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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, and
NELDON JOHNSON,

Defendants.

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

**SECOND DECLARATION OF
RANDALE JOHNSON RELATING TO
COMPLIANCE VERIFICATION OF
ECF Doc. 491, ¶ 24**

Judge David Nuffer

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. My name is Randale Johnson and I make this declaration under oath and based on my personal knowledge.
2. I submit this declaration to comply with paragraph 24 of the Receivership Order, ECF doc 491, and paragraph 9 of the Affiliates Order, ECF doc 636 (collectively “the Orders”).
3. I hereby state that I do not have in my control any books, records, documents, accounts, stock certificates, intellectual property records, evidence of intellectual property rights, computer and electronic records, or other instruments and papers relating to the

Receivership Defendants, except that I own shares in IAS, but I am unable to presently locate the copies of those shares and may need to request replacement certificates from the stock transfer agent, and some limited technical documents and photographs which were provided during discovery, copies of checks showing payments I made to Neldon Johnson and IAS totaling approximately \$800,000 used for research and development, which I have provided to the Receiver.

4. The efforts I have undertaken to look for the share certificates for my IAS shares include that I have searched my computer files for an electronic copy of the share certificate and throughout my home for a hard copy of the share certificate and have not been able to locate a copy of the share certificate.
5. Other than documents previously provided to the Receiver, I do not have possession or control over any other category of information listed in paragraph 24 or paragraph 9 of the Orders.
6. I do not recall ever having corporate documents for IAS or RaPower in my physical possession outside of the corporate offices or places of business. My duties and services to the businesses did not require me to take documents with me or maintain records at my home. If documents were occasionally taken by me outside of the corporate offices or business facilities, I did not retain copies and either returned any I had taken or destroyed the copies when I finished whatever I had taken them for.
7. I never had access to bank records and never was the recipient of mail on behalf of IAS or RaPower for any reason that I can now recall.
8. The efforts I have made to retrieve documents ordered to be delivered from me is that I've searched my computers and my home for any documents that are responsive to the Orders

and provided all that related to the Orders. I have not delivered documents to any person that I can presently recall that would otherwise be subject to production under the Orders. I do not have control over or a relationship with anyone that I can think of (outside of the Receivership Defendants themselves) that may have possession or control of documents identified in the court's order.

9. I do not now, nor have ever had, possession, access or control over "information" of or relating to any the "Affiliated Entities"¹ including, but not limited to any books, records, documents, accounts stock certificates, intellectual property records, evidence of intellectual property rights, computer and electronic records, and other instruments or papers.
10. As no documents or records of the Affiliated Entities have ever been within my control, I have nothing to declare related to identification of records, the persons in control of the records or efforts by me to recover the records required by ¶24 or ¶9 of the Orders.
11. I have participated in meetings and conversations with Neldon Johnson and Glenda Johnson regarding the location of corporate records for IAS. I understand that any Records that I may have once had access or control over were last known to me to be in the corporate offices and under the control or supervision of Neldon Johnson. I further understand that the court has tasked Neldon Johnson and his attorney Edwin Wall to document all of the Records in his possession. I have not been asked by Edwin Wall to provide any additional

¹ Affiliated Entities" includes those defined by the Court in its Memorandum and Decision (ECF 636) as Solco I, LLC, XSun Energy, LLC, Cobblestone Centre, LC, LTB O&M, LLC, U-Check, Inc., DCL16BLT, Inc., DCL-16A, Inc., N.P. Johnson Family Limited Partnership, Solstice Enterprises, Inc., Black Night Enterprises, Inc., Starlight Holdings, Inc., Shepard Energy and Shepard Global, Inc.

help in this task, but I understand he is actively working toward producing the information requested by the Orders to the Receiver.

12. Other than as disclosed herein, I do not have possession or control over any other category of information listed in the Orders.

I declare under the penalty of perjury, that the foregoing is true and correct.

DATED this 8th day of July, 2019.



Randale Johnson