

Jonathan O. Hafen (6096) (jhafen@parrbrown.com)
Jeffery A. Balls (12437) (jballs@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

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”) hereby files this Request to Submit for Decision three separate motions: (1) Motion for Order Directing Turnover and Transfer of Real Properties Titled in the Name of and Funds in Accounts Controlled by Glenda Johnson (“Glenda Johnson Turnover Motion”);¹ (2) Motion for Order Finding a Beneficial Interest in Certain Real Property was an Asset of R. Gregory Shepard and for

¹ [Docket No. 757](#), filed August 30, 2019.

Remedies (“Greg Shepard Motion”);² and (3) Second Motion for Approval to Consummate Settlements (“Second Settlement Motion”).³

In support of the request the Receiver submits the following:

I. Glenda Johnson Turnover Motion.

1. On August 30, 2019, the Receiver filed the Glenda Johnson Turnover Motion.⁴
2. On October 11, 2019, Glenda Johnson filed an opposition to the Glenda Johnson Turnover Motion.⁵
3. On November 22, 2019, the Receiver filed a reply in support of the Glenda Johnson Turnover Motion.⁶
4. Glenda Johnson requested an evidentiary hearing in her opposition. It is unclear, however, what purpose an evidentiary hearing would serve for the Glenda Johnson Turnover Motion. The Receiver does not believe an evidentiary hearing or an oral argument are necessary and requests that the Court grant the Glenda Johnson Turnover Motion.

II. Greg Shepard Motion.

1. On October 4, 2019, the Receiver filed the Greg Shepard Motion.⁷
2. On November 18, 2019, Greg Shepard file an opposition to the Greg Shepard Motion.⁸
3. On December 20, 2019, the Receiver filed a reply in support of the Greg Shepard

² [Docket No. 780](#), filed October 4, 2019.

³ [Docket No. 814](#), filed December 10, 2019.

⁴ [Docket No. 757](#).

⁵ [Docket No. 784](#).

⁶ [Docket No. 802](#).

⁷ [Docket No. 780](#).

⁸ [Docket No. 797](#).

Motion.⁹

4. Greg Shepard requested an oral argument in his opposition. The Receiver does not believe an oral argument is necessary and requests that the Court grant the Greg Shepard Motion.

III. Second Settlement Motion.

1. On December 10, 2019, the Receiver filed the Second Settlement Motion.¹⁰

2. No response or opposition to the Second Settlement Motion was filed and the time to do so has expired.

3. No hearing was requested on this matter.

CONCLUSION

The Glenda Johnson Turnover Motion, the Greg Shepard Motion, and the Second Settlement Motion are ripe and the Receiver requests that the Court grant the motions.

DATED this 31st day of December, 2019.

PARR BROWN GEE & LOVELESS

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

⁹ [Docket No. 822.](#)

¹⁰ [Docket No. 814.](#)

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 December 31, 2019, which sent notice of the electronic filing to all counsel of record.

/s/ Michael S. Lehr