

EXHIBIT A

UNITED STATES OF AMERICA

VS

RAPOWER-3, LLC

GLENDA E. JOHNSON

May 01, 2019



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May 01, 2019

1 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
2 CENTRAL DIVISION

3 UNITED STATES OF AMERICA,) No. 2:15-cv-00828-DN
4)
5 Plaintiff,) Deposition of
6) GLENDA E. JOHNSON
7 v.)
8)
9 RAPOWER-3, LLC; INTERNATIONAL)
10 AUTOMATED SYSTEMS, INC.;)
11 LTBI, LLC; R. GREGORY SHEPARD;)
12 NELDON JOHNSON; and)
13 ROGER FREEBORN,)
14)
15 Defendants.)



11 * * *

12 May 1, 2019

13 9:20 a.m. to 5:15 p.m.

14
15 Parr Brown Gee & Loveless
16 101 South 200 East, Suite 700
17 Salt Lake City, Utah 84111

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20 * * *

21 Letitia L. Meredith
22 Registered Professional Reporter
23 Certified Shorthand Reporter CA
24
25

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<p style="text-align: right;">118</p> <p>1 Q. Does that include bank statements for 2 Cobblestone? 3 A. Yes. 4 Q. Are you aware that on June 29, 2018 a 5 bankruptcy petition was filed for RaPower? 6 A. Yes. 7 Q. Was that filed by the law firm 8 Snell & Wilmer? 9 A. What date did you say? 10 Q. June 29 of 2018? 11 A. Yes. 12 Q. Do you know why bankruptcy petition was 13 filed? 14 A. No. 15 Q. Did you have any role in preparing that 16 filing? 17 A. I gave information. 18 Q. And who did you give the information to? 19 A. The attorneys. 20 Q. The attorney at Nelson Snuffer or 21 Snell & Wilmer? 22 A. Both. 23 Q. And who did you talk to at Snell & Wilmer? 24 A. I don't know. I can't remember the 25 gentleman's name.</p>	<p style="text-align: right;">120</p> <p>1 which is on page 54, says, "As a precondition to its 2 representation of the Debtor in the Bankruptcy Case, 3 and in addition to the small remaining balance of the 4 Consulting Retainer, S&W requested a retainer in the 5 amount of \$100,000, the 'Retainer,' to support the 6 filing of the bankruptcy case." 7 Do you see that? 8 A. Yes. 9 Q. Does that jog your memory about whether or 10 not the law firm required some money before they 11 would prepare the bankruptcy petition? 12 A. I don't know. 13 Q. Turn to the following page, and 14 paragraph 21 and 22 says, "Subsequently, after a 15 review by S&W of the Debtor's bank records and other 16 related documents, S&W learned that, although the 17 Retainer funds were indeed provided by Glenda Johnson 18 to support the filing and prosecution of the Debtor's 19 Bankruptcy Case, the Retainer funds were never 20 actually contributed to the Debtor or deposited 21 pre-petition into a Debtor bank account." 22 Paragraph 22 says, "To the best of S&W's 23 knowledge, there's no documentation evidencing or 24 memorializing a capital contribution that was made by 25 Glenda Johnson to the Debtor."</p>
<p style="text-align: right;">119</p> <p>1 Q. Would it be David Leta? 2 A. It would have been somebody else -- well, 3 it could have been David Leta, but there was also 4 somebody that he had work on the -- 5 Q. Do you know if the law firm Snell & Wilmer 6 required a retainer before they would prepare the 7 bankruptcy filing? 8 A. I don't know. 9 Q. Did you provide funding for that filing? 10 A. I don't know. You'd have to talk to my 11 attorneys. 12 Q. Okay. Let's go back to Exhibit 945, this 13 thick one we were talking about earlier. Turn to 14 page 54. 15 MR. PAUL: Be almost at the back. It's clearly 16 marked. 17 A. Where? 18 MR. PAUL: Bottom right-hand corner, 69, so 19 you're about 15 pages more. 20 A. 56. What page was it? 21 Q. 54. Paragraph 16 -- sorry. Let me 22 identify. This is an excerpt from the 23 Fee Application of Snell & Wilmer, which is filed 24 September 5, 2018 in Case No. 2:18-cv-00608. 25 And paragraph 16 in that Fee Application,</p>	<p style="text-align: right;">121</p> <p>1 Did I read that correctly? 2 A. Yes. 3 Q. This says then that the retainer funds were 4 provided by Glenda Johnson. Do you have any 5 recollection of how -- of whether that's accurate, 6 you provided retainer funds that were used by 7 Snell & Wilmer to prepare the bankruptcy petition? 8 A. You're being very vague. I don't 9 understand what you're saying. 10 Q. In this filing, this law firm is saying 11 that the money that -- the \$100,000 that they 12 required before they would prepare the bankruptcy 13 petition came from you. 14 Do you have any knowledge of providing 15 funds that were used to prepare the bankruptcy 16 petition? 17 A. Say it again. 18 Q. Did you provide any money to Nelson Snuffer 19 or to Snell & Wilmer law firm to be used for the 20 attorneys to prepare a bankruptcy petition for 21 RaPower? 22 A. All I know is that -- I don't know. I'm 23 getting really confused, and you change everything in 24 what you're saying to me, so I'm getting really 25 confused in what you're saying. Is that I know there</p>

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<p style="text-align: right;">122</p> <p>1 were retainers.</p> <p>2 Q. Okay. And did you know that Snell & Wilmer</p> <p>3 required a retainer?</p> <p>4 A. No, I didn't know that.</p> <p>5 Q. Are you aware that Snell & Wilmer filed</p> <p>6 the -- prepared the bankruptcy petition for RaPower?</p> <p>7 A. Yes.</p> <p>8 Q. Are you aware that Snell & Wilmer required</p> <p>9 a retainer?</p> <p>10 A. I don't know what they required. I wasn't</p> <p>11 part of it.</p> <p>12 Q. Are you aware that Snell & Wilmer said that</p> <p>13 the retainer that they did get came from you?</p> <p>14 A. They're saying a retainer came from me?</p> <p>15 Q. That's what this filing says.</p> <p>16 MR. PAUL: He's asking if you knew that, so if</p> <p>17 you didn't know that, the answer is you didn't know</p> <p>18 that.</p> <p>19 A. No, I didn't know that.</p> <p>20 Q. And Snell & Wilmer says that the retainer</p> <p>21 was paid from you to Nelson Snuffer and provided from</p> <p>22 Nelson Snuffer to Snell & Wilmer.</p> <p>23 Did you provide any -- give any money to</p> <p>24 Nelson Snuffer that you knew was going to be used to</p> <p>25 prepare the bankruptcy filing?</p>	<p style="text-align: right;">124</p> <p>1 A. I don't control anything with any of the</p> <p>2 companies or any of the checking accounts. I do not</p> <p>3 control anything. Mr. Johnson has the --</p> <p>4 Neldon Johnson has the control.</p> <p>5 Q. So if the money had come from you, it would</p> <p>6 had to have come from your personal bank account? Is</p> <p>7 that what you're saying? That's the only account you</p> <p>8 would control?</p> <p>9 MR. PAUL: Objection. Misstates her testimony.</p> <p>10 Q. Let me start over. During this time</p> <p>11 period, at the end of June of 2018, did you control</p> <p>12 any bank accounts other than your personal bank</p> <p>13 accounts?</p> <p>14 A. That's the only account I had was my</p> <p>15 personal accounts.</p> <p>16 Q. After June 22nd of 2018, have you paid any</p> <p>17 money to Nelson Snuffer out of your personal bank</p> <p>18 accounts?</p> <p>19 A. No.</p> <p>20 Q. After June 22, 2018 have you paid any money</p> <p>21 to Nelson Snuffer out of the Cobblestone bank</p> <p>22 account?</p> <p>23 A. I don't know.</p> <p>24 Q. Have you paid any -- after June 22, 2018,</p> <p>25 have you paid any amounts to any other law firms out</p>
<p style="text-align: right;">123</p> <p>1 A. You're still confusing me when you say me</p> <p>2 personally.</p> <p>3 Q. You personally?</p> <p>4 A. No.</p> <p>5 Q. So you did not know that you were providing</p> <p>6 money to Nelson Snuffer that was to be used to</p> <p>7 prepare the bankruptcy petition?</p> <p>8 MR. PAUL: Objection. Misstates the documents.</p> <p>9 Misstates her testimony. I believe your earlier</p> <p>10 question was whether she knew that Snell & Wilmer had</p> <p>11 represented that, because that's what the document</p> <p>12 says. The document says Snell & Wilmer understood,</p> <p>13 if you read paragraph 19.</p> <p>14 Q. Ms. Johnson, did you give any money to</p> <p>15 Nelson Snuffer intending that that money be used to</p> <p>16 help prepare the bankruptcy petition for RaPower?</p> <p>17 A. You're asking me if I personally wrote a</p> <p>18 check out from my own personal account? Is that what</p> <p>19 you're asking me?</p> <p>20 Q. Yes, that is what I'm asking.</p> <p>21 A. I did not write any check out personally</p> <p>22 from my own personal checking account.</p> <p>23 Q. Did you write a check to Nelson Snuffer out</p> <p>24 of any account that you controlled to pay for the</p> <p>25 filing of a bankruptcy for RaPower?</p>	<p style="text-align: right;">125</p> <p>1 of the Cobblestone bank account other than</p> <p>2 Nelson Snuffer?</p> <p>3 A. I don't know.</p> <p>4 Q. After June 22, 2018, have you paid money</p> <p>5 out of your personal bank accounts to any law firms?</p> <p>6 A. Yes.</p> <p>7 Q. Which payments do you recall?</p> <p>8 A. Well, I have to pay money for my attorney</p> <p>9 to be sitting here in front of you.</p> <p>10 Q. So you've made payments to Nelson Snuffer?</p> <p>11 Is that what you're saying?</p> <p>12 A. Yes.</p> <p>13 Q. Have you made payments to any law firms</p> <p>14 other than Nelson Snuffer since June 22 of 2018?</p> <p>15 A. No.</p> <p>16 Q. Okay. Turn to page 21 in this batch. This</p> <p>17 has Bates' Stamp WF001043.</p> <p>18 A. Okay.</p> <p>19 Q. This is a check dated August 4, 2014 on</p> <p>20 Cobblestone Centre bank account, Check No. 3038 in</p> <p>21 the amount of \$1,000 to First American Title. Is</p> <p>22 that correct?</p> <p>23 A. Yes.</p> <p>24 MR. PAUL: Is your question is that what it</p> <p>25 shows?</p>

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126	<p>1 Q. Is that what it shows?</p> <p>2 A. Yes.</p> <p>3 Q. Is that your signature on this check?</p> <p>4 A. Yes.</p> <p>5 Q. Can you tell me why this check was written</p> <p>6 to First American Title company?</p> <p>7 A. It says on the check.</p> <p>8 Q. And what does it say?</p> <p>9 A. "Earnest money for property."</p> <p>10 Q. Is that property on Sherwood Drive?</p> <p>11 A. Yes.</p> <p>12 Q. And is that property in Delta?</p> <p>13 A. Yes.</p> <p>14 Q. Why was Cobblestone Centre paying a</p> <p>15 thousand dollars to purchase a property?</p> <p>16 A. You'll have to ask Solstice company.</p> <p>17 Q. And who would I ask at Solstice?</p> <p>18 A. Neldon Johnson.</p> <p>19 Q. Why would Solstice company know why</p> <p>20 Cobblestone Centre was writing a check?</p> <p>21 A. You'll have to ask Neldon Johnson.</p> <p>22 Q. Why do you say that I should ask Solstice</p> <p>23 company about a Cobblestone Centre check?</p> <p>24 A. Because RaPower has a contract between</p> <p>25 Solstice -- between them and Solstice.</p>	128	<p>1 purpose was.</p> <p>2 A. That's what it looks like it says.</p> <p>3 Q. What's your independent memory of it? Do</p> <p>4 you remember buying the home?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember if the earnest money was</p> <p>7 paid from the Cobblestone account?</p> <p>8 A. It looks like it was.</p> <p>9 Q. Is that your memory of it?</p> <p>10 A. I am looking at a check, and apparently</p> <p>11 that is correct.</p> <p>12 Q. Okay. Aside from the check, do you</p> <p>13 remember where the earnest money came from to</p> <p>14 purchase that home?</p> <p>15 A. Sir, you're really confusing me.</p> <p>16 Q. Who lives in that home on Sherwood Drive?</p> <p>17 A. Sometimes we stay there or other family can</p> <p>18 stay there or --</p> <p>19 Q. So is there a full-time tenant in the home?</p> <p>20 Is it rented out?</p> <p>21 A. No.</p> <p>22 Q. And so it's a home that is available that</p> <p>23 you sometimes use?</p> <p>24 A. Yes.</p> <p>25 Q. And sometimes family?</p>
127	<p>1 Q. Okay. And what does that have to do with</p> <p>2 Cobblestone writing a check to First American Title?</p> <p>3 A. Well, any money that comes from RaPower</p> <p>4 that went to Cobblestone would have been under</p> <p>5 Solstice's -- I don't even know how to say this. You</p> <p>6 have documents about RaPower and Solstice and how</p> <p>7 everything works.</p> <p>8 Q. I'm not following how that answers my</p> <p>9 question. How does -- help me understand why</p> <p>10 Solstice has anything to do with a check written by</p> <p>11 Cobblestone.</p> <p>12 A. I don't know.</p> <p>13 Q. Are you familiar with the property on</p> <p>14 Sherwood Drive in Delta?</p> <p>15 A. Yes.</p> <p>16 Q. What can you tell me about that property?</p> <p>17 A. It's a house -- well, it's a modular home.</p> <p>18 Q. Who owns that property?</p> <p>19 A. I do.</p> <p>20 Q. So did Cobblestone Centre pay earnest money</p> <p>21 as a deposit on the home that was going to be</p> <p>22 purchased in your name?</p> <p>23 A. That's what it says.</p> <p>24 Q. That's what it seems to imply, and I'm</p> <p>25 trying to find out from you if that's what it</p>	129	<p>1 A. Yes. Sometimes business people can use it.</p> <p>2 Employees can use it.</p> <p>3 Q. Employees of who? Which company?</p> <p>4 A. Well, there were people from RaPower, and</p> <p>5 anybody that wanted to come and look at any of the</p> <p>6 lenses, if they needed a place to stay, instead of</p> <p>7 going to a hotel, they could stay there.</p> <p>8 Q. Do you remember what the total purchase</p> <p>9 price was for this property?</p> <p>10 A. No.</p> <p>11 Q. Turn four pages earlier to page 18, which</p> <p>12 has Bates' Number WF-001795.</p> <p>13 A. Okay. I guess it's just got one 7 and half</p> <p>14 a 9 there.</p> <p>15 Q. Yes. But it also has the page number 18</p> <p>16 under the PLEX numbering.</p> <p>17 A. Okay.</p> <p>18 Q. On the entry for August 7, there's an entry</p> <p>19 showing 312,893.32. Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Do you understand that to be a wire</p> <p>22 transfer from the account Cobblestone to</p> <p>23 First American Title?</p> <p>24 A. Yes, I can see that.</p> <p>25 Q. And was that the balance of the purchase</p>

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130	<p>1 price for this home on Sherwood Drive?</p> <p>2 A. It must have been.</p> <p>3 Q. And if you look up to two lines, do you see</p> <p>4 earlier that day \$315,000 was wired from RaPower's</p> <p>5 bank account to Cobblestone's bank account?</p> <p>6 A. Is this a Cobblestone account here?</p> <p>7 Q. Yes, it is, and you can turn two pages</p> <p>8 earlier if you want to see the first page of that</p> <p>9 account.</p> <p>10 A. Okay.</p> <p>11 Q. So is it accurate that earlier that same</p> <p>12 day that \$315,000 was wired from RaPower's bank</p> <p>13 account to Cobblestone bank account?</p> <p>14 A. Yes.</p> <p>15 Q. Did you make that wire transfer, that</p> <p>16 online transfer?</p> <p>17 A. Yes.</p> <p>18 Q. And was that transfer in order to be able</p> <p>19 to fund Cobblestone's payment of the purchase price</p> <p>20 for the Sherwood Drive home?</p> <p>21 A. Say that again.</p> <p>22 Q. Was that transfer from RaPower to</p> <p>23 Cobblestone in order to provide funding so that</p> <p>24 Cobblestone could pay for the purchase of the home on</p> <p>25 Sherwood Drive?</p>	132	<p>1 saying.</p> <p>2 Q. Well, if a company was going to pay for the</p> <p>3 home, would you not expect the home to be in the</p> <p>4 company's name?</p> <p>5 A. I don't know.</p> <p>6 Q. Did it seem odd to you to have the company</p> <p>7 pay for a home that was yours?</p> <p>8 A. I don't know.</p> <p>9 Q. Isn't the essence here that the company</p> <p>10 bought something and gave it to you?</p> <p>11 MR. PAUL: Objection. Calls for a legal</p> <p>12 conclusion. Lack of foundation.</p> <p>13 A. I don't know.</p> <p>14 Q. Did the company pay for the purchase of</p> <p>15 this home?</p> <p>16 A. Looks like it did.</p> <p>17 Q. And the home is in your name; right?</p> <p>18 A. That is correct.</p> <p>19 Q. So the company paid for a home that you</p> <p>20 own?</p> <p>21 A. That's in my name.</p> <p>22 Q. Right.</p> <p>23 A. I don't know that I own it.</p> <p>24 Q. Oh.</p> <p>25 A. Just because it's in my name doesn't mean I</p>
131	<p>1 A. Yes.</p> <p>2 Q. Why did you make that transfer? Why did</p> <p>3 you make -- let me start over.</p> <p>4 Why did you use Cobblestone money to pay</p> <p>5 for a home that is owned by you?</p> <p>6 A. I don't know. You'll have to ask</p> <p>7 Mr. Johnson.</p> <p>8 Q. Did Mr. Johnson instruct you to use money</p> <p>9 from Cobblestone to buy a home that was going to be</p> <p>10 owned only by you?</p> <p>11 A. Say that again.</p> <p>12 Q. Did Mr. Johnson instruct you to use</p> <p>13 Cobblestone money to pay for this home?</p> <p>14 A. To pay for the home, yes.</p> <p>15 Q. And did Mr. Johnson instruct you that the</p> <p>16 home should be held in your name?</p> <p>17 A. It is in my name.</p> <p>18 Q. And I would like to understand the reason</p> <p>19 why you think money from the company can be used to</p> <p>20 purchase a home that is owned by you?</p> <p>21 A. You'll have to ask Mr. Johnson.</p> <p>22 Q. I want to understand your perspective. Did</p> <p>23 you think it was odd to take money -- have the</p> <p>24 company buy an asset that belonged to you?</p> <p>25 A. I'm confused. I don't know what you're</p>	133	<p>1 own it. I'm confused.</p> <p>2 Q. Okay. Then tell me what you -- tell me</p> <p>3 what you understand your status is with this home.</p> <p>4 MR. PAUL: Objection. Calls for a legal</p> <p>5 conclusion.</p> <p>6 A. I don't know. You'll have to talk to my</p> <p>7 attorneys and Mr. Johnson. I don't know why it was</p> <p>8 put in my name.</p> <p>9 Q. If I want to understand who owns a home,</p> <p>10 would I not look to see who's on the title of the</p> <p>11 home?</p> <p>12 A. That's correct.</p> <p>13 Q. So you are on the title for this home;</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. So do you consider that you are the owner</p> <p>17 of this home?</p> <p>18 A. My name is on the title.</p> <p>19 Q. Okay. Do you consider you are the owner of</p> <p>20 this home?</p> <p>21 A. No. I don't consider that I am the owner</p> <p>22 of the home. I know my name is on the title.</p> <p>23 Q. Who do you think is the owner of this home?</p> <p>24 A. I don't know. Just because my name is on</p> <p>25 the title doesn't mean that I own it. There's</p>

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<p style="text-align: right;">134</p> <p>1 legal -- I don't know.</p> <p>2 Q. I'm trying to understand your perception of</p> <p>3 it and how it is that you -- what you would</p> <p>4 understand in terms of who is the owner of the home.</p> <p>5 MR. PAUL: I'm going to object as to asked and</p> <p>6 answered.</p> <p>7 Q. So if you're not the owner the home, who do</p> <p>8 you think is the owner of the home?</p> <p>9 MR. PAUL: Objection. Asked and answered.</p> <p>10 A. My name is on the title. That's all I</p> <p>11 know.</p> <p>12 Q. Can this home be sold or transferred to</p> <p>13 anyone else without your signature?</p> <p>14 A. Well, if my name is on the house, then I</p> <p>15 guess I'd have to have my signature on it.</p> <p>16 Q. So can anyone else force you to give title</p> <p>17 on the home to someone else without your permission?</p> <p>18 A. I don't know.</p> <p>19 Q. What are the -- do you know how much the</p> <p>20 total amount that RaPower, IAS, XSun, and Cobblestone</p> <p>21 have paid to you since 2005?</p> <p>22 A. No.</p> <p>23 Q. You indicated earlier that, I believe, that</p> <p>24 you didn't receive salaries and the only payments you</p> <p>25 got were commissions for sales from RaPower for the</p>	<p style="text-align: right;">136</p> <p>1 I have no clue, and it's going way, way, way back</p> <p>2 from my memory.</p> <p>3 Q. Let's look on the first page. For example,</p> <p>4 towards the bottom of the first page on January 10,</p> <p>5 2011, there's a check payable to you in the amount of</p> <p>6 \$15,000.</p> <p>7 Do you know why there would have been a</p> <p>8 check to you for \$15,000?</p> <p>9 A. No.</p> <p>10 Q. And then two days later a check to you in</p> <p>11 the amount of \$30,000.</p> <p>12 Do you know why there would be a check to</p> <p>13 you for \$30,000?</p> <p>14 A. No.</p> <p>15 Q. On the next page on December 14 of 2011,</p> <p>16 there's a check to you in the amount of \$70,000.</p> <p>17 Do you see that?</p> <p>18 A. What date?</p> <p>19 Q. On December 14, 2011.</p> <p>20 A. Okay.</p> <p>21 Q. If we look over to the right column, we see</p> <p>22 that that particular check was issued by RaPower. Do</p> <p>23 you remember why RaPower paid you \$70,000 in</p> <p>24 December 2011?</p> <p>25 A. No.</p>
<p style="text-align: right;">135</p> <p>1 downline. Did I remember that correctly?</p> <p>2 A. Correct.</p> <p>3 Q. Would you have received any money from IAS</p> <p>4 paid to you?</p> <p>5 A. I don't know.</p> <p>6 Q. Can you think of any reason that IAS would</p> <p>7 pay any money to you?</p> <p>8 A. I don't know.</p> <p>9 Q. Can you think of any reason that XSun would</p> <p>10 pay any money to you?</p> <p>11 A. I don't know.</p> <p>12 Q. Can you think of any reason that</p> <p>13 Cobblestone would pay any money to you?</p> <p>14 A. I don't know.</p> <p>15 MR. KLEIN: Mark this Exhibit 2009.</p> <p>16 (Deposition Exhibit 2009 was marked.)</p> <p>17 Q. You've been handed what's been marked</p> <p>18 Exhibit 2009. This is a six-page spreadsheet</p> <p>19 prepared by Lone Peak Valuation showing checks paid</p> <p>20 to you from either IAS, RaPower, XSun, or Cobblestone</p> <p>21 since 2005. And it shows a total of \$751,074.41.</p> <p>22 Can you explain the reasons that these</p> <p>23 entities would have made payments, paid you these</p> <p>24 amounts?</p> <p>25 A. I don't know. There's a lot of them here.</p>	<p style="text-align: right;">137</p> <p>1 Q. Do you know what you would have done with</p> <p>2 that money?</p> <p>3 A. There was property bought in</p> <p>4 Millard County.</p> <p>5 Q. And did RaPower provide money to you that</p> <p>6 you used to buy properties?</p> <p>7 A. That's probably correct.</p> <p>8 Q. And what properties are those in</p> <p>9 Millard County that you bought with money from</p> <p>10 RaPower?</p> <p>11 A. I don't know right now. I don't have</p> <p>12 documents in front of me.</p> <p>13 Q. What documents do you have that would</p> <p>14 answer that question?</p> <p>15 A. I'd have to look and see what I could find.</p> <p>16 Q. Do you, for example, have documents for the</p> <p>17 closings of properties that were purchased in your</p> <p>18 name?</p> <p>19 A. Yes.</p> <p>20 Q. And would those records show you where the</p> <p>21 money came from to purchase those properties?</p> <p>22 A. I'm not sure.</p> <p>23 Q. Do you have an estimate as to how many</p> <p>24 properties you purchased with monies from RaPower?</p> <p>25 A. Say that again.</p>

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138	<p>1 Q. Do you have an estimate about how many</p> <p>2 properties that were purchased in your name using</p> <p>3 money from RaPower?</p> <p>4 A. I don't know.</p> <p>5 MR. PAUL: Could we take a break?</p> <p>6 MR. KLEIN: Let me ask one more question.</p> <p>7 Q. Have you purchased any properties since</p> <p>8 your marriage to Mr. Johnson that you used your own</p> <p>9 money to purchase the properties?</p> <p>10 A. Yes.</p> <p>11 Q. Which ones?</p> <p>12 A. The Oasis building.</p> <p>13 Q. Any other properties?</p> <p>14 A. I'm not sure.</p> <p>15 Q. And how much did that Oasis building cost?</p> <p>16 A. I don't know.</p> <p>17 Q. And where did you get the money to purchase</p> <p>18 that Oasis building?</p> <p>19 A. From my inheritance.</p> <p>20 Q. So was the Oasis building less than</p> <p>21 \$150,000?</p> <p>22 A. I don't know what it was.</p> <p>23 MR. KLEIN: Okay. We can take a break.</p> <p>24 (A break was taken.)</p> <p>25 Q. (BY MR. KLEIN) Just before the break,</p>	140	<p>1 Q. Do you have a recollection of an estimate</p> <p>2 about what you paid for it?</p> <p>3 A. Not exactly.</p> <p>4 Q. Was it under 200,000?</p> <p>5 A. For me personally?</p> <p>6 Q. For the purchase of the building?</p> <p>7 A. I'm just going to have to say I don't know</p> <p>8 right now.</p> <p>9 Q. Okay. And for that purchase of that</p> <p>10 building, it was exclusively your own money that paid</p> <p>11 for it?</p> <p>12 A. I'd have to ask Mr. Johnson.</p> <p>13 Q. I'm asking your memory.</p> <p>14 A. I don't know exactly. Okay. I know that a</p> <p>15 lot of my money went into it. I don't know the</p> <p>16 purchase of it.</p> <p>17 Q. Did any of your money go into any of the</p> <p>18 other buildings in Millard County that are in your</p> <p>19 name?</p> <p>20 A. I don't know.</p> <p>21 Q. In Exhibit 2009 we saw 751,074.41 that</p> <p>22 constituted checks made payable to you from these</p> <p>23 four entities.</p> <p>24 Did you also get some money from these</p> <p>25 companies that was directly withdrawn from the</p>
139	<p>1 Mrs. Johnson, you mentioned the Oasis building. Is</p> <p>2 there only one building in Oasis? I'm trying to make</p> <p>3 sure I identify the building correctly.</p> <p>4 MR. PAUL: One building she owns in Oasis.</p> <p>5 Q. Do you know the address of the building in</p> <p>6 Oasis that you referenced?</p> <p>7 A. 2730 West 4000 South. No. Did I say 27?</p> <p>8 Q. Yes.</p> <p>9 A. Yes.</p> <p>10 Q. 2730 West 4000 South in Oasis.</p> <p>11 A. Correct.</p> <p>12 Q. What kind of building is that? Is it a</p> <p>13 home? a warehouse? an office building?</p> <p>14 A. A warehouse. There's an office in there.</p> <p>15 Q. And when did you purchase that?</p> <p>16 A. I'm not sure exactly when I purchased it.</p> <p>17 Q. Approximately when?</p> <p>18 A. I think it could have been in 2012.</p> <p>19 Q. And was the purchase price less than</p> <p>20 500,000?</p> <p>21 A. Well, yeah. Yes.</p> <p>22 Q. Was it less than 300,000?</p> <p>23 A. Yes.</p> <p>24 Q. Was it less than 100,000?</p> <p>25 A. No.</p>	141	<p>1 bank accounts that was not reflected in checks?</p> <p>2 A. You've got me totally confused on what</p> <p>3 you're saying.</p> <p>4 Q. The prior exhibit, 2009, showed checks that</p> <p>5 were written to you by these four companies.</p> <p>6 Do you understand that?</p> <p>7 A. What four companies?</p> <p>8 Q. Cobblestone, IAS, XSun, and RaPower.</p> <p>9 A. Okay.</p> <p>10 Q. Do you understand that 2009 shows checks</p> <p>11 issued by these four companies made payable to you?</p> <p>12 A. In 2009?</p> <p>13 Q. Exhibit 2009.</p> <p>14 A. Oh. Well, you have it down here.</p> <p>15 Q. Right. So I'm trying to put it in context.</p> <p>16 Exhibit 2009 reflects checks from these four entities</p> <p>17 made payable to you.</p> <p>18 Do you understand that?</p> <p>19 A. This exhibit shows other people that got</p> <p>20 paid.</p> <p>21 Q. It does not. This exhibit shows payments</p> <p>22 to you. The seventh column shows who signed the</p> <p>23 checks, but all of the checks in this exhibit were</p> <p>24 made payable to you.</p> <p>25 A. Well, what about the one right here that</p>

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142	<p>1 says LaGrand T. Johnson?</p> <p>2 Q. And which page are you on?</p> <p>3 A. The second page.</p> <p>4 Q. What's the date?</p> <p>5 A. 12/14/11.</p> <p>6 Q. Okay. So that's a check that was made</p> <p>7 payable to you on the account of IAS where the check</p> <p>8 was signed by LaGrand Johnson. So the top of that</p> <p>9 column you'll see that the names in that column</p> <p>10 reflect who the signer was of the check.</p> <p>11 A. Okay, sir. I am really confused. You said</p> <p>12 that money was given to me.</p> <p>13 Q. I'm saying this Exhibit 2009 is a</p> <p>14 compilation of all the checks that Lone Peak</p> <p>15 Valuation has found where the checks were made</p> <p>16 payable to you from these four companies.</p> <p>17 Now, I want to move to discuss that there</p> <p>18 were other ways that money was paid you to other than</p> <p>19 checks.</p> <p>20 Do you understand that there are other ways</p> <p>21 you could have gotten money from these companies</p> <p>22 other than through checks?</p> <p>23 MR. PAUL: Objection. Foundation.</p> <p>24 A. How you could I get money from these</p> <p>25 companies other than with checks?</p>	144	<p>1 A. I don't know. There's checks and</p> <p>2 transfers. Is that what you're asking me, sir?</p> <p>3 Q. Wait and let's let the reporter mark the</p> <p>4 exhibit.</p> <p>5 (Deposition Exhibit 2010 was marked.)</p> <p>6 Q. The reporter marked Exhibit 2010, which is</p> <p>7 a five-page spreadsheet created by Lone Peak</p> <p>8 Valuation that shows amounts withdrawn from bank</p> <p>9 accounts that are not reflected in -- that were</p> <p>10 either cash withdrawals or checks made out to cash</p> <p>11 that were signed by you.</p> <p>12 So, for example, we have on the first page,</p> <p>13 second section, January 7, 2011, a \$10,000 withdrawal</p> <p>14 from Zions Bank where you made the withdrawal.</p> <p>15 Do you see that?</p> <p>16 MR. PAUL: Objection. Foundation.</p> <p>17 A. On what date?</p> <p>18 Q. January 7, 2011.</p> <p>19 A. Of \$10,000.</p> <p>20 Q. Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know what that \$10,000 withdrawal</p> <p>23 was for?</p> <p>24 A. No.</p> <p>25 Q. Do you know what you did with the money?</p>
143	<p>1 Q. You could -- have you ever gone to the bank</p> <p>2 and transferred money or made cash withdrawals?</p> <p>3 A. I really don't understand, and I don't know</p> <p>4 what you're talking about.</p> <p>5 Q. Okay. Let me start over then. You have</p> <p>6 seem able to understand some questions and others</p> <p>7 you seem to have trouble with.</p> <p>8 MR. PAUL: Objection. That's an improper</p> <p>9 statement, Counsel. You can't badger her that way.</p> <p>10 Q. As a signer on the account, would you have</p> <p>11 the ability to go into a bank and request a cash</p> <p>12 withdrawal from the account?</p> <p>13 A. As a signer on the bank, to go in and get</p> <p>14 cash out?</p> <p>15 Q. Yes.</p> <p>16 A. I guess I could.</p> <p>17 Q. As a signer on a bank account, can you go</p> <p>18 in and ask for a cashier's check to be made out?</p> <p>19 A. I guess I could.</p> <p>20 Q. Can you go in and ask for a wire transfer</p> <p>21 to be sent?</p> <p>22 A. I guess I could.</p> <p>23 Q. So are there times that you have taken</p> <p>24 money from the accounts of RaPower, Cobblestone, IAS,</p> <p>25 and XSun that are not reflected in checks?</p>	145	<p>1 A. No.</p> <p>2 MR. PAUL: Objection. Foundation.</p> <p>3 Q. And the last page shows a total of</p> <p>4 \$8,872,663.27 in withdrawals from these</p> <p>5 four companies withdrawn at your instruction other</p> <p>6 than checks.</p> <p>7 MR. PAUL: Objection. Lacks foundation.</p> <p>8 Q. Do you know what this \$8.8 million was used</p> <p>9 for?</p> <p>10 A. No.</p> <p>11 Q. Do you have any records that would help you</p> <p>12 answer this question?</p> <p>13 A. Be at Snuffer, Dahle & Poulsen.</p> <p>14 Q. What records would those be?</p> <p>15 A. I guess bank records or invoices or -- I</p> <p>16 don't know. This just -- I don't know what you've</p> <p>17 got down here. I don't understand any of it.</p> <p>18 Q. Each of these reflects a bank record</p> <p>19 showing money withdrawn from one of these accounts by</p> <p>20 you, and so I'm trying to see if you recall the</p> <p>21 reasons for any of these withdrawals and what you did</p> <p>22 with the money.</p> <p>23 MR. PAUL: Objection. Lacks foundation.</p> <p>24 A. I'm sorry. I just don't understand when</p> <p>25 you're saying just because I've written out a check.</p>


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<p style="text-align: right;">146</p> <p>1 It doesn't tell me who it went to.</p> <p>2 Q. These were not checks. This exhibit talks</p> <p>3 about where you've gone in and made a cash withdrawal</p> <p>4 or gotten a cashier's check. For example, turn to</p> <p>5 the second page on June 27, 2012.</p> <p>6 A. You've already done that one.</p> <p>7 Q. We have there the example of the</p> <p>8 1,498,150.85 that was withdrawn from the RaPower bank</p> <p>9 account at Zions Bank and given to you as a cashier's</p> <p>10 check; right?</p> <p>11 A. Right. And we talked about that.</p> <p>12 Q. Yes. So these other transactions on here</p> <p>13 were situations where you had gone in and made a --</p> <p>14 filled out a withdrawal slip from the bank.</p> <p>15 And I'm trying to understand what your</p> <p>16 memory is of the reasons for the withdrawals or which</p> <p>17 ones were cashier's checks or whether they were cash</p> <p>18 withdrawals.</p> <p>19 A. I don't know.</p> <p>20 MR. KLEIN: Please mark this as 2014. I'll skip</p> <p>21 the other intervening numbers.</p> <p>22 (Deposition Exhibit 2014 was marked.)</p> <p>23 Q. Mrs. Johnson, you've been handed what's</p> <p>24 been marked as Exhibit 2014, which is a four-page</p> <p>25 summary prepared by Lone Peak Valuation that shows</p>	<p style="text-align: right;">148</p> <p>1 A. I don't know.</p> <p>2 Q. Would you have taken it upon yourself to</p> <p>3 make these payments?</p> <p>4 MR. PAUL: Objection. Foundation.</p> <p>5 A. If my name was on it, then yes.</p> <p>6 NELDON JOHNSON: If --</p> <p>7 Q. Ordinarily --</p> <p>8 Are you making an objection?</p> <p>9 NELDON JOHNSON: I want to make a clarification.</p> <p>10 MR. KLEIN: You can make an objection. You</p> <p>11 can't testify.</p> <p>12 NELDON JOHNSON: I'm not. I'm just asking is</p> <p>13 this the signer in this column here?</p> <p>14 MR. KLEIN: The next to the last column</p> <p>15 indicates who was a signer on the checks.</p> <p>16 NELDON JOHNSON: But this is where it came from,</p> <p>17 RaPower, the payor?</p> <p>18 MR. KLEIN: No, the payor is the bank account</p> <p>19 from which the check was drawn.</p> <p>20 NELDON JOHNSON: Right, but the account was it</p> <p>21 RaPower or -- is that the account?</p> <p>22 MR. KLEIN: Yes.</p> <p>23 NELDON JOHNSON: So it came from RaPower?</p> <p>24 MR. KLEIN: The first batch to</p> <p>25 Crystal Ann Johnson, Jeremy Johnson, yes.</p>
<p style="text-align: right;">147</p> <p>1 checks from these entities that were made payable to</p> <p>2 somebody else named Johnson.</p> <p>3 The first batch shows checks payable to</p> <p>4 Crystal Ann Johnson and Jeremy Johnson. Do you know</p> <p>5 who Crystal Ann Johnson and Jeremy Johnson are?</p> <p>6 A. No.</p> <p>7 Q. The column next to the end shows who signed</p> <p>8 these checks. These are checks made in 2013 through</p> <p>9 2018, and checks to Crystal Johnson and</p> <p>10 Jeremy Johnson were signed by you.</p> <p>11 Do you have any reason to doubt that?</p> <p>12 A. I have no reason to.</p> <p>13 Q. Do you have any memory of who</p> <p>14 Crystal Ann Johnson and Jeremy Johnson were?</p> <p>15 A. No.</p> <p>16 Q. Do you have any memory why payments were</p> <p>17 made to them?</p> <p>18 A. No.</p> <p>19 Q. Next section is Darian Johnson. Do you</p> <p>20 know who Darian Johnson is?</p> <p>21 A. Are these distributors?</p> <p>22 MR. PAUL: He's asking you that question. Do</p> <p>23 you know who they are? If you do, you can answer</p> <p>24 yes; if you don't, you can answer no. It's just a</p> <p>25 yes-or-no question.</p>	<p style="text-align: right;">149</p> <p>1 NELDON JOHNSON: So this is Jeremy Johnson -- so</p> <p>2 the checks that go to Jeremy Johnson, who was an</p> <p>3 employee or something like that, would that --</p> <p>4 MR. KLEIN: Mr. Johnson, if you have an</p> <p>5 objection, you can state it for the record. If you</p> <p>6 have a clarification --</p> <p>7 NELDON JOHNSON: I want to --</p> <p>8 MR. KLEIN: It's not appropriate for you to be</p> <p>9 providing answers.</p> <p>10 NELDON JOHNSON: No, I wasn't doing that. I was</p> <p>11 looking to see if I understood what you were saying</p> <p>12 is in there.</p> <p>13 Q. (BY MR. KLEIN) Okay. Mrs. Johnson, to the</p> <p>14 extent that you wrote checks out to these people, how</p> <p>15 would you decide whether or not to write checks to</p> <p>16 these people?</p> <p>17 A. If they were RaPower people who were</p> <p>18 distributors that have the last name of Johnson and</p> <p>19 they had a downline, then checks would have been</p> <p>20 written out to these people that have the last name</p> <p>21 of Johnson.</p> <p>22 Q. Do you recognize the name of Erwin Johnson?</p> <p>23 A. No.</p> <p>24 Q. Do you recognize the name Garry Johnson and</p> <p>25 Patricia Johnson?</p>

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<p style="text-align: right;">150</p> <p>1 A. No.</p> <p>2 Q. Do you recognize the name Jeron Johnson?</p> <p>3 A. No.</p> <p>4 Q. Do you recognize Kyle Robert Johnson or</p> <p>5 Kari Johnson?</p> <p>6 A. No.</p> <p>7 Q. Do you recognize the name Mandy Johnson?</p> <p>8 A. No.</p> <p>9 Q. Do you recognize the name Marina Johnson?</p> <p>10 A. Marina is a granddaughter of Neldon, not</p> <p>11 mine, but of Neldon.</p> <p>12 Q. Okay. Do you know why \$11,678 would have</p> <p>13 been paid to Marina Johnson?</p> <p>14 A. No.</p> <p>15 Q. Was she an employee of one of these</p> <p>16 companies?</p> <p>17 A. I don't know.</p> <p>18 Q. It looks like the payments are often</p> <p>19 consistent amounts. In 2011 five of them for 471.75,</p> <p>20 and then a number of others for \$235.87.</p> <p>21 Does that help jog your memory as to why</p> <p>22 IAS would have been making payment to Marina Johnson?</p> <p>23 A. Sir, I didn't have anything to do with IAS.</p> <p>24 MR. PAUL: It's a yes-or-no question. You can</p> <p>25 answer yes or no.</p>	<p style="text-align: right;">152</p> <p>1 Q. Do you know Linda Johnson?</p> <p>2 A. No.</p> <p>3 (Deposition Exhibit 2015 was marked.)</p> <p>4 Q. Mrs. Johnson, you've been handed exhibit</p> <p>5 2015. This is a withdrawal slip from Wells Fargo,</p> <p>6 Account Number 6629 in the amount of \$23,000 on</p> <p>7 July 27, 2012.</p> <p>8 Is that your signature on this withdrawal</p> <p>9 slip?</p> <p>10 A. Looks like it.</p> <p>11 Q. Is the other handwriting on this withdrawal</p> <p>12 slip yours?</p> <p>13 A. No.</p> <p>14 Q. Do you know why you withdrew \$23,000 to</p> <p>15 give to Linda Johnson?</p> <p>16 A. No.</p> <p>17 Q. Do you have any record you could consult</p> <p>18 that would help answer why \$23,000 was given to her?</p> <p>19 A. I don't know.</p> <p>20 Q. If you went to the bank and made</p> <p>21 withdrawals, did you keep any sort of records that</p> <p>22 would tell you why you were making withdrawals or why</p> <p>23 you were paying money to people?</p> <p>24 A. Say that again.</p> <p>25 Q. If you went to the bank to withdrawal</p>
<p style="text-align: right;">151</p> <p>1 Q. Do you know why IAS would have been making</p> <p>2 payment to Marina Johnson?</p> <p>3 A. No.</p> <p>4 Q. Do you recognize the name Preston Johnson?</p> <p>5 A. Yes.</p> <p>6 Q. Who is Preston Johnson?</p> <p>7 A. Mr. Johnson's grandson.</p> <p>8 Q. Do you know why you signed a check to</p> <p>9 Preston Johnson from Cobblestone Centre on June 16,</p> <p>10 2015 for 308.26?</p> <p>11 MR. PAUL: That's a yes-or-no question. Do you</p> <p>12 know why that check was written?</p> <p>13 A. No.</p> <p>14 Q. Was Preston Johnson an employee of any of</p> <p>15 the companies, to your knowledge?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you recognize the name Val Johnson?</p> <p>18 A. No.</p> <p>19 Q. Do you recognize the name Reiko Johnson?</p> <p>20 A. That's Neldon's daughter-in-law.</p> <p>21 Q. Is she married to LaGrand?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know why -- never mind.</p> <p>24 Do you know Roger Johnson?</p> <p>25 A. No.</p>	<p style="text-align: right;">153</p> <p>1 money, would you have any records showing the reasons</p> <p>2 you made withdrawals or the reasons you paid money to</p> <p>3 people?</p> <p>4 A. I don't know. I would assume. I just</p> <p>5 don't know.</p> <p>6 Q. I'm trying to understand how I could find</p> <p>7 an answer to this question so that I can find out</p> <p>8 why -- who Linda Johnson is and why \$23,000 was given</p> <p>9 to her.</p> <p>10 A. You just have to go to Nelson, Snuffer,</p> <p>11 Dahle, all of their stuff that's down there.</p> <p>12 Q. Do they have records that would help answer</p> <p>13 this question?</p> <p>14 A. I'm assuming. I don't know.</p> <p>15 Q. What kind of records at Nelson Snuffer</p> <p>16 would help me answer this question?</p> <p>17 A. The bank accounts.</p> <p>18 Q. And is the bank account going to tell me</p> <p>19 who Linda Johnson is or why she was being paid</p> <p>20 \$23,000?</p> <p>21 A. I don't know.</p> <p>22 Q. Would you have withdrawn this money without</p> <p>23 permission from Neldon Johnson?</p> <p>24 A. No.</p> <p>25 Q. Does this jog your memory as to who</p>

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<p style="text-align: right;">222</p> <p>1 Q. Yes.</p> <p>2 A. I don't know.</p> <p>3 Q. Do you own any solar lenses?</p> <p>4 A. A few.</p> <p>5 Q. How many?</p> <p>6 A. I don't know.</p> <p>7 Q. Did you purchase them?</p> <p>8 A. I don't know how it was done.</p> <p>9 Q. Are any of the lenses that you purchased</p> <p>10 installed?</p> <p>11 A. I don't know.</p> <p>12 Q. Have you received any revenue from the use</p> <p>13 of your lenses?</p> <p>14 A. I don't know.</p> <p>15 Q. Do you own any structures other than what</p> <p>16 we've talked about?</p> <p>17 A. I don't know.</p> <p>18 Q. Do you own any equipment other than what</p> <p>19 you've identified?</p> <p>20 A. I don't know.</p> <p>21 Q. Do you own any real estate other than what</p> <p>22 we've identified?</p> <p>23 A. I don't think so. I'm going to say I don't</p> <p>24 know.</p> <p>25 Q. In Mr. Johnson's bankruptcy petition in</p>	<p style="text-align: right;">224</p> <p>1 questions.</p> <p>2 NELDON JOHNSON: No thank you.</p> <p>3 MR. KLEIN: Then we are concluded, and I thank</p> <p>4 you for your perseverance.</p> <p>5 (Whereupon the taking of this deposition was</p> <p>6 concluded at 5:15 p.m.)</p> <p>7 * * *</p> <p>8 The reading copy was submitted to the witness</p> <p>9 at spaul@nsdplaw.com; denversnuffer@gmail.com.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">223</p> <p>1 2011 he listed ownership of a time-share interest</p> <p>2 from Worldmark by Wyndham. Are you familiar with</p> <p>3 that?</p> <p>4 A. Yes.</p> <p>5 Q. What's the current status of that</p> <p>6 time-share?</p> <p>7 A. I don't know what you're talking about.</p> <p>8 Q. Is that time-share still in use? Who owns</p> <p>9 that time-share?</p> <p>10 A. Neldon and I.</p> <p>11 Q. Are the payments current on that</p> <p>12 time-share?</p> <p>13 A. Yes.</p> <p>14 MR. KLEIN: Let me take a quick break and see if</p> <p>15 I have any more questions.</p> <p>16 (A break was taken.)</p> <p>17 MR. KLEIN: Back on the record. Those are all</p> <p>18 the questions I have.</p> <p>19 Ms. Healy-Gallagher, do you have any</p> <p>20 questions?</p> <p>21 MS. HEALY-GALLAGHER: Not at this time.</p> <p>22 MR. KLEIN: Mr. Paul, did you want to ask any</p> <p>23 questions?</p> <p>24 MR. PAUL: No.</p> <p>25 MR. KLEIN: Mr. Johnson, did you want to ask any</p>	<p style="text-align: right;">225</p> <p>1 C E R T I F I C A T E</p> <p>2 STATE OF UTAH)</p> <p>3)</p> <p>4 COUNTY OF UTAH)</p> <p>5 THIS IS TO CERTIFY that the foregoing</p> <p>6 deposition was taken before me, Letitia L. Meredith,</p> <p>7 Registered Professional Reporter and Notary Public</p> <p>8 for the State of Utah and Certified Shorthand</p> <p>9 Reporter for the State of California.</p> <p>10 That the said witness was by me, before</p> <p>11 examination, duly sworn to testify the truth, the</p> <p>12 whole truth, and nothing but the truth in said cause.</p> <p>13 That the testimony was reported by me in</p> <p>14 Stenotype, and thereafter transcribed by computer</p> <p>15 under my supervision, and that a full, true, and</p> <p>16 correct transcription is set forth in the foregoing</p> <p>17 pages.</p> <p>18 I further certify that I am not of kin or</p> <p>19 otherwise associated with any of the parties to</p> <p>20 said cause of action and that I am not interested in</p> <p>21 the event thereof.</p> <p>22 WITNESS MY HAND and official seal at</p> <p>23 Spanish Fork, Utah, this 17th of May 2019.</p> <p style="text-align: center;">  _____ Letitia L. Meredith, CSR, RPR </p> <p>24</p> <p>25</p>