

Steven Paul

From: wklein@kleinutah.com
Sent: Monday, December 3, 2018 3:36 PM
To: 'Steven Paul'
Cc: 'Denver Snuffer - gmail'; 'Dan Garriott'; Healy Gallagher, Erin (TAX); 'Hines, Erin R. (TAX)'; Jonathan O. Hafen; Joseph M.R. Covey; 'Mike Lehr'
Subject: RE: Deposition of Neldon Johnson

Steven:

You may represent to the Court that I do not oppose a motion to release the asset freeze to the extent that it allows Mr. Johnson to receive future SSI payments. Based on my lack of information about the source of the \$4,358.18 in the Bank of American Fork account held in the name of Mr. Johnson, I am unwilling to stipulate that all those funds should be released to him. If you will send me copies of bank statements for that account, showing that the sole source of funds in that account were deposits from the Social Security Administration, I will review those records and let you know whether I would consent to a release of some or all of those funds.

Regarding Mr. Johnson's account at Bank of American Fork, I have the funds from that account. Should the Court agree that some or all of the funds should be released, I would need to send payment from funds in the Receivership bank account.

Wayne

From: Steven Paul <spaul@nsdplaw.com>
Sent: Monday, December 3, 2018 11:40 AM
To: wklein@kleinutah.com
Cc: 'Denver Snuffer - gmail' <denversnuffer@gmail.com>; 'Dan Garriott' <dbgarriott@msn.com>
Subject: RE: Deposition of Neldon Johnson

Wayne,

We've been doing some research on the issue of Neldon Johnson's social security income. 42 U.S.C. § 407 provides:

The right of any person to any future payment under this subchapter shall not be transferable or assignable, at law or in equity, ***and none of the moneys paid or payable or rights existing under this subchapter shall be subject to execution, levy, attachment, garnishment, or other legal process***, or to the operation of any bankruptcy or insolvency law.

(Emphasis added).

As such, we think the funds are exempt. We believe we can file a motion to have those funds released from the freeze order and Judge Nuffer will allow the release of those funds. Are you willing to stipulate to the release of Neldon's social security deposit? We would still file a motion, because I believe the bank needs a court order to lift the asset freeze order, but would like to include in the motion that you either stipulate or do not oppose the motion to lift the asset freeze order over the account in Neldon's name at Bank of American Fork.

Please let me know your thoughts.

Steven Paul

From: wklein@kleinutah.com <wklein@kleinutah.com>
Sent: Monday, December 3, 2018 8:09 AM
To: 'Steven Paul' <spaul@nsdplaw.com>
Cc: Jonathan O. Hafen <jhafen@parrbrown.com>; Joseph M.R. Covey <jcovey@parrbrown.com>; 'Mike Lehr' <mlehr@parrbrown.com>; Healy Gallagher, Erin (TAX) <Erin.HealyGallagher@usdoj.gov>; 'Hines, Erin R. (TAX)' <Erin.R.Hines@usdoj.gov>
Subject: Deposition of Neldon Johnson

Steven:

I would like to take testimony from Neldon Johnson under oath. Under paragraph 28 of the Receivership Order, he can require that I issue a subpoena under the FRCP. I would like your input on whether I should issue a subpoena and serve it on Mr. Johnson or whether Mr. Johnson will voluntarily appear to give testimony under oath. If Mr. Johnson would like a subpoena, should we serve it on him or will you accept service of it?

I also plan to seek testimony under oath from Mrs. Johnson. I believe you do not represent her. Do you have any suggestions for me on the best way to arrange for her testimony? Should that request go through you? Do you know if she has counsel? Should we just issue the subpoena to her and serve it on her?

Please let me know by Friday, December 7 if you have any preferences on how I proceed.

Wayne

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