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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.

Civil No. 2:15-cv-00828 DN

**UNITED STATES' RESPONSE TO  
DEFENDANTS' MOTION TO AMEND  
TERMS OF JUDGMENT**

Judge David Nuffer  
Magistrate Judge Evelyn J. Furse

Defendants moved to amend the judgment entered in this case.<sup>1</sup> Specifically, they ask that the terms of judgment match the terms set forth in the order at the end of the Court's Findings of Fact and Conclusions of Law. The United States does not oppose this relief.

But the language Defendants have proposed for the amended judgment is incorrect in one respect. The amended judgment should state that judgment "is" entered in favor of the United States rather than judgment "shall be" entered in favor of the United States. With this change, the complete text of the disgorgement portion of the amended judgment should be:

"IT IS HEREBY ORDERED AND ADJUDGED that final judgment is entered in favor of Plaintiff United States of America and against Defendants RaPower-3 LLC, International Automated Systems Inc., R. Gregory Shepard, and Neldon Johnson, jointly and severally, in the amount of \$50,025,480 as equitable monetary relief, up to and including the amount of gross receipts each received from the solar energy scheme as follows:

- a. Neldon Johnson: \$50,025,480;
- b. International Automated Systems, Inc.; \$5,438,089;
- c. RaPower-3, LLC: \$25,874,066; and
- d. R. Gregory Shepard: \$702,001."

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<sup>1</sup> ECF No. 474; ECF No. 468.

Dated: October 26, 2018

Respectfully submitted,

/s/ Erin Healy Gallagher

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**ATTORNEYS FOR THE  
UNITED STATES**

**CERTIFICATE OF SERVICE**

I hereby certify that on October 26, 2018 the foregoing UNITED STATES' RESPONSE TO DEFENDANTS' MOTION TO AMEND TERMS OF JUDGMENT was 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 Healy Gallagher*

ERIN HEALY GALLAGHER

Trial Attorney