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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

**ORDER GRANTING STIPULATION  
REGARDING RETAINER FUNDS  
HELD IN NSDP'S CLIENT TRUST  
ACCOUNT**

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

District Judge David Nuffer  
Magistrate Judge Evelyn J. Furse

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Based on Receiver Wayne Klein, and Nelson, Snuffer, Dahle & Poulsen, P.C.'s ("NSDP")  
Stipulation Regarding Retainer Funds Held in NSDP's Client Trust Account (the "Stipulation"),<sup>1</sup>  
and for good cause appearing,

IT IS HEREBY ORDERED as follows:

1. The Stipulated Motion<sup>1</sup> is GRANTED and NSDP's Motion to Intervene<sup>2</sup> is  
DENIED AS MOOT

2. NSDP shall transfer \$735,202.22, representing the balance in its retainer account that it  
received from the Affiliated Entity XSun Energy, to the Receiver within two days of the entry of  
this order.

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<sup>1</sup> [Docket no. 845](#), filed January 17, 2020.

<sup>2</sup> [Docket no. 820](#), filed December 13, 2019.

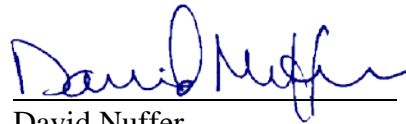
3. NSDP shall be permitted to respond to the Receiver's Ex Parte Declaration of Non-Compliance Against [NSDP]<sup>3</sup> within 30 days of the entry of this order.

4. The Receiver shall be permitted to submit a reply to NSDP's response within 14 days from the date NSDP response is filed.

5. The Receiver and NSDP preserve their respective rights, including, but not limited to, NSDP's position that it maintains a valid attorney's lien over the Retainer, despite surrendering possession of the Retainer under the terms of the Parties stipulation to the Receiver.

SIGNED this 21st day of January, 2020.

**BY THE COURT:**



David Nuffer  
United States District Judge

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<sup>3</sup> [Docket no. 812](#), filed December 4, 2019.