

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAPOWER-3, LLC, INTERNATIONAL
AUTOMATED SYSTEMS, INC., LTB1,
LLC, R. GREGORY SHEPARD,
NELDON JOHNSON, and ROGER
FREEBORN,

Defendants.

Civil No. 2:15-cv-00828 DN

**ORDER GRANTING THE UNITED
STATES' MOTION TO VACATE, IN
PART, THE JULY 5, 2018 ORDER**

Judge David Nuffer
Magistrate Judge Evelyn J. Furse

Upon consideration of the United States' motion to vacate, in part, the Order issued July 5, 2018, staying this case per the Notice of Filing Bankruptcy by Defendant RaPower-3, LLC, **IT IS HEREBY ORDERED THAT** the United States' motion is **GRANTED AND THE JULY 5, 2018, ORDER IS VACATED IN PART**. These proceedings shall resume for the Court to enter its final opinion and order in this matter, both to enjoin Defendants and to fix the amount of disgorgement for which each Defendant is liable. This action will start the time for appeal and will allow the United States to enforce the injunction with respect to all Defendants. These activities are exempt from the automatic stay in RaPower-3's bankruptcy under [11 U.S.C.](#)

§ 362(b)(4).¹ There is no just reason to delay a final order against RaPower-3, or any other Defendant, in this case.

IT IS FURTHER ORDERED THAT the United States shall submit its proposed draft of the final opinion and order to the Court and to defense counsel by email no later than 14 days from the date of this Order; and

Defendants shall submit their objections to the United States' draft to the Court and to counsel for the United States no later than 28 days from the date of this Order.

Signed _____.

BY THE COURT

David Nuffer
United States District Judge

¹ *Dominic's Rest. of Dayton, Inc. v. Mantia*, 683 F.3d 757, 761 (6th Cir. 2012), *Eddleman v. U.S. Dep't of Labor*, 923 F.2d 782, 791 (10th Cir. 1991); *United States v. Elsass*, No. 2:10-CV-336, 2017 U.S. Dist. LEXIS 63106, at *5 (S.D. Ohio Apr. 26, 2017); *F.T.C. v. Unified Glob. Grp., LLC*, No. 15-CV-422W(F), 2016 WL 489897, at *2 (W.D.N.Y. Feb. 9, 2016); *S.E.C. v. Vaughn*, No. CV 10-0263 MCA/WPL, 2010 WL 11441819, at *1-2 (D.N.M. Nov. 16, 2010); *United States v. Fisher*, No. CIV.A.3:03-CV-2108-G, 2004 WL 62583, at *2 (N.D. Tex. Jan. 9, 2004); *In re D'Angelo*, 409 B.R. 296, 298-99 (Bankr. D.N.J. 2009); *In re Nelson*, 240 B.R. 802, 803-07 (Bankr. D. Me. 1999); *In re Bilzerian*, 146 B.R. 871, 873 (Bankr. M.D. Fla. 1992).