

From: [Steven Paul](#)
To: wklein@kleinutah.com; "Denver Snuffer - gmail"; "Dan Garriott"
Cc: [Jonathan O. Hafen](#); [Joseph M.R. Covey](#); [Mike Lehr](#); "Healy Gallagher, Erin (TAX)"; "Hines, Erin R. (TAX)"
Subject: RE: Deposition of Neldon Johnson
Date: Monday, January 7, 2019 1:57:43 PM

Wayne and Erin,

I'm sorry for the short notice, but we must cancel the depositions for this week. We will try to reschedule as quickly as we can. In the meantime, we have asked the clients to gather documentation on the issues you mention in the email below (Dec. 10 and 11) discussing the topics you wanted to cover. Because most of the answers to questions relating to those topics would require an "I don't know" and further research, we will work on getting the information gathered so the deposition can be more productive.

But to confirm, we are cancelling the depositions scheduled for this week.

Steven Paul

From: wklein@kleinutah.com <wklein@kleinutah.com>
Sent: Tuesday, December 11, 2018 5:48 PM
To: 'Steven Paul' <spaul@nsdplaw.com>; 'Denver Snuffer - gmail' <denversnuffer@gmail.com>; 'Dan Garriott' <dbgarrriott@msn.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: RE: Deposition of Neldon Johnson

Steven:

January 3 and 4 and anytime the week of January 14-18 would work for us. I appreciate the offer to use your offices. We are happy to do the depositions there. If there is any reason you or the Johnsons would prefer to have the deposition downtown, we can do it at Parr Brown. But, I am guessing you come downtown more often than you want and that it would be more convenient for the Johnsons to have the depositions at your office.

For Mrs. Johnson's deposition, I am requesting that she produce copies of the bank statements for any bank accounts she has, or has had, in which she has had financial transactions with one of the Receivership Defendants or from which she has paid funds to purchase real property or from which she paid the retainer amount to your firm that was forwarded to Snell & Wilmer. I intend to question Mrs. Johnson about the sources of funds she used to purchase real properties that are held in her name and the sources of the funds that Snell & Wilmer used to file the June 2018 bankruptcy petition for RaPower-3. Most of the real estate purchases were in 2011 or later, so records from 2011 to present will be adequate for purposes of the deposition (although it would be wonderful if she could also bring records showing the source of funds she used to purchase the two properties from Mr. Johnson in 2007). Will you inquire of her whether she is willing to voluntarily produce

those records in advance? If she does not have the records, you can identify the banks for me and we will issue a subpoena to the banks to get the records. If she has the records, but would like me to issue a subpoena, we will gladly do so.

Let me know which dates in early January work best for the depositions.

Thank you (and the Johnsons) for the cooperation being shown here.

Wayne

From: Steven Paul <spaul@nsdplaw.com>
Sent: Monday, December 10, 2018 1:50 PM
To: wklein@kleinutah.com; 'Denver Snuffer - gmail' <denversnuffer@gmail.com>; 'Dan Garriott' <dbgarrriott@msn.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: RE: Deposition of Neldon Johnson

Wayne,

We have spoken with Neldon and Glenda Johnson regarding your request to take their depositions in the receivership estate proceedings. We have been authorized by Glenda to arrange her deposition and will try to make them both available at your convenience. This month will be very difficult. If you give us dates in the first weeks of January, I am confident we can make them available. Where do you want to take the depositions? We are willing to make our office available to you if you want to take the depositions here.

Steven Paul

From: wklein@kleinutah.com <wklein@kleinutah.com>
Sent: Monday, December 3, 2018 4:15 PM
To: 'Steven Paul' <spaul@nsdplaw.com>; 'Denver Snuffer - gmail' <denversnuffer@gmail.com>; 'Dan Garriott' <dbgarrriott@msn.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>
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Steven:

For Mr. Johnson, I expect the deposition would take a full day. I expect the deposition would address categories such as:

- Assets of the Receivership Defendants. This would include a discussion of assets owned by

RaPower-3, IAS, affiliates, and Mr. Johnson personally.

- Obtaining information about real estate that is owned or has been owned by Receivership Defendants in the past, that has either been liquidated or transferred.
- Information about current and past employees, officers, directors, and managers of RaPower, IAS, and affiliates. This would include who they are, what services they performed, and how much they received in payments.
- Payments that Receivership Defendants have made to others, other than employees.
- The books and records of Receivership Defendants.
- Prior litigation in which Receivership Defendants were involved.
- Information about IAS, such as how the company was run, what business operations it was conducting, what business operations it had discontinued, etc.
- Information about all financial transactions he has engaged in since the first asset freeze was imposed, including a discussion of all sources of income he has received.
- What business operations have been engaged in since the first asset freeze was imposed, including what employees have performed work for Receivership Defendants, what assets/equipment have been used, and what work has been done.
- The roles of subsidiaries and affiliates of Receivership Defendants, including their relationships to Receivership Defendants, ownership, management, and transfers of funds or assets.
- The history behind and reasons for creating foreign companies to hold intellectual property and real property.
- Payments by Receivership Defendants to attorneys, accountants, and other professionals.
- Liabilities of or claims that might be asserted against Receivership Estate assets.
- His use of Receivership Estate assets.

For Mrs. Johnson, I expect the deposition would take half a day. The categories I expect to address would include:

- Her roles in operations of the Receivership Entities (including affiliates), including any roles as employee, officer, director, manager, etc.
- Compensation she received from Receivership Defendants.
- Amount and sources of income other than from Receivership Defendants.
- Real property and other assets held in her name, including the circumstances under which the assets were obtained, the transferors, and the sources of funds for the acquisitions.
- Her use of Receivership Estate assets.

I would like the depositions to occur this month, before I need to file my status report and inventory report.

Wayne

From: Steven Paul <spaul@nsdplaw.com>

Sent: Monday, December 3, 2018 10:17 AM

To: wklein@kleinutah.com; 'Denver Snuffer - gmail' <denversnuffer@gmail.com>; 'Dan Garriott' <dbgarrriott@msn.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: RE: Deposition of Neldon Johnson

Wayne:

We can schedule Neldon Johnson for a deposition. We might also be able to schedule Glenda Johnson, but will have to have a conversation with her first.

Before we agree upon a date and location, can you answer a few questions?

How long do you anticipate deposing Neldon?

Will the subject be limited to his assets? If not, what else ought Neldon be prepared to address?

How long do you anticipate deposing Glenda Johnson?

Will the subject be limited to her knowledge about the Defendants' assets? If not, what else ought she be prepared to address?

Let us know a timeframe for when you would like to schedule the depositions and we will check our schedule and the Johnson's availability.

Steven Paul

Steven R. Paul

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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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