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Attorneys for Defendants

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

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

Defendants.

Civil N. 2:15-cv-00828-DN-EJF

**MOTION TO PERMIT SETTLEMENT
OF STATE CASES**

Judge David Nuffer
Magistrate Judge Evelyn J. Furse

Defendants RaPower-3, LLC, International Automated Systems, Inc., LTBI, LLC, R. Gregory Shepard, and Neldon Johnson (“Defendants”), by and through their counsel of record, hereby move the Court as follows:

Defendants RaPower-3, LLC, International Automated Systems, Inc., and Neldon Johnson are the plaintiffs in two civil cases filed in the Fourth Judicial District Court, State of Utah, Millard County, Fillmore Department: (1) Case No. 140700016, captioned *International Automated Systems, Inc., RaPower-3, LLC, Neldon Johnson, and Glenda Johnson v. Millard County, Richard*

Waddingham, Daron P. Smith, and Sheryl L. Dekker; and (2) Case No. 150700037, captioned *International Automated Systems, Inc., RaPower-3, LLC, Neldon Johnson, and Glenda Johnson v. Millard County, Richard Waddingham, Daron P. Smith, and Sheryl L. Dekker* (the “state cases”). The Parties in the state cases have reached a “walk away” settlement on or about July 25, 2018. Because of this settlement, the Plaintiffs in the state cases agreed to dismiss their complaints, with each party to bear their own costs. A copy of the settlement agreement in the state cases is attached as Exhibit A. Plaintiff United States of America does not oppose the “walk away” settlement of the state cases. See Exhibit C.

In accordance with this Court’s Memorandum Decision and Order Freezing Assets and to Appoint a Receiver (Docket No. 444), filed on August 22, 2018, Defendants respectfully request this Court to allow the settlement of the state cases to proceed and move the Court to allow Defendants RaPower-3, LLC, International Automated Systems, Inc., and Neldon Johnson, by and through their counsel of record, to enter into the settlement agreement in the state cases.

A proposed Order is attached as Exhibit B.

DATED this 27th day of September, 2018.

**NELSON, SNUFFER, DAHLE &
POULSEN**

/s/ Denver C. Snuffer

DENVER C. SNUFFER

STEVEN R. PAUL

DANIEL B. GARRIOTT

JOSHUA D. EGAN

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION TO PERMIT SETTLEMENT OF STATE CASES** was sent to counsel for the United States in the manner described below.

Erin Healy Gallagher
Erin R. Hines
Christopher R. Moran
US Dept. of Justice
P. O. Box 7238
Ben Franklin Station
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Attorneys for USA

Sent via:
_____ Mail
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erin.r.hines@usdoj.gov
Christopher.r.moran@usdoj.gov
___X___ Electronic Service via Utah Court's
e-filing program

/s/ Daniel B. Garriott
Attorneys for Defendants