

Jonathan O. Hafen (6096) (jhafen@parrbrown.com)
Joseph M.R. Covey (7492) (jcovey@parrbrown.com)
Michael S. Lehr (16496) (mlehr@parrbrown.com)

PARR BROWN GEE & LOVELESS, P.C.

101 South 200 East, Suite 700
Salt Lake City, Utah 84111
Telephone: (801) 532-7840
Facsimile: (801) 532 7750

Attorneys for Court-Appointed Receiver R. Wayne Klein

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAPOWER-3, LLC; INTERNATIONAL
AUTOMATED SYSTEMS, INC.; LTB1,
LLC; R. GREGORY SHEPARD; NELDON
JOHNSON; and ROGER FREEBORN,

Defendants.

REQUEST TO SUBMIT FOR DECISION

Civil No. 2:15-cv-00828-DN

District Judge David Nuffer

Pursuant to DUCivR 7-3, R. Wayne Klein, the Court-Appointed Receiver (the “Receiver”) of RaPower-3, LLC (“RaPower”), International Automated Systems, Inc. (“IAS”), and LTB1, LLC (“LTB1”) (collectively, the “Receivership Entities”), as well as certain of their subsidiaries and affiliates (“Related Entities”) and the assets of Neldon Johnson (“Johnson”) and R. Gregory Shepard (“Shepard”) (collectively “Receivership Defendants” or “Defendants”), respectfully requests that the Court render a decision on the pending Motion to Include Affiliates and

Subsidiaries in the Receivership Estate (“Motion”).¹ In support of the request the Receiver submits the following:

1. On March 1, 2019, the Receiver filed the Motion.²
2. Nelson Snuffer Dahle & Poulsen, P.C. (“Nelson Snuffer”), filed a response to the Motion on March 15, 2019 on behalf on respondents Glenda Johnson, Solco I, LLC, XSun Energy, LLC, and Solstice Enterprises.³
3. Defendant Neldon Johnson filed an opposition to the Motion on March 18, 2019.⁴
4. The Receiver filed a reply in support of the Motion on March 29, 2019.⁵
5. No party requested a hearing on this matter.
6. The Motion is ripe, and the Receiver requests that the Court grant the Motion and include the affiliates and subsidiaries in the Receivership Estate in substantially the form of the proposed order submitted along with the Motion.⁶

DATED this 1st day of April, 2019.

PARR BROWN GEE & LOVELESS

/s/ Michael S. Lehr
Jonathan O. Hafen
Michael S. Lehr
Attorneys for Receiver

¹ [Docket No. 582.](#)

² *Id.*

³ [Docket No. 596.](#)

⁴ [Docket No. 597.](#)

⁵ [Docket No. 602.](#)

⁶ [Docket No. 582-1.](#)

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the above **REQUEST TO SUBMIT FOR DECISION** was electronically filed with the Clerk of the Court through the CM/ECF system on April 1st, 2019, which sent notice of the electronic filing to all counsel of record.

IT IS FURTHER CERTIFIED that, on the same date, by U.S. Mail, first-class, postage pre-paid, I caused to be served the same documents upon the following persons:

Neldon Johnson
2730 W 4000 South,
Oasis, UT 84624

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

Pro se Defendants

/s/ Michael S. Lehr