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

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1, LLC, R. GREGORY SHEPARD, NELDON JOHNSON, and ROGER FREEBORN,</p> <p>Defendants.</p>	<p>Civil No. 2:15-cv-00828-DN-EJF</p> <p><b>DEFENDANTS' MOTION TO EXTEND TIME FOR RESPONDING TO MOTIONS FILED ON NOVEMBER 17, 2017</b></p> <p>Judge David Nuffer Magistrate Judge Evelyn J. Furse</p>
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Defendants, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, move for an extension of time to respond to the four (4) motions filed by Plaintiff on November 17, 2017. Based on the volume and complexity of the motions and the numerous exhibits thereto, Defendants believe an extension of time until January 5, 2018, to respond to all motions is reasonable and necessary to provide a complete and adequate response to each of the motions. That provides Defendants a total time for responses of 49 days.

The good cause bases for seeking this motion to extend time are as follows:

On November 17, 2017, Plaintiff filed four motions with the court:

1. Motion in Limine and Memorandum in Support to Exclude Expert Testimony of Kurt Hawes and Richard Jameson (Doc. 249)
2. Motion in Limine and Memorandum in Support to Exclude Expert Testimony of Neldon Johnson (Doc. 250)
3. Motion for Partial Summary Judgment and Memorandum in Support (Doc. 251)
4. Motion to Appoint Receiver and Memorandum in Support to Freeze Assets of Defendants Neldon Johnson, RaPower-3, LLC and International Automated Systems, Inc. (Doc. 252)

Plaintiff's motion and memorandum to exclude the expert testimony of Kurt Hawes and Richard Jameson (Doc. 249) is 26 pages long and is accompanied by 33 total exhibits. See Exhibit 1 hereto.

Plaintiff's motion and memorandum to exclude the expert testimony of Neldon Johnson (Doc. 250) is 20 pages long and is accompanied by 20 total exhibits. See Exhibit 2 hereto.

Plaintiff's motion for partial summary judgment (Doc. 251) is 76 pages long and contains 265 enumerated statements of fact encompassing the first 52 pages of the motion. The motion is accompanied by 135 exhibits. See Exhibit 3 hereto.

Plaintiff's motion to appoint a receiver and to freeze assets (Doc. 252) is 17 pages long and is accompanied by 35 total exhibits. See Exhibit 4 hereto.

Pursuant to Rules, Defendants are required to respond to the three motions (249, 250 and 252) within 14 days of filing. DUCivR 7-1(b)(3). Therefore, the deadline for responding to those motions would normally be Dec. 2, 2017. The deadline for responding to Plaintiff's motion for partial summary judgment is 28 days. *Id.* Therefore, the deadline for responding to that motion would normally be December 15, 2017.

Given the size and complexity of the motions filed by Plaintiff, and the Thanksgiving, Christmas and New Year holidays, Defendants believe that good cause exists to extend the time for Defendants' responses to the four pending motions until after the Christmas and New Year holidays.

Defendants request to extend the deadline for responses to January 5, 2018. In that case, the response time given to Defendants would be 49 total days. Defendants would not normally seek that much time, but the intervening Thanksgiving, Christmas and New Year holidays will directly affect the work time for the attorneys and staff working on these matters and make it difficult to have the responses completed and filed any sooner.

Furthermore, given that there is a 14-day response deadline for the regular motions (Doc. 249, 250 and 252), the 14 days allowed for those responses would curtail the otherwise allowed 28 days response to a summary judgment motion. It will make the deadlines and interim timelines much more capable of meaningful and well-prepared responses if they are all due at the same time and with sufficient time to provide a complete response to all motions.

Of course, Defendants extend the same courtesy to the government to have its responses to the motions filed by Defendants due at the same time as Defendants' responses. It then follows that reply memoranda should perhaps be scheduled at a time convenient for all parties – Defendants suggest in advance to extend the deadline for reply memoranda to February 5, 2018, to allow sufficient time for complete responses to be submitted to the court.

DATED this 22<sup>nd</sup> day of November, 2017.

NELSON, SNUFFER, DAHLE & POULSEN, P.C.

/s/Denver C. Snuffer, Jr.  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

On this 22<sup>nd</sup> day of November, 2017, I hereby certify that a true and correct copy of the foregoing **DEFENDANTS' MOTION TO EXTEND TIME FOR RESPONDING TO MOTIONS FILED ON NOVEMBER 17, 2017** was served on the following by the method identified:

Party/Attorney	Method
John K. Mangum US Attorney's Office (UT) Tel. (801) 325-3216	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Email: <a href="mailto:john.mangum@usdoj.gov">john.mangum@usdoj.gov</a> <input checked="" type="checkbox"/> Electronic Filing Notice
Erin Healy Gallagher Christopher R. Moran US Department of Justice (TAX) P.O. Box 7238 Washington, DC 20044 Tel. (202) 353-2452	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Email: <a href="mailto:erin.healygallagher@usdoj.gov">erin.healygallagher@usdoj.gov</a> <a href="mailto:christopher.r.moran@usdoj.gov">christopher.r.moran@usdoj.gov</a> <input checked="" type="checkbox"/> Electronic Filing Notice
Erin R. Hines US Department of Justice Central Civil Trial Section RM 8921 555 4 <sup>th</sup> St NW Washington, DC 20001 Tel. (202) 514-6619	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Email: <a href="mailto:erin.r.hines@usdoj.gov">erin.r.hines@usdoj.gov</a> <input checked="" type="checkbox"/> Electronic Filing Notice

/s/ Steven R. Paul  
Attorneys for Defendants