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

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1, LLC, R. GREGORY SHEPARD, NELDON JOHNSON, and ROGER FREEBORN,</p> <p>Defendants.</p>	<p><b>NOTICE OF FILING OF UNITED STATES' PROPOSED RECEIVERS AND PROPOSED RECEIVERSHIP ORDER</b></p> <p>Civil No. 2:15-cv-00828 DN</p> <p>District Judge David Nuffer</p> <p>Magistrate Judge Evelyn J. Furse</p>
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On August 22, 2018, the Court granted the United States' second motion to freeze Defendants' assets and appoint a receiver.<sup>1</sup> Pursuant to the Court's instruction in its decision granting the United States' motion<sup>2</sup>, we submit the attached proposed order detailing the powers and responsibilities that the United States proposes the Court vest within the receiver. The proposed order includes all powers identified in this Court's Order dated August 22, 2018, and additional powers recommended by the receiver candidates we interviewed to facilitate the receivership process. We submit the following receiver candidates for the Court's consideration:

1. **R. Wayne Klein:** Mr. Klein, an attorney for 36 years and a founding member of the National Association of Federal Equity Receivers (NAFER), has served as a federal equity receiver four times in Utah and Idaho and a Chapter 11 bankruptcy trustee twice. Mr. Klein was the named plaintiff in hundreds of fraudulent transfer lawsuits, including a significant percentage of the reported cases in this district. He prepared an unpublished treatise analyzing all receivership rulings from the Utah District Court through 2015. He has managed and sold scores of commercial and residential receivership real property in over a dozen states. Mr. Klein has skills investigating investment schemes and applying securities laws as a result of spending 25 years as a securities regulator and enforcement attorney, including serving as head of the Utah and Idaho state securities regulatory agencies. Mr. Klein's full resume is attached as Pl. Ex. 920.

2. **Gil A. Miller:** Mr. Miller is the senior managing member of Rocky Mountain Advisory, LLC in Salt Lake City, Utah and has over 30 years' experience in public accounting. Mr. Miller has been primarily involved with investigative accounting work, bankruptcy case

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<sup>1</sup> ECF Doc. No. 444.

<sup>2</sup> *Id.* at 21.

work, trouble company workouts, breach of contract, contract claims, and fraud examinations. Mr. Miller regularly serves as a bankruptcy trustee and receiver. Mr. Miller is a Certified Public Accountant, a Certified Fraud Examiner, and a Certified Insolvency and Restructuring Advisor. Mr. Miller is a member of the Commercial Panel of the American Arbitration Association and a Fellow in the American College of Bankruptcy. Mr. Miller's full resume is attached as Pl. Ex. 921.

3. **Peggy Hunt:** Ms. Hunt is a partner at Dorsey and has been working in the area of bankruptcy and receivership law for over 25 years. She currently serves as the court-appointed receiver for *Traffic Monsoon, LLC* and she is a Chapter 7 Panel Trustee for the District of Utah. Additionally, Ms. Hunt serves or has served as lead counsel to trustees and equity receivers appointed in some of the largest Ponzi and securities fraud cases in Utah, including *Castle Arch Real Estate Investment Company, LLC*, *National Note of Utah, LC*, and *Waterford Funding, LLC*. Ms. Hunt is a Fellow in the American College of Bankruptcy, a Commissioner on the Utah Securities Commission, and speaks regularly on issues related to bankruptcy and receivership law. Ms. Hunt's full resume is attached as Pl. Ex. 922.

The United States submits that any of the three individuals on this list has the requisite qualifications to serve as the receiver in this case.

Dated: September 21, 2018

Respectfully submitted,

/s/ Erin R. Hines

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**ATTORNEYS FOR THE  
UNITED STATES**

**CERTIFICATE OF SERVICE**

I hereby certify that on September 21, 2018, the foregoing document and its exhibits were electronically filed with the Clerk of the Court through the CM/ECF system, which sent notice of the electronic filing to all counsel of record.

*/s/ Erin R. Hines* \_\_\_\_\_

ERIN R. HINES

Trial Attorney