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Attorneys for Defendants

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-EJF

NOTICE OF APPEAL

Judge David Nuffer

Magistrate Judge Evelyn J. Furse

Notice is hereby given that all Defendants in the above-named case, hereby appeal to the United States Court of Appeals for the Tenth Circuit from the District Court's Order and Injunction (Doc. 467); Judgment entered in favor of USA (Doc. 468); Memorandum Decision and Order Granting Defendant's Rule 60(a) Request for Relief Based on Oversight and Confirming Order Denying Trial by Jury (Doc. 336); Denial of Motion to Dismiss (Doc. 394); ruling from the bench Denial of Defendants' 52(c) Motion as noted in minute entry on June 22, 2018 (Doc. 428), transcript at 2514:13-15; Memorandum Decision and Order Freezing Assets and to Appoint a

Receiver (Doc. 444); Order Dismissing the Case and Findings of Bad Faith (Doc 443); Initial Order and Injunction After Trial (Doc. 413); Memorandum Decision and Order Denying Defendants' Motion to Continue Trial (Doc. 407); ruling from the bench at trial denying Defendants' Motion to Strike Dr. Mancini's testimony at trial located on transcript pg. 207:7-16; Order Granting Motion for Protective Order (Doc. 170); Order Denying Doc. 253 Motion in Limine (Doc. 310); Memorandum and Order denying Motion to Reinstate Trial by Jury (Doc. 289); Memorandum Decision and Order denying Motion in Limine to Exclude Damages (Doc. 338); Memorandum Decision and Order granting Motion to Strike Jury Demand (Doc. 31); Docket Text Order denying Defendants' request to exclude the use of deposition testimony in lieu of live witnesses at trial (Doc. 347); Docket Text Order entered on March 29, 2018 (Doc. 359); Docket Text Order denying Defendant's Doc 364 Motion in Limine to Strike Plaintiff's Summary Exhibit 752 (Doc. 376); Docket Text Order denying Defendant's Doc 364 Motion in Limine to Strike Plaintiff's Summary Exhibits 734-741, 742(A) and 742(B), and Exhibit 750 (Doc. 377); Oral Ruling denying Neldon Johnson to appear pro se (Trial Transcript at pg. 10:15-12:19; Doc. 372), (relying on prior ruling of Magistrate Judge Evelyn Furse located in the transcript Deposition of Gregory Shepherd at pp. 15, l. 17-16, l. 10).

Dated this 10th day of October, 2018.

NELSON SNUFFER DAHLE & POULSEN

/s/ Denver C. Snuffer, Jr.
Denver C. Snuffer, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF APPEAL** was sent to counsel for the United States in the manner described below.

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/s/ Steven R. Paul
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