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LTB1, and Neldon Johnson*

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, and NELDON JOHNSON,</p> <p>Defendants.</p>	<p>Civil No. 2:15-cv-00828-DN-EJF</p> <p><b>DEFENDANT GREG SHEPARD'S MOTION TO LIFT FREEZE ORDER AS TO CERTAIN ASSETS</b></p> <p>Judge David Nuffer Magistrate Judge Evelyn J. Furse</p>
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Defendant Greg Shepard hereby moves the court for an order lifting the asset freeze order ([Doc. 444](#)) (hereafter "Order") as to certain income assets on which Mr. Shepard relies to pay for his daily living expenses that have been authorized by the Court.

In the Order, this Court stated that "each Defendant shall be allowed to withdraw on a monthly basis, monies for basic living expenses". ([Doc. 444 at p. 28.](#)) Mr. Shepard has limited sources of income. He is receiving social security in the amount of \$1,923.00 per month, he has also been receiving \$1,000 per month from the sale of his interest in Bigger Faster Stronger and

he receives a life insurance annuity payment in the amount of \$431 per month. He also receives income from a different annuity in the amount of \$480 per month. These sources of income are less than the \$3,619.00 that the Court has authorized he can withdraw on a monthly basis. See Declaration of R. Gregory Shepard (“Shepard Decl.”) filed herewith.

Bigger Faster Stronger was served a copy of the Order and sent Mr. Shepard a letter indicating that based on its review of the Order, it can no longer send payment. A copy of the letter referenced is attached to the Shepard Decl. as Exhibit 1.

Mr. Shepard also received a letter from Allianz, the life insurance annuity that has been paying \$431 per month, indicating that because it also received a copy of the Order. Allianz has stopped making payment to Mr. Shepard based on the Order. A copy of the Allianz letter is attached to the Shepard Decl. as Exhibit 2.

Mr. Shepard therefore asks this Court to lift the asset freeze order for the limited purpose of authorizing Bigger Faster Stronger and Allianz to continue sending payment to Mr. Shepard. Mr. Shepard depends on this income for his daily living. He supports a household of eight (8) people. His wife receives some social security and his son, Matt Shepard, receives a military pension and is looking for work now, but the combined family income is not sufficient to pay all of the costs of supporting Mr. Shepard’s family.

A copy of this motion was sent to Plaintiff’s counsel prior to filing with this court with a request for a stipulation to allow the Order to be lifted as to these specific assets or a representation that Plaintiff will not oppose the motion. The government’s response was it did not have time to respond to our request, but may do so later. A copy of the emails are attached hereto.

Dated this 28<sup>th</sup> day of September, 2018.

NELSON SNUFFER DAHLE & POULSEN

/s/ Steven R. Paul  
Denver C. Snuffer, Jr.  
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 **DEFENDANT GREG SHEPARD'S MOTION TO LIFT FREEZE ORDER AS TO CERTAIN ASSETS** 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  
Washington, DC 20044  
*Attorneys for USA*

Sent via:  
 Mail  
 Hand Delivery  
 Email: [erin.healygallagher@usdoj.gov](mailto:erin.healygallagher@usdoj.gov)  
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 Electronic Service via Court's  
CM/ECF filing program

/s/ Steven R. Paul  
*Attorneys for Defendants*

**Steven Paul**

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**From:** Hines, Erin R. (TAX) <Erin.R.Hines@usdoj.gov>  
**Sent:** Friday, September 28, 2018 1:52 PM  
**To:** Steven Paul; Healy Gallagher, Erin (TAX); Moran, Christopher R. (TAX)  
**Cc:** 'Denver Snuffer - gmail'; 'Dan Garriott'; 'Joshua E'  
**Subject:** RE: USA v. RaPower - motion to lift freeze order as to certain assets of greg shepard

Stephen:

Thank you for notice of the motion you plan to file with the Court and an opportunity to review it. Unfortunately, we will not have a chance to evaluate the motion and give you our position until early next week. We will do our best to respond to you on Monday.

Erin R. Hines  
Trial Attorney  
U.S. Department of Justice, Tax Division  
P.O. Box 7238  
Washington, D.C. 20044  
Phone: 202.514.6619  
Fax: 202.514.6770

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**From:** Steven Paul <spaul@nsdplaw.com>  
**Sent:** Friday, September 28, 2018 12:53 PM  
**To:** Healy Gallagher, Erin (TAX) <Erin.HealyGallagher@tax.USDOJ.gov>; Hines, Erin R. (TAX) <Erin.R.Hines@tax.USDOJ.gov>; Moran, Christopher R. (TAX) <Christopher.R.Moran@tax.USDOJ.gov>  
**Cc:** 'Denver Snuffer - gmail' <denversnuffer@gmail.com>; 'Dan Garriott' <dbgarrriott@msn.com>; 'Joshua E' <joshua.d.egan@gmail.com>  
**Subject:** USA v. RaPower - motion to lift freeze order as to certain assets of greg shepard

Erin,

I've prepared a motion to file with the court asking for certain payments that Mr. Shepard was receiving to be authorized to continue. I've attached a copy of the motion and declaration from Mr. Shepard and request that you stipulated to allow the Order to be lifted as to these specific assets or a representation that Plaintiff will not oppose the motion.

Please let me know if you will either (1) stipulate or (2) not oppose the motion.

Thank you.

Steven Paul

*Steven R. Paul*  
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