

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
PLAINTIFF DESIGNATIONS	DEFENDANT -DESIGNATIONS			
<p>6: 4 NELDON JOHNSON, 5 called as a witness, having been duly sworn, 6 was examined and testified as follows: 7 8 MS. HEALY-GALLAGHER: All right. We're 9 on the record in the case of the United States v. 10 RaPower-3, et al., on June 28th, and we're starting at 11 approximately 9:10 a.m. 12 My name is Erin Healy- Gallagher of the 13 U.S. Department of Justice's Tax Division, appearing 14 on behalf of the United States. 15 Counsel, would you please make your 16 appearance. 17 MR. SNUFFER: My name is Denver Snuffer, 18 and I'm on behalf of Mr. Neldon Johnson today.</p>				
<p>7: 6 Mr. Don Reay is not present today. He 7 represents R. Gregory Shepard</p>				

**Plaintiff
 Exhibit**
 579

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<p>and Roger Freeborn. 8 And, Mr. Snuffer, am I correct you also 9 represent International Automated Systems, RaPower-3, 10 LLC, and LTB1, LLC? 11 MR. SNUFFER: Right. All of - - all of 12 those parties. But today's deposition is, as I 13 understand it, of Neldon Johnson individually. 14 MS. HEALY-GALLAGHER: That's correct. 15 MS. HINES: Erin R. Hines, also appearing 16 on behalf of the United States. 17 MS. HEALY-GALLAGHER: And we have 18 Christopher Moran on the phone. 19 Also present with us in the room are 20 Dr. Tom Mancini and Mrs. Glenda Johnson.</p>				
<p>8: 5 EXAMINATION 6 BY MS. HEALY- GALLAGHER: 7 Q. Would you please, sir, state your name</p>				

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<p>8 and address for the record. 9 A. Yes. Neldon Paul Johnson, and my mailing 10 address is 2730 West 4000 South, Oasis, Utah.</p>				
<p>12:12 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 13: 1 medication for it.</p>				

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<p>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.</p>				
<p>13:18 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</p>				

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as he -- oh, 23 no, not even close. 24 Q. Are you married? 25 A. I am. 14: 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.				
14:23 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 15: 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.				
16: 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				

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<p>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 17: 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</p>				

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<p>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</p>				

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<p>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 18: 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.</p>				
<p>19: 8 Mr. Johnson, do you recognize the e-mail 9 address Neldon@IAUS.com?</p>				

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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.				
20: 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.				
20:21 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.				
21:15 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				

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<p>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, 22: 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.</p>				
<p>35: 1 Mr. Johnson, you're familiar with a 2 company called International Automated Systems, Inc.; 3 correct? 4 A. Yes, I am. 5 Q. Okay. And I understand that people call 6 it both IAUS and IAS. 7 Is that your understanding? 8 A. It's -- it's -- excuse me -- it is -- can 9 I have just a little drink of water</p>				

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<p>there. Yeah, I 10 apologize. 11 IAS is the acronym that's used to 12 identify, you know, the company, International 13 Automated Systems. 14 IAUS is the stock symbol of the company. 15 And some people refer to it as IAUS because of the 16 stock symbol. But that's not something that we do, 17 actually. 18 Q. Oh, okay. So your preferred acronym is 19 IAS? 20 A. Right. 21 Q. We may see both of those today. 22 A. Right, exactly. But you understand why 23 they -- why they identified it that way.</p>				
<p>36: 1 Q. And you mentioned the IAUS is what's on a 2 stock ticker. So IAS is owned by shareholders; 3 correct? 4 A. That's correct. It's a public 5 corporation.</p>				

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<p>6 Q. What's your percentage of ownership in 7 IAS? 8 A. Probably 80 percent, or something in that 9 neighborhood.</p>				
<p>37: 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.</p>				

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<p>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? 38: 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</p>				

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<p>16 just transferred into two entities, and then they</p> <p>17 wanted two entities rather than one.</p> <p>18 Q. Okay. And who are those people?</p> <p>19 A. I think they're my two sons, Randale</p> <p>20 Johnson and LaGrand Johnson. And I, myself, own --</p> <p>21 own -- I think I own 10 percent --</p> <p>22 Q. Does --</p> <p>23 A. -- membership.</p> <p>24 Q. To your knowledge, does anyone other than</p> <p>25 you, Randale Johnson, or LaGrand Johnson own</p> <p>39: 1 Starlight?</p> <p>2 A. I think that's -- that's all that owns</p> <p>3 that, yes.</p> <p>4 Q. And, to your knowledge, the only owners</p> <p>5 of Blacknight are yourself, Randale, and LaGrand</p> <p>6 Johnson?</p> <p>7 A. I believe that's correct, yes.</p>				
<p>39:13 Q. Mr. Johnson, IAS has a website that's</p>				

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<p>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- -- 40: 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</p>				

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<p>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.</p>				
<p>41: 4 Q. So then -- and my question is: If IAS is 5 going to take action, are you the</p>				

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<p>person to take that 6 action? 7 A. Yes, yes. I'm the only one that does it, 8 actually. That and the board of directors, you know, 9 that control the company.</p>				
<p>42: 6 Q. BY MS. HEALY- GALLAGHER: Mr. Johnson, 7 you've been handed a copy of what's been marked as 8 Plaintiff's Exhibit 507. Please go ahead and take a 9 look at that document. Feel free to review it and let 10 me know when you're ready. 11 A. Okay. I'm ready.</p>			507	
<p>42:22 Q. And Plaintiff's Exhibit 507 is IAS's Form 23 10-K for the fiscal year ending June 30, 2016; 24 correct? 25 A. That's correct, uh-huh. 43: 1 Q. Would you take a look, please, at Page 32 2 of 41. 3 A. 32, 41 -- or 31, 41, okay. 32. Okay. 4 32's on the -- 5 Q. There we go.</p>			507	

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<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>				

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25 accurate copies of what you submitted? 44: 1 A. No. They should be accurate, yes.				
44: 4 Q. Mr. Johnson, you're familiar with the 5 company called RaPower-3, LLC? 6 A. Yes, I am. 7 Q. Who owns RaPower-3, LLC? 8 A. I think it's DCL16. They -- I think, but 9 I'm not exactly positive, but I think that's who. 10 Q. Did you say that's DCL16A? 11 A. I think so. 12 Q. Who owns that entity? 13 A. I think that's owned by Starlight or 14 Blacknight, and I'm not positive.				
45: 9 Q. Who's the manager of RaPower-3, LLC? 10 A. That I can tell you. That's myself.				
46:24 Q. So, Mr. Johnson, does anyone else make 25 decisions for RaPower-3? 47: 1 A. No. Only the manager. Yes.				

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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.				
49: 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.				
49:16 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.				
52:20 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				

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<p>not -- 25 without the documentation, I'm not positive. I may 53: 1 only gain 10 percent. 2 Q. Do you know what kind of entity that is? 3 A. Just an LLC. 4 Q. Who's the manager of Cobblestone Center? 5 A. I'm the manager of Cobblestone Center. 6 Q. Does Cobblestone Center have any 7 employees? 8 A. Yes, they do. 9 Q. About how many employees? 10 A. I think it's about 30. 11 Q. Who runs the daily operations for 12 Cobblestone Center? 13 A. I do, as the manager of Cobblestone 14 Center. 15 Q. Who makes decisions on behalf of 16 Cobblestone Center? 17 A. I do. 18 Q. Does anyone else make decisions on behalf 19 of Cobblestone Center?</p>				

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<p>20 A. No. 21 Q. What does Cobblestone Center, LLC do? 22 A. They are the manufacturing facility -- 23 they're the -- the company that actually manufactures 24 the solar energy project.</p>				
<p>54:12 Q. What role does Mrs. Johnson have with 13 respect to RaPower-3? 14 A. She basically -- there again, she's not 15 an employee, but she -- she works -- she does things 16 when I ask her to do them, and basically she takes 17 care of the -- the bookkeeping of the system, but not 18 -- she doesn't act as an employee. 19 Q. What, if anything else, does she do other 20 than bookkeeping? 21 A. That's about it. That's about all she 22 does. 23 Q. What, if any, role does Mrs. Johnson play 24 with respect to IAS?</p>				

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<p>25 A. None. 55: 1 Q. She doesn't perform any work? 2 A. She writes checks for me. Again, 3 bookkeeping. But she doesn't -- there again, not as 4 an employee, just as a favor to me. 5 Q. Does Mrs. Johnson -- 6 A. And I don't pay her, either. 7 Q. Does Mrs. Johnson do anything other than 8 writing checks and engage in bookkeeping for IAS? 9 A. No.</p>				
<p>55:22 Q. Who is the manager for LTB, LLC? 23 A. I am. Neldon Johnson is. 24 Q. So you make decisions on behalf of LTB, 25 LLC? 56: 1 A. I do. 2 Q. Does anyone else make decisions on behalf 3 of LTB, LLC? 4 A. No.</p>				
<p>57: 2 Q. What is the business purpose of LTB, LLC? 3 A. The only purpose is to operate</p>				

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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.				
62: 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.				
62:18 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.				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>24 And -- and so the interconnect was</p> <p>25 developed a considerable number of years after I</p> <p>63: 1 graduated, of course. But we have studied out the</p> <p>2 requirements to interconnect with the grid and what --</p> <p>3 what applications and what equipment are required. In</p> <p>4 fact, we do have that -- that equipment.</p> <p>5 And so, yes, I am -- I am -- perfectly</p> <p>6 understand what -- what's required in connecting to</p> <p>7 the grid.</p> <p>8 Q. And what's your understanding of that</p> <p>9 process?</p> <p>10 A. Well, you have to get -- the procedure is</p> <p>11 to -- is to get the qualify -- or the owner -- the</p> <p>12 owner of that portion of the grid permission and to</p> <p>13 hook up to their grid.</p> <p>14 Q. Have you --</p> <p>15 A. And --</p> <p>16 Q. Sorry, let me stop you there.</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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 64: 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 --</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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 -- 65: 1 A. No. 2 Q. -- or other than those two times?</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>3 A. No.</p> <p>4 Q. With respect to 2005, where is Mesquite?</p> <p>5 A. Mesquite, Nevada. I'm sorry.</p> <p>6 Q. Do you have any agreements, such as an</p> <p>7 interconnection agreement, with respect to that 2005</p> <p>8 hookup?</p> <p>9 A. It was just for -- they were there at the</p> <p>10 time and they hooked it in.</p> <p>11 Q. So, no, you don't have a written</p> <p>12 interconnection agreement?</p> <p>13 A. I do not, no.</p> <p>14 Q. And when you say they gave you verbal</p> <p>15 permission, who is "they"?</p> <p>16 A. I believe it was the City of Mesquite, if</p> <p>17 I remember correctly. I think that was the people</p> <p>18 that allowed us in. And I'm not positive on that, but</p> <p>19 that's -- they could have been some other entity, but</p> <p>20 it -- as I recollect, I think it was some of the</p> <p>21 people -- manager of the city or</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
something. I -- but 22 I'm not positive. 23 Q. Do you have any names of anyone from that 24 situation? 25 A. No. 66: 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.				
67: 3 Q. BY MS. HEALY- GALLAGHER: Mr. Johnson, 4 what was the technology in use in Mesquite, Nevada, 5 when you believe you put				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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.</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>68:19 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. 69: 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.</p>				

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>11 Q. Why did you leave it up for only a month?</p> <p>12 A. It was just a demonstration unit. I was</p> <p>13 asked to provide some people that were in some kind of</p> <p>14 position in Mesquite to -- to demonstrate our</p> <p>15 technology in Mesquite. It was close to Las Vegas and</p> <p>16 so there were a lot of people that wanted to see it</p> <p>17 that didn't want to travel up -- clear up to Utah.</p> <p>18 But not only that, it was a portable</p> <p>19 unit. It wasn't -- it wasn't really very big. Just</p> <p>20 one of our small units. And so it was just -- it was</p> <p>21 just to demonstrate the technology actually</p> <p>22 functioned.</p> <p>23 Q. You said that there were some people</p> <p>24 interested in seeing the technology?</p> <p>25 A. Oh, yeah. There was a lot of people from</p> <p>70: 1 Vegas that came up.</p>				

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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<p>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.</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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 71: 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 --</p>				

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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. 72: 1 Q. Okay. Let's talk -- I think this will 2 just be very quick and we'll take a break -- about the</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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.</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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 -- 73: 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.</p>				
<p>74: 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?</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
9 A. No.				
74:11 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.				
77: 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.				
77:23 Q. But LTB1, LLC has never maintained or 24 operated a power plant; correct? 25 A. That's correct.				
78: 8 Q. And, to your knowledge, LTB1, LLC has 9 never entered a Power Purchase Agreement; correct? 10 A. Correct.				
79: 8 Q. Okay. Are you familiar,				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p> 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. 80: 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 </p>				

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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 --</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>23 they don't operate -- the sales people are -- are --</p> <p>24 are separate. They're not employees of XSun, either,</p> <p>25 but they don't operate as a multilevel marketing</p> <p>81: 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>81:12 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>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
19 Q. Does she do anything else other than 20 bookkeeping and check writing for XSun Energy? 21 A. She does not.				
82: 8 Q. Does XSun Energy, LLC do anything other 9 than marketing the technology? 10 A. No. 11 Q. Okay. Let's talk about SOLCOI, LLC. Are 12 you familiar with that entity? 13 A. Yes, I am. 14 Q. Who owns SOLCOI, LLC? 15 A. There again, without having the 16 documents, I don't really know. But I think I still 17 own 10 percent. 18 Q. Who is the manager of SOLCOI, LLC? 19 A. That -- that's me. That's Neldon 20 Johnson. 21 Q. Do you recall when SOLCOI, LLC was 22 formed? 23 A. It's been a while. 2008, '9. Or it 24 could even be later than that. I				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>don't know. Could 25 have been before that, too. I don't know. 83: 1 Q. Do you make the decisions for SOLCOI, 2 LLC? 3 A. I do. 4 Q. Since SOLCOI was formed, has anyone else 5 made decisions for that entity? 6 A. No. 7 Q. What, if any, role does Mrs. Glenda 8 Johnson play with respect to SOLCOI? 9 A. She, again, as a favor to me does the 10 bookkeeping and controls the money. 11 Q. Anything else? 12 A. No. 13 Q. What does SOLCOI do? 14 A. Just the marketing. It has marketing 15 arrangements with IAS with a contract on royalties. 16 Q. How is SOLCOI's marketing different from 17 RaPower-3's or XSun Energy's?</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>18 A. Just probably the size of the projects. 19 They have a different entity, there's different 20 requirements to -- different sales structure, 21 different entity that they're able to work with rather 22 than the -- the XSun or the RaPower. 23 Q. So what's different about the SOLCOI 24 structure and system? 25 A. They're able, then -- they're able to 84: 1 separately negotiate contracts without having a -- a 2 set structure on -- on the way the negotiations of the 3 separate contracts are arranged. 4 Q. Who negotiates on behalf of SOLCO? 5 A. I -- I -- I do all the negotiations on 6 behalf of -- of SOLCO as their manager. 7 Q. How many customers does SOLCO have? 8 A. I don't know for sure. 9 Q. More than five?</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<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> <p>85: 1 there's money in escrow accounts, as far as from what</p> <p>2 I understand, to complete the project.</p>				
<p>86:15 Q. In the past, as of today,</p>				

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
 Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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. 87: 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</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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.</p>				
<p>87:16 (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? 88: 1 A. Yes. 2 Q. Okay. And the first place that</p>			509	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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</p>				

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<p>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 89: 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</p>				

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 Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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16 like on April 4th? 17 A. Yes.				
101: 4 Q. Next clip is video 18_0_34-0_57. 5 Beginning time stamp is approximately 14:19:7. 6 (Video played.) 7 MS. HEALY-GALLAGHER: And you know what, 8 I'm going to pause this and restart it, and I will ask 9 you to take the audio on this. 10 THE REPORTER: If I can. 11 MS. HEALY-GALLAGHER: Right. Understood. 12 (Video played and transcribed.) 13 "Hi, hey, this is the electronic 14 device that automatically monitors 15 the power on the line, makes it legal 16 to put the power from the -- our 17 solar energy project on the power 18 grid and protects the grid from 19 being -- the power going onto the 20 grid when there's not power on the 21 grid. So it protects the -- the --				

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<p>22 transformer and hooks to the grid. 23 Okay? That's what we use and I keep 24 that down away when I don't need it 25 here." 102: 1 Q. BY MS. HEALY-GALLAGHER: Mr. Johnson, was 2 that video clip an accurate depiction of what was on 3 site during our site visit April 4th? 4 A. Yes, it was. Thank you.</p>				
<p>102: 7 Q. And at time stamp 14:19:12, you are 8 holding and pointing to what looks like a box. What 9 is that box? 10 A. This is the control panel board of the 11 box, basically, and -- and then what this does, it's 12 an interconnect from your -- a power plant to a 13 open-grid circuit. And this is required to -- to 14 maintain power to the grid when the grid is -- is 15 alive or have -- or it's already</p>				

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<p>active. 16 If for some reason the grid, the wire 17 loses power, then this shuts off the power coming from 18 your solar power plant to the grid. 19 Otherwise, you would keep the grid alive 20 when -- when there was no power being produced, and 21 the people working on the grid would think that they 22 shut the power off. And if you didn't have this on 23 it, they would still have a live -- a live grid. 24 And so what this does is monitoring the 25 -- monitors the power on the grid. And if you lose 103: 1 power off the grid, it makes it so that this 2 connection from my solar power plant doesn't activate 3 the grid. 4 Q. Okay. Have you ever connected that 5 box -- 6 A. Yes, I have.</p>				

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<p>7 Q. -- to -- I'm sorry, let me finish the 8 question. 9 Have you ever connected that box to any 10 piece of equipment on the R&D site or the construction 11 site? 12 A. Yes. We -- we tested it out to make sure 13 that it was going to work. 14 Q. When? 15 A. Oh, I don't know, several years ago when 16 we first bought it. It was a long time ago. But I 17 think we had a Rocky Mountain Power man with us when 18 we tested it out. 19 Q. And, I'm sorry, when did you say you 20 bought that? 21 A. I'm not sure. It was quite a while ago. 22 It was... 23 Q. Before or after 2010? 24 A. I'm not positive. I mean, I don't 25 remember, but it was -- I think it was before, but I'm</p>				

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<p>104: 1 not positive. 2 Q. Why wasn't it connected when we visited? 3 A. We didn't have any kind of power going to 4 the grid from where you were at, but we also don't -- 5 I -- I don't have the right to keep it on from -- I 6 don't have a statement from Rocky Mountain Power that 7 I can keep that permanently hooked in. Without that, 8 we wouldn't -- we wouldn't do that.</p>				
<p>104:22 Q. Well, you said that you don't have a 23 statement from Rocky Mountain Power that allows you to 24 keep that connected. 25 A. Correct. 105: 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</p>				

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Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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.</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
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<p>23 Q. And when, if ever, did you get verbal 24 permission from Rocky Mountain Power to test 25 something? 106: 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?</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
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<p>16 A. I mean, just put the -- the circuit on</p> <p>17 and make sure that the -- the -- it would do what it</p> <p>18 was supposed to do. And he had -- you know, and he</p> <p>19 checked it out and he agreed that it worked according</p> <p>20 to what the specifications were.</p> <p>21 Q. What is it that you actually -- you say</p> <p>22 fire it on -- fire the circuit on. He tested it.</p> <p>23 What's "it"?</p> <p>24 A. We actually put -- we actually -- this is</p> <p>25 it. We actually put power --</p> <p>107: 1 Q. This -- I'm sorry --</p> <p>2 A. -- we actually put power to the system,</p> <p>3 which then turned the system on, which then produced</p> <p>4 -- which then produced the connection for it to go</p> <p>5 onto the grid.</p>				
<p>108: 4 Q. When you're talking about this working</p> <p>5 properly, you're talking about the box that appears in</p> <p>6 video 18_0_14-0_57?</p>				

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<p>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.</p>				
<p>108:22 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 109: 1 you ran through the interconnect? 2 A. Just off our power plant system</p>				

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<p>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</p>				

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<p>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? 110: 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</p>				

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Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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 111: 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</p>				

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Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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.</p>				
<p>112: 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</p>				

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Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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? 113: 1 A. Correct. 2 Q. That has what looks like a cylindrical</p>				

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<p>3 item at the top of it? 4 A. Right. 5 Q. Is that the pole? 6 A. That's correct. 7 Q. Okay. But there is no line on that pole; 8 correct? 9 A. There is a -- there's a power line on the 10 pole that's connected to the grid. There isn't -- the 11 -- there isn't a power line connected to a place where 12 I could connect into that pole. 13 Q. Okay. 14 A. Can't see it, but it's there. 15 Q. Okay. And you know what, if we look at 16 the very top of that pole -- 17 A. Right, you'll see the power. 18 Q. -- there's a very faint line -- 19 A. Right. 20 Q. -- is that right? 21 A. That's the grid. 22 Q. So that's the grid. 23 But you do not have a connection to that 24 pole; correct? 25 A. That's correct. 114: 1 Q. Have you ever had a</p>				

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connection to that 2 pole? 3 A. I have not, no.				
114:23 "Q. So then how did electricity get 24 from the R&D site to the grid?") 25 Q. BY MS. HEALY- GALLAGHER: That's the only 115: 1 thing I want to know. 2 A. This pole right here is connected to the 3 grid (indicating). 4 Q. Okay. So the first pole on the right of 5 this image is connected to the grid? 6 A. Correct. 7 Q. And how is that wire connected to where 8 the interconnect went? 9 A. The interconnect hooks on to where the 10 transformer is from my -- from the main house from the 11 house, and there it's connected to that grid. And I 12 pull the power line, I can -- I can -- I told you I 13 can run that transformer either to the house or I can				

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<p>14 run it to the grid. 15 If I ran it to the house, then this grid 16 is connected to the house. 17 Q. The first pole? 18 A. Right. And then the power goes through 19 to the house box in the -- into this circuit, and 20 that's how it's connected.</p>				
<p>116:22 "Q. Mr. Johnson, what, if any, plans 23 have you established with Rocky 24 Mountain Power to connect anything to 25 the second pole from the right in 117: 1 this image?") 2 MS. HEALY-GALLAGHER: Please answer that 3 question, sir. 4 THE WITNESS: Well, that's what I was 5 trying to do. 6 Q. BY MS. HEALY- GALLAGHER: Have you spoken 7 with anyone at Rocky Mountain Power? 8 A. They're the one that put the pole in. 9 Q. Okay. What is the next step</p>				

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<p>with Rocky 10 Mountain Power to connect that? 11 A. Just to put an interconnect right there. 12 It's all done. Power's already down to the 13 interconnect, all I got to do is get the interconnect 14 lines over there and connect it in. It's all done. 15 I'm paying -- I'm paying -- 16 Q. You say, sir, it's all done -- sir, you 17 say it's all done? 18 A. Right. 19 Q. And you also testified earlier that you 20 do not have permission from Rocky Mountain Power to 21 use the interconnect. So what is the next step with 22 Rocky Mountain Power, and what is your timeline to 23 accomplish it? 24 A. Well, now you're asking me for a crystal 25 ball. I could tell you what we've accomplished. 118: 1 Q. I'm asking for your plan</p>				

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for your next 2 steps. 3 A. Well, that's all done. 4 Q. Sir -- 5 A. There isn't any plan other than just 6 connecting in and say can I connect to the grid.				
119: 4 Q. What are your next steps to accomplish 5 getting permission from Rocky Mountain Power to 6 interconnect? 7 A. Okay. The first thing we want to do is 8 make sure that we have the proper ability to provide 9 the parts for the projects in sufficient quantity that 10 we can meet the deadlines that this is going to 11 generate when we turn the power on. 12 And so once we turn the power on, it's 13 going to generate huge amounts of -- of -- it will -- 14 it will -- it will put in place huge amounts of 15 contracts that have deadlines to				

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<p>produce. 16 And as soon as -- as soon as those power 17 hits the line, those deadlines come in place. And 18 until the power lines are there, I don't have those 19 deadlines. 20 And so what happens is, is we have to 21 make sure that we can meet those deadlines without -- 22 without causing problems with the -- our customer base 23 and -- and putting a -- a legal burden on -- on the 24 production side. 25 We have chosen to develop -- making sure 120: 1 that we have developed the proper relationships, you 2 might say, with -- now with the manufacturing of our 3 -- of our different parts in sufficient quantity that 4 can meet the needs of what we're going to be doing. 5 And there's several people we have met 6 within China and India of</p>				

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<p>making these parts, and we 7 have a part -- we have had shipment of those to make 8 sure that those parts are accurate and they do fit 9 within the requirements. 10 So once we have established that we have 11 the proper parts and they have guaranteed that we can 12 get delivery over certain time frames, we then can 13 finish off the interconnection to the power plant. 14 Q. Sir -- 15 A. The law states that we interconnect to 16 that. All I have to pay them is - - is the -- is what 17 they call a voided energy cost. It's legal. There's 18 no -- they can't stop me from doing it. 19 And so that's not the problem. It never 20 was.</p>				
<p>121:18 Q. Okay. So you are familiar with the 19 requirements that Rocky Mountain Power may have to</p>				

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20 interconnect with its system? 21 A. Yes, we are.				
123:18 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. 124: 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 --				

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Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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 125: 1 stop them from exercising those contracts. 2 Q. So does that mean those three other 3 contracts would obligate --</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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.</p>				
<p>126:23 Q. Okay. All right. 24 First a revisit to XSun Energy real quick 25 with Plaintiff's Exhibit 510. 127: 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</p>			510	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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 128: 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</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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.</p>				
<p>131: 7 Q. Okay. Do you currently have any Power 8 Purchase Agreement with any other person or entity?</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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 132: 1 know.</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>134:16 Okay. So we are taking a look at video 17 12_4_38-5_15. 18 (Video played.) 19 Q. BY MS. HEALY-GALLAGHER: Okay. I've 20 paused the video at timestamp 13:2:39. 21 Mr. Johnson, what we're looking at here, 22 right, is a set of towers on the R&D site; correct? 23 A. That's correct. 24 Q. And it's my understanding that you 25 invented the -- the design of this system on the site; 135: 1 is that right? 2 A. That's correct.</p>				
<p>135:20 Q. Okay. Who or what entity did construct 21 these towers on the R&D site? 22 A. That would have been -- I don't know. 23 Could have been Rob -- just another -- probably could 24 have been International Automated Systems, I think. 25 IAS at the time. 136: 1 Q. When were these towers</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>19 operating and maintaining? 20 A. Sure. I can't remember when it was 21 started, but I think it was right around 2010 or 2011, 22 but I can't be sure. 23 Q. And before that was IAS operating and 24 maintaining the towers? 25 A. Yes. I think they were, yes. 137: 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.</p>				

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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 138: 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</p>				

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
know, under my capital, I 6 think.				
140: 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.				
141: 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.				
141:17 Q. And in the receiver there -				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>- 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. 142: 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</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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.</p>				
<p>142:25 Q. Okay. So the -- the heat transfer fluid 143: 1 transfers its heat to hot water under pressure? 2 A. Right.</p>				
<p>143:10 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.</p>				
<p>144:24 First off, when we visited on April 4th, 25 the turbine was not on the R&D site; correct? 145: 1 A. No. It was in the side of the building. 2 Q. The turbine was in the manufacturing 3 plant; correct?</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
4 A. Right, correct. 5 Q. So the turbine was not hooked into this 6 system at all? 7 A. Correct.				
151:18 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 152: 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				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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 153: 1 that I -- that I used to get the</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
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.				
163: 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?				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
22 A. I don't know. We got one -- I know of 23 one, two -- maybe ten, I don't know. Five or ten.				
164: 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				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
those attempts? 23 A. No. 24 Q. Well, was anyone else around to see what 25 you had done? 165: 1 A. No. I just turn them on on weekend.				
165:11 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.				
167:22 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 168: 1 for them to get the -- to -- for me to use that, they 2 entered a contract, and that contract tells me I have				

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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."</p>				
<p>171: 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 --</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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 172: 1 correct? 2 A. So the answer is that I did not pay 3 directly to anybody, no.</p>				
<p>172:14 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.</p>				
<p>172:23 Q. Have you, Mr. Johnson,</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>paid the owner of 24 any lens for any purified water that their lens 25 generated? 173: 1 A. No. 2 Q. Has any entity under your control ever 3 paid the owner of any lens for purified water that 4 their lens generated? 5 A. No.</p>				
<p>173: 6 Q. Mr. Johnson, I'm handing you what's been 7 marked already as Plaintiff's Exhibit 16 -- oh, that's 8 two copies. Actually, I can take that back. I'll 9 take back one of those copies. 10 A. Oh, sorry. 11 Q. And I'm also handing you what's 12 previously been marked Plaintiff's Exhibit 17. 13 Just take a quick look at Plaintiff's 14 Exhibit 16 and 17. 15 A. Okay. 16 Q. And let me know when you're ready. 17 A. Okay. What did you want me</p>			16 17	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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>174: 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>175:25 Q. Okay. So you wrote Plaintiff's</p> <p>176: 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>			16	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>4 white papers. So this would have been probably my 5 personal data that I -- that I produced, and so that 6 would have been -- yeah, I wrote those, yeah. I think 7 I wrote most of them. 8 Q. When did you write Plaintiff's 9 Exhibit 16? 10 A. Oh, now, I wouldn't know that. I wrote 11 it a long time ago. 12 Q. Before or after 2000? 13 A. Oh, after 2000. 14 Q. Before or after 2010? 15 A. Probably before that, actually. I think 16 that would be before that. 17 Q. Before or after 2005? 18 A. Probably after 2005.</p>				
<p>177:13 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</p>			17	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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 178: 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</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>12 part of the analysis, and getting --</p> <p>13 Q. Sir, keep going, please.</p> <p>14 Please take a look and -- let's go and</p> <p>15 take a look --</p> <p>16 A. Concentration ratios, 35. The</p> <p>17 temperature and showing all the degrees that we</p> <p>18 anticipated to get to -- to 38 and part of 39.</p> <p>19 Q. Okay. Well, let's talk about the optics,</p> <p>20 because the optics only went through 1869; correct?</p> <p>21 A. Oh, wait a minute. Yeah, that turbine,</p> <p>22 yeah, that went through 37.</p> <p>23 Q. 1869; correct?</p> <p>24 A. Well, the page I got is 37. So right</p> <p>25 here it says 37 (indicating).</p> <p>179: 1 Q. Sir, the --</p> <p>2 MRS. JOHNSON: No. Down further.</p> <p>3 MS. HEALY-GALLAGHER: US001869 at the</p> <p>4 bottom. I understand now. Now we're tracking.</p> <p>5 Q. Okay. So who wrote this</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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section? 6 A. It was an optical engineer. 7 Q. What's that person's name? 8 A. I don't know.				
179:25 Q. So what's the next section that a third 180: 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				

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<p>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? 181: 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</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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 --</p>				

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Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>were all 25 those people. 1875 were theirs. 18 -- let's see -- 182: 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.</p>				
<p>182:22 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</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>document. 183: 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</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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. 184: 1 Q. Around 2006? 2 A. I think so.</p>				
<p>182:22 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. 183: 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?</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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?</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
24 A. Well, that was after probably 2006, I 25 would imagine, right around there. 184: 1 Q. Around 2006? 2 A. I think so.				
184:19 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 185: 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			17	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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.</p>				
<p>189:13 Q. BY MS. HEALY- GALLAGHER: All right. 14 Mr. Johnson, I'm showing you</p>			2	

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
 Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
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. 190: 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.				
192:15 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			460	

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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. 193: 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.</p>				
<p>194:17 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.</p>			460	

*Case Name: United States v. RaPower-3, LLC, et al.**Case Number: 15-cv-828**Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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<p>196:18 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? 197: 1 A. Yes, yes.</p>				
<p>197:15 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</p>			461	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>25 visit on April 4th. 198: 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.</p>				
<p>206:12 Q. Mr. Johnson, do you know how many lenses 13 have been sold by any entity? 14 A. No, I don't. 15 Q. The current price of a lens, Mr. Johnson, 16 the total price is currently \$3,500; is that right? 17 A. That's correct. 18 Q. Who decided that \$3,500 should be the 19 price of a lens currently? 20 A. I did.</p>				
<p>209:11 Q. So do you talk to Mr. Shepard about the 12 state of the technology at the</p>				

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Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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 210: 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.</p>				

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 Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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<p>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. 211: 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</p>				

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<p>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.</p>				
<p>211:16 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 212: 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?</p>			8A	

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<p>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</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>25 right, yeah. 213: 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</p>				

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<p>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 214: 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</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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? 215: 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</p>				

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 Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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</p>				

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Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
25 can put that exhibit away.				
216: 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.			13	
217: 6 Q. I'm showing you, sir, what's been marked			14	

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
 Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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<p>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 218: 1 Justice's Claims Against its Technology. 2 A. Did you see how nice I was? 3 Q. Thank you.</p>				

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
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.				
219: 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			511	

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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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.				
220: 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.				
220:23 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 221: 1 that -- that we have that			512 511	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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</p>				

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<p>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 222: 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</p>				

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<p>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? 223: 1 A. Right, uh-huh.</p>				
<p>223: 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</p>			<p>121 103 181 185</p>	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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. 224: 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</p>				

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<p>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. 225: 1 Q. And then, yes, if we turn to the last 2 page, which is Olsen_P&E- 00177. Mr. Johnson, you've</p>				

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<p>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</p>				

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<p>to be yours; 24 is that right? 25 A. Right. 226: 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</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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 227: 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.</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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, 228: 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.</p>				

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 Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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<p>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? 229: 1 A. That's correct. 2 Q. And on the next page you have signed this</p>				

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<p>3 letter on behalf of IAS? 4 A. Okay. 5 Q. Is that right? 6 A. Right, yeah. 7 Q. So your signature appears above your name 8 as CEO of IAS; correct? Correct? 9 A. Yes, uh-huh. Okay. 10 Q. Take a look, please, at the last page of 11 Plaintiff's 185. It appears to be a Solar Lease Bonus 12 Fee Contract. 13 Do you see that? 14 A. Which one you looking at now? 15 Q. Last -- last page. 16 A. Last page. Okay. 17 Q. Do you see that? Solar Lease Bonus Fee 18 Contract? 19 A. Right. 20 Q. This contract -- correct me if I'm 21 wrong -- appears to allow Ms. Lambrecht or iLios to 22 earn a bonus of the gross -- total gross sales revenue 23 as received by IAS</p>				

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Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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<p>commencing October 31, 2005, for 24 the sale of power generation equipment. 25 A. Okay. 230: 1 Q. Is that right? 2 A. Correct. 3 Q. Yes? Okay. 4 What sales revenue was IAS receiving as 5 of 2005? 6 A. We -- we -- I don't know that we received 7 any. 8 Q. Has IAS ever received any sales revenue? 9 A. Not -- not that I'm aware of. Rather 10 than just what I pay them for research and 11 development. 12 Q. Do you know who, sir, came up with this 13 bonus fee contract? 14 A. I did.</p>				
<p>230:17 Q. And why did you decide to start issuing 18 bonus fee contracts? 19 A. In order -- in order to launch a company 20 -- now, do you want me to</p>				

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 Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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<p>explain it or not? If you 21 don't want me to, tell me before I start. 22 Q. Can you do it succinctly? 23 A. Can I do anything like that? Probably 24 not. Because it's not -- it's not as easy to explain 25 as what you're alluding to. 231: 1 To launch -- we -- we evaluated how to 2 launch this company going from R&D into a company 3 selling products. We looked at other companies and 4 how they chose to launch their companies, the costs 5 involved, and what was going to be required in order 6 to -- to do that. 7 We decided that we could take the losses 8 that they were -- would incur in that process, giving 9 it back to our customers would give us the ability to 10 launch this company. 11 We calculated we could -- we could give 12 away between three and six</p>				

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Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>percent of our gross sales, 13 and still be less than most companies use in launching 14 their -- in launching their companies into a viable -- 15 going from research and development into a -- into an 16 active marketing company and actually selling product. 17 So we -- we calculated out three to six 18 percent. Most companies spend probably 30 percent to 19 -- or 50 percent of their -- of what they would make 20 in three years up front to launch a company. 21 We would have had to -- we would have had 22 to diluted our stock to a certain position in order to 23 do that. And we decided rather than dilute our stock 24 position, that we didn't want to do, we chose then to 25 offer a bonus program to entice the people to buy our 232: 1 equipment. 2 Know that it was high risk. It was a</p>				

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<p>3 brand new piece of equipment. People were not going 4 to be excited about getting involved in it. And so I 5 figured out the mathematics and the probabilities just 6 to statistic analysis on how to proceed and what would 7 be the risk to us in doing that, in marketing this 8 product. 9 Then when I got through all the 10 mathematics that I did on this -- on the valuation of 11 other companies and how they resolve it, what the 12 chances of success was in doing it their way, the 13 chances of success doing it our way, and it looked to 14 me like the biggest success would be doing it this 15 way, and it would be more attractive to our -- to our 16 customers. 17 And so rather than give away our -- our 18 profits to advertising companies, we decided then to 19 give it back to the -- as an</p>				

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<p>advertising cost, back to 20 our own -- to our customer base, which I feel like it 21 was the right choice and it -- and it made -- it made 22 a huge difference in our sales. 23 But it also gave -- gave two things: It 24 also gave back -- it guaranteed a profit to the people 25 that bought in my equipment. It guaranteed if we're 233: 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</p>				

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payment. 11 And so they -- they were guaranteed they 12 were going to have to pay taxes on that payment.				
233:21 Q. -- you said the bonus situation made a 22 huge difference in your sales? 23 A. Yes, it did.				
234:13 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.				
235:11 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.				

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Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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<p>237:16 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 238: 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 --</p>			383	

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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</p>				

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Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>to folks? 24 A. I don't know, but it's on somewhere. 25 Q. I'm not asking about plaintiff's -- 239: 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</p>				

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Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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? 240: 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.</p>				
<p>240:10 Q. And on the radio ads, are you talking 11 about any federal tax benefit that you might get from</p>				

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Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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 -- 241: 1 MR. SNUFFER: Do you mean that to be a 2 question? 3 Q. BY MS. HEALY-GALLAGHER: Is that correct?</p>				

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Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>241: 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.</p>				
<p>242:25 Q. Okay. So when did you start letting 243: 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.</p>				
<p>245:15 (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</p>			513	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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? 246: 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.</p>				
<p>246: 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?</p>				

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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<p>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.</p>				
<p>246:24 Q. You have notes here about the IRS and 25 active income. 247: 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</p>				

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 Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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<p>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 248: 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</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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.</p>				
<p>256: 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</p>				

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 Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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<p>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.</p>				
<p>261: 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.</p>			356	
<p>261:13 Q. Okay. Who is Jason</p>				

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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Clement? 14 A. He was a salesperson.				
261:20 Q. So was Mr. Clement in sales for XSun 21 Energy? 22 A. I believe he was. I believe he was.				
262:13 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			356	

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
 Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
263: 1 have.				
264: 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			357	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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 265: 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</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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. 266: 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.</p>				
<p>267: 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</p>			514	

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
 Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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.</p>				
<p>268: 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?</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>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.</p>				
<p>273:12 Q. So is it your testimony that you had not 13 read the Kirton & McConkie memorandum? 14 A. I would have read it, but I wouldn't have 15 known it was misspelled. 16 Q. But you read it? 17 A. I can't spell anyway. 18 Q. You read it by January 2013? 19 A. The Kirton & McConkie letter? 20 Q. Yes. 21 A. Oh, yeah, I read it when they gave it 22 out.</p>				
<p>276: 2 Q. Oh, I'm sorry. Let's mark that 515. 3 (Exhibit 515 was marked for identification.)</p>			515	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>4 Q. BY MS. HEALY-GALLAGHER: Please take a 5 look at what's been marked as Plaintiff's 515. Take a 6 look and let me know when you're ready to answer 7 questions. 8 For the record, while you look, the 9 document is marked with Bates No. Hamblin_R&C-00171 10 through 172.</p>				
<p>276:14 Q. So Plaintiff's 515 is a Memorandum of 15 Understanding between RaPower-3 and Roger Hamblin. 16 Do you see that at the top of the first 17 page? 18 Do you see that, sir? 19 A. Oh, yeah, I see it. 20 Q. And your signature is on the second page 21 under "Seller"? 22 A. Right. 23 Q. Is that correct? 24 A. Correct.</p>			515	
<p>277:18 Q. Okay. I'm going to ask you to take a 19 look at what's been marked</p>			370	

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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<p>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 278: 1 positive, but I think he showed it to me.</p>				
<p>278: 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</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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 279: 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?</p>				
<p>279:19 Q. Mr. Johnson, did you share the 20 information about depreciation</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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and tax benefits with 21 Greg Shepard? 22 A. Yes, I did.				
283: 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				

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
 Deposition of Neldon Johnson (vol. 1) taken June 28, 2017*

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<p>-- I 24 wouldn't give out legal opinions, nor would I give out 25 tax advice. 284: 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?</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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<p>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? 285: 1 A. No.</p>				
<p>285:18 Q. So what, if anything, did you do in terms 19 of how, if at all, did you change your conduct -- 20 A. Didn't. 21 Q. -- after -- 22 A. Sorry. 23 Q. -- after the complaint for injunction was 24 filed in this case? 25 A. Nothing. I didn't think I was guilty 286: 1 before and I didn't think I was guilty now.</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of Neldon Johnson (vol. 1) taken June 28, 2017

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290:19 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. 291: 1 MS. HEALY- GALLAGHER: All right. At this 2 time I have no further questions.				
DEFENDANT COUNTER- DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATIONS			

Instructions: One form should contain all designations for a witness. Plaintiff Designations (column 1) and Defendant Designations (column 2) will show the full deposition text that the party proposes to read in its case-in-chief. Completeness designations are proposed by the other party, under Fed. R. Civ. P. 32(a)(6), to be read with the designations. Counter-designations are read following the designations and completeness designations, similar to cross examination. This form should be provided in word processing format to the other party, who then will continue to fill in the form.

The form is then returned to the proposing party for review, resolution of disputes, and further editing. The parties should confer and file a final version in PDF format using the event “Notice of Filing” and also submit a final word processing copy to the court at dj.nuffer@utd.uscourts.gov, for ruling.

All objections which the objecting party intends to pursue should be listed, whether made at the deposition, as with objections as to form, or made newly in this form, if the objection is of a type that was reserved.