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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:15-CV-828 DN
)	
RAPOWER-3 LLC, INTERNATIONAL)	
AUTOMATED SYSTEMS, INC., LTBl,)	
LLC, R. GREGORY SHEPHARD,)	
NELDON JOHNSON, and ROGER)	
FREEBORN,)	
Defendants.)	
)	

BEFORE THE HONORABLE PAUL H. KOHLER

DATE: JANUARY 23, 2020

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINATION UNDER OATH

VOLUME I

Reporter: REBECCA JANKE, CSR, RMR
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A P P E A R A N C E S

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1 JANUARY 23, 2020

SALT LAKE CITY, UTAH

2 P R O C E E D I N G S

3 * * *

08:59:59

4 THE COURT: Good morning. Please be the seated.

5 Well, good morning, everyone, on this gloomy January day. I

6 appreciate you being here. I'm sure both sides have felt a

09:07:59

7 little gloominess around this case for a couple of years.

8 We'll see if we can shed some sunshine on that for a day or

9 two. I'm from St. George. That's where I usually sit. I

10 am here today at Judge Nuffer's request to help work through

11 the evidentiary process today, leading up to tomorrow's

12 hearing which, as I understand, is sort of a renewal of the

13 status of how the case is going and possible contempt to be

14 ruled upon.

09:08:28

15 I don't mind telling you up front, because I think

16 Judge Nuffer wouldn't mind me telling you, but he is still

17 struggling to recover from some fairly serious pneumonia,

18 and it's very likely that he will refer tomorrow's hearing

19 to me, and I will conduct tomorrow's proceedings as well.

20 So, if that makes a difference in how you proceed today, I

21 just want you to know that up front.

22 Let me make sure I know who everybody is. I see

09:08:59

23 one or two familiar, if not handsome faces here in the

24 courtroom today, but let me just make sure.

25 From this side, Mr. Wall, why don't you tell me on

1 your side.

2 MR. WALL: Yes, Your Honor. I'm here on behalf of
3 Neldon Johnson who is seated next to me.

4 THE COURT: Very good. And behind?

5 MR. PAUL: Good morning, Your Honor. My name is
6 Steven Paul with Nelson, Snuffer Dahle & Poulsen. Also Dan
7 Garriott is here from my office. We represent Glenda
8 Johnson today as well as Randale Johnson and LaGrand
9 Johnson.

09:09:29 10 THE COURT: Okay. I appreciate that. And, Dan,
11 spell your last name for me, please.

12 MR. GARRIOTT: G-a-r-r-i-o-t-t.

13 THE COURT: Okay. I appreciate you all being here
14 today. Thank you.

15 And on the plaintiff's side?

16 MS. HEALY GALLAGHER: Good morning, Your Honor.

17 THE COURT: Good morning.

18 MS. HEALY GALLAGHER: My name is Erin Healy
19 Gallagher, on behalf of the United States.

20 THE COURT: Appreciate that.

21 MR. KLEIN: Wayne Klein. I'm the Receiver.

22 MR. MILLER: Mike Lehr, counsel for the Receiver.

23 THE COURT: And tell me your name one more time.

24 MR. MILLER: Mike Lehr. L-e-h-r is how you spell
09:10:01 25 the last name.

1 THE COURT: Today's hearing is a little unusual, so
2 we'll try to mix the formal and informal as makes sense.
3 Here's my initial thoughts, and the parties can respond and
4 tell me if we ought to proceed differently. My plan is to
5 be available all day here in the building. I'm going to
6 give you my cell phone number, and when I'm needed -- I'll
09:10:26 7 just put a couple copies here. I'll give those to you.
8 When I'm needed, just send me a text or a phone call. No
9 need to explain the issue, just summons me and I will appear
10 and will take care of whatever needs to be taken care of.

11 Also, I will probably come and go, partially out of
12 interest, partially out of preparing for tomorrow's hearing.
13 So, if I do come and go, don't feel like you need to stop,
14 interrupt, anything else. I'll just slip in and out.

15 Also our deputy clerk and law clerk will be in and
09:10:58 16 out a little bit, so you may largely ignore them, but ask
17 them for help if needed.

18 My general thought is to treat any testimony today
19 under deposition rules, meaning largely that the only
20 objection that would be appropriate is for privilege, and
21 generally speaking, privilege late in the game here; for
22 example, discussions with Mr. Wall, not so much back from
09:11:27 23 the time of the bench trial. The Receiver, I think, owns
24 most of those privileges at this point. But that's my
25 general thought.

1 If a witness is done and I'm not here and everyone
2 agrees to the excusal of that witness, that witness may go
3 for the day. If there's any questions about that, let me
4 know. I think I'll delay formal admission of any new
5 exhibits until tomorrow. Then both sides can have a chance
09:11:58 6 to sort out what happened today and make that proposal to me
7 all at once, and we can deal with any disagreements. Also,
8 I'd like to just swear all of the witnesses that are here,
9 at least, right now all at once to try to save Lyndsey from
10 having to come back. She belongs to Judge Furse's chambers,
11 and we're borrowing her today.

12 So I'm guessing there's at least four or five
09:12:28 13 potential witnesses here now; is that correct? Four? The
14 Johnson family? Is that correct?

15 Okay. So, Mr. Johnson and the rest of the Johnson
16 family, if it's possible that you will testify today, if you
17 would please stand. I would like to administer the oath now
18 to have you tell the truth, so if you will raise your right
19 hand.

20 NELDON JOHNSON, GLENDA JOHNSON, LAGRAN JOHNSON

21 and RANDALE JOHNSON,

22 the witnesses hereinbefore named, being first duly cautioned
23 and sworn or affirmed to tell the truth, the whole truth,
24 and nothing but the truth, were examined and testified as
25 follows:

09:12:48

1 THE COURT: Thank you. You may be seated.

2 MR. WALL: Your Honor.

3 THE COURT: Yes.

4 MR. WALL: A couple of clarifications.

5 THE COURT: Please.

6 MR. WALL: You indicated that the rules would be
7 deposition rules. Would it be appropriate for counsel to
8 object to preserve potential objections at a later date with
9 regard to things such as foundation, hearsay and the like?

10 THE COURT: You certainly may, especially if I'm
11 not here. And a later date may be later today or tomorrow,
12 but, yes, feel free to lodge those on the record.

09:13:28

13 MR. WALL: So, from that I gather that if there is
14 a privilege assertion, it may be something to bring to your
15 attention, but otherwise the objections are preserved and
16 the witnesses are then required to answer the questions?

17 THE COURT: That's what I have in mind.

18 MR. WALL: Okay. The second thing, and this is
19 just so you can have a leisurely lunch, did you want to have
20 a specific time set aside so that you don't have to worry
21 about us summoning you for lunch?

22 THE COURT: I'm happy to be here at any time
23 throughout the day. I do have a meeting scheduled, a lunch
24 meeting at 12. If that works in the parties' schedule to
25 break from 12 to 1, let's plan on that. I don't know how

09:13:57 1 long today will go, but I'm available as long as the parties
2 need me, so, but let's plan on that. Any other breaks
3 throughout the day, feel free to take a short one, and if
4 you'll just drop me a text to let me know you're on a 10 or
5 30-minute break.

6 If the parties haven't been in the courtroom or the
7 courthouse much, yet, I don't know if we're going to impose
8 sort of an informal exclusionary rule here. If so, there
9 are places in the courtroom. Your lawyers can help you know
10 where they are. Especially downstairs, there are some
09:14:29 11 tables and chairs, a small cafeteria that you can deal with
12 the boring wait between now and when your time will come.

13 Are the parties intending that one witness at a
14 time be here in the courtroom?

15 MS. HEALY GALLAGHER: That is what we would like,
16 Your Honor.

17 THE COURT: Okay. Any objections from respondents?
18 Okay. We'll make that our plan today. Again, let us know
19 here if we can be of any help. You can actually leave the
09:14:56 20 building as long as you're close by so you can be here when
21 we need you within a few minutes.

22 Are there any other sort of housekeeping things we
23 need to take care of before we get started today?

24 MS. HEALY GALLAGHER: I think we're in good shape.
25 Thank you.

1 THE COURT: Okay. Very good. My thought, at least
2 in my mind, was that we use the witness box and keep that
3 kind of a formal setting while we're here in the court, but
4 if there's any objections to that or suggestions, we could
09:15:28 5 arrange the room differently.

6 MR. KLEIN: I just have one question. If the Judge
7 is present, would you like me to ask for permission to
8 approach the witness, or can I just treat it like a
9 deposition?

10 THE COURT: You may treat it just like a
11 deposition.

12 MR. KLEIN: Thank you.

13 THE COURT: And just drag me in when I might be of
14 any help. Other than that, can -- if the plaintiff's don't
15 mind, do you have a particular order for the witnesses
16 you're planning today?

09:15:59 17 MR. KLEIN: Yes. Plan to call first,
18 Randale Johnson. Second, LaGrand Johnson. Third, Glenda
19 Johnson and then fourth, Neldon Johnson.

20 THE COURT: Okay. I appreciate that. And then
21 there were a couple of other witnesses noted. I assume
22 those were likely for tomorrow's hearing; is that correct?

23 MS. HEALY GALLAGHER: They are for tomorrow.
24 That's right.

25 THE COURT: Okay. Very good, then. If there is

1 nothing else that any party believes we need to take care of
2 before we start.

09:16:28 3 Mr. Wall?

4 MR. WALL: Could we get your cell number?

5 THE COURT: Yes. I'll give these to Lyndsey, and
6 she'll pass those out. We do have -- I'm sure it was
7 obvious to you all, but we do have a court reporter. We are
8 not audio recording today. We are going to use a court
9 reporter so that it will be easier for you to refer back,
10 and Judge Nuffer can have full access as he needs it.

09:16:58 11 But, if that's the case, I will turn the courtroom
12 over to you, and I'll be close by and in and out throughout
13 the day. Thank you.

09:17:22 14 RANDALE JOHNSON,
15 the witness hereinbefore named, having been previously duly
16 cautioned and sworn or affirmed to tell the truth, the whole
17 truth, and nothing but the truth, was examined and testified
18 as follows:

19 DIRECT EXAMINATION

20 BY MR. KLEIN:

21 Q. Good morning, Mr. Johnson. For the record, give
22 your name, please.

09:24:02 23 A. Randale Paul Johnson.

24 Q. And go ahead and spell Randale.

25 A. R-a-n-d-a-l-e.

1 Q. Have you ever been deposed before?

2 A. A long, long time ago, yeah.

3 Q. Two years ago? Fifteen years ago?

4 A. Probably 20, yeah.

5 Q. Okay. And just a couple of things that will make
09:24:25 6 the deposition go much smoother. Number 1, if you'll wait
7 until I finish a question before you answer, it makes it a
8 lot easier on the court reporter and also makes it make sure
9 that you're answering the question that I'm asking and also
10 gives an opportunity for your counsel to object if they want
11 to before you give the answer. Do you understand?

12 A. Okay.

13 Q. Second. Make sure that you, if you're giving
14 answers, that you'll say yes or no, rather than saying
09:24:58 15 uh-huh or huh-uh or nodding or shaking your head. Do you
16 understand that?

17 A. Okay.

18 Q. Do you have any reason that you won't be able to
19 give good testimony today? Are you under any -- have you
20 taken any medications that might cloud your memory or your
21 ability to testify?

22 A. No.

23 Q. If you don't understand any questions, ask me to
09:25:26 24 clarify, because if you ask a question -- if you answer a
25 question, I'm going to assume you understood the question I

1 had asked, so if you're not really sure what I mean, ask me
2 to clarify. Okay?

3 A. Okay.

4 Q. Where do you live?

5 A. I live in Payson.

6 Q. Where in Payson?

7 A. I live in a condo. I don't know what the address
8 is, so --

9 Q. And who owns that property?

09:25:57 10 A. Glenda.

11 Q. And Glenda is your mother-in-law?

12 A. No. She's my dad's wife.

13 Q. Sorry. Your step mother; is that right?

14 A. Yes.

15 Q. Do you pay rent?

16 A. I do not.

17 Q. What was the source of funds used to purchase that
18 property?

19 A. I have no idea.

20 Q. What vehicles do you own?

09:26:23 21 A. I own a mini-van, and I own a couple of old 2007

22 Grand Prix's that my daughter drives one, so --

23 Q. And for the mini-van, what funds were used to
24 purchase that mini-van?

25 A. My personal funds.

1 Q. And the Grand Prix's?

2 A. My personal funds.

09:26:56

3 Q. And since October 31 of 2018, when the Receivership
4 was created, what -- what are the sources of funds that
5 you've received to pay your living expenses?

6 A. I would have to look at that. I don't know the
7 details of that.

8 Q. Okay. What monies are you using now to pay your
9 living expenses?

09:27:31

10 A. I was paid, and I don't know what date this was,
11 but I was paid probably near the time you're talking about,
12 for compensation, about -- it may have been October, may
13 have been November. I don't know the specific date, but I'm
14 living off of that.

15 Q. And how much was that?

16 A. It was 200,000.

17 Q. And who did that payment come from?

18 A. Glenda.

09:27:58

19 Q. And did it come from her personal account?

20 A. I don't know.

21 Q. Do you know -- are you aware that -- let's go back.
22 At what point did you become aware that the Judge had
23 appointed a Receiver?

24 A. I don't know.

25 Q. Do you recall whether or not the check you got was

1 before or after that?

09:28:22 2 A. From my understanding, it would have been before.
3 I don't know. I don't really know. I'll be honest. I
4 didn't understand the Receiver stuff, so --

5 Q. What monies have you received other than that
6 \$200,000 since the time you got the \$200,000?

7 A. Nothing.

8 Q. And how much of that is left?

9 A. Not very much. I paid a lot in taxes.

09:28:57 10 Q. So you say not very much. Are we talking 5,000,
11 50,000?

12 A. I would say probably 50,000.

13 Q. And where do you have bank accounts since 2013?

09:29:17 14 A. Mountain America and Fidelity. And that's it.

15 Q. Is fidelity a brokerage account or bank account?
16 What do you have in fidelity?

17 A. It's a retirement account.

18 Q. What efforts have you undertaken, since the --
19 well, on June 25 of 2019, the Court entered the written
09:30:00 20 contempt order finding you in contempt. Are you aware of
21 that?

22 A. I didn't know I was found in contempt. I thought
23 this was an ongoing thing.

24 Q. Since June of 2019, what efforts have you
25 undertaken to find additional records that may have been

1 used by any of the Receivership companies?

09:30:28

2 A. From what I understood, they were all taken care
3 of.

4 Q. Okay. And my question is different. My question
5 is, what efforts have you undertaken since June of 2019 to
6 find additional records?

09:30:58

7 A. What was in June, 2019? I've complied with what I
8 was told by my attorneys to comply to, so I don't know the
9 dates, so maybe it was -- maybe I did comply with that.

10 Q. In the last seven months, what efforts have you
11 undertaken to identify and locate additional documents?

12 A. Whatever I was asked to do. I don't remember
13 during that time frame what I was supposed to do, but I
14 thought we had complied, so --

15 Q. But it doesn't help me if you just say: I did
16 whatever I was supposed to do.

09:31:29

17 I'm trying to understand specifically what actions
18 you have taken, and if you're not sure if it was five months
19 ago or seven months ago, I understand, but if you describe
20 for me what actions you have taken.

21 A. Okay. I was told to look everywhere I could for
22 documents to do with RaPower. I didn't have any. I looked.
23 I didn't have any.

24 Q. Where did you look?

25 A. I looked in my personal files to see if I had

09:31:58 1 anything there, and I looked -- and it wasn't anything much.
2 And I looked on my computer, but I don't have -- I don't
3 keep documents.

4 Q. Your attorney delivered a flash drive to the
5 Receiver on December 5. Are you aware of that?

6 A. Yes.

7 Q. And did that flash drive have any documents that
8 had not been produced earlier?

09:32:28 9 A. I don't know whether or not they were produced
10 earlier. I thought that they were produced during the time.
11 I don't know about that because I have produced what I had.
12 But I was sued previously by the Receiver, you, and all I
09:32:48 13 was told that I had to demonstrate that I had done work, and
14 anything that you didn't have by a certain date couldn't be
15 used in my court case. As far as I knew, you had those, but
16 I did not want any of my work to be excluded, so I went
17 through and gave my work and as far as I knew, you guys
18 already had that through the other lawsuit.

19 Q. And when was it you gave this additional work to
20 your attorneys?

09:33:29 21 A. Whenever the deadline was. I don't know when it
22 was. In December, sometime. I think it was before that.

23 Q. But within the last couple of months?

24 A. Yes.

25 Q. And, to your recollection, did you find any

1 documents that you had not previously found?

2 A. As far as I know, I thought all those documents
3 were submitted into the court case, so -- already.

4 Q. In the last seven months, have you had any
09:33:59 5 communications with third parties who might have documents?

6 A. No. And I wouldn't know who that would be.

7 Q. Have you talked to Pacific Stock Transfer Company?

8 A. No, I don't know how to get ahold of them.

9 Q. The law firm Snell & Wilmer?

10 A. About attorney stuff. But they told me they had
11 supplied everything, so, yes, I would say yes.

12 Q. Have you talked to Snell & Wilmer?

13 A. Snell & Wilmer? Oh, I thought you were talking
09:34:29 14 about Denver Snuffer. No. I don't know. I wouldn't even
15 know a contact person there.

16 Q. So, let me restate the question. Have you talked
17 to anyone at Snell & Wilmer in the last six months asking
18 for documents?

19 A. No.

20 Q. Have you talked to Gary Peterson or Paragon
21 Consulting in the last six months asking for documents he
22 may have?

23 A. No. I wouldn't know how to get ahold of him.

09:34:57 24 Q. Have you had any communications with the Cadence
25 Group in the last six months?

1 A. No.

2 Q. The company Now CFO?

3 A. No.

4 Q. Did you go to the Nelson, Snuffer law firm and look
5 through boxes they have to see if there were any documents
6 in there that would have been once under your control?

09:35:28 7 A. I don't understand that question.

8 Q. Okay. Nelson, Snuffer are your attorneys, correct?

9 A. Yes.

10 Q. And my question is, in the last six months have you
11 gone to their offices to look through files that they have
12 to see whether or not there are any documents there that
13 would -- that you would have had in your control at one
14 time?

15 A. No.

09:35:57 16 Q. In what locations have company documents ever been
17 stored?

18 A. Ever?

19 Q. Yes. Twenty years.

20 A. A couple places. In American Fork, probably.

21 Places in Salem, Delta. I don't know. But Delta would be

09:36:29 22 the last place, obviously.

23 Q. Are any of the locations in American Fork still
24 under the control of you founding members or the companies?

25 A. No.

1 Q. Any of the locations in Salem still under control
2 or any of those?

3 A. No.

4 Q. What locations in Delta, then, have been used?

09:36:51 5 A. There's the shop in Oasis.

6 Q. Is that it?

7 A. Well, yeah. I mean, that's --

8 Q. Is that the only place in Millard County that
9 you're aware of that documents have been stored in the past
10 20 years?

11 A. Probably, yeah.

12 Q. And did you go to the shop in Oasis in the last six
13 months and look to see if there were any documents there
14 that are documents once under your control?

09:37:29 15 A. No.

16 Q. Do you have any documents that you keep at the
17 condo where you live?

18 A. No.

19 Q. When you talk about the shop in Oasis, is that the
20 same thing that's sometimes called the warehouse?

21 A. Maybe. I don't know. I've always called it the
22 shop, so --

23 Q. Okay. Are there any trailers where documents may
24 have been stored?

09:37:55 25 A. Not that I'm aware of.

1 Q. So, do you recall, on May 17, 2019, that you
2 delivered to the Receiver the last of 31 boxes of documents?

3 A. I don't know the date, but yes I remember
4 delivering documents.

5 Q. Does May 17 sound about right?

6 A. It could be. I don't know.

09:38:29

7 Q. Since that time, have you been aware of any
8 documents that relate to IAS or RaPower that were not
9 delivered previously to the Receiver?

10 A. No.

11 Q. Since the Receiver was appointed in October, 2018,
12 during how much of that time has Nelson, Snuffer been your
13 attorney?

14 A. They have always been my attorneys.

09:38:57

15 Q. And what services have they provided for you?

16 A. This, right here, the contempt.

17 Q. Okay. Have they provided any other legal services
18 for you?

19 A. No.

20 Q. Have they acted as your attorneys in the lawsuit
21 filed by the Receiver?

22 A. That's what I said. This contempt and that, yeah.

23 Q. Any others?

24 A. No.

25 Q. Do you receive invoices from them for the work they

1 are doing?

2 A. Not yet.

09:39:32

3 Q. Have you paid them any money?

4 A. Personally, I have not.

5 Q. Do you know who is paying for the work they are
6 doing for you?

7 A. From my understanding, I'm running up a tab.

8 Q. And have you had any discussions with them about
9 how that tab is going to be satisfied?

10 A. Not yet.

09:39:59

11 Q. Have -- so, have you given any money to Nelson &
12 Snuffer since October of 2018?

13 A. No.

14 Q. Have you asked any others to give money to them on
15 your behalf?

16 A. No.

17 Q. Have you asked any others to give money to them for
18 any purpose?

19 A. No.

20 Q. Are you familiar with the N.P. Johnson Family
21 Limited Partnership?

22 A. Yes.

23 Q. Did it own some property in Texas?

24 A. Yes.

25 Q. Tell me about that property.

09:40:28 1 A. It's about 640 acres. What else do you want to
2 know?

3 Q. What's it used for?

4 A. It's a site that we've set aside for renewable
5 energy projects.

6 Q. And what money was used to purchase that property?

7 A. LaGrand, his personal money.

8 Q. And why was it put -- what -- let me start over.
09:40:58 9 Why was the property in the name of the N.P. Johnson Family
10 Limited Partnership rather than RaPower or IAS?

11 A. Because it wasn't RaPower's or IAS's property.

12 Q. Do you currently have an authority to act on behalf
13 of the N.P. Johnson Family Limited Partnership?

14 A. I don't know the answer to that.

09:41:27 15 Q. Are you aware that on May 3, 2019, the Judge in
16 this matter issued an order expanding the Receivership to
17 include the N.P. Johnson Family Limited Partnership?

18 A. No.

19 Q. In October of 2019, were you an owner of the N.P.
20 Johnson Family Limited Partnership?

21 A. In when?

22 Q. In October of 2019, last October?

09:41:59 23 A. Yeah. As far as I know, I've always been an owner,
24 yeah.

25 Q. Did you sign an agreement on October 31, 2019,

1 granting an easement to New Star Permiantrix and Storage to
2 construct a pipeline across the property?

3 A. Yes.

09:42:40 4 Q. I hand you what's been marked as Receiver's Exhibit
5 2141 and ask if that looks familiar.

09:43:02 6 A. Yes.

7 Q. And I'm also showing you these original pages and
8 ask whether or not -- indicate whether or not the Exhibit
9 2141 is an exact copy of the original?

10 A. It appears to be.

09:43:24 11 Q. And so, on the fifth page of this -- let's back up.
12 On the second page there's a signature. Is that your
13 signature?

14 A. Yes.

09:43:58 15 Q. On the fifth page, there is a form W-9. Is that
16 your handwriting on this page?

17 A. It looks like it, yes.

18 Q. Is that your signature?

19 A. Yes.

20 Q. Do you recall signing this?

21 A. Yeah.

22 Q. What did you expect would happen after signing this
23 easement?

24 A. That they would get their easement.

09:44:28 25 Q. And was the N.P. Johnson Family Limited Partnership

1 going to get money?

2 A. Probably. I don't know the details of that, but
3 from what I was told, they were taking -- if we didn't sign
4 these papers, they were taking us to court to get it
5 condemned, so --

6 Q. And who told you that?

7 A. My dad.

09:44:56 8 Q. And do you know where he got that information?

9 A. Whoever called him and talked to him. I don't
10 know.

11 Q. So, did Neldon Johnson ask you to sign this?

12 A. He told me that they were going to condemn it, so
13 he said: You can do what you want.

14 And so we just signed it.

15 Q. And what was your authority to sign documents on
09:45:26 16 behalf of the N.P. Johnson Family Limited Partnership?

17 A. I'm assuming, since I'm part owner, I could perhaps
18 sign it. I don't know.

19 Q. Does the N.P. Johnson Family Limited Partnership
20 have a bank account?

21 A. I have no idea.

22 Q. Well, I'm trying to understand. If you have
23 authority to sign an easement on behalf of the entity, but
09:45:56 24 you don't, what were you planning to do with the money when
25 it arrived?

1 A. That --

2 MR. WALL: Objection. Lack of foundation. You can
3 answer.

4 Q. BY MR. MILLER: Go ahead and answer.

5 A. I had no thoughts about it.

6 Q. Do you know if -- was your expectation the money
7 was going to come to you, or was it going to go to Neldon
8 Johnson?

9 MR. PAUL: Objection. Lack of foundation.

10 THE WITNESS: I had no concern about that.

09:46:30

11 Q. BY MR. MILLER: What do you know about Wisdom Farms
12 Technology Development Group?

13 A. I know that they were working on one of our -- I
14 know the technical side. They were working on a -- putting
15 together a turbine, a generator and controls.

09:46:56

16 Q. And what work had Wisdom Farms done for RaPower or
17 IAS prior to the end of trial in June of 2018?

18 A. I have no idea.

19 Q. Do you know when the Wisdom Farms first started
20 doing work at -- on behalf of the -- or on the turbine?

21 A. I don't know when they started doing work, but I
22 saw some of it.

23 Q. You attended trial, correct?

24 A. No.

25 Q. Did you attend parts of it?

09:47:29 1 A. No. This is the first time I have been in this
2 building was this contempt.

3 Q. Are you aware that there was a trial in a case
4 brought by the United States against your father, RaPower
5 and IAS?

6 A. I was aware there was a trial.

7 Q. Were you aware that the trial had commenced in
8 April of 2018?

09:47:58 9 A. No. I don't know when the trial happened. I know
10 it happened.

11 Q. Were you aware that the trial ended in June of
12 2018?

13 A. I don't know when it ended. I know it ended.

14 Q. Do you know if Wisdom Farms had done work for
15 RaPower or IAS before that date, before trial ended?

16 A. I would know nothing about that. I didn't see it
17 at that time.

18 Q. Who would know that?

09:48:29 19 A. I don't know. But I do know that I saw stuff they
20 were doing.

21 Q. So, tell me when you first were -- became aware of
22 Wisdom Farms and what they were doing?

23 A. I don't know a date.

24 Q. Two months ago? Six months ago? Two years ago?
25 Can you give me a time frame?

1 A. I could guess. I mean --

09:48:58 2 Q. Tell me your best guess.

3 A. Probably -- I don't know. Maybe -- I'm trying
4 to figure out what today is. Maybe a little over a year
5 ago. I don't know.

6 Q. Did you give any instructions to Wisdom Farms about
7 what they -- about the work they were doing?

8 A. No.

9 Q. Did you visit them to see the progress they were
10 making?

11 A. Yes, I did.

09:49:29 12 Q. And where did you visit them?

13 A. It was in Salt Lake.

14 Q. And was -- what kind of facility was it? Was it a
15 facility? Was it a warehouse, an office?

16 A. They had both.

17 Q. And was it a -- did it belong to Wisdom Farms or
18 was it an engineering firm?

19 A. As far as I know -- was it Wyndham Farms?

09:50:00 20 Q. Wisdom.

21 A. Wisdom Farms. As far as I know, they are an
22 engineering firm. So I don't know. I don't know who owned
23 the building they were in. I didn't ask.

24 Q. Do you recall seeing a sign on the building that
25 said who the owner of the building was?

1 A. No. I didn't pay attention to that.

2 Q. Who were the principals of Wisdom Farms?

3 A. I don't know who the principals are. I know one of
09:50:28 4 the people I talked to. His name is Johnny.

5 Q. And do you know Johnny's last name?

6 A. No.

7 Q. And how often did you talk to Johnny?

8 A. I talked to him while he was doing the project?

9 Q. Yes.

10 A. Probably just a few times.

11 Q. And were these telephone conversations or in
12 person?

13 A. In person.

09:50:57 14 Q. And what were the substances of the discussions?

15 A. Talking about the technology.

16 Q. And what about the technology?

17 A. That he thought it was incredibly amazing, and he
18 was excited about all of the things this technology does.

19 Q. And were you giving him directions on how to
20 construct the technology?

09:51:30 21 A. No.

22 Q. Do you know if he was using plans developed by your
23 father or patents granted to your father to build this
24 technology?

25 A. No.

1 Q. No, it wasn't, or no, you don't know?

2 A. No, I don't know. I'm not an intellectual property
3 expert, so I don't know.

4 Q. Do you know how Wisdom Farms got paid for the work
5 that it did?

09:52:00

6 A. No.

7 Q. Do you know whether Robert Johnson provided money
8 to Wisdom Farms? Were you at a meeting in Denver Snuffer's
9 office on or around August 8, 2018 where two checks were
10 given to Wisdom Farms?

11 A. No.

09:52:30

12 Q. Do you know what role Bill Pack had in the work
13 Wisdom Farms did?

14 A. Bill was the guy who -- I don't know what his
15 relationship was, but he was involved.

09:52:58

16 Q. And was he involved as a representative of
17 representing Neldon Johnson or the companies?

18 A. I couldn't tell you.

19 Q. Do you know what the result was, the end result was
20 of the work that Wisdom Farms did?

09:53:27

21 A. Yeah. A running turbine, the control systems that
22 control flow, the flow rates -- well measure the flow rates,
23 measure the tension, measure the pressure, automatic valves,
24 shut-off valves, turn-on valves, full computer system that
25 reads and controls the balance of power, a condenser that --

09:53:48 1 to condense the steam on the back side, and a heat recovery
2 system. I think there was a, you know, steam generator and
3 electrical generator. Yeah.

4 Q. Were each of those components that you described
5 operational?

6 A. All of them were -- the majority of them were
7 operational. Not all of them. There were still things that
8 needed to be finished.

09:54:27 9 Q. Which components were not operational or which ones
10 were, whichever list is easier?

11 A. The turbine was operational, the generator. The
12 steam generator was operational. I think they were
13 finishing on the condensing side of it. The computer system
14 was entirely built. They just needed to finish some of the
15 programming on that, but they had all the automated
16 controls, from what I understand, in place, so --

09:54:56 17 Q. And these components, were they in a warehouse?
18 Were they on a trailer? Where were these components
19 existing?

20 A. They were at the Wisdom Farms location.

21 Q. Were they, for example, inside a container?

22 A. Yes. Is that what you meant?

23 Q. Yeah. That's what I meant.

24 A. Yeah. Yeah.

09:55:27 25 Q. And who is the owner of that equipment?

1 A. I have no idea.

2 Q. Do you know who paid for the equipment?

3 A. No.

4 Q. Where is that equipment now?

5 A. It's at Glenda's place.

6 Q. Where?

7 A. In Payson.

8 Q. Do you know how the equipment got there?

9 A. I'm assuming it was on a truck.

09:55:59 10 Q. Are you familiar with a company called Kitco Iron?

11 A. No.

12 Q. Did you -- were you among those who went to pick up
13 this container that had this equipment?

14 A. I was there. I was there -- actually, I was there.
15 Okay. I was there.

09:56:29 16 Q. Was that around -- do you know when? When do you
17 recall that was?

18 A. I have no idea.

19 Q. Was it around August of 2019?

20 A. I have no idea. I don't know.

21 Q. Who else was there?

22 A. My dad was there.

23 Q. Who else?

09:56:59 24 A. I don't know. I don't know who else was there.

25 Q. Do you recall whether Paul Fiedman from Wisdom

1 Farms was there?

2 A. Yeah. Paul was there.

3 Q. Was -- at that time, when the equipment was picked
4 up, was -- did somebody else bring a check to pay a balance
5 owed?

09:57:20 6 A. That part I don't remember.

7 Q. I'm handing you what's been marked as Receiver
8 Exhibit 2142. It's an August 13, 2019 cashier's check made
9 payable to Wisdom Farms Technology Development Group, drawn
10 on Mountain America Credit Union.

11 A. Okay.

12 Q. Have you seen that before?

13 A. No.

14 Q. Does that jog your memory about whether or not
09:57:57 15 there was a check delivered in connection with picking up
16 the equipment?

17 A. I'm not disputing it. I don't remember it, but I'm
18 not disputing it.

19 Q. Do you recall whether or not you ever had the check
20 in your possession?

21 A. No. I did not.

09:58:24 22 Q. So, how did you get the -- is it a 20-foot
23 container?

24 A. I don't know.

25 Q. How did you get the container from where it was to

1 Glenda's house in Payson?

2 A. The truck picked it up. I don't know. I was
3 talking.

4 Q. What truck?

5 A. A truck. I wasn't paying attention to that part of
6 it. I was talking to Paul.

7 Q. Did you help load it?

09:58:58

8 A. Well, I probably helped. It was a container that
9 would require a lift, like, so I couldn't actually be a part
10 of that, but --

11 Q. Was it a hoist or a forklift?

12 A. I don't remember, but it was actually something
13 that had to lift it. I don't know if they had a -- I don't
14 know if they had a hoist above the ceiling or if they used
15 some other equipment. I can't remember. I wasn't paying
16 attention to it.

17 Q. So it was put on to the back of a truck or a
18 trailer?

09:59:30

19 A. A truck, I think. I didn't look at it. I wasn't
20 really paying that much attention to that.

21 Q. Do you know whose truck it was?

22 A. No.

23 Q. And did you go with that truck to take it to
24 Payson?

25 A. I don't think so.

1 Q. To your knowledge, is the -- that container still
2 at the home in Payson?

3 A. Yes.

10:00:06

4 Q. Are you aware that your attorney delivered a flash
5 drive to the Receiver on December 10 of last year, a month
6 ago?

7 A. Yes.

10:00:29

8 Q. And did that flash drive have videos on there of
9 various projects that had been done during the course of
10 development of the solar technology?

11 A. Yeah.

12 Q. Do you recall that one of the videos had to do
13 with -- was labeled A Demonstration Of The Ability Of The
14 Towers To Track The Movement Of The Sun.

15 A. Yeah.

16 Q. And who else was involved in that testing?

17 A. A guy named Justin.

18 Q. Justin who?

19 A. I don't know his last name.

10:01:00

20 Q. Justin Horton?

21 A. Yeah.

22 Q. And who was taking the video?

23 A. Me.

24 Q. And do you recall that video fanning from the solar
25 towers to a laptop screen inside of a trailer?

1 A. Yeah.

2 Q. And what was the purpose of the laptop?

10:01:29

3 A. I was trying -- testing a few new things on the --
4 the controls that I had done for this -- the new tracking
5 system.

6 Q. And was the information on the laptop accurate as
7 far as you know?

8 A. I don't know. It could be. I mean, I have no --
9 yeah. Sure.

10:01:57

10 Q. I'm handing you what's been marked as are Receiver
11 Exhibit 2143. Does that look familiar like that is a screen
12 shot from the laptop on the video?

13 A. Sure.

14 Q. And in the second part of the page, a little more
15 than halfway down, do you see where it says date and time?

16 A. Yes.

17 Q. And what's the date?

10:02:27

18 A. 11/14/2018.

19 Q. Is that when you believe this testing occurred?

20 A. I would assume.

21 Q. And was anyone there besides you and Justin Horton?

22 A. No, not for this test. Just me and him.

23 Q. And who directed you to conduct this test?

24 A. Just me.

10:02:59

25 Q. You took it upon yourself?

1 A. Yeah. I wanted to test a new thing that I was
2 doing in the tracking.

3 Q. And did Neldon Johnson know you were conducting the
4 testing?

5 A. I don't think I had a discussion with him about it.

6 Q. Did you report to him the results of the test?

7 A. Yeah. I talked to him about that.

8 Q. And what did you say to him?

9 A. I just told him the new stuff that I had put into
10 my tracking software had worked.

10:03:27 11 Q. And did you do any other testing after that time?

12 A. No.

13 Q. Did you make any records of the test results?

14 A. Of these test results?

15 Q. Yes.

16 A. No.

17 Q. Do you know what other testing anybody else has
18 done on the equipment around this time or after that time?

10:03:57 19 A. No.

20 Q. I'm handing you what has been marked as Receiver's
21 Exhibit 2144.

22 A. Okay.

23 Q. This is a -- I'll ask you, do you recognize these
10:04:30 24 documents?

25 A. Yes.

1 Q. These have Bates Number Randale J. 000429 through
2 463. Is that accurate?

3 A. Yeah. I guess.

4 Q. Why do you recognize these checks?

10:04:53 5 A. Because they were from me.

6 Q. I'm handing you what's been marked Receiver Exhibit
7 2145, which is a summary that I prepared of the checks in
8 Exhibit 2144. And if you'd take a moment to compare, to see
9 whether you're satisfied that the summary is an accurate
10:05:29 10 summary of the checks themselves because I think it will
11 be -- make it a lot easier for our discussion about these
12 checks. So let me know when you're finished.

13 A. Well, I don't know what -- you're asking me to add
14 these up in my head? I couldn't do that.

15 Q. No. What I'd like you to do is compare the
16 spreadsheet with the actual checks to see if it seems like I
17 have recorded the information from the checks accurately
10:05:59 18 onto the spreadsheet.

19 A. No. I don't think you did. Let's see. But, yeah,
10:06:57 20 okay. Maybe I'm reading the one wrong. Just a second. Let
10:07:09 21 me start over. Let's see. I think you might be missing
22 one.

23 Q. And without --

24 A. What's that?

25 Q. And without -- and I'm not trying to make you

10:10:00 1 affirm that all the data is correct. I -- you know, does it
2 seem to be an accurate reflection of the checks that are in
3 Exhibit 2144?

4 A. I mean, it could be.

5 Q. Okay. Well, looking at Exhibit 2145, the summary,
6 if that is an accurate summary of the checks in Exhibit
7 2144?

10:10:29 8 A. 2145? Where is that?

9 Q. 2145 is the spreadsheet in your hand. The bottom.
10 It says Exhibit 2145.

11 A. Oh. Okay. All right. What are you saying?

12 Q. So, if the summary is an accurate summary of the
13 checks themselves, my question, then, it shows that you paid
10:11:00 14 14 checks to Neldon Johnson in the amount of \$381,000. Do
15 you see that?

16 A. Okay. I see the 381, yeah.

17 Q. Does that -- does that sound accurate to you, based
18 on your recollection, that you paid about 14 checks to
19 Neldon Johnson for 381,000?

20 A. Sure.

10:11:27 21 Q. Why did you pay \$381,000 to Neldon Johnson between
22 January, 2007 and February, 2008?

23 A. I don't recall the details of it, but we were -- it
24 was to go towards -- ultimately, it was to go towards the
25 development of projects of technology stuff we were working

1 on.

2 MR. PAUL: Wayne, I'm going to interrupt for a
3 second just to point out there is a mistake I think that we
10:11:59 4 found on 2145. It reflects the 6th line item, May 10, 2007,
5 check number 1075, it looks like, which is actually check
6 number 1073. It's document number 434. It looks like it's
7 wrong on your spreadsheet.

8 MR. MILLER: 1073?

9 MR. PAUL: Yeah.

10 MR. MILLER: So noted.

10:12:26 11 MR. PAUL: And the amount is 35,000 not 55,000.

12 MR. MILLER: 35,000?

13 MR. PAUL: Yeah.

14 MR. MILLER: Which would make the total 361,000.

15 Q. BY MR. MILLER: So, Mr. Johnson, if this money, the
16 361,000 was to fund development of the solar technology, is
17 that what you said?

10:13:00 18 A. It was one of the technologies that we were
19 involved with at the time. But I don't know the specifics
20 of where that would go, but we were, you know, investing to
21 put this project together.

22 Q. And so do you recall which technology it was?

23 A. I think it's various technologies, but we were
24 working on a lot of different technologies. I couldn't give
25 you any specifics.

10:13:29 1 Q. Why were the checks made payable to Neldon Johnson?
2 A. I don't remember.
3 Q. What were you getting out of it?
4 MR. PAUL: Objection, foundation.
5 Q. BY MR. MILLER: Go ahead and answer.
6 A. Ultimately, to get these projects done, but we were
10:13:51 7 getting out of it the ownership and the technology, so in
8 development of the technology.
9 Q. So, for the 361,000 you gave to Neldon Johnson,
10 were you going to have ownership of the technology?
11 A. As far as I understood, yeah, that's what the N.P.
12 Johnson Trust ultimately would, you know, back then, but I
13 don't remember the details of it.
10:14:30 14 Q. Let me see if I'm understanding you correctly. So
15 you gave \$361,000 of your money to Neldon, and you expected
16 that the technology would then be given to the N.P. Johnson
17 Family Limited Partnership?
18 A. Me and LaGrand, we were working all together to
19 develop this technology, so, yeah, me and LaGrand were
20 investing in the beginning to make sure that we could get
21 this technology done.
10:14:58 22 Q. Okay. And so it was your money, correct?
23 A. Yes.
24 Q. And it went to Neldon, correct?
25 A. These checks, yeah.

1 Q. And you expected, as a result of giving the money
2 to Neldon Johnson, that there would be technology given to
3 the N.P. Johnson Family Limited Partnership?

4 A. Yeah, that me and LaGrand would own those
5 technologies.

6 Q. You and LaGrand would own it?

7 A. Yes.

10:15:29 8 Q. Or the N.P. Johnson Family Limited Partnership?

9 A. Well, that was me and LaGrand.

10 Q. But did money come from the N.P. Johnson Family
11 Limited Partnership?

12 A. I don't know the ins and outs of that, but that's
13 what the intent was.

14 Q. Where did you come up with the \$361,000 that you
15 gave to Neldon Johnson?

16 A. I sold stock.

17 Q. What stock?

10:16:00 18 A. IAS stock.

19 Q. So, how much did you pay for that stock?

20 A. I don't know. I was buying warrants. I mean,
21 that's the transaction, so I don't know. Forty cents a
22 share. There was some stock originally that I had gotten
23 years ago from my dad in the company. That may have been
24 where that came from. I don't remember.

10:16:29 25 Q. Did IAS issue shares of common stock to you?

1 A. Yes, at times it did.

2 Q. And how much?

3 A. I don't know how much.

4 Q. Was it over a million shares?

5 A. I don't know the answer to that.

6 Q. And so you sold stock that you had in IAS in your
7 personal account and then gave -- and then gave \$361,000 of
10:16:58 8 that amount to Neldon Johnson?

9 A. Yes.

10 Q. Okay. And this summary also shows another \$460,360
11 that was in checks that were made payable to IAS?

12 A. Yes.

13 Q. Does that sound about right?

14 A. Well, sure, I'll go with that.

15 Q. What was the purpose of your giving \$460,000 to
16 IAS?

10:17:29 17 A. It was the same purpose is we were paying IAS to
18 develop these technologies, and I was, in that process
19 buying warrants. I was basically losing money on buying
20 warrants, so I was paying more for the warrants than what I
21 was selling the stock for, but --

22 Q. So I this 460,000 was between December of 2007 and
10:17:58 23 September of 2010. Does that sound right?

24 A. Sure.

25 Q. So, how much of have this 460,000 was for

1 purchasing -- was for exercising the warrants?

2 MR. PAUL: Objection, foundation.

3 THE WITNESS: Well, that was probably most of it.

4 Q. BY MR. MILLER: Okay. So, the 361,000 that was
5 paid to Neldon Johnson was to develop technology?

10:18:30

6 A. Right.

7 Q. And the 460,000, you think most of it was you used
8 to pay to exercise warrants?

9 A. Yeah.

10 Q. And where did the \$460,000 come from that you paid
11 to IAS?

12 A. The sell of IAS stock.

10:18:58

13 Q. Did Neldon Johnson ask you to sell your IAS stock
14 and give him the proceeds?

15 A. No.

16 Q. You did it on your own?

17 A. Yes.

18 Q. What kind of discussions did you have with Neldon
19 about that?

20 A. Mostly about the technology itself and what we were
21 trying to develop, and we needed to fund it. So I did.

22 Q. For each of these checks between January of 2007
23 and February of 2008 -- let's start with the first one. So
10:19:30 24 January 9 of 2007, you gave a \$17,000 check to Neldon
25 Johnson?

1 A. Uh-huh.

2 Q. Did you just decide to give \$17,000 to Neldon? You
3 went to him and said: Here's 17,000. Use it to help --
4 let's use it to help pay the expenses of the technology.

5 A. Yes.

6 Q. And was he surprised?

7 A. No.

10:20:00

8 Q. Was there any discussion about what that money
9 would be used for?

10 A. Basically what I told you.

11 Q. And was there any documentation created saying: In
12 exchange for this 17,000, technology will be transferred to
13 the N.P. Johnson Family Limited Partnership.

14 A. I don't remember that. I mean, there could be. I
15 don't remember. That's 2007. I trust my dad. I didn't
16 really worry about that part, so --

10:20:27

17 Q. Does this help you remember which technology you
18 were providing money for?

19 A. Does what?

20 Q. Does talking about the specific check back in 2007?

21 A. I don't know how much you know about the company.
22 You know, I'm just -- I'm not being -- you know, I'm not
23 trying to be altercating -- I don't know what the right word
24 is -- but I'm saying we have a lot of technologies that we
25 were developing at the time, and it wasn't just one. We had

10:20:59 1 some -- you know, all of them. We were developing a lot of
2 technologies, more than what we probably should have taken
3 on, but we -- we were developing a lot.

4 Q. Do you have any recollection that these, this
5 funding was for one particular technology?

10:21:23 6 A. No, I don't. As far as I'm -- understood, it was
7 for all of them, so -- because we were funding it for
8 everything. So, I don't know.

9 Q. I'm handing you what's been marked as Receiver
10 Exhibit 2146, which is four pages consisting of three pages
11 of emails and one letter with Bates Number Randale J.
12 003006 through 3008 and then 2941.

13 A. Okay. Yeah.

14 Q. Do you recognize these documents?

15 A. Yeah. They were on the turbine. This was -- this
16 was -- let me see. This is Jeff. Do you remember, this is
10:22:28 17 Jeff Muss. He's a -- got his -- he's a doctorate. He has a
18 Ph.D. in -- I believe in thermodynamics and mechanical
19 engineering.

20 Q. My question is, the emails are from
21 nsdpnelson@aol.com. Do you see that?

22 A. Yeah.

23 Q. Do you know whose email address that is?

10:22:58 24 A. That would be Dave Nelson.

25 Q. And who is Dave Nelson?

1 A. Dave Nelson worked on the patents at Nelson,
2 Snuffer & Dahle.

3 Q. And then the fourth page is a letter to Sierra
4 Engineering -- I'm sorry -- a letter from Sierra Engineering
5 to David Nelson; is that correct?

10:23:28

6 A. Yeah.

7 Q. And so why is the communication between Dave Nelson
8 and Sierra Engineering rather than you or Neldon Johnson or
9 the company?

10 A. I was the one who spearheaded this part of the
11 project, and I asked Dave to be the liaison.

10:23:54

12 Q. And why would -- did you ask Dave Nelson to be the
13 liaison?

14 A. Because, first of all, Dave has a degree in
15 physics, and I just assumed it would be better to have him
16 talk to them and try to iron out a lot of the details of
17 going through this study, so I just -- it was easier to work
18 through Dave.

10:24:28

19 Q. I want to go back and talk about stock that you
20 have owned. What personal stock in IAS have you sold in the
21 last year?

22 A. None.

23 Q. When did you last sell stock in IAS that you owned?

24 A. It probably was 2010 or 2011. I don't know.

25 Q. How many shares do you estimate that you've sold

10:25:00 1 since 1986, when the company was formed?

2 A. I have no idea.

3 Q. Would it be over a million shares?

4 A. It could be.

5 Q. And were those shares sold through broker/dealers
6 or were they sold in private transactions to other people?

7 A. They were sold through -- as far as I know, the
8 only sales I had were through Edward Jones and Ameriprise.

10:25:27 9 I'm not sure, but that's as far as I know.

10 Q. So, what proceeds do you estimate you've received
11 from the sale of stock you got from IAS?

12 A. I have no idea.

13 Q. Over a million dollars?

14 A. It could be. I mean, there's -- this was about
15 800,000, right, 860,000? So I'd probably say it's probably
16 a million, maybe less, maybe more.

10:25:57 17 Q. I want to talk now about a safe deposit box.

18 Neldon Johnson provided a declaration in August of 2019,
19 identifying a safe deposit box that was once owned by one of
20 the Receivership defendants. Are you aware of a safe
21 deposit box?

22 A. No.

23 Q. Did you ever go get anything out of a safe deposit
24 box that was controlled by Neldon or Glenda or one of the
25 companies?

1 A. No. I wouldn't know where they are at, so --

10:26:28

2 Q. I want to talk about your role with the companies.
3 For IAS were you an officer?

4 A. I was the secretary.

5 Q. Were you also vice-president?

6 A. I've heard that. I mean, we didn't -- I didn't --
7 No one ever said Vice-president Randy. I mean, we wore a
8 lot of hats in the company so, I mean, sure.

9 Q. Well, 2016 annual report 10-K says that you were
10 vice-president and secretary. Does that sound accurate to
11 you?

10:27:00

12 A. Sure.

13 Q. During what period were you secretary?

14 A. I don't know.

15 Q. Was it a period of just a couple of years or maybe
16 ten years?

17 MR. PAUL: Objection. Asked and answered.

18 THE WITNESS: I really don't know. It would -- I
19 would have to look at the reports. It wasn't like I was --
20 had any official duty as a secretary that I would be -- you
21 know, like I said, we wore a lot of hats.

10:27:25

22 Q. BY MR. MILLER: Well, was one of your official
23 duties to sign the annual reports that were filed with the
24 SEC?

25 A. Not that I'm aware of, but I'm not saying that I

1 didn't, but --

2 Q. Were you ever a director, a member on the board of
3 directors for IAS?

4 A. Not that I'm aware of.

5 Q. On RaPower, were you ever an officer, director,
6 manager or employee?

7 A. No.

10:27:59

8 Q. Did you ever have any ownership interest?

9 A. No.

10 Q. For LTB1, were you ever an officer, director,
11 manager or employee?

12 A. No.

13 Q. Did you ever have any ownership interest?

14 A. Not that I'm aware of.

15 Q. For Solco 1, same questions.

16 A. I don't know.

17 Q. Who would know?

18 A. I guess my dad would know.

19 Q. Would you have any records that would help you
20 understand whether or not you were ever an officer, director
21 or employee of Solco 1?

10:28:29

22 A. No.

23 Q. Did you have any ownership interest in Solco 1?

24 A. I honestly don't know.

25 Q. For Xsun Energy, X, capital S-u-n Energy, were you

1 ever an officer, director, manager or employee?

2 A. Not that I'm aware of. I don't know.

3 Q. Did you have any ownership interest in it?

4 A. Not that I'm aware of. I don't know.

10:28:57

5 Q. For Cobblestone Center, were you ever an officer,
6 director, manager or employee?

7 A. To my knowledge, no.

8 Q. Did you have any ownership interest in Cobblestone?

9 A. To my knowledge, I don't know.

10 Q. For DCL-16A, were you ever an officer, director,
11 manager or employee?

12 A. I don't think I was. I don't know if I was. I
13 don't know.

14 Q. What roles, if any, did you have with that company?

10:29:32

15 A. I don't remember the details of that one.

16 Q. Did you have any ownership interest in that
17 company?

18 A. I might. I might.

19 Q. What ownership interest do you think you had?

20 A. I'm not sure which. I don't know the hierarchy of
21 how that company is done, so I couldn't tell you. I

10:29:59

22 couldn't tell you the details of that.

23 Q. For DCL-16BLT, did you have any -- were you an
24 officer, director, manager or employee?

25 A. I don't know.

1 Q. Did you have any ownership interest?

2 A. I don't know.

3 Q. For the company. LTB O&M, O ampersand N, were you
4 ever an officer, director, manager or employee?

5 A. I don't know.

10:30:29

6 Q. Did you have any ownership interest?

7 A. I don't know.

8 Q. For the N.P. Johnson Family Limited Partnership,
9 were you an officer, director, manager or employee or
10 partner?

11 A. I had ownership in it.

12 Q. What ownership?

13 A. I had ownership in that company.

14 Q. And how much ownership did you have?

10:30:57

15 A. I would think it was like 30-something percent or
16 something like that.

17 Q. And who are the other owners of that?

18 A. I think -- well, I know LaGrand is and, as far as I
19 know, Roger Hamblin.

20 Q. And how much does LaGrand have?

21 A. I would assume he has 30-something percent.

22 Q. And how much does Roger Hamblin have?

10:31:29

23 A. Probably the other 30-something percent.

24 Q. And did you have a role as a manager or partner
25 directing the affairs of that entity?

1 A. I think that the way -- I don't know how that one
2 was structured as far as that goes, with LaGrand. Maybe
3 LaGrand was.

10:31:59

4 Q. For Shepard Energy, were you ever an officer,
5 director, manager or employee of Shepard Energy?

6 A. No.

7 Q. Did you have any ownership interest in that?

8 A. No.

9 Q. For Shepard Global, were you an officer, director,
10 owner or manager?

11 A. No.

12 Q. For Solstice Enterprises, were you an officer,
13 director, manager or employee of that company?

14 A. That one, yeah. I had involvement in that company.

10:32:29

15 I don't know the details of that, but yeah.

16 Q. Were you an officer?

17 A. I don't know if I was an officer. I might have
18 been. I don't know.

19 Q. Did you have any ownership interest in it?

20 A. As far as I know, I did have some ownership in
21 that, I think.

22 Q. How much?

23 A. I don't know the details of that.

24 Q. Who were the other owners?

25 A. LaGrand.

1 Q. Just you and LaGrand?

10:32:58

2 A. And I think Glenda. Glenda would have been the one
3 that operates that company, I think.

4 Q. Is she the one that made the decisions about what
5 the company would do?

6 A. I think that's the company that she would have done
7 all that, yeah.

8 Q. For Black Knight Enterprises, were you ever an
9 officer, director, manager or employee?

10:33:26

10 A. I don't know about that. I don't know the details
11 of that.

12 Q. And did you have any ownership interest in it?

13 A. Yeah, I did, somehow.

14 Q. How much?

15 A. I don't know.

16 Q. Who were the other owners?

17 A. I think LaGrand and I think Roger.

18 Q. And when you say Roger, do you mean Roger Hamblin?

19 A. I think so, yeah. I think there was some -- maybe.

10:33:57

20 I might be wrong on that one. So, I don't know the details
21 of that.

22 Q. For Starlight Holdings, were you an officer,
23 director, manager or employee?

24 A. I'm not aware. I'm not sure.

25 Q. Who made decisions for that company?

1 A. I don't know. I don't know the details of that.

2 Q. Who would know?

3 A. Maybe LaGrand.

4 Q. Did you have any ownership interest in Starlight
5 Holdings?

10:34:30 6 A. I think so. I'm not sure.

7 Q. Who were the other owners?

8 A. The only one I know about is LaGrand, so --

9 Q. Do you know how much ownership interest you had?

10 A. No.

11 Q. U-Check, Inc. Were you an officer, director,
12 manager of that company?

13 A. I think I was, that one.

14 Q. And what role did you have?

10:34:57 15 A. At one time, I was -- I don't know. I was -- was
16 I -- I was an officer. I don't remember what the title was.

17 Q. You were an officer?

18 A. I think I was. I think.

19 Q. Did you have any ownership interest in U-Check?

20 A. I don't know. I don't know. I can't remember.
21 That was a long time ago.

22 Q. In the compliance declarations that you submitted,
10:35:28 23 you stated: I declare under the penalty of perjury the
24 foregoing is true and correct.

25 Do you recall making those statements?

1 A. Yes.

2 Q. What do you understand those statements to mean?

3 A. Give the truth.

4 Q. And what do you understand the consequences being
5 of not telling the truth?

6 A. I don't know.

7 Q. Have you delivered to the Receiver all documents in
8 your possession or control?

9 A. Yes. As far as I am aware, yes.

10:35:58

10 Q. Do you know of any -- do you believe there are any
11 documents relating to any of the Receivership entities that
12 are still in the control of Neldon Johnson, Glenda Johnson
13 or LaGrand?

14 A. I don't think so.

15 Q. Do you believe there are any documents related to
16 the Receivership entities that are in the control of third
17 parties?

18 A. No. I don't think so.

19 Q. Do you believe there are any documents relating to
20 the Receivership entities that are sitting in homes, storage
21 units, warehouses, workshops, trailers or elsewhere?

22 A. I don't think so.

10:36:30

23 Q. Do you believe any of the documents relating to any
24 of the Receivership entities have been destroyed or
25 discarded since October 31 of 2018?

1 A. No.

2 Q. This is the final Exhibit. This is Receiver's
3 Exhibit 2147. Do you recognize this document?

10:36:59 4 A. No, I don't.

5 Q. This says Acknowledgement. Receipt of Receivership
6 Order. And it has at the bottom a signature. Is that your
7 signature?

8 A. It could be. It looks likes it. But it doesn't
9 look like my handwriting on it, but okay.

10 Q. Do you recall receiving a copy of the Receivership
11 order on or around November 30 of 2018?
10:37:25

12 A. I don't know. I got one from the attorneys. I
13 don't remember this one specifically.

14 Q. Well, the Receivership order is 47 pages. And so
15 this is indicating -- this seems to indicate that you
16 acknowledge that you received a copy of the order. Do you
17 remember receiving a copy of the order?

18 A. Well, yeah, I remember. I don't know when.

19 Q. Do you believe -- do you have any reason to
20 question whether it was around this time?
10:37:59

21 A. It could be, yeah. It could be.

22 Q. Are you suggesting that you think this is not your
23 signature?

24 A. It could be my signature. I don't know. It looks
25 like it could be. But I did get a copy of this, so, if

1 that's what you're asking.

10:38:29 2 Q. Okay. Those are all the questions I have. Some of
3 the other attorneys may have some questions.

4 A. Okay.

10:38:49 5 MR. WALL: On behalf of Neldon Johnson, I'll pass
6 on this witness.

7 MS. HEALY GALLAGHER: I do have a few questions on
8 behalf of the United States if I could have just a moment.

9 THE COURT: Take your time. Let me ask how our
10 court reporter is doing. Are you good for a few more
11 minutes?

12 THE COURT REPORTER: A few more.

10:39:24 13 THE COURT: Okay. Then we'll give you a break.

14 CROSS EXAMINATION

15 BY MS. HEALY GALLAGHER:

10:40:22 16 Q. Hello, Mr. Johnson. We saw on one of the previous
10:40:26 17 exhibits that you have used in the past an email address,
18 rj@iaus.com; is that right?

19 A. Yes.

20 Q. What other email addresses have used in the last
21 ten years?

22 A. Ten years? That's probably it. I may have one
23 randy@iaus that I don't really use.

24 Q. Go ahead and finish that sentence.

25 A. That's it. I don't really use it.

10:40:59 1 Q. You don't really use it? You don't really use
2 email?

3 A. Randy@iaus, I don't use that very much.

4 Q. Got it. So you do use the rj@iaus.com?

5 A. Yes.

6 Q. And what kind of search have you conducted in the
7 emails of rj@iaus.com to come up with documents responsive
8 to the Receivership order?

10:41:28 9 A. I looked up the project in Needles. I looked up
10 the project in -- I looked up the turbine. I looked up
11 stuff that I did, work that I did.

12 Q. Did you make any efforts to collect all of your
10:41:54 13 emails from rj@iaus.com and turn them over to the Receiver?

14 A. Well, as far as I know, everything was turned in to
15 your account, I mean to the lawsuit that I asked for -- that
16 they asked for. I don't have any documents for RaPower. I
17 don't get emails. My dad doesn't email. I don't get emails
18 from -- I don't have any communication with RaPower, so I
19 don't do those kinds -- I mean, I don't have -- I work in
20 technical.

10:42:29 21 Q. So, Mr. Johnson I'm going to ask you to listen to
22 the question I ask and answer that question.

23 A. Okay.

24 Q. What, if any, steps have you taken to extract all
25 of your emails from rj@iaus.com and turn them over to the

1 Receiver? If the answer is none, you can answer none.

2 A. Well, it wasn't none, but I searched -- like I told
3 you, I searched for the stuff that I was working on because
10:42:59 4 I don't know what I would search other than that. I don't
5 get -- I don't -- like I said, I don't work with RaPower. I
6 work in technical.

7 Q. Mr. Johnson, turning your attention to the
8 container of equipment that came out of Wisdom Farm's work,
10:43:27 9 do you know why that container is on Glenda Johnson's
10 property?

11 A. No.

12 Q. Do you know who would know why?

13 A. Probably my dad. Either him or Glenda. I don't
14 know.

15 Q. If it was paid for with money from Robert Johnson,
16 why wouldn't it be on Robert Johnson's property?

10:43:53 17 A. I couldn't answer that question.

18 Q. Would you mind muting the screen for me real quick.
19 I like to know the connection does work. All right. Thank
10:44:47 20 you. Could you unmute it.

21 While that's coming up, Mr. Johnson, the Receiver
22 asked you a couple of minutes ago about declarations that
23 you've given in this case.

24 A. Uh-huh.

25 Q. Do you recall about when the most recent

1 declaration was from you?

10:45:28 2 A. December.

3 Q. December?

4 A. Yeah.

5 Q. All right then, I'll take you back to one a little
6 bit earlier than that. It was filed on July 5, 2019.

7 A. Okay.

10:45:42 8 Q. It will come up here in just a second.

9 Thank you.

10 All right. So, Mr. Johnson, what you're seeing on
11 the screen is a document that has been marked and filed in
10:46:28 12 this case at ECF Number 716. Scrolling down, the title of
13 this document is Second Declaration of Randale Johnson
14 Relating to Compliance Verification ECF Dock 491, Paragraph
15 24. Do you see that?

16 A. Okay, yeah.

17 Q. Yes?

18 A. Yes.

10:46:57 19 Q. So, the introductory paragraph here says that you
20 declare that your name is Randale Johnson and you're making
21 this declaration under oath and based on your personal
22 knowledge. Do you see that?

23 A. Uh-huh.

24 Q. Yes?

25 A. Yes.

10:47:26 1 Q. Scrolling to the bottom of the page, where the
2 affirmation is, that says: I declare under penalty of
3 perjury that the foregoing is true and correct.

4 Do you see that?

5 A. Yeah.

6 Q. Yes?

7 A. Yes.

8 Q. There's a signature line with your name underneath.
9 Randale Johnson. Yes?

10 A. Yes.

11 Q. And that's your signature, correct?

12 A. Yes.

10:47:59 13 Q. Taking you back up to paragraph 2 of your
14 declaration, which says: I submit this declaration to
15 comply with paragraph 24 of the Receivership order, ECF dock
16 491 and paragraph 9 of the affiliates' order, ECF Dock 636,
17 parentheses, collectively, the orders, closed parentheses.

18 A. Okay.

19 Q. Did I read that correctly?

20 A. Sure. Yes.

10:48:54 21 Q. Paragraph 9 of your declaration says: I do not now
10:48:58 22 nor have ever had possession, access or control over
23 information of or relating to any -- the affiliated
24 entities -- and there's a footnote there. Footnote 1. Yes?

25 A. Yeah.

1 Q. Including but not limited to any books, records,
2 documents, accounts, stock certificates, intellectual
3 property records, evidence of intellectual property rights,
10:49:29 4 computer and electronic records and other instruments or
5 papers.

6 Did I read that portion correctly?

7 A. Yes.

8 Q. So let's scroll down to the footnotes. Footnote 1
9 says: Affiliated entities includes those defined by the
10 Court in its memorandum and decision, ECF 636 as: Solco 1,
10:49:57 11 LLC. Xsun Energy, LLC. Cobblestone Center, LC; LTB O&M,
12 LLC, U-Check, Inc., DCL-16BLT, Inc., DCL-16A, Inc., N.P.
13 Johnson Family Limited Partnership, Soltice Enterprises,
14 Inc., Black Knight Enterprises, Inc., Starlight Holdings,
15 Inc., Shepard Energy and Shepard Global, Inc.

10:50:29 16 Did I read that correctly?

17 A. Yes.

18 Q. Mr. Johnson, since the court entered the Affiliates
19 order, which you mention in your declaration, what, if any,
10:50:56 20 steps have you taken to identify documents in your
21 possession and control that ever were in your possession or
22 control with respect to any of these entities?

23 A. I have, as far as I know, have never had any
24 documents of those. So I looked in my files. I have looked
25 in -- on my computer, on my files there and I looked in my

10:51:26 1 emails, but I don't -- I don't have any. I don't have any
2 documents about that, but I'm -- that I'm aware of. I don't
3 hold on to those documents because I don't care. Like, I
4 really want to just get this technology done. That's all
5 I'm doing. So --

6 MS. HEALY GALLAGHER: May I have a moment, Your
7 Honor?

10:52:00 8 THE COURT: You may.

9 MS. HEALY GALLAGHER: Thank you. No further
10 questions.

11 MR. KLEIN: I have no others.

12 MR. PAUL: Yeah. This is Steven Paul. I do have
13 just a couple of questions.

14 CROSS EXAMINATION

15 BY MR. PAUL:

16 Q. Mr. Johnson, have you done your best to comply with
17 the requirement to produce all documents in your possession
10:52:59 18 of RaPower-3, IAS, Neldon Johnson or Gregg Shepard?

19 A. As far as I'm aware.

20 Q. Have you done your best to report to the Receiver
21 in this case the identification or location of any documents
22 that you were aware of that relate to IAS, RaPower-3, Neldon
23 Johnson or Gregg Shepard that are no longer in your
24 possession, including any efforts you have made to obtain
25 those records?

1 A. As far as I'm aware of, yes.

2 Q. You have done your best?

10:53:28

3 A. As far as I'm aware of, yeah.

4 Q. Thank you.

5 Nothing further.

6 REDIRECT EXAMINATION

7 BY MR. KLEIN:

8 Q. We talked earlier about the easement you granted on
9 the property?

10 MR. PAUL: Unless this relates to my question, I
11 think he's limited, Your Honor, from reopening his direct
12 examination.

13 MR. KLEIN: I am going directly to your question.

14 MR. PAUL: Okay.

10:54:00

15 Q. BY MR. KLEIN: We talked earlier about the easement
16 you granted on the Texas property?

17 A. Okay.

18 Q. You remember that was dated October 31 of 2019?

19 A. Okay.

20 Q. And that relates to the N.P. Johnson Family Limited
21 Partnership, correct?

22 A. Yes.

23 Q. And did you give those documents to the Receiver?

24 A. No. I did not.

25 MR. KLEIN: That's all I have.

1 THE WITNESS: I didn't realize --

2 MR. KLEIN: Any other questions?

10:54:29

3 MR. PAUL: No.

4 MR. KLEIN: We'll close out this deposition.

5 Off the record.

6 MR. PAUL: May Mr. Johnson be excused?

7 MR. KLEIN: Yes.

8 THE COURT: If there are no objections to that,

9 then you are excused, Mr. Johnson.

10 MS. HEALY GALLAGHER: Right. With the

11 understanding he'll return tomorrow morning.

12 THE COURT: Correct.

13 MR. KLEIN: And we'll take pity on the court

14 reporter. Thank you.

10:55:16

15 THE COURT: Is ten minutes good and we'll resume

16 until 12?

17 THE COURT REPORTER: Sure, Judge.

18 MR. KLEIN: Yes.

19 THE COURT: Okay. We'll take ten minutes.

20 (Short recess.)

10:55:18

21 Mr. Johnson, come up here and we'll have you sit in

11:07:22

22 the witness box. Mr. Johnson, I'll just remind you that I

23 put you under oath this morning. That continues to be

24 applicable throughout the day. You'll hear a number of

25 questions from Mr. Klein and others. As long as you answer

1 those honestly, that's all we're asking for you to do today.

2 Anything else we need to do in preface?

3 Okay. Let me just say, in terms of scheduling, why
4 don't I just suggest that you take an hour lunch break
11:07:58 5 beginning sometime between 12 and 12:30. If, between 12 and
6 1, you run into an issue that needs my attention, just take
7 a break for lunch then, and then we'll pick it up. Does
8 that work for everyone?

9 Okay. Very good. Go ahead.

10 LA GRAND JOHNSON,

11 the witness hereinbefore named, having been first duly
12 cautioned and sworn or affirmed to tell the truth, the whole
13 truth, and nothing but the truth, was examined and testified
14 as follows:

15 DIRECT EXAMINATION

16 BY MR. KLEIN:

17 Q. Mr. Johnson, give us your full name, please.

18 A. LaGrand Todd Johnson.

19 Q. And how do you spell LaGrand?

20 A. L-a-g-r-a-n-d.

11:08:24 21 Q. Mr. Johnson, have you ever been deposed before?

22 A. Yes.

23 Q. How long ago?

24 A. Probably about 20 years ago.

25 Q. Now, let me just remind you, point out some stuff

1 that will hopefully create a better record. So, as -- are
2 you under any influence of any medication that would prevent
3 you from having a clear memory today?

4 A. No.

11:08:58

5 Q. When I ask questions, if you'll wait until I finish
6 the questions before starting to answer, and that way you'll
7 make sure that you're answering the question I'm asking. It
8 will make it easier for the court reporter to record what's
9 happening and also give an opportunity for any objections.
10 Do you understand?

11 A. Yes.

11:09:24

12 Q. And also, when you give responses, if you will
13 answer, if the question calls for a yes or no, to make it
14 yes or no, rather than uh-huh or huh-uh or nodding or
15 shaking your head. Okay?

16 A. Okay.

17 Q. Mr. Johnson, did your attorneys tell you what
18 questions were asked of Randale Johnson?

19 A. No, they did not.

20 Q. Where do you live?

21 A. In Pleasant Grove, Utah.

22 Q. And who owns that property?

23 A. I own the property.

24 Q. And what funds did you use to purchase that
25 property?

11:10:00 1 A. Well it's a mortgage. It's not completely paid
2 off. It's still mortgaged.

3 Q. Have you had any sources of income that you have
4 used to pay for the mortgage other than what came from
5 RaPower and IAS?

6 MR. PAUL: Objection. Foundation.

7 THE WITNESS: Yeah. Clarify the question for me.

8 Q. BY MR. KLEIN: When did you purchase that property?

11:10:28 9 A. In 1996.

10 Q. Since 1996, what sources of income have you had
11 other than IAS and RaPower?

12 A. I have done some medical work. I was a medical
13 director for Ideal Image and received some income from
14 there, and I'm currently working doing medical work and
15 receiving income from that.

16 Q. So, how much do you estimate you have received from
11:11:00 17 your medical work between the time you bought the home and
18 October of 2018?

19 A. Total?

20 Q. Yes.

21 A. Probably -- I'm just guessing -- probably a hundred
22 thousand.

23 Q. What vehicles do you own?

11:11:23 24 A. I own a 2000 Pontiac Bonneville, a 2005 Pontiac
25 Grand Prix, a 2005 Grand Caravan, a 2013 G.M.C. -- not

1 G.M.C., Ford Exhibition, and that's it.

2 Q. And what funds were used to purchase those
3 vehicles?

11:11:59 4 A. My work. My wages.

5 Q. And were those wages that primarily came from IAS
6 and RaPower?

7 A. Yes, for the time I was working with them, and
8 anything from my personal medical work.

9 Q. What other sources of funds are you using currently
10 to pay living expenses?

11:12:29 11 A. I am currently working for a medical company. I
12 provide services, do evaluations for medical -- Medicare.

13 Q. And how much do you earn from that?

14 A. From contracts, so it depends on how many I see,
15 how many people I see. Probably about -- oh, it could be up
11:12:56 16 to 4 to \$600 a day.

17 Q. Around the time that the trial ended in June of
18 2018, did Glenda Johnson give you \$200,000?

19 A. I'm not sure when. She gave me \$200,000 sometime.
20 I'm not sure of the exact date of that.

21 Q. And where is that money now?

11:13:33 22 A. Well, probably close to -- a lot went to pay taxes,
23 so, probably 60 to 70,000 went to pay taxes, tithing, and

11:13:50 24 then the rest was put into a retirement account and then
25 some -- the company had -- I had credit card expenses that I

1 incurred over the last six months before I left. That paid
2 that as well.

3 Q. So how much of that money is still remaining?

4 A. Zero.

11:14:28

5 Q. Are you aware that, in June of 2019, the Court
6 issued an order finding you in contempt?

7 A. In when? What day is that?

8 Q. June of 2019.

9 A. Yes.

10 Q. Since that time, what efforts have you taken to
11 locate documents that would be -- that were at one time

11:14:56

12 under your control or possession and deliver them to the
13 Receiver?

14 A. Well, I had done that prior to June. I didn't
15 know -- actually, I didn't know June was in contempt. I
16 assumed we had already supplied all the documents necessary
17 prior to that. So, May was the last time I remember, and we
18 provided all the documents that I was aware of at that point
19 or that I knew that I had in my possession.

20 Q. What efforts have you taken, since June of 2019, to
21 locate additional documents that might be required to be

11:15:29

22 delivered to the Receiver?

23 A. None.

24 Q. Have -- there is a flash drive that your attorneys
25 delivered to the Receiver on December 5, 2019. Are you

1 aware of that?

2 A. Yes.

3 Q. Were there any documents on that flash drive that
4 had not been produced previously?

5 A. Not that I'm aware of.

11:15:55

6 Q. The flash drive had two documents and included some
7 list of expenses that appeared to have been credit card
8 expenses. Does that sound familiar to you?

9 A. Could have been. I'd have to look at it to
10 remember exactly what was on that flash drive.

11 Q. Do you recall whether or not the documents
12 delivered in December had been delivered previously?

13 A. I'm not aware, not without looking at it.

11:16:29

14 Q. Where were those documents you delivered in
15 December that had not been delivered previously?

16 A. Were they my personal credit cards?

17 Q. It appeared to be a list of expenses that I'm
18 guessing were paid by credit card.

19 A. I'm just saying, were they my personal credit
20 cards?

21 Q. I don't know.

22 A. I think they were my personal credit cards.

23 Q. So, why had those documents not been produced
24 previously?

25 A. Because they were my personal credit cards.

11:17:00

1 Q. What communication have you had since June of 2019
2 with third parties who might have documents?

3 A. None.

4 Q. Have you had any communications with Pacific Stock
5 Transfer Company?

6 A. No.

7 Q. Snell & Wilmer Law Firm?

8 A. No.

9 Q. Gary Peterson and Paragon Consulting?

10 A. No.

11 Q. Cadence Group?

12 A. No.

13 Q. Now CFO?

14 A. No.

11:17:27

15 Q. Did you go to the Nelson, Snuffer law firm and look
16 through their documents to see if they had any documents
17 that at one time were under your possession and control?

18 A. No.

19 Q. In what locations have company documents ever been
20 stored in the past 20 years?

21 A. What was that question?

22 Q. In the last 20 years, where -- identify for me,
23 please, all the locations where any company documents for
24 IAS and RaPower have been stored?

25 MR. PAUL: Objection. Foundation. Wayne, can you

11:17:57 1 clarify what you mean by company documents.

2 Q. BY MR. KLEIN: In the last 20 years, identify,
3 please, the locations where any documents relating to IAS
4 and RaPower have been stored.

5 A. Well, IAS has been stored at wherever the IAS
6 headquarters were at.

7 Q. Which was where?

8 A. They were in Salem, Utah for most of the time, and
9 then they were in Delta, Utah.

11:18:30 10 Q. And are any of the Salem locations still controlled
11 by the company?

12 A. No.

13 Q. What locations in Delta are there?

14 A. There's an Oasis building in Oasis, and as far as I
15 know, that's where everything was stored for IAS. I don't
16 know about RaPower. I didn't deal with RaPower, so --

11:18:54 17 Q. Have you been to that building in Oasis to see
18 whether there are documents there that should be produced?

19 A. Yes.

20 Q. Are there any documents there?

21 A. There were documents there in that time period, and
22 we produced those.

23 Q. Have all the documents that were at the Oasis
24 building been delivered to the Receiver?

25 A. As far as I know, yes.

1 Q. Has the company ever had a storage unit?

2 A. Like a -- like one they purchased, a storage unit?

11:19:30

3 Q. Rented a storage unit where they would store
4 records?

5 A. Not that I'm aware of.

6 Q. Did they ever store records in trailers or work
7 sites?

8 A. I think there was some old records possibly in a
9 container, but we looked through those as well, so --

10 Q. And where was that container located?

11 A. It's in Delta, Utah.

11:20:00

12 Q. On May 17, 2019, you helped deliver the last of 31
13 boxes to the Receiver. Does that sound right?

14 A. What was the date of that?

15 Q. May 17 of 2019?

16 A. Sounds about right.

17 Q. Since that time, have you had any documents
18 belonging to IAS or RaPower that have not been delivered to
19 the Receiver?

20 A. Not that I'm aware of.

11:20:30

21 Q. Do you know of the existence of any documents that
22 have not been delivered to the Receiver?

23 A. Not that I'm aware of.

24 Q. Have you had any documents relating to any of the
25 affiliated entities that have not been delivered to the

1 Receiver?

2 A. Not that I'm aware of not.

3 Q. Since October 31 of 2018, when the Court created
4 the Receivership, during what periods has Nelson, Snuffer
5 acted as your attorney?

6 A. To the Receivership?

11:20:58 7 Q. Since October of 2018?

8 A. I'm not sure personally how much the -- I spoke
9 mostly with Steve, as far as my personal.

10 Q. Has Nelson, Snuffer been your attorney since
11 October of 2018?

12 A. Yes.

13 Q. And what services have they provided for you since
14 that time?

15 A. Just this, coming here for this contempt.

11:21:30 16 Q. And also they represent you in a lawsuit brought by
17 the Receiver?

18 A. Yes.

19 Q. And have you received any invoices from Nelson,
20 Snuffer?

21 A. No.

22 Q. Have you -- do you expect to receive any invoices?

23 A. Possibly.

24 Q. Have you paid them any money?

25 A. No.

1 Q. Who is paying for the legal services?

2 A. I'm not sure.

3 Q. Have you had any discussions with them about how
11:21:59 4 they are going to be compensated for legal work they are
5 providing for you?

6 A. No.

7 Q. Do you know whether Nelson, Snuffer is providing
8 legal services to lens purchasers who have been sued by the
9 Receiver?

10 A. I am not aware of that.

11 Q. To your knowledge, has anyone else given money to
12 Nelson, Snuffer to provide -- pay for legal services since
13 October of 2018?

11:22:29 14 A. Not that I'm aware of.

15 Q. Was the N.P. Johnson Family Limited Partnership the
16 owner of property in Texas?

17 A. Yes.

18 Q. Tell me what that property -- describe that
19 property for me.

20 A. It's approximately 600 acres, undeveloped property.

21 Q. And what was it to be used for?

22 A. A solar energy project.

11:22:58 23 Q. And who was going to install the solar energy
24 project?

25 A. I don't know if that's been determined, who is

1 going to install it, but it's going to be based upon
2 International Automated Systems technology.

3 Q. And when was that property purchased?

11:23:28 4 A. I'm not exactly sure, but right around 2005.

5 Q. And what funds were used to purchase that property?

6 A. Mostly my personal funds. It would be from about
7 2005 until about 2016.

8 Q. And what were the source of funds you used to
9 make -- to make payments on that property?

11:23:58 10 A. From my wages.

11 Q. Did you sell any stock and use proceeds from stock
12 sales to make those payments?

13 A. Rarely. There might you have been a couple
14 instances where I did, but mostly just from wages.

15 Q. When you say wages, who paid you those wages?

16 A. Mostly International Automated Systems up until
11:24:25 17 about 2014 and then when dad worked for Cobblestone Center.

18 Q. I'm handing you what's been marked as Receiver
19 Exhibit 2148. It's ten pages of checks. Do you recognize
11:25:01 20 these?

21 A. Mostly, yes.

22 Q. And the first is a check dated March 23, 2014,
23 drawn on the account of Rico and LaGrand Johnson payable to
24 Troy Kenning; is that right?

25 A. Yes.

1 Q. And who is Mr. Kenning?

2 A. He was -- he's the owner of the property in Texas.

11:25:26 3 Q. And so, what's the purpose of these payments?

4 A. Purchasing the property in Texas.

5 Q. And were any funds used, other than your funds, to
6 purchase this property?

7 A. Towards the end, I think there was some payments
8 made through -- there was some right-of-ways that was used
11:25:58 9 to pay the remainder of the property.

10 Q. Did any of the Receivership entities provide funds
11 that were -- to make some of the payments on the mortgage?

12 A. Not that I'm aware of.

13 Q. Were -- why -- if the money was paid by your
14 personal funds, why was the property put in the name of the
11:26:35 15 N.P. Johnson Family Limited Partnership?

16 A. It was a partnership to begin with, my father, my
17 brother and me.

18 Q. Who negotiated the purchase of this property?

19 A. I did.

20 Q. And how did you select this property to buy in
11:27:00 21 Texas?

22 A. I was searching for a solar property that could be
23 used for a solar project and found this property on the
24 internet, and it met the qualifications we were looking for,
25 and the price was right. So I flew down there and

1 negotiated the purchase of this property.

11:27:28

2 Q. Do you currently have authority to act on behalf of
3 the N.P. Johnson Family Limited Partnership?

4 A. Solely?

5 Q. Do you have any authority to act on behalf of the
6 entity?

7 A. At that time, I did.

8 Q. Do you currently?

9 A. I think so.

10 Q. And what's your authority to do that?

11 A. I'm pretty sure I have a third, at least a third
12 ownership in the NPJ.

11:27:57

13 Q. Are you aware that, in May of 2019, Judge Nuffer
14 entered an order expanding the Receivership estate to
15 include the N.P. Johnson Family Limited Partnership?

16 A. No.

17 Q. Did you sign an agreement on October 31 of 2019
18 granting a easement to NuStar Permian Transportation and
19 Storage to construct a pipeline across part of the property?

11:28:30

20 A. Possibly.

11:28:53

21 Q. We have previously marked Exhibit Receiver 2141,
22 which is here, but I'm showing you the originals. And tell
23 me if the signature on page 3 here is yours.

24 A. Yes. That's my signature.

25 Q. Now, this indicates that it was notarized on

1 October 31, 2019. Does that date sound right?

11:29:30 2 A. Could do. I don't remember that much detail.

3 Q. Where was it that you had this document notarized?

4 A. I don't remember.

5 Q. Did you sign it in front of a notary?

6 A. Probably.

11:29:57 7 Q. Do you recall whether you went to have it signed at
8 a bank, or did you go to Nelson, Snuffer law firm?

9 A. I don't remember. I'm busy. My days are pretty
10 full, so the specific date or time or where I did something,
11 I don't recall that.

12 Q. Do you recall signing the document?

13 A. Probably. If my signature is on there, then I
14 recall I must have signed it, but I don't remember all the
15 details of it.

16 Q. Do you have any recollection of how this came
11:30:29 17 about, how somebody requested the easement?

18 A. No.

19 Q. Did someone ask you to sign this document?

20 A. Probably my brother.

21 Q. Your brother being who?

22 A. Randale Johnson.

23 Q. And do you know how he got this document?

24 A. I do not know.

25 Q. Did he ask you -- explain to you why you needed to

1 sign it?

11:30:59

2 A. He said that they needed -- it's not the first time
3 that an easement has been put across the property, so if
4 someone said they needed an easement, we don't have the
5 mineral rights to the property for underneath the ground, so
6 it doesn't surprise me. So I agreed to sign it. But I'm
7 busy with other things, so he had more -- probably him asked
11:31:25 8 me to sign it, so I -- it was not a big deal for me to worry
9 about, it was not something I was worried about one way or
10 the other, so --

11 Q. At pit participation says you were the owner of the
12 N.P. Johnson Family Limited Partnership?

13 A. Okay.

14 Q. And were you an owner in October of 2019?

15 A. Yes.

16 Q. Were you not aware that the Court had taken control
17 of the N.P. Johnson Family Limited Partnership and put it
18 under the control of the Receiver?

11:31:59

19 A. No. I was not aware of that. As far as I know, it
20 was my personal property, so I'm not sure how the Court
21 would take my personal property that I put checks and paid
22 into. I never went to trial. I was never listed in the
23 trial, so, for me it was just, this is my property. So how
24 would they take my property? I don't know how that would
25 happen, and I didn't know that they did, so --

11:32:28 1 Q. Did you know that your attorneys filed objections
2 to the motion by the Receiver on behalf of the N.P. Johnson
3 Family Limited Partnership?

4 MR. PAUL: Objection. Lacks foundation.

5 THE WITNESS: No, but I would have agreed to it if
6 they would have said so.

7 Q. BY MR. KLEIN: What do you know about Wisdom Farms
8 Technology Development Group?

9 A. Very little.

10 Q. Have you had any communications with them?

11 A. Not personally.

12 Q. Do you know who their owners and operator managers
13 are?

14 A. I don't.

11:32:59 15 Q. Have you ever had communications with any of them?

16 A. I met one of the engineers one time at the Delta
17 site.

18 Q. You do you remember who it was?

19 A. No.

20 Q. Would it have been Paul Freeman?

21 A. It doesn't sound familiar.

22 Q. John Kravchak?

23 A. No.

24 Q. Do you know what work Wisdom Farms was doing for
11:33:29 25 RaPower or IAS?

1 A. Not exactly.

2 Q. What do you recall?

3 A. I had heard they were writing up -- the last time I
4 saw them was when we were doing the starting engine and they
5 verified the starting engine and making electricity using
6 the solar technology. And they came to verify that that
7 was -- it was my understanding they were going to write up
11:33:58 8 an affidavit and paper on that.

9 Q. And where did that occur?

10 A. In Delta.

11 Q. Were you aware that Wisdom Farms was constructing
12 any equipment on behalf of RaPower or IAS?

13 A. No. I heard they were doing it based upon
14 technology that we had patents on to a different entity.
15 Not through RaPower. As far as I know, RaPower doesn't own
11:34:28 16 any technology. So -- and, as far as I know, International
17 Automated Systems does not own this technology. So, no, I
18 do not -- am not aware of any technology they are developing
19 for RaPower or International Automated Systems.

20 Q. Tell me what understanding you had about what
21 Wisdom Farms was doing for anybody related to your father
22 and the solar technology?

11:34:55 23 A. I heard they were developing a compression -- water
24 compression technology to combust fuel in water for oil. It
25 can be used for oil wells, to provide electricity in oil

1 wells directly from water with combustibles in the water.

2 Q. And where did you get that understanding from?

11:35:26

3 A. Probably from either Neldon Johnson or Randale
4 Johnson.

5 Q. And did you have any discussions with anybody at
6 Wisdom Farms about that equipment they were building?

7 A. I have never been to Wis -- what did you call it?

8 Q. Wisdom Farms?

9 A. Wisdom Farms? I have never been there.

10 Q. Do you -- what's your understanding about what
11 funding Wisdom Farms had in order to construct this
12 equipment?

13 A. I have no idea where the funding came from.

11:36:00

14 Q. Were you at a meeting in the offices of Nelson,
15 Snuffer around August 27 at which two checks from Robert
16 Johnson for \$250,000 each were given to Wisdom Farms?

17 A. I was not there.

18 Q. Do you know what the result was of the equipment
19 that Wisdom Farms was going to build?

11:36:28

20 A. I know that it had a container, but I don't know if
21 that had equipment in it. That's what I was told, but I
22 was -- I haven't been around there or seen where it's at, so
23 I don't know.

24 Q. Do you know where that equipment was being
25 constructed?

1 A. I don't know where it was being constructed.

2 Q. Have you ever seen that container?

3 A. No, I have not seen it.

4 Q. Do you know where it is now?

5 A. I don't know where it is now.

11:37:02

6 Q. Did you go to Kitco Iron in South Salt Lake to pick
7 up the container on around August, 2019?

8 MR. PAUL: Objection. Foundation.

9 THE WITNESS: No. I don't even know who that is.

11:37:29

10 Q. BY MR. KLEIN: I'm handing you what's been marked
11 as Receiver Exhibit 2149. This is a printout from the Utah
12 Division of Corporations regarding International Automated
13 Systems Incorporated. Do you see that?

14 A. Yes.

15 Q. To your knowledge, is that -- it lists you as the
16 registered agent, correct?

17 A. Yes.

11:37:58

18 Q. It lists treasurer as Neldon Johnson; president,
19 Neldon Johnson; secretary, Randale Paul Johnson;
20 vice-president Randale Paul Johnson; director, Blaine
21 Phillips; director, Stacey Curtis Snow. Is that correct?

22 A. Yes.

23 Q. Is that your understanding of who the principals
24 were of IAS on -- in November of 2019?

25 MR. PAUL: Objection. Foundation. You can answer.

11:38:29 1 THE WITNESS: As far as I know, that hasn't
2 changed.

3 Q. BY MR. KLEIN: Did you receive a copy of the order
4 appointing Receiver?

5 A. Probably.

6 Q. Did you read it?

7 A. I read, yes.

8 Q. Do you recall it saying that, as part of the order,
9 that all of the current officers and managers of the
10 Receivership defendants are dismissed?

11:38:57 11 A. Well, there's still an appeal process going on, so
12 I'm aware there's an appeal going on, so I'm not aware of
13 the appeal decision yet, so, based upon that, I'm not sure
14 what the future is going to be.

15 Q. Let me ask the question again.

16 A. Okay.

17 Q. Are you aware that in the order appointing the
18 Receiver, the Court dismissed all current officers and
19 directors of IAS?

20 A. Yes.

11:39:26 21 Q. Is there any reason you think that order is not
22 currently in force?

23 A. Do I think why it's not? Well, I'm not sure when
24 the appeal is going to be coming out, so I'm not sure where
25 we're going with this.

1 Q. I'm trying to get your understanding. Is it your
2 understanding that, in fact, all of the officers were
3 dismissed as part of the Receivership order in October of
4 2018?

5 A. I understand that was the order.

11:39:58

6 Q. So, do you understand that, as of October, 2018 --
7 let me start over. Is it your -- do you believe that, after
8 October, 2018, you still had authority to act on behalf of
9 the company?

10 A. Nope. I'm not acting on behalf of the company.

11 Q. Do you -- is it your understandings that you have
12 no authority, currently, to act on behalf of the company?

13 A. Correct.

11:40:30

14 Q. I'm handing you what's been marked as Receiver
15 Exhibit 2150, another printout from the Corporations
16 Division of the -- Utah Corporations Division for
17 International Automated Systems. About a third of the way
18 down, there's a line that says: Status.

19 Do you see that?

20 A. Yes.

21 Q. And what does it say?

11:40:59

22 A. The current status represents the renewal has been
23 filed within the most recent renewal period with the
24 Division of Corporations and Commercial Code.

25 Q. Okay. If you go up three lines above that where it

1 says: Status. Active.

2 Do you see that?

3 A. Yes.

4 Q. And what's the active-as-of date?

5 A. 11/4/2019.

11:41:26

6 Q. Did you renew the corporate status of IAS on
7 November 4, 2019?

8 A. Probably.

9 Q. And what authority did you have to do that?

10 A. Well, I got the renewal in the mail, and I paid and
11 renewed it.

11:42:00

12 Q. Handing you what's been marked as Receiver Exhibit
13 2151, which is a certificate of status from the Division of
14 Corporations stating that this was renewed online, November
15 4, 2019, by you. Do you agree with what that says?

16 MR. PAUL: Objection. Foundation.

11:42:27

17 THE WITNESS: Yes. If you were the Receiver, you
18 could have renewed this. I wouldn't have cared if you
19 renewed it. I just got it in the mail and renewed it. I
20 didn't -- if you wanted to renew it, you could have renewed
21 that yourself. You were ticked over this company in the
22 Receivership. You could have -- I wanted to keep for
23 shareholders' benefits. As far as I'm concerned, IAS is
24 still an entity. I might not have control over it, but it
25 is still an entity, so -- and I did not want to lose its

11:42:52 1 status as a corporation, so --

2 Q. BY MR. KLEIN: I'm handing you what's been marked
3 as Receiver Exhibit 2152, which is approximately a 30-page
4 document, the front page of which has the -- it says -- has
11:43:28 5 a heading that says LaGrand Johnson Money Advanced to IAS.
6 Do you recognize this document?

7 A. Yes.

8 Q. Did you create this document?

9 A. Yes.

10 Q. And what does -- the first page is a list of
11 payments, and the subsequent pages are checks and copies of
12 bank and account statements; is that correct?

13 A. Correct.

14 Q. Tell me what this document shows.

11:43:59 15 A. It shows money that I put into International
16 Automated Systems to do work on technologies which we had
17 developed and which my father and my brother and myself had
18 developed.

19 Q. So there are checks, starting in 2006, between 2006
11:44:25 20 and 2009, from an Edward Jones account; is that right?

21 A. Yes.

22 Q. What technology was that for?

23 A. Multiple technologies, whichever technologies that
24 we were currently working on: Solar, turbine, other
25 photovoltaic technologies, whatever we were patenting in

1 technologies.

11:44:59

2 Q. And checks between 2009 and 2010 came from the
3 Ameriprise account, correct?

4 A. Correct.

5 Q. So it's a total of a million 144,000?

6 A. Yes.

7 Q. When you gave this million 144,000 to IAS, what
8 were you expecting to get out of it?

11:45:28

9 A. Well, first of all, I own shares in IAS, so if the
10 technologies -- they were licensed to use the technology,
11 and if the technology was successful, then my stock would go
12 up, and I would be able to then make -- have a financial
13 benefit in that. Mostly it was just to develop technology,
14 because it's something we enjoy doing.

15 Q. Did you get more stock as a result of this million
16 144,000?

11:45:58

17 A. I got options, restricted stock on options, so I
18 had to purchase them.

19 Q. Were the restricted stock options a -- something
20 you got as a result of giving a million 144,000 to the
21 company?

22 A. No. It it's based upon licensing technology to the
23 company.

24 Q. So, in your mind, are you saying that the million
25 144,000 that you gave to IAS was simply a gift in the hopes

11:46:27 1 that it would increase the value of the stock?

2 MR. PAUL: Objection. Foundation.

3 THE WITNESS: No. That's not the only reason, but
4 that would be a good perk.

5 Q. And tell me what other reasons there were?

6 A. To develop new technology, for the benefit of the
7 world.

8 Q. And did you consider this a gift?

9 A. Well, did I ask for any of it back?

10 MR. PAUL: Objection. Foundation.

11:46:57 11 Q. BY MR. KLEIN: Did you consider this a gift?

12 A. I considered it work towards technology which I
13 owned a part of and to which the future, if successful,
14 would benefit me and the world.

15 Q. And what was the source of funds for the million
16 144,000?

17 A. Personal shares in International Automated Systems.

11:47:26 18 Q. Are you saying that you sold shares that you held
19 in IAS and gave a million 144,000 of those proceeds to IAS?

20 A. Yes.

21 Q. So is it fair to say that IAS gave you stock, you
22 sold that stock, and then you gave a million 144,000 back to
23 the company?

24 A. Well, the company has been around since 1986. So,
25 it's not unusual for early people involved in companies to

11:48:01 1 receive stock for early compensation instead of payment. So
2 this was stock received in lieu of payment for work that I
3 did during that time period.

4 Q. Let me try again.

5 A. Okay.

6 Q. Is it fair to say that IAS gave you stock. You
7 sold some of that stock and gave a million 144,000 in
8 proceeds from the sale of the stock back to IAS?

11:48:26 9 A. Well, early on the stock was not directly from IAS,
10 it was from my father Neldon Johnson, stock he had received
11 from IAS. And then that stock that I received as
12 compensation, I sold and gave to IAS.

13 Q. Okay. You received stock in IAS, some from the
14 company, some from Neldon Johnson, correct?

15 A. Correct.

16 Q. And you sold some of that stock and gave a million
17 144,000 in proceeds to IAS; is that correct?

11:48:58 18 A. And this is only from '96 forward. I had given
19 prior to that. I just don't have records of that, so --

20 Q. I understand. My question was, you received stock
21 from IAS and from Neldon Johnson, correct?

22 A. Correct.

23 Q. You sold some of that stock, correct?

24 A. Correct.

25 Q. A million 144,000 in proceeds from those sales, you

1 gave to IAS, correct?

2 A. Minimal.

3 Q. At least?

11:49:29

4 A. A minimum amount. That's just from this date
5 forward, and I don't have all the records from that date
6 forward. This is just what I could produce.

7 Q. But at least that amount?

8 A. At least this amount.

9 Q. How much IAS stock in total have you owned?

10 A. Currently? Restricted or unrestricted? Oh, it's
11 all restricted. Tradable or options?

11:49:59

12 Q. How much common stock have you ever been given
13 by -- in IAS by the company -- let's take it in pieces. How
14 much common stock has IAS granted to you?

15 A. I don't know the exact amount.

16 Q. Can you give me an estimate?

17 A. If you're asking how much I currently own, that
18 would be easier.

19 Q. No. That is not my question.

20 A. No. Then I don't know. I'd have to go back and
21 look at all the records, so --

11:50:29

22 Q. Over a million shares?

23 A. I don't know. It's speculative. I'm not going to
24 say without knowing exact amounts, so --

25 Q. How many shares in IAS stock did your father give

1 you?

2 A. I don't remember.

3 Q. What are the total proceeds that you believe you've
4 received from the sale of IAS stock that you personally
5 owned, since 1986?

11:50:58 6 A. Probably -- since 1986?

7 Q. Yes.

8 A. Probably close to 2 million.

9 Q. And did you pay for any of that stock?

10 A. Well, it depends on what you consider paid for.
11 Did I pay cash for it?

12 Q. Did you pay money for any of the stock?

13 A. I paid in labor, so I guess that could be
11:51:29 14 considered labor to stock versus labor to cash.

15 Q. Did you pay any cash for stock you received?

16 A. No.

17 Q. Where have you had brokerage accounts since 1986?

11:51:49 18 A. Ameriprise, Edward Jones. I think -- Smith Barney
19 I think was the other one.

20 Q. All stock you have sold, has it all been sold
21 through brokerage accounts, or have you sold some of it
22 through private transactions to others?

23 A. No. It's always been through brokerage accounts.

11:52:27 24 Q. In August, 2019, Neldon Johnson submitted a
25 declaration identifying a safe deposit box that was once

1 owned by one of the Receivership defendants. Are you aware
2 of that safe deposit box?

3 A. What was that again?

4 Q. Are you aware of a safe deposit box that either IAS
5 or RaPower had?

6 A. I don't know anything about RaPower. IAS had a
7 safety deposit box I was aware of in Bank of American Fork.

11:53:00 8 Q. Did you ever go access that safe deposit box?

9 A. I think one time when I first opened it.

10 Q. And when was that?

11 A. I don't know. Many years ago.

12 Q. Before the Receivership was created?

13 A. Yeah. Way before that.

14 Q. Do you know who else had access to it?

15 A. Neldon Johnson.

16 Q. Do you know of any others besides you and Neldon?

11:53:27 17 A. Not that I'm aware of.

18 Q. For IAS, were you an officer?

19 A. I was listed at one time as a CFO.

20 Q. During what period of time were you the CFO?

11:53:54 21 A. I'm not sure exactly, but I know possibly up 'til
22 2014, so I think up 'til 2014. I don't know when I was
23 officially listed, but acting as far as CFO prior to 2014.

24 Q. The annual report 10-K says that as of October --
25 as of June 30, 2016, you were CFO. Does that sound accurate

1 to you?

11:54:29

2 A. Maybe to -- what date of it?

3 Q. June 30 of 2016.

4 A. It could have been maybe to then.

5 Q. As an officer, would you sign the annual reports
6 that were filed with the SEC?

7 A. Yes.

8 Q. Were you ever a director of IAS?

9 A. Not that I'm aware of.

10 Q. Were you ever an officer, director, manager of
11 RaPower?

12 A. Not that I'm aware of.

11:55:00

13 Q. Did you have any ownership interest in RaPower?

14 A. Not that I'm aware of.

15 Q. Were you ever an officer, director or manager of
16 LTBl?

17 A. I don't recall.

18 Q. Did you have any ownership interest in LTBl?

19 A. I don't recall.

11:55:26

20 Q. For Solco 1, were you ever an officer, director or
21 manager?

22 A. I think I was an officer of Solco 1.

23 Q. What title did you have?

24 A. I'm not sure. When it first opened, I did open a
25 bank account for Solco 1 at one point, but I'm not sure what

1 my title was with it.

2 Q. Did you have any ownership interest in Solco 1?

11:55:58

3 A. Possibly. I'd have to look at the records of how
4 Solco 1 was -- it's been too many years to remember exactly
5 what was Solco 1.

6 Q. What records would you look at?

7 A. I guess their Articles of Incorporation.

8 Q. And have you got a copy of those?

9 A. Not that I'm aware of.

10 Q. Where would I find a copy of those?

11 A. The bank.

11:56:28

12 Q. And you've gone to the bank and asked them for
13 copies of documents like that?

14 A. I don't think Solco 1 has a bank account anymore,
15 as far as I know.

16 Q. Well, you're telling me I could go to the bank to
17 get them.

18 A. I didn't say you could, but I'm just saying I don't
19 know where to get a copy of -- maybe the state. I don't
20 know where you get them. That's speculative. I don't know
21 where you get the copies of records to that.

22 Q. Do you have any records that would answer that
23 question for you?

24 A. I don't.

11:56:58

25 Q. For Xsun Energy, were you ever an officer, director

1 or manager?

2 A. I don't remember.

3 Q. Did you ever have a ownership interest in Xsun
4 Energy?

5 A. I don't remember.

6 Q. Were you ever an officer, director or manager of
7 Cobblestone Center?

8 A. I'm not sure.

9 Q. Did you have any ownership interest in Cobblestone?

10 A. I'm not sure.

11 Q. Were you an employee of Cobblestone?

12 A. Yes, I was an employee of Cobblestone.

11:57:30 13 Q. What were your duties as an employee?

14 A. Depends on what day it was. Develop technologies.
15 Manufacture technologies. Oversee manufacturing of
16 technologies.

17 Q. And who did you report to?

18 A. Neldon.

19 Q. And was Neldon the one in control of Cobblestone?

20 A. He was in control of the technologies. I'm not
11:57:59 21 sure if he was in control of Cobblestone.

22 Q. Well, if you're an employee, who is it that had
23 authority to tell you what to do on behalf of Cobblestone?

24 A. Well, I was an employee of Cobblestone, but Neldon
25 Johnson was in control of the technologies, so if I needed

11:58:29

1 to develop technologies, I was working with technologies, he
2 was the one I would answer to. I'm not sure what his
3 position was with Cobblestone or what he had to do with
4 Cobblestone.

5 Q. But if you were being paid by Cobblestone, correct?

6 A. Correct.

7 Q. So, is it your understanding that Neldon
8 Johnson had authority to tell you, as an employee, what
9 actions you should take on behalf of Cobblestone?

10 A. Yeah.

11 Q. Did you have any ownership interest in Cobblestone?

12 A. Not that I can recall.

11:58:58

13 Q. For DCL-16A, were you an officer, director or
14 manager?

15 A. I'm not sure.

16 Q. Did you have any ownership interest?

17 A. I'm not sure.

18 Q. For DCL-16BLT, were you an officer, director or
19 manager?

20 A. I'm not sure.

21 Q. Who would know that?

22 A. I'm not aware of that corporation currently, so --
23 I'm not even sure what that corporation is currently.

11:59:30

24 Q. Did you have any ownership interest in it?

25 A. I don't know. You're the first one who I have

1 heard even mention that name, so --

2 Q. For LTB O&M, are you familiar with that company?

3 A. It seems like I've heard about it.

4 Q. Were you an officer, director or manager of that
5 company?

6 A. I'm not sure.

7 Q. Did you have any ownership interest?

8 A. I'm not sure.

9 Q. For the N.P. Johnson Family Limited Partnership,
11:59:58 10 were you an officer, director, manager or partner?

11 A. Is that the same as LTBJ Family Limited Partnership
12 you are talking about?

13 Q. Yes.

14 A. I'm an owner, part owner in that.

15 Q. How much do you own in that?

16 A. At least 30 percent.

17 Q. Who are the other owners?

12:00:23 18 A. Randale Johnson, and the other one is -- I just had
19 a brain stoppage there for a minute. Roger Hamblin.

20 Q. Roger Hamblin?

21 A. Yeah.

22 Q. What percentage does Roger Hamblin own?

12:00:59 23 A. I'm not sure. He bought out my father's
24 percentage.

25 Q. What percentage does Randale own?

1 A. Same percentage I own.

2 Q. That's 30 percent, correct?

3 A. I'm not sure of exact percentage, but same
4 percentage I own.

5 Q. And did you have a management role with the N.P.
6 Johnson Family Limited Partnership?

7 A. And ownership role?

8 Q. A management role?

9 A. No. Not that I'm aware of.

12:01:29 10 Q. Who made decisions for the N.P. Johnson Family
11 Limited Partnership?

12 A. We made decisions as a group.

13 Q. And the group being made up of who?

14 A. Randale Johnson, myself and Roger Hamblin.

15 Q. For Shepard Energy, were you ever an officer,
16 director or manager of that entity?

17 A. What entity is that?

18 Q. Shepard Energy.

19 A. No.

20 Q. Shepard Global, officer, director or manager of
21 that entity?

22 A. No.

12:01:59 23 Q. For Solstice Enterprises, were you an officer,
24 director or manager of that entity?

25 A. I'm not sure.

1 Q. Do you have any documents you could consult to
2 answer that question?

3 A. No.

4 Q. Did you have any ownership interest in that entity?

5 A. I'm not sure.

6 Q. Who would know?

7 A. Most of these were done at -- I think most of the
8 corporations we were involved with was through Nelson --
12:02:29 9 through Dave Nelson, so he would probably have the records
10 for most of those corporations, and if he had them, then I
11 assume you have them.

12 Q. Your attorneys filed opposition briefs with the
13 Court opposing the Receiver's motion to expand the
14 Receivership estate to include Solstice and also filed an
12:02:55 15 appeal on behalf of Solstice. Did your attorneys consult
16 with you on whether or not to file that appeal on behalf of
17 Solstice and file the objection on behalf of Solstice?

18 A. Did I sign something?

19 Q. Did they consult with you?

20 A. They probably said: Do you want to appeal this?
21 And I probably agreed to appeal whatever they have
22 agreed to appeal, so it wouldn't have mattered what they
23 said to appeal, I would have appealed it -- I would have
24 agreed to appeal it.

25 Q. And did you have authority to give them permission

1 on behalf of Solstice Enterprises?

12:03:29

2 A. If they asked that I needed to do that, then I
3 would assume I had authority to do that, and I would have
4 agreed to appeal it.

5 Q. To your knowledge, who makes decisions for Solstice
6 Enterprises?

7 A. I don't know.

8 Q. Did you have discussions with Nelson, Snuffer as to
9 whether or not you had authority to do that?

10 A. No, I did not.

11 Q. For Black Knight Enterprises, were you an officer,
12 director or manager?

12:03:59

13 A. Probably at one time. I'm not sure if I currently
14 am or not.

15 Q. Do you have an ownership interest?

16 A. Possibly.

17 Q. Who are the other owners?

18 A. I'm not sure.

19 Q. Do you recall what your ownership interest was?

20 A. No.

21 Q. Do you have any records you could consult that
22 would answer that question?

23 A. Not that hasn't been -- if I had records, they
24 would have been turned over, so --

12:04:28

25 Q. For Starlight Holdings, were you an officer,

1 director or manager of that entity?

2 A. Possibly at one time. Currently I'm not sure.

3 Q. Did you have an ownership interest in that entity?

4 A. Possibly.

5 Q. How much ownership?

6 A. I'm not sure.

7 Q. Who would know?

8 A. Maybe Dave Nelson.

12:04:58 9 Q. For U-Check, Inc. Were you ever an officer,
10 director or manager of that entity?

11 A. I'm not sure.

12 Q. Did you have any ownership interest in that entity?

13 A. I'm not sure about that either.

14 Q. Do you recall filing compliance declarations at
15 several points in this case?

16 A. Yes.

12:05:27 17 Q. In those compliance declarations, do you recall
18 stating: I declare under penalty of perjury that the
19 foregoing is true and correct.

20 A. Probably, yes.

21 Q. What did you understand that statement to mean?

22 A. That if I was -- say that again. What the
23 statement is?

12:05:57 24 Q. What do you understand that statement means, when
25 you say that you declare under penalty of perjury that the

1 foregoing is true and correct?

2 A. That if I am lying, then there's perjury.

3 Q. And what do you understand to be the consequences
4 of that -- of that statement -- of statements -- making
5 false statements?

6 A. I'm sure there's penalties.

7 Q. What do you understand the penalties might be?

8 A. I'm not sure.

12:06:31

9 Q. Do you believe there are any documents relating to
10 any of the Receivership entities that are still in the
11 control of Neldon Johnson, Glenda Johnson or Randale
12 Johnson?

13 A. Do I believe they have control of documents?

14 Q. Yes.

15 A. Not that I'm aware of.

16 Q. Do you believe there are any documents relating to
17 any of the Receivership entities that are still in the
18 control of third parties, outside groups?

12:06:57

19 A. Not that I'm aware of. I know there's -- I have
20 been told from -- the Gary Peterson's group might have some
21 documents.

22 Q. And who told you that?

23 A. You did. I knew they had some, but I don't know
24 where they went or if they had turned them over. I don't
25 know anything about them.

12:07:26

1 Q. Do you believe there are any documents relating to
2 any of the Receivership entities that are in homes, storage
3 units, warehouses, workshops, trailers or elsewhere?

4 A. Do I believe there might be or there is?

5 Q. Do you have any reason to believe there are any
6 such documents?

7 A. I have no reason to believe that.

8 Q. Have you delivered to the Receiver all documents in
9 your control since -- that have been in your control at any
10 time since October 31, 2018?

11 A. As far as I'm aware, yes.

12 Q. Did you give the Receiver a copy of the easement
13 agreement that you signed on N.P. Johnson Family Limited
14 Partnership?

12:07:59

15 A. I didn't have it in my control.

16 Q. Did you sign those documents?

17 A. My signature was on it, yes, but I didn't take any
18 with me.

19 Q. Did you affix your signature to that document?

20 A. Yes.

21 Q. Did you give the Receiver the documents you got
22 that you used in connection with the renewal of the
23 corporate registration of IAS?

12:08:32

24 A. No. I didn't think about it, to tell you the
25 truth.

1 Q. I'm handing you what's been marked as Receiver
2 Exhibit 2153, which is entitled Acknowledgement Receipt of
3 Receivership Order. Do you recall seeing this before?

4 A. I don't recall seeing it before, but I'm sure I
5 did. I signed it, so --

6 Q. Is that signature on the bottom yours?

7 A. Yes.

12:09:00

8 Q. Did you receive a copy of the Receivership order
9 somewhere around November 30 of 2010 -- 2018?

10 A. Yes.

12:09:18

11 Q. Mr. Johnson, I appreciate your cooperation, and
12 those are the last of my questions. And some of the other
13 attorneys are likely to have some questions.

14 CROSS EXAMINATION

12:10:00

15 BY MS. HEALY GALLAGHER

16 Q. Hello, Mr. Johnson.

17 A. Hello.

12:10:31

18 Q. Can I take you back to the beginning of Mr. Klein's
19 questioning. Since August 22, 2018, how much money have you
20 made from your medical work?

21 A. Since what date?

22 Q. August 22, 2018.

12:10:57

23 A. I don't know an exact amount, but I would have to
24 go back and look at my records, but I work everyday, just
25 about, so probably over a hundred thousand, I'm sure.

1 You're talking about 2018?

12:11:24 2 Q. Yes.

3 A. Yeah. 2019. Yeah. About a hundred thousand or
4 more.

5 Q. Are you aware of any documents responsive to the
6 Receivership order that have been thrown away or destroyed?

7 A. I'm not aware of any.

12:11:56 8 Q. Have you thrown away or destroyed any documents
9 responsive to the Receivership order?

12:12:02 10 A. No.

11 Q. Mr. Johnson, you mentioned that you made wages from
12 IAS, correct?

13 A. Correct.

14 Q. And you made wages from Cobblestone, yes?

15 A. Yes.

12:12:58 16 Q. So, where are the checks or other documents showing
17 the money that IAS paid to you?

18 A. Where are they?

19 Q. Yes.

20 A. Well, they would probably be with the bank.

21 Q. Have you made any efforts to get those documents
22 from the bank?

23 A. Of my personal wages?

24 Q. Yes.

12:13:30 25 A. No.

1 Q. Where are the documents showing the wages that
2 Cobblestone paid you?

3 A. I don't think the banks only keep so much records
4 for so long, so I'd have to go back, but they would probably
5 be with the bank as well.

6 Q. What efforts, if any, have you made to get
7 documents like that from the bank?

12:13:58 8 A. None.

9 Q. You mentioned that you opened at least one bank
10 account for Solco, right?

11 A. Many years ago.

12 Q. In fact, you opened other bank accounts or were a
13 signatory on other bank accounts for entities like IAS,
14 correct?

12:14:29 15 A. Well, for IAS. I'm not sure what like IAS, but for
16 IAS.

17 Q. Cobblestone?

18 A. I was a signature on Cobblestone.

19 Q. Right. So what, if any, efforts have you made to
20 get bank account documents for IAS, Cobblestone or any other
21 of the Receivership entities on which -- for accounts that
22 you had signature authority over?

12:14:58 23 A. I'm not sure if the bank accounts are still open.
24 I haven't dealt with the --

25 Q. Mr. Johnson --

1 A. I haven't dealt with the bank accounts since 2016.

2 Q. Mr. Johnson, that's not my question.

3 A. So, I haven't made any. I don't think they were
4 given to me. I'm not even sure if they would give them to
5 me, but no, I have made no effort on any of those.

6 Q. Mr. Johnson, one of the email addresses that you've
7 used in the last ten years is lagrand@iaus.com, correct?

8 A. Correct.

12:15:29 9 Q. What, if any, other email addresses have you used
10 in the last ten years?

11 A. Docltj@gmail.Com.

12 Q. Docltj?

13 A. Docltj.

14 Q. @gmail.com?

15 A. Yes.

12:15:57 16 Q. Any other email addresses in the last ten years?

17 A. Synergyproviders@gmail.com.

18 Q. Any others?

19 A. Not my personal. Those are probably the three of
20 them that I can think of. I can't think of any others.

21 Q. Whether or not for your personal business, have you
22 used any other email addresses than the ones we have just
23 identified?

12:16:29 24 A. There might have been one for Cobblestone, but I
25 don't remember the exact email address of that.

1 Q. Okay. So that's four. Any more email addresses
2 than those four?

3 A. No.

4 Q. What, if any, efforts you have taken to extract the
5 emails from lagrand@iaus.com and turn them over to the
6 Receiver?

7 A. None.

12:17:00

8 Q. What, if any, efforts have you taken to search
9 emails within docltj@gmail.com, find responsive emails and
10 turn them over to the Receiver?

11 A. None.

12 Q. What, if any, efforts have you made to search the
13 email in the synergyproviders@gmail.com address, find
14 responsive documents and turn them over to the Receiver?

12:17:28

15 A. None.

16 Q. And with respect to the Cobblestone email address,
17 what, if any, efforts have you taken to search those emails,
18 extract responsive emails and turn them over to the
19 Receiver?

12:17:45

20 A. None.

21 Q. Mr. Johnson, what's just been pulled up on the
22 screen is a document that's already been filed in this case
23 at ECF Number 715. Do you see that document?

24 A. The case number?

12:18:58

25 Q. The case number. And then it says document 715.

1 Do you see that?

2 A. Yes.

3 Q. And do you see that it was filed on July 5, 2019?

4 A. Yes.

5 Q. Okay. I'm going to scroll down a little bit. And
6 we see that this document is called the Second Declaration
7 of LaGrand Johnson Relating to Compliance Verification of
8 ECF Dock 491, Paragraph 24.

9 Did I read that correctly?

10 A. Yes.

12:19:29 11 Q. So this is your declaration, Mr. Johnson, correct?
12 If you like, I can scroll through the document so you can
13 take a look and confirm?

14 A. Yes. Keep scrolling.

12:19:47 15 Q. Just tell me when you're ready.

12:20:12 16 A. Okay. Okay. Okay. Okay. Go back to that one.

12:21:11 17 Okay. Okay. Okay. Okay. All right.

18 Q. Okay. So, Mr. Johnson, you've just had an
19 opportunity to review this five-page document?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes.

23 Q. This is your declaration, correct?

24 A. Correct.

25 Q. At the bottom of the declaration we have that

12:21:57 1 statement that Mr. Klein was talking about, right: I
2 declare under the penalty of perjury that the foregoing is
3 true and correct.

4 Did I read that correctly?

5 A. Yes.

6 Q. And there's a signature line with your name
7 underneath, right?

8 A. Right.

9 Q. And your signature appears on the signature line,
10 correct?

11 A. Correct.

12:22:27 12 Q. I'm going to draw your attention to paragraph 2,
13 which says: I submit this declaration to comply with
14 paragraph 24 of the Receivership order, ECF Dock 191 and
15 paragraph 9 of the affiliates' order, ECF Dock 636, open
16 parentheses, collectively, the orders, closed parentheses.

17 Did I read that correctly?

12:22:54 18 A. Correct.

19 Q. Now let's take a look please at paragraph 10 which
20 says: I do not now nor have ever had possession, access or
21 control over information of or relating to any of the
22 affiliated entities.

23 Did I read that correctly?

24 A. Yes.

12:23:29 25 Q. That portion? And then there's a footnote right

1 there, right, after affiliated entities?

2 A. Right.

3 Q. And then the rest of the sentence says: Including
4 but not limited to any books, records, documents, accounts,
5 stock certificates, intellectual property records, evidence
6 of intellectual property rights, computer and electronic
7 records and other instruments or papers.

8 Did I read that portion of the sentence correctly?

9 A. Yes.

12:23:58 10 Q. Okay. Let's scroll down to that footnote. It's
11 right below your signature, correct?

12 A. Correct.

13 Q. And it says: Affiliated entities includes those
14 defined by the Court in its memorandum and decision, ECF
15 636, as Solco 1, LLC; Xsun Energy, LLC; Cobblestone Center,
16 LC; LTB O&M, LLC; U-Check, Inc., DCL-16BLT, Inc.; DCL-16A,
17 Inc.; N.P. Johnson Family Limited Partnership, Solstice
18 Enterprises, Inc., Black Knight Enterprises, Inc.; Starlight
19 Holdings, Inc., Shepard Energy and Shepard Global, Inc.

20 Did I read that correctly?

12:26:41 21 A. Yes.

22 Q. Mr. Johnson, are you aware that an award of
23 attorney's fees has been entered against you?

24 A. No, not an amount.

25 Q. Excuse me?

1 A. Not a amount. I just heard that you were trying to
2 get attorney's fees.

12:26:57

3 Q. So please listen to my question and answer the
4 question that I ask. Are you aware that an attorney's fees
5 order was entered against you?

6 A. No.

7 Q. But you are aware that an attorney's fees award was
8 sought?

9 A. Yes.

12:27:27

10 Q. Did Nelson, Snuffer or anyone with that law firm
11 consult with you about court filings that it makes on behalf
12 of the N.P. Johnson Family Limited Partnership?

13 MR. PAUL: Objection. Foundation.

14 THE WITNESS: Am I aware that they are
15 representing? I'm not aware of all the details of what's
16 going on, what that is, but my brother is -- has more daily
17 involvement than I do.

12:27:59

18 Q. BY MS. HEALY GALLAGHER: So, again, Mr. Johnson,
19 I'm going to ask you to listen to my question and answer the
20 question. It sounds like you're aware that Nelson, Snuffer
12:28:27 21 is representing the Neldon P. Johnson Family Limited
22 Partnership; is that correct?

23 A. I'm not sure about that.

24 Q. So, you don't know?

25 A. I don't know. I don't know why they would need to

1 be represented so much or if they are or not. I have never
2 heard anything like that, so --

3 Q. Okay. But you just testified that that was your
4 understanding. Now you're not sure?

12:28:57

5 A. You reclarified your question, and I'm not -- if --
6 if they need to be represented, then I would think Nelson,
7 Snuffer would represent them, but I'm not aware of why they
8 would need to be represented, so I'm not aware of any
9 documentation of that, so, no.

12:29:24

10 Q. If the N.P. Johnson Family Limited Partnership
11 needed representation by an attorney, is that a discussion,
12 a decision you would have with Randale Johnson and Roger
13 Hamblin?

14 A. Yes.

15 Q. Have you had that discussion?

16 A. No.

12:30:00

17 Q. Has Nelson, Snuffer or anyone at the law firm
18 consulted with you about court filings it has made on behalf
19 of Xsun Energy?

20 A. No.

21 Q. How about any filings it's made on behalf of Solco?

22 A. No.

23 Q. Do you have any idea who is authorizing those
24 filings?

25 MR. PAUL: Objection. Foundation.

12:30:23

1 THE WITNESS: No, I don't.

2 MS. HEALY GALLAGHER: No further questions.

3 MR. KLEIN: We've hit the 12:30 mark. Can we
4 finish in ten minutes, or should we come back?

12:30:59

5 MR. WALL: I can finish pretty quickly. On behalf
6 of Neldon Johnson, I have no questions.

7 MR. PAUL: I have just a few.

8 CROSS EXAMINATION

9 BY MR. PAUL:

10 Q. Mr. Johnson, have you done your best to comply with
11 the requirement to produce all documents in your possession
12 of or relating to RaPower-3, IAS, Neldon Johnson or Gregg
13 Shepard?

14 A. Yes.

15 Q. Have you done your best to report to the Receiver
16 in this case the identity of any other documents that were
17 once in your control that are no longer in your control that
18 relate to IAS, RaPower-3, Neldon Johnson or Gregg Shepard?

12:31:25

19 A. Yes.

20 Q. So you have done your best to comply with those
21 orders?

22 A. Yes.

23 MR. PAUL: Thank you.

24 MR. KLEIN: Mr. Johnson, that's all we have. We'll
25 conclude this deposition. Thank you.

1 MR. PAUL: Any objection to allowing him to leave?

2 MS. HEALY GALLAGHER: No objection.

3 MR. KLEIN: No objection.

4 MR. PAUL: Okay.

5 MR. KLEIN: So leave those documents there.

6 MR. PAUL: Leave those there?

7 MR. KLEIN: Yes.

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(Whereupon the proceedings were concluded.)

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REPORTER'S CERTIFICATE

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

I, REBECCA JANKE, do hereby certify that I am a
Certified Court Reporter for the State of Utah;

That as such Reporter I attended the hearing of
the foregoing matter on January 23, 2020, and thereat
reported in Stenotype all of the testimony and proceedings
had, and caused said notes to be transcribed into
typewriting, and the foregoing pages numbered 1 through 119
constitute a full, true and correct record of the
proceedings transcribed.

That I am not of kin to any of the parties and
have no interest in the outcome of the matter;

And hereby set my hand and seal this 7th day of
February, 2020.

REBECCA JANKE, CSR, RPR, RMR