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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., LTBI,
LLC, R. GREGORY SHEPARD,
NELDON JOHNSON, and ROGER
FREEBORN,

Defendants.

Civil No. 2:15-cv-00828 DN

**UNITED STATES' MOTION FOR
ENTRY OF ORDER FOR
ATTORNEY'S FEES AND COSTS
IN RE: CIVIL CONTEMPT**

Chief Judge David Nuffer
Magistrate Judge Evelyn J. Furse

After the United States filed a motion for an order to show cause,¹ and a series of admissions by R. Gregory Shepard,² this Court held Shepard in civil contempt for violating the asset freeze in this matter.³ As part of its order, this Court held Shepard “personally liable for the Government’s reasonable attorney’s fees and costs incurred in connection with the Motion and enforcement of this Order.”⁴ An award of attorney’s fees and costs is an appropriate civil sanction against a party in contempt of a court order.⁵

The attorney’s fees and costs incurred to bring the motion and enforce the Court’s order are set forth in the attached Declaration of Erin Healy Gallagher. As that Declaration shows, the United States’ attorney’s fees and costs for this matter total \$3,273.79. Therefore, the United States asks that this Court enter an order that R. Gregory Shepard pay the United States \$3,273.79, in funds separate from property belonging to the Receiver or the receivership estate,⁶ within 30 days.

¹ ECF No. 483.

² ECF No. 494; ECF No. 505 at 1-2.

³ ECF No. 505 at 2.

⁴ ECF No. 505 at 4.

⁵ *Hutto v. Finney*, 437 U.S. 678, 689 n.14 (1978) (“Of course, fees can also be awarded as part of a civil contempt penalty.”); *Fish v. Kobach*, 294 F. Supp. 3d 1154, 1169 (D. Kan. 2018).

⁶ See ECF No. 491.

Dated: December 6, 2018

Respectfully submitted,

/s/ Erin Healy Gallagher

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**ATTORNEYS FOR THE
UNITED STATES**

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2018, the foregoing UNITED STATES' MOTION FOR ENTRY OF ORDER FOR ATTORNEY'S FEES AND COSTS IN RE: CIVIL CONTEMPT and its supporting documents were 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