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1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF UTAH, CENTRAL DIVISION
 3
 4 UNITED STATES OF AMERICA, :
 5 Plaintiff, : Civil No.
 2:15-cv-00828-DN-EJF
 6 -v- :
 7 RAPOWER-3, LLC, INTERNATIONAL :
 AUTOMATED SYSTEMS, INC., Deposition of:
 8 LTB1, LLC, R. GREGORY : NELDON JOHNSON
 SHEPARD, NELDON JOHNSON, and
 9 ROGER FREEBORN, :
 10
 11 Defendants. :
 12
 13
 14
 15
 16 Place: UNITED STATES
 17 ATTORNEY'S OFFICE
 18 111 South Main Street
 19 Suite 1800
 20 Salt Lake City, Utah 84111
 21
 22 Date: June 28, 2017
 23 9:10 a.m.
 24
 25 Reporter: Vickie Larsen, CSR/RMR

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1 APPEARANCES
 2
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 Glenda Johnson
 17
 18
 19
 20 -oOo-
 21
 22
 23
 24
 25

**Plaintiff
 Exhibit**
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Page 6	<p>1 June 28, 2017 9:10 a.m.</p> <p>2 P R O C E E D I N G S</p> <p>3</p> <p>4 NELDON JOHNSON,</p> <p>5 called as a witness, having been duly sworn,</p> <p>6 was examined and testified as follows:</p> <p>7</p> <p>8 MS. HEALY-GALLAGHER: All right. We're</p> <p>9 on the record in the case of the United States v.</p> <p>10 RaPower-3, et al., on June 28th, and we're starting at</p> <p>11 approximately 9:10 a.m.</p> <p>12 My name is Erin Healy-Gallagher of the</p> <p>13 U.S. Department of Justice's Tax Division, appearing</p> <p>14 on behalf of the United States.</p> <p>15 Counsel, would you please make your</p> <p>16 appearance.</p> <p>17 MR. SNUFFER: My name is Denver Snuffer,</p> <p>18 and I'm on behalf of Mr. Neldon Johnson today.</p> <p>19 It's my understanding that there is a</p> <p>20 protective order that's in place in this case, and</p> <p>21 it's also my understanding that whatever the scope of</p> <p>22 the questions are today, that the protective order</p> <p>23 would apply to the testimony of this witness.</p> <p>24 And I haven't seen the protective order,</p> <p>25 haven't read it, but I discussed it with the client</p>	Page 8	<p>1 which time they'll go with the court reporter.</p> <p>2 And we'll address any other stipulations</p> <p>3 as the need arises.</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 BY MS. HEALY-GALLAGHER:</p> <p>7 Q. Would you please, sir, state your name</p> <p>8 and address for the record.</p> <p>9 A. Yes. Neldon Paul Johnson, and my mailing</p> <p>10 address is 2730 West 4000 South, Oasis, Utah.</p> <p>11 Q. Is that your home address or simply where</p> <p>12 you receive mail?</p> <p>13 A. That's where I receive the mail.</p> <p>14 Q. Would you give me the city and state of</p> <p>15 your home address.</p> <p>16 A. I don't know it. I never use it. Do you</p> <p>17 want me to ask my wife and see what my address is?</p> <p>18 MR. SNUFFER: If you don't know, you</p> <p>19 don't know.</p> <p>20 THE WITNESS: I don't know the address.</p> <p>21 Q. BY MS. HEALY-GALLAGHER: Do you know what</p> <p>22 county you live in?</p> <p>23 A. What is it? Millard County? Yeah,</p> <p>24 Millard County.</p> <p>25 Q. Utah, yes?</p>

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

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1 A. Utah, it's going to be a real problem for
 2 us.
 3 Q. Well, I will --
 4 A. I'm just joking.
 5 Q. I will let you know if I need a different
 6 answer.
 7 A. I'm just being funny. I shouldn't do
 8 that. I'm sorry.
 9 Q. Okay. We also have a tendency, in casual
 10 conversation, to speak over one another. For example,
 11 to start answering a question before it's finished
 12 being asked. In this context here, please wait until
 13 I'm finished asking my question before you start your
 14 answer.
 15 A. I will. Thank you.
 16 Q. When I do finish asking each question,
 17 your task for today is to give full and complete
 18 answers.
 19 Do you understand that obligation?
 20 A. Yes, I do.
 21 Q. It's my obligation to ask understandable
 22 questions to you. So if you don't understand a
 23 question for any reason, please let me know and I'll
 24 try to ask a better one.
 25 Will you do that?

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

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1 that may help you remember the correct answer, please
 2 let me know and we'll see if we have them here.
 3 A. Okay.
 4 Q. I'll try to remember to break every
 5 90 minutes or so, but if you need a break at any time,
 6 please let me know.
 7 The only thing that I will ask is that if
 8 there's a question pending, you must complete your
 9 answer to the question before we take a break.
 10 Do you understand?
 11 A. Yes, I do. Thank you.
 12 Q. All right. Mr. Johnson, we're here today
 13 to get as accurate a record as we can of the facts of
 14 the case as you know them. So I have to ask if
 15 there's anything that would prevent you from
 16 understanding or answering my questions with the full
 17 capacity of your recollection today?
 18 A. I don't believe so.
 19 Q. Okay. Are you taking any drugs or
 20 medications of any kind that might interfere with your
 21 memory?
 22 A. No.
 23 MR. SNUFFER: You do have a cold today,
 24 though; right?
 25 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

<p style="text-align: right;">Page 17</p> <p>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</p>	<p style="text-align: right;">Page 19</p> <p>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.</p>
<p style="text-align: right;">Page 18</p> <p>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?</p>	<p style="text-align: right;">Page 20</p> <p>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.</p>

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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,

Page 25

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

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

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

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1 Q. I'm sorry, sir. When?
 2 A. I don't know the date. That's what I'm
 3 saying. But it wasn't just NSA, it was also CIA,
 4 the -- somebody from the FBI, somebody from the
 5 Department of Energy, somebody from the Department of
 6 Defense, and six scientists.
 7 Q. Mr. Johnson, so when you said earlier
 8 that NASA had reviewed some of your technology or
 9 writings, was NASA included in this meeting with
 10 the --
 11 A. Yes.
 12 Q. -- U.S. Government you described?
 13 A. Yes.
 14 Q. Yes?
 15 A. I believe so. There were other groups
 16 that they didn't even mention who they were. They
 17 were names that -- that I wouldn't have recognized
 18 anyway, but...
 19 Q. So, Mr. Johnson, other --
 20 A. There was a group of them.
 21 Q. Mr. Johnson, other than that meeting with
 22 the U.S. Government, did you ever submit any of your
 23 technology or writings to NASA separately?
 24 A. No. They didn't -- they had it all -- it
 25 was all together. It was all done in the same

<p style="text-align: right;">Page 33</p> <p>1 meeting.</p> <p>2 Q. Mr. Johnson, you said that somebody at</p> <p>3 BYU provided a white paper in response to David</p> <p>4 Nelson's submission. Have you received any other</p> <p>5 white papers from any other people or entities?</p> <p>6 A. Yeah. There was -- I think there was,</p> <p>7 like I said, people from -- that were specialists in</p> <p>8 the field of -- of optics. There was a specialist in</p> <p>9 the field of -- of thermodynamics, rocket scientists,</p> <p>10 mechanical engineering.</p> <p>11 So we had -- yeah, there was -- there had</p> <p>12 been, I think, several white papers from those areas.</p> <p>13 Q. Okay. Mr. Johnson, who's the optics</p> <p>14 specialist who provided you a white paper?</p> <p>15 A. I don't know who the name of the people</p> <p>16 were. It's listed somewhere, but I don't have it.</p> <p>17 Q. When did you receive this white paper</p> <p>18 from the optic specialist?</p> <p>19 A. I don't know. It was about 2005 or 2007,</p> <p>20 something -- between 2005 and 2007. I'm not sure</p> <p>21 exactly the date.</p> <p>22 Q. Mr. Johnson, what's the name of the</p> <p>23 thermodynamic specialist who provided you a white</p> <p>24 paper?</p> <p>25 A. I don't -- I don't know the names. The</p>	<p style="text-align: right;">Page 35</p> <p>1 Mr. Johnson, you're familiar with a</p> <p>2 company called International Automated Systems, Inc.;</p> <p>3 correct?</p> <p>4 A. Yes, I am.</p> <p>5 Q. Okay. And I understand that people call</p> <p>6 it both IAUS and IAS.</p> <p>7 Is that your understanding?</p> <p>8 A. It's -- it's -- excuse me -- it is -- can</p> <p>9 I have just a little drink of water there. Yeah, I</p> <p>10 apologize.</p> <p>11 IAS is the acronym that's used to</p> <p>12 identify, you know, the company, International</p> <p>13 Automated Systems.</p> <p>14 IAUS is the stock symbol of the company.</p> <p>15 And some people refer to it as IAUS because of the</p> <p>16 stock symbol. But that's not something that we do,</p> <p>17 actually.</p> <p>18 Q. Oh, okay. So your preferred acronym is</p> <p>19 IAS?</p> <p>20 A. Right.</p> <p>21 Q. We may see both of those today.</p> <p>22 A. Right, exactly. But you understand why</p> <p>23 they -- why they identified it that way.</p> <p>24 Q. Sure.</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Page 34</p> <p>1 names are on the white paper themselves, but I don't</p> <p>2 -- I don't remember the names.</p> <p>3 Q. When did you receive the white paper from</p> <p>4 the thermodynamic specialist?</p> <p>5 A. Seems like in the early 2000s, but I'm</p> <p>6 not sure the dates on this.</p> <p>7 Q. Mr. Johnson, when did you receive the</p> <p>8 white paper from the rocket scientist?</p> <p>9 A. It was in the -- it was between the dates</p> <p>10 of 2002 and 2005, I think. But I'm not sure the date.</p> <p>11 Q. And what was that person's name?</p> <p>12 A. I don't know.</p> <p>13 Q. And what about the mechanical engineer</p> <p>14 specialist? What's that person's name?</p> <p>15 A. I don't know who they are. I don't know</p> <p>16 the names.</p> <p>17 Q. And approximately when did you receive</p> <p>18 the white paper from the mechanical engineer</p> <p>19 specialist?</p> <p>20 A. Between 2002 and 2007 -- or '5. I'm not</p> <p>21 sure.</p> <p>22 Q. All right. Mr. Johnson, we're going to</p> <p>23 run through some questions about some entities.</p> <p>24 And with respect to these entities, I'll</p> <p>25 ask it in each question, but -- we'll just carry on.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. And you mentioned the IAUS is what's on a</p> <p>2 stock ticker. So IAS is owned by shareholders;</p> <p>3 correct?</p> <p>4 A. That's correct. It's a public</p> <p>5 corporation.</p> <p>6 Q. What's your percentage of ownership in</p> <p>7 IAS?</p> <p>8 A. Probably 80 percent, or something in that</p> <p>9 neighborhood.</p> <p>10 Q. And that's of the preferred stock or</p> <p>11 generally?</p> <p>12 A. It's just the general ownership. It's</p> <p>13 the voting -- voting rights.</p> <p>14 Q. What, if any, percentage of IAS is owned</p> <p>15 by the NPJ Family Partnership?</p> <p>16 A. Well, actually, that's -- I apologize. I</p> <p>17 don't -- I don't own it. It's -- it's actually owned</p> <p>18 by the -- it's actually owned by -- by the partner.</p> <p>19 It's a family trust of some sort.</p> <p>20 It's a -- I think -- but I think that</p> <p>21 it's been -- I think that's been transferred now to --</p> <p>22 the ownership's been transferred to two other</p> <p>23 companies. One is called Starlight, and the other</p> <p>24 one's Blacknight, and they each own half.</p> <p>25 So I don't own -- I don't own anything,</p>

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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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<p>1 A. Just myself, I believe, right now. Yeah.</p> <p>2 And I'm -- I don't really know if I'm an employee,</p> <p>3 but, yeah.</p> <p>4 Q. So then -- and my question is: If IAS is</p> <p>5 going to take action, are you the person to take that</p> <p>6 action?</p> <p>7 A. Yes, yes. I'm the only one that does it,</p> <p>8 actually. That and the board of directors, you know,</p> <p>9 that control the company.</p> <p>10 Q. Who's on the board of directors?</p> <p>11 A. Oh, man, you would ask that.</p> <p>12 MR. SNUFFER: I'm going to object to the</p> <p>13 extent it calls for testimony about IAS, whose</p> <p>14 deposition will be later this week.</p> <p>15 If you know, you can answer.</p> <p>16 THE WITNESS: I'm trying to think of the</p> <p>17 names. Curtis Snow and...</p> <p>18 MRS. JOHNSON: It's not Curtis. It's</p> <p>19 Stacey.</p> <p>20 MS. HEALY-GALLAGHER: It's okay. If you</p> <p>21 don't know, you don't know. That's fine.</p> <p>22 THE WITNESS: Okay. Yeah, I went to a</p> <p>23 party one time, okay, and -- or a group where I -- a</p> <p>24 professional group there, and somebody asked my name</p> <p>25 as I walked in. I says, hold on a minute, I got to go</p>	<p>1 Q. Would you take a look, please, at Page 32</p> <p>2 of 41.</p> <p>3 A. 32, 41 -- or 31, 41, okay. 32. Okay.</p> <p>4 32's on the --</p> <p>5 Q. There we go.</p> <p>6 A. Oh, there we go. Blaine Phillips. Okay.</p> <p>7 Q. Okay. So you're recognizing other</p> <p>8 directors of IAS on this form; correct?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. And at the top of the signature</p> <p>11 list, here we see that this page is the signature page</p> <p>12 for the 10-K; right?</p> <p>13 A. Right.</p> <p>14 Q. And your name is signed electronically at</p> <p>15 the top; correct?</p> <p>16 A. Correct.</p> <p>17 Q. So you signed this 10-K?</p> <p>18 A. I did.</p> <p>19 Q. Mr. Johnson, if there are other Form</p> <p>20 10-Ks available for IAS on the SEC's website, would</p> <p>21 you have any reason to believe that those are not</p> <p>22 accurate copies of what you submitted to the SEC?</p> <p>23 A. I hope they are accurate, yes.</p> <p>24 Q. Any reason to believe that they're not</p> <p>25 accurate copies of what you submitted?</p>
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<p>1 ask somebody. It was embarrassing, wasn't it? It was</p> <p>2 terrible.</p> <p>3 MS. HEALY-GALLAGHER: This will be 507,</p> <p>4 please.</p> <p>5 (Exhibit 507 was marked for identification.)</p> <p>6 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson,</p> <p>7 you've been handed a copy of what's been marked as</p> <p>8 Plaintiff's Exhibit 507. Please go ahead and take a</p> <p>9 look at that document. Feel free to review it and let</p> <p>10 me know when you're ready.</p> <p>11 A. Okay. I'm ready.</p> <p>12 Q. Okay. Mr. Johnson, IAS has a yearly</p> <p>13 reporting requirement to the U.S. Securities and</p> <p>14 Exchange Commission; correct?</p> <p>15 A. No, it doesn't.</p> <p>16 Q. No?</p> <p>17 A. No. We're -- we're -- it's -- it's not a</p> <p>18 requirement. We're -- we as a voluntarily --</p> <p>19 volunteer -- volun- -- okay. Say the word for me.</p> <p>20 Voluntary. It's voluntary on our part to submit these</p> <p>21 documents.</p> <p>22 Q. And Plaintiff's Exhibit 507 is IAS's Form</p> <p>23 10-K for the fiscal year ending June 30, 2016;</p> <p>24 correct?</p> <p>25 A. That's correct, uh-huh.</p>	<p>1 A. No. They should be accurate, yes.</p> <p>2 Q. Okay.</p> <p>3 A. Absolutely accurate.</p> <p>4 Q. Mr. Johnson, you're familiar with the</p> <p>5 company called RaPower-3, LLC?</p> <p>6 A. Yes, I am.</p> <p>7 Q. Who owns RaPower-3, LLC?</p> <p>8 A. I think it's DCL16. They -- I think, but</p> <p>9 I'm not exactly positive, but I think that's who.</p> <p>10 Q. Did you say that's DCL16A?</p> <p>11 A. I think so.</p> <p>12 Q. Who owns that entity?</p> <p>13 A. I think that's owned by Starlight or</p> <p>14 Blacknight, and I'm not positive.</p> <p>15 Q. Does RaPower-3 have any employees?</p> <p>16 A. None that get paid, so I don't --</p> <p>17 Q. What do you mean by that?</p> <p>18 If you don't know, Mr. Johnson, just say</p> <p>19 you don't know. Please don't look at your wife for</p> <p>20 answers.</p> <p>21 A. Okay. I -- I -- I do not believe -- I do</p> <p>22 not believe that they have any what you'd call</p> <p>23 employees. So I'm not -- I don't think so. I'm not</p> <p>24 positive, but I don't think so.</p> <p>25 Q. RaPower-3 is an LLC; correct?</p>

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

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1 clarify.
 2 A. Okay.
 3 Q. When -- who gets to make the decisions on
 4 behalf of RaPower-3?
 5 A. Well, it's the manager of RaPower-3,
 6 which I am then the manager. But I'm not acting at
 7 that point in time for and behalf of myself.
 8 Q. Does anyone, other than you, make
 9 decisions on behalf of RaPower-3?
 10 A. There again, the statement "you" is
 11 confusing. Am -- if you're referring to you as a
 12 manager --
 13 Q. Mr. Johnson --
 14 A. I know, but I know it's -- I know it's --
 15 but my mind works that way, I'm sorry. Because it
 16 takes the details and looks at them very closely. And
 17 so when you say "you," if you're referring to me as
 18 the manager, then, yes, then I am the one who makes
 19 the decisions.
 20 If you're referring to me as the
 21 individual, then, no. Or if you're referring to me as
 22 the CEO of International Automated Systems, then, no.
 23 See?
 24 Q. So, Mr. Johnson, does anyone else make
 25 decisions for RaPower-3?

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

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1 Dave which he signed indicating that he is totally
 2 responsible for any of the content that's placed upon
 3 that website.
 4 Q. Do you have a copy of that letter?
 5 A. I don't have, but it's in the -- it's --
 6 Dave Nelson has it. So if you don't have it, you can
 7 get one.
 8 Q. Do you know when that letter was written?
 9 A. Several years ago. I don't know the
 10 exact date, no.
 11 Q. Do you know why it was written?
 12 A. Yes, I do.
 13 Q. Why is that?
 14 A. Because we asked if certain information
 15 would be not put up on his website. And then he,
 16 without consulting me -- and he said he would do what
 17 he wanted to. It was his. So I had to write a letter
 18 stating that fact.
 19 Q. All right. Let's back that up a little
 20 bit.
 21 What information are you talking about
 22 that he put on the website without your permission?
 23 A. Two letters. The -- supposedly the tax
 24 opinion letter written by McConkie and Anderson. I
 25 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

Page 53	<p>1 only gain 10 percent.</p> <p>2 Q. Do you know what kind of entity that is?</p> <p>3 A. Just an LLC.</p> <p>4 Q. Who's the manager of Cobblestone Center?</p> <p>5 A. I'm the manager of Cobblestone Center.</p> <p>6 Q. Does Cobblestone Center have any</p> <p>7 employees?</p> <p>8 A. Yes, they do.</p> <p>9 Q. About how many employees?</p> <p>10 A. I think it's about 30.</p> <p>11 Q. Who runs the daily operations for</p> <p>12 Cobblestone Center?</p> <p>13 A. I do, as the manager of Cobblestone</p> <p>14 Center.</p> <p>15 Q. Who makes decisions on behalf of</p> <p>16 Cobblestone Center?</p> <p>17 A. I do.</p> <p>18 Q. Does anyone else make decisions on behalf</p> <p>19 of Cobblestone Center?</p> <p>20 A. No.</p> <p>21 Q. What does Cobblestone Center, LLC do?</p> <p>22 A. They are the manufacturing facility --</p> <p>23 they're the -- the company that actually manufactures</p> <p>24 the solar energy project.</p> <p>25 Q. What, if any, role, Mr. Johnson, does</p>	Page 55	<p>1 Q. She doesn't perform any work?</p> <p>2 A. She writes checks for me. Again,</p> <p>3 bookkeeping. But she doesn't -- there again, not as</p> <p>4 an employee, just as a favor to me.</p> <p>5 Q. Does Mrs. Johnson --</p> <p>6 A. And I don't pay her, either.</p> <p>7 Q. Does Mrs. Johnson do anything other than</p> <p>8 writing checks and engage in bookkeeping for IAS?</p> <p>9 A. No.</p> <p>10 Q. Okay. Now we're going to turn to the LTB</p> <p>11 entities.</p> <p>12 A. Okay.</p> <p>13 Q. And there are a few involved here, so I</p> <p>14 want to make sure I understand the distinctions.</p> <p>15 A. Okay.</p> <p>16 Q. Are you familiar with a company called</p> <p>17 LTB, LLC?</p> <p>18 A. I do.</p> <p>19 Q. Who owns LTB, LLC?</p> <p>20 A. I don't know. I don't know. I can find</p> <p>21 out, but I don't know.</p> <p>22 Q. Who is the manager for LTB, LLC?</p> <p>23 A. I am. Neldon Johnson is.</p> <p>24 Q. So you make decisions on behalf of LTB,</p> <p>25 LLC?</p>
Page 54	<p>1 Mrs. Glenda Johnson play for Cobblestone Center?</p> <p>2 A. She's not actually an employee of</p> <p>3 Cobblestone Center, so she doesn't do anything.</p> <p>4 Q. Mrs. Johnson does not perform any work on</p> <p>5 behalf of Cobblestone Center?</p> <p>6 A. She does it in behalf of myself, and I</p> <p>7 ask her to do things for me.</p> <p>8 Q. What do you ask her to do?</p> <p>9 A. She -- she takes care of the paper.</p> <p>10 Q. Anything else?</p> <p>11 A. No, that's about it.</p> <p>12 Q. What role does Mrs. Johnson have with</p> <p>13 respect to RaPower-3?</p> <p>14 A. She basically -- there again, she's not</p> <p>15 an employee, but she -- she works -- she does things</p> <p>16 when I ask her to do them, and basically she takes</p> <p>17 care of the -- the bookkeeping of the system, but not</p> <p>18 -- she doesn't act as an employee.</p> <p>19 Q. What, if anything else, does she do other</p> <p>20 than bookkeeping?</p> <p>21 A. That's about it. That's about all she</p> <p>22 does.</p> <p>23 Q. What, if any, role does Mrs. Johnson play</p> <p>24 with respect to IAS?</p> <p>25 A. None.</p>	Page 56	<p>1 A. I do.</p> <p>2 Q. Does anyone else make decisions on behalf</p> <p>3 of LTB, LLC?</p> <p>4 A. No.</p> <p>5 Q. When was LTB, LLC incorporated?</p> <p>6 A. I don't know. I really --</p> <p>7 Q. Do you have a rough idea?</p> <p>8 A. I don't know. About 2007 -- about 2000</p> <p>9 -- I don't -- just right around 2007, but I'm not</p> <p>10 positive.</p> <p>11 Q. Since 2007, have you been the sole</p> <p>12 decision maker for LTB, LLC?</p> <p>13 A. I can't answer that for positive, but I</p> <p>14 -- from my recollection, I believe I am, yes.</p> <p>15 Q. Do you have any reason to believe that</p> <p>16 anyone else made decisions on behalf of LTB since</p> <p>17 2007?</p> <p>18 A. I don't know. I -- I'm not -- I'm not</p> <p>19 really positive, but I'm just -- just saying that</p> <p>20 there may have been -- been somebody else, but I can't</p> <p>21 remember.</p> <p>22 Q. Who might that person have been?</p> <p>23 A. I think it would have been Chris Taylor,</p> <p>24 but I'm not positive. I'm not positive of that.</p> <p>25 Q. Anyone else?</p>

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1 A. No.
 2 Q. What is the business purpose of LTB, LLC?
 3 A. The only purpose is to operate the power
 4 plant when it -- when the power plant is selling
 5 power. It's to regulate the sales of power, mostly,
 6 and to maintain the -- the power plant when it's in
 7 operation.
 8 Q. Mr. Johnson, to your knowledge, has LTB,
 9 LLC ever operated a power plant?
 10 A. No, it has not.
 11 (Exhibit 508 was marked for identification.)
 12 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, I'm
 13 handing you what's been marked as Plaintiff's
 14 Exhibit 508. For the record, the Bates number of this
 15 document is Ra3009201.
 16 Would you take a look at that document
 17 and let me know when you've had a chance to review it.
 18 A. Okay.
 19 Q. Do you recognize this document,
 20 Mr. Johnson?
 21 A. I don't really, but I can read it, yes.
 22 Q. Okay. So this is a profile of LTB, LLC.
 23 Do you see that?
 24 A. Uh-huh.
 25 Q. Yes?

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

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1 Q. And that's the Chris Taylor you mentioned
 2 earlier?
 3 A. That is correct.
 4 Q. Okay. Do you have an understanding of
 5 what Mr. Taylor's background is or was?
 6 A. No, I do not.
 7 Q. Okay. Do you know if Mr. Taylor had any
 8 experience operating any solar energy plant?
 9 A. I know he did not, no. He did not have
 10 that experience.
 11 Q. Then when we see under -- next to "Plant
 12 Manager" it says:
 13 "Experienced manager of power plants
 14 to be named."
 15 Do you see that?
 16 A. Yes.
 17 Q. Do you have any idea of who might have
 18 been an experienced manager of a power plant that LTB
 19 might have named?
 20 A. The only thing that I can remember is
 21 that there was an individual that had worked for a
 22 power plant in Hawaii. And they were talking -- we
 23 were talking about him through the board of directors,
 24 but prior to the new board of directors that are there
 25 now.

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

Page 61	<p>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</p>	Page 63	<p>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</p>
Page 62	<p>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</p>	Page 64	<p>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 --</p>

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1 A. No.
 2 Q. -- or other than those two times?
 3 A. No.
 4 Q. With respect to 2005, where is Mesquite?
 5 A. Mesquite, Nevada. I'm sorry.
 6 Q. Do you have any agreements, such as an
 7 interconnection agreement, with respect to that 2005
 8 hookup?
 9 A. It was just for -- they were there at the
 10 time and they hooked it in.
 11 Q. So, no, you don't have a written
 12 interconnection agreement?
 13 A. I do not, no.
 14 Q. And when you say they gave you verbal
 15 permission, who is "they"?
 16 A. I believe it was the City of Mesquite, if
 17 I remember correctly. I think that was the people
 18 that allowed us in. And I'm not positive on that, but
 19 that's -- they could have been some other entity, but
 20 it -- as I recollect, I think it was some of the
 21 people -- manager of the city or something. I -- but
 22 I'm not positive.
 23 Q. Do you have any names of anyone from that
 24 situation?
 25 A. No.

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1 Q. So in 2005, Mr. Johnson, did you, or any
 2 entity under your control, actually produce
 3 electricity that went onto the grid?
 4 A. Yes.
 5 Q. Did any other person or entity purchase
 6 that electricity?
 7 A. No.
 8 Q. How do you know that electricity was
 9 placed on the grid in Mesquite, Nevada?
 10 A. We had meters on it.
 11 Q. Do you -- did you keep any record?
 12 A. No.
 13 Q. Sorry, let me finish the question. I
 14 know I paused.
 15 A. Sorry.
 16 Q. I pause sometimes.
 17 Do you keep -- did you keep any record of
 18 electricity being produced and put on the grid in
 19 Mesquite, Nevada, in 2005?
 20 A. No.
 21 Q. Did you keep any data regarding the
 22 electricity that you believe was put on the grid in
 23 Mesquite, Nevada?
 24 A. No.
 25 MS. HEALY-GALLAGHER: Could we take a

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

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1 exchangers.
 2 Q. Did you use a heat transfer fluid?
 3 A. Yes, we did.
 4 Q. What was that heat transfer fluid?
 5 A. It was a high temperature oil.
 6 Q. Is there a commercial name for this heat
 7 transfer fluid?
 8 A. Yes, but I -- I don't know what it is.
 9 It's -- I think it was a Dow Chemical company, but I'm
 10 not even positive about that.
 11 Q. But you think it might have been Dow?
 12 D-O-W?
 13 A. Yeah, but I'm not positive.
 14 Q. Do you know what the chemical composition
 15 was of the heat transfer fluid?
 16 A. No. It was just designed to get right
 17 around 700 degrees Fahrenheit. If you put it under
 18 pressure with a nitrogen, you can go higher.
 19 Q. Mr. Johnson, how long -- for how long a
 20 period of time did this technology in Mesquite
 21 generate electricity that went on the grid?
 22 A. It wasn't -- it wasn't constant. It was
 23 just off and on. And then it was -- it was there for,
 24 I don't know, maybe a month or so. But it was just
 25 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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1 A. It was --
 2 Q. -- did not involve the solar lenses that
 3 are at issue in this case; correct?
 4 A. No. That was for coal fired and -- and
 5 geothermal site.
 6 MS. HEALY-GALLAGHER: Okay. Off the
 7 record, please.
 8 (There was a break taken.)
 9 (Ms. Hines left the proceedings.)
 10 MS. HEALY-GALLAGHER: We'll go back on
 11 the record, please.
 12 Q. Mr. Johnson, we're back on the record
 13 after a short break.
 14 A. Thank you.
 15 Q. Are there any answers to my questions so
 16 far that you need to add information to or change?
 17 A. I forgot them all. I can't even remember
 18 which one you asked.
 19 Q. Okay. Did you talk to anyone during the
 20 break about the facts of this case?
 21 A. Yeah. He said I was boring.
 22 Q. And that's your attorney, Mr. Snuffer?
 23 A. Yeah. Isn't that rude? I can't believe
 24 he would say that.
 25 Q. One quick follow-up on RaPower-3.

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1 Do you recall when RaPower-3 was
 2 incorporated?
 3 A. I don't know the date. I don't know.
 4 Q. From the date of its incorporation to the
 5 present date, has anyone else made decisions on behalf
 6 of --
 7 A. No.
 8 Q. -- RaPower-3?
 9 A. No.
 10 Sorry, didn't mean to interrupt.
 11 Q. And with respect to Cobblestone Center,
 12 has there ever been anyone else to make decisions on
 13 behalf of that entity, other than you?
 14 A. No.
 15 Q. To your knowledge, Mr. Johnson, is LTB,
 16 LLC in good standing with its state of incorporation?
 17 A. I think they changed the state to Utah.
 18 That was done by Dave Nelson, and I believe it is in
 19 good standing.
 20 Q. What -- let's see.
 21 So what was the initial state of
 22 incorporation for LTB, LLC?
 23 A. The initial state was Nevada.
 24 Q. And, to your understanding, that changed
 25 when?

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1 A. Just recently. Within a year or two, or
 2 three. I -- I can't remember, but that's -- I think
 3 definitely it is changed to the Utah corporation.
 4 Q. Do you know why?
 5 A. I'm not positive. I think it's just
 6 easier to do business in Utah than it is Nevada, is
 7 the only reason. I don't know.
 8 Q. Who made that change?
 9 A. I asked Dave Nelson to make that change
 10 for me.
 11 Q. So did you decide to make the change?
 12 A. I did.
 13 Q. Okay.
 14 A. I did.
 15 Q. So why did you decide to make that
 16 change?
 17 A. I just felt like that Utah was a more
 18 favorable place to do business.
 19 Q. Do you know if LTB, LLC is still the name
 20 of the company in Utah?
 21 A. I -- as far as I know, it hasn't changed
 22 the name.
 23 (Ms. Hines joined the proceedings.)
 24 Q. BY MS. HEALY-GALLAGHER: Okay. Let's
 25 talk about LTB1, LLC. Are you familiar with that

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1 entity?
 2 A. I think they're the same. They do the --
 3 maybe that's what they changed the name to. I'm not
 4 positive, but -- so I'm not sure there's any
 5 difference between the two.
 6 Q. You're not sure there's any difference
 7 between LTB, LLC and LTB1, LLC?
 8 A. Not that I know of.
 9 Q. So -- sorry, let me rephrase that a
 10 little bit.
 11 So, to your knowledge, there is no
 12 difference between LTB, LLC and LTB1, LLC; correct?
 13 A. Well, I think they assume the same
 14 functions. If there are -- if there's a difference in
 15 the name and why they changed, I'm not -- I don't
 16 remember why -- if there is a change.
 17 Q. Well, let's --
 18 A. They would -- they would function as the
 19 same -- do the same function.
 20 Q. Well, let's start with who owns LTB1,
 21 LLC?
 22 A. That I don't know without going through
 23 the records. I wouldn't know.
 24 Q. Who is its manager?
 25 A. I think I am the manager. Like, I don't

<p style="text-align: right;">Page 77</p> <p>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.</p>	<p style="text-align: right;">Page 79</p> <p>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.</p>
<p style="text-align: right;">Page 78</p> <p>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</p>	<p style="text-align: right;">Page 80</p> <p>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</p>

Page 81	<p>1 group.</p> <p>2 Q. But the RaPower-3 sales structure is a</p> <p>3 multilevel marketing group; correct?</p> <p>4 A. That is licensed in all 50 states, yes,</p> <p>5 it is.</p> <p>6 Q. And that is the multilevel marketing?</p> <p>7 A. That's correct, yes.</p> <p>8 Q. Does XSun Energy have any employees?</p> <p>9 A. No, they do not. But me, I mean, I don't</p> <p>10 know how you qualify that to me, but -- so I am an</p> <p>11 employee, I guess, of XSun.</p> <p>12 Q. What, if any, role does Mrs. Glenda</p> <p>13 Johnson play with respect to XSun Energy?</p> <p>14 A. She would take care of the bookkeeping by</p> <p>15 just a favor of -- for me. She's not an employee.</p> <p>16 Q. She writes checks for XSun Energy?</p> <p>17 A. Yes, yes. She takes care of all the</p> <p>18 money for me.</p> <p>19 Q. Does she do anything else other than</p> <p>20 bookkeeping and check writing for XSun Energy?</p> <p>21 A. She does not.</p> <p>22 Q. And let me ask you this, too: What, if</p> <p>23 any, role does Mrs. Johnson play with respect to LTB,</p> <p>24 LLC?</p> <p>25 A. None.</p>	Page 83	<p>1 Q. Do you make the decisions for SOLCOI,</p> <p>2 LLC?</p> <p>3 A. I do.</p> <p>4 Q. Since SOLCOI was formed, has anyone else</p> <p>5 made decisions for that entity?</p> <p>6 A. No.</p> <p>7 Q. What, if any, role does Mrs. Glenda</p> <p>8 Johnson play with respect to SOLCOI?</p> <p>9 A. She, again, as a favor to me does the</p> <p>10 bookkeeping and controls the money.</p> <p>11 Q. Anything else?</p> <p>12 A. No.</p> <p>13 Q. What does SOLCOI do?</p> <p>14 A. Just the marketing. It has marketing</p> <p>15 arrangements with IAS with a contract on royalties.</p> <p>16 Q. How is SOLCOI's marketing different from</p> <p>17 RaPower-3's or XSun Energy's?</p> <p>18 A. Just probably the size of the projects.</p> <p>19 They have a different entity, there's different</p> <p>20 requirements to -- different sales structure,</p> <p>21 different entity that they're able to work with rather</p> <p>22 than the -- the XSun or the RaPower.</p> <p>23 Q. So what's different about the SOLCOI</p> <p>24 structure and system?</p> <p>25 A. They're able, then -- they're able to</p>
Page 82	<p>1 Q. No bookkeeping?</p> <p>2 A. There hasn't been any bookkeeping for</p> <p>3 that company. I don't even know if it has a bank</p> <p>4 account, to tell you the truth.</p> <p>5 Q. And is the same true for LTB1, LLC?</p> <p>6 A. That's correct. Excuse me. That's</p> <p>7 correct, yes.</p> <p>8 Q. Does XSun Energy, LLC do anything other</p> <p>9 than marketing the technology?</p> <p>10 A. No.</p> <p>11 Q. Okay. Let's talk about SOLCOI, LLC. Are</p> <p>12 you familiar with that entity?</p> <p>13 A. Yes, I am.</p> <p>14 Q. Who owns SOLCOI, LLC?</p> <p>15 A. There again, without having the</p> <p>16 documents, I don't really know. But I think I still</p> <p>17 own 10 percent.</p> <p>18 Q. Who is the manager of SOLCOI, LLC?</p> <p>19 A. That -- that's me. That's Neldon</p> <p>20 Johnson.</p> <p>21 Q. Do you recall when SOLCOI, LLC was</p> <p>22 formed?</p> <p>23 A. It's been a while. 2008, '9. Or it</p> <p>24 could even be later than that. I don't know. Could</p> <p>25 have been before that, too. I don't know.</p>	Page 84	<p>1 separately negotiate contracts without having a -- a</p> <p>2 set structure on -- on the way the negotiations of the</p> <p>3 separate contracts are arranged.</p> <p>4 Q. Who negotiates on behalf of SOLCO?</p> <p>5 A. I -- I -- I do all the negotiations on</p> <p>6 behalf of -- of SOLCO as their manager.</p> <p>7 Q. How many customers does SOLCO have?</p> <p>8 A. I don't know for sure.</p> <p>9 Q. More than five?</p> <p>10 A. Could be, but I don't know for sure. I</p> <p>11 -- I don't keep track of that unless I need -- need to</p> <p>12 know for some reason.</p> <p>13 Q. Who does keep track?</p> <p>14 A. Well, my wife does the bookkeeping, and</p> <p>15 so she -- Glenda Johnson probably has a record of it</p> <p>16 on her computer system. So...</p> <p>17 But she does it, you know, as a favor for</p> <p>18 me.</p> <p>19 Q. So do you have an idea of SOLCO's sales</p> <p>20 since it was formed?</p> <p>21 A. Well, I know of a couple.</p> <p>22 Q. I mean gross. Gross sales?</p> <p>23 A. I -- it's in the tens of millions of</p> <p>24 dollars. I don't know. They're under contract. They</p> <p>25 have -- they haven't collected all that money, but</p>

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

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1 the selling?
 2 A. Yeah. Well, you know, we could enter
 3 into a contract for different sizes of lenses, and I
 4 suppose that --
 5 Q. I'm sorry, I'm going to stop you right
 6 there.
 7 Different physical sizes of the physical
 8 lens or a different quantity of lenses?
 9 A. No. We can -- the size of the lenses are
 10 -- are -- are variable according to the -- the mold
 11 that goes on the machine.
 12 Q. Okay. Well, let me -- let me ask
 13 potentially a better question.
 14 A. Okay.
 15 Q. In the past, as of today, have RaPower-3,
 16 XSun Energy, and SOLCOI sold the same lenses?
 17 A. Yes. Yes, that's correct.
 18 Q. Is there any difference in pricing of
 19 those lenses between XSun Energy, SOLCO, and
 20 RaPower-3?
 21 A. No, the pricing is the same.
 22 Q. For lenses sold by RaPower-3, XSun
 23 Energy, and SOLCOI, LLC, is it Cobblestone Center that
 24 manufactures the infrastructure for those lenses?
 25 A. That's correct, yes.

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

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

<p style="text-align: right;">Page 89</p> <p>1 you recognize what's shown in this particular video 2 clip? 3 A. Yes. 4 Q. This video clip is a pan of at least much 5 of the R&D site; correct? 6 A. Correct. 7 Q. And, Mr. Johnson, the only towers that 8 have been built are the ones that are on the R&D site; 9 correct? 10 A. Correct. 11 Q. Next clip is video 12_4-38-5_15. The 12 beginning time stamp is 13:2:16. 13 (Video played.) 14 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, was 15 that an accurate depiction of what the R&D site looked 16 like on April 4th? 17 A. Yes. 18 Q. Next clip is video 16_12_24-12_41. The 19 beginning time stamp is about 13:28:16. 20 (Video played.) 21 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, 22 does that video clip accurately reflect a board 23 burning underneath a set of lenses? 24 A. Yes. 25 Q. Next clip is video 16_1_38-1_59.</p>	<p style="text-align: right;">Page 91</p> <p>1 A. It did. 2 Q. Okay. 3 A. Yes. Sorry. 4 Q. Next video clip is video 16_2_10-2_40. 5 Beginning time stamp is approximately 13:18:2. 6 (Video played.) 7 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, 8 what's depicted in that video clip? 9 A. That's the burner -- gas burner control 10 system for the burner -- the gas burner. 11 Q. Is that an accurate depiction of the gas 12 burner control that was on site April 4th? 13 A. It is. 14 Q. And you know what, I'll ask for the 15 previous video clip: Was that an accurate depiction 16 of the heat exchanger as it appeared on April 4th? 17 A. Yes, it is. 18 Q. Okay. Back to the gas burner control. 19 What does that do? 20 A. That controls the temperature of the -- 21 of the molten salt that we're using there and so that 22 we can heat water with the molten salt for the 23 turbine. 24 Q. How, if at all, is the gas burner control 25 connected to anything?</p>
<p style="text-align: right;">Page 90</p> <p>1 Beginning time stamp is 13:17:30. 2 (Video played.) 3 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, 4 what's depicted in that video clip? 5 A. That represented a fire input to a new 6 type of heat exchanger that we had patents -- just 7 received patents on. 8 Q. So is the new heat exchanger featured in 9 this video clip? 10 A. It is. 11 Q. Okay. I'm going to play it again and you 12 tell me where we first see it. 13 A. Okay. 14 (Video played.) 15 THE WITNESS: Okay. Right there. 16 Q. BY MS. HEALY-GALLAGHER: Okay. So that's 17 at time stamp 13:17:42. 18 I'm going to continue the clip and you 19 let me know when the heat exchanger is no longer in 20 view. 21 A. Okay. 22 (Video played.) 23 Q. BY MS. HEALY-GALLAGHER: Okay. The clip 24 just ended, so then did the camera pan to see the 25 entire heat exchanger?</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Well, it -- the gas burner controller is 2 connected with the valves on the -- on the piping that 3 controls the gas flow for the burner, and then part of 4 the control mechanism also controls the ignition of 5 the gas in the burner that has a temperature control 6 mechanism that maintains proper temperature for the 7 mold. So... 8 Q. You mentioned molten salt. Was there any 9 molten salt on site when we visited on April 4th? 10 A. Yes. 11 Q. Where was it? 12 A. It was inside the heat exchangers and the 13 tanks and the other heat exchangers. 14 Q. Where did you get the molten salt? 15 A. That just -- we -- there's a company -- 16 there's several companies that -- that make molten 17 salt. We -- we found this company that makes a molten 18 salt that is a very low temperature melting point 19 molten salt, and so -- but I can't remember the 20 company. 21 Q. You don't know the company name? 22 A. I don't. I don't remember what it is. 23 Q. Is it in any of your documents? 24 A. Oh, yes. It's -- it's there in the -- in 25 your documents.</p>

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

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

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1 Q. Okay. And on April 4th when we visited,
 2 there was no electricity running through these lines;
 3 correct?
 4 A. That's correct, yes.
 5 Q. Okay. Next video clip is video
 6 18_2_58-3_13. Beginning time stamp is about 14:21:51.
 7 And, actually, at time stamp 52 I'm just going to
 8 pause this real quick to ask you first.
 9 Mr. Johnson, is -- is this an accurate
 10 depiction of a portion of the construction site?
 11 A. Yes. Yeah, that's it.
 12 Q. Okay. And what do you see in this image
 13 right now?
 14 A. This is just a fuse box.
 15 Q. And what, if any, role does this fuse box
 16 play?
 17 A. It doesn't -- doesn't play any -- it just
 18 provides power to the buildings behind there
 19 and -- and there the interconnections are actually --
 20 the line you're referring to is actually buried in the
 21 ground over to the -- over to the pole. These are --
 22 these are just -- these are just from the house over
 23 to the buildings, I think.
 24 Q. Okay. So where does -- the power line
 25 that we saw going across the land, where does that end

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1 up?
 2 A. It's buried into the -- into that box
 3 right there. You can't see it, but the transformer's
 4 in this small building right there (indicating).
 5 Q. Oh, okay. So you just pointed -- in the
 6 view that we see here, you pointed to what looks like
 7 some plywood --
 8 A. Right.
 9 Q. -- on the right-hand view?
 10 A. Right.
 11 Q. And so you're saying the transformer is
 12 in the portion contained in the plywood?
 13 A. Right.
 14 Q. Okay. So what role does the transformer
 15 play?
 16 A. It just continually either steps up or
 17 steps down, depending on where I want to use the power
 18 and how I want to use it. If I want to use it for the
 19 house, then I use a step-down transformer. If I want
 20 to use it for the grid, I step it up for it. It's
 21 just how you connect the transformers.
 22 Q. I'm sorry, just to make sure that I have
 23 it right.
 24 The line that we saw going across the
 25 land goes into the transformer?

Page 101	<p>1 A. Uh-huh.</p> <p>2 Q. Yes?</p> <p>3 A. Right, uh-huh.</p> <p>4 Q. Next clip is video 18_0_34-0_57.</p> <p>5 Beginning time stamp is approximately 14:19:7.</p> <p>6 (Video played.)</p> <p>7 MS. HEALY-GALLAGHER: And you know what,</p> <p>8 I'm going to pause this and restart it, and I will ask</p> <p>9 you to take the audio on this.</p> <p>10 THE REPORTER: If I can.</p> <p>11 MS. HEALY-GALLAGHER: Right. Understood.</p> <p>12 (Video played and transcribed.)</p> <p>13 "Hi, hey, this is the electronic</p> <p>14 device that automatically monitors</p> <p>15 the power on the line, makes it legal</p> <p>16 to put the power from the -- our</p> <p>17 solar energy project on the power</p> <p>18 grid and protects the grid from</p> <p>19 being -- the power going onto the</p> <p>20 grid when there's not power on the</p> <p>21 grid. So it protects the -- the --</p> <p>22 transformer and hooks to the grid.</p> <p>23 Okay? That's what we use and I keep</p> <p>24 that down away when I don't need it</p> <p>25 here."</p>	Page 103	<p>1 power off the grid, it makes it so that this</p> <p>2 connection from my solar power plant doesn't activate</p> <p>3 the grid.</p> <p>4 Q. Okay. Have you ever connected that</p> <p>5 box --</p> <p>6 A. Yes, I have.</p> <p>7 Q. -- to -- I'm sorry, let me finish the</p> <p>8 question.</p> <p>9 Have you ever connected that box to any</p> <p>10 piece of equipment on the R&D site or the construction</p> <p>11 site?</p> <p>12 A. Yes. We -- we tested it out to make sure</p> <p>13 that it was going to work.</p> <p>14 Q. When?</p> <p>15 A. Oh, I don't know, several years ago when</p> <p>16 we first bought it. It was a long time ago. But I</p> <p>17 think we had a Rocky Mountain Power man with us when</p> <p>18 we tested it out.</p> <p>19 Q. And, I'm sorry, when did you say you</p> <p>20 bought that?</p> <p>21 A. I'm not sure. It was quite a while ago.</p> <p>22 It was...</p> <p>23 Q. Before or after 2010?</p> <p>24 A. I'm not positive. I mean, I don't</p> <p>25 remember, but it was -- I think it was before, but I'm</p>
Page 102	<p>1 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, was</p> <p>2 that video clip an accurate depiction of what was on</p> <p>3 site during our site visit April 4th?</p> <p>4 A. Yes, it was. Thank you.</p> <p>5 Q. And that was you in the video; correct?</p> <p>6 A. That was me. I'm in my work clothes.</p> <p>7 Q. And at time stamp 14:19:12, you are</p> <p>8 holding and pointing to what looks like a box. What</p> <p>9 is that box?</p> <p>10 A. This is the control panel board of the</p> <p>11 box, basically, and -- and then what this does, it's</p> <p>12 an interconnect from your -- a power plant to a</p> <p>13 open-grid circuit. And this is required to -- to</p> <p>14 maintain power to the grid when the grid is -- is</p> <p>15 alive or have -- or it's already active.</p> <p>16 If for some reason the grid, the wire</p> <p>17 loses power, then this shuts off the power coming from</p> <p>18 your solar power plant to the grid.</p> <p>19 Otherwise, you would keep the grid alive</p> <p>20 when -- when there was no power being produced, and</p> <p>21 the people working on the grid would think that they</p> <p>22 shut the power off. And if you didn't have this on</p> <p>23 it, they would still have a live -- a live grid.</p> <p>24 And so what this does is monitoring the</p> <p>25 -- monitors the power on the grid. And if you lose</p>	Page 104	<p>1 not positive.</p> <p>2 Q. Why wasn't it connected when we visited?</p> <p>3 A. We didn't have any kind of power going to</p> <p>4 the grid from where you were at, but we also don't --</p> <p>5 I -- I don't have the right to keep it on from -- I</p> <p>6 don't have a statement from Rocky Mountain Power that</p> <p>7 I can keep that permanently hooked in. Without that,</p> <p>8 we wouldn't -- we wouldn't do that.</p> <p>9 Q. A couple questions. Number 1, where does</p> <p>10 that go?</p> <p>11 A. Well, it -- it -- it goes on the low --</p> <p>12 the low power side.</p> <p>13 Q. Of what?</p> <p>14 A. Of your -- of your transformer. Because</p> <p>15 this -- this one only goes up to, I think, 600 volts,</p> <p>16 and so you'd be -- it would be on the low side of your</p> <p>17 power transformer. And it's before your grid.</p> <p>18 Q. What statement are you talking about from</p> <p>19 Rocky Mountain Power?</p> <p>20 A. I'm not sure what you -- what -- what</p> <p>21 frame reference you're referring to.</p> <p>22 Q. Well, you said that you don't have a</p> <p>23 statement from Rocky Mountain Power that allows you to</p> <p>24 keep that connected.</p> <p>25 A. Correct.</p>

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1 Q. What statement are you talking about?
 2 A. Well, in order -- like, you have a --
 3 like a solar panel on your house. In order to hook
 4 that solar panel up to your -- to the -- to the -- to
 5 the grid, you might say, you have to have
 6 authorization from the -- the power provider that owns
 7 the grid to make sure that the -- the -- the -- the
 8 equipment is actually working properly and -- and --
 9 and then that they -- that you have access and the
 10 right then to access your power onto their -- onto
 11 their power lines.
 12 Q. And you don't have such authorization
 13 from Rocky Mountain Power; correct?
 14 A. We do not. We do not.
 15 Q. Okay. Have you ever had that
 16 authorization?
 17 A. Well, we had -- not -- not that type, no.
 18 We haven't had that type of authorization.
 19 Q. Have you had any other authorization from
 20 Rocky Mountain Power?
 21 A. Just the verbal. Just the testing
 22 procedures, I think.
 23 Q. And when, if ever, did you get verbal
 24 permission from Rocky Mountain Power to test
 25 something?

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1 A. It's been a long time ago. It's probably
 2 right around 2010 or before. I don't -- I'm not sure.
 3 Q. Who gave you verbal permission from Rocky
 4 Mountain Power to test something?
 5 A. Oh, it was just one of the -- the people
 6 that worked there.
 7 Q. Who?
 8 A. I don't know the names. I -- some guy
 9 that works at Utah -- that was working there at the
 10 time.
 11 Q. What did this person give you permission
 12 to do?
 13 A. Just to fire it on and test it out, make
 14 sure it was going to function properly.
 15 Q. Fire what on?
 16 A. I mean, just put the -- the circuit on
 17 and make sure that the -- the -- it would do what it
 18 was supposed to do. And he had -- you know, and he
 19 checked it out and he agreed that it worked according
 20 to what the specifications were.
 21 Q. What is it that you actually -- you say
 22 fire it on -- fire the circuit on. He tested it.
 23 What's "it"?
 24 A. We actually put -- we actually -- this is
 25 it. We actually put power --

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1 Q. This -- I'm sorry --
 2 A. -- we actually put power to the system,
 3 which then turned the system on, which then produced
 4 -- which then produced the connection for it to go
 5 onto the grid.
 6 Q. And you're pointing at the --
 7 A. The -- this is the -- yeah, the power --
 8 the circuit that controls the -- your access from --
 9 from your access point, from your -- from your power
 10 plant to the grid portion of the power delivery
 11 system, you must have an interconnect system that's
 12 certified by the -- by the power plant or the
 13 government that it operates according to this.
 14 And this is the box -- this is the
 15 circuit here that can -- that operates that. To make
 16 it operational, we had to feed it with some power, and
 17 then we had to monitor that the power's going on.
 18 Then we had a place where we could break
 19 the power from the power grid back into this to make
 20 sure that this was going to operate properly.
 21 Q. Okay. So when you talk about this
 22 operating properly, this --
 23 A. I'm talking about --
 24 Q. Hang on. Let me let me just finish
 25 the -- let me finish the question.

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1 A. Pardon me. Sorry.
 2 Q. I want to make this clear for the record.
 3 A. Okay.
 4 Q. When you're talking about this working
 5 properly, you're talking about the box that appears in
 6 video 18_0_14-0_57?
 7 A. That is correct.
 8 Q. And what did you call that again?
 9 A. It's the -- it's the -- it's the circuit
 10 -- it's the circuit interconnect from a -- from a
 11 source of power on one side of the box to make it so
 12 that you can connect that -- that electricity being
 13 produced on this side of the control circuit board
 14 through the -- through this --
 15 Q. Interconnect?
 16 A. -- interconnect to the grid.
 17 Q. Okay. So we're going to call this the
 18 "interconnect."
 19 A. Okay.
 20 Q. Okay.
 21 A. All right.
 22 Q. You said that you had to run electricity
 23 through the interconnect to see if it worked; correct?
 24 A. Correct, uh-huh.
 25 Q. Where did the electricity come from that

<p style="text-align: right;">Page 109</p> <p>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?</p>	<p style="text-align: right;">Page 111</p> <p>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.)</p>
<p style="text-align: right;">Page 110</p> <p>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</p>	<p style="text-align: right;">Page 112</p> <p>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?</p>

<p style="text-align: right;">Page 113</p> <p>1 A. Correct.</p> <p>2 Q. That has what looks like a cylindrical</p> <p>3 item at the top of it?</p> <p>4 A. Right.</p> <p>5 Q. Is that the pole?</p> <p>6 A. That's correct.</p> <p>7 Q. Okay. But there is no line on that pole;</p> <p>8 correct?</p> <p>9 A. There is a -- there's a power line on the</p> <p>10 pole that's connected to the grid. There isn't -- the</p> <p>11 -- there isn't a power line connected to a place where</p> <p>12 I could connect into that pole.</p> <p>13 Q. Okay.</p> <p>14 A. Can't see it, but it's there.</p> <p>15 Q. Okay. And you know what, if we look at</p> <p>16 the very top of that pole --</p> <p>17 A. Right, you'll see the power.</p> <p>18 Q. -- there's a very faint line --</p> <p>19 A. Right.</p> <p>20 Q. -- is that right?</p> <p>21 A. That's the grid.</p> <p>22 Q. So that's the grid.</p> <p>23 But you do not have a connection to that</p> <p>24 pole; correct?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 115</p> <p>1 thing I want to know.</p> <p>2 A. This pole right here is connected to the</p> <p>3 grid (indicating).</p> <p>4 Q. Okay. So the first pole on the right of</p> <p>5 this image is connected to the grid?</p> <p>6 A. Correct.</p> <p>7 Q. And how is that wire connected to where</p> <p>8 the interconnect went?</p> <p>9 A. The interconnect hooks on to where the</p> <p>10 transformer is from my -- from the main house from the</p> <p>11 house, and there it's connected to that grid. And I</p> <p>12 pull the power line, I can -- I can -- I told you I</p> <p>13 can run that transformer either to the house or I can</p> <p>14 run it to the grid.</p> <p>15 If I ran it to the house, then this grid</p> <p>16 is connected to the house.</p> <p>17 Q. The first pole?</p> <p>18 A. Right. And then the power goes through</p> <p>19 to the house box in the -- into this circuit, and</p> <p>20 that's how it's connected.</p> <p>21 Q. Okay.</p> <p>22 A. If you want me to explain why this is</p> <p>23 here then I will.</p> <p>24 Q. Mr. Johnson, what, if any, plans have you</p> <p>25 established with Rocky Mountain Power to connect</p>
<p style="text-align: right;">Page 114</p> <p>1 Q. Have you ever had a connection to that</p> <p>2 pole?</p> <p>3 A. I have not, no.</p> <p>4 Q. So then how did electricity get from the</p> <p>5 R&D site to the grid?</p> <p>6 A. Well, it didn't -- the reason -- you want</p> <p>7 me to explain why you're seeing what you're seeing?</p> <p>8 Q. I'm --</p> <p>9 A. I probably did at the site.</p> <p>10 The reason why we bought this particular</p> <p>11 piece of property is because it would have cost us</p> <p>12 more to run a power -- power line to my other property</p> <p>13 than it cost me to buy this property and the house.</p> <p>14 Q. Mr. Johnson, actually, I'm going to stop</p> <p>15 you there.</p> <p>16 Would you please repeat my question?</p> <p>17 A. Right.</p> <p>18 Q. No, no. Mr. Johnson, I'm asking the</p> <p>19 court reporter to repeat my question.</p> <p>20 A. Okay. You'll still get the same answer,</p> <p>21 because you won't understand it if I don't do it.</p> <p>22 (The record was read as follows:</p> <p>23 "Q. So then how did electricity get</p> <p>24 from the R&D site to the grid?")</p> <p>25 Q. BY MS. HEALY-GALLAGHER: That's the only</p>	<p style="text-align: right;">Page 116</p> <p>1 anything to the second pole from the right in this</p> <p>2 image?</p> <p>3 A. You see this transformer right here?</p> <p>4 This on the pole there's a little box you're calling</p> <p>5 (indicating) --</p> <p>6 Q. I see.</p> <p>7 A. This is called the transformer.</p> <p>8 Q. Okay.</p> <p>9 A. Okay. The amount of power that you can</p> <p>10 put on the grid is determined by the size of your</p> <p>11 transformer that you interconnect to the grid.</p> <p>12 The -- the transformer that delivers</p> <p>13 power to the house is -- is a small transformer that's</p> <p>14 insufficient to carry the amount of power that I would</p> <p>15 deliver when I hook the full power plant up to the</p> <p>16 grid.</p> <p>17 Q. Sir, I'm going to stop you again.</p> <p>18 A. Okay.</p> <p>19 MS. HEALY-GALLAGHER: Ma'am, would you</p> <p>20 read back my question.</p> <p>21 (The record was read as follows:</p> <p>22 "Q. Mr. Johnson, what, if any, plans</p> <p>23 have you established with Rocky</p> <p>24 Mountain Power to connect anything to</p> <p>25 the second pole from the right in</p>

<p style="text-align: right;">Page 117</p> <p>1 this image?")</p> <p>2 MS. HEALY-GALLAGHER: Please answer that</p> <p>3 question, sir.</p> <p>4 THE WITNESS: Well, that's what I was</p> <p>5 trying to do.</p> <p>6 Q. BY MS. HEALY-GALLAGHER: Have you spoken</p> <p>7 with anyone at Rocky Mountain Power?</p> <p>8 A. They're the one that put the pole in.</p> <p>9 Q. Okay. What is the next step with Rocky</p> <p>10 Mountain Power to connect that?</p> <p>11 A. Just to put an interconnect right there.</p> <p>12 It's all done. Power's already down to the</p> <p>13 interconnect, all I got to do is get the interconnect</p> <p>14 lines over there and connect it in. It's all done.</p> <p>15 I'm paying -- I'm paying --</p> <p>16 Q. You say, sir, it's all done -- sir, you</p> <p>17 say it's all done?</p> <p>18 A. Right.</p> <p>19 Q. And you also testified earlier that you</p> <p>20 do not have permission from Rocky Mountain Power to</p> <p>21 use the interconnect. So what is the next step with</p> <p>22 Rocky Mountain Power, and what is your timeline to</p> <p>23 accomplish it?</p> <p>24 A. Well, now you're asking me for a crystal</p> <p>25 ball. I could tell you what we've accomplished.</p>	<p style="text-align: right;">Page 119</p> <p>1 Q. Okay. And, sir --</p> <p>2 A. It's a very complex -- very complex</p> <p>3 business plan that we provided to you.</p> <p>4 Q. What are your next steps to accomplish</p> <p>5 getting permission from Rocky Mountain Power to</p> <p>6 interconnect?</p> <p>7 A. Okay. The first thing we want to do is</p> <p>8 make sure that we have the proper ability to provide</p> <p>9 the parts for the projects in sufficient quantity that</p> <p>10 we can meet the deadlines that this is going to</p> <p>11 generate when we turn the power on.</p> <p>12 And so once we turn the power on, it's</p> <p>13 going to generate huge amounts of -- of -- it will --</p> <p>14 it will -- it will put in place huge amounts of</p> <p>15 contracts that have deadlines to produce.</p> <p>16 And as soon as -- as soon as those power</p> <p>17 hits the line, those deadlines come in place. And</p> <p>18 until the power lines are there, I don't have those</p> <p>19 deadlines.</p> <p>20 And so what happens is, is we have to</p> <p>21 make sure that we can meet those deadlines without --</p> <p>22 without causing problems with the -- our customer base</p> <p>23 and -- and putting a -- a legal burden on -- on the</p> <p>24 production side.</p> <p>25 We have chosen to develop -- making sure</p>
<p style="text-align: right;">Page 118</p> <p>1 Q. I'm asking for your plan for your next</p> <p>2 steps.</p> <p>3 A. Well, that's all done.</p> <p>4 Q. Sir --</p> <p>5 A. There isn't any plan other than just</p> <p>6 connecting in and say can I connect to the grid.</p> <p>7 Q. Okay. When are you going to do that?</p> <p>8 A. When I get -- when I get it done --</p> <p>9 sufficiently done -- I'm getting -- slow down, okay.</p> <p>10 I'm trying to -- I'm trying to get an</p> <p>11 understanding of what you're trying to get me to say.</p> <p>12 Q. Sir, my questions --</p> <p>13 A. And what I have -- what I already have,</p> <p>14 and so I don't want to get --</p> <p>15 Q. My questions are very simple.</p> <p>16 A. Okay. Well, they're not -- the answers</p> <p>17 aren't simple, though. You're asking for a</p> <p>18 complicated answer.</p> <p>19 Q. Do you have a plan --</p> <p>20 A. Yes, I do.</p> <p>21 Q. -- by the end of 2017 to accomplish</p> <p>22 permission from Rocky Mountain Power to connect to</p> <p>23 your interconnect?</p> <p>24 A. Right. The business plan we have, I</p> <p>25 think you have a copy of it. It's quite involved.</p>	<p style="text-align: right;">Page 120</p> <p>1 that we have developed the proper relationships, you</p> <p>2 might say, with -- now with the manufacturing of our</p> <p>3 -- of our different parts in sufficient quantity that</p> <p>4 can meet the needs of what we're going to be doing.</p> <p>5 And there's several people we have met</p> <p>6 within China and India of making these parts, and we</p> <p>7 have a part -- we have had shipment of those to make</p> <p>8 sure that those parts are accurate and they do fit</p> <p>9 within the requirements.</p> <p>10 So once we have established that we have</p> <p>11 the proper parts and they have guaranteed that we can</p> <p>12 get delivery over certain time frames, we then can</p> <p>13 finish off the interconnection to the power plant.</p> <p>14 Q. Sir --</p> <p>15 A. The law states that we interconnect to</p> <p>16 that. All I have to pay them is -- is the -- is what</p> <p>17 they call a voided energy cost. It's legal. There's</p> <p>18 no -- they can't stop me from doing it.</p> <p>19 And so that's not the problem. It never</p> <p>20 was.</p> <p>21 Q. Sir, couple quick questions.</p> <p>22 A. Okay.</p> <p>23 Q. Is it your testimony that you do not need</p> <p>24 permission from Rocky Mountain Power to interconnect?</p> <p>25 A. I -- they can't with- -- what I'm saying</p>

<p style="text-align: right;">Page 121</p> <p>1 is they can't withhold the permission. Once I've 2 established that we have the -- the proper 3 interconnections, the proper equipment that's -- 4 that's designed to hook up to their grids, by law, 5 they cannot stop me from hooking into their grid, if 6 there -- if there is available space on the grid. 7 We are at the very end of the grid. That 8 means that space is -- is all the way back to their 9 power line. We can drive the whole thing back to 10 their power line and provide power all along the 11 system all the way back. 12 So we're able to connect into the power 13 grid at the maximum capacity of that line at any time. 14 That's why we have it the way it is. 15 And so, no, they can't stop us from 16 interconnecting, as long as we comply with the legal 17 requirements that allow us to interconnect. 18 Q. Okay. So you are familiar with the 19 requirements that Rocky Mountain Power may have to 20 interconnect with its system? 21 A. Yes, we are. 22 Q. Okay. 23 A. We totally are in compliance with 24 everything that we have. 25 Q. Where can I find those requirements?</p>	<p style="text-align: right;">Page 123</p> <p>1 A. There's a timeframe which we have -- we 2 would be obligated to meet in order to release the 3 money to us. There's a timeframe on the releasing of 4 the money to us and the timeframe of which we must 5 start producing power. 6 Q. How many such contracts are outstanding? 7 A. I'm not sure. There are at least one or 8 two, but -- and they're big contractors, but they're 9 all -- but they're not just -- they're not -- there's 10 one that already has their money in escrow. 11 Q. Who's that? 12 A. I'm not sure. It's a company in -- back 13 east. But there's -- but -- 14 Q. I'm sorry. I'm sorry, sir. 15 And with which entity is that contract 16 made? 17 A. SOCOI -- I mean SOLCO. 18 Q. So SOLCOI entered a contract with a 19 company back east you say? 20 A. Right. 21 Q. And you don't know the name of that 22 company? 23 A. I do know the name, but I don't remember 24 the names. I just don't know them. I just don't ever 25 do that.</p>
<p style="text-align: right;">Page 122</p> <p>1 A. You can -- you can -- any -- any agency 2 that deals with solar energy, for example, have -- 3 have those legal requirements. But you could put -- 4 Q. Sir, that's not my question. 5 A. I don't know. 6 Q. Where can I find Rocky Mountain Power's 7 requirements for interconnecting with its system? 8 A. You can ask Rocky Mountain Power. I 9 don't know. 10 Q. Do you have a copy of their requirements? 11 A. Yeah, we do somewhere. 12 Q. Did you produce it to the United States? 13 A. I don't know. I -- I wasn't -- Rocky 14 Mountain Power stuff, it wasn't ours. I'm sure you 15 did, but I don't know what was produced and what 16 wasn't. But we knew we had it. It was in somewhere. 17 It may even be in the business plan, I don't even 18 know. 19 Q. All right. 20 A. But, yeah, you have access to it. 21 Q. Another question I have, sir: You say 22 you currently have contracts that would obligate you 23 to go into full-blown production as soon as you're 24 connected to the grid. Did I understand that 25 correctly?</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. When did SOLCOI enter that contract? 2 A. Two or three years ago. 3 Q. Did you sign that contract on behalf of 4 SOLCO? 5 A. I did. 6 Q. And did that company back east pay any 7 money to SOLCO? 8 A. Yes, they did. 9 Q. How much? 10 A. I think it was a million dollars. 11 Q. What was that \$1 million for? 12 A. It was a down payment on -- on the 13 contract that they then could exercise the other 14 contracts. There's three other contracts they wanted 15 to exercise. 16 Q. What does that mean? 17 A. It means that they -- this gives them the 18 right to exercise those other contracts. I can't stop 19 them from exercising those other contracts. 20 Q. What do you mean exercising "those 21 other"? What are those three other contracts for? 22 A. It was -- it was for a large power plant. 23 So I can't stop them from exercising 24 those other contracts once we get -- once we 25 accomplish -- once we put power to the grid, I can't</p>

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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?

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

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

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

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

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

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

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

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

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

12 A. Yes, right.

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

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

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

21 A. Right. But --

22 Q. Yes. Okay.

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

25 Q. But there must be --

1 A. Because it would be --

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

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

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

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

12 Q. So is the answer no?

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

14 Q. You don't know?

15 A. Right.

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

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

1 know.

2 Q. Who would have signed that contract?

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

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

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

12 Q. Excuse us.

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

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

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

23 A. Yes. That's what I'm trying to get at.

24 We have --

25 Q. Yes or no, sir?

<p style="text-align: right;">Page 133</p> <p>1 A. We have an agreement --</p> <p>2 Q. Or I don't know. Those are the three</p> <p>3 answers: Yes, no, I don't know.</p> <p>4 A. We have an agreement with the people that</p> <p>5 -- that buy -- that operate the lines to schedule the</p> <p>6 power.</p> <p>7 Q. Who is that?</p> <p>8 A. They have agreed that we can -- that they</p> <p>9 will buy our power if it goes a certain point below</p> <p>10 what the other power is scheduled in.</p> <p>11 Q. Sir, who is that?</p> <p>12 A. I'm not -- I don't know the name, but</p> <p>13 it's -- it's -- we can get it. It's -- you have it.</p> <p>14 Q. Which entity has an agreement with these</p> <p>15 schedulers?</p> <p>16 A. Well, all -- all of them do that sell</p> <p>17 power. So LTB would, and so --</p> <p>18 Q. Are any of these -- I'm sorry, sir.</p> <p>19 Are any of these agreements in writing?</p> <p>20 A. Yeah, I'm sure there are, yeah.</p> <p>21 Q. Where are they in your production? Did</p> <p>22 you produce them to the United States?</p> <p>23 A. I would imagine that you got all the</p> <p>24 papers we had, and that would have been part of those</p> <p>25 papers that you would have got. But what it is is the</p>	<p style="text-align: right;">Page 135</p> <p>1 is that right?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. Did anyone help you invent this</p> <p>4 item?</p> <p>5 A. I don't know exactly what you mean by</p> <p>6 "help."</p> <p>7 Q. Did you collaborate with anyone as you</p> <p>8 were inventing this system?</p> <p>9 A. Again, I'm not -- I'm not entirely sure</p> <p>10 what you mean by "collaborate." As far as the</p> <p>11 technical part of it, the actual science behind the</p> <p>12 system and the implementation of how it will be</p> <p>13 implemented and the characteristics of the design, I</p> <p>14 did by myself, you know, designed it.</p> <p>15 I did not -- I did not build every one of</p> <p>16 those pieces. I had people to help me, you know, weld</p> <p>17 the towers together, put things together. But the</p> <p>18 design, the technology, the -- the intellectual</p> <p>19 property was all done by me.</p> <p>20 Q. Okay. Who or what entity did construct</p> <p>21 these towers on the R&D site?</p> <p>22 A. That would have been -- I don't know.</p> <p>23 Could have been Rob -- just another -- probably could</p> <p>24 have been International Automated Systems, I think.</p> <p>25 IAS at the time.</p>
<p style="text-align: right;">Page 134</p> <p>1 scheduling people and we have -- we have -- we have</p> <p>2 the -- of the way -- of the way to do it and how to</p> <p>3 schedule it in.</p> <p>4 Q. Mr. Johnson, I'll represent to you that</p> <p>5 we did not receive any such documents.</p> <p>6 A. Well, then we'll see -- we'll find it.</p> <p>7 Q. We'll include that in a request to your</p> <p>8 attorney after this deposition to produce those</p> <p>9 documents to the United States.</p> <p>10 A. Okay.</p> <p>11 Q. I'm going to come back around and we're</p> <p>12 going to take another look at some of the video clips</p> <p>13 here.</p> <p>14 A. Okay. Can you get by me?</p> <p>15 Q. You're fine. Thank you.</p> <p>16 Okay. So we are taking a look at video</p> <p>17 12_4_38-5_15.</p> <p>18 (Video played.)</p> <p>19 Q. BY MS. HEALY-GALLAGHER: Okay. I've</p> <p>20 paused the video at timestamp 13:2:39.</p> <p>21 Mr. Johnson, what we're looking at here,</p> <p>22 right, is a set of towers on the R&D site; correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And it's my understanding that you</p> <p>25 invented the -- the design of this system on the site;</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. When were these towers constructed?</p> <p>2 A. 2000 -- I don't know, 2006, 2007, 2008,</p> <p>3 in that -- in that area, I think.</p> <p>4 Q. And you believe it was IAS that</p> <p>5 constructed the towers?</p> <p>6 A. I think they're the entity that paid --</p> <p>7 paid for the construction of the towers, I think. I'm</p> <p>8 not positive, but I think that's who it was.</p> <p>9 Q. So --</p> <p>10 A. This could have been done earlier than</p> <p>11 that even, I don't know, but I think it's the</p> <p>12 timeframe.</p> <p>13 Q. Since these towers were built, which</p> <p>14 entity operates and maintains the towers?</p> <p>15 A. Right now the ones that do it are -- is</p> <p>16 -- is the -- so, what is it called? Cobblestone</p> <p>17 Center.</p> <p>18 Q. When did Cobblestone Center start</p> <p>19 operating and maintaining?</p> <p>20 A. Sure. I can't remember when it was</p> <p>21 started, but I think it was right around 2010 or 2011,</p> <p>22 but I can't be sure.</p> <p>23 Q. And before that was IAS operating and</p> <p>24 maintaining the towers?</p> <p>25 A. Yes. I think they were, yes.</p>

<p style="text-align: right;">Page 137</p> <p>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</p>	<p style="text-align: right;">Page 139</p> <p>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</p>
<p style="text-align: right;">Page 138</p> <p>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.</p>	<p style="text-align: right;">Page 140</p> <p>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</p>

<p style="text-align: right;">Page 141</p> <p>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.</p>	<p style="text-align: right;">Page 143</p> <p>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</p>
<p style="text-align: right;">Page 142</p> <p>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</p>	<p style="text-align: right;">Page 144</p> <p>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?</p>

<p style="text-align: right;">Page 145</p> <p>1 A. No. It was in the side of the building. 2 Q. The turbine was in the manufacturing 3 plant; correct? 4 A. Right, correct. 5 Q. So the turbine was not hooked into this 6 system at all? 7 A. Correct. 8 Q. Okay. And I have some questions here. 9 So, Mr. Johnson, in this view that we see 10 again at timestamp 13:2:39, I do not see any piping 11 coming off of these towers. 12 A. Yeah, you see it right here. You see all 13 these little pipes that go right here (indicating). 14 Q. Okay. 15 A. Up to -- up there (indicating). 16 Q. I see. 17 So right next to the -- 18 A. Across the top there, down -- down across 19 here, and then you see the piping right here across 20 these is all connected in. 21 Q. Okay. So is the piping that's visible on 22 this video, is that piping connected to the heat 23 exchanger? 24 A. Yes. 25 Q. Okay. Where can we see that?</p>	<p style="text-align: right;">Page 147</p> <p>1 A. See that white? See that? That's all 2 insulated with that special insulation that is brand 3 new, comes out of Turkey. And that is really high -- 4 really a high valued heat -- insulator, but it's not 5 water soluble and it doesn't collect water. 6 Q. What -- what is that style of insulation? 7 A. It's a brand new -- it's -- you saw that 8 whole stack in there when you went down, I think. 9 Q. What's the brand name? 10 A. I don't know. But you -- there's a whole 11 -- I bought a whole bunch, because I thought there was 12 going to be a war in there, so I bought a whole bunch 13 to do a thousand projects, you know. But -- but I 14 wouldn't get it -- so I bought it because the 15 advantage of this, it's a -- 16 Q. I'm going to stop you there. That's 17 fine. 18 A. And it doesn't absorb water. 19 Q. What kind of piping do you use? 20 A. Just regular pipe. We just cover it with 21 this insulation. 22 Q. What is the piping made of? 23 A. Just steel. Just steel pipe. 24 Q. What kind of heat loss do you see when 25 running the heat transfer fluid through those pipes?</p>
<p style="text-align: right;">Page 146</p> <p>1 A. You didn't take pictures of it. It's in 2 the ground. Goes into the trailer. 3 Q. Where does it go into the trailer? 4 A. Goes into the -- into the -- remember the 5 trailer was -- not the other heat exchanger, but the 6 other trailer next to it. It goes into those heat 7 exchangers or those heat exchangers from the solar 8 fields. 9 Q. So we saw earlier a video of one of the 10 heat exchangers. 11 A. Well -- 12 Q. I can show you again if you want. 13 A. But that was the heat exchanger that -- 14 that eliminated -- that heat exchanger is very unique. 15 Q. Sir, that had one of the heat exchangers. 16 Are you telling me there's another heat exchanger on 17 the R&D site? 18 A. There's probably ten. 19 Q. And where are those? 20 A. In those -- in those two big containers 21 right there, and the trailers (indicating). 22 Q. So you're telling me, sir, that the 23 piping from these towers -- 24 A. See that white -- 25 Q. -- is -- hang on.</p>	<p style="text-align: right;">Page 148</p> <p>1 A. I'd have to -- it's, like, point -- it's 2 a factor about 40 of 22 or 44, but it's about .00 BTUs 3 per pound per square foot, or something like that. 4 It's really high. 5 Q. Have you always used steel piping? 6 A. Yeah, I think so. 7 Q. Have you considered using other kinds of 8 piping in the past? 9 A. Yeah, we have. We've tested a lot of 10 piping, but none of them -- none of it measured up to 11 -- to what the specs we wanted and the cost, so we 12 went back to steel. 13 Q. When did you try out other kinds of 14 piping? 15 A. Since 2004. 2000 and -- 2002 -- the 16 turbine itself has been operating since -- 17 Q. I'm asking about the piping. 18 A. Well, I know, but the piping that we 19 deliver the fluid is we tested it through all those 20 years, plus we've been testing it later on. We wanted 21 to see that -- you have different -- different 22 characteristics. 23 For example, if you want to use molten 24 salt in that field you'd have to -- you'd have to -- 25 you'd have to have a coating on inside of the pipe,</p>

<p style="text-align: right;">Page 149</p> <p>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 --</p>	<p style="text-align: right;">Page 151</p> <p>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</p>
<p style="text-align: right;">Page 150</p> <p>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</p>	<p style="text-align: right;">Page 152</p> <p>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</p>

<p style="text-align: right;">Page 153</p> <p>1 that I -- that I used to get the patents with. 2 Q. So the answer is no? 3 A. No, I don't -- I don't do it. I don't 4 have to. 5 Q. So you mentioned that the high 6 temperature oil in Mesquite coagulated? 7 A. Right. 8 Q. What -- when did you realize you did not 9 want to use the high temperature oil you used in 10 Mesquite? 11 A. We'd used that system since 2002, is when 12 we built the system that we used in Mesquite, and over 13 -- over that period of time that we had used that 14 system -- 15 Q. Sir, that's not my question. 16 When did you stop -- when did you decide 17 to stop using the high temperature oil that you used 18 in Mesquite? 19 A. That's what I'm trying to arrive at. 20 See, in my thinking I'm trying to get a timeline. I'm 21 just thinking out loud to arrive at your question. 22 I mean, I can think about the same thing 23 without speaking, but it's -- you wouldn't see the 24 process and make it easier for you to understand. 25 So what we did is we used --</p>	<p style="text-align: right;">Page 155</p> <p>1 But right now I want to know how long you 2 tried molten salt before you switched to water? When 3 did you stop using molten salt? 4 A. I don't think there was an exact time 5 difference. We were interchanging different ways of 6 doing things, so we would put one in and test it and 7 change it back and forth to see what kind of problems 8 we'd have with water against molten salt or -- or 9 another type of oil. 10 Q. So when did you try water? 11 A. Same -- after -- well, it was before two 12 -- we tried it before and after 2000 -- we tried water 13 all the way through, as well as oil, from 2000 and -- 14 we actually started the water in 2001 and 2002, so 15 then we went to an oil. 16 Q. Real quick, sir, have you ever used water 17 as the heat transfer fluid in the system using your 18 solar lenses to generate electricity? 19 A. Yes. 20 Q. When? 21 A. After 2006. 22 Q. When after 2006? 23 A. I don't know. It was just during that 24 period of time we were testing a variety of things, 25 and so we would have used -- we used water, we used</p>
<p style="text-align: right;">Page 154</p> <p>1 Q. Sir, I just want the answer. 2 A. Up until 2000 -- I'm just trying to think 3 -- 2005 we went to Mesquite, and when I brought the 4 system home from 2005 from Mesquite, I couldn't get 5 the -- the system to pump through the system. 6 And so that's when we took the system 7 down and cleaned the system out, and we found out that 8 the -- the oil, that it had started to coagulate 9 inside the -- inside some of the heat exchangers, and 10 so that would have been about 2005-2006. 11 Q. What did you try next as a heat transfer 12 fluid? 13 A. Well, that's when we decided -- we went 14 to a molten salt system, and then we went to a water 15 system after -- in between that. 16 Q. Wait. 17 In between what? 18 A. Well, we tried the molten salt and then 19 we tried water, and that's why I put the -- the 80 -- 20 Schedule 80 piping, is because we were -- we wanted to 21 get a variety of testing. 22 There's -- there's plus and minuses to 23 everything that you do. 24 Q. Right. I'll ask you about that in a 25 second.</p>	<p style="text-align: right;">Page 156</p> <p>1 oil, we used molten salt. 2 Well, we set up -- the system up to use 3 water in case that would have been a good way to go. 4 Q. And let me ask you this: When you say 5 yes you generated electricity, how do you know you 6 generated electricity using water as the heat transfer 7 fluid? 8 A. Okay. We just use meters. It's easy to 9 do. 10 Q. You used meters where? 11 A. On the -- on the generator systems. 12 Q. So that would be after the water, as a 13 heat transfer fluid, has passed through a heat 14 exchanger and the system has gone through the turbine 15 to generate electricity? 16 A. Well, yeah, there's advantages to using 17 water over another fluid. 18 Q. Sir, that's my question. 19 Is that correct? 20 A. Well, that's partially correct, but your 21 understanding is not clear. 22 Q. So there was a meter at the generator 23 stage; correct? 24 A. Yeah, you put a meter on to generate 25 power.</p>

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?

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 --

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.

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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1 A. No. I just turn them on on weekend.
 2 Q. No?
 3 A. No. I just turn them on on weekend and
 4 test things out to see whether or not something's
 5 working the way I want it to work and what kind of
 6 changes I might have to make just to gear sizes on the
 7 generator, what kind of RPMs I'm going to get.
 8 Q. Thank you, sir. That answers my
 9 question.
 10 A. Okay.
 11 Q. Did anyone -- has anyone ever paid for
 12 the electricity that you purport to have provided to
 13 that house?
 14 A. No.
 15 Q. Has anyone ever paid for electricity that
 16 you claim was generated by lenses at the R&D site?
 17 A. No.
 18 Q. No?
 19 A. No.
 20 Q. Please be -- did you get it?
 21 A. No.
 22 Did you get that? No, I'm sorry. I'm
 23 facing the wrong direction, I'm sorry. Just tell me
 24 to get over and speak up, or whatever you need.
 25 Q. Has -- have the lenses been used in any

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1 system that has generated heat?
 2 A. I don't know what you mean by that. I am
 3 totally confused by what -- what that is. What are
 4 you -- what are you talking about?
 5 Q. Well, we saw earlier that these lenses
 6 burnt a two-by-four piece of wood; right?
 7 A. Right.
 8 Q. So the lenses generate heat?
 9 A. Right.
 10 Q. Right.
 11 Has anyone ever paid for that heat that
 12 the lenses generate?
 13 A. Yeah, the R&D.
 14 Q. Who?
 15 A. Myself.
 16 Q. Who has paid for the heat?
 17 A. Me.
 18 Q. Who have you --
 19 A. Individually. I pay for the R&D work to
 20 be done.
 21 Q. Who did you pay for the heat generated
 22 by --
 23 A. International Automated Systems.
 24 Q. Sir, let me finish the question.
 25 A. Okay.

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

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1 for them to get the -- to -- for me to use that, they
 2 entered a contract, and that contract tells me I have
 3 the right to use that in an R&D situation.
 4 MS. HEALY-GALLAGHER: Object to the
 5 responsiveness of the answer after "no."
 6 THE WITNESS: Well, you said -- you asked
 7 me the question.
 8 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson,
 9 have the lenses in the towers ever been used to heat
 10 or cool a structure?
 11 A. Yeah.
 12 Q. What structure?
 13 A. Those -- those built -- those things out
 14 there that hold molten salt have to be heated in order
 15 to -- to keep the molten salt from -- from -- from,
 16 you know...
 17 Q. So the trailers on the R&D site?
 18 A. Uh-huh, yeah.
 19 Q. Yes?
 20 A. Yes.
 21 Q. Has anyone paid for those trailers to be
 22 heated by warmth from the lenses?
 23 A. Mr. Johnson has paid, bought all the
 24 heat, and for the process of R&D, so, yes.
 25 Q. Who did you pay for that heat?

<p style="text-align: right;">Page 169</p> <p>1 A. I paid the workers that work for me, 2 International Automated Systems, and they did -- they 3 paid for the people to work on my research and 4 development. 5 Q. Did you ever pay the owner of any lens 6 for the heat that was generated for the trailers? 7 A. I'm not responsible to pay anything to 8 anybody. 9 Q. Sir -- 10 A. I don't have a contract to pay anything. 11 Q. -- yes or no? 12 A. I didn't directly pay, but through the 13 contract, they got paid. 14 MS. HEALY-GALLAGHER: Object to the 15 responsiveness after "no." 16 THE WITNESS: Okay. If that's the way 17 you want to be. 18 Q. BY MS. HEALY-GALLAGHER: Have any lenses 19 on the R&D site been used to provide hot water in a 20 structure? 21 A. Yes. 22 Q. What structure? 23 A. Same ones. That's all hot water out 24 there and they -- we changed it to -- we did it for 25 the structures --</p>	<p style="text-align: right;">Page 171</p> <p>1 Q. If you wanted hot water out on the R&D 2 site, what did you do? 3 A. Run it through one of my lenses and heat 4 it up. It's not hard to do. 5 Q. Did you pay anyone for that hot water? 6 A. I paid for the R&D, yes, I did. So I 7 paid it. Whether -- whether or not anybody else paid 8 what they -- what they obligated to pay is not the 9 issue. It's me. You're talking to me as Neldon 10 Johnson. I did the R&D. I paid the right -- I paid 11 for people to give me this stuff through contracts. I 12 paid people money to work on that project, which is 13 R&D. 14 Q. Sir, did you pay -- 15 A. And that's what I did. 16 Q. Did you pay -- 17 A. Yes. 18 Q. -- the owner of any lens for the hot 19 water that their lens generated for you? 20 A. I don't have a contract to pay that. 21 Q. Yes or no, sir? 22 A. No. As Neldon Johnson, I don't own -- I 23 don't have any responsibility to pay anybody but for 24 the R&D site of this thing. 25 Q. So the answer is no, sir. Isn't that</p>
<p style="text-align: right;">Page 170</p> <p>1 Q. Excuse me, sir. 2 A. -- of the -- 3 Q. Where is the hot water that's generated 4 by the lenses? 5 A. They go in the heat exchangers, and the 6 heat exchangers produce hot water for me then to run 7 through the pipes to -- to melt the -- the molten 8 salt. 9 Q. Okay. So when you say they're being used 10 to generate hot water, they are -- they are being used 11 in the heat exchanger -- the hot water is used inside 12 the heat exchanger; is that right? 13 A. It's still a structure. 14 Q. Is that your testimony? 15 A. Yes. It is a structure. 16 Q. Any other hot water generated by the 17 lenses? 18 A. I don't know. I may want hot water to 19 wash my hands with, I guess, if that's what you're 20 saying. 21 Q. Have you ever done that, sir? 22 A. Yes, I have. 23 Q. When? 24 A. All the time if I wanted hot water out 25 there, that's how I got it.</p>	<p style="text-align: right;">Page 172</p> <p>1 correct? 2 A. So the answer is that I did not pay 3 directly to anybody, no. 4 Q. Okay. For any of the entities for which 5 you make decisions, have any of those entities ever 6 paid a customer for the use of their lens? 7 A. Well, in the terms -- in terms of 8 payment, we -- we have a contract that they -- they -- 9 that obligates them. 10 Q. Sir -- 11 A. So when they buy the contract -- 12 Q. -- that's nonresponsive. I object to the 13 responsiveness of the answer, sir. 14 Have any of your entities paid money to 15 the owner of any lens for the use of their lens to 16 generate any product? Yes or no? 17 A. Not that I know of. Not that I know, no. 18 Q. Not that you know of. 19 A. No. The contract is -- the contract is 20 such that we don't pay it until certain things get 21 done, so it's not -- we're not violating any 22 contracts. 23 Q. Have you, Mr. Johnson, paid the owner of 24 any lens for any purified water that their lens 25 generated?</p>

<p style="text-align: right;">Page 173</p> <p>1 A. No.</p> <p>2 Q. Has any entity under your control ever</p> <p>3 paid the owner of any lens for purified water that</p> <p>4 their lens generated?</p> <p>5 A. No.</p> <p>6 Q. Mr. Johnson, I'm handing you what's been</p> <p>7 marked already as Plaintiff's Exhibit 16 -- oh, that's</p> <p>8 two copies. Actually, I can take that back. I'll</p> <p>9 take back one of those copies.</p> <p>10 A. Oh, sorry.</p> <p>11 Q. And I'm also handing you what's</p> <p>12 previously been marked Plaintiff's Exhibit 17.</p> <p>13 Just take a quick look at Plaintiff's</p> <p>14 Exhibit 16 and 17.</p> <p>15 A. Okay.</p> <p>16 Q. And let me know when you're ready.</p> <p>17 A. Okay. What did you want me to do?</p> <p>18 Q. Do you recognize, sir, Plaintiff's</p> <p>19 Exhibit 16 and 17?</p> <p>20 A. I think I've seen them before.</p> <p>21 Q. What are they?</p> <p>22 A. One's a new Solar Breakthrough and May</p> <p>23 Compete With Gas, the other one is an IAUS Technical</p> <p>24 Overview.</p> <p>25 Q. All right. And do you recognize these</p>	<p style="text-align: right;">Page 175</p> <p>1 A. Well, I don't -- I -- okay. This is part</p> <p>2 -- this is partly the white papers. This was a white</p> <p>3 paper. I didn't -- I didn't write these. This is the</p> <p>4 white paper on the lenses, and this is the analysis</p> <p>5 made by the optical engineer who wrote this, who gave</p> <p>6 that.</p> <p>7 Q. All right. Let's -- let's --</p> <p>8 A. So then this is the efficiency of the</p> <p>9 radius of the lenses --</p> <p>10 Q. Okay. So hang on.</p> <p>11 A. -- that shows that we're within those</p> <p>12 limits.</p> <p>13 Q. I'm going to slow us down so that we're</p> <p>14 clear.</p> <p>15 A. Okay.</p> <p>16 Q. Let's take a look back, please, at</p> <p>17 Exhibit 16.</p> <p>18 A. Okay.</p> <p>19 Q. Okay. 16, sir.</p> <p>20 A. 16. Which one is 16?</p> <p>21 Q. The number's on the bottom in the yellow</p> <p>22 sticker.</p> <p>23 A. Oh, okay. All right. There you go. Now</p> <p>24 I got -- I'm on track with you now.</p> <p>25 Q. Okay. So you wrote Plaintiff's</p>
<p style="text-align: right;">Page 174</p> <p>1 documents?</p> <p>2 A. As far as I know, yeah. I mean, I'd have</p> <p>3 to read them carefully, but I think I probably wrote</p> <p>4 them.</p> <p>5 Q. Okay. You think you wrote these papers,</p> <p>6 sir?</p> <p>7 A. Oh, yeah, I think so.</p> <p>8 Q. Are these the white papers that you've</p> <p>9 been -- we've talked about earlier today?</p> <p>10 A. No. The white papers would be written by</p> <p>11 someone else.</p> <p>12 Q. And do you have any idea whether you</p> <p>13 produced the white papers written by others to the</p> <p>14 United States?</p> <p>15 A. As far as I know that you -- yeah, you</p> <p>16 would have these documents.</p> <p>17 Q. No. The white papers written by others?</p> <p>18 A. Yes. As far as I know you did, yeah. I</p> <p>19 assume you did. Attorneys had them. So...</p> <p>20 Q. So, Mr. Johnson, it's your testimony that</p> <p>21 you wrote Plaintiff's Exhibit 16?</p> <p>22 A. Yes.</p> <p>23 Q. And you wrote Plaintiff's Exhibit 17?</p> <p>24 A. I think so.</p> <p>25 Q. Well, take a look.</p>	<p style="text-align: right;">Page 176</p> <p>1 Exhibit 16; correct?</p> <p>2 A. Well, let's see how much I wrote of it.</p> <p>3 I wrote a lot of it. That wouldn't have been the</p> <p>4 white papers. So this would have been probably my</p> <p>5 personal data that I -- that I produced, and so that</p> <p>6 would have been -- yeah, I wrote those, yeah. I think</p> <p>7 I wrote most of them.</p> <p>8 Q. When did you write Plaintiff's</p> <p>9 Exhibit 16?</p> <p>10 A. Oh, now, I wouldn't know that. I wrote</p> <p>11 it a long time ago.</p> <p>12 Q. Before or after 2000?</p> <p>13 A. Oh, after 2000.</p> <p>14 Q. Before or after 2010?</p> <p>15 A. Probably before that, actually. I think</p> <p>16 that would be before that.</p> <p>17 Q. Before or after 2005?</p> <p>18 A. Probably after 2005.</p> <p>19 Q. Okay. So sometime between 2005 and 2010;</p> <p>20 correct?</p> <p>21 A. Probably in that neighborhood, I think,</p> <p>22 yeah. Because -- I know when these were done. So...</p> <p>23 Q. Let's take a look at Plaintiff's</p> <p>24 Exhibit 17.</p> <p>25 A. Okay.</p>

<p style="text-align: right;">Page 177</p> <p>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</p>	<p style="text-align: right;">Page 179</p> <p>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</p>
<p style="text-align: right;">Page 178</p> <p>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).</p>	<p style="text-align: right;">Page 180</p> <p>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?</p>

<p style="text-align: right;">Page 181</p> <p>1 A. Well, I'd have to read the entire 2 document, but I think it is all his writings. I would 3 -- I may have introduced a paragraph or two to -- in 4 -- in somewhere. 5 Q. Sir, through where? You said he started 6 at 1870? 7 A. I start the 38 and -- or 1870. 8 Q. Okay. And then his work started? 9 A. And I would -- I would interject. 10 Q. Sir, let me just ask here: His work 11 started on 1871; correct? 12 A. Well, I think some of it's in 1870. 13 Q. Okay. 14 A. And 1871. 15 Q. And then where does his work -- sir, 16 where does his work stop? 17 A. Well, I'd have to have a pencil and I'd 18 have to cross out only my words. 19 Q. Okay. So -- 20 A. But I don't know -- but this looks like 21 mostly his -- his writing on 1872 was all his. 1873 22 was all his -- all theirs. I think there's three 23 people involved. 24 So 1874, let's see, were all -- were all 25 those people. 1875 were theirs. 18 -- let's see --</p>	<p style="text-align: right;">Page 183</p> <p>1 Q. When did they provide you this writing? 2 A. It's been a long time ago. It's been -- 3 been years ago. I don't even know. Could have been 4 before we ever started solar. 5 Q. Before or after 2000? 6 A. Well, all of it would have been after 7 2000, but I don't know when. I have no idea. 8 Q. Before or after 2010? 9 A. No, it would have been before that, but I 10 don't know exactly. 11 Q. Before or after 2005? 12 A. It could have been 2001, could have been 13 2002, '3, or '4. It could have been all the way up. 14 Q. So early 2000s, it sounds like? 15 A. Yeah. I don't -- but I have no idea. We 16 -- we did this to evaluate whether or not we wanted to 17 spend any more money -- 18 Q. Sir, I'm going to stop you there -- 19 A. -- on the project. 20 Q. -- because you've answered my question. 21 With respect to the earlier section on 22 the IAUS solar panel, when did you receive that 23 writing? 24 A. Well, that was after probably 2006, I 25 would imagine, right around there.</p>
<p style="text-align: right;">Page 182</p> <p>1 including 1876 were theirs, 1877 were theirs, 1878 2 were theirs. 3 THE REPORTER: I'm sorry, I didn't 4 understand. 5 THE WITNESS: Enthalpy, E-N-T-H-A-L-P-Y. 6 And I got that right because I can read it. That's 7 the only way I would have gotten it right, by the way. 8 So there you go. That -- that analysis 9 on 1879 was theirs, their analysis on 1880 was theirs, 10 1881 was theirs, 1882 was theirs, 1883 was theirs, 11 1884 was theirs, 1885 was theirs, 18 -- you don't have 12 beyond that, but it's still theirs. 13 Let's see. All right. It stopped on 14 1887 is where I would have interjected my opinions on 15 what they have -- what -- what my conclusions were 16 based upon their -- their -- 17 Q. BY MS. HEALY-GALLAGHER: Okay. So let's 18 go -- let's go back, please, sir. 19 For this most recent section that you 20 talked about, you said three people that you recall 21 wrote about that? 22 A. I think there was three people involved. 23 Q. Who were they? 24 A. I don't know the names, but they -- 25 they're the ones that wrote the document.</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. Around 2006? 2 A. I think so. 3 Q. Okay. All right. 4 So then we pick up in Plaintiff's 5 Exhibit 17 with Pages US1887 through 1890. And did 6 you say that that's where you -- 7 A. 18 what? 8 Q. 1887. 9 A. 1887. 1887 is probably where I did my 10 analysis of their -- of their -- of their analysis. 11 Q. Okay. So -- 12 A. Okay. 13 Q. Where is the data or research that 14 supports your analysis? 15 A. This was what -- this was what this was 16 right here, both this and the solar -- this, and this, 17 and I think we have foot marks of where we came up 18 with all of this. 19 Q. Okay. So the content, sir, your 20 testimony is the contents of Plaintiff's Exhibit 17 is 21 what informed your analysis on Pages US 1887 through 22 1889? 23 A. Most of it. And the other stuff came 24 through other -- obvious things about electrical 25 efficiency, plan availability, turbine cycle</p>

<p style="text-align: right;">Page 185</p> <p>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.</p>	<p style="text-align: right;">Page 187</p> <p>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</p>
<p style="text-align: right;">Page 186</p> <p>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.</p>	<p style="text-align: right;">Page 188</p> <p>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</p>

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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.

<p style="text-align: right;">Page 193</p> <p>1 Q. Okay. Now, these pallets are stacks of 2 plastic, are they not? 3 A. Stacks of lenses. 4 Q. Okay. These are in rectangles; right? 5 A. Right. 6 Q. So how does a rectangle of plastic get to 7 become any part of the triangles that we see in 8 Plaintiff's Exhibit 2? 9 A. Because if you take the two triangles 10 together, they make a square. That's the only way you 11 could have got them off the rolls, and they break them 12 apart. 13 Q. So how does any one piece of plastic in a 14 rectangle in Plaintiff's Exhibit 460 -- 15 A. Well, just -- they're just cutting in 16 half which creates the two lenses. So there's two -- 17 on every -- on every square there's two lenses, and 18 that's what goes in -- goes into that. And so they're 19 cut in half and so that represents the lenses. 20 Q. So each one of the rectangles in 21 Plaintiff's Exhibit 460 -- 22 A. Yeah, they cut on an angle, which creates 23 the triangle. 24 Q. -- gets cuts in an angle, creates the 25 triangle, and that triangle is then one lens or two</p>	<p style="text-align: right;">Page 195</p> <p>1 Q. Mr. Johnson, I'm just asking what's here 2 now. That's it. 3 A. But what I'm saying is, if you saw that, 4 you would see that they're separated by a line through 5 there, okay. But to get them through that roll -- see 6 this is a big roll. You ever seen how they do 7 plastic? 8 Q. I understand the roll, sir. 9 So in the design of the rectangle, 10 there's a pre- -- there's a line that goes through; 11 right? 12 A. Yeah. 13 Q. And then when the rectangle gets to the 14 manufacturing facility -- 15 A. No, no, no, no. 16 Q. -- Cobblestone cuts it? 17 A. See that's what -- you need to let me 18 explain to you what it is. 19 Q. Well, sir, I don't want the whole back 20 story. I want to know what's happening right now. 21 So if you want to tell me what's 22 happening right now, can you do that? 23 A. We -- those lenses are rolled out in a -- 24 in a plastic rolling machine. 25 Q. Yes.</p>
<p style="text-align: right;">Page 194</p> <p>1 lenses? 2 A. Would be two lenses, yeah. So each one 3 of -- each one of those flat panels, those two lenses, 4 and there's -- you don't see them and they're cut, 5 they cut them -- cut so they package them and 6 transform them for the purposes of transporting them. 7 But there's two lenses on each -- on each level. 8 Q. Okay. And I'm correct; right? 9 Plaskolite provides these lenses? 10 A. Yeah. I used to know them as Lucite. I 11 don't know -- I don't -- I didn't know that was their 12 name, actually. 13 Q. But whoever manufactures -- 14 A. Lucite. It used to be Lucite. They've 15 been sold out, yeah. 16 Q. Sure. 17 Whoever manufactures the materials on the 18 pallets that we see in Exhibit 460 -- 19 A. Right. 20 Q. -- before they ship them to you, they cut 21 them on an angle so that they are triangular? 22 A. We cut them. 23 Q. You cut them? 24 A. But it -- the design, see -- see, you -- 25 you don't understand how hard this was.</p>	<p style="text-align: right;">Page 196</p> <p>1 A. They -- they're not squares when they -- 2 when they -- we don't ship anything to -- to plastic. 3 Plastica makes the whole thing at once. They -- they 4 have a plastic -- they have raw plastic, okay, little 5 bubbles of it, okay, little BBs of raw plastic. 6 They heat that plastic up, it goes 7 through an extruder, it goes to my roller. It rolls 8 them out into a flat square like this. And that was 9 impossible from what everybody told me, and it was 10 impossible to do until I put my math to it and got it 11 out and got three patents on it. 12 Q. Okay. So now they produce -- 13 A. Yeah. 14 Q. -- rectangles for you? 15 A. Yeah. Then you cut them in half. 16 Q. Who cuts them in half? 17 A. We do. But they will. They're -- 18 Q. No, no, no. 19 Who does, sir? Who does cut them in 20 half? 21 A. I hire people to cut them in half. 22 Q. At your manufacturing facility; correct? 23 A. Right, exactly. 24 Q. So is it Cobblestone Center workers who 25 do that?</p>

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

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

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1 we put a lot of lenses up and a lot came down to see
 2 -- to see just which ones are going to be the best.
 3 We bought different thicknesses, we
 4 bought different ways of putting them up. We
 5 developed lots of things. And in the process we went
 6 through thousands and thousands of lenses. Probably
 7 10,000 lenses. I don't know for sure, but it's a lot.
 8 Q. Mr. Johnson, I'm going to come around and
 9 stand next to you again to take a look at the video.
 10 All right. Before we do that,
 11 Mr. Johnson, you said that you apply a serial number
 12 to each lens; is that right?
 13 A. Yeah, normally we do. When they -- when
 14 we put them out there on the site, they're --
 15 everybody has a serial number on there.
 16 Q. When did you start applying serial
 17 numbers to lenses?
 18 A. Before -- before the DOJ come down on
 19 their -- their raid on us, so they saw them.
 20 Q. So before 2012?
 21 A. Yeah, it was before then.
 22 Q. Did you start before 2010?
 23 A. I don't know. Probably. We -- we had --
 24 there's always been serial numbers on everybody's
 25 lenses. Whether we actually put them on or not,

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1 they're still there.
 2 Q. I'm not sure I understand your last
 3 statement.
 4 A. Well, we have them available to put on
 5 and -- and we sometimes we'll wait until we make sure
 6 they're going to last before we stick something on,
 7 but -- but we can and we have done in the past.
 8 Q. So when, typically, is a serial number
 9 applied?
 10 A. Just whenever I choose to. Just when I
 11 tell them to.
 12 Q. Who do you tell to put serial numbers on
 13 lenses?
 14 A. Just one of the workers. I just hand
 15 them a bunch of numbers and I say go put some numbers
 16 on those lenses.
 17 Q. Which lenses?
 18 A. The ones -- ones I usually put in the
 19 towers I put lenses -- put tags on.
 20 Q. Before or after a lens goes in a tower
 21 does it get a serial number?
 22 A. No, huh-uh.
 23 Q. Before or after, sir?
 24 A. It's after.
 25 Q. How are serial numbers applied?

<p style="text-align: right;">Page 201</p> <p>1 A. Just little -- they're just little -- 2 just little kind of plastic things you can print off a 3 computer and then just rip them off, stick them on. 4 Just a little rubber -- little glue side on, you just 5 stick them on. Little stickers. 6 Q. Going to show you what is labeled on 7 Plaintiff's Exhibit 409, video 10_0_47-0_47 -- 57, 8 sorry. 9 Hang on just one second, sorry. Having 10 some -- oh, geez. That's not what I want. 11 And for the record, the timestamp is 12 12:46:19, and I will play it. 13 (Video played.) 14 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, did 15 that video clip appear to be a true and accurate 16 representation of what was on the construction site on 17 April 4th? 18 A. Uh-huh. 19 Q. Yes? 20 A. Yes. 21 Q. What we saw in that video clip I believe 22 I was told were lenses that had been framed -- 23 A. Right. 24 Q. -- and were ready to install -- 25 A. Right.</p>	<p style="text-align: right;">Page 203</p> <p>1 A. Just whoever I designated before. 2 Q. Okay. How does Cobblestone -- when did 3 Cobblestone Center start being the entity responsible 4 for serial numbers? 5 A. Well, it was after the other towers were 6 built. They didn't even come in existence until the 7 other towers were -- were already built. And they -- 8 so they'd never been involved in that process. 9 Q. Okay. And the towers at the R&D site are 10 the only towers that have been built; correct? 11 A. That's correct, and Cobblestone wasn't 12 involved in that. 13 Q. Right. So has Cobblestone installed 14 lenses on any tower? 15 A. That's what they're doing right now. 16 They've got about a quarter of those done -- done 17 since you've been down there. Almost a half. The 18 lenses on half are almost half installed on that whole 19 site. 20 Q. Okay. So has Cobblestone applied serial 21 numbers to those lenses? 22 A. No. They won't do that until they're all 23 done, then they'll start applying them. 24 Q. Okay. What, if any, system does 25 Cobblestone have in anticipation of keeping track of</p>
<p style="text-align: right;">Page 202</p> <p>1 Q. -- in the trusses that would go at the 2 top of the towers; is that right? 3 A. Right. 4 Q. So do these lenses have serial numbers on 5 them, sir? 6 A. No. 7 Q. No. Because they're not in a tower yet? 8 A. Right. And to get in the tower, we 9 designate -- we designate what towers with so many -- 10 with people's identification, and we have the 11 number -- we can add a number where the tower is on 12 the serial number so we can identify where the -- 13 where they are. These are -- these are warranted for 14 15 years. 15 Q. Okay. Sir -- 16 A. So if they break, we need to know who -- 17 who to replace them. 18 Q. Well, that's what I was going to ask. 19 How do you keep track -- or I'm sorry. 20 First off, you said Cobblestone Center is 21 the entity responsible for applying serial numbers 22 now? 23 A. They are, yes. 24 Q. And who was responsible for that before 25 Cobblestone Center?</p>	<p style="text-align: right;">Page 204</p> <p>1 different people's serial numbers and matching them to 2 the lenses? 3 A. Well, that happens when they purchase it. 4 The serial numbers are generated when they purchase 5 the lens, and then they are printed out and handed to 6 Cobblestone to put on. 7 The tracking, then, will come back and 8 they'll designate where they put them on what towers, 9 and then they'll add that to the -- to the customer's 10 database. But they will know which towers every lens 11 goes to. It would be on the database on RaPower or 12 XSun or -- or SOLCOI, but it will all be tracked. 13 Q. Sir, when customers buy lenses, though -- 14 A. The serial number is already -- 15 Q. Okay. 16 A. -- generated at that point in time. 17 Q. Okay. But those lenses do not 18 immediately go on towers, do they? 19 A. No, they don't. 20 Q. No. 21 A. But the -- 22 Q. In fact, those lenses, that customer's 23 lenses, might not even be framed like we see in video 24 10047057; correct? 25 A. Right. But the serial numbers are all</p>

<p style="text-align: right;">Page 205</p> <p>1 generated.</p> <p>2 Q. But they are not connected to any</p> <p>3 particular -- sir, let me finish. Sir, let me finish</p> <p>4 the question.</p> <p>5 A. Okay. Sorry.</p> <p>6 Q. The serial numbers are not connected to</p> <p>7 any specific lens; correct?</p> <p>8 A. No. They designate where lenses are at</p> <p>9 at any given time for tracking. So they know what</p> <p>10 pallet those lenses are in.</p> <p>11 Q. How do they know?</p> <p>12 A. Because the programs are -- is there and</p> <p>13 tells me where the lenses are at.</p> <p>14 Q. What program?</p> <p>15 A. The program which we buy them off and</p> <p>16 they say, okay, we purchased these lenses, now</p> <p>17 they're -- they're in the warehouse.</p> <p>18 Q. Sir, what's the name of the program?</p> <p>19 A. It's just my own program. I wrote it.</p> <p>20 Q. Where is this program stored?</p> <p>21 A. On the Internet. It's stored on the</p> <p>22 Internet that generates --</p> <p>23 Q. Which -- how do I access it? Which</p> <p>24 website?</p> <p>25 A. You don't access it. What you do is you</p>	<p style="text-align: right;">Page 207</p> <p>1 A. Just people that worked for me. I had</p> <p>2 them evaluate the different costs I was involved in.</p> <p>3 How much money I spent in R&D. How much money I spent</p> <p>4 on this process. What's the chances of my warranty --</p> <p>5 how long -- what's my gamble on how long they'll last,</p> <p>6 how many times I have to replace it.</p> <p>7 What's the lifetime of this lens? What's</p> <p>8 the production? How much production will it do? Will</p> <p>9 it pay for it? All those things went into the value</p> <p>10 of the -- what I put out there, and then the risk</p> <p>11 factor and my profit.</p> <p>12 Q. Okay. And customers, though,</p> <p>13 Mr. Johnson, buy only the lens; correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Mr. Johnson, all these things that others</p> <p>16 have evaluated for you as far as what should factor</p> <p>17 into the price of the lens, do you have any of that</p> <p>18 written down?</p> <p>19 A. No. I don't keep that. I just -- I just</p> <p>20 figure it out and I figure this is what I've invested,</p> <p>21 this is what my return should be, this is the risk</p> <p>22 I've taken, this is what the market value is at the</p> <p>23 time. The market value was within reason and so we</p> <p>24 decided that would be the way we priced it.</p> <p>25 Q. Okay. And when you say, for example, R&D</p>
<p style="text-align: right;">Page 206</p> <p>1 buy a lens, and then it generates you a number and it</p> <p>2 tells you what -- what serial numbers are on it, and</p> <p>3 it's stored on the database on the -- on the website,</p> <p>4 on the Cloud, or whatever you want to talk about.</p> <p>5 Q. And that program, sir, according to your</p> <p>6 testimony, indicates exactly where that lens is,</p> <p>7 whether on a pallet or on a tower?</p> <p>8 A. Yes, it can. It can track.</p> <p>9 Q. It can or does it, sir?</p> <p>10 A. I don't know. I think that it does, but</p> <p>11 it may not. Depends how good my employees are.</p> <p>12 Q. Mr. Johnson, do you know how many lenses</p> <p>13 have been sold by any entity?</p> <p>14 A. No, I don't.</p> <p>15 Q. The current price of a lens, Mr. Johnson,</p> <p>16 the total price is currently \$3,500; is that right?</p> <p>17 A. That's correct.</p> <p>18 Q. Who decided that \$3,500 should be the</p> <p>19 price of a lens currently?</p> <p>20 A. I did.</p> <p>21 Q. Anyone else?</p> <p>22 A. No. I had people evaluate certain</p> <p>23 things, but I decided how to -- how to price.</p> <p>24 Q. Who evaluated things with respect to the</p> <p>25 price of the lens?</p>	<p style="text-align: right;">Page 208</p> <p>1 costs that you have incurred --</p> <p>2 A. Right.</p> <p>3 Q. -- to develop the lens --</p> <p>4 A. Right.</p> <p>5 Q. -- what's your estimation of that cost?</p> <p>6 A. I don't know. \$20 million or so, maybe</p> <p>7 more.</p> <p>8 Q. And how do you arrive at that number?</p> <p>9 A. Through the bookkeeping that IAS, they do</p> <p>10 the bookkeeping on IAS's side.</p> <p>11 Q. So that's a question for IAS, perhaps?</p> <p>12 A. Well, it's what -- what they've -- what</p> <p>13 the R&D's added up to. What the losses were on IAS's</p> <p>14 side. That's what I paid so -- a lot of that is what</p> <p>15 I paid. I didn't pay all of it, but I paid a</p> <p>16 substantial amount of that.</p> <p>17 Q. And, to your knowledge, is that</p> <p>18 information written down somewhere in IAS's records?</p> <p>19 A. Well, I'm sure -- yeah, it's a public</p> <p>20 corporation, you know, you can't -- you can't fudge on</p> <p>21 the accounting on a public corporation. I never have.</p> <p>22 I wouldn't dare do that.</p> <p>23 Q. So, Mr. Johnson, if Mr. Greg Shepard has</p> <p>24 made statements about the state of the technology at</p> <p>25 the R&D site, how, if you know, has he learned that</p>

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<p>1 information? 2 MR. SNUFFER: Objection. Calls for 3 speculation. You can answer if you... 4 THE WITNESS: Well, yeah, there's no 5 speculation in it. What happens when you do R&D -- 6 MS. HEALY-GALLAGHER: No, sir, I'm not -- 7 I'm not asking about that. 8 THE WITNESS: You are. That's exactly 9 the question you just asked. 10 MS. HEALY-GALLAGHER: No, sir. 11 Q. So do you talk to Mr. Shepard about the 12 state of the technology at the R&D site? 13 A. Of course I do. 14 Q. About how many times in the course of a 15 year do you talk with Mr. Shepard about the technology 16 at issue? 17 A. Ten times, maybe. 18 Q. Okay. Does he come to visit? 19 A. Yes, he does. 20 Q. Yes. About how many times a year would 21 you say he comes to visit? 22 A. About ten times. I don't know, about 23 roughly that. 24 Q. Other than visits to the R&D site and 25 conversations with you, do you have any idea how else</p>	<p>1 Q. You told the people there about the state 2 of the technology? 3 A. Yes, I did. 4 Q. And, in fact, RaPower-3 hosts tours. 5 Like, RaPower-3 will bring groups of people to see the 6 construction site and the R&D site; correct? 7 A. I do. 8 Q. XSun Energy. Does XSun Energy bring 9 customers onto the site? 10 A. Not so much. 11 Q. How about SOLCO? 12 A. No, not so much. 13 Q. Okay. 14 A. Am I not so boring now? She hasn't come 15 across the table yet, though. 16 Q. Mr. Johnson, I'm going to hand you what's 17 already been marked as Plaintiff's Exhibit 8A. Turn 18 it over, sir. There you go. 19 Please take a look at that document and 20 let me know when you're ready to answer just a couple 21 questions about it. 22 A. Okay. What -- what do you want me to 23 answer? 24 Q. My questions, sir, really start at the 25 photos page, which is Bates marked Greg_P&R574 through</p>
Page 210	Page 212
<p>1 Mr. Shepard would have gotten information about what's 2 going on at the R&D site? 3 A. No. 4 Q. Mr. Johnson, you've referenced a few 5 times that you have folks who come and visit the site 6 to see it; is that right? 7 A. Yeah, uh-huh. 8 Q. And you've been hosting visitors at the 9 site for ten years? 10 A. Probably. 11 Q. Right. And you're the one who shares 12 information about the technology with the visitors to 13 the site; correct? 14 A. Most the time. 15 Q. There have also been -- well, there's at 16 least one RaPower-3 national convention. Are you 17 aware of that? 18 A. Uh-huh. 19 Q. Yes? 20 A. It was in -- yeah, we held it in Salt 21 Lake City, I believe. 22 Q. In 2012; correct? 23 A. 2012. 24 Q. And you spoke at that convention; right? 25 A. I did.</p>	<p>1 583. 2 A. Okay. 3 Q. And as you take a look at those pages, 4 sir, you see that there are years that demarcate 5 different photos? 6 A. Uh-huh. 7 Q. Could you just take a look through there 8 and just to yourself take a look at the pictures and 9 let me know if the -- if the photos match up in your 10 recollection with about the year that's identified as 11 connected with them. 12 A. Well, he probably had a better sense of 13 the year than I would, because I don't remember them. 14 So -- so what's your question? 15 Q. So my question, for example, is the page 16 that has 2006 at the top. 17 A. 2006, okay. 18 Q. Right. Is that -- you know, the 2006 19 photos are, like, three different rows. Are those, 20 you know, to your recollection, what was going on in 21 2006? 22 A. Uh-huh. 23 Q. Yes? 24 A. 2006, yeah. I think it's probably about 25 right, yeah.</p>

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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

<p style="text-align: right;">Page 221</p> <p>1 that -- that we have that writes the programs and 2 makes sure the documents are -- are correct, you know. 3 Q. Okay. And that's all through RaPower-3, 4 LLC; correct? 5 A. Right, uh-huh. 6 Q. Okay. Let's take a look, please, at 7 Plaintiff's Exhibit 512. 512. Take a look at that 8 and please let me know -- 9 A. I know what it is. Okay. 10 Q. What is -- you're familiar with this 11 document? 12 A. I am, uh-huh. 13 Q. Okay. For the record, it's Bates numbers 14 Olsen_P&E-00203 through 216. 15 And you know what, let's take a quick 16 look back at Plaintiff's Exhibit 511. 17 A. Okay. 18 Q. 511. 19 A. Okay. 20 Q. Mr. Johnson, we have a number of 21 RaPower-3 Equipment Purchase Agreements in our records 22 that look like Plaintiff's Exhibit 511. 23 A. Sure. 24 Q. If, you know, for example, that RaPower-3 25 letterhead logo that's up at the top left of the</p>	<p style="text-align: right;">Page 223</p> <p>1 A. Right, uh-huh. 2 Q. So why, Mr. Johnson, are you signing a 3 contract that purports to bind LTB as manager of 4 RaPower-3? 5 A. Well, they put it down as a seller, and 6 LTB was not the seller. 7 Q. Right. That's what I want to know. 8 Why does this contract say LTB is bound 9 to do something, but it's on RaPower-3 letterhead and 10 is signed by you on behalf of RaPower-3? 11 A. Well, quite frankly, I didn't know that 12 was the case. But if it is, we'll change it. But -- 13 but -- and it's probably just a mistake made by my 14 programmer in thinking that this was a RaPower-3 15 contract and not telling me that it -- that -- you 16 know, and it's probably my fault for not looking 17 through it more closely than I did. 18 Q. Has anyone ever asked you about that? 19 A. No. I've never seen it -- seen it, but 20 we can correct it. It's not a problem. I can go back 21 and redo them. But I didn't -- I wasn't aware of 22 them, I'm sorry. I made a mistake. That's the first 23 one I've ever made. Gosh, it's terrible. 24 Q. I'm going to show you, sir, what's 25 already been marked as Plaintiff's Exhibit 121.</p>
<p style="text-align: right;">Page 222</p> <p>1 document there, that's the RaPower-3, LLC 2 letterhead -- 3 A. Right. 4 Q. -- logo? Okay. 5 Moving on. All right. We can go back to 6 512. 7 A. Okay. 8 Q. In 512 we see the same logo up at the 9 top; correct? 10 A. Correct, uh-huh. 11 Q. And 512 is an Operation and Maintenance 12 Agreement -- 13 A. Uh-huh. 14 Q. -- correct? 15 A. Right. 16 Q. And the -- the recitals at the top there 17 say that it is between LTB, LLC and Preston Olsen for 18 PFO Solar; right? 19 A. Correct. 20 Q. And then on the signature line on the 21 last page, again we see your digital signature; right? 22 A. Right, uh-huh. 23 Q. It's for the seller and as a director of 24 RaPower-3. 25 Do you see that?</p>	<p style="text-align: right;">Page 224</p> <p>1 A. Okay. 2 Q. Just take a look at that, please, and let 3 me know when you're ready to answer some questions. 4 A. Okay. Now that's a different one than 5 this one, right? Did I sign it the same way? 6 Q. So let's walk through the document. 7 So if you take a look, please, at the top 8 of the first page, it says "RaPower-3." 9 Do you see that? 10 A. Right. 11 Q. But it's a different logo? 12 A. Right. 13 Q. Is that another logo that RaPower-3, LLC 14 uses? 15 A. Right. Looks like they improved it, 16 doesn't it? Yeah. 17 Q. Okay. And this purports to be between 18 LTB, LLC and Preston Olsen. 19 Do you see that? 20 A. Uh-huh. 21 Q. Yes? 22 A. Right, uh-huh. 23 Q. And this is an Operation Maintenance 24 Agreement; correct? 25 A. Right, uh-huh.</p>

<p style="text-align: right;">Page 225</p> <p>1 Q. And then, yes, if we turn to the last 2 page, which is Olsen_P&E-00177. Mr. Johnson, you've 3 signed as director of RaPower-3; correct? 4 A. Correct, uh-huh. 5 Q. Okay. 6 A. That would be correct. We'll make sure 7 that doesn't happen again. 8 Q. Okay. But this appears to be a typical 9 Operation Maintenance Agreement? 10 A. That's correct, yes. 11 Q. Show you, sir, what's been marked as 12 Plaintiff's Exhibit 103. 13 Just take a look at that document and let 14 me know when you're ready. 15 A. Okay. I'm ready. 16 Q. All right. First off, up at the top left 17 we see the International Automated Systems letterhead; 18 correct? 19 A. Correct, uh-huh. 20 Q. And this is a letter to KBR Investments, 21 LC; correct? 22 A. Correct, uh-huh. 23 Q. Okay. The signature appears to be yours; 24 is that right? 25 A. Right.</p>	<p style="text-align: right;">Page 227</p> <p>1 that isn't the issue. The issue was that you're 2 asking me why I wrote the letter. 3 Q. No, that's not what I said. 4 A. Okay. I mean -- 5 Q. I asked what did IAS do to put into 6 service these alternative energy systems? 7 A. That's what I'm saying. We invited -- we 8 did what was required by the tax opinion letter. We 9 relied upon the tax opinion letter to evaluate what 10 our -- what our -- what we -- what we were required -- 11 what we were -- were -- okay. I'm losing it. Been a 12 long day. What we were -- can't even say it -- 13 anyway, you know what I mean. 14 Q. Okay. 15 A. What we were required to do. 16 Q. We'll talk about those in a second. 17 Showing you what's been marked 18 Plaintiff's Exhibit 181. 19 A. Okay. 20 Q. Would you take a look at this, please. 21 Just flip through and let me know when you're ready to 22 answer a couple questions. 23 A. Okay. Go ahead. 24 Q. All right. Plaintiff's 181 is an 25 Equipment Purchase Agreement between IAS and iLios,</p>
<p style="text-align: right;">Page 226</p> <p>1 Q. It's a little faint, but you recognize 2 that as your signature? 3 A. That's my signature, yes, it is. 4 Q. Okay. And, Mr. Johnson, this letter 5 starts off saying: 6 "This letter is regarding the 7 alternative energy systems that you 8 purchased from International 9 Automated Systems, Inc. (IAS)." 10 A. Correct. 11 Q. "IAS put into service your equipment 12 on or before December 4, 2008." 13 Did I read that correctly? 14 A. Correct, uh-huh. 15 Q. Okay. So what did IAS do to put into 16 service this person's alternative energy systems? 17 A. We relied upon the tax opinion letter, 18 and from that we were able then to -- to show that 19 this was placed in service according to the 20 information we received through our attorney's tax 21 opinion letters. 22 Q. Okay. I understand you had tax opinion 23 letters, but what did you actually do -- what did ISA 24 do with this person's alternative energy systems? 25 A. We probably had them in the towers, but</p>	<p style="text-align: right;">Page 228</p> <p>1 LLC; is that correct? 2 A. What you got here? 3 Q. Top paragraph. 4 A. Okay. I got it. All right. 5 Q. Okay. And it's dated 18 December 2008; 6 correct? 7 A. Okay. 8 Q. Take a look, please, at the last page of 9 this exhibit. 10 A. Okay. 11 Q. Your signature is there, sir, on behalf 12 of International Automated Systems; correct? 13 A. Correct, uh-huh. 14 Q. So this is a contract that IAS provided 15 to iLios, LLC; right? 16 A. Okay. 17 Q. Is that right? 18 A. Right. 19 Q. Showing you what's previously been marked 20 Plaintiff's Exhibit 185. Please take a look at that 21 and let me know when you've reviewed it. 22 A. Okay. Okay. 23 Q. The company name is spelled a little 24 incorrectly, but that's IAS's identification at the 25 top of the page; correct?</p>

<p style="text-align: right;">Page 229</p> <p>1 A. That's correct.</p> <p>2 Q. And on the next page you have signed this</p> <p>3 letter on behalf of IAS?</p> <p>4 A. Okay.</p> <p>5 Q. Is that right?</p> <p>6 A. Right, yeah.</p> <p>7 Q. So your signature appears above your name</p> <p>8 as CEO of IAS; correct? Correct?</p> <p>9 A. Yes, uh-huh. Okay.</p> <p>10 Q. Take a look, please, at the last page of</p> <p>11 Plaintiff's 185. It appears to be a Solar Lease Bonus</p> <p>12 Fee Contract.</p> <p>13 Do you see that?</p> <p>14 A. Which one you looking at now?</p> <p>15 Q. Last -- last page.</p> <p>16 A. Last page. Okay.</p> <p>17 Q. Do you see that? Solar Lease Bonus Fee</p> <p>18 Contract?</p> <p>19 A. Right.</p> <p>20 Q. This contract -- correct me if I'm</p> <p>21 wrong -- appears to allow Ms. Lambrecht or iLios to</p> <p>22 earn a bonus of the gross -- total gross sales revenue</p> <p>23 as received by IAS commencing October 31, 2005, for</p> <p>24 the sale of power generation equipment.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 231</p> <p>1 To launch -- we -- we evaluated how to</p> <p>2 launch this company going from R&D into a company</p> <p>3 selling products. We looked at other companies and</p> <p>4 how they chose to launch their companies, the costs</p> <p>5 involved, and what was going to be required in order</p> <p>6 to -- to do that.</p> <p>7 We decided that we could take the losses</p> <p>8 that they were -- would incur in that process, giving</p> <p>9 it back to our customers would give us the ability to</p> <p>10 launch this company.</p> <p>11 We calculated we could -- we could give</p> <p>12 away between three and six percent of our gross sales,</p> <p>13 and still be less than most companies use in launching</p> <p>14 their -- in launching their companies into a viable --</p> <p>15 going from research and development into a -- into an</p> <p>16 active marketing company and actually selling product.</p> <p>17 So we -- we calculated out three to six</p> <p>18 percent. Most companies spend probably 30 percent to</p> <p>19 -- or 50 percent of their -- of what they would make</p> <p>20 in three years up front to launch a company.</p> <p>21 We would have had to -- we would have had</p> <p>22 to diluted our stock to a certain position in order to</p> <p>23 do that. And we decided rather than dilute our stock</p> <p>24 position, that we didn't want to do, we chose then to</p> <p>25 offer a bonus program to entice the people to buy our</p>
<p style="text-align: right;">Page 230</p> <p>1 Q. Is that right?</p> <p>2 A. Correct.</p> <p>3 Q. Yes? Okay.</p> <p>4 What sales revenue was IAS receiving as</p> <p>5 of 2005?</p> <p>6 A. We -- we -- I don't know that we received</p> <p>7 any.</p> <p>8 Q. Has IAS ever received any sales revenue?</p> <p>9 A. Not -- not that I'm aware of. Rather</p> <p>10 than just what I pay them for research and</p> <p>11 development.</p> <p>12 Q. Do you know who, sir, came up with this</p> <p>13 bonus fee contract?</p> <p>14 A. I did.</p> <p>15 Q. You did?</p> <p>16 A. Uh-huh.</p> <p>17 Q. And why did you decide to start issuing</p> <p>18 bonus fee contracts?</p> <p>19 A. In order -- in order to launch a company</p> <p>20 -- now, do you want me to explain it or not? If you</p> <p>21 don't want me to, tell me before I start.</p> <p>22 Q. Can you do it succinctly?</p> <p>23 A. Can I do anything like that? Probably</p> <p>24 not. Because it's not -- it's not as easy to explain</p> <p>25 as what you're alluding to.</p>	<p style="text-align: right;">Page 232</p> <p>1 equipment.</p> <p>2 Know that it was high risk. It was a</p> <p>3 brand new piece of equipment. People were not going</p> <p>4 to be excited about getting involved in it. And so I</p> <p>5 figured out the mathematics and the probabilities just</p> <p>6 to statistic analysis on how to proceed and what would</p> <p>7 be the risk to us in doing that, in marketing this</p> <p>8 product.</p> <p>9 Then when I got through all the</p> <p>10 mathematics that I did on this -- on the valuation of</p> <p>11 other companies and how they resolve it, what the</p> <p>12 chances of success was in doing it their way, the</p> <p>13 chances of success doing it our way, and it looked to</p> <p>14 me like the biggest success would be doing it this</p> <p>15 way, and it would be more attractive to our -- to our</p> <p>16 customers.</p> <p>17 And so rather than give away our -- our</p> <p>18 profits to advertising companies, we decided then to</p> <p>19 give it back to the -- as an advertising cost, back to</p> <p>20 our own -- to our customer base, which I feel like it</p> <p>21 was the right choice and it -- and it made -- it made</p> <p>22 a huge difference in our sales.</p> <p>23 But it also gave -- gave two things: It</p> <p>24 also gave back -- it guaranteed a profit to the people</p> <p>25 that bought in my equipment. It guaranteed if we're</p>

<p style="text-align: right;">Page 233</p> <p>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?</p>	<p style="text-align: right;">Page 235</p> <p>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.</p>
<p style="text-align: right;">Page 234</p> <p>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</p>	<p style="text-align: right;">Page 236</p> <p>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.</p>

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

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

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

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1 A. No, there hasn't been, no.
 2 Q. Mr. Johnson, you're currently doing ads,
 3 I believe, on KNRS radio; is that right?
 4 A. That's correct, yes.
 5 Q. Are you doing any other radio ads?
 6 A. No.
 7 Q. On the radio ads, are you talking about
 8 technology?
 9 A. Mostly.
 10 Q. And on the radio ads, are you talking
 11 about any federal tax benefit that you might get from
 12 buying a lens?
 13 A. No. I don't -- I may have said something
 14 about that there was a tax credit available, but I
 15 don't -- but mostly I'm -- mostly the whole purpose of
 16 what I was doing is to -- is to -- is to get people
 17 involved, understanding the technology.
 18 Q. So, Mr. Johnson, Mr. Shepard, in other
 19 documents, has stated that you are the one who came up
 20 with the idea for the tax benefits that purportedly
 21 relate to purchase of solar lenses.
 22 A. Well, I didn't come up with it.
 23 MR. SNUFFER: It's not a question. It's
 24 a statement.
 25 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

<p style="text-align: right;">Page 253</p> <p>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?</p>	<p style="text-align: right;">Page 255</p> <p>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</p>
<p style="text-align: right;">Page 254</p> <p>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</p>	<p style="text-align: right;">Page 256</p> <p>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</p>

<p style="text-align: right;">Page 257</p> <p>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</p>	<p style="text-align: right;">Page 259</p> <p>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.</p>
<p style="text-align: right;">Page 258</p> <p>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</p>	<p style="text-align: right;">Page 260</p> <p>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</p>

<p style="text-align: right;">Page 261</p> <p>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?</p>	<p style="text-align: right;">Page 263</p> <p>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</p>
<p style="text-align: right;">Page 262</p> <p>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</p>	<p style="text-align: right;">Page 264</p> <p>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</p>

<p style="text-align: right;">Page 265</p> <p>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.</p>	<p style="text-align: right;">Page 267</p> <p>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?</p>
<p style="text-align: right;">Page 266</p> <p>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</p>	<p style="text-align: right;">Page 268</p> <p>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</p>

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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

<p style="text-align: right;">Page 273</p> <p>1 saying --</p> <p>2 Q. Okay. So you -- you asked her, sir, to</p> <p>3 write an e-mail to Ken Birrell; right?</p> <p>4 A. Well, I don't know that I did or didn't,</p> <p>5 but what I'm just asking you --</p> <p>6 Q. Why would she have done it on her own,</p> <p>7 sir?</p> <p>8 A. Because she can spell and I can't. I</p> <p>9 wouldn't even know what -- know that it was spelled</p> <p>10 wrong. So there's two spelling places in there that</p> <p>11 she corrected.</p> <p>12 Q. So is it your testimony that you had not</p> <p>13 read the Kirton & McConkie memorandum?</p> <p>14 A. I would have read it, but I wouldn't have</p> <p>15 known it was misspelled.</p> <p>16 Q. But you read it?</p> <p>17 A. I can't spell anyway.</p> <p>18 Q. You read it by January 2013?</p> <p>19 A. The Kirton & McConkie letter?</p> <p>20 Q. Yes.</p> <p>21 A. Oh, yeah, I read it when they gave it</p> <p>22 out.</p> <p>23 Q. When did they give it out?</p> <p>24 A. To the -- the first -- the first company,</p> <p>25 it was given out in 2000 -- what did they say, 2000 --</p>	<p style="text-align: right;">Page 275</p> <p>1 that to be on my file before I would -- would</p> <p>2 consummate the deal. That wasn't written for me. It</p> <p>3 was written for the other company. Then we bought it</p> <p>4 after they got it done.</p> <p>5 Q. Okay. But you read it at least as of</p> <p>6 2010 or 2011?</p> <p>7 A. Right. That's what I'm saying.</p> <p>8 Q. Okay.</p> <p>9 A. That's when they did it, yeah, but it</p> <p>10 wasn't to me. It wasn't for me at that time. It was</p> <p>11 for -- it was for the other company. And then I</p> <p>12 bought the thing -- later they asked me if I would</p> <p>13 want it, and I said yeah.</p> <p>14 They -- they charged me a certain amount</p> <p>15 for it, and they said I could use -- if I had any</p> <p>16 other clients that would like to do that and use it,</p> <p>17 that they would be happy to do business with them.</p> <p>18 And I said fine, I got a whole bunch.</p> <p>19 And not the little ones. I wasn't doing</p> <p>20 this for little -- the little ones. This was for the</p> <p>21 big companies. I wasn't -- I never put this out to</p> <p>22 little people.</p> <p>23 There's a reason why I wouldn't do that.</p> <p>24 And that's -- I've asked -- I never authorized it.</p> <p>25 Never told anybody to do it. It was used for only --</p>
<p style="text-align: right;">Page 274</p> <p>1 it was before the -- it was 2010 or 2011. It was</p> <p>2 right around that same period of time.</p> <p>3 Q. You recall Kirton & McConkie giving out a</p> <p>4 memorandum in 2010 or 2011?</p> <p>5 A. Yeah. Yeah, it was that early. It was</p> <p>6 when we signed the contracts on -- on the other</p> <p>7 project.</p> <p>8 Q. So let's take a look at the factual</p> <p>9 background in this memorandum.</p> <p>10 A. All right.</p> <p>11 Q. Do you have any idea where Kirton &</p> <p>12 McConkie got the information and the factual</p> <p>13 background?</p> <p>14 A. I assume he would have looked it up.</p> <p>15 Q. Do you know where they got it?</p> <p>16 A. No, I wouldn't know. I wouldn't have --</p> <p>17 I wasn't involved in it. They weren't -- I wasn't</p> <p>18 even their client when they wrote it.</p> <p>19 Q. But, sir, on Page KM214, this memorandum</p> <p>20 is to SOLCOI, LLC, attention Neldon Johnson.</p> <p>21 A. Right, but it was -- it was because I</p> <p>22 wouldn't do the deal without it. It wasn't -- it</p> <p>23 wasn't written for SOLCOI. It was written for the</p> <p>24 company that was going to do business with the</p> <p>25 company, and they would have -- they -- I required</p>	<p style="text-align: right;">Page 276</p> <p>1 only sales or that -- that I couldn't handle.</p> <p>2 Q. Oh, I'm sorry. Let's mark that 515.</p> <p>3 (Exhibit 515 was marked for identification.)</p> <p>4 Q. BY MS. HEALY-GALLAGHER: Please take a</p> <p>5 look at what's been marked as Plaintiff's 515. Take a</p> <p>6 look and let me know when you're ready to answer</p> <p>7 questions.</p> <p>8 For the record, while you look, the</p> <p>9 document is marked with Bates No. Hamblin_R&C-00171</p> <p>10 through 172.</p> <p>11 Do you recognize this document, sir?</p> <p>12 A. No. I'm just -- I -- you know, I'm -- it</p> <p>13 -- it probably is accurate, but I -- I'm not --</p> <p>14 Q. So Plaintiff's 515 is a Memorandum of</p> <p>15 Understanding between RaPower-3 and Roger Hamblin.</p> <p>16 Do you see that at the top of the first</p> <p>17 page?</p> <p>18 Do you see that, sir?</p> <p>19 A. Oh, yeah, I see it.</p> <p>20 Q. And your signature is on the second page</p> <p>21 under "Seller"?</p> <p>22 A. Right.</p> <p>23 Q. Is that correct?</p> <p>24 A. Correct.</p> <p>25 Q. Okay.</p>

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<p>1 A. But -- okay. I know where this came from 2 now. 3 Q. Where did it come from? 4 A. Roger Hamblin is a close friend of mine, 5 and he got involved with this and he wanted -- he 6 wanted something to -- for -- for -- for his files. 7 Q. Okay. 8 A. And so I gave it to him. But this isn't 9 -- this isn't a generally circulated letter. 10 Q. Okay. 11 A. It was just for people that understood. 12 He's a businessman and been in business a 13 whole long time and understands, you know, how to read 14 the laws and how to -- I mean, he had his own people 15 evaluate it. 16 Q. All right. 17 A. And so that's why I gave it to him. 18 Q. Okay. I'm going to ask you to take a 19 look at what's been marked Plaintiff's Exhibit 370. 20 For the record, that's KM274 through 322. 21 A. Okay. 22 Q. Do you recognize this document? 23 A. Yes, uh-huh. He showed it to me. 24 Q. I'm sorry? 25 A. I think Greg showed it to me. I'm not</p>	<p>1 read it. I never looked at it. I looked at it, but I 2 never really read it. So did he make a change in 3 there? 4 Q. So you didn't make any changes based on 5 the contents of Mr. Birrell's letter? 6 A. I didn't think we were using this letter 7 for -- at the time I didn't think anything of it, 8 because I wasn't using it as a -- as a letter anyway, 9 as a -- as a sales tool. I wouldn't do that. I 10 wouldn't use this kind of stuff. 11 There's a reason why I wouldn't, but -- 12 but I don't do that kind of -- I wouldn't -- this was 13 -- these -- this was developed for only clients that 14 would be on my ability to -- to overcome an issue. 15 Otherwise I would not -- I would never have, you know, 16 got in a relationship with an individual with a letter 17 that's worth more than what they were putting in 18 anyway. I mean, it's silly to think that I would. 19 Q. Mr. Johnson, did you share the 20 information about depreciation and tax benefits with 21 Greg Shepard? 22 A. Yes, I did. 23 Q. Yeah. And did you do that over time? 24 Like, when did you talk to him about that stuff? 25 A. Well, I think I just -- we went over it</p>
Page 278	Page 280
<p>1 positive, but I think he showed it to me. 2 Q. Okay. 3 A. Whether I actually read it, I don't know. 4 Q. When do you think Greg showed it to you? 5 A. I think he showed it to me shortly after 6 he got it, I don't know. 7 Q. So in or around January 2014? 8 A. Could have been. Could have been right 9 around that time, but I -- I don't remember the date. 10 I don't remember looking at it. I don't know. 11 I didn't even authorize him to go up and 12 talk to him, so when he got through talking to him he 13 brought this -- I think he gave it to me and I looked 14 at it and I says fine. 15 Q. So what, if anything -- what, if 16 anything, did you do after Mr. Shepard showed you this 17 letter in around 2014? 18 A. I probably just glanced over like I'm 19 doing now. Probably says, well, what do I care. 20 Q. Did you change anything about what you 21 advised people about tax benefits to purchasing a 22 lens? 23 A. No, I didn't. I didn't see anything -- I 24 didn't see anything in there that was changed, so I 25 don't know. If he made a change in there, I never</p>	<p>1 when I first started it, and I think that's about -- 2 about the gist of it. 3 But I told everybody, I says, we're not 4 tax -- I'm not a tax expert in this field. This is -- 5 this is the things that I've discovered. This is the 6 things I understand. But I'm not a tax expert and so 7 I require that before anybody purchase anything, that 8 they take it to their CPA and they -- and the CPA then 9 becomes familiar with the laws and they offer their 10 opinion to a customer. 11 I do not give out tax opinions and tax 12 information for the purpose of creating a sale or 13 doing anything like that to Greg, to Roger Hamblin, or 14 to anybody else. Nor have I ever done that, nor would 15 I. 16 But the reason why I didn't send this 17 letter out, okay, you want to know the reason why I 18 didn't? If you don't, I won't tell you. You'll have 19 to ask. 20 MS. HEALY-GALLAGHER: Next exhibit, 21 please. 22 (Exhibit 516 was marked for identification.) 23 Q. BY MS. HEALY-GALLAGHER: Handing you 24 what's been marked Plaintiff's Exhibit 516. Take a 25 look at that.</p>

<p style="text-align: right;">Page 281</p> <p>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</p>	<p style="text-align: right;">Page 283</p> <p>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.</p>
<p style="text-align: right;">Page 282</p> <p>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.</p>	<p style="text-align: right;">Page 284</p> <p>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?</p>

<p style="text-align: right;">Page 285</p> <p>1 A. No.</p> <p>2 Q. Why not?</p> <p>3 A. Because I wasn't a tax person. I don't</p> <p>4 give out tax advice. I just said, you know, you got a</p> <p>5 CPA, you talk to them. I don't give out -- I don't</p> <p>6 give it out either way.</p> <p>7 If I would have gave it out one way then</p> <p>8 they'd get me for that, so I just wouldn't do it. I</p> <p>9 don't do it. Never have done it. I say this is my</p> <p>10 opinion, this is the way I understand it, find out for</p> <p>11 yourself. I'm not a tax person. I do not give out</p> <p>12 tax advice to you or anybody else.</p> <p>13 Q. So what, if anything, did you do, meaning</p> <p>14 did you change your conduct in any way?</p> <p>15 A. No, I did not, because I didn't think I</p> <p>16 was guilty. And they -- and they came back and said I</p> <p>17 wasn't guilty. They said I was okay.</p> <p>18 Q. So what, if anything, did you do in terms</p> <p>19 of how, if at all, did you change your conduct --</p> <p>20 A. Didn't.</p> <p>21 Q. -- after --</p> <p>22 A. Sorry.</p> <p>23 Q. -- after the complaint for injunction was</p> <p>24 filed in this case?</p> <p>25 A. Nothing. I didn't think I was guilty</p>	<p style="text-align: right;">Page 287</p> <p>1 A. Whenever they got through and give it to</p> <p>2 me. I'm not sure -- I'm sure you got the records, but</p> <p>3 I don't.</p> <p>4 Q. Well, sir, I'm trying to understand what</p> <p>5 your recollection is.</p> <p>6 Was it ten years ago?</p> <p>7 A. Okay. No, it wasn't ten years. No. It</p> <p>8 was -- it was last year.</p> <p>9 Q. It was within the last year?</p> <p>10 A. But I don't know when. I don't remember</p> <p>11 when.</p> <p>12 Q. And did Paul Jones simply say that the</p> <p>13 IRS allowed your tax credits?</p> <p>14 A. No. He showed me.</p> <p>15 Q. Did he say the IRS has exonerated you?</p> <p>16 Is that what he said?</p> <p>17 A. Well, no, he didn't say that. I</p> <p>18 interpreted it to mean that. That's my -- probably my</p> <p>19 words, not his. But he -- but I felt like that that's</p> <p>20 -- that is, if you allowed them, then I would assume</p> <p>21 that exonerate would mean the same thing as allowed,</p> <p>22 but maybe I'm wrong.</p> <p>23 Q. Do you have anything in writing from the</p> <p>24 IRS to that effect?</p> <p>25 A. Yeah, they -- they -- the letter that</p>
<p style="text-align: right;">Page 286</p> <p>1 before and I didn't think I was guilty now.</p> <p>2 Q. And, Mr. Johnson, you've said before that</p> <p>3 you believe the IRS has exonerated you?</p> <p>4 A. Well, they gave me my tax credit.</p> <p>5 Q. So that's what I want to understand. Who</p> <p>6 -- how did you arrive at that understanding?</p> <p>7 A. Paul Jones.</p> <p>8 Q. Paul Jones?</p> <p>9 A. Uh-huh.</p> <p>10 Q. What did Paul Jones tell you?</p> <p>11 A. He told me that they -- they gave me my</p> <p>12 tax credits.</p> <p>13 Q. And when you say they gave you your tax</p> <p>14 credits, you mean the IRS?</p> <p>15 A. The IRS.</p> <p>16 Q. And what do you mean when you say the IRS</p> <p>17 gave you your tax credits?</p> <p>18 A. Just that they allowed them.</p> <p>19 Q. For what tax year?</p> <p>20 A. Well, the tax year they weren't doing the</p> <p>21 audit. So...</p> <p>22 Q. When did Paul Jones tell you that?</p> <p>23 A. When they -- when they did it. I don't</p> <p>24 remember the date.</p> <p>25 Q. Was it last year?</p>	<p style="text-align: right;">Page 288</p> <p>1 Paul Jones has, and I'm sure they sent me one, but I</p> <p>2 never read it.</p> <p>3 Q. Have you produced that letter to the</p> <p>4 United States?</p> <p>5 A. No. I assume Paul Jones, if you ask him,</p> <p>6 would do that. I assumed you had it.</p> <p>7 Q. Well, I'm going to ask you to produce</p> <p>8 that letter to the United States.</p> <p>9 A. Fine, I'll ask Paul Jones to give it to</p> <p>10 me. I probably had it, but I probably threw it away.</p> <p>11 I figure that's what I pay my attorney to do is read</p> <p>12 those things, not me.</p> <p>13 MRS. JOHNSON: Are you going to have a</p> <p>14 list of everything that I need to give to you?</p> <p>15 MS. HEALY-GALLAGHER: I'm going to talk</p> <p>16 with Mr. Snuffer after the deposition.</p> <p>17 MRS. JOHNSON: You make sure.</p> <p>18 MR. SNUFFER: Right. I haven't commented</p> <p>19 on any of this.</p> <p>20 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson,</p> <p>21 have you ever, other than any situation with the IRS</p> <p>22 in 2012, have you ever been arrested?</p> <p>23 A. Yeah, I was arrested.</p> <p>24 Q. Have you ever been convicted of any</p> <p>25 crime?</p>

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

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1 wouldn't hurt me or him. And he's bigger than I. He
 2 was a police officer.
 3 Q. So, sir, were you arrested in connection
 4 with a domestic dispute?
 5 A. Yeah. So he --
 6 Q. Okay.
 7 A. -- so he -- he said, you know, that I
 8 started it, but I didn't. And so they let it go
 9 because he started it.
 10 Q. Do you have any other arrests?
 11 A. No, I don't have anything, that I know
 12 of.
 13 Q. Okay.
 14 A. Other than traffic tickets.
 15 Q. Are there any answers to any of my
 16 questions that you wish to change or amplify at this
 17 time?
 18 A. No, I don't have anything.
 19 MS. HEALY-GALLAGHER: Okay. We'd request
 20 that he read and sign.
 21 MR. SNUFFER: Yeah.
 22 THE WITNESS: Do I do what?
 23 MR. SNUFFER: Read and sign the
 24 deposition transcript when it's done.
 25 THE WITNESS: Oh, yeah, that's fine.

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1 MS. HEALY-GALLAGHER: All right. At this
 2 time I have no further questions.
 3 MR. SNUFFER: And I don't have any
 4 questions.
 5 THE WITNESS: Thank you for making it as
 6 pleasant as possible.
 7 MS. HEALY-GALLAGHER: All right.
 8 THE WITNESS: I hope we didn't -- I
 9 didn't offend you and make you feel like you weren't
 10 welcome in Utah.
 11 MS. HEALY-GALLAGHER: We're off the
 12 record.
 13 (There was a discussion held off the record.)
 14 MR. SNUFFER: I think I'm going to need a
 15 copy of this.
 16 (The deposition was concluded at 5:19 p.m.)
 17 * * *
 18
 19
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 21
 22
 23
 24
 25

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1 Case: USA v. RaPower-3, et al.
 2 Case No.: 2:15-cv-00828-DN-EJF
 3 Date: June 28, 2017
 4 Reporter: Vickie Larsen, CSR/RMR
 5
 6 WITNESS CERTIFICATE
 7
 8
 9
 10 _____
 11 NELDON JOHNSON
 12
 13 SUBSCRIBED and SWORN to before me on this _____ day of
 14 _____, 2017, by NELDON JOHNSON.
 15
 16 _____
 17 Notary Public
 18 Notary Public
 19
 20
 21
 22
 23
 24
 25

1 Reporter's Certificate
2
3 State of Utah)
4 County of Salt Lake)
5
6 I, Vickie Larsen, Certified Shorthand
7 Reporter and Registered Merit Reporter, in the State of
8 Utah, do hereby certify:
9 THAT the foregoing proceedings were taken
10 before me at the time and place set forth herein; that
11 the witness was duly sworn to tell the truth, the whole
12 truth, and nothing but the truth; and that the
13 proceedings were taken down by me in shorthand and
14 thereafter transcribed into typewriting under my
15 direction and supervision;
16 THAT the foregoing pages contain a true
17 and correct transcription of my said shorthand notes so
18 taken.
19 IN WITNESS WHEREOF, I have subscribed my
20 name this 10th day of July, 2017.
21
22
23 Vickie Larsen, CSR/RMR
24
25

Transcript Word Index

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