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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><b>MOTION FOR PROTECTIVE ORDER FOR NON-PARTY GLENDA JOHNSON</b></p> <p>Judge David Nuffer</p>
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Glenda Johnson, a non-party to this matter, appears specially for the limited purpose of objecting to the subpoena served on her on January 29, 2019, as follows:

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Glenda Johnson, asks this Court for protection from the oppressive and overly burdensome demands for production of documents and things from the receiver, Mr. Wayne Klein.

Attached as Exhibit 1 is a list of documents and things that the receiver, Mr. Wayne Klein, has asked that Glenda Johnson provide before February 8, 2018. Glenda Johnson was only served with a copy of the subpoena demanding documents on January 29, 2019. Given that there 34

numbered requests and many (if not all) requests require multiple responses, the actual number of requests is more than a hundred and as pointed out below, can be in the thousands of discrete requests.

Given the incredibly short period of time to respond, less than 14 days, to the demand for documents and the excessive nature of the demand in required time to find all the information, organize the information, copy or provide the information, there is no way that Glenda Johnson can comply with the request.

For example, in request number 8, the receiver asks for “Records showing all payments by any Receivership Entities, Subsidiaries and Affiliates, or Related Entities to Roger Hamblin since January 1, 2000.” That is more than 18 years worth of banking information from nineteen (19) different entities. It is nearly an impossible task. But even more oppressively, Mr. Klein makes similar demands 3 more times (numbers: 8, 15, 19, and 20). Glenda Johnson does not have access to the requested documents. It would be unduly burdensome to require her to track down the documents for the benefit of the receiver.

Other requests demand documents from as many as 19 separate business entities (the receiver gives a definition of “**Receivership Entities**” “**Subsidiaries and Affiliates**” and “**Related Entities**” defining the 19 entities). For example, in request number 1, the receiver asks for “Documents evidencing your role as an officer, director, member, manager, owner, employee, registered agent, or similar role for: (a) any **Receivership Entities**; (b) any of the **Subsidiaries and Affiliates**; (c) any of the **Related Entities**.” That is a significant task for just one of the business entities, and he wants it for 19. Even more burdensome, Mr. Klein asks for the business entity information on the same 19 business entities 17 more times (numbers: 1, 2, 4, 5, 6, 7, 8, 9, 11, 23, 24, 25, 26, 31, 32, 33, and 34).

The subpoena issued to Glenda Johnson is excessive in scope and span of years. Further, she should not be subjected to the annoyance of providing information the receiver already has (banking and corporate entity information) or which he should have already been provided by the United States, or could get from the original sources by subpoena with the same expense and trouble as required of Mrs. Johnson. It is oppressive, unduly burdensome and the expense would be overwhelming unless the requests are revised as to both scope and span of years.

Under Rule 26(c), the requested discovery from the receiver should be limited to the past 3 years (or at most 5 years). They should be edited to limit the requests to documents the receiver does not already have and eliminate requests that he is simply including to fish for information.

Notwithstanding this motion for a protective order, almost all (if not all) of the information Glenda Johnson has in her possession or control was obtained by her counsel during discovery or at trial of the above case. A copy of that material has been copied and produced to the receiver. If Glenda Johnson can ever locate more, she will provide it. But that does not make the subpoena reasonable.

Given the enormous task of complying with the subpoena asking for hundreds of responses, this motion for protective order should be granted and limit the scope and span of the demands for documents from the receiver to Mrs. Johnson.

DATED this 7<sup>th</sup> day of February, 2019.

NELSON SNUFFER DAHLE & POULSEN

/s/ Steven R. Paul  
Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **MOTION FOR PROTECTIVE ORDER FOR NON-PARTY GLENDA JOHNSON** was sent to the following and in the manner described below.

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