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1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF UTAH, CENTRAL DIVISION
 3 CASE NO. 2:15-cv-00828 DN
 4
 5 UNITED STATES OF AMERICA, Deposition of:
 6 Plaintiff, PETER GREGG
 7 v.
 8 RAPOWER3, LLC; INTERNATIONAL Time on record:
 AUTOMATED SYSTEMS, INC.; LTB1, 3 hours, 38 minutes
 9 LLC; R. GREGORY SHEPARD; ELDON
 JOHNSON; and ROGER FREEBORN, Judge David Nuffer
 10
 Defendants.
 11
 12
 13 November 16, 2016 * 8:37 a.m. to 12:57 p.m.
 14
 15 Location: United States Attorney's Office
 16 1000 S.W. Third Avenue, Suite 600
 17 Portland, Oregon 97204
 18
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 20
 21
 22
 23 Reporter: Marilyn Hoover, CSR-RPR
 24
 25

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 14 FOR DEFENDANTS RAPOWER3, LLC; INTERNATIONAL
 15 AUTOMATED SYSTEMS, INC.; LTB1, LLC; and NELDON
 16 JOHNSON:
 17 Mr. Christian D. Austin
 18 HEIDEMAN & ASSOCIATES
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1 WEDNESDAY, NOVEMBER 16, 2016; PORTLAND, OREGON

2 (Exhibits 204 through 294 were

3 marked prior to the commencement of

4 the deposition.)

5 PETER GREGG,

6 called as a witness, being duly sworn on oath, was

7 examined and did testify as follows:

8 EXAMINATION

9 BY MR. MORAN:

10 Q. Good morning, Mr. Gregg. We met a little

11 while ago, but I'll introduce myself again for the

12 record. My name is Christopher Moran. I represent

13 the United States in this matter, in the captioned

14 matter.

15 Before we go any farther can the other

16 attorneys in the room put their appearances on the

17 record.

18 MR. JONES: Paul Jones, counsel for Peter

19 Gregg.

20 MS. HEALY GALLAGHER: Erin Healy

21 Gallagher, also for the United States.

22 MR. MORAN: And, for the record, there is

23 no appearance by anyone representing RaPower-3,

24 Neldon Johnson, International Automated Systems,

25 LTB1 LLC, Roger Freeborn, or R. Gregory Shepard.

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1 Q. BY MR. MORAN: Mr. Gregg, before we get

2 started, can you please state and spell your name.

3 A. P-E-T-E-R, G-R-E-G-G.

4 Q. Do you use a middle initial or middle

5 name?

6 A. No, I have a middle -- Peter Christopher

7 Gregg, so...

8 Q. Okay. And can you please give your

9 address.

10 A. 38490 Bickford Street, sandy, Oregon

11 97055.

12 Q. All right. For the record, this

13 deposition will be taken according to the federal

14 rules of civil procedure.

15 Mr. Gregg, have you ever had your

16 deposition taken before?

17 A. No.

18 Q. Okay. Then I'm going to just go over some

19 of the ground rules for you.

20 It's very important that I get verbal

21 responses. So I'm going to ask you a series of

22 questions today, and it's my job to ask you

23 understandable questions that you can answer.

24 What I would ask is that, when you're

25 answering a question, that you give a verbal

| | |
|---|---|
| <p style="text-align: right;">Page 13</p> <p>1 response. So I see you nodding your head. 2 A. Yes. 3 Q. You can nod your head, but I need -- 4 A. Right. 5 Q. -- an affirmative -- 6 A. I understand. 7 Q. -- yes or no. 8 It's also important that you let me finish 9 my question before answering. If I ask a question 10 that you don't understand, just let me know, and 11 I'll do my best to rephrase it. 12 Throughout the deposition, attorneys in 13 the room may object to questions. They're placing 14 their objections on the record, and that's fine. 15 Unless your attorney, Mr. Jones, instructs you not 16 to answer to protect a privilege, you're going to 17 need to answer the question. 18 If you -- If we're going through the 19 deposition today and you later on realize that 20 something you said earlier on was incorrect or 21 incomplete or you want to clarify something, it's 22 perfectly fine; just let me know, and we'll give you 23 the opportunity to do that on the record. 24 A. Okay. 25 Q. If, as we're going through today, you</p> | <p style="text-align: right;">Page 15</p> <p>1 A. No. 2 Q. Have you had any alcohol to drink in the 3 last 12 hours? 4 A. No. 5 Q. Okay. Are you feeling well today? 6 A. I'm fine. 7 Q. Good. Okay. Before we went on the 8 record, you and your attorney, Mr. Jones, looked at 9 several exhibits which have been premarked. 10 Do you recall that? 11 A. Yes. 12 Q. Okay. To speed things up today, what we 13 are going to do is run through some questions about 14 those documents and then we'll be done with them. 15 A. Okay. 16 Q. You've produced e-mails to the government, 17 pursuant to the government subpoena; correct? 18 A. I believe to her. 19 Q. Well, to the government -- The government 20 issued a subpoena? 21 A. Yes. Yeah. Yes. 22 Q. Can you tell me, how did you search for 23 the documents that you provided to the government? 24 A. I looked through all my e-mails and all 25 the documentation that I had.</p> |
| <p style="text-align: right;">Page 14</p> <p>1 realize there's a document that may help you answer 2 the question more fully or at all, just let me know. 3 We've got several documents in the room. We'll try 4 and locate the document that might be able to help 5 you answer that question. 6 A. Sure. 7 Q. Talking to your attorney is fine. The 8 only thing I'm going to ask is that, if there's a 9 question pending, that you answer my question and 10 then inform me that you'd like to consult with 11 Mr. Jones, and we'll give you the opportunity to do 12 so. 13 Today we're here to get your testimony and 14 your recollection about the facts of this case as 15 you understand them. So I just need to ask: Is 16 there anything that would preclude you from 17 truthfully answering questions today? 18 A. No. 19 Q. Are you taking any medications that 20 would -- 21 A. No. 22 Q. -- inhibit -- 23 A. Sorry. 24 Q. -- your ability to answer questions 25 truthfully?</p> | <p style="text-align: right;">Page 16</p> <p>1 Q. That was responsive to the government 2 subpoena? 3 A. Correct. 4 Q. Okay. Where were these e-mails stored? 5 A. On a server -- I don't know. On a server. 6 Q. That you have access to? 7 A. I -- Not really. 8 Q. Well, when you responded to the government 9 subpoena -- 10 A. Correct. I asked somebody who had more 11 knowledge on how to pull all of them off, because 12 that would have been a -- I probably wouldn't have 13 given any. 14 Q. But the e-mails you produced are e-mails 15 that you received? 16 A. Yes. 17 Q. Okay. What e-mail addresses have you used 18 since becoming involved in RaPower-3? 19 A. I have three e-mail addresses. 20 Q. What are they? 21 A. Well, the BFS mail is now no longer -- no 22 longer going; PG bone say at Yahoo; and I started a 23 new one with -- so I could keep everything straight, 24 at Gmail, and that's just recent. 25 Q. Okay. You mentioned a BFS e-mail that's</p> |

| | | | |
|---------|--|---------|--|
| Page 17 | <p>1 no longer in use? 2 A. In use at all, no. 3 Q. Is that e-mail address PGregg@bfsmail.com? 4 A. Was. 5 Q. But you used it? 6 A. Yes, I did use it. 7 Q. Okay. And some of the documents that you 8 produced -- 9 A. Most of them should be from that. 10 Q. Okay. And the PGBonzai@yahoo.com, that's 11 an e-mail address that you used -- that you used? 12 A. That's my normal e-mail address, yeah. 13 The other is my -- was a business e-mail address 14 through BFS. 15 Q. And that's -- Some of the documents you've 16 produced, you used that e-mail address; is that 17 correct? 18 A. Which? 19 Q. Some of the e-mails that you produced to 20 the government. 21 A. Through BFS, yes. 22 Q. What about PGBonzai@yahoo.com? 23 A. There was probably a couple, but they were 24 probably -- I probably forwarded them to that 25 account.</p> | Page 19 | <p>1 Shepard, are you referring to the defendants in this 2 matter? 3 A. Yeah, I'm -- Yes, I'm assuming. 4 Q. Whose e-mail address is 5 RJameson08@gmail.com? 6 A. Rick Jameson. 7 Q. Who is Rick Jameson? 8 A. He is my tax adviser. 9 Q. Do you know where he operates out of? 10 A. He's in Saint George, Utah. 11 Q. Okay. The documents that you've looked at 12 earlier, which are marked as Exhibits 204 through 13 294, are for identification, as well as Exhibits 108 14 and 109, which were marked in a previous deposition. 15 Those are all e-mails that you produced? 16 A. To you, yes. 17 Q. That's correct? So when I see e-mail 18 addresses from the individuals we just discussed -- 19 Roger Freeborn, Greg Shepard, and Rick Jameson -- am 20 I to understand that you received or sent e-mails to 21 those individuals? 22 A. Yes. 23 Q. Okay. All right. I think we're done with 24 these. 25 MR. MORAN: Mr. Jones, we can make copies</p> |
| Page 18 | <p>1 Q. And what's the Gmail address? 2 A. Peter -- PGBonzai80@gmail, I think. I 3 don't use it that often, so... 4 Q. When did you start using that e-mail 5 address? 6 A. After BFS mail stopped. 7 Q. Do you recall when BFS mail stopped 8 working? 9 A. Whenever I sent this. 10 Q. Sent what? 11 A. Sent all of this in. 12 Q. So would that be around April or May of 13 this year? 14 A. Sure. That sounds right. 15 Q. Okay. Whose e-mail address is 16 CoachFreeb@bfsmail.com? 17 A. Say that again. 18 Q. C-O-A-C-H-F-R-E-E-B. 19 A. Roger Freeborn. 20 Q. Thank you. Whose e-mail address is 21 Greg@bfsmail.com? 22 A. Greg Shepard. 23 Q. Whose e-mail address is Greg@rapower3.com? 24 A. Greg Shepard. 25 Q. And when you say Roger Freeborn and Greg</p> | Page 20 | <p>1 available to you at a break or something. 2 MR. JONES: Thank you. I'll just get them 3 after the deposition. 4 MR. MORAN: Okay. Fine. 5 Q. BY MR. MORAN: All right. Mr. Gregg, when 6 were you born? 7 A. January 9th, 1980. 8 Q. Okay. Where were you born and raised? 9 A. Eagle Creek, Oregon. 10 Q. How far away from here is that? 11 A. About 30 miles. 12 Q. Okay. So you spent most of your life in 13 the Portland, Oregon area? 14 A. Outside -- Yes. I don't consider myself 15 from Portland. 16 Q. Okay. Within the -- Within -- 17 A. Within the general area, yes. 18 Q. Okay. When did you graduate high school? 19 A. 1998. 20 Q. Where did you go to high school? 21 A. Estacada High School. 22 Q. Okay. What activities did you participate 23 in in high school? 24 A. Three-sport athlete, honor society. That 25 took up most of my time.</p> |

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1 (Mr. Austin enters the room.)
 2 MR. MORAN: For the record, Mr. Austin has
 3 joined us.
 4 MR. AUSTIN: Sorry, guys. Go ahead. Is
 5 there someone on the phone?
 6 MR. MORAN: No, no one is on the phone.
 7 Mr. Austin --
 8 MR. AUSTIN: Just for the court reporter's
 9 record.
 10 MR. MORAN: Would you like to put your
 11 appearance on the record?
 12 MR. AUSTIN: Yeah. Christian Austin for
 13 RaPower-3.
 14 Q. BY MR. MORAN: You mentioned you were a
 15 three-sport athlete. What sports did you play?
 16 A. I played football, wrestled, and
 17 participated in track.
 18 Q. Okay. When you were playing sports, did
 19 you come into contact with an individual named Roger
 20 Freeborn?
 21 A. He was my football coach.
 22 Q. He was your football coach?
 23 A. My senior year, yes.
 24 Q. What did you do after high school?
 25 A. Went to college.

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1 Q. Where did you go to college?
 2 A. Oregon State.
 3 Q. Okay. What did you study there?
 4 A. Horticulture and history.
 5 Q. Did you play any sports?
 6 A. I played football.
 7 Q. All four years?
 8 A. I wrestled one year and played football
 9 for four.
 10 Q. Okay. When did you graduate from college?
 11 A. 2003.
 12 Q. Okay. What did you do after college?
 13 A. I work at a nursery, grow trees.
 14 Q. Growing trees. Anything else?
 15 A. I coach football.
 16 Q. Okay. Do you teach at all?
 17 A. I don't. Well, I wrestle -- I coach
 18 wrestling as well.
 19 Q. Okay. And where's the nursery that you
 20 work at?
 21 A. In Boring.
 22 Q. Okay. How far is that from where you
 23 live?
 24 A. Five miles.
 25 Q. Okay. How far is that from Estacada?

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1 A. Estacada. It's about ten, ten or twelve.
 2 Q. So the general vicinity of where you grew
 3 up?
 4 A. Yes. Very similar, yes.
 5 Q. Okay. What are your parents' names?
 6 A. Kevin and Michael Gregg.
 7 Q. Are they still alive?
 8 A. Yep.
 9 Q. Okay. What are their occupations?
 10 A. My dad is retired; he was a journeyman
 11 lineman. And my mom is a nurse.
 12 Q. When you say "lineman," do you mean
 13 somebody who works on the power lines?
 14 A. Yes.
 15 Q. Okay. And your mom's still active as a
 16 nurse?
 17 A. Yes.
 18 Q. Okay. Are you married?
 19 A. I am.
 20 Q. What's your spouse's name?
 21 A. Renae Gregg.
 22 Q. How long you been married to Ms. Gregg?
 23 A. Since 2010.
 24 Q. What's her occupation?
 25 A. She's a high school science teacher.

Page 24

1 Q. Does she coach at all?
 2 A. She used to. She doesn't anymore.
 3 Q. What did she coach?
 4 A. Women's basketball, volleyball.
 5 Q. When did she stop?
 6 A. When we had our child.
 7 Q. And you answered my next question. Do you
 8 have any children?
 9 A. One son, Isaac Gregg.
 10 Q. Okay. When was he born?
 11 A. Near 2010.
 12 Q. Okay. So he's only six years old?
 13 A. Yep.
 14 Q. Okay. Who cares for Isaac?
 15 A. He goes -- He's in school now.
 16 Q. Okay. Before he was in school -- you say
 17 he was born in 2010 --
 18 A. Renae, my wife.
 19 MR. JONES: Let him finish the question.
 20 THE WITNESS: I'm sorry.
 21 MR. MORAN: So let me finish the question.
 22 THE WITNESS: Right. Right, right, right.
 23 Q. BY MR. MORAN: Did you have any child care
 24 responsibilities?
 25 A. Yes.

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1 THE WITNESS: When Renae needs to grade
 2 papers.
 3 Q. BY MR. MORAN: You said your son was born
 4 in 2010?
 5 A. Um-hum. Yes.
 6 Q. Okay. Did your wife continue teaching
 7 when he was a baby, or did she take some time off?
 8 A. She took time off.
 9 Q. About how long?
 10 A. Five years, until he got into
 11 kindergarten.
 12 Q. Okay. So did she care for him between the
 13 ages of zero and kindergarten?
 14 A. Yes.
 15 Q. Okay. You mentioned you had a BFS e-mail
 16 account?
 17 A. (Nods head.)
 18 Q. I need a --
 19 A. Yes.
 20 Q. What is BFS?
 21 A. Bigger Faster Stronger.
 22 Q. Okay. Were you an employee of Bigger
 23 Faster Stronger?
 24 A. I was an independent contractor.
 25 Q. Let me just back up. What is Bigger

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1 Faster Stronger?
 2 A. It's a strength and conditioning company
 3 geared towards high-school athletes.
 4 Q. Where is it based out of?
 5 A. Salt Lake City, Utah.
 6 Q. How did you come to learn about Bigger
 7 Faster Stronger?
 8 A. I did it in high school. That was our
 9 strength and conditioning program in high school.
 10 Q. So when you were an athlete in high
 11 school --
 12 A. Yes.
 13 Q. -- did you participate in their
 14 conditioning program?
 15 A. Yes.
 16 Q. Okay. How did you learn about it in high
 17 school?
 18 A. Roger Freeborn.
 19 Q. Do you know what Mr. Freeborn's
 20 involvement was with Bigger Faster Stronger was?
 21 A. He was an independent clinician, I
 22 believe, for them as well at that time.
 23 Q. So you participated in the Bigger Faster
 24 Stronger program in high school?
 25 A. Correct.

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1 Q. Did you continue through college?
 2 A. No. We had our own program at Oregon
 3 State.
 4 Q. When did you become a Bigger Faster
 5 Stronger contractor?
 6 A. After college.
 7 Q. Was that around the same time you became a
 8 football coach?
 9 A. Probably right around then.
 10 Q. Bigger Faster Stronger -- Is the Bigger
 11 Faster Stronger conditioning program used at the
 12 high school where you coach?
 13 A. Yeah, I try to implement it. Our head
 14 football coach doesn't implement it very well,
 15 but...
 16 Q. And from the time that you became an
 17 independent contractor for Bigger Faster Stronger,
 18 what exactly did you do?
 19 A. I did a few -- Well, I learned how to do
 20 clinician -- or clinics at high schools and tried to
 21 sell equipment and -- that's about it, yeah.
 22 Q. When did you stop working for Bigger
 23 Faster Stronger?
 24 A. I never really stopped. I just -- It was
 25 -- I never really got going, per se. I never sold a

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1 whole bunch of equipment. I never did any
 2 independent clinics of my own.
 3 Q. So do you know when you stopped being an
 4 independent contractor?
 5 A. Probably -- After I sent all my e-mails to
 6 you guys.
 7 Q. So earlier this year?
 8 A. Yeah.
 9 Q. Were you ever -- Were you told that you
 10 were no longer a Bigger Faster Stronger contractor?
 11 A. I was -- I did.
 12 Q. Who told you that?
 13 A. Well, whoever the -- Bob Rowbotham.
 14 (Reporter request.)
 15 THE WITNESS: Bob Rowbotham, I believe.
 16 Q. BY MR. MORAN: Did Mr. Rowbotham give you
 17 a reason?
 18 A. I believe he said that he didn't want to
 19 be involved with the details of the RaPower thing.
 20 Q. How is RaPower connected to Bigger Faster
 21 Stronger?
 22 A. Through Greg Shepard.
 23 Q. Can you tell me what Mr. Shepard's
 24 involvement was in?
 25 A. Of who? Of what?

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1 Q. Well, I asked you how Bigger Faster
 2 Stronger was related to RaPower, and you said Greg
 3 Shepard. Can you tell me Mr. Shepard's involvement?
 4 A. He was a president and CEO of Bigger
 5 Faster Stronger.
 6 Q. And how did Mr. Shepard relate to
 7 RaPower-3?
 8 A. I'm not totally sure.
 9 Q. Okay. Did Mr. Rowbotham tell you anything
 10 about why you could no longer be a contractor with
 11 Bigger Faster Stronger?
 12 A. No.
 13 Q. Okay. So from the time that you became an
 14 independent contractor with Bigger Faster Stronger
 15 till earlier this year, about how much time per week
 16 did you spend working on Bigger Faster Stronger
 17 activities?
 18 A. Well, when I went to coaching clinics and
 19 talked to other coaches, I promoted Bigger Faster
 20 Stronger wherever I went, because I believe in it.
 21 Q. How are you compensated by Bigger Faster
 22 Stronger?
 23 A. Commission.
 24 Q. Okay. Do you recall approximately how
 25 much --

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1 A. I don't remember.
 2 Q. -- you earned each year?
 3 A. Not much. Like I said, I didn't sell much
 4 and, yeah, I didn't do any clinics, so...
 5 Q. Do you think it's more or less than \$500?
 6 A. I don't know.
 7 Q. Okay. Do you think you'd remember if it
 8 was more than \$1,000?
 9 A. It might have been one year, but probably
 10 not much.
 11 Q. Did it depend on the year?
 12 A. Yeah.
 13 Q. Okay. Do you recall getting 1099s from
 14 Bigger Faster Stronger?
 15 A. I do, when I actually sold something.
 16 Q. We just talked about your activities at
 17 Iseli Nursery, your -- your own side business,
 18 growing plants, a few landscaping jobs, coaching,
 19 football and wrestling, Bigger Faster Stronger; and
 20 you testified about the approximate number of hours
 21 you spent on each.
 22 Has that been true since 2009?
 23 A. Yes.
 24 Q. Okay. Thanks. Now, you also just
 25 testified about an entity called RaPower-3, which is

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1 a defendant in this case.
 2 Did there come a time when you became
 3 involved with RaPower-3 and a solar lens leasing
 4 activity?
 5 A. You're asking me questions that you
 6 already know the answers to. Are you --
 7 Q. You need to answer the question.
 8 A. Yes. Okay.
 9 Q. How did you learn about RaPower-3?
 10 A. Through Greg Shepard and Roger Freeborn.
 11 Q. Okay. What is RaPower-3?
 12 A. It is a marketing branch of IAUS to sell
 13 solar power lenses.
 14 Q. And when you say IAUS, are you referring
 15 to International Automated Systems?
 16 A. Yes.
 17 Q. Okay. Do you recall when you learned
 18 about RaPower-3?
 19 A. 2009-ish.
 20 Q. And you said you were introduced to it by
 21 Roger Freeborn and Greg Shepard?
 22 A. Yes.
 23 Q. Okay. When was the first time you met
 24 Greg Shepard?
 25 A. I can't recall exactly.

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1 Q. Do you think it was before 2009?
 2 A. It was.
 3 Q. Okay. Do you think it was when you were
 4 in high school?
 5 A. I'm trying to remember if he did a clinic
 6 at our school. I'm pretty sure he did, but I'm not
 7 positive.
 8 Q. Okay. Do you remember the circumstances
 9 where you first heard about RaPower-3? So I'm
 10 asking: Where were you? What was going on?
 11 A. I have no idea.
 12 Q. But you think it was around 2009?
 13 A. I do.
 14 Q. Why do you think that you first heard
 15 about it in 2009?
 16 A. Why? Looking through e-mails, the old
 17 e-mails, and it's somewhere around that time.
 18 Q. Okay. When you say "looking through the
 19 e-mails," are you referring to the exhibits --
 20 A. Correct.
 21 Q. -- 204 through 294 that you looked at --
 22 A. Yes.
 23 Q. -- at the beginning of this deposition?
 24 A. Yes.
 25 Q. Okay. Did you have a sponsor?

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1 MR. JONES: Objection. Asked and
 2 answered.
 3 THE WITNESS: There's -- No.
 4 Q. BY MR. MORAN: Were there any tax
 5 benefits?
 6 A. I believe there was.
 7 Q. What were those benefits?
 8 A. What were they?
 9 Q. Yes.
 10 A. They were basically to help the United
 11 States create a solar revolution, as far as I've
 12 understood.
 13 Q. What's your understanding of the nature of
 14 those tax benefits?
 15 A. I don't understand the question, "the
 16 nature of them."
 17 Q. If you don't understand, I'll save it for
 18 when we get into your tax returns.
 19 A. Fair enough.
 20 Q. You testified earlier that you paid \$3,000
 21 per lens but you only made a down payment of, I
 22 believe, about \$1,000 per lens. Do you recall that?
 23 A. Yes.
 24 Q. When do you expect to pay the remainder?
 25 A. When the leases go, it will help pay that

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1 off.
 2 Q. What do you mean, "when the leases go"?
 3 A. When the lease on -- When the lenses
 4 create revenue, they will make money, and that will
 5 help pay that off, the rest of that off.
 6 Q. The rest of what off?
 7 A. The rest of the down payment -- or the
 8 rest of the remainder of the down -- well, whatever
 9 it is, the balance.
 10 Q. You mean the difference between --
 11 A. The balance of the down payment and the
 12 price of the lens.
 13 Q. So if you could look back to Exhibit 295.
 14 When you say "the difference," you're
 15 referring to the difference between the down payment
 16 of \$2,040 and the full unit price of \$6,000?
 17 A. Correct.
 18 Q. Okay. So is it fair to say that -- Do you
 19 think that you owe money to RaPower-3 for that
 20 difference?
 21 A. At some point, yes.
 22 Q. Do you know if there's a promissory note?
 23 A. I have no idea.
 24 Q. Do you consider yourself personally
 25 liable?

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1 MR. AUSTIN: Objection. Calls for legal
 2 conclusion.
 3 THE WITNESS: I can't answer that.
 4 Q. BY MR. MORAN: Okay. If it turns out that
 5 these lenses never produce any solar power of any
 6 kind, do you intend to pay that debt?
 7 MR. AUSTIN: Objection. Foundation.
 8 Calls for legal conclusion.
 9 THE WITNESS: I don't know.
 10 Q. BY MR. MORAN: What if RaPower-3 came to
 11 you right now and said, "Pay off the remainder"?
 12 What would you do?
 13 MR. AUSTIN: Objection. Calls for
 14 speculation.
 15 THE WITNESS: I would be in a -- I
 16 couldn't pay it.
 17 Q. BY MR. MORAN: Why not?
 18 A. Because I don't have money lying around.
 19 Q. Do you know how the \$3,000 price per lens
 20 was calculated?
 21 MR. AUSTIN: Objection. Foundation.
 22 THE WITNESS: I don't.
 23 Q. BY MR. MORAN: Did you have any
 24 opportunity to negotiate that pricing?
 25 A. I did not.

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1 Q. Did you ever get an independent opinion or
 2 appraisal on whether or not your lens was worth what
 3 you were paying for it?
 4 A. I did not.
 5 Q. Do you know if there's a market where you
 6 could sell your lenses?
 7 A. I'm sure there is not. It's pretty
 8 specialized.
 9 Q. Do you know if you can sell your lenses to
 10 someone else if you wanted?
 11 MR. AUSTIN: Objection. Calls for
 12 speculation.
 13 THE WITNESS: No.
 14 MR. MORAN: Can you label this as
 15 Exhibit 8A.
 16 Can we go off the record for a minute.
 17 (Off the record.)
 18 (Exhibit 8A marked.)
 19 MR. MORAN: Go back on the record.
 20 Q. BY MR. MORAN: Mr. Gregg, I've given you a
 21 copy of what's been marked for identification as
 22 Exhibit 8A.
 23 Do you recognize this document?
 24 A. It looks like from the RaPower-3 website.
 25 Q. Do you recall downloading it from the

| | |
|--|--|
| <p style="text-align: right;">Page 125</p> <p>1 taxes in 2014?</p> <p>2 A. No.</p> <p>3 Q. Do you have any foreign investments?</p> <p>4 A. Not -- No.</p> <p>5 Q. Do you have any foreign businesses?</p> <p>6 A. No.</p> <p>7 Q. Do you have any idea why there would be a</p> <p>8 foreign tax credit claimed on your 2014 tax return?</p> <p>9 A. I don't.</p> <p>10 Q. Okay. Do you remember talking to</p> <p>11 Mr. Jameson about that?</p> <p>12 A. Not that I can recall.</p> <p>13 MR. MORAN: Okay. Go off the record for a</p> <p>14 minute.</p> <p>15 (Off the record.)</p> <p>16 (Exhibits 318-320 marked.)</p> <p>17 MR. MORAN: Go back on the record.</p> <p>18 Q. BY MR. MORAN: Mr. Gregg, we're back from</p> <p>19 a short break.</p> <p>20 During the break, did you have any</p> <p>21 conversations with anyone regarding your testimony</p> <p>22 in this case?</p> <p>23 A. No.</p> <p>24 Q. Okay. Mr. Gregg, I'm handing you copies</p> <p>25 of plaintiff's Exhibit 318, which is labeled</p> | <p style="text-align: right;">Page 127</p> <p>1 labeled GREGG_P&R-003191 and exhibit -- plaintiff's</p> <p>2 Exhibit 322, which has been labeled</p> <p>3 GREGG_P&R-004402.</p> <p>4 Do you recognize plaintiff's Exhibit 321</p> <p>5 and 322?</p> <p>6 A. I do.</p> <p>7 Q. What is it?</p> <p>8 A. It's a letter from Greg Shepard.</p> <p>9 Q. What does this letter -- What do these</p> <p>10 letters say?</p> <p>11 A. "Regarding the alternative energy systems</p> <p>12 purchase from RaPower-3, we've put into service your</p> <p>13 equipment December 31st, 2010, and the other</p> <p>14 December 31st, 2012."</p> <p>15 Q. Thank you. Just so the record's clear:</p> <p>16 You received these letters from Greg Shepard?</p> <p>17 A. Yes.</p> <p>18 MR. MORAN: Thank you.</p> <p>19 (Exhibit 323 marked.)</p> <p>20 Q. BY MR. MORAN: Mr. Gregg, you've been</p> <p>21 handed a copy of what's been marked for</p> <p>22 identification as plaintiff's Exhibit 323, which is</p> <p>23 labeled GREGG_P&R-004557.</p> <p>24 Do you recognize plaintiff's Exhibit 323?</p> <p>25 A. Looks like an e-mail.</p> |
| <p style="text-align: right;">Page 126</p> <p>1 GREGG_P&R-000134 plaintiff's Exhibit 319, which is</p> <p>2 labeled GREGG_P&R-000185; and plaintiff's</p> <p>3 Exhibit 320, which is labeled GREGG_P&R-000229. Is</p> <p>4 that correct?</p> <p>5 A. Yep.</p> <p>6 Q. Can you tell me what Exhibits 318, 319,</p> <p>7 and 320 are?</p> <p>8 A. 1099s from RaPower-3.</p> <p>9 Q. Did you receive these 1099s from</p> <p>10 RaPower-3?</p> <p>11 A. I did.</p> <p>12 Q. And do these 1099s represent the income</p> <p>13 that you received from your solar lens business?</p> <p>14 A. Yes.</p> <p>15 Q. Have you received any other income from</p> <p>16 your solar lens business --</p> <p>17 A. No.</p> <p>18 Q. -- that is not reflected in the 1099s?</p> <p>19 A. No. Oh, I'm sorry.</p> <p>20 MR. MORAN: Okay. Thank you.</p> <p>21 Okay. We'll do these in bulk as well.</p> <p>22 (Exhibits 321-322 marked.)</p> <p>23 Q. BY MR. MORAN: Mr. Gregg, you've been</p> <p>24 handed a copy of what's been marked for</p> <p>25 identification as plaintiff's Exhibit 321 and</p> | <p style="text-align: right;">Page 128</p> <p>1 Q. Who's the e-mail from?</p> <p>2 A. Roger Freeborn.</p> <p>3 Q. This looks like an e-mail chain. Is that</p> <p>4 a fair characterization?</p> <p>5 A. That looks -- Fair enough, yes.</p> <p>6 Q. And I also see Peter Gregg and Roger</p> <p>7 Freeborn on this?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. If you could go to the e-mail dated</p> <p>10 February 9th, 2010, from Roger Freeborn to you.</p> <p>11 A. Yes.</p> <p>12 Q. Do you see that?</p> <p>13 A. Yeah, I do.</p> <p>14 Q. Okay. The first line says: "Give it a</p> <p>15 couple days. I just got mine last Sat. You really</p> <p>16 do not need the letter to figure the taxes. If you</p> <p>17 do not get it this week, we'll get a hold of Greg</p> <p>18 and get it to you. You only need it if you get</p> <p>19 audited, and no one has been audited to date,</p> <p>20 especially with someone with such a low tax</p> <p>21 liability as yourself."</p> <p>22 Did I read that correctly?</p> <p>23 A. Yes.</p> <p>24 Q. What's the letter that is being referred</p> <p>25 to in this e-mail?</p> |