

Denver C. Snuffer, Jr. (#3032) denversnuffer@gmail.com

Steven R. Paul (#7423) spaul@nsdplaw.com

Daniel B. Garriott (#9444) dbgarrriott@msn.com

Joshua D. Egan (15593) Joshua.d.egan@gmail.com

NELSON, SNUFFER, DAHLE & POULSEN

10885 South State Street

Sandy, Utah 84070

Telephone: (801) 576-1400

Facsimile: (801) 576-1960

*Attorneys for RAPower-3, LLC, International Automated Systems, Inc.,
LTB1, R. Gregory Shepard 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>NELSON, SNUFFER, DAHLE & POULSEN, P.C.'S NOTICE AND/OR MOTION TO WITHDRAW AS COUNSEL FOR ALL DEFENDANTS</p> <p>Judge David Nuffer</p>
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Pursuant to [Rule DUCivR 83-1.4\(a\)](#), and prior order of this Court, Denver C. Snuffer, Jr., Steven R. Paul, Daniel B. Garriott, Joshua D. Egan, and the law firm of Nelson, Snuffer, Dahle & Poulsen, P.C., counsel for Defendants gives notice of withdrawal as counsel or, in the alternative, move for withdrawal as counsel for Defendants. This Court entered a Corrected Receivership Order in the above case (ECF Doc. [491](#)) in which all attorneys for the Defendants were dismissed (¶ 9). We have attempted to assist the Defendants in complying with the Court's ordered compliance obligations and the receiver's demands. However, the Receiver's Report (ECF Doc. [557](#)) points out on page 24, (Chart at ¶ VB) that we were dismissed as counsel. The

Corrected Receivership Order and Receiver's Report leave us with the understanding that we have no right to participate in representation of the Defendants in further proceedings before this Court. Therefore, we withdraw pursuant to the Court's Order and the Receiver's Report.

Out of an abundance of caution, and to the extent it is necessary to do so, pursuant to [DUCivR 83-1.4\(a\)](#) we request leave to withdraw as counsel for Defendants in this matter as follows:

1. Neldon Johnson is a party and has requested, both during trial and again afterwards, to represent himself Pro Se. He has also filed a motion Pro Se and informed us that he would like to be his own counsel in that motion and any other proceedings remaining in this Court. We expect to continue to represent him, and the other Defendants, in the pending appeal before the 10th Circuit Court of Appeals.
2. The Court has Ordered we be dismissed as counsel in this matter. (ECF Doc. [491](#)).
3. The last known address and phone number for Defendants RaPower-3, LLC, International Automated Systems, Inc., LTB1, LLC, and Neldon Johnson is 2730 West 4000 South, Oasis, Utah. (801) 372-4838.
4. The last know address and phone number for Defendant R. Gregory Shepard is 858 W. Clover Meadow Drive, Murray, Utah, 84123. (801) 699-2284.
5. If this motion is granted, the clients will be informed that they must file a notice of appearance within twenty-one (21) days after entry of the order, unless otherwise ordered by the court,
6. The clients have been informed that, pursuant to [DUCivR 83-1.3](#), no corporation, association, partnership, limited liability company or other artificial entity may appear pro se, but must be represented by an attorney who is admitted to practice in this court.

7. We also certify that this motion was sent to our clients and to all parties.
8. A proposed form of Order accompanies this Motion.
9. All clients have been kept apprised of all court proceedings and deadlines and has been give regular status updates of the case, including deadlines or requirements under any existing court orders.
10. A copy of [DUCivR 83-1.4](#) is being provided to the client together with this motion.

In addition to the foregoing, since the asset freeze order has been entered, the retainer given to this firm to pay for work performed in this matter in dealing with deadlines, dealing with the receiver or otherwise representing these Defendants including with the appeal has been frozen and therefore unavailable to use to pay legal fees. Given the amount of effort required for the appeal, we are unable to bear the expense of further activity in this case without the Court's authorization for payment from the retainer frozen in our trust account.

Finally, we were shocked at the Receiver's Report leveling charges of non-cooperation against us, when we have been making sacrifices and good faith efforts to do everything possible to assist in this matter. Given the unmerited criticism along with the non-payment, there is no reason for us to continue in this thankless servitude.

Therefore, based on the foregoing, counsel for Defendants' notifies and/or requests leave to withdraw from further representation of Defendants in these proceedings.

DATED this 1st day of February, 2019.

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 **NOTICE AND/OR MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANTS** was sent to the following and in the manner described below.

Erin Healy Gallagher
Erin R. Hines
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
erin.r.hines@usdoj.gov
 Electronic Service via Utah Court's e-filing program

Wayne Klein, Receiver
P.O. Box 1836
Salt Lake City, Utah 84110

Sent via:
 Mail
 Hand Delivery
 Email: wklein@kleinutah.com
 Electronic Service via Utah Court's e-filing program

Jonathan O. Hafen
Joseph M.R. Covey
PARR BROWN GEE & LOVELESS
101 South 200 East, Suite 700
Salt Lake City, Utah 84111
Attorneys for Receiver

Sent via:
 Mail
 Hand Delivery
 Email: jhafen@parrbrown.com
jcovey@parrbrown.com
 Electronic Service via Utah Court's e-filing program

Neldon P. Johnson
International Automated Systems, Inc.
RaPower-3, LLC
LTB1, LLC
2730 West 4000 South
Oasis, Utah 84624

Sent via:
 Email: glendaejohnson@hotmail.com
 Mail

R. Gregory Shepard
858 W. Clover Meadow Dr.
Murray, Utah 84123

Sent via:
 Email: greg@rapower3.com
 Mail

/s/ Steven R. Paul
Attorneys for Defendants