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

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1, LLC, R. GREGORY SHEPARD, NELDON JOHNSON, and ROGER FREEBORN,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Civil No. 2:15-cv-00828-DN-EJF</p> <p>DEFENDANTS’ OBJECTION TO PLAINTIFF’S PROPOSED ORDER DENYING DEFENDANTS’ MOTION TO STRIKE THE EXPERT REPORT OF THOMAS MANCINI AND EXCLUDE TESTIMONY AT TRIAL</p> <p style="text-align: center;">Judge David Nuffer Magistrate Judge Evelyn J. Furse</p>
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Defendants, through undersigned counsel, hereby submit this objection to the form of Plaintiff’s “Order Denying Defendants’ Motion to Strike the Expert Report of Thomas Mancini and Exclude Testimony at Trial” pursuant to DUCivR. 54.1. Defendants also submit a proposed order in light of the objections raised below.

I. Relevant Facts

1. On January 22, 2018, the Court denied Defendant's Motion to Dismiss [Doc. No. 253], and directed Plaintiff to prepare and submit a proposed order.¹

2. Unlike the text of the Court's ruling [Doc. 281], the ruling did not direct counsel for plaintiff to prepare a detailed analysis and citation to relevant legal authority. The order should reflect the ruling of the court: that the motion to exclude testimony from Dr. Mancini is denied.

3. On January 25, 2018, counsel for Plaintiff provided the Court and counsel for defendants the proposed order titled: "Order Denying Defendants' Motion to Strike the Expert Report of Thomas Mancini and Exclude Testimony at Trial."

4. The proposed order is 20 pages long and contains uninvited detailed reasoning on disputed matters, argument and citations to legal authority that go beyond the scope of the Court's ruling.

II. Defendants' Objection.

Defendants object to the entirety of Plaintiff's proposed order because it contains 20 pages of unnecessary reasoning involving disputed matters and citations of legal authority. The Court made no such directive to counsel for plaintiff because none is needed. The order need simply state that Defendants' motion is denied for the reasons set forth in Plaintiff's Opposition in ECF 263.

III. Conclusion.

Defendants respectfully object to the proposed order in its current form and request that the proposed order filed herewith be adopted in its place.

¹ Docket Text Order 280.

Dated this 31st day of January, 2018.

NELSON SNUFFER DAHLE & POULSEN

/s/ Denver C. Snuffer, Jr. _____

Denver C. Snuffer, Jr.

Steven R. Paul

Daniel B. Garriott

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **DEFENDANTS' OBJECTION TO PLAINTIFF'S PROPOSED ORDER DENYING DEFENDANTS' MOTION TO STRIKE THE EXPERT REPORT OF THOMAS MANCINI AND EXCLUDE TESTIMONY AT TRIAL** was sent to counsel for the United States in the manner described below.

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/s/ Denver C. Snuffer, Jr.
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