start being the entity responsible for serial numbers?

A. Well, it was after the other towers were built. They didn't even come in existence until the other towers were -- were already built. And they -- so they'd never been involved in that process.

Q. Okay. And the towers at the R&D site are the only towers that have been built; correct?

A. That's correct, and Cobblestone wasn't involved in that.

Q. Right. So has Cobblestone installed lenses on any tower?

A. That's what they're doing right now. They've got about a quarter of those done -- done since you've been down there. Almost a half. The lenses on half are almost half installed on that whole site.

Q. Okay. So has Cobblestone applied serial numbers to those lenses?

A. No. They won't do that until they're all done, then they'll start applying them.

Q. Okay. What, if any, system does Cobblestone have in anticipation of keeping track of

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different people's serial numbers and matching them to the lenses?

A. Well, that happens when they purchase it. The serial numbers are generated when they purchase the lens, and then they are printed out and handed to Cobblestone to put on.

The tracking, then, will come back and they'll designate where they put them on what towers, and then they'll add that to the -- to the customer's database. But they will know which towers every lens goes to. It would be on the database on RaPower or XSun or -- or SOLCOI, but it will all be tracked.

Q. Sir, when customers buy lenses, though --

A. The serial number is already --

Q. Okay.

A. -- generated at that point in time.

Q. Okay. But those lenses do not immediately go on towers, do they?

A. No, they don't.

Q. No.

A. But the --

Q. In fact, those lenses, that customer's lenses, might not even be framed like we see in video 10047057; correct?

A. Right. But the serial numbers are all

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1 generated.
2 Q. But they are not connected to any
3 particular -- sir, let me finish. Sir, let me finish
4 the question.
5 A. Okay. Sorry.
6 Q. The serial numbers are not connected to
7 any specific lens; correct?
8 A. No. They designate where lenses are at
9 at any given time for tracking. So they know what
10 pallet those lenses are in.
11 Q. How do they know?
12 A. Because the programs are -- is there and
13 tells me where the lenses are at.
14 Q. What program?
15 A. The program which we buy them off and
16 they say, okay, we purchased these lenses, now
17 they're -- they're in the warehouse.
18 Q. Sir, what's the name of the program?
19 A. It's just my own program. I wrote it.
20 Q. Where is this program stored?
21 A. On the Internet. It's stored on the
22 Internet that generates --
23 Q. Which -- how do I access it? Which
24 website?
25 A. You don't access it. What you do is you

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1 buy a lens, and then it generates you a number and it
2 tells you what -- what serial numbers are on it, and
3 it's stored on the database on the -- on the website,
4 on the Cloud, or whatever you want to talk about.
5 Q. And that program, sir, according to your
6 testimony, indicates exactly where that lens is,
7 whether on a pallet or on a tower?
8 A. Yes, it can. It can track.
9 Q. It can or does it, sir?
10 A. I don't know. I think that it does, but
11 it may not. Depends how good my employees are.
12 Q. Mr. Johnson, do you know how many lenses
13 have been sold by any entity?
14 A. No, I don't.
15 Q. The current price of a lens, Mr. Johnson,
16 the total price is currently $3,500; is that right?
17 A. That's correct.
18 Q. Who decided that $3,500 should be the
19 price of a lens currently?
20 A. I did.
21 Q. Anyone else?
22 A. No. I had people evaluate certain
23 things, but I decided how to -- how to price.
24 Q. Who evaluated things with respect to the
25 price of the lens?

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1 A. Just people that worked for me. I had
2 them evaluate the different costs I was involved in.
3 How much money I spent in R&D. How much money I spent
4 on this process. What's the chances of my warranty --
5 how long -- what's my gamble on how long they'll last,
6 how many times I have to replace it.
7 What's the lifetime of this lens? What's
8 the production? How much production will it do? Will
9 it pay for it? All those things went into the value
10 of the -- what I put out there, and then the risk
11 factor and my profit.
12 Q. Okay. And customers, though,
13 Mr. Johnson, buy only the lens; correct?
14 A. That's correct.
15 Q. Mr. Johnson, all these things that others
16 have evaluated for you as far as what should factor
17 into the price of the lens, do you have any of that
18 written down?
19 A. No. I don't keep that. I just -- I just
20 figure it out and I figure this is what I've invested,
21 this is what my return should be, this is the risk
22 I've taken, this is what the market value is at the
23 time. The market value was within reason and so we
24 decided that would be the way we priced it.
25 Q. Okay. And when you say, for example, R&D

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1 costs that you have incurred --
2 A. Right.
3 Q. -- to develop the lens --
4 A. Right.
5 Q. -- what's your estimation of that cost?
6 A. I don't know. $20 million or so, maybe
7 more.
8 Q. And how do you arrive at that number?
9 A. Through the bookkeeping that IAS, they do
10 the bookkeeping on IAS's side.
11 Q. So that's a question for IAS, perhaps?
12 A. Well, it's what -- what they've -- what
13 the R&D's added up to. What the losses were on IAS's
14 side. That's what I paid so -- a lot of that is what
15 I paid. I didn't pay all of it, but I paid a
16 substantial amount of that.
17 Q. And, to your knowledge, is that
18 information written down somewhere in IAS's records?
19 A. Well, I'm sure -- yeah, it's a public
20 corporation, you know, you can't -- you can't fudge on
21 the accounting on a public corporation. I never have.
22 I wouldn't dare do that.
23 Q. So, Mr. Johnson, if Mr. Greg Shepard has
24 made statements about the state of the technology at
25 the R&D site, how, if you know, has he learned that

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information?
MR. SNUFFER: Objection. Calls for speculation. You can answer if you...
THE WITNESS: Well, yeah, there's no speculation in it. What happens when you do R&D --
MS. HEALY-GALLAGHER: No, sir, I'm not -- I'm not asking about that.
THE WITNESS: You are. That's exactly the question you just asked.
MS. HEALY-GALLAGHER: No, sir.
Q. So do you talk to Mr. Shepard about the state of the technology at the R&D site?
A. Of course I do.
Q. About how many times in the course of a year do you talk with Mr. Shepard about the technology at issue?
A. Ten times, maybe.
Q. Okay. Does he come to visit?
A. Yes, he does.
Q. Yes. About how many times a year would you say he comes to visit?
A. About ten times. I don't know, about roughly that.
Q. Other than visits to the R&D site and conversations with you, do you have any idea how else

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Mr. Shepard would have gotten information about what's going on at the R&D site?
A. No.
Q. Mr. Johnson, you've referenced a few times that you have folks who come and visit the site to see it; is that right?
A. Yeah, uh-huh.
Q. And you've been hosting visitors at the site for ten years?
A. Probably.
Q. Right. And you're the one who shares information about the technology with the visitors to the site; correct?
A. Most the time.
Q. There have also been -- well, there's at least one RaPower-3 national convention. Are you aware of that?
A. Uh-huh.
Q. Yes?
A. It was in -- yeah, we held it in Salt Lake City, I believe.
Q. In 2012; correct?
A. 2012.
Q. And you spoke at that convention; right?
A. I did.

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Q. You told the people there about the state of the technology?
A. Yes, I did.
Q. And, in fact, RaPower-3 hosts tours. Like, RaPower-3 will bring groups of people to see the construction site and the R&D site; correct?
A. I do.
Q. XSun Energy. Does XSun Energy bring customers onto the site?
A. Not so much.
Q. How about SOLCO?
A. No, not so much.
Q. Okay.
A. Am I not so boring now? She hasn't come across the table yet, though.
Q. Mr. Johnson, I'm going to hand you what's already been marked as Plaintiff's Exhibit 8A. Turn it over, sir. There you go.
Please take a look at that document and let me know when you're ready to answer just a couple questions about it.
A. Okay. What -- what do you want me to answer?
Q. My questions, sir, really start at the photos page, which is Bates marked Greg_P&R574 through

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583.
A. Okay.
Q. And as you take a look at those pages, sir, you see that there are years that demarcate different photos?
A. Uh-huh.
Q. Could you just take a look through there and just to yourself take a look at the pictures and let me know if the -- if the photos match up in your recollection with about the year that's identified as connected with them.
A. Well, he probably had a better sense of the year than I would, because I don't remember them. So -- so what's your question?
Q. So my question, for example, is the page that has 2006 at the top.
A. 2006, okay.
Q. Right. Is that -- you know, the 2006 photos are, like, three different rows. Are those, you know, to your recollection, what was going on in 2006?
A. Uh-huh.
Q. Yes?
A. 2006, yeah. I think it's probably about right, yeah.

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1 Q. And how about the three photos for 2007?
2 A. In 2007, okay, yeah.
3 Q. Those were -- those look about what you
4 recall was going on in 2007?
5 A. Uh-huh.
6 Q. Yes? I need a verbal yes, sir.
7 A. Oh, yes, excuse me.
8 Q. And then the next page, 2008 to 2010, do
9 those photos look like what you recall from those
10 years?
11 A. 2008 -- well, these represent different
12 years on different fabrications. These aren't -- this
13 isn't all in just one year.
14 Q. Right. It's for 2008 to 2010, so it's
15 about -- about in that time?
16 A. Even then, no, those are some of -- these
17 are way off on some of these dates here. Yeah,
18 they're not -- they're not even close.
19 Q. All right. Well, what about the next
20 couple pages, 2011 to 2012? There's, like, three
21 pages for that.
22 A. Yeah, even then the dates aren't right.
23 The dates aren't right.
24 Q. What do you think's not right?
25 A. Well, it's just -- it's just when -- when

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1 these went up there -- the dates aren't -- don't
2 coincide with, I don't believe, the dates that I put
3 them up.
4 Q. What do you mean?
5 A. Well, the towers were put up before 2011.
6 Q. Right. I don't think he's saying the
7 towers went up in 2011. There's just a picture of the
8 towers up in 2011.
9 A. Well, yeah, okay. I got that. But I --
10 yeah, if you're saying that that's when I put them up,
11 that's not when I put them up.
12 Q. No, I don't think he's saying that's when
13 you put them up.
14 A. All right. We may have taken them 2011.
15 That's entirely possible, but, okay.
16 Q. Okay. Then let's take a look at for
17 2013.
18 A. 2013.
19 Q. Couple of pages for 2013.
20 A. Same thing, the dates of when I actually
21 did it, I don't remember the dates.
22 Q. So these photos may have been taken in
23 2013 --
24 A. Yeah, but --
25 Q. -- correct?

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1 A. -- that doesn't mean that's when I did
2 them.
3 Q. All right. But these photos look like
4 what was happening in 2013; right?
5 A. Yeah, that's fine, but...
6 Q. Okay.
7 A. They wouldn't have -- I would have had
8 those earlier than that.
9 Q. Okay. And the same thing for photos
10 under the 2014 heading, they could -- they were taken
11 in 2014, to your recollection; right?
12 A. Well, I wouldn't have taken them, so I
13 wouldn't know, but I just know that --
14 Q. Do they reflect --
15 A. But I had -- that is when I got the
16 equipment. That's not when I bought -- you know,
17 there's a lot of things in here that are overlapping.
18 Q. Okay.
19 A. Doesn't mean I built those in 2014.
20 Q. Understood.
21 But could these photos have been taken in
22 2014?
23 A. Yeah, they could have been, yeah.
24 Q. Yes, okay. All right. Thank you. You
25 can put that exhibit away.

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1 A. Okay. I didn't even see those. That's a
2 lot of work, huh?
3 Q. Showing you, sir, what's previously been
4 marked Plaintiff's Exhibit 13.
5 A. Oh, my gosh, won't be able to read that.
6 Q. All I'm going to ask you about
7 Plaintiff's Exhibit 13, sir, is this is -- appears to
8 be a printout from RaPower-3.com.
9 Do you see that?
10 A. Right.
11 Q. And it's called "The Holy Grail of Solar
12 Energy."
13 Do you see that?
14 A. Yeah.
15 Q. And it says it's by Neldon Johnson?
16 A. I barely can read that.
17 Q. Okay. But you see that, yeah?
18 A. Need a magnifying glass, but I wrote
19 this.
20 Q. You wrote this?
21 A. Yes.
22 Q. How did it get on RaPower-3.com?
23 A. He probably copied it from International,
24 my IAS website. It's on the IAS website.
25 Q. Okay. So you think Mr. Shepard copied

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1 this text from the IAUS website?
2 A. He got it from me somehow, but I would
3 imagine that's how.
4 Q. He got it from you?
5 A. Yeah. That's a lot of writing, isn't it.
6 Q. I'm showing you, sir, what's been marked
7 as Plaintiff's Exhibit 14.
8 A. Did you read that article all the way
9 through?
10 Q. Uh-huh.
11 A. Did you understand it?
12 Q. Yep.
13 A. Cool. I am good.
14 Q. All right. Plaintiff's Exhibit 14, sir.
15 A. Okay.
16 Q. Do you recognize Plaintiff's Exhibit 14?
17 A. Uh-huh.
18 Q. Yes?
19 A. Yes, uh-huh.
20 Q. This is a website printout from IAUS.com;
21 correct?
22 A. And I wrote that.
23 Q. All right. Mr. Johnson, you wrote --
24 A. I was very complimentary, by the way.
25 Q. The IAUS response to Department of

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1 Justice's Claims Against its Technology.
2 A. Did you see how nice I was?
3 Q. Thank you.
4 A. How careful I was, because I knew you
5 guys were mean.
6 Q. You wrote that, did you not?
7 A. I did, and I wrote it nice too.
8 Did you read it?
9 Q. I'll ask the questions.
10 A. I know, but, I mean, you know, just a fun
11 question.
12 Q. Yes, Mr. Johnson, I read it.
13 A. Thank you.
14 MS. HEALY-GALLAGHER: Let's take a
15 five-minute break, please.
16 (There was a break taken.)
17 (Exhibits 511 and 512 were marked for identification.)
18 MS. HEALY-GALLAGHER: Back on the record,
19 please.
20 Q. Mr. Johnson, we just took a short break.
21 Did you talk to anyone about the facts of this case
22 during the break?
23 A. No.
24 Q. Did you wish to correct or supplement any
25 of the answers you've given so far today?

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1 A. No, I'm fine.
2 Q. All right. Please take a look at what's
3 been marked as Plaintiff's Exhibit 511, and let me
4 know when you've had a chance to review it.
5 A. Yeah, I know what it is.
6 Q. This is a RaPower-3 Equipment Purchase
7 Agreement; correct?
8 A. Correct.
9 Q. Actually, for the record, the Bates
10 numbers on this document are Olsen_P&E-00195 through
11 202.
12 A. Okay.
13 Q. So, Mr. Johnson, this purports to be a
14 contract between RaPower-3, LLC and Preston Olsen;
15 correct? Of PFO Solar?
16 A. Yeah, uh-huh.
17 Q. Yes?
18 And your digital signature appears on the
19 last page of Plaintiff's Exhibit 511?
20 A. Okay.
21 Q. Correct?
22 A. Okay.
23 Q. Yes?
24 A. Yes, uh-huh.
25 Q. So have you authorized your digital

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1 signature to be applied to -- sorry. Let me finish
2 the question.
3 A. Sorry.
4 Q. Have you authorized your digital
5 signature to be applied to RaPower-3 purchase
6 agreements? Sorry. I'm losing it too.
7 You've authorized your digital signature
8 to be applied to RaPower-3 Equipment Purchase
9 Agreements; correct?
10 A. Yes, I did.
11 Q. Okay. And do you know how a customer can
12 gain access to this Equipment Purchase Agreement if
13 they do want to buy lenses?
14 A. Yes, they just have to go to RaPower-3
15 and join and sign -- sign up, and it's all automatic.
16 Q. And is that RaPower-3.net?
17 A. I don't know whether it is dot com or --
18 I thought it was dot com, but it may be dot net, I
19 don't know. I've never done one, to tell you the
20 truth.
21 Q. You've never done?
22 A. I've never did it myself.
23 Q. Okay. Who is it that makes sure this
24 contract is online for people if they want to buy?
25 A. Just my programmer. I have a programmer

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that -- that we have that writes the programs and makes sure the documents are -- are correct, you know.
Q. Okay. And that's all through RaPower-3, LLC; correct?
A. Right, uh-huh.
Q. Okay. Let's take a look, please, at Plaintiff's Exhibit 512. 512. Take a look at that and please let me know --
A. I know what it is. Okay.
Q. What is -- you're familiar with this document?
A. I am, uh-huh.
Q. Okay. For the record, it's Bates numbers Olsen_P&E-00203 through 216.
And you know what, let's take a quick look back at Plaintiff's Exhibit 511.
A. Okay.
Q. 511.
A. Okay.
Q. Mr. Johnson, we have a number of RaPower-3 Equipment Purchase Agreements in our records that look like Plaintiff's Exhibit 511.
A. Sure.
Q. If, you know, for example, that RaPower-3 letterhead logo that's up at the top left of the

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document there, that's the RaPower-3, LLC letterhead --
A. Right.
Q. -- logo? Okay.
Moving on. All right. We can go back to 512.
A. Okay.
Q. In 512 we see the same logo up at the top; correct?
A. Correct, uh-huh.
Q. And 512 is an Operation and Maintenance Agreement --
A. Uh-huh.
Q. -- correct?
A. Right.
Q. And the -- the recitals at the top there say that it is between LTB, LLC and Preston Olsen for PFO Solar; right?
A. Correct.
Q. And then on the signature line on the last page, again we see your digital signature; right?
A. Right, uh-huh.
Q. It's for the seller and as a director of RaPower-3.
Do you see that?

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A. Right, uh-huh.
Q. So why, Mr. Johnson, are you signing a contract that purports to bind LTB as manager of RaPower-3?
A. Well, they put it down as a seller, and LTB was not the seller.
Q. Right. That's what I want to know.
Why does this contract say LTB is bound to do something, but it's on RaPower-3 letterhead and is signed by you on behalf of RaPower-3?
A. Well, quite frankly, I didn't know that was the case. But if it is, we'll change it. But -- but -- and it's probably just a mistake made by my programmer in thinking that this was a RaPower-3 contract and not telling me that it -- that -- you know, and it's probably my fault for not looking through it more closely than I did.
Q. Has anyone ever asked you about that?
A. No. I've never seen it -- seen it, but we can correct it. It's not a problem. I can go back and redo them. But I didn't -- I wasn't aware of them, I'm sorry. I made a mistake. That's the first one I've ever made. Gosh, it's terrible.
Q. I'm going to show you, sir, what's already been marked as Plaintiff's Exhibit 121.

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A. Okay.
Q. Just take a look at that, please, and let me know when you're ready to answer some questions.
A. Okay. Now that's a different one than this one, right? Did I sign it the same way?
Q. So let's walk through the document.
So if you take a look, please, at the top of the first page, it says "RaPower-3."
Do you see that?
A. Right.
Q. But it's a different logo?
A. Right.
Q. Is that another logo that RaPower-3, LLC uses?
A. Right. Looks like they improved it, doesn't it? Yeah.
Q. Okay. And this purports to be between LTB, LLC and Preston Olsen.
Do you see that?
A. Uh-huh.
Q. Yes?
A. Right, uh-huh.
Q. And this is an Operation Maintenance Agreement; correct?
A. Right, uh-huh.

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Q. And then, yes, if we turn to the last page, which is Olsen_P&E-00177. Mr. Johnson, you've signed as director of RaPower-3; correct?
A. Correct, uh-huh.
Q. Okay.
A. That would be correct. We'll make sure that doesn't happen again.
Q. Okay. But this appears to be a typical Operation Maintenance Agreement?
A. That's correct, yes.
Q. Show you, sir, what's been marked as Plaintiff's Exhibit 103.
Just take a look at that document and let me know when you're ready.
A. Okay. I'm ready.
Q. All right. First off, up at the top left we see the International Automated Systems letterhead; correct?
A. Correct, uh-huh.
Q. And this is a letter to KBR Investments, LC; correct?
A. Correct, uh-huh.
Q. Okay. The signature appears to be yours; is that right?
A. Right.

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Q. It's a little faint, but you recognize that as your signature?
A. That's my signature, yes, it is.
Q. Okay. And, Mr. Johnson, this letter starts off saying:
"This letter is regarding the alternative energy systems that you purchased from International Automated Systems, Inc. (IAS)."
A. Correct.
Q. "IAS put into service your equipment on or before December 4, 2008."
Did I read that correctly?
A. Correct, uh-huh.
Q. Okay. So what did IAS do to put into service this person's alternative energy systems?
A. We relied upon the tax opinion letter, and from that we were able then to -- to show that this was placed in service according to the information we received through our attorney's tax opinion letters.
Q. Okay. I understand you had tax opinion letters, but what did you actually do -- what did ISA do with this person's alternative energy systems?
A. We probably had them in the towers, but

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that isn't the issue. The issue was that you're asking me why I wrote the letter.
Q. No, that's not what I said.
A. Okay. I mean --
Q. I asked what did IAS do to put into service these alternative energy systems?
A. That's what I'm saying. We invited -- we did what was required by the tax opinion letter. We relied upon the tax opinion letter to evaluate what our -- what our -- what we -- what we were required -- what we were -- were -- okay. I'm losing it. Been a long day. What we were -- can't even say it -- anyway, you know what I mean.
Q. Okay.
A. What we were required to do.
Q. We'll talk about those in a second.
Showing you what's been marked Plaintiff's Exhibit 181.
A. Okay.
Q. Would you take a look at this, please. Just flip through and let me know when you're ready to answer a couple questions.
A. Okay. Go ahead.
Q. All right. Plaintiff's 181 is an Equipment Purchase Agreement between IAS and iLios,

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LLC; is that correct?
A. What you got here?
Q. Top paragraph.
A. Okay. I got it. All right.
Q. Okay. And it's dated 18 December 2008; correct?
A. Okay.
Q. Take a look, please, at the last page of this exhibit.
A. Okay.
Q. Your signature is there, sir, on behalf of International Automated Systems; correct?
A. Correct, uh-huh.
Q. So this is a contract that IAS provided to iLios, LLC; right?
A. Okay.
Q. Is that right?
A. Right.
Q. Showing you what's previously been marked Plaintiff's Exhibit 185. Please take a look at that and let me know when you've reviewed it.
A. Okay. Okay.
Q. The company name is spelled a little incorrectly, but that's IAS's identification at the top of the page; correct?

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A. That's correct.
Q. And on the next page you have signed this letter on behalf of IAS?
A. Okay.
Q. Is that right?
A. Right, yeah.
Q. So your signature appears above your name as CEO of IAS; correct? Correct?
A. Yes, uh-huh. Okay.
Q. Take a look, please, at the last page of Plaintiff's 185. It appears to be a Solar Lease Bonus Fee Contract.
Do you see that?
A. Which one you looking at now?
Q. Last -- last page.
A. Last page. Okay.
Q. Do you see that? Solar Lease Bonus Fee Contract?
A. Right.
Q. This contract -- correct me if I'm wrong -- appears to allow Ms. Lambrecht or iLios to earn a bonus of the gross -- total gross sales revenue as received by IAS commencing October 31, 2005, for the sale of power generation equipment.
A. Okay.

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Q. Is that right?
A. Correct.
Q. Yes? Okay.
What sales revenue was IAS receiving as of 2005?
A. We -- we -- I don't know that we received any.
Q. Has IAS ever received any sales revenue?
A. Not -- not that I'm aware of. Rather than just what I pay them for research and development.
Q. Do you know who, sir, came up with this bonus fee contract?
A. I did.
Q. You did?
A. Uh-huh.
Q. And why did you decide to start issuing bonus fee contracts?
A. In order -- in order to launch a company -- now, do you want me to explain it or not? If you don't want me to, tell me before I start.
Q. Can you do it succinctly?
A. Can I do anything like that? Probably not. Because it's not -- it's not as easy to explain as what you're alluding to.

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To launch -- we -- we evaluated how to launch this company going from R&D into a company selling products. We looked at other companies and how they chose to launch their companies, the costs involved, and what was going to be required in order to -- to do that.
We decided that we could take the losses that they were -- would incur in that process, giving it back to our customers would give us the ability to launch this company.
We calculated we could -- we could give away between three and six percent of our gross sales, and still be less than most companies use in launching their -- in launching their companies into a viable -- going from research and development into a -- into an active marketing company and actually selling product.
So we -- we calculated out three to six percent. Most companies spend probably 30 percent to -- or 50 percent of their -- of what they would make in three years up front to launch a company.
We would have had to -- we would have had to diluted our stock to a certain position in order to do that. And we decided rather than dilute our stock position, that we didn't want to do, we chose then to offer a bonus program to entice the people to buy our

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equipment.
Know that it was high risk. It was a brand new piece of equipment. People were not going to be excited about getting involved in it. And so I figured out the mathematics and the probabilities just to statistic analysis on how to proceed and what would be the risk to us in doing that, in marketing this product.
Then when I got through all the mathematics that I did on this -- on the valuation of other companies and how they resolve it, what the chances of success was in doing it their way, the chances of success doing it our way, and it looked to me like the biggest success would be doing it this way, and it would be more attractive to our -- to our customers.
And so rather than give away our -- our profits to advertising companies, we decided then to give it back to the -- as an advertising cost, back to our own -- to our customer base, which I feel like it was the right choice and it -- and it made -- it made a huge difference in our sales.
But it also gave -- gave two things: It also gave back -- it guaranteed a profit to the people that bought in my equipment. It guaranteed if we're

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1 successful, it guaranteed that the IRS would get more
2 money back than they ever paid out on the tax credits,
3 or the depreciations, just from this bonus program
4 alone.
5 Let alone -- we also guaranteed the
6 program -- this is not -- the whole program that we
7 put together was more than this. We guaranteed the
8 payment on the -- on the -- if -- if it didn't make a
9 payment that year to equal the payment required to pay
10 it off, I would make that payment.
11 And so they -- they were guaranteed they
12 were going to have to pay taxes on that payment.
13 Q. So I want to --
14 A. So what I did --
15 Q. I want to ask you a question.
16 A. You told me I could clarify the whole
17 thing.
18 Q. I didn't say that. I said succinctly.
19 So here's what I'm going to ask you --
20 A. All right.
21 Q. -- you said the bonus situation made a
22 huge difference in your sales?
23 A. Yes, it did.
24 Q. So offering the bonus system really
25 increased your sales, is what you're saying?

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1 A. What it -- what we feel like it did --
2 and there's no way to tell, I mean, there's no way to
3 do it because I didn't sell it any other way, so you
4 can't really judge, you know.
5 Q. Isn't it right, though, Mr. Johnson, that
6 the --
7 A. From my opinion is that I would do that.
8 THE REPORTER: One at a time.
9 MS. HEALY-GALLAGHER: Sorry about that.
10 Q. But you have not always had a bonus
11 contract in place. Isn't that right?
12 A. No.
13 Q. You have always had a bonus contract in
14 place?
15 A. Well, I changed it now, because now we're
16 into a profitable situation. I no longer need that
17 bonus program to provide me with the sales.
18 Q. So when did you stop offering the bonus
19 contract?
20 A. Last year.
21 Q. Okay. And that was because you hit a
22 place where you were making --
23 A. We hit a place where we felt like that we
24 didn't -- there's no profit. There's no profit for me
25 in this at all, and I can't run a company, sustain it

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1 with this kind of a contract.
2 We -- we figured we could do three to six
3 percent of our gross sales, and that's about what we
4 -- we haven't even hit that.
5 Q. When last year did you stop offering the
6 bonus contract?
7 A. Well, I didn't stop offering it to our
8 traditional customers, but I -- I'm -- I've been --
9 all the new customers we've been pushing over this
10 other way.
11 Q. This isn't the -- is it the same time
12 that you stopped offering depreciation as a tax
13 benefit?
14 A. Right, yeah.
15 Q. Yes?
16 A. Yeah.
17 Q. Okay. And why did you stop -- why did
18 you stop offering depreciation?
19 A. Well, I'm not a tax -- I don't offer tax
20 even to you. I wouldn't offer you a tax thing. I
21 wouldn't offer you tax advice, okay.
22 But from -- from what my opinion -- and I
23 haven't offered this to my customers -- but -- but I
24 knew that once you stopped having a bonus program, you
25 couldn't take the depreciation.

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1 Q. And why do you think that?
2 A. Because that's what my tax attorney said.
3 Q. Who's your tax attorney?
4 A. McConkie. In their letter they outlined
5 this as a reason why you could take depreciation.
6 Q. So to your understanding --
7 A. That's my understanding of what the tax
8 letter said.
9 Q. Okay. Let me just make sure.
10 A. And I'm not a tax expert, and I could
11 have got it wrong, but I doubt it.
12 Q. So let me make sure I understand what
13 your understanding is.
14 A. Okay.
15 Q. You believe that a memorandum from Kirton
16 McConkie stated that if there was a bonus contract in
17 place, then a purchaser of a lens could claim
18 depreciation on the lens?
19 A. Well, that was one of the specific
20 questions I asked him and put -- and he wrote it. And
21 I told him what I was doing, and he said, yeah, that
22 would work.
23 Q. So that was your understanding?
24 A. That was my understanding that was his
25 opinion.

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Q. Okay. So then once the bonus contracts stopped being offered, you no longer said that depreciation was --
A. Right.
Q. -- an option for customers?
A. Right. We never -- I've never given a tax opinion letter out anyway, but I wouldn't -- I wouldn't have told anybody that they could take it knowing that they couldn't.
And that was -- that's what the information that I got, so we stopped -- we stopped even promoting it on that basis. But it was a limited time. There's not -- you know, so that's -- that was -- we could never sustain the company doing what we were doing. Nobody in their right mind would have.
Q. I'm showing you, Mr. Johnson, what's been marked as Plaintiff's Exhibit 383. Take a quick look at that and let me know when you're ready.
A. I don't even know what that is.
Q. For the record, the Bates number is Ra3004771.
Mr. Johnson, is that your signature at the top quarter of the page?
A. Yes, it is. But this wasn't the whole thing that was given out. This was in response to a

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letter that I sent out to all the people that stated that I would purchase -- I would -- I would pay -- I would repurchase all of their notes if you were worried about the IRS, a problem with the IRS. I would -- I would refund you within this length of time, your money.
This is -- this is not what your -- this is what I -- this isn't -- this is something that -- this is a short overview of what I put out, and -- and what I did is I did -- I did refund people's money, some people's money over that issue. But I didn't have to.
I did it only because I wasn't -- I wasn't going to -- I didn't want to put anybody into a -- give somebody a heart attack or a financial situation that they couldn't -- wouldn't do.
And so I sent a letter to everybody and said, look, if you're worried about the IRS, if you're concerned about it, then for this period of time, we'll give a certain amount of time, and we'll refund your money. That's what this relates to.
Q. Okay. When did you make that offer? When did you send that letter to folks?
A. I don't know, but it's on somewhere.
Q. I'm not asking about plaintiff's --

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A. This is the letter that I sent out and got and sent to everybody that I would -- you know, if they didn't want to do the deal, that I would refund their money.
Q. So then, Mr. Johnson, would you think it would be before December 28, 2010?
A. Yes, I -- it would be -- I don't know exactly, and this may not relate to it, but that's the only way I know that this would -- this would be there.
But I -- the reason why I did it wasn't because I was obligated to, it was because I didn't want anybody to be damaged by something that I did.
Q. Okay. Mr. Johnson, to your knowledge, has there ever been a payment made to any customer for having used their lenses for advertising purposes?
A. Not at this time there hasn't been.
Q. Have you ever offered to provide customers with retroactive rental payments for their lenses?
A. I don't know what that is. I don't know what you mean by that.
Q. Okay. Has there ever been a payment to any customer for having used his or her lens in research and development?

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A. No, there hasn't been, no.
Q. Mr. Johnson, you're currently doing ads, I believe, on KNRS radio; is that right?
A. That's correct, yes.
Q. Are you doing any other radio ads?
A. No.
Q. On the radio ads, are you talking about technology?
A. Mostly.
Q. And on the radio ads, are you talking about any federal tax benefit that you might get from buying a lens?
A. No. I don't -- I may have said something about that there was a tax credit available, but I don't -- but mostly I'm -- mostly the whole purpose of what I was doing is to -- is to -- is to get people involved, understanding the technology.
Q. So, Mr. Johnson, Mr. Shepard, in other documents, has stated that you are the one who came up with the idea for the tax benefits that purportedly relate to purchase of solar lenses.
A. Well, I didn't come up with it.
MR. SNUFFER: It's not a question. It's a statement.
THE WITNESS: The government --

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1 MR. SNUFFER: Do you mean that to be a
2 question?
3 Q. BY MS. HEALY-GALLAGHER: Is that correct?
4 MR. SNUFFER: Okay. Then I want to
5 object for lack of foundation and speculation.
6 But go ahead and answer.
7 THE WITNESS: No, I didn't come up with
8 it. I -- I just related what the statutes and -- and
9 things that were developed by the United States
10 Government, and I didn't come up with those.
11 Q. BY MS. HEALY-GALLAGHER: Did you ever
12 consult with any CPAs about those statutes?
13 A. I not only consulted with CPAs, but I
14 also consulted with the NATP.
15 Q. I'm just asking about CPAs right now.
16 A. Correct. I did lots.
17 Q. So let's take a look at what's already
18 been marked Plaintiff's Exhibit 360.
19 A. Okay.
20 Q. Please take a look at that and let me
21 know when you're done.
22 A. Okay.
23 Q. Mr. Johnson, did you have any -- do you
24 recognize this document from Cloward & Sorenson, LLC?
25 A. Yeah, but this was -- I didn't -- I

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1 didn't -- I'm not the one who generated this nor asked
2 for it.
3 Q. Who is?
4 A. I think this one came from Bill Pack.
5 Q. But you didn't have a role in obtaining
6 this letter?
7 A. No. I never even had a role in -- in
8 developing any of the information that went into this
9 -- this particular information. This -- I -- but this
10 was, I think, obtained from -- from a relationship of
11 Bill Pack, who is also a CPA.
12 Q. Bill Pack was a CPA?
13 A. Uh-huh. So it's -- but I think its
14 relationship -- you want me to keep that. Okay.
15 Do you have a copy of that?
16 MR. SNUFFER: I have one.
17 THE WITNESS: Okay.
18 Q. BY MS. HEALY-GALLAGHER: So, Mr. Johnson,
19 how did you first come to learn about depreciation and
20 a solar energy tax credit?
21 A. Well, I've been in business since --
22 well, I've been in business my whole life.
23 Q. Was it before or after you met Bill Pack?
24 A. Before I met my first wife.
25 Q. Okay. So when did you start letting

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1 people know that if they bought a lens there might be
2 some tax benefits associated with it?
3 A. I don't know. When I first sold the
4 first unit, I guess, 2007, or whatever it was. I'm
5 not positive.
6 Q. Did you ever use the Cloward & Sorenson
7 letter?
8 A. No, I didn't personally use it at all.
9 Q. I'm going to show you what's been marked
10 as Plaintiff's Exhibit 22.
11 A. Okay.
12 Q. Just take a look at that and let me know
13 when you are ready.
14 A. Yeah, I know what this is. Again, it's
15 -- this has nothing to do with me. Fact is -- and I
16 don't -- I don't remember who was involved in getting
17 this information, but we were using Hansen Barnett &
18 Maxwell as our public accounting first for our public
19 corporation, and they give this out without my --
20 without my information -- without me even knowing
21 about it, and charged me for it.
22 Q. Who gave it out?
23 A. Hansen Barnett did.
24 Q. Do you know who solicited this letter?
25 A. I don't remember. But -- but I know one

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1 thing, is that the person that got the letter put that
2 out to someone and it got back to Hansen Barnett, and
3 our relationship, it was -- got heated and they
4 terminated their -- and stopped doing my accounting,
5 and I was pretty upset about the whole thing.
6 Q. So did you know that this letter existed
7 before --
8 A. No.
9 Q. -- HB&M terminated you?
10 A. No, I didn't know anything about it until
11 they -- they told me about it. And I said you're the
12 one, I said, I've never seen it.
13 Q. Would it surprise you to know that Greg
14 Shepard had the text of this letter?
15 A. No, it wouldn't surprise me what Greg...
16 Q. Would it surprise you to know that Roger
17 Freeborn had the text of this letter?
18 A. It probably does, but I didn't give it to
19 him, so I don't know how they got it.
20 Q. So you didn't give anybody this document?
21 A. I never had it. It came to me later from
22 them when they terminated their relationships with me
23 under a very heated experience. They were very upset
24 and I didn't know anything about it.
25 So why would they be giving information

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1 out to someone else that wasn't even involved with the
2 company? It was their fault, not mine.
3 But I, you know, I think the material's
4 accurate.
5 Q. So, Mr. Johnson, you don't remember --
6 you don't remember having had a meeting with HB&M and
7 Bill Pack?
8 A. Well, it could have been Bill Pack on
9 this one too, I don't know. Like I said, I wasn't --
10 I wasn't involved with it. I know I never met with
11 them together on this and I never asked them to give
12 it to me.
13 MS. HEALY-GALLAGHER: This will be our
14 next, please.
15 (Exhibit 513 was marked for identification.)
16 Q. BY MS. HEALY-GALLAGHER: Showing you
17 what's been marked as Plaintiff's Exhibit 513. Take a
18 look at that, please, and let me know when you're
19 ready to answer questions.
20 A. Okay. I -- whatever you ask me, go
21 ahead.
22 Q. All right. Mr. Johnson, Plaintiff's
23 Exhibit 513 is marked with Bates Nos. Ra3008930.
24 Do you recognize the handwriting on this
25 document?

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1 A. Oh, yeah, that's my writing on it.
2 Q. That's your handwriting?
3 A. Oh, yeah, because I can't read it. Yeah,
4 that's my handwriting.
5 Q. Do you have any idea when you took these
6 notes?
7 A. No. I got notes scattered everywhere.
8 Q. Do you see that 9,000 at the top of the
9 page? I'm looking at it sideways, yeah.
10 A. You're looking at where?
11 Q. 9,000.
12 A. Okay, yeah, I got it.
13 Q. Does that ring a bell? Was there a time
14 that you were selling systems for $9,000?
15 A. Oh, yeah, I think so.
16 Q. So would these -- could these notes have
17 been generated around that time?
18 A. It was probably before then, yeah. It
19 was just something I put together in my mind, put it
20 on a piece of paper to look and see how it would fall
21 together.
22 Q. Okay. And you had notes --
23 A. It was just a reference.
24 Q. You have notes here about the IRS and
25 active income.

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1 Do you see that?
2 A. Active income, okay. All right. It says
3 you -- there's a business and risk and there has to be
4 risk and there has to be -- okay. So, yeah.
5 Q. Okay. So these are your notes?
6 A. Yeah. But I don't know why -- you know,
7 I just put together some ideas and thoughts down on
8 paper, take a better look at it.
9 Q. Mr. Johnson, did there come a time when
10 you -- okay. Let's see.
11 I'm sorry. Am I remembering your
12 testimony correctly that the first time you would have
13 told customers about tax benefits like depreciation
14 and the solar energy tax credit is when you first
15 started selling the lenses?
16 A. Yes, I think so.
17 Q. Okay. And when was that? When did you
18 first start selling the lens?
19 A. It was right around 2000. I don't
20 remember exactly, but it was right around 2000.
21 Q. And were you the only person selling
22 lenses at that time?
23 A. I didn't personally sell any lenses. I
24 just -- I just told some people that we were giving
25 commissions. We were -- we would give out commissions

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1 to people to -- to buy into, you know, the product.
2 Q. And so then did -- were you -- I'm trying
3 to understand how it worked.
4 So did you advise the sales people if
5 there were potential tax benefits?
6 A. I showed them, yeah. I said this is what
7 I understand to be the tax laws, and this is what
8 we've discovered, this is what we -- we were told, you
9 know, and this is the best information I have.
10 Q. And then they -- they went out and sold
11 the lenses; right?
12 A. Yeah.
13 Q. Okay. Did there come a time, sir, when
14 you talked to Todd Anderson about the tax benefits of
15 selling a lens?
16 A. Yes, uh-huh. It wasn't Todd Anderson.
17 It's his wife.
18 Q. Okay.
19 A. She's the tax attorney.
20 Q. About when was that?
21 A. I don't know exactly. Have you got a
22 date on there? I -- should have a date.
23 MS. HEALY-GALLAGHER: So make this the
24 next, 514, it looks like.
25 Handing you what's been marked -- oh,

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1 wait a minute. Can I take back the exhibit number?
2 THE WITNESS: Yeah.
3 MS. HEALY-GALLAGHER: I'd actually like
4 to make this Plaintiff's Exhibit 23A, if we could make
5 a new exhibit label.
6 (Exhibit 23A was marked for identification.)
7 Q. BY MS. HEALY-GALLAGHER: Handing you
8 what's been marked Plaintiff's Exhibit 23A.
9 Do you recognize Plaintiff's 23A?
10 A. Well, I don't know that I -- you know, I
11 recognize it, but it's -- I know that -- I know the
12 Anderson group.
13 Q. Well, take a look at that, and for the
14 record I'll say this is marked as Ra3008255.
15 A. Yeah, this is something that they would
16 have generated, I'm sure.
17 Q. And I'm also going to show you what's
18 already been marked as Plaintiff's Exhibit 23.
19 A. Okay.
20 Q. Okay. They are different documents.
21 Plaintiff's Exhibit 23A has a date at the
22 top of November 9, 2010.
23 Do you see that?
24 A. Yes. And I never saw this until they
25 picked up all the -- all the day -- all the product

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1 papers from Anderson was the first time that I was
2 ever made aware of this. It was never -- this was
3 never given to me.
4 Q. I'm not sure what you're talking about.
5 MRS. JOHNSON: This is the same.
6 THE WITNESS: This letter, I never seen
7 -- I had never seen prior to the time that the
8 previous attorneys were given this information to
9 their -- my attorneys in -- in 2017.
10 MS. HEALY-GALLAGHER: Okay. Let's slow
11 down for a second. We'll unpack that a little bit, I
12 promise.
13 THE WITNESS: Okay.
14 Q. BY MS. HEALY-GALLAGHER: So let's take a
15 look at Plaintiff's Exhibit 23A, which is the other
16 one. All right?
17 A. Right.
18 Q. And that's Bates numbered US001654
19 through 1658.
20 A. Okay.
21 Q. Do you see that? All right.
22 Let's take a look at the last page of 23A
23 -- I'm sorry. I'm sorry. Of 23.
24 A. Of 23?
25 Q. 23. 23, I'm sorry. Yep, 23. Last page

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1 of 23.
2 A. Okay.
3 Q. This last page of Plaintiff's Exhibit 23
4 is from Todd Anderson; correct?
5 A. That's what it says.
6 Q. And it says that it's to Neldon@IAUS.com
7 and GlendaEJohnson@Hotmail.com.
8 Do you see that?
9 A. Yes.
10 Q. And it says it was sent Monday,
11 11-15-2010.
12 Do you see that?
13 A. Right.
14 Q. Okay. And then let's take a look back at
15 Plaintiff's Exhibit 23A, which bears the date
16 November 9, 2010.
17 Do you see that?
18 A. Okay.
19 Q. Okay. So, Mr. Johnson, you just
20 testified that you had never seen --
21 A. I had never seen it.
22 Q. -- the letter in Plaintiff's 23 and
23 23A --
24 A. No, I haven't.
25 Q. -- until 2017?

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1 A. Right.
2 Q. What -- let's back it up and find out
3 what did you talk about with Ms. Anderson when you
4 first approached her about anything to do with tax
5 benefits to do with the lens?
6 THE WITNESS: Have you given up that
7 privilege, then?
8 MR. SNUFFER: If you're talking about the
9 lenses with Anderson, yeah, we've waived that
10 privilege.
11 THE WITNESS: So we're okay?
12 MR. SNUFFER: Yeah, we're okay.
13 THE WITNESS: So --
14 MR. SNUFFER: The waiver goes to the
15 discussion about the lenses, the tax effect on the
16 lenses, the depreciation and the tax credit. So if
17 you talked about gambling on BYU/Utah football games,
18 that would still be privileged.
19 THE WITNESS: All right, well, I won't
20 talk about that gambling procedure.
21 When I talked to them, they approached
22 me. We -- we had Todd Anderson as an attorney for --
23 Q. BY MS. HEALY-GALLAGHER: Other things?
24 A. Doing other things, okay.
25 And I told him what I was doing, and he

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1 says my wife is a tax -- tax attorney and could help
2 you out with the -- with -- with understanding these
3 tax codes and could write a letter if you're willing
4 to pay for it.
5 And I says, yeah, that would be great.
6 And so we went into it and -- and we got
7 talking about different things and -- and she's the --
8 she got all these codes out and was telling me about
9 the laws, and she wrote them down.
10 I said, well, okay, write them down and
11 give me a tax opinion letter and I'll pay you for
12 them.
13 She did. I got it. I said, fine, is
14 this -- is this complete?
15 And she said yes.
16 And she actually sent another letter, I
17 think, besides this one on -- on the -- on the
18 information. I believe it was more -- more than this
19 somewhere.
20 But anyway, that's how the thing got
21 started. It wasn't -- I didn't go to -- I didn't even
22 know they were -- she was a tax -- that she had a tax
23 license, an attorney.
24 Q. Which -- what facts did you give her
25 about RaPower-3 or IAS?

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1 A. I gave her all the contracts. I gave her
2 everything. She even came out and saw the lenses and
3 everything. She saw everything. I didn't hold
4 anything back.
5 Q. And was that in late 2010?
6 A. Yeah. That's when we started doing it,
7 yeah. I don't know when she started. It was probably
8 earlier than that. But it was -- I'm just saying is
9 that's how the thing got started, and she was -- she's
10 the one who solicited the business, you know, and I
11 thought it was great. I didn't have a problem with
12 it.
13 Q. And then, sir, you just testified that
14 she gave it to you and you looked at it and said it
15 was great. So --
16 A. Well, this isn't all what she gave, I
17 don't think. I think there's a whole package thing
18 and we discussed several issues on it.
19 We -- we discussed all the tax laws and
20 how the -- how she felt about them, what the
21 ramifications were, and the laws and how they were --
22 what -- how she felt like they could be applied.
23 I mean, I -- I mean, I -- I like to get
24 the full information when I'm -- you know, when we're
25 discussing an issue. But my wife was -- was with me

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1 when we did it. So...
2 Q. How many times did you meet with
3 Ms. Anderson before you got a copy of this letter?
4 A. Oh, several times. Yeah, it wasn't just
5 one time. It was over a period of several months.
6 Q. How many times did she come out to visit
7 the site before you received a copy of the letter?
8 A. I don't know. I couldn't tell you.
9 Q. Did you have any idea or understanding
10 that the letter was a draft rather than a finished
11 product?
12 A. Oh, no. In fact, she sent me a letter
13 stating the fact it was a finished product, that I
14 could use it.
15 Q. Do you have that letter in your
16 possession?
17 A. You guys should have it. I don't have
18 it.
19 Q. If we don't, will you produce it?
20 A. Well, I'll -- I'll get it. It's got to
21 be in the stuff. But she gave -- she gave a finished
22 product out there and said I could use it. In fact, I
23 think she wrote on it "RaPower," didn't see?
24 MRS. JOHNSON: I don't know.
25 THE WITNESS: I don't either. I can't

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1 remember.
2 Q. BY MS. HEALY-GALLAGHER: If you don't
3 know, you don't know.
4 Do you -- did you give the Anderson
5 letter to anyone?
6 A. Well, I showed it to -- to -- to Greg and
7 my kids, but I didn't put it out to anybody, no.
8 Q. Why did you show it to Mr. Shepard?
9 A. Just to show that the -- how to -- the
10 laws were -- were accurate, that what we were doing
11 was, as far as I could tell, were accurate and the
12 things that we were doing were within -- within the
13 statutes that the government had provided.
14 Q. Did you ever show it to Roger Freeborn?
15 A. Maybe. I -- Greg maybe probably did. I
16 wasn't that close to Roger.
17 Q. Did you give Greg Shepard a copy of the
18 Anderson letter?
19 A. I must have done, because he had it. I
20 didn't know he had it, but he put it on the website
21 without -- I think -- but I never saw it. I never
22 noticed it was on until somebody raided my house and
23 told me it was there. I didn't know it was there
24 until the IRS came in and was aggravated over it.
25 Q. Did you ever subsequently hear from

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1 either Ms. Anderson or Mr. Anderson about the letter?
2 A. No, I didn't. I have never heard from
3 them.
4 Q. They never asked you to stop using it?
5 A. No. No, they did not.
6 Q. Show you what's been marked Plaintiff's
7 Exhibit 480. The document is Bates numbered
8 Anderson_Todd-00024 through 26.
9 A. This is the first time I've ever seen
10 this letter, actually. I haven't even seen it in --
11 in the documents that came up with Todd Anderson's
12 stuff.
13 Q. Slow down. Slow down for a second.
14 So this letter appears to be from Tate W.
15 Bennett, Esquire, and your name is one of the
16 addressees, along with RaPower-3, LLC.
17 Do you see that?
18 A. Well, I see it, but I've never seen the
19 letter.
20 Q. Sure. So it's --
21 A. Who was this given out by?
22 MR. SNUFFER: It's not dated.
23 THE WITNESS: Where's the date on it?
24 MR. SNUFFER: It's not.
25 Q. BY MS. HEALY-GALLAGHER: If you take a

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1 look -- take a look at the last page, the second to
2 last paragraph where it says, "We request that you
3 respond to this demand on" --
4 A. July 10th of 2013.
5 Q. Excuse me, sir. Let me just finish what
6 I said.
7 "We request that you respond to this
8 demand on or before the close of
9 business on July 10, 2013."
10 Did I read that correctly?
11 A. Right. All they're going to do is get
12 their ass sued, so that's fine. I'm glad I see that.
13 Q. So you've never --
14 A. Oh, my gosh.
15 Q. We've got to slow down for the court
16 reporter.
17 A. No, that's fine.
18 Q. Okay. You've -- what did I make this?
19 So, Mr. Johnson, your testimony is that
20 the first time you have seen Plaintiff's Exhibit 480
21 is today?
22 A. Yeah, I would have sued him before I even
23 got here if I saw it earlier. Yeah, we'll see about
24 that.
25 Q. All right. Mr. Johnson, did there ever

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1 come a time when you consulted with a law firm Kirton
2 McConkie --
3 A. Yes, there is, uh-huh.
4 Q. -- with respect to the solar lenses?
5 Yes?
6 A. Actually, they asked me. I didn't ask
7 them.
8 Q. What's your recollection of that?
9 A. What they did is this company -- the
10 company out of the -- that we're doing business with
11 is Solstice, wanted to get involved with this project.
12 And I says, you're -- you're -- that's way too much
13 money and it's beyond my -- my capacity if I make a
14 mistake to recover from.
15 And I said I won't do business with you
16 unless you get a tax opinion letter stating that what
17 you're doing is viable and legal from the response of
18 a tax lawyer that would be somebody that I would
19 recognize as in a company large enough that would have
20 enough insurance that would take care of any losses
21 that you might incur.
22 And they -- they chose Kirton & McConkie,
23 I didn't. And they invited me up and they went over
24 the project, and they're the ones who wrote the letter
25 that was written for the other company.

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1 They then asked me if I would like to
2 have this for myself, and I said I would. And then I
3 went up and we had -- they gave us a copy, we paid the
4 same amount as they paid for the copy. And they told
5 me at that time, they says, if you have anybody else
6 that would like to do business with you, that we will
7 provide them with the same letter, same cost.
8 So there was a company out in -- in
9 California that called me and says we would like to do
10 the same thing. Somehow they got the information, and
11 I don't know how they got it, maybe it was from a
12 salesperson.
13 Anyway, they said we'd like to do the
14 same thing.
15 And I says, okay, well, I -- you can do
16 the same thing. Go through Kirton -- Kirton &
17 McConkie.
18 So they called Kirton & McConkie up to do
19 business with me. Kirton & McConkie then responded
20 that they, in a very derogatory tone and voice and
21 statement, said that they were no longer doing
22 business with me.
23 Q. I'm going to stop you there, because we
24 will get there, okay. I'm going to stop you there
25 because we got to get through some documents for

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1 the -- for the rest of today.
2 A. Well, I just want to tie it together so
3 you have it all at once.
4 Q. I appreciate that.
5 I'm going to show you what's been marked
6 as Plaintiff's Exhibit 356. Actually, before I ask
7 you about that document, that's my mistake for giving
8 it to you.
9 Do you recognize the name Jason Clement?
10 A. No, I don't. But I wouldn't remember it
11 anyway, so it wouldn't matter. Oh, yeah, I know
12 Jason. Yeah, okay, yeah.
13 Q. Okay. Who is Jason Clement?
14 A. He was a salesperson.
15 Q. For whom?
16 A. I think for Solstice.
17 Q. Don't -- if you don't know, don't --
18 Mrs. Johnson is not testifying today.
19 A. Okay. All right.
20 Q. So was Mr. Clement in sales for XSun
21 Energy?
22 A. I believe he was. I believe he was.
23 Q. So Mr. Clement was, I'm guessing, an
24 independent sales rep for XSun Energy. Was that the
25 relationship?

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1 A. Yeah, I think so, but I'm not positive.
2 Q. Would you take a look, please, the entire
3 document is Bates numbered KM00057 through 82.
4 Actually, is Mr. Clement, is he still a
5 sales rep for XSun Energy?
6 A. Yes -- no -- well, yeah, I guess he is.
7 I haven't fired him, so I don't know.
8 Q. Has he made sales recently?
9 A. No.
10 Q. When's the last time he made sales?
11 A. I guess with this company that he's close
12 to.
13 Q. Is Mr. Clement the one who brought in
14 that big East Coast company through SOLCOI?
15 A. Yes, I think so.
16 Q. So he's also a rep for SOLCOI?
17 A. He is, yeah, he is. I think. Not in the
18 written agreement, but I think he is.
19 Q. Are the contracts attached to the e-mail
20 in Plaintiff's Exhibit 356, are those sample contracts
21 that XSun Energy would have used around this time?
22 A. I don't know. I'm not familiar with
23 these. I'm just looking at them.
24 Q. Well --
25 A. I guess I signed them, but -- so I must

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1 have.
2 Q. Showing you, sir, what's been marked
3 Plaintiff's Exhibit 355.
4 Really, Mr. Johnson, what I'm curious
5 about are the Pages KM84 through 90. Would you take a
6 look at those, please, and let me know when you're
7 ready to answer questions.
8 A. Okay.
9 Q. It's -- it's hard to see, but up at the
10 top left-hand side of the page there's a faint version
11 of what looks like the XSun logo.
12 Do you see that?
13 A. Yeah, but I'm not familiar with it.
14 Q. Okay. Do you know who wrote this
15 document?
16 A. I don't.
17 Q. Did you write it?
18 A. No.
19 Q. Was Mr. Clement authorized to make
20 statements like this on behalf of XSun Energy?
21 A. No, I don't think so. I don't know what
22 he -- what he did on that.
23 I've got to go use the restroom, though.
24 Can I take a break?
25 MS. HEALY-GALLAGHER: Absolutely. We can

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1 take five minutes.
2 (There was a break taken.)
3 MS. HEALY-GALLAGHER: We'll go back on.
4 Q. All right. I've been handing you, sir --
5 I've handed you what's been marked as Plaintiff's
6 Exhibit 357.
7 A. Uh-huh.
8 Q. Take a look at that, please, and let me
9 know when you're ready. And the attachments as well.
10 A. Okay.
11 Q. All right. In the e-mail that starts off
12 Plaintiff's Exhibit 357, the second paragraph,
13 Mr. Clement says:
14 "These are the same drawings that
15 were submitted to the Feds for the
16 1603 grant program that they were
17 approved for."
18 Do you see that?
19 A. Uh-huh.
20 Q. Couple questions: Number 1, how did
21 Mr. Clement get these technical drawings that he
22 attached to Kirton & McConkie?
23 A. He probably asked them, and I gave them
24 to him, yeah. There was nothing wrong with that.
25 Q. Then my next question is: What's your

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1 recollection of the 1603 grant program that he's
2 talking about here?
3 A. Well, the 1603 grant program was given
4 out by Obama in place of the 30 percent tax credits.
5 Q. And you know what, sorry. Let me ask a
6 slightly different question.
7 A. Okay.
8 Q. When, if at all, did any entity that
9 we've talked about today apply for the 1603 grant
10 program?
11 A. I don't remember the dates, but I know
12 that they were applied for with Dave Nelson as the
13 attorney acting in behalf of the company, and they
14 were all -- they were all given to us.
15 Q. I'm sorry. Did you say you were approved
16 for the 1603 grant program?
17 A. Yes, we were.
18 Q. Do you have any documentation reflecting
19 that?
20 A. I don't know. Dave -- Dave Nelson would
21 have it. I don't have any.
22 Q. So then how do you know you were approved
23 for that?
24 A. Well, he told me. He said it was
25 approved.

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1 Q. Who told you?
2 A. Dave Nelson. So it was just something
3 that we got and we got back and we approved it.
4 Q. So what happened after you were approved
5 for the grant? Did you get federal grant money?
6 A. No. We decided we didn't want to do it
7 that way. So we felt like that we would do it some
8 other way, and so we didn't. But we were approved.
9 We weren't rejected in any fashion that I did -- that
10 I know of.
11 Q. How -- okay.
12 So your only source for knowledge that
13 you were approved for the 1603 grant program was a
14 statement from David Nelson?
15 A. Yeah. It -- in letter format I think
16 that he showed me. He said that they were approved.
17 There was a lot of money. Actually, $500 million, I
18 think.
19 Q. And you decided to say no thank you?
20 A. Well, we just -- I want to do some
21 different things again, and so it wasn't -- it
22 wouldn't fit in what I was doing, so we didn't do it.
23 We could have done it, but we didn't.
24 Would have taken away from what I was doing in another
25 way, and I didn't want to jeopardize what I'd already

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1 done.
2 Q. If you have that letter from David
3 Nelson, will you produce it?
4 A. Yeah, fine. We can ask him about it.
5 Get it to him, I guess.
6 Q. I'll show you what's been marked as
7 Plaintiff's Exhibit 514.
8 (Exhibit 514 was marked for identification.)
9 Q. BY MS. HEALY-GALLAGHER: Take a look at
10 that and let me know when you're ready to answer
11 questions.
12 A. Okay.
13 Q. Is this the statement that you recall
14 from Mr. Nelson?
15 A. No, this isn't it. This was just they
16 wanted more information, I think.
17 Q. Okay. So you have a different statement
18 from Mr. Nelson that you were -- you or an entity that
19 you're in charge of was approved for a 1603 grant?
20 A. Yeah, I -- I -- this could be the letter,
21 I don't know. But I know they gave me something, you
22 know, that if we -- if we completed it that they would
23 probably -- they gave it to us.
24 Q. So is your recollection now that you were
25 not approved for the grant?

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1 A. No, no, as far as I -- we weren't
2 approved for the grant until -- until after we
3 produced the product.
4 Q. Okay. Because he says in this e-mail --
5 A. But that's what --
6 Q. Hang on.
7 A. We were approved to start the project.
8 Q. He says in this e-mail:
9 "It looks like this is the
10 confirmation until we get the project
11 in service."
12 Do you see that?
13 A. Right.
14 Q. Right. Did you ever -- did you ever get
15 the project in service?
16 A. No, we never even -- we never went beyond
17 just putting out the -- the -- the metal structures.
18 We didn't put any lenses in place.
19 Q. Okay. So in fact --
20 A. We were building the structure out.
21 Q. In fact, there was no approval for a 1603
22 grant to you or any entity that you control?
23 A. Well, no, there was -- it was approved
24 that we could do it.
25 Q. No, sir. That's not what that e-mail

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1 says. That's not what that e-mail says.
2 A. Well, you can read it the way you want
3 and I'll read it the way I want.
4 Q. Okay.
5 A. I interpreted it meant that if I did the
6 job, that they would evaluate it and they would give
7 me the credit.
8 Q. If you have any other statement from
9 Mr. Nelson on that topic, please produce it to the
10 United States.
11 A. Okay. But, yeah, that's -- I don't know
12 that this is the letter, but he gave me something. So
13 as far as I was concerned, he told me if I produced
14 the product, I would get it, so there you go.
15 Of course, I'm not a legal mind, so I
16 read it from the standpoint what the words meant to me
17 and my terms, you know.
18 Q. Mr. Johnson, I'm showing you what's been
19 marked Plaintiff's Exhibit 362. Please take a look at
20 that and let me know when you have been able to review
21 it.
22 A. Okay. All right.
23 Q. This is an e-mail from Ken Birrell to
24 Jason@OrangeInsure.com.
25 Do you see that?

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1 A. It was to who?
2 Q. Jason@OrangeInsure.com.
3 A. Okay. Yeah.
4 Q. Yeah. Mr. Birrell writes -- well,
5 actually, let me just ask you this: Did Jason Clement
6 ever send this e-mail and its attachment to you?
7 A. He may have done, but I haven't seen this
8 e-mail before. I've seen -- I've seen the letter, but
9 I haven't seen the -- whatever it is. I mean, I've
10 got -- I've got this part of it.
11 Q. The memorandum?
12 A. Yeah, but I don't think I ever got this
13 front page.
14 Q. All right. We're going to take a look --
15 A. But I don't know, I could have gotten it.
16 Q. We're going to take a look at Plaintiff's
17 Exhibit 367.
18 A. Okay.
19 Q. Please take a look at that and let me
20 know when you've had the chance to review.
21 A. As far as I know, I've never seen this
22 particular information.
23 Q. Well, let's take a look at the bottom of
24 the first page of Plaintiff's Exhibit 367. That's an
25 e-mail from Glenda Johnson.

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1 Do you see that?
2 A. The e-mail to Glenda Johnson?
3 Q. No. It's from Glenda Johnson, at the
4 bottom of the page.
5 A. Is that what -- the first page?
6 Q. Yes.
7 A. Okay.
8 Q. Do you see that? There's an e-mail from
9 Glenda Johnson at the bottom of the page.
10 A. So you're saying that Glenda wrote this?
11 Q. That's what it looks like to me. It says
12 from Glenda Johnson.
13 Do you see that? Let me show you. Right
14 here (indicating).
15 A. Okay. And so Page 10 of the --
16 Q. No, no. Just hang on.
17 A. Okay.
18 Q. In the body of the e-mail it's addressed
19 to Ken Birrell. Do you see that? Says Ken Birrell:
20 "There are two corrections that need
21 to be fixed with the tax letter."
22 Do you see that?
23 Do you see that, sir?
24 A. See what? I'm sorry.
25 Q. Take a look, please, right here. Ken

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1 Birrell, Number 1:
2 "There are two corrections that need
3 to be fixed with the tax letter."
4 Did I read that correctly?
5 A. Yeah, right. Okay.
6 Q. Yeah. Okay.
7 A. So -- so Ken Birrell wrote this.
8 Q. Sir, let me ask the questions, please.
9 At the bottom of her e-mail, Mrs. Johnson
10 apparently writes:
11 "Thanks, Neldon and Glenda Johnson."
12 Did I read that correctly?
13 A. Yes, uh-huh.
14 Q. Any reason to think that Mrs. Johnson
15 would have written to Ken Birrell without you having
16 reviewed the memorandum?
17 A. Well, I'm not -- what -- I don't even
18 know what the corrections are. Was she correcting a
19 spelling? Is that what you're saying?
20 Q. Sir, why -- why would your wife,
21 Mrs. Glenda Johnson, who does not make decisions for
22 International Automated Systems or any other company
23 that you've identified today, be writing to Ken
24 Birrell without your approval and go ahead?
25 A. Well, I doubt that she did. But I'm

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1 saying --
2 Q. Okay. So you -- you asked her, sir, to
3 write an e-mail to Ken Birrell; right?
4 A. Well, I don't know that I did or didn't,
5 but what I'm just asking you --
6 Q. Why would she have done it on her own,
7 sir?
8 A. Because she can spell and I can't. I
9 wouldn't even known what -- know that it was spelled
10 wrong. So there's two spelling places in there that
11 she corrected.
12 Q. So is it your testimony that you had not
13 read the Kirton & McConkie memorandum?
14 A. I would have read it, but I wouldn't have
15 known it was misspelled.
16 Q. But you read it?
17 A. I can't spell anyway.
18 Q. You read it by January 2013?
19 A. The Kirton & McConkie letter?
20 Q. Yes.
21 A. Oh, yeah, I read it when they gave it
22 out.
23 Q. When did they give it out?
24 A. To the -- the first -- the first company,
25 it was given out in 2000 -- what did they say, 2000 --

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1 it was before the -- it was 2010 or 2011. It was
2 right around that same period of time.
3 Q. You recall Kirton & McConkie giving out a
4 memorandum in 2010 or 2011?
5 A. Yeah. Yeah, it was that early. It was
6 when we signed the contracts on -- on the other
7 project.
8 Q. So let's take a look at the factual
9 background in this memorandum.
10 A. All right.
11 Q. Do you have any idea where Kirton &
12 McConkie got the information and the factual
13 background?
14 A. I assume he would have looked it up.
15 Q. Do you know where they got it?
16 A. No, I wouldn't know. I wouldn't have --
17 I wasn't involved in it. They weren't -- I wasn't
18 even their client when they wrote it.
19 Q. But, sir, on Page KM214, this memorandum
20 is to SOLCOI, LLC, attention Neldon Johnson.
21 A. Right, but it was -- it was because I
22 wouldn't do the deal without it. It wasn't -- it
23 wasn't written for SOLCOI. It was written for the
24 company that was going to do business with the
25 company, and they would have -- they -- I required

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1 that to be on my file before I would -- would
2 consummate the deal. That wasn't written for me. It
3 was written for the other company. Then we bought it
4 after they got it done.
5 Q. Okay. But you read it at least as of
6 2010 or 2011?
7 A. Right. That's what I'm saying.
8 Q. Okay.
9 A. That's when they did it, yeah, but it
10 wasn't to me. It wasn't for me at that time. It was
11 for -- it was for the other company. And then I
12 bought the thing -- later they asked me if I would
13 want it, and I said yeah.
14 They -- they charged me a certain amount
15 for it, and they said I could use -- if I had any
16 other clients that would like to do that and use it,
17 that they would be happy to do business with them.
18 And I said fine, I got a whole bunch.
19 And not the little ones. I wasn't doing
20 this for little -- the little ones. This was for the
21 big companies. I wasn't -- I never put this out to
22 little people.
23 There's a reason why I wouldn't do that.
24 And that's -- I've asked -- I never authorized it.
25 Never told anybody to do it. It was used for only --

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1 only sales or that -- that I couldn't handle.
2 Q. Oh, I'm sorry. Let's mark that 515.
3 (Exhibit 515 was marked for identification.)
4 Q. BY MS. HEALY-GALLAGHER: Please take a
5 look at what's been marked as Plaintiff's 515. Take a
6 look and let me know when you're ready to answer
7 questions.
8 For the record, while you look, the
9 document is marked with Bates No. Hamblin_R&C-00171
10 through 172.
11 Do you recognize this document, sir?
12 A. No. I'm just -- I -- you know, I'm -- it
13 -- it probably is accurate, but I -- I'm not --
14 Q. So Plaintiff's 515 is a Memorandum of
15 Understanding between RaPower-3 and Roger Hamblin.
16 Do you see that at the top of the first
17 page?
18 Do you see that, sir?
19 A. Oh, yeah, I see it.
20 Q. And your signature is on the second page
21 under "Seller"?
22 A. Right.
23 Q. Is that correct?
24 A. Correct.
25 Q. Okay.

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A. But -- okay. I know where this came from now.
Q. Where did it come from?
A. Roger Hamblin is a close friend of mine, and he got involved with this and he wanted -- he wanted something to -- for -- for -- for his files.
Q. Okay.
A. And so I gave it to him. But this isn't -- this isn't a generally circulated letter.
Q. Okay.
A. It was just for people that understood.
He's a businessman and been in business a whole long time and understands, you know, how to read the laws and how to -- I mean, he had his own people evaluate it.
Q. All right.
A. And so that's why I gave it to him.
Q. Okay. I'm going to ask you to take a look at what's been marked Plaintiff's Exhibit 370.
For the record, that's KM274 through 322.
A. Okay.
Q. Do you recognize this document?
A. Yes, uh-huh. He showed it to me.
Q. I'm sorry?
A. I think Greg showed it to me. I'm not

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positive, but I think he showed it to me.
Q. Okay.
A. Whether I actually read it, I don't know.
Q. When do you think Greg showed it to you?
A. I think he showed it to me shortly after he got it, I don't know.
Q. So in or around January 2014?
A. Could have been. Could have been right around that time, but I -- I don't remember the date. I don't remember looking at it. I don't know.
I didn't even authorize him to go up and talk to him, so when he got through talking to him he brought this -- I think he gave it to me and I looked at it and I says fine.
Q. So what, if anything -- what, if anything, did you do after Mr. Shepard showed you this letter in around 2014?
A. I probably just glanced over like I'm doing now. Probably says, well, what do I care.
Q. Did you change anything about what you advised people about tax benefits to purchasing a lens?
A. No, I didn't. I didn't see anything -- I didn't see anything in there that was changed, so I don't know. If he made a change in there, I never

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read it. I never looked at it. I looked at it, but I never really read it. So did he make a change in there?
Q. So you didn't make any changes based on the contents of Mr. Birrell's letter?
A. I didn't think we were using this letter for -- at the time I didn't think anything of it, because I wasn't using it as a -- as a letter anyway, as a -- as a sales tool. I wouldn't do that. I wouldn't use this kind of stuff.
There's a reason why I wouldn't, but -- but I don't do that kind of -- I wouldn't -- this was -- these -- this was developed for only clients that would be on my ability to -- to overcome an issue. Otherwise I would not -- I would never have, you know, got in a relationship with an individual with a letter that's worth more than what they were putting in anyway. I mean, it's silly to think that I would.
Q. Mr. Johnson, did you share the information about depreciation and tax benefits with Greg Shepard?
A. Yes, I did.
Q. Yeah. And did you do that over time? Like, when did you talk to him about that stuff?
A. Well, I think I just -- we went over it

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when I first started it, and I think that's about -- about the gist of it.
But I told everybody, I says, we're not tax -- I'm not a tax expert in this field. This is -- this is the things that I've discovered. This is the things I understand. But I'm not a tax expert and so I require that before anybody purchase anything, that they take it to their CPA and they -- and the CPA then becomes familiar with the laws and they offer their opinion to a customer.
I do not give out tax opinions and tax information for the purpose of creating a sale or doing anything like that to Greg, to Roger Hamblin, or to anybody else. Nor have I ever done that, nor would I.
But the reason why I didn't send this letter out, okay, you want to know the reason why I didn't? If you don't, I won't tell you. You'll have to ask.
MS. HEALY-GALLAGHER: Next exhibit, please.
(Exhibit 516 was marked for identification.)
Q. BY MS. HEALY-GALLAGHER: Handing you what's been marked Plaintiff's Exhibit 516. Take a look at that.

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1 For the record, this is Jameson 08134
2 through 8143.
3 A. Okay.
4 Q. And really I just want to ask you a
5 couple of questions. Do you -- let's see.
6 This is an e-mail from Roger Hamblin;
7 correct?
8 A. Okay.
9 Q. Do you see that?
10 A. This letter here?
11 Q. Yes.
12 A. Okay.
13 Q. Do you see that?
14 A. Roger Hamblin to Glenda Johnson, okay.
15 Q. And it's to Glenda Johnson. And
16 Mr. Hamblin says:
17 "Neldon asked that I add some wording
18 on statutory noncompliance and that
19 we believe they have just
20 jurisdiction."
21 Did I read that correctly?
22 A. Yeah, I guess, but I don't know what it
23 means.
24 Q. Any reason that Roger Hamblin would have
25 been claiming that you asked him to add some

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1 information on statutory noncompliance and IRS
2 jurisdiction?
3 A. I don't know, unless -- I've never read
4 it, but let's see what it says. I'm quite interested
5 in it.
6 We were wondering if we could combine
7 Roger Christian Hamblin and our partnerships.
8 Q. Sir, I'm just asking if you know why he
9 might have said something like that?
10 A. Well, I -- I won't know until I read it
11 and tell what he says. Do you want me to read it out
12 loud or just read it to myself?
13 Q. Just to yourself.
14 A. It's not as interesting to me that way.
15 Q. Mr. Johnson, that section is only to the
16 end of the -- the first page of the attachment.
17 A. So -- so what -- what is this? What does
18 this mean?
19 Q. Well, sir, I was asking you if you had
20 any reason to know why Roger Hamblin would have said
21 that, and if you don't know, then the answer's "I
22 don't know."
23 A. Well, I might know if you tell me what it
24 means. I'm not sure what it means or what it doesn't
25 mean.

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1 Q. Okay. We can move on.
2 A. I know that I hired an attorney for him
3 and -- and so he would have been represented by -- by
4 Paul Jones, who's an attorney. There was no reason
5 for him to believe that I'm an attorney when I would
6 have hired somebody else.
7 Q. And Paul Jones -- Paul -- you hired Paul
8 Jones to represent customers in audit before the IRS;
9 correct?
10 A. Yeah.
11 Q. Actually, I take that back.
12 To represent them in tax court; right?
13 A. Well, whatever. I just hired the -- I'm
14 not -- I wasn't aware of how the tax court or how the
15 tax program worked, and I would not have been a good
16 person to talk to about it because I would not have
17 understood it. I'd never been audited myself, so I --
18 so I hired an attorney that was a tax attorney --
19 Q. Right.
20 A. -- to handle those -- to handle that
21 information.
22 Q. And you're paying his fees?
23 A. Yeah. So I wouldn't give out -- I
24 wouldn't give out legal opinions, nor would I give out
25 tax advice.

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1 Q. You are paying for Don Reay to represent
2 Greg Shepard and Roger Freeborn; correct?
3 A. Correct, yeah. Want me to tell you how I
4 feel about it?
5 Q. And Matt Shepard as well?
6 A. Do you want me to tell you how I feel
7 about it?
8 Q. No.
9 Matt Shepard as well?
10 A. Yeah.
11 Q. And Richard Jameson?
12 A. I don't know Richard Jameson, but maybe.
13 Yeah, probably.
14 Q. Oh, I'm sorry. That's not Mr. Reay, I
15 don't think. I withdraw that question.
16 What was your first notice that the IRS
17 was disallowing deductions and credits?
18 A. I think when the -- when they were going
19 to put me in jail for 50 years, they said.
20 Q. So would that have been summer 2012?
21 A. I imagine. I didn't even know they were
22 upset before then, so I don't know.
23 Q. Did you tell the sales people to stop
24 letting people know about depreciation and tax credits
25 after that happened?

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A. No.
Q. Why not?
A. Because I wasn't a tax person. I don't give out tax advice. I just said, you know, you got a CPA, you talk to them. I don't give out -- I don't give it out either way.
If I would have gave it out one way then they'd get me for that, so I just wouldn't do it. I don't do it. Never have done it. I say this is my opinion, this is the way I understand it, find out for yourself. I'm not a tax person. I do not give out tax advice to you or anybody else.
Q. So what, if anything, did you do, meaning did you change your conduct in any way?
A. No, I did not, because I didn't think I was guilty. And they -- and they came back and said I wasn't guilty. They said I was okay.
Q. So what, if anything, did you do in terms of how, if at all, did you change your conduct --
A. Didn't.
Q. -- after --
A. Sorry.
Q. -- after the complaint for injunction was filed in this case?
A. Nothing. I didn't think I was guilty

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before and I didn't think I was guilty now.
Q. And, Mr. Johnson, you've said before that you believe the IRS has exonerated you?
A. Well, they gave me my tax credit.
Q. So that's what I want to understand. Who -- how did you arrive at that understanding?
A. Paul Jones.
Q. Paul Jones?
A. Uh-huh.
Q. What did Paul Jones tell you?
A. He told me that they -- they gave me my tax credits.
Q. And when you say they gave you your tax credits, you mean the IRS?
A. The IRS.
Q. And what do you mean when you say the IRS gave you your tax credits?
A. Just that they allowed them.
Q. For what tax year?
A. Well, the tax year they weren't doing the audit. So...
Q. When did Paul Jones tell you that?
A. When they -- when they did it. I don't remember the date.
Q. Was it last year?

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A. Whenever they got through and give it to me. I'm not sure -- I'm sure you got the records, but I don't.
Q. Well, sir, I'm trying to understand what your recollection is.
Was it ten years ago?
A. Okay. No, it wasn't ten years. No. It was -- it was last year.
Q. It was within the last year?
A. But I don't know when. I don't remember when.
Q. And did Paul Jones simply say that the IRS allowed your tax credits?
A. No. He showed me.
Q. Did he say the IRS has exonerated you? Is that what he said?
A. Well, no, he didn't say that. I interpreted it to mean that. That's my -- probably my words, not his. But he -- but I felt like that that's -- that is, if you allowed them, then I would assume that exonerate would mean the same thing as allowed, but maybe I'm wrong.
Q. Do you have anything in writing from the IRS to that effect?
A. Yeah, they -- they -- the letter that

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Paul Jones has, and I'm sure they sent me one, but I never read it.
Q. Have you produced that letter to the United States?
A. No. I assume Paul Jones, if you ask him, would do that. I assumed you had it.
Q. Well, I'm going to ask you to produce that letter to the United States.
A. Fine, I'll ask Paul Jones to give it to me. I probably had it, but I probably threw it away. I figure that's what I pay my attorney to do is read those things, not me.
MRS. JOHNSON: Are you going to have a list of everything that I need to give to you?
MS. HEALY-GALLAGHER: I'm going to talk with Mr. Snuffer after the deposition.
MRS. JOHNSON: You make sure.
MR. SNUFFER: Right. I haven't commented on any of this.
Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, have you ever, other than any situation with the IRS in 2012, have you ever been arrested?
A. Yeah, I was arrested.
Q. Have you ever been convicted of any crime?

A. No.
Q. When were you arrested?
A. In my divorce is -- happened and -- and my wife went over and was living with my son-in-law and his daughter, and I -- I had bought the house for them, and -- and my wife had tied up my funds, and I didn't know why.
The courts had issued a -- funds -- on all my funds that I was providing for the company, and I wasn't able to pay the bills. And she knew about them. She was doing the books at that time.
And I went over to ask her what was going on. And she said that she was divorcing me. And I says, I thought you said you weren't going to do that, divorce me, you were just mad for a couple of days and was going to come back.
She didn't think it was very funny either. So -- and her son-in-law came down the stairs and started yelling at me and asked me to leave. And just as he asked me to leave, he shoved me, and my foot caught the -- the doorstop, and the door was open and I was going to fall out.
And so I reached back to grab an arm, and he pulled me in and hit me. And then we got in a little bit of a fight and -- and I just held him so he

wouldn't hurt me or him. And he's bigger than I. He was a police officer.
Q. So, sir, were you arrested in connection with a domestic dispute?
A. Yeah. So he --
Q. Okay.
A. -- so he -- he said, you know, that I started it, but I didn't. And so they let it go because he started it.
Q. Do you have any other arrests?
A. No, I don't have anything, that I know of.
Q. Okay.
A. Other than traffic tickets.
Q. Are there any answers to any of my questions that you wish to change or amplify at this time?
A. No, I don't have anything.
MS. HEALY-GALLAGHER: Okay. We'd request that he read and sign.
MR. SNUFFER: Yeah.
THE WITNESS: Do I do what?
MR. SNUFFER: Read and sign the deposition transcript when it's done.
THE WITNESS: Oh, yeah, that's fine.

MS. HEALY-GALLAGHER: All right. At this time I have no further questions.
MR. SNUFFER: And I don't have any questions.
THE WITNESS: Thank you for making it as pleasant as possible.
MS. HEALY-GALLAGHER: All right.
THE WITNESS: I hope we didn't -- I didn't offend you and make you feel like you weren't welcome in Utah.
MS. HEALY-GALLAGHER: We're off the record.
(There was a discussion held off the record.)
MR. SNUFFER: I think I'm going to need a copy of this.
(The deposition was concluded at 5:19 p.m.)
* * *

Case: USA v. RaPower-3, et al.
Case No.: 2:15-cv-00828-DN-EJF
Date: June 28, 2017
Reporter: Vickie Larsen, CSR/RMR

WITNESS CERTIFICATE

_____
NELDON JOHNSON

SUBSCRIBED and SWORN to before me on this _____day of _____, 2017, by NELDON JOHNSON.

_____
Notary Public
Notary Public

Reporter's Certificate

State of Utah)
County of Salt Lake)

I, Vickie Larsen, Certified Shorthand Reporter and Registered Merit Reporter, in the State of Utah, do hereby certify:

THAT the foregoing proceedings were taken before me at the time and place set forth herein; that the witness was duly sworn to tell the truth, the whole truth, and nothing but the truth; and that the proceedings were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

THAT the foregoing pages contain a true and correct transcription of my said shorthand notes so taken.

IN WITNESS WHEREOF, I have subscribed my name this 10th day of July, 2017.

Vickie Larsen, CSR/RMR

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