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

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

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

Defendants.

**ORDER TAKING UNDER  
ADVISEMENT  
[429] PLAINTIFF'S MOTION  
TO VACATE STAY**

Case No. 2:15-cv-00828 DN-EJF

District Judge David Nuffer

Magistrate Judge Evelyn J. Furse

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Plaintiff filed a Motion to Vacate Stay<sup>1</sup> in this case. It appears that Plaintiff believes the docket entry below is an order from the court, staying this case.

07/02/2018	Case Stayed per <a href="#">424</a> Notice of Filing of Bankruptcy (rks) (Entered: 07/05/2018)
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This court has not ordered a stay. The docket entry above is not an order but a notation.

In the Motion, Plaintiff has pointed out that the bankruptcy<sup>2</sup> stay may not be effective as to this case.

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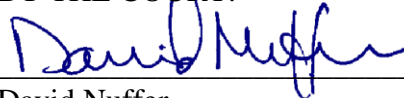
<sup>1</sup> United States' Motion to Vacate ("Motion"), in Part, the July 5, 2018 Order, [docket no. 429](#), filed July 13, 2018.

<sup>2</sup> On June 29, 2018, Defendant RaPower-3 filed a bankruptcy petition in the United States Bankruptcy Court for the District of Utah, Case No. 18-24865. See [docket no. 424](#), filed July 2, 2018 and docket no. 426, filed July 2, 2018.

IT IS HEREBY ORDERED that the court is taking the Motion<sup>3</sup> under advisement. Expedited briefing is necessary. Defendants' response is due Wednesday July 18, 2018. Plaintiff's reply is due Friday July 20, 2018.

Dated July 13, 2018.

BY THE COURT:



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David Nuffer  
United States District Judge

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<sup>3</sup> [Docket no. 429](#), filed July 13, 2018.