

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
 Deposition of LTBI, LLC (Neldon Johnson, designee) taken July 1, 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			
4: 3 NELDON JOHNSON, 4 called as a witness herein, having been first duly sworn, 5 was examined and testified as follows: 6 MS. GALLAGHER: Good morning. We are on the record in 7 the case of United States vs. RaPower3, et al., on July 1st 8 at just about 9:10 a.m. My name is Erin Healy Gallagher of 9 the United States Department of Justice in the Tax Division 10 appearing on behalf of the United States. Erin Hines and 11 Chris Mann are also representing the Unites States, but are 12 not here today. 13 Mr. Paul, would you like to make your appearance. 14 MR. PAUL: Yeah. I'm Steve Paul on behalf of the 15 Defendants in this case. 16 MS. GALLAGHER: Also not present today is Don Reay who 17 represents R. Gregory Shepard and Roger Freeborn.				
4:23 EXAMINATION			485	

**Plaintiff
Exhibit**
673

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<p>24 BY MS. GALLAGHER: 25 Q. All right. Hello again, Mr. Johnson. 5: 1 A. Hi. Thank you. 2 Q. Today -- well, first, I'll say I'm handing you 3 what's been marked Plaintiff's Exhibit 485. Plaintiff's 4 Exhibit 485 is United States Notice of Deposition of 5 Defendant LTB1-LLC; correct? 6 A. That's correct. 7 Q. And, Mr. Johnson, you are appearing as the 8 representative of LTB1-LLC today; correct? 9 A. Correct. 10 Q. If at any time during this -- Mr. Johnson, if I 11 ask you a question and you answer from some source other 12 than your own personal knowledge, will you let me know? 13 A. I will, thank you.</p>				
<p>6:11 Q. Mr. Johnson, is there anything today that would 12 prevent you from understanding and answering my questions 13 with the full capacity of your recollection?</p>				

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<p>14 A. No. 15 Q. Are you taking any medications or drugs of any 16 kind that might interfere with your memory? 17 A. No. 18 Q. Have you had anything alcoholic to drink in the 19 last eight hours? 20 A. No. 21 Q. Are you currently under a doctor's care for any 22 illness? 23 A. No. 24 Q. Mr. Johnson, what does LTB1-LLC, do? 25 A. It isn't involved in any operations at the present 7: 1 time. 2 Q. So LTB1-LLC does not currently do anything? 3 A. No. It is no longer even an active company. 4 Q. Okay. Let's start with when was LTB1-LLC formed? 5 A. I'm not sure when it was formed, but it's, yeah, 6 it was sometime in around 2006 or 7. Something like that. 7 I'm not sure exactly when.</p>				

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<p>8 Q. And when was LTB1-LLC -- was it dissolved?</p> <p>9 A. It was dissolved in 2016, I believe, or 2015, but</p> <p>10 I'm not exactly positive.</p> <p>11 Q. Okay. So during the time of its existence, what,</p> <p>12 if anything, did LTB1-LLC do?</p> <p>13 A. It had no operations or management functions or</p> <p>14 disseminating of any information for any customers directly</p> <p>15 or indirectly.</p> <p>16 Q. So did it do anything?</p> <p>17 A. No.</p> <p>18 Q. Who owned LTB1-LLC?</p> <p>19 A. I'm not sure. It could have been DCL-16A, but I'm</p> <p>20 not sure.</p>				
<p>8: 9 Q. Did LTB-1, LLC, ever have a bank account?</p> <p>10 A. No, it did not.</p> <p>11 Q. During the time of its existence, who was in</p> <p>12 charge of making decisions for LTB1-LLC?</p> <p>13 A. I think Chris Taylor was the manager of LTB1 for</p> <p>14 most of the -- most of its existence.</p>				

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<p>15 Q. Anyone other than Chris Taylor?</p> <p>16 A. I'm not positive whether I was the manager at some</p> <p>17 time of LTB1 or not, but I could have been. And, again, the</p> <p>18 documentation, if you don't have it, we could probably get</p> <p>19 that to you if you need to.</p> <p>20 Q. So do you, Mr. Johnson, recall ever having made</p> <p>21 decisions on behalf of LTB1-LLC?</p> <p>22 A. No. There was no decision to be made other than</p> <p>23 the organization procedures.</p> <p>24 Q. So what, if anything, did you think LTB1</p> <p>25 actually -- let me withdraw that.</p> <p>9: 1 Who decided to create LTB1-LLC?</p> <p>2 A. Neldon Johnson as an individual.</p> <p>3 Q. What inspired you to create LTB1-LLC?</p> <p>4 A. I'm not sure of the rationale behind it, but we</p> <p>5 felt like there should be an independent company that would</p> <p>6 operate and maintain the energy</p>				

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<p>production when it became 7 relevant. 8 Q. When you say "we," do you mean "I"?</p> <p>9 A. I mean "I." Excuse me. I'm trying to get over 10 that. I been cussed out enough for that, so I'm trying to 11 improve myself.</p> <p>12 Q. Mr. Johnson, why did you believe it would be a 13 good idea to have an independent company to operate and 14 maintain did you say energy production?</p> <p>15 A. It was -- it was a personal decision made by the 16 information that I could -- that I -- that I would study 17 personally the laws involved and the legal responsibilities 18 of the different companies, and it looked to me that it 19 would be better to -- to make different companies to do 20 different operations in order to make it clear and distinct 21 who was responsible for everyone involved so there would be 22 no question of what the</p>				

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<p>responsibilities were, nor the 23 people involved in the operations. 24 And it would be clearly discerned who was 25 responsible for the operation and maintenance and their 10: 1 qualifications so there would be no question that the 2 information was not fully disclosed as to who would do what 3 in any circumstances. So that was the rationale. Because 4 of the way the laws are written, we felt like that in order 5 to eliminate a possible overreach in who was responsible by 6 putting those companies together, it would make it a clear, 7 defining role for each individuals' responsibilities. 8 Q. And by "we," do you mean "I?" 9 A. I mean "I," yes. Thanks. Excuse me again. 10 Q. Did LTB1 ever have any employees? 11 A. No, they did not. 12 Q. Did LTB1 ever make any money?</p>				

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<p>13 A. No, it did not. 14 Q. And I'll ask that a different way. Did anyone 15 ever pay any money to LTB1? 16 A. No, they did not other than for the legal fees 17 required to create the company. 18 Q. Okay. Who paid that money in? 19 A. Mr. Johnson did. 20 Q. So, Mr. Johnson, you paid money for LTB to be 21 created -- I'm sorry. You paid money for LTB1 to be created 22 as an entity? 23 A. I believe that's correct. It's my recollection. 24 Q. Do you recall having paid in any other money to 25 LTB1? 11: 1 A. No, I have not. 2 Q. So since 2006 or 2007 when it was created through 3 the time that it was dissolved, LTB1 did not have any daily 4 operations; correct? 5 A. That is correct. 6 Q. We talked a bit in the last couple of days about 7 another entity called LTB-LLC.</p>				

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<p>Do you remember that? 8 A. I believe so, yes. 9 Q. What's the difference between LTB1-LLC and 10 LTB-LLC? 11 A. The only difference would be the name, the 12 operations. Or it would be -- it would be the same 13 requirements for both companies.</p>				
<p>11:25 Did you form or have formed LTB-LLC? 12: 1 A. I did, yes. 2 Q. And what was your intention when you formed LTB? 3 What did you anticipate it would do? 4 A. I anticipated the same as for LTB1; that it would 5 disseminate a particular operation for maybe a particular 6 need to operate a different power plant. We have properties 7 in Texas and in California and various places in Utah, and I 8 believe in some places various other entities that we are 9 looking to operate, and we probably would want separate</p>				

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<p>10 operations in those areas. 11 Q. So was your goal for LTB-LLC, to have an 12 independent company to operate and maintain energy 13 production? 14 A. That is correct. 15 Q. Do you recall when you formed LTB-LLC? 16 A. I do not recall the date when that was formed. 17 Q. Would it -- was it before or after you formed LTB? 18 A. It was -- I think it was before LTB1, to be quite 19 honest. But, there again, I don't have a permanent 20 recollection. 21 Q. Is LTB-LLC, still in existence? 22 A. I don't believe it is. I think it's also 23 dissolved.</p>				
<p>13: 7 Q. Okay. Have you formed any other company to 8 operate and maintain energy production? 9 A. Yes. I believe it's LTB-O&M. 10 Q. Is that LTB-O&M? 11 A. O&M, yes. Capital O and</p>				

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capital M, LLC. 12 Q. Is LTB-O&M intended to be an independent company 13 to operate and maintain energy production? 14 A. Yes, it is. 15 Q. Was it formed for any other purpose? 16 A. No, it was not. 17 Q. And you formed or had formed LTB-O&M? 18 A. I did, yes. 19 Q. And that's organized under the laws of Utah? 20 A. That is correct. 21 Q. Have you formed any other companies to operate and 22 maintain energy production? 23 A. I do not believe I have.				
14: 1 Who was the manager for LTB? 2 A. There I'm not positive, but I think it was Chris 3 Taylor. But, there again, I'm not positive. 4 Q. Has it been anyone else? 5 A. It could have been. I may have changed it to 6 indicate that I would act as the manager of LTB and LTB1.				

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<p>7 Q. Has LTB-LLC, had any employees? 8 A. It has not. 9 Q. Has LTB-LLC, ever had a bank account? 10 A. No, it has not. 11 Q. Has LTB-LLC, ever done anything? 12 A. It has not. 13 Q. Do you know who owned LTB-LLC? 14 A. I do not, but I believe it could be DCL-16A.</p>				
<p>14:19 Q. Okay. Mr. Johnson, what, if any, decisions have 20 you made on behalf of LTB-LLC? 21 A. Other than the organization, there hasn't been any 22 decisions that were required to be made for either of the 23 companies. 24 Q. Has anyone ever paid money into LTB-LLC? 25 A. Other than money required to keep it active or -- 15: 1 or to organize the company, there hasn't been any other 2 funds made available to LTB, LTB1, or LTB O&M.</p>				

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<p>3 Q. And, Mr. Johnson, did you pay the fees to maintain 4 LTB's legal status? 5 A. I believe that's true, but it may have been money 6 from another company, but I do believe it was my personal 7 funds that -- that paid for those. 8 Q. Other than money paid into LTB-LLC, in order to 9 maintain its legal status, has there ever been any other 10 money paid into LTB-LLC? 11 A. No, there has not. 12 Q. What, if any, relationship does LTB1-LLC have with 13 LTB-LLC? 14 A. There is no relationships at all. 15 Q. For LTB-O&M, and that's an ampersand; right? 16 A. Yes. 17 Q. Right. In between the O and the M? 18 A. That's correct, yes. 19 Q. Do you recall about when LTB-O&M was formed? 20 A. I believe it was late 2016, but, there again, it's 21 not a positive position.</p>				

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<p>22 Q. Who is it that owns LTB-O&M?</p> <p>23 A. I believe it's DCL-16A, but I - there again, I</p> <p>24 will get you the documents if you need to have those.</p> <p>25 Q. Who is the manager for LTB-O&M?</p> <p>16: 1 A. That would be Mr. Johnson, Neldon Johnson.</p> <p>2 Q. Has anyone else ever been the manager for LTB-LLC?</p> <p>3 A. No, there has not been any other managers.</p> <p>4 Q. Does LTB-O&M have any employees?</p> <p>5 A. No, it does not.</p> <p>6 Q. Does LTB-O&M have a bank account?</p> <p>7 A. No, it does not.</p> <p>8 Q. Is anyone other than you authorized to make</p> <p>9 decisions on behalf of LTB-O&M?</p> <p>10 A. No.</p> <p>11 Q. Is anyone other than you authorized -- well, I'll</p> <p>12 withdraw that.</p> <p>13 During LTB-LLC's, existence, was anyone other than</p>				

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<p>14 you and Chris Taylor authorized to make decisions on behalf of LTB?</p> <p>15 of LTB?</p> <p>16 A. No, there was none.</p> <p>17 Q. For LTB1-LLC, other than you and Chris Taylor, was anyone authorized to make decisions on behalf of LTB1-LLC?</p> <p>18 anyone authorized to make decisions on behalf of LTB1-LLC?</p> <p>19 A. No, there was not.</p> <p>20 Q. Has anyone ever paid money into LTB-O&M?</p> <p>21 A. No, there was -- no, other than the legal requirements, but no.</p> <p>22 requirements, but no.</p> <p>23 Q. So then my understanding is money was paid into LTB-O&M in order to form the company; correct?</p> <p>24 LTB-O&M in order to form the company; correct?</p> <p>25 A. That's correct.</p> <p>17: 1 Q. And you paid that money?</p> <p>2 A. I believe that's true.</p> <p>3 Q. Has anyone other than you paid any money into LTB-O&M?</p> <p>4 LTB-O&M?</p> <p>5 A. No. No, there has not been.</p> <p>6 Q. What, if any, relationship does LTB-O&M have with LTB-LLC?</p> <p>7 LTB-LLC?</p> <p>8 A. There is no relationship.</p> <p>9 Q. What, if any, relationship does</p>				

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LTB-O&M have with 10 LTB1-LLC? 11 A. There is no relationship.				
17:15 For LTB-LLC, did it ever have a relationship with 16 International Automated Systems? 17 A. No, it did not. 18 Q. For LTB1-LLC, did it ever have a relationship with 19 IAS? 20 A. No, it didn't. 21 Q. For LTB-O&M, does it have any relationship with 22 IAS? 23 A. No, it does not. 24 Q. Are there any contracts between IAS and any of the 25 LTB entities? 18: 1 A. No, there is not. 2 Q. Has LTB-LLC ever paid any person as an independent 3 contractor? 4 A. No, they have not. 5 Q. Did LTB1-LLC pay any person as an independent 6 contractor? 7 A. No, they have not. 8 Q. Has LTB O&M paid any person as a contractor?				

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9 A. No, they have not. 10 Q. What, if any, relationship did LTB-LLC have with 11 RaPower3? 12 A. There is -- there's no relationship between the 13 two companies. 14 Q. What, if any, relationship did LTB1-LLC have with 15 RaPower3? 16 A. There is no relationship. 17 Q. What, if any, relationship does LTB-O&M have with 18 RaPower3? 19 A. There is no relationship. 20 Q. What, if any, relationship do the LTB entities 21 have with Cobblestone Center? 22 A. There is no relationships.				
19: 4 Q. What, if any, relationship do the LTB entities 5 have with Gregory Shepard? 6 A. There is no relationship with Greg Shepard. 7 Q. What, if any, relationship do the LTB entities 8 have with Roger Freeborn? 9 A. There is no relationship.				
20: 1 Q. When was Chris Taylor hired -- well, let me ask				

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<p>2 you this: You talked about Chris Taylor in relationship to 3 a couple of the entities -- 4 A. That's correct. 5 Q. -- here, so when did you first meet Chris Taylor? 6 A. In the 19 -- early 1990s. 7 Q. How did you meet Mr. Taylor? 8 A. He -- he applied for a position with the company 9 and I hired him. 10 Q. What position was that? 11 A. International Automated Systems as just an -- at 12 the time he was just a -- he worked in one of my grocery 13 stores as just a laborer, you know, something like that. 14 Q. So he applied to IAS to work in a grocery store? 15 A. Right. We had -- we had several entities that 16 I've owned and operated and -- 17 Q. What -- 18 A. -- and I hired him there to help with some of the 19 operations. 20 Q. That's my next question. What was Mr. Taylor's 21 first job with IAS?</p>				

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22 A. Stocking shelves. He was quite young at the time, 23 so.				
23: 6 Q. Okay. So then you said he became an excellent 7 programmer and he worked with you on developing technology 8 based on tasks that you assigned him; correct? 9 A. That is correct, yes. 10 Q. About how long did he do that? 11 A. For the next -- until he quit, whenever -- 12 whenever he did that in 2010 or '11 when he left the 13 company. 14 Q. From the time he finished the training program to 15 the time that he quit, did Mr. Taylor do any other work for 16 you or any of your entities besides programming computer 17 programs? 18 A. There may have been odds and ends, but nothing of 19 substantial difference.				
24: 6 Q. What, if any, experience did Mr. Taylor have with 7 solar energy technology?				

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<p>8 A. He may have had a little bit of experience working 9 with me in some areas of the solar energy, but it wasn't his 10 primary responsibilities.</p>				
<p>26:20 Q. So if you could give me an idea imagining 21 Mr. Taylor's work for IAS as a big pie -- 22 A. Right. 23 Q. -- what percentage of the pie had to do with the 24 solar energy technology? 25 A. Less than 10 percent.</p>				
<p>27:13 Q. Mr. Johnson, why was Chris Taylor the original 14 manager for any of the LTB entities? 15 A. Probably mostly because of his loyalty and his 16 ability to critically think in areas that would require 17 those particular skills, especially in being able to manage 18 people. He seemed to be very well adapted to people skills 19 and the ability to -- to relate information to other people 20 in a way that they would comprehend what was needed. And</p>				

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<p>he 21 could then communicate with other people that they needed to 22 work in other areas that he wasn't trained in, but still 23 could manage the operation. 24 Q. Had Mr. Taylor ever operated and maintained energy 25 production? 28: 1 A. No, he had not. No.</p>				
<p>32:13 Is the idea that Cobblestone Center would build 14 towers and install lenses and then once the lenses are 15 installed, an LTB entity would then operate and maintain the 16 lenses? 17 A. That is correct.</p>				
<p>33:18 "Q Is that arrangement in writing 19 anywhere?" 20 THE WITNESS: No. But the two questions are not 21 related in the fact that you would imply that Cobblestone 22 had some legal right given to them to designate then who 23 would, in fact, operate those towers. And they do not have 24 that right or obligation.</p>				

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<p>25 Q. (BY MS. GALLAGHER) Who has that right? 34: 1 A. Neldon Johnson. 2 Q. So you, Mr. Johnson, have the right to identify 3 the company that will operate and maintain the lenses once 4 they are installed? 5 A. That is -- that is my recollection as to the way 6 the companies operate. 7 Q. Is it your intention, Mr. Johnson, for LTB-O&M to 8 be the entity designated to operate and maintain lenses once 9 they were installed on the current construction site? 10 A. Yes. Up to this point, as long as things do not 11 change or there isn't a better option available to us, then 12 we will then proceed with the -- with the program that LTB 13 would then be the operating company of those entities. 14 Q. And you mean LTB-O&M? 15 A. Yes, I do. LTB-O&M.</p>				
<p>38:25 Q. To your knowledge, Mr. Johnson, has any owner of a 39: 1 lens ever contracted with</p>			537	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of LTBI, LLC (Neldon Johnson, designee) taken July 1, 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>Cobblestone Center? 2 A. No, they have not. 3 Q. To your knowledge, Mr. Johnson, has any owner of a 4 lens authorized Cobblestone Center to install that lens? 5 A. No, they have not. No. 6 Q. I'm handing you what's been marked Plaintiff's 7 Exhibit 537.</p>				
<p>39:11 Q. (BY MS. GALLAGHER) We looked at this draft 12 operation and maintenance agreement earlier in the week. Do 13 you remember that? 14 A. Yes, I do. 15 Q. Okay. And do you recall when you would have 16 commissioned this contract to be drafted? 17 A. I do not. 18 Q. Do you remember which attorney might have drafted 19 it? 20 A. I do believe it would have been Dave Nelson, but I 21 am not positive over that issue. 22 Q. If it wasn't Mr. Nelson, do you have any idea of 23 which other attorney it might</p>				

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<p>have been? 24 A. It may have been an attorney in Nevada, but I'm 25 not positive, and I do not have the name. 40: 1 Q. Why do you think it might have been an attorney in 2 Nevada? 3 A. Because it was a Nevada company that we were 4 putting together and it would be more -- it may have been 5 necessary to have a local attorney to complete the 6 transaction with Nevada.</p>				
<p>41: 1 Q. (BY MS. GALLAGHER) Okay. I'm handing you, sir, 2 what's been marked Plaintiff's Exhibit 92.</p>			92	
<p>41: 7 Q. (BY MS. GALLAGHER) And here, Mr. Johnson, we see 8 on the page marked Rowbotham_R-1179 -- 9 A. Where is this at again? 10 Q. The page marked 1179. 11 A. Oh, okay. 12 Q. I'm looking at paragraph 17 at the top of that 13 page. 14 A. Okay.</p>				

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15 Q. That the lessee of the lenses may sublease the 16 alternative energy system to LTBI-LLC. Is that what you see 17 there? 18 A. (Peruses document.) 19 That is correct, yes.				
41:24 Q. Plaintiff's Exhibit 462 is an equipment lease 25 agreement; correct? 42: 1 A. That's correct. 2 Q. And that's between International Automated Systems 3 and Greg Shepard; correct? 4 A. That's correct. 5 Q. And your signature is made there on behalf of IAS 6 on the last page of 462? 7 A. That's correct.			462	
42:10 Q. (BY MS. GALLAGHER) Then would you please take a 11 look at what's been marked 464, which is an equipment 12 sublease agreement. 13 A. (Witness complies.) 14 Okay. 15 Q. Would you take a look at the signature block, 16 please, for that sublease agreement.			464	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of LTB1, LLC (Neldon Johnson, designee) taken July 1, 2017

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<p>17 A. On the back page? On page 00736?</p> <p>18 Q. Yes.</p> <p>19 A. Yes. Okay.</p> <p>20 Q. Was this signature on behalf of LTB-LLC?</p> <p>21 A. Looks like Chris Taylor.</p> <p>22 Q. And, actually, if you flip back to the front page,</p> <p>23 the equipment sublease agreement is between R. Gregory Shepard and LTB-LLC; correct?</p> <p>24 Shepard and LTB-LLC; correct?</p> <p>25 A. That's correct.</p> <p>43: 1 Q. Has LTB-LLC, ever taken any action pursuant to</p> <p>2 this sublease agreement?</p> <p>3 A. No, it has not.</p> <p>4 Q. Why not?</p> <p>5 A. I'm not sure why not, but it hasn't.</p>				
<p>43:16 Q. I'd like to direct your attention back to</p> <p>17 Plaintiff's Exhibit 462 and 464.</p> <p>18 A. Okay. Okay.</p> <p>19 Q. Mr. Johnson, who, to your knowledge, provided</p> <p>20 these contracts to Mr. Shepard?</p> <p>21 A. Well, this one probably has my signature on it, so</p> <p>22 I would assume that that would</p>			<p>462</p> <p>464</p>	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
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<p>be me. 23 Q. And you're looking at Plaintiff's 462? 24 A. Yes, 462. Yes, uh-huh. This one would have 25 been -- it looks like Chris Taylor, so. 44: 1 Q. And that's Plaintiff's 464? 2 A. That's 464, uh-huh.</p>				
<p>44:17 Q. Okay. Well, I'll ask this a different way. Is 18 there any time when you discussed LTB-LLC with Mr. Shepard? 19 A. Not specifically on a contract itself. It may 20 have been a general conversation about a contract. 21 Q. Well, all I'm asking, sir, is whether you talked 22 to him about LTB at all. 23 A. I would have talked to him on a general nature of 24 the company, but not on any legal knowledge that he could 25 rely upon other than what is in the contract itself or he 45: 1 would have contacted with an attorney to tell him what that 2 contract was about.</p>				

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<p>45:21 "Q So the general information that you gave 22 to Mr. Shepard, do you remember the first time you 23 gave Mr. Shepard general information about 24 LTB-LLC?" 25 THE WITNESS: I do not know that.</p> <p>46: 1 Q. (BY MS. GALLAGHER) Okay. You don't know. Would 2 it have been before or after 2010? 3 A. It looks like it would have been before 2005 or 4 right around that area. 5 Q. And why do you think that? 6 A. Because there's a date on the contract of the 28th 7 of December 2005. 8 Q. Okay. So what's the nature of the information 9 that you would have given Greg Shepard? 10 A. We would have talked as friends on the way to -- 11 the best way to develop the company. I may have discussed 12 certain elements of the company and -- and the way that I 13 would have structured the</p>				

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
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<p>company and why I would have 14 structured the companies in the way that I did. 15 Q. So did you share with Mr. Shepard that your idea 16 was that LTB-LLC was to operate and maintain solar lenses 17 once installed? 18 A. I believe I may have mentioned something like that 19 to him so that he would have some input back to me on what 20 he thought that, from his experience, that I could draw on, 21 then I could facilitate visiting with my attorney and 22 developing some ideas together with my attorneys and 23 "outsource" resources that were available to me at the time 24 to look at what would be required in a contract. 25 Q. So with respect to the general business purpose of 47: 1 LTB-LLC, is there anyone other than you that Mr. Shepard 2 might have gotten that information from? 3 A. Well, there are probably a group of people that I</p>				

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<p>4 may have talked to that may have shared information with 5 him. I wouldn't know about it. 6 Q. Who did you share information with about LTB-LLC? 7 A. Well, there was a number of people that I talked 8 to. When I go about doing something, I try to get a wide 9 variety of people's information and thinking on any 10 particular subject that I'm looking to get myself involved 11 with. So I would have -- I would have utilized people that 12 had, basically, business experience, and Greg Shepard was 13 one. And Roger Hamblin had a great deal of business 14 experience as well. Along with my -- my two sons and -- and 15 maybe Roger -- Monte Hamilton. 16 Oh, there were a number of people that I would 17 have had looked at to see their -- their dissenting views 18 and their views that would have been concurrent with each 19 other and ones that may have</p>				

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been concurrent with mine. 20 Q. When you say your two sons, do you mean Randy and 21 LeGrand Johnson? 22 A. Yes, I do. Yes.				
48: 4 (Exhibit 554 marked.) 5 Q. (BY MS. GALLAGHER) Handing you, Mr. Johnson, 6 what's been marked Plaintiff's Exhibit 554. It's Bates 7 marked Ra3-1476 through 1494. And my only question for you, 8 sir, is on the second page of the exhibit. The second page 9 of the exhibit appears to be a letter from LTB-LLC. Do you 10 see that? 11 A. The equipment sublease agreement? 12 Q. It's double sided. 13 A. Oh, I see. All right. 14 Q. So I'm looking at the page that's marked 1477. 15 A. Okay. 16 Q. Does this page appear to be a letter from LTB-LLC? 17 A. Yes, it is. 18 Q. Do you recognize, generally, the letterhead for 19 LTB-LLC?			554	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of LTB1, LLC (Neldon Johnson, designee) taken July 1, 2017

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<p>20 A. No, I do not, but it probably is.</p> <p>21 Q. To your knowledge, has LTB-LLC ever had</p> <p>22 letterhead?</p> <p>23 A. No. This was the first time probably.</p>				
<p>48:25 Q. (BY MS. GALLAGHER) Handing you, sir, what's been</p> <p>49: 1 marked Plaintiff's Exhibit 555. For the record, Bates No.</p> <p>2 Shepard_Greg-3643 through 3656. Take a look, please, at</p> <p>3 Plaintiff's Exhibit 555 and let me know when you are done.</p> <p>4 A. (Witness complies.)</p> <p>5 Okay.</p> <p>6 Q. All right. This document is an operation and</p> <p>7 maintenance agreement; right?</p> <p>8 A. It looks like that is the case, uh-huh.</p> <p>9 Q. And this is between LTB-LLC and Greg Shepard;</p> <p>10 correct?</p> <p>11 A. I believe it is.</p> <p>12 Q. It's on RaPower3 letterhead. Do you see that?</p> <p>13 A. It is, uh-huh.</p> <p>14 Q. And your digital signature</p>			555	

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

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<p>appears on the last 15 page of this exhibit; correct? 16 A. (Peruses document.) 17 Oh. Sorry. Okay. Yes, it does. Uh-huh.</p>				
<p>49:20 To your knowledge, sir, who provided the text for 21 the operation and maintenance agreement? 22 A. I don't -- I don't know what you mean. 23 Q. Do you know who wrote this contract? 24 A. No. It probably would have been one of my 25 attorneys, Dave or someone else, but I -- but I don't know 50: 1 exactly, no. 2 Q. If an agreement is going to bind LTB-LLC, it would 3 have to come from LTB-LLC; correct? 4 A. Yes. Yes, I believe you're right. 5 Q. To your knowledge, has the operation and 6 maintenance agreement changed since 2008? 7 A. It could have. I don't know. 8 Q. You don't know --</p>				

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<p>9 A. No. There may have been some changes, but I'm -- 10 I don't recall what they would be, but I assume there may 11 have been. 12 Q. But no big change jumps out at you; right? 13 A. No. I probably haven't read it in a long time, so 14 I wouldn't even know. 15 Q. Okay. I'd like to take a look, please, at the 16 page that is marked 3644. 17 A. Okay. 18 Q. Under Article 2, Operator Scope of Work -- 19 A. Okay. 20 Q. -- do you see that section? 21 A. I do. 22 Q. All right. Section 2.1 is called Appointment and 23 it says "The Owner appoints the Operator and the Operator 24 accepts the appointment to perform the following services 25 subject to and in accordance with the provision of this 51: 1 Agreement (collectively, the "Work")." 2 Did I read that correctly?</p>				

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<p>3 A. That's correct. 4 Q. And paragraph 2.1.1 says "Routine O&M Services;" 5 correct? 6 A. Correct. 7 Q. Paragraph 2.1 says "Additional Services and;" 8 correct? 9 A. Correct. 10 Q. Paragraph 2.1.3 says "Transition Services;" 11 correct? 12 A. That's correct, uh-huh. 13 Q. Mr. Johnson, what are routine O&M services that we 14 see in paragraph 2.1.1? 15 A. It would be the daily -- daily to date of 16 operations and maintenance on the power plant.</p>				
<p>54:18 "Q Does LTB have anything in writing 19 identifying routine O&M services.") 20 THE WITNESS: I'm not familiar with anything that 21 wouldn't be in this contract. 22 Q. (BY MS. GALLAGHER) Okay. So other than 23 information that appears in</p>			555	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of LTB1, LLC (Neldon Johnson, designee) taken July 1, 2017

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Plaintiff's Exhibit 555, you 24 don't know whether LTB has anything in writing that defines 25 routine O&M services? 55: 1 A. That's correct.				
55: 4 Q. Does LTB1-LLC have anything in writing that 5 defines routine O&M services? 6 A. No, it does not, that I know of. 7 Q. Does LTB-O&M, LLC, have anything in writing that 8 defines routine O&M services? 9 A. Not to my recollection.				
58:10 Q. (BY MS. GALLAGHER) Have any of the LTB entities 11 ever engaged in routine O&M services? 12 A. No, they have not.				
58:13 Q. Paragraph 2.1.2 identifies additional services. 14 Do you see that? 15 A. I do. It does. 16 Q. What does additional services mean? 17 A. It means that if there would be additional 18 services that would want -- that they would want to be 19 included in the contract, they would have to stipulate those			555	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of LTB1, LLC (Neldon Johnson, designee) taken July 1, 2017

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<p>20 by addendum at this point. 21 Q. And who is "they," if "they" wanted something in 22 the contract? 23 A. Either -- either party. If either party wanted to 24 reduce their obligation in some manner or expand their 25 responsibilities in some manner, it would have to be listed 59: 1 in that 2.1.2. 2 Q. Has any owner of a lens ever requested additional 3 services from LTB-LLC? 4 A. No. There hasn't been any other addendums offer 5 to the contracts at this time. 6 Q. Has the owner of any lens ever requested 7 additional services from LTB1-LLC? 8 A. No, they have not. 9 Q. Has the owner of any lens ever requested any 10 additional services from LTB-O&M? 11 A. No, they have not. 12 Q. Have any of the LTB entities ever engaged in 13 additional services?</p>				

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<p>14 A. No, they have not. 15 Q. All right. Let's take a look, please, at 16 paragraph 2.1.3 which says Transition Services. Do you see 17 that? 18 A. It is. 19 Q. What are transition services? 20 A. It would be the services in -- in response to any 21 services that were not a additional part of the contract 22 that they -- that either party would like to add to the 23 contract other than what is designed in the contract. 24 Q. And where, if at all, is the term transition 25 services defined in Plaintiff's Exhibit 555? 60: 1 A. I think it is in . . . 2 (Peruses document.) 3 I believe it's 3.1, and I believe that's where -- 4 where the normal procedure is for the transition, if there 5 was, and that would then -- that would -- that would 6 activate the contract. 7 Q. Other than paragraph 3.1 of</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
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<p>this contract, does 8 LTB-LLC have anything in writing defining transition 9 services? 10 A. Not that -- not that I'm aware of. 11 Q. Other than paragraph 3.1 of this contract, does 12 LTB1-LLC have anything in writing defining transition 13 services? 14 A. Not that I'm aware of. 15 Q. Other than paragraph 3.1 of this contract, does 16 LTB-O&M have anything in writing defining transition 17 services? 18 A. Not that I'm aware of. 19 Q. Have any of these LTB entities ever engaged in 20 transition services? 21 A. Not that I'm aware of, no.</p>				
<p>60:22 Q. If you take a look, please, at paragraph 2.3. 23 A. (Witness complies.) 24 Q. The paragraph itself actually starts on the 25 following page, which is 3645. 61: 1 A. 2.3, yes. Okay. 2 Q. The first sentence of that</p>				

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paragraph is "The 3 Operator will perform the Work in accordance with the 4 standards of a reasonable and prudent operator in the state 5 wherein the Installation Site is located and in compliance 6 with the Safety and Operating Guidelines ("Guidelines") 7 provided by RaPower to Operator, except to the extent that a 8 reasonable and prudent operator would be unable, or would be 9 hindered in its ability, to perform such obligations." 10 Did I read that correctly? 11 A. Uh-huh. That is correct, yes.				
62:20 "Q Okay. So has -- does RaPower have 21 Safety and Operating Guidelines?" 22 THE WITNESS: It does not. 23 Q. (BY MS. GALLAGHER) Does any entity or person have 24 these Safety and Operating Guidelines? 25 A. At this time they do not.				
69: 6 Q. And we're still looking at Plaintiff's Exhibit 7 2 -- no. Sorry. We're still looking			555	

*Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
 Deposition of LTB1, LLC (Neldon Johnson, designee) taken July 1, 2017*

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at Plaintiff's Exhibit 8 555. 9 A. Okay. 10 Q. Please take a look at paragraph 2.5, Governmental 11 Approvals. 12 A. Okay. 13 Q. Has LTB ever obtained any government approvals 14 identified in paragraph 2.5? 15 A. No, they haven't. 16 Q. Has LTB1 ever obtained any governmental approvals 17 identified in paragraph 2.5? 18 A. No, they haven't. 19 Q. Has LTB-O&M ever obtained any governmental 20 approvals identified in paragraph 2.5? 21 A. No, they haven't. 22 Q. Okay. Let's take a look at Article 5, please, 23 which is on the page ending in 3647. That's where it 24 starts. 25 A. Okay. 70: 1 Q. So Article 5 is entitled Compensation and Payment; 2 correct? 3 A. Okay.				

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<p>4 Q. Paragraph 5.1 is called Owner's Alternative Energy 5 System or Systems Production. Do you see that? 6 A. Yes, I do. 7 Q. Would you go ahead and please read the paragraph 8 under 5.1 quietly to yourself. 9 A. Okay.</p>				
<p>70:12 Q. The last clause of that paragraph says "Operator 13 shall be entitled to receive all revenue from the use or 14 sale of thermal energy or electric power generating using 15 the Alternative Energy Systems." Did I read that correctly? 16 A. Uh-huh. 17 Q. "Yes?" 18 A. Yes. 19 Q. Has LTB received any revenue from the use or sale 20 of thermal energy? 21 A. No, they have not. 22 Q. Has LTB received any revenue from electric power? 23 A. No, they have not. 24 Q. Has LTBI received any revenue from the use or sale 25 of thermal energy?</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
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<p>71: 1 A. No, they have not. 2 Q. Has LTBI received any revenue from the use or sale of electric power? 3 of electric power? 4 A. No, they have not. 5 Q. Has LTBI-O&M received any revenue from the use or sale of thermal energy? 6 sale of thermal energy? 7 A. No, they have not. 8 Q. Has LTBI-O&M received any revenue from the use or sale of electric power? 9 sale of electric power? 10 A. No, they have not. Did I answer all of them?</p>				
<p>71:13 Q. Take a look, please, at paragraph 5.2 which is called Rental Payment. Do you see that? 14 called Rental Payment. Do you see that? 15 A. Yeah, I do. 16 Q. Please read that quietly to yourself. 17 A. Okay. I'm done. 18 Q. All right. The first sentence of paragraph 5.2 says "Once the Owner's Alternative Energy Systems are installed and producing revenue, then at the end of each quarter a rental payment will be due and owing from Operator</p>				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
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22 to Owner." 23 Did I read that correctly? 24 A. That's correct. 25 Q. Has LTB-LLC ever made a rental payment to any 72: 1 owner? 2 A. No, they have not. 3 Q. Has LTBI-LLC ever made a rental payment to any 4 owner? 5 A. No. 6 Q. Has LTB-O&M ever made a rental payment to any 7 owner? 8 A. No.				
73: 5 "Q Does LTB-O&M have any plans for how it 6 would track which lens belongs to which owner?" 7 THE WITNESS: Yeah, and the answer would be not at this 8 time. 9 Q. (BY MS. GALLAGHER) Has LTB-LLC ever tracked which 10 lens belongs to which owner? 11 A. No, they have not. 12 Q. Has LTBI ever tracked which lens belongs to which 13 owner? 14 A. No, they have not.				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of LTB1, LLC (Neldon Johnson, designee) taken July 1, 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
15 Q. Has LTB ever made a payment to any owner for using 16 a lens for advertising purposes? 17 A. No, they have not.				
73:23 Q. (BY MS. GALLAGHER) Okay. Has LTB1 ever made a 24 payment for using any lens for advertising purposes? 25 A. No, they have not. 74: 1 Q. Has LTB-O&M ever made any payment for using a lens 2 for advertising purposes? 3 A. No, they have not. 4 Q. Has LTB ever made a payment for the use of any 5 lens in research and development? 6 A. No, they have not. 7 Q. Has LTB1 ever made any payment for the use of a 8 lens in research and development? 9 A. No, they have not. 10 Q. Has LTB-O&M ever made a payment for the use of any 11 lens in research and development? 12 A. No, they have not. 13 Q. Has LTB made any payment for the use of a lens to 14 generate heat? 15 A. No, they have not.				

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
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16 Q. Has LTB1 ever made any payment for the use of a 17 lens to generate heat? 18 A. No, they have not. 19 Q. Has LTB O&M ever made any payment for the use of a 20 lens to generate heat? 21 A. No, they have not. 22 Q. Please take a look at the page marked 3650, 23 paragraph 7.1.				
75: 3 Q. Entitled Insurance Required of the Operator. Do 4 you see that? 5 A. I do. 6 Q. Has LTB-LLC ever obtained the insurance identified 7 in paragraph 7.1? 8 A. No. 9 Q. Has LTB1 ever obtained the insurance identified in 10 paragraph 7.1? 11 A. No. 12 Q. Has LTB-O&M ever obtained the insurance identified 13 in 7.1? 14 A. No. 15 Q. Has any person who has purchased a lens ever 16 contacted LTB-LLC?				

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<p>17 A. No. 18 Q. Has any person who has purchased a lens ever 19 contacted LTB1-LLC? 20 A. No. 21 Q. Has any person who has purchased a lens ever 22 contacted LTB-O&M? 23 A. No. Well, excuse me. Other than, perhaps, Greg 24 Shepard. Shepard might have hired someone. 25 Q. Do you know whether it was any one particular LTB 76: 1 entity that Mr. Shepard may have contacted? 2 A. He should have contacted all of them. I don't 3 know. 4 Q. Do you recall what Mr. Shepard reached out for? 5 A. I don't. I don't recall, but he probably had 6 talked to those people. 7 Q. Who are those people? 8 A. I mean just myself, you know, about LTB or 9 whatever. 10 Q. Did he ask you questions about LTB?</p>				

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<p>11 A. I suppose he might have done. I'm not sure what 12 the questions were. I don't recall the conversation. But 13 I'm sure that the conversation would have existed. If you 14 go talk to him, he would -- he's probably got a better 15 memory than I do, but I don't know. 16 Q. Okay. But to your recollection, you've had 17 conversations with Greg Shepard about one or more of the LTB 18 entities? 19 A. That's correct. 20 Q. Okay. Did Mr. Shepard ever ask about LTB-LLC's, 21 experience with operating and maintaining solar energy 22 equipment? 23 A. No. Not that I know of. 24 Q. Has any other customer asked LTB about its 25 experience operating and maintaining solar equipment? 77: 1 A. Not that I know of. 2 Q. Did Mr. Shepard ever ask about LTB1's experience 3 operating and maintaining solar</p>				

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energy equipment? 4 A. Not that I know of. 5 Q. Has any other customer contacted LTB1 about its 6 experience operating and maintaining solar lenses? 7 A. Not that I'm aware of. 8 Q. Did Mr. Shepard ever contact LTB-O&M about its 9 experience operating and maintaining solar energy equipment? 10 A. Not that I'm aware of. 11 Q. Has any other customer contacted LTB-O&M with 12 respect to its experience operating and maintaining solar 13 lenses? 14 A. Not that I'm aware of.				
78:22 Q. And, Mr. Johnson, who -- who is it that owns 23 Solco1? 24 A. Oh. It's myself and my two children, LeGrand and 25 Randell, I believe, Johnson. 79: 1 Q. Have you three always been the owners of Solco1? 2 A. I'm not positive about that. 3 Q. If there have been other owners of Solco1, who				

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4 might they have been? 5 A. Roger Hamblin possibly.				
79:12 Q. (BY MS. GALLAGHER) Do you recall when Mr. Hamblin 13 may have had some ownership in Solco1? 14 A. It probably would have been around -- I don't know 15 exactly when it would have been. 2010, possibly, but I'm 16 not sure on that. 17 Q. Only in 2010 or did it span some years? 18 A. It would have been just between 2010 and 2012. It 19 wouldn't have been beyond that. 20 Q. During 2010 to 2012, was Mr. Hamblin the only 21 owner of Solco1? 22 A. No. They still would have been owned by LeGrand 23 Johnson and Randell Johnson. Most of the ownership is in 24 their hands. Roger would have never owned more than 10 25 percent. 80: 1 Q. At the time when LeGrand Johnson, Randell Johnson, 2 and Roger Hamblin may have been the owners of Solco1, were				

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<p>3 you also an owner of Solco1? 4 A. I don't believe so. 5 Q. Okay. Other than you, LeGrand Johnson, Randell 6 Johnson and Roger Hamblin, to your recollection, are there 7 any other owners of Solco1 at any time? 8 A. Not to my recollection. I'm not even sure of 9 those owners, but if there is, that's who they would be.</p>				
<p>80:11 Q. (BY MS. GALLAGHER) Okay. Please take a look at 12 Plaintiff's 556. 13 A. Okay. 14 Q. Which was Bates marked Jameson 22989.</p>			556	
<p>80:19 Q. (BY MS. GALLAGHER) This email appears to be from 20 Greg Shepard. Do you see that? 21 A. Yes, I do. 22 Q. Dated November 26, 2013; right? 23 A. That is correct. 24 Q. Okay. Take a look, please, at the second sentence 25 of this email which says "LTB- LLC, the RaPower3 Operating 81: 1 company, is considering using</p>				

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<p>the solar lenses they are 2 renting from RaPower3 Team Members to provide heat to 3 distill water in massive amounts to relieve drought 4 conditions and to provide water for greenhouses." 5 Do you have any idea where Mr. Shepard might have 6 gotten this information? 7 A. No. But he could have been talking to other 8 people about doing this and asking me if I would consider, 9 you know, operating the system for that purpose. But I have 10 never been approached personally by anyone suggesting this 11 type of an operation.</p>				
<p>83:21 Q. (BY MS. GALLAGHER) So take a look, please, at 22 Plaintiff's Exhibit 557 Bates marked Greg_P&R-1251. The 23 first paragraph under "See attached photo" says -- well, 24 I'll just read the whole thing. This is an email from Greg 25 Shepard; correct? 84: 1 A. I've never seen this before, but yeah. I can see,</p>			557	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
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<p>2 yeah. 3 Q. And this is sent on or about November 25th, 2013; 4 yes? 5 A. Yes, uh-huh. 6 Q. And the email starts "See attached photo. 7 Five-acre Frito Lay Concentrated Solar Plant that produces 8 heat, but not electricity for their business. LTB-LLC, the 9 RaPower3 Operating company, is considering using the solar 10 lenses they are renting from RaPower3 Team Members to 11 provide heat and water for crop production and the 12 greenhouses." 13 Did I read that -- those sentence correctly? 14 A. Yes, you did.</p>				
<p>85: 8 "Q In or around November 2013, was LTB 9 considering using the lens to provide heat to 10 greenhouses?" 11 THE WITNESS: The answer would be no.</p>				
<p>86:20 Q. (BY MS. GALLAGHER) Mr. Johnson, did you ever tell</p>				

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<p>21 Mr. Shepard that LTB was paying rental payments to any person?</p> <p>22 person?</p> <p>23 A. No.</p> <p>24 Q. Did you ever tell Mr. Shepard that LTB1 was making rental payments to any person?</p> <p>25 rental payments to any person?</p> <p>87: 1 A. No.</p> <p>2 Q. Have you ever told Mr. Shepard that LTB-O&M is making rental payments to any person?</p> <p>3 making rental payments to any person?</p> <p>4 A. No.</p> <p>5 Q. Has he ever asked you?</p> <p>6 A. No.</p> <p>7 Q. Have you ever talked about why any LTB entity may not have made rental payments to any person?</p> <p>8 not have made rental payments to any person?</p> <p>9 A. No.</p> <p>10 Q. You -- I believe you said earlier that the purchaser of a lens is entitled to do whatever that person wants with the lens.</p> <p>11 purchaser of a lens is entitled to do whatever that person</p> <p>12 wants with the lens.</p> <p>13 A. That's correct.</p>				
<p>87:16 To your knowledge, has anyone ever purchased a lens and then come to pick up that lens?</p> <p>17 lens and then come to pick up that lens?</p>			<p>341</p> <p>121</p>	

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
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<p>18 A. There may have been one, but there wouldn't -- it 19 wouldn't have been a normal thing to do. But there may have 20 been one or two that did that. 21 Q. So less than five people? 22 A. Oh, yes. I would -- I would assume it would be 23 less than that, if they had even that many, but I don't 24 know. But there may have been, but I don't know who they 25 would be or if they did or not. 88: 1 Q. You don't remember their names? 2 A. I don't even remember if they did. I was just 3 saying it was a possibility that someone did, but I don't 4 know. 5 Q. So it may not have happened at all? 6 A. Correct. I just don't know. 7 Q. Has LTB ever made a payment for the use of any 8 lens simply to generate heat? 9 A. No, they have not. 10 Q. Has LTBI ever made a payment for the use of a lens 11 to generate heat?</p>				

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<p>12 A. No, they have not. 13 Q. Has LTB-O&M ever made any payment for the use of a 14 lens to generate heat? 15 A. No, they have not. Just heat by themselves; 16 right? Not making electricity; right? Well, LTB hasn't 17 done that, so never mind. Pardon me. 18 Q. I'm showing you what's previously been marked 19 Plaintiff's Exhibit 341. Please take a look at that email, 20 read it, and let me know when you're done. For the record, 21 341 is Bates marked Greg_P&R-1787. 22 A. (Peruses document.) 23 Okay. 24 Q. I'd like to draw your attention, please, to the 25 paragraph that starts Rental Payments. Do you see that 89: 1 paragraph? 2 A. Right. 3 Q. It says "Fabulous news. You purchased your lens 4 from RaPower3. Then you rented them from LTB-LLC. Then</p>				

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<p>5 LTB-LLC found a place to use them. IAS wanted to use them 6 for their R&D program. IAS has used them since 2010." 7 Did I read that correctly? 8 A. Yes. 9 Q. Has LTB used any lenses for IAS's R&D program? 10 A. If you're asking me if I understand this 11 statement, I do not. I don't know what he's referring to. 12 But I've already said that LTB has not made any payment at 13 all, but this -- these don't make -- to me I don't even know 14 what he's talking about here, so I don't understand what 15 he'd even be doing. 16 Q. Okay. So you don't know what Mr. Shepard is 17 talking about in the paragraph that is headed Rental 18 Payments? 19 A. No. The contracts speak for themselves. 20 Q. The next paragraph says "Therefore, your rental 21 payments began to accrue back then. Let's say you purchased</p>				

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<p>22 10 lenses in 2010 or earlier. I'm 99.5 percent sure you 23 will start receiving rental payments this year, so at \$150 24 per lens per year you'd get \$750 for 2010, \$750 also for 25 2011, 2012, 2013, and possibly 2014. That would add up to 90: 1 \$3,750 this year." 2 Did I read that correctly? 3 A. Correct. 4 Q. Do you have any idea what Mr. Shepard's talking 5 about here? 6 A. I do not. 7 Q. Did you authorize him to make this statement about 8 past rental payments accruing starting in 2010? 9 A. I've never had this conversation with him at all. 10 I do not know what it is. The contracts, again, speak for 11 themselves. 12 Q. Have you ever had any intention to pay rental 13 payments retroactively? 14 A. No, I do not. 15 Q. If the owner of the lens demanded retroactive</p>				

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<p>16 rental payments from any entity that you're in charge of, 17 what would you do? 18 A. I just refer them to the contract. 19 Q. Has LTB-LLC ever negotiated any contract for the 20 production of clean drinking water? 21 A. No, they have not. 22 Q. Has LTB1-LLC ever negotiated any contract to 23 produce clean drinking water? 24 A. No. 25 Q. Has LTB-O&M ever negotiated any contract to 91: 1 produce clean drinking water? 2 A. No, they have not. 3 Q. Has LTB-LLC ever produced any electricity? 4 A. No, they have not. 5 Q. Has LTB1-LLC ever produced any electricity? 6 A. No, they have not. 7 Q. Has LTB-O&M ever produced any electricity? 8 A. No, they have not. 9 Q. Showing you, sir, what's been marked Plaintiff's 10 Exhibit 121.</p>				

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<p>91:13 Please take a look back through Plaintiff's 14 Exhibit 121 -- 15 A. Okay. 16 Q. -- and let me know when you're done. 17 A. I'm done. 18 Q. This is an operation maintenance agreement that 19 says, in the first paragraph, it is between LTB-LLC and 20 Preston Olsen. Do you see that? 21 A. I do. 22 Q. This operation and maintenance agreement is in a 23 little bit of a different format than the 2008 operation and 24 maintenance agreement that we looked at earlier today, but 25 do you recognize Plaintiff's Exhibit 121 as, generally, the 92: 1 operation and maintenance agreement in effect in or around 2 2016? 3 A. Right. 4 Q. "Yes?" 5 A. Yes, I do.</p>			121	
<p>92: 8 Q. (BY MS. GALLAGHER) Please take a look at 9 Plaintiff's Exhibit 558 and let me</p>			558	

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<p>know when you're done. 10 A. I'm done. 11 Q. Bates number is Jameson 5174. Do you recognize 12 Plaintiff's Exhibit 558? 13 A. Yes, I do. 14 Q. What is it? 15 A. It's a placed-in-service letter. 16 Q. And you've signed the letter; correct? 17 A. Correct. Yes, I did. 18 Q. On behalf of RaPower3? 19 A. Yes, I did. 20 Q. Okay. Let's take a look at the second sentence -- 21 A. Okay. 22 Q. -- of this letter which says "LTB-LLC has utilized 23 solar energy from your panels for the purpose of assisting 24 IAS in research and development for both agricultural and 25 municipal solar thermal waste heat reclamation and multiple 93: 1 non-serial array concentrated photovoltaic receiver 2 circuitry" -- 3 A. Correct. 4 Q. -- "among other applications</p>				

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such as refinement of 5 gearless dual-axis hydraulic tracking mechanisms" -- 6 A. That's correct. 7 Q. -- "and quick-release panel stabilizers and 8 connections, which qualify as commercial use of solar 9 energy." 10 Did I read that correctly? 11 A. That's correct. 12 Q. How, if at all, did LTB do this, what's described 13 here? 14 A. LTB didn't do it.				
94: 1 Q. All right. 2 We would like the witness to read and sign at this 3 time. I have no further questions. 4 MR. PAUL: I don't have any questions either. Thank 5 you.				
DEFENDANT COUNTER- DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATIONS			

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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.