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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.; LTBI, LLC;	)	
R. GREGORY SHEPARD; 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 II

Reporter: PHOEBE MOORHEAD, RPR, CRR  
(480) 265-0404

A P P E A R A N C E S

1  
2 For the UNITED STATES:

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4 U.S. DEPARTMENT OF JUSTICE  
5 PO Box 7238  
6 Ben Franklin Station  
7 Washington, D.C. 20044  
8 (*Pro hac vice*)

9  
10 For the RECEIVER:

11 Michael S. Lehr  
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16 For NELDON JOHNSON:

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18 WALL LAW OFFICE  
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20 Suite 405  
21 Salt Lake City, UT 84111

22 For GLENDA JOHNSON, RANDALE JOHNSON, and LAGRAN  
23 D JOHNSON:

24 Steven R. Paul  
25 Daniel B. Garriott  
NELSON SNUFFER DAHLE & POULSON  
10885 South State Street  
Sandy, UT 84070

Also Present: Wayne Klein  
Receiver

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1 January 23, 2020 1:34 p.m.

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

3 THE COURT: As you'll remember, I put you  
4 under oath this morning. That oath to tell the truth  
5 continues through the rest of the day. And so as long  
6 as you are honest and forthcoming in your answers,  
7 that's what we expect of you. Mr. Klein has probably  
8 the lion's share of questions for you, and then some of  
9 the other lawyers will likely ask you a few questions.  
10 Any questions for me?

11 THE WITNESS: No.

12 THE COURT: Okay. Very good. Mr. Klein,  
13 the floor is yours.

14 GLENDA JOHNSON

15 Called as a witness herein, having been previously  
16 sworn by the Court to tell the truth, was examined and  
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MR. KLEIN:

20 Q. Mrs. Johnson, if you'd give your full name.

21 A. Glenda Eldoris Johnson.

22 Q. And spell the first and second name. First  
23 and middle name.

24 A. G-L-E-N-D-A E-L-D-O-R-I-S.

25 Q. And --

1           A.       Excuse me. You will have to stand over  
2 there. I'm kind of hard of hearing.

3           Q.       Does this work better?

4           A.       That's fine.

5           Q.       And a reminder about the best way to create  
6 a good record for the court reporter. So to the extent  
7 that -- are you under any medications or have any  
8 reason that you aren't able to think clearly today?

9           A.       I'm not under any medication.

10          Q.       When I ask questions, if you will make sure  
11 to wait until I finish asking the question to give the  
12 answer. That way, it's easier for the court reporter.  
13 And that will also make sure you're answering the  
14 question I asked instead of the one you think I might  
15 be asking.

16                   And also, when you give responses, to the  
17 extent it calls for a yes-or-no answer, if you can  
18 answer "yes" or "no" rather than "uh-huh" or "huh-uh"  
19 or nodding or shaking your head. Okay?

20          A.       You might have to remind me of that if I do  
21 it. You have to remember I'm 72 years old.

22          Q.       It's so natural that you may do it and I  
23 won't notice. We're trying to create a good record.

24                   And if there are any questions I asked that  
25 you don't understand, please ask me to restate it.

1 Because if you answer the question, I'm going to assume  
2 that you had understood the question. Okay?

3 A. Yes.

4 Q. Now, did your attorneys tell you what  
5 questions I asked this morning of LaGrand and Randale?

6 A. No.

7 Q. Did either Randale or LaGrand tell you what  
8 questions I asked?

9 A. No.

10 Q. What are the sources of funds you're using  
11 currently to pay living expenses?

12 A. I'm sorry. What?

13 Q. What are the sources of funds you are using  
14 currently to pay your living expenses?

15 A. My social security.

16 Q. Do you have any funds other than social  
17 security?

18 A. I have a rental.

19 Q. And how much do you earn on that rental?

20 A. \$650.

21 Q. Do you have any money coming in other than  
22 social security and rental income of \$600?

23 A. Excuse me. It was \$650.

24 Q. Okay. Do you have any income other than  
25 those two sources?

1           A.     I have -- from my mother, there is -- what  
2 do you call it? She had oil rights in Ioka, Utah. And  
3 I get maybe \$50 a month from that. Or whatever the  
4 oil -- whatever comes in from it. It's about \$50 a  
5 month.

6           Q.     Anything else?

7           A.     No.

8           Q.     Last June, the Court entered an order  
9 finding you in contempt. Are you aware of that?

10          A.     Last June?

11          Q.     Yes. June of 2019.

12          A.     I don't recall.

13          Q.     Do you recall that we had three days of  
14 hearing in February, March, and -- March and April of  
15 last year about contempt?

16          A.     I don't recall the months.

17          Q.     But do you recall that there were court  
18 hearings as to -- addressing the question of whether or  
19 not you and others were in contempt of court orders?

20          A.     I'm sorry. I don't recall what it was all  
21 about. I was never up on the stand, so I don't recall  
22 what any of it was all about.

23          Q.     What efforts have you made since June of  
24 2019 to identify, locate, and recover additional  
25 documents?

1           A.     I'm sorry. Repeat that. I'm really having  
2 a hard time understanding you.

3           Q.     Since June of 2019, what efforts have you  
4 made to identify and locate additional documents that  
5 might be responsive to the receivership order?

6           A.     You're saying documents?

7           Q.     Yes.

8           A.     I gave you all the documents I had way back  
9 when. You started all of this. I don't have any  
10 documents. I gave you everything I had.

11          Q.     Have you made any efforts since June of 2019  
12 to identify and locate additional documents?

13          A.     No.

14          Q.     Your attorneys delivered some new documents  
15 to --

16          A.     Say that -- I'm sorry.

17          Q.     Your attorneys delivered some additional  
18 documents to the receiver on December 5th. Are you  
19 aware of that?

20          A.     I'm sorry. Say that again.

21          Q.     On December 5th, your attorneys provided  
22 some additional documents to the receiver. Were you  
23 aware of that?

24          A.     I guess I'm not aware of it. They may have.  
25 I don't know.



1 Q. Have there been any documents that you've  
2 identified since June of 2019 that had not been  
3 delivered to the receiver before that date?

4 A. I had delivered everything to you, sir.

5 Q. Have you had any communications with third  
6 parties who might be holding documents?

7 A. No. I don't have anybody.

8 Q. Have you had any discussions with Pacific  
9 Stock Transfer Company about documents they might have?

10 A. No.

11 Q. With Snell & Wilmer law firm?

12 A. No.

13 Q. Have you had any discussions with Gary  
14 Peterson and Peregrine Consulting?

15 A. No.

16 Q. Any discussions with Cadence Group?

17 A. No.

18 Q. Any discussions with NOW CFO?

19 A. I don't even know what these people are, but  
20 no.

21 Q. Did you go to the Nelson Snuffer law firm  
22 and look through their boxes of documents to see  
23 whether or not they had some documents that had once  
24 been under your control?

25 A. Well, I've been to the attorney's office.

1 Q. And did you go through their documents to  
2 see whether or not they had copies of documents that  
3 had once been under your control?

4 A. I never went through anything.

5 Q. In what locations have company documents  
6 ever been stored in the past?

7 A. Say that again.

8 MR. PAUL: Objection. Wayne, will you  
9 clarify? We did this last time. Would you clarify  
10 what you mean by "company"?

11 Q. (BY MR. KLEIN) In what locations have  
12 documents relating -- documents that relate to IAS,  
13 RaPower, Cobblestone, or any of the other affiliated  
14 entities, what are the different locations where those  
15 documents have been stored in the past 20 years?

16 MR. PAUL: Object. Compound.

17 You can answer.

18 THE WITNESS: You're wanting -- I don't have  
19 anything -- I never had anything -- well, IAS was  
20 something that I didn't have anything to do with  
21 because that's my husband, and I have only been married  
22 to him about 18 years. So I don't have any idea about  
23 anything with IAS.

24 Q. (BY MR. KLEIN) Let me start over, then.  
25 I'm talking now about the group of companies that are

1 associated with this lawsuit. It includes IAS,  
2 RaPower, but also affiliated entities such as  
3 Cobblestone, XSun Energy, SOLCO, and the other  
4 affiliated entities.

5 A. I don't know what other affiliated entities  
6 you're trying to say. I'm confused.

7 Q. Okay. I'll take it in pieces. In the last  
8 18 years, do you know where -- in what locations have  
9 IAS documents been stored to your knowledge?

10 A. I know IAS had a place in Salem, Utah. And  
11 I believe they had one in Spanish Fork, Utah.

12 Q. Are -- is the -- is the location in Salem  
13 still under the control of the company or you or Neldon  
14 Johnson?

15 A. I'm sorry. I'm not understanding you.

16 MR. PAUL: Your Honor, is there an assisted  
17 audio that we're aware of? Can she wear some  
18 headphones that's directly connected to the audio so  
19 that she can hear better?

20 THE COURT: Ma'am, is it a function of not  
21 hearing him? Or is it the way he's asking the  
22 questions?

23 THE WITNESS: It's the way he's asking me.  
24 And he kind of backs up. It's just a little hard to  
25 understand what he's saying.

1 THE COURT: Okay. If you'll just try in  
2 real small chunks for a while, Mr. Klein.

3 Q. (BY MR. KLEIN) You mentioned a location in  
4 Salem, Utah. Do you remember that?

5 A. Correct.

6 Q. Is that a location that is still under the  
7 control of you or your husband or the company?

8 A. No.

9 Q. You mentioned a location in Spanish Fork.  
10 Do you remember that?

11 A. Yes.

12 Q. Is that a location that is still in control  
13 of you or your husband or the company?

14 A. No.

15 Q. To your knowledge, are documents still --  
16 relating to IAS still at either of those locations?

17 A. No.

18 Q. To your knowledge, are documents relating to  
19 RaPower at either of those locations?

20 A. No.

21 Q. Are documents relating to Cobblestone at  
22 either of those locations?

23 A. No.

24 Q. Are there documents related to any of the  
25 companies associated with your husband at either of

1 those locations?

2 A. No.

3 Q. At what other locations have documents been  
4 stored relating to RaPower or Cobblestone or XSun or  
5 SOLCO?

6 A. There was one place. It was in my home in  
7 Deseret, Utah.

8 Q. And what documents were there?

9 A. What documents?

10 Q. Yes.

11 A. All kinds of documents.

12 Q. Okay. Are those documents still there?

13 A. No.

14 Q. Where are those documents?

15 A. You have them.

16 Q. Are those the documents that were delivered  
17 to the receiver on May 10th and 17th in the 31 boxes?

18 A. Correct.

19 Q. And were the original documents given to me  
20 or just copies?

21 A. Original. Oh, excuse me. There could have  
22 been some copies.

23 Q. And so are there original documents that  
24 were not delivered?

25 A. No. Everything was delivered to you.

1 Q. Had any documents been kept at the -- at any  
2 warehouse or worksites?

3 A. I had some at another home because I moved  
4 out of that house, and I had another home in Delta,  
5 Utah. And they were there. And that's the home that I  
6 was living in that I had taken all of those documents  
7 to you from that home.

8 Q. Had you had any documents belonging to IAS,  
9 RaPower, or any of the other companies in your  
10 possession or control since -- that have not been  
11 delivered to the receiver?

12 A. Everything's been delivered to you, sir.

13 Q. Have you ever learned that anybody else has  
14 documents that belong -- should be delivered to the  
15 receiver that have not been delivered?

16 A. No.

17 Q. Since October 31st of 2018, has Nelson  
18 Snuffer continued to be your attorney?

19 A. Yes.

20 Q. And what legal services have they provided  
21 to you during -- since October of 2018?

22 A. Just what's going on right now.

23 Q. In addition, are they providing legal  
24 services for the lawsuit that the receiver has filed  
25 against you?

1 A. Well, I'm assuming.

2 Q. Are they also providing legal services for  
3 the motion that the receiver has filed for turnover of  
4 properties?

5 A. Sir, I am not -- I don't quite understand.  
6 All I know is I have attorneys that take care of  
7 everything that comes in.

8 Q. Do you get invoices from these attorneys?

9 A. Yes.

10 Q. And when was the last invoice you received?

11 A. Probably about two weeks ago.

12 Q. And how much have you paid your attorneys  
13 since October of 2018?

14 A. A little over a thousand dollars.

15 Q. Did that satisfy the invoice?

16 A. No.

17 Q. How much are the invoices totaling?

18 A. I don't know. I'd have to go and check it  
19 out. I don't have a clue.

20 Q. Have you -- to your knowledge, have you paid  
21 more than this approximately thousand dollars to Nelson  
22 Snuffer since October of 2018?

23 A. I would have to go back and check to see  
24 when I paid that check. I don't know.

25 Q. Do you think it has been since October of

1 2018?

2 A. I don't know.

3 Q. Do you have a recollection of any other  
4 payments you've made to Nelson Snuffer other than that  
5 thousand dollars?

6 A. That's all I know of.

7 Q. Do you think that they've -- their invoices  
8 are for more than a thousand dollars?

9 MR. PAUL: Objection. That's getting into  
10 attorney-client privilege.

11 That is a yes-or-no question. I'll let you  
12 answer "yes" or "no," but I'm not going to get into  
13 more detail.

14 THE WITNESS: Repeat it.

15 Q. (BY MR. KLEIN) Do you believe that the  
16 invoices you've received from Nelson Snuffer are --  
17 reflect bills greater than \$1,000?

18 A. You're saying more than 1,000?

19 Q. Yes.

20 A. I'm assuming. Yes.

21 Q. Do you know how Nelson Snuffer expects to  
22 get paid for the services it is providing to you?

23 A. I don't know at this point in time.

24 Q. Have you had any discussions with them about  
25 whether -- about how their bill is going to be



1 satisfied?

2 MR. PAUL: Objection. Attorney-client  
3 privilege.

4 THE COURT: I'm going to allow it.

5 THE WITNESS: No.

6 Q. (BY MR. KLEIN) Do you know if anyone has  
7 made payments to Nelson Snuffer on your behalf?

8 A. No.

9 (Receiver Exhibit-2154 introduced.)

10 Q. (BY MR. KLEIN) I've handed you what's been  
11 marked as Receiver Exhibit-2154, which says,  
12 "Declaration of Glenda Johnson," and it has -- it's a  
13 court filing, Document 784-1 in this matter.

14 Do you recognize this document?

15 MR. KLEIN: Your Honor, I have extra copies.  
16 Would the Court like a copy?

17 THE COURT: No, thank you.

18 THE WITNESS: Okay.

19 Q. (BY MR. KLEIN) Do you recognize this  
20 document?

21 A. Yes.

22 Q. Is that your signature on the third page?

23 A. I'm sorry. Could I finish reading this  
24 here? I just read the first page.

25 Q. Yes.

1 A. Okay.

2 Q. Is that your signature on the third page?

3 A. Yes.

4 Q. The fourth, fifth, and sixth pages are an  
5 attachment. Do you recognize that document?

6 A. Okay. I have read it.

7 Q. Do you recognize the document?

8 A. I recognize the three, yes.

9 Q. Is that your signature on the bottom of the  
10 first page of the exhibit? It will be the fourth page  
11 on the document.

12 A. Yes.

13 Q. Whose handwriting is this?

14 A. That's my signature, but it's not my  
15 handwriting.

16 Q. Okay. Do you know -- recognize whose  
17 handwriting it is on this contract?

18 A. Looks like Neldon Johnson.

19 Q. Now, this is an attachment to a declaration  
20 that you filed in court on October 11th, 2019. Does  
21 that sound right?

22 A. What date did you say?

23 Q. October 11th of 2019.

24 A. That's what it says on here.

25 Q. So on October 11th, you filed this

1 declaration with the Court with a copy of this  
2 contract. You follow me? Do you understand?

3 A. You're saying one contract?

4 Q. I'm saying this -- pages 4, 5, and 6 of this  
5 document were filed with the court along with your  
6 declaration on October 11th of 2019. Do you understand  
7 that?

8 A. Yes.

9 Q. This document, the "Solstice Contract to  
10 Purchase Towers," was that document provided to the  
11 receiver previously?

12 A. I don't know.

13 Q. Where did you come up with this document to  
14 attach it to your declaration?

15 A. I don't know.

16 Q. Who would know?

17 A. Well, it says right on here it was January  
18 18th, 2013.

19 Q. That's what the date of the document. My  
20 question is: When had this document been provided to  
21 the receiver before October of 2019?

22 A. Sir, I don't know. I assumed you had  
23 everything.

24 Q. And my question is: If you claim that this  
25 document was among the 31 boxes delivered previously,

1 then I'm fine to have you tell me that. But this is a  
2 document that had not been provided to the receiver --  
3 I mean, I'm telling you that before we received it in  
4 connection with this, it had not been among the  
5 documents that had been delivered to the receiver. So  
6 I'm trying to find out where you found this document to  
7 attach it to your declaration.

8 A. I don't know.

9 (Receiver Exhibit-2155 introduced.)

10 Q. (BY MR. KLEIN) I've handed you what has  
11 been marked as Receiver Exhibit-2155, which is a first  
12 page -- one page that shows a deposit slip for SOLCO 1  
13 and a check to SOLCO 1 from TJ Jazz, LLC [sic]. Do you  
14 see that?

15 A. Yes.

16 Q. And this has Bates Number GlendaJ000001.

17 A. I'm sorry. Where are you -- oh.

18 Q. On the very bottom. Do you recognize this  
19 page?

20 A. Yeah. That's one that would have been  
21 deposited into SOLCO 1.

22 Q. This was delivered to the receiver by your  
23 attorneys on December 5th. Does that sound right to  
24 you?

25 A. December 5th?

1 Q. Yes. Of 2019.

2 A. I don't know anything about this.

3 Q. I'm trying -- and my question is: Where did  
4 you find this document to have your attorneys deliver  
5 it to me on December 5th of 2019?

6 A. You do recall that there were a bunch of  
7 those boxes that you received that were at Nelson  
8 Snuffer Dahle. They could have accidentally been  
9 spilled out, and they may have found it and they have  
10 given it to you. I don't know, sir.

11 Q. On the top corner, there is also a Bates  
12 number that says, "Box 10-000057." Do you see that?

13 A. Okay.

14 Q. Do you know what that numbering corresponds  
15 to?

16 A. Sir, I don't. Unless it's the box that I  
17 gave you.

18 Q. And if you don't understand, that's fine.  
19 I'm just trying to probe your memory.

20 So are you saying you don't know what the  
21 numbers "Box 10" relate to?

22 A. I thought I just answered that.

23 Q. So is that your answer? You do not know  
24 what "Box 10" means?

25 A. I said I think "Box 10" probably means one

1 of the boxes I gave to you.

2 (Receiver Exhibit-2156 introduced.)

3 Q. (BY MR. KLEIN) I've handed you what's been  
4 marked as Receiver Exhibit-2156, which says at the top,  
5 "XSun Energy, LLC," having Bates Number GlendaJ000046.

6 Do you recall this document, seeing this  
7 document previously?

8 A. Yes.

9 Q. This was delivered to the receiver by your  
10 attorneys on December 5th and with a Bates number that  
11 has your name on it. Do you know where this document  
12 came from that your attorneys gave to me?

13 A. I'm sorry. You have -- XSun and SOLCO 1  
14 were not a part of this proceedings that happened. I  
15 was never -- or these entities were never a part of the  
16 RaPower, IAS, DOJ. Whatever they were doing has  
17 nothing to do with these two companies or me. When you  
18 asked for all of the information, Mister, I gave  
19 everything. I gave you more. XSun and SOLCO 1 was put  
20 in boxes that you received.

21 And I did not have to give any of that to  
22 you because they were not involved with this court  
23 proceeding. You guys chose to bring me and these two  
24 entities. And it's really upsetting to me that I have  
25 to be brought into this, which I don't think it's

1 legal.

2 And I'm sorry, your Honor, but it's really  
3 upsetting to me that I could spend seven and a half  
4 years of my time with all of this that's been going on.  
5 They raided my house in 2012.

6 MR. PAUL: Your Honor, can we take a moment?

7 THE COURT: You may. Why don't you -- why  
8 don't you take a minute? Meet with your lawyer just  
9 out in the hallway, and then we'll reconvene.

10 (Off the record from 2:06 p.m. to 2:14 p.m.)

11 THE COURT: Okay. Thank you, Ms. Johnson.

12 Glad you've had a minute to talk with your attorney.  
13 I'll just note that I know this is a difficult and an  
14 emotional process for you, and we understand that. I  
15 think we'll get through it better -- I'm sure your  
16 lawyer has given you some advice. I am going to let  
17 Mr. Klein ask the questions that he wants. And if  
18 you'll just listen and give him simple answers to  
19 those, we'll get you through this sooner than later.  
20 Does that make sense?

21 THE WITNESS: Thank you.

22 THE COURT: Okay.

23 Q. (BY MR. KLEIN) Mrs. Johnson, we talked  
24 about Exhibit-2155, which was the SOLCO checks, and now  
25 2156, which is the XSun Energy. Do I understand from

1 your statements before the break that you have  
2 documents from XSun and SOLCO that you've not delivered  
3 to the receiver?

4 A. I have delivered everything to the receiver.

5 Q. Does that include documents from SOLCO and  
6 XSun?

7 A. Yes.

8 Q. And do you know where these documents were  
9 located that were attached -- that were delivered to  
10 the receiver in December if they had not been delivered  
11 before?

12 A. They were all delivered to you the first  
13 time. What you did with them after that, sir, I don't  
14 know. Because it says here, "Box 10," so it had to  
15 have been from you.

16 THE COURT: Ms. Johnson, some documents were  
17 delivered in December under your name to the receiver.

18 THE WITNESS: No, sir. They were delivered  
19 in May.

20 THE COURT: Just listen to me for a minute.  
21 Okay? Some were delivered in May. And I know you  
22 believe that's when the bulk of documents were given.  
23 But some documents were delivered in December from your  
24 lawyer under your name. And Mr. Klein's trying to find  
25 out if you have knowledge where those documents came



1 from. If you don't, the honest answer is you don't  
2 know. But he's entitled to probe as to whether you  
3 know how and where those documents came in December.  
4 Does that make sense?

5 So we're not asking you whether documents  
6 were delivered in December. Some were. He's trying to  
7 get to the bottom of where those documents were found  
8 and how they got to him. Okay?

9 THE WITNESS: I'm sorry. I thought I had  
10 answered that, that I had given him all the documents  
11 in May.

12 THE COURT: I know. We heard you say that.

13 THE WITNESS: And I don't know anything  
14 about December.

15 THE COURT: Okay. Then when he asks you  
16 about those, just tell him whether you know anything or  
17 not about December. Okay?

18 THE WITNESS: Okay.

19 Q. (BY MR. KLEIN) At the bottom of those two  
20 documents, it has the Bates Number "GlendaJ" and some  
21 numbers. Do you see that?

22 A. Yes.

23 Q. And I will represent to you that those  
24 numbers were attached to these documents by your  
25 attorneys. So does that help you remember any better

1 as to where -- where the -- how your attorneys got  
2 these documents to put these numbers onto?

3 A. No.

4 (Receiver Exhibit-2157 introduced.)

5 Q. (BY MR. KLEIN) I've handed you what's been  
6 marked as Exhibit-2157. And it's a 16-page document  
7 with Bates Number GlendaJ000160 through 175 entitled,  
8 "Escrow Agreement." Do you see that?

9 A. Yes.

10 Q. Do you recognize this document?

11 A. I am really confused as to what this is even  
12 about.

13 Q. Do you remember seeing this document before?

14 A. Sir, I wouldn't know. There's too many  
15 things here blocked out.

16 Q. Do you know who blocked out that  
17 information?

18 A. No.

19 Q. Do you know how your attorneys got this  
20 document to give it to me?

21 A. No.

22 Q. Do you know whether or not there was another  
23 party that agreed to pay \$10,500 to SOLCO for the  
24 purchase of lenses?

25 A. No.

1 Q. If you turn to the last page of that -- or  
2 the next-to-the-last -- sorry -- three pages from the  
3 back, which has Document Number GlendaJ173. Do you  
4 recognize whose handwriting is on that document? That  
5 page?

6 A. I'm not sure. I don't know.

7 Q. Is it your handwriting?

8 A. No.

9 (Receiver Exhibit-2158 introduced.)

10 Q. (BY MR. KLEIN) I've handed you what's been  
11 marked as Receiver Exhibit-2158. It has Bates Number  
12 GlendaJ000256 through 260. I will tell you these  
13 were --

14 A. I'm sorry. What? I can see 000256.

15 Q. And the last page has 260.

16 A. Last page? Okay.

17 Q. I will tell you that these documents were  
18 delivered to us by your attorneys. Do you know where  
19 your attorneys got this document to deliver it to me?

20 A. No.

21 (Receiver Exhibit-2159 introduced.)

22 Q. (BY MR. KLEIN) I've handed you what's been  
23 marked as Exhibit Receiver 2159, which is a letter from  
24 NuStar dated October 3rd, 2019. Have you seen this  
25 letter before?

1 A. I believe I have seen that one, yes.

2 Q. Where have you seen it before?

3 A. It was sent in the mail.

4 Q. And did it come to the address at 2730 West  
5 4000 South in Oasis?

6 A. Correct.

7 Q. And whose address is that?

8 A. That was the address that I used all the  
9 time.

10 Q. Okay. And what -- and what is at that  
11 address?

12 A. Pardon?

13 Q. What is at that address? A home? An  
14 office? A warehouse?

15 A. My warehouse.

16 Q. Okay. And what do you -- what is this  
17 letter about?

18 A. This company wanted to do some work on the  
19 N.P.J. Family Trust. It's down in Texas. And they  
20 kept calling and wanting this to be done. And I -- and  
21 I'm not on this trust. I have nothing to do with the  
22 family. But this gentleman called, and I answered the  
23 phone. And it was: "We cannot do anything with this."  
24 And he kept calling and calling. I said, "We cannot do  
25 anything with this."

1           And then he called and he said -- or I don't  
2 know if he called, but -- anyway, "If you don't sign  
3 this" -- I'm trying to think of the words.

4           Q.       Might it be easement?

5           A.       The easement. If you don't take -- do this  
6 easement, then it will be -- the State of Texas would  
7 take it from us, and we'd have -- and we'd have to go  
8 to court or something to that effect. I don't know  
9 what they call it when -- if --

10          Q.       Condemnation?

11          A.       I think that's the word, sir, is they'd  
12 condemn it. And they would take it. Because it has  
13 some -- had something to do -- if I remember, the  
14 school or Texas, something. I don't know. All I'm  
15 saying is if we didn't sign -- have -- have it signed,  
16 it would be condemned. That is my understanding from  
17 reading what I read.

18                   But we did not want to do that. We said,  
19 "No. Absolutely not." And he -- so what do you do?  
20 If you're going to get land condemned or sued, then I  
21 believe it was Randy that signed for it.

22          Q.       So did this NuStar company send you  
23 documents to sign?

24          A.       Yes.

25          Q.       And what did you do with those documents?

1 When NuStar sent the documents to you, what did you do  
2 with them?

3 A. I gave them to Randy and LaGrand.

4 Q. And did they sign them?

5 A. I believe they did.

6 Q. And then, did you send the documents back to  
7 NuStar?

8 A. I don't know if I did or if they did.

9 Q. I'm showing you the original of that letter.  
10 Does this copy, this marked exhibit, is that the same  
11 as the original letter?

12 A. When you say -- well, it's got this -- it's  
13 right there.

14 Q. Do you have any reason to believe the copy  
15 that has the exhibit mark on it is not the same as the  
16 original letter?

17 A. Well, it looks like it's been photocopied  
18 because there is a -- one's blue and one's black here  
19 under "NuStar."

20 Q. Does the one that's the marked exhibit  
21 appear to be a photocopy of the original?

22 A. Yes.

23 (Receiver Exhibit-2141 introduced.)

24 Q. (BY MR. KLEIN) I'm handing you what was  
25 previously used as Exhibit-2141.

1           A.       Excuse me, sir. I believe that the original  
2 had to go back to them. Because it had to be --

3                   MR. PAUL: Notarized.

4                   THE WITNESS: Notarized. Thank you. And  
5 the original had to go back to them.

6           Q.       (BY MR. KLEIN) I'm handing you what's been  
7 marked as Exhibit-2141. Does that look like the  
8 documents that they sent you to notarize for this  
9 easement? Or to get signed for the easement?

10          A.       Looks like it, yes.

11          Q.       And did you give it to Randale and LaGrand  
12 to sign?

13          A.       I gave it to both of the boys, and they had  
14 to go have it notarized.

15          Q.       Do you know where they went to have it  
16 notarized?

17          A.       No, I don't. They did that on their own.

18          Q.       I'm showing you an envelope addressed to  
19 Terry King. It says, "From Neldon Johnson." Do you  
20 recognize this envelope?

21          A.       I do.

22          Q.       Whose handwriting is on that envelope?

23          A.       Mine.

24          Q.       Is that the envelope you used to mail the  
25 easements to NuStar?

1 A. Could have been.

2 Q. And at the time this was signed on October  
3 31st, was LaGrand an owner of the N.P. Johnson Family  
4 Limited Partnership?

5 A. As far as I know, he was.

6 Q. Was Randale an owner?

7 A. I'm sorry. What?

8 Q. Was Randale an owner of the N.P. Johnson  
9 Family Limited Partnership at that time?

10 A. As far as I know, he was.

11 Q. Did you have discussions with Neldon Johnson  
12 about this easement request?

13 A. Say that again.

14 Q. Did you talk with Neldon Johnson about the  
15 fact that this company had requested an easement across  
16 the Texas property?

17 A. Yes.

18 Q. What did you -- discussion did you have with  
19 him?

20 A. I don't recall.

21 Q. Did he express an opinion about whether or  
22 not the easement should be signed or not?

23 A. I think I've already answered that.

24 Q. What -- what did he tell you about whether  
25 he thought the easement should be signed?



1 A. You'll have to ask him.

2 Q. I'm asking for your recollection of what he  
3 told you.

4 A. I think I've already answered that. We did  
5 not want that to be done.

6 Q. And did Neldon Johnson express that opinion  
7 to you?

8 A. I didn't feel comfortable with it, and I  
9 expressed it to him that I didn't feel comfortable with  
10 it.

11 Q. And what was his response?

12 A. You'll have to ask him.

13 THE COURT: It's okay for him to ask you  
14 what you remember about --

15 THE WITNESS: I don't remember what he said.

16 Q. (BY MR. KLEIN) Do you recognize the name  
17 Wisdom Farms Technology Development Group?

18 A. Are you on a different subject?

19 Q. Yes. I'm changing subjects.

20 A. I believe I do recall that company.

21 Q. What -- tell me what you recall about Wisdom  
22 Farms.

23 A. Say that again.

24 Q. Tell me what you recall about Wisdom Farms.

25 A. I believe they were doing some construction

1 or making something of the turbine.

2 Q. And do you know when that work was being  
3 done?

4 A. Probably the end of '18 and part of '19.

5 Q. Do you believe that that work was being done  
6 after the judge appointed the receiver?

7 A. I don't know.

8 Q. What's your understanding about who was  
9 going to pay Wisdom Farms for the work that they were  
10 doing?

11 A. I don't know.

12 Q. Do you know if Wisdom Farms created any  
13 equipment or turbines as a result of these efforts?

14 A. Say that again.

15 Q. Do you know if Wisdom Farms created any  
16 building equipment?

17 A. If they built the equipment?

18 Q. If -- did they build some equipment?

19 A. Yes.

20 Q. Do you know where that equipment is?

21 A. Yes.

22 Q. Where?

23 A. In my home.

24 Q. Is that in a container? A 20-foot  
25 container?

1 A. A what?

2 Q. Is it in a 20-foot container?

3 A. When you say "20-foot," sir, I don't know  
4 whether it is or not 20 feet.

5 Q. Is it a shipping container?

6 A. A metal shipping container is what it's in.

7 Q. Okay. And what's the -- what would you  
8 estimate to be the size of that --

9 A. Sir, I don't know. I'm not -- I don't know  
10 how big it is.

11 Q. And you said in your home. Is the equipment  
12 inside the home? Or is the container outside the home?

13 A. It's outside the home.

14 Q. And how did the container get there?

15 A. A trucking company.

16 Q. Do you know where it was picked up from?

17 A. I don't.

18 Q. Were you present when the container was  
19 picked up and then before it was brought to your home?

20 A. Yes. I did see it.

21 Q. Where was the container picked up from?

22 A. From the person who built it.

23 Q. Was it at a place called Kitco Iron?

24 A. It could have been. I don't know.

25 Q. Do you know how Wisdom Farms was paid for

1 its work?

2 A. No.

3 Q. Do you know if Robert Johnson provided money  
4 to Wisdom Farms to build this equipment?

5 A. I don't know.

6 Q. When you were present at the time they were  
7 picking up the equipment, were you aware that an  
8 additional \$30,000 had to be paid to Wisdom Farms to  
9 clear up the outstanding bill?

10 A. I don't know.

11 Q. Do you have any recollection -- you remember  
12 being there when the container was picked up, correct?

13 A. Correct.

14 Q. Do you remember seeing a check given to  
15 Wisdom Farms by anybody?

16 A. A lot of the times, I was sitting out in my  
17 car. No. I don't -- didn't see.

18 Q. And I'm only trying to explore what your  
19 knowledge is.

20 (Receiver Exhibit-2160 introduced.)

21 Q. (BY MR. KLEIN) I've handed you what's been  
22 marked as Receiver Exhibit-2160, which on the first  
23 page says, "Notice of Lien," with Recording Number  
24 00208383.

25 Do you recognize this document?

1 A. Yes.

2 Q. Tell me what this document reflects.

3 A. It says, "Notice of Lien."

4 Q. Okay. By who?

5 A. Anstram Energy. A-N-S-T-R-A-M Energy, LLC.

6 Q. And if Anstram Energy was placing a lien on  
7 the property, why would you file it?

8 A. Why would I file it?

9 Q. If the lien was in favor of another company,  
10 why would not the company file it instead of you?

11 A. Because the property was all mine.

12 Q. Have you bought property before subject to a  
13 mortgage? That you got a mortgage on to buy the  
14 property?

15 A. Say that again.

16 Q. Have you ever bought property before where  
17 you had to borrow money as part of the purchase price?

18 A. Yes.

19 Q. Was there a mortgage on the property?

20 A. Yes.

21 Q. Did you file the mortgage because you were  
22 the property owner? Or did the lender file the  
23 mortgage?

24 A. I don't know any of that stuff.

25 Q. Okay. What can you tell me about Anstram

1 Energy?

2 A. I know it's a Nevis company.

3 Q. Do you know anything else about the company?

4 A. Not really.

5 Q. Do you know when it was formed?

6 A. No.

7 Q. Do you know who the owners are?

8 A. No.

9 Q. This states that the lien puts a mechanic's  
10 lien on the properties in Millard County of \$30  
11 million. Do you see that?

12 A. Yes.

13 Q. Did you have an agreement with Anstram  
14 Energy to allow them to put a \$30 million lien on your  
15 properties?

16 A. Yes.

17 Q. Is that agreement written?

18 A. What do you mean "written"?

19 Q. Is it a written -- is it a document? Is it  
20 written down?

21 A. I don't think so.

22 Q. So it's just a verbal agreement between you  
23 and Anstram Energy?

24 A. Right.

25 Q. And when was that agreement entered into?

1 A. I don't know exactly the date.

2 Q. Has it been in the past two months?

3 A. I don't know.

4 Q. Is it more than a year ago?

5 A. No. It wasn't a year ago.

6 Q. So this was filed on December 19th of 2019.

7 Does that sound right?

8 A. Correct. I can see what it says here.

9 Q. And so some time before December 19th, you  
10 entered into a verbal agreement with Anstram Energy  
11 giving them the rights to put a \$30 million on your  
12 properties; is that right?

13 A. Say that again.

14 Q. Some time before December 19th of 2019, you  
15 entered into a verbal agreement with Anstram Energy,  
16 correct?

17 A. Correct.

18 Q. As part of that agreement, you allowed them  
19 to place a \$30 million lien on properties in Millard  
20 County that are in your name; is that correct?

21 A. Correct.

22 Q. What did you get in exchange for giving them  
23 that lien?

24 A. Energy product.

25 Q. And what energy product did you get from

1 Anstram Energy?

2 A. Just different -- just different products  
3 that they had.

4 Q. And have you received those products?

5 A. Not yet.

6 Q. And what --

7 A. It's only December when we did this.

8 Q. What products are you expecting to receive?

9 A. I'd have to -- I don't know exactly. It  
10 would be energy product.

11 Q. Are we talking about electricity? Are we  
12 talking about --

13 A. No.

14 Q. -- components?

15 A. Components.

16 Q. And does Anstram Energy manufacture  
17 components?

18 A. I don't know exactly what they do. It's  
19 just that I know that I will be getting some stuff that  
20 could be for lenses to do some kind of -- what do they  
21 call that? PVC -- I think it's PVC.

22 Anyway, it's just so new, I'm not totally  
23 completely understanding everything. I'm still trying  
24 to figure everything out that we're going to do.

25 Because most of this property is just property. Land



1 that solar can be built on -- solar energy can be built  
2 on.

3 Q. Now, you said that in exchange for granting  
4 this lien, you expect to get energy products, correct?

5 A. Correct.

6 Q. And what -- what gave you this expectation?  
7 Who told you that you should expect to get this  
8 product?

9 A. Who told me?

10 Q. Yes.

11 A. Well --

12 Q. Let me back up, then. In -- as part of the  
13 agreement, the verbal agreement you mentioned, you said  
14 you allowed them to get -- to file a \$30 million lien  
15 on your properties, correct?

16 A. Correct.

17 Q. And in turn, you're supposed to get energy  
18 products, right?

19 A. Correct.

20 Q. Who told you that you would be getting  
21 energy products?

22 A. There was a manager, and we talked. And he  
23 said that we could do that.

24 Q. And who was it you talked to?

25 A. I'd have to go back and check on that.

1 Q. On the second page of this document, there's  
2 the name "Preston Olson." Is that who you talked with?

3 A. That would probably have been him.

4 Q. And so when did you talk with Preston Olson?

5 A. I'm not sure.

6 Q. Has it been in the last six months?

7 A. Well, that would have been the last six  
8 months at least.

9 Q. Meaning it's within six months? Or it's  
10 more than six months ago?

11 A. Less than six months.

12 Q. And so you're expecting Anstram Energy to  
13 give you \$30 million worth of energy products?

14 A. At least.

15 Q. And you don't really know what the energy  
16 products are, correct?

17 A. I know there will be some lenses.

18 Q. Does Anstram Energy have lenses?

19 A. I don't know everything about that.

20 Q. Do you know -- have you seen the financial  
21 statements for Anstram Energy?

22 A. No.

23 Q. Do you know what assets they own?

24 A. No.

25 Q. Do you know how many employees they have?

1 A. No.

2 Q. And does Preston Olson -- you said Anstram  
3 Energy is in Nevis, correct?

4 A. Correct.

5 Q. And is Preston Olson in Nevis?

6 A. No.

7 Q. Where's he located?

8 A. I don't know.

9 Q. Is he an attorney in Salt Lake City?

10 A. He is an attorney.

11 Q. Do you know if he's in Salt Lake City?

12 A. He could be. I don't know.

13 Q. Tell me how discussions with you and Anstram  
14 Energy initiated. How -- what led to this agreement?  
15 Did you call him up? Did he call you?

16 A. That's a good question. I may have called  
17 him.

18 Q. What led you to call Preston Olson and offer  
19 him \$30 million on your properties?

20 A. Because I wanted to make sure that solar  
21 energy was going to be built on these pieces of  
22 property.

23 Q. So what led you to make the call to Preston  
24 Olson?

25 A. Because the receiver was trying to get the

1 property, from my understanding. And because I could  
2 not find out -- I couldn't understand why I wasn't  
3 getting my tax notices to pay my taxes. And I found  
4 out that the receiver -- whatever he did. I don't know  
5 what it was -- but had his name on it. And all the  
6 documents went to the receiver. Now, I never received  
7 anything from the receiver that said, "Here's your tax  
8 notices."

9           And so if I don't get a tax notice, I don't  
10 know how much to have to pay, if I have to pay. I  
11 don't know. I have been learning stuff in the last  
12 couple months that has just appalled me. And I  
13 thought, "I have got to protect this property so that  
14 we can put up energy products."

15           Q.     How is it that Preston Olson is the one that  
16 you decided to contact?

17           A.     Because he was part -- he's a manager of  
18 Anstram Energy.

19           Q.     How did you know about Anstram Energy in  
20 order to call Preston Olson?

21           A.     Because he is an attorney.

22           Q.     What made you think that Anstram Energy  
23 would have \$30 million worth of energy product to give  
24 to you?

25           A.     Because they are wanting to do solar energy.

1 Q. How did you know that?

2 A. Through Preston.

3 Q. So did Preston call you up at some point in  
4 the past and say, "I represent Anstram Energy, and I  
5 want to do some solar production, and I want some  
6 land"?

7 A. I don't know exactly what he wanted or what  
8 he thought or anything. I don't know.

9 Q. Did somebody else suggest to you that you  
10 should contact Anstram Energy?

11 A. I don't remember.

12 Q. This says that there is a mechanic's lien on  
13 the properties for the \$30 million. Do you know if  
14 there are invoices representing \$30 million of work?

15 A. I'm sorry.

16 Q. Page 1 of this document says that the notice  
17 of lien puts a mechanic's lien on the properties of \$30  
18 million. Do you see that?

19 A. Yes.

20 Q. Are there invoices showing what work was  
21 done on the properties that justify imposing a  
22 mechanic's lien?

23 A. There's no work yet on these properties.

24 Q. So you've put a mechanic's lien on the  
25 property when no work has yet been done?

1           A.       Correct.

2           MR. KLEIN:   Your Honor, a couple more  
3 minutes and I've got a logical breaking point.

4           THE COURT:   That sounds good.

5                     (Receiver Exhibit-2161 introduced.)

6           Q.       (BY MR. KLEIN)   I've handed you what has  
7 been marked as Exhibit-2160 [sic], which says,  
8 "Certificate of Organization of Anstrum Energy."   This  
9 one is spelled A-N-S-T-R-U-M.   Do you see that?

10          A.       Yes.

11          Q.       Are you familiar with Anstrum Energy spelled  
12 with a "U"?

13          A.       Looks like it's by Katie Horton.

14          Q.       And who is Katie Horton?

15          A.       I have a granddaughter by the name of Katie.

16          Q.       And is her address at 2730 West 4000 South?

17          A.       It's an address that she's put on there.

18          Q.       Do you have any reason to believe this is  
19 not -- the Katie Horton listed here is not your  
20 granddaughter?

21          A.       Looks like it is.

22          Q.       So this is a corporation formed on April 5th  
23 of 2018.   Do you see that?

24          A.       Yes.

25          Q.       Do you know what this Anstrum Energy does?

1 A. No.

2 Q. Do you have any knowledge about when it was  
3 formed and why?

4 A. No.

5 Q. Is this Anstrum Energy at all related to the  
6 Anstram Energy in Nevis?

7 A. No. Oh, I think it was her and her husband  
8 wanted to do hydroponics.

9 MR. KLEIN: This would be a good time for a  
10 break.

11 THE COURT: Let's do that. Let's take ten  
12 minutes or so.

13 (Off the record from 2:54 p.m. to 3:18 p.m.)

14 (Receiver Exhibit-2162 introduced.)

15 Q. (BY MR. KLEIN) Mrs. Johnson, I've handed  
16 you what's been marked as Receiver's Exhibit-2162,  
17 which is labeled, "Vehicles Owned by Receivership  
18 Defendants and Glenda Johnson." Have you seen this  
19 document before?

20 A. No.

21 Q. If you will look at the second page of  
22 this --

23 A. I'm sorry. What?

24 Q. The second page of this document, under  
25 Category D, it says, "Vehicles Titled in the Name of

1 Glenda Johnson." Do you see that?

2 A. Yes.

3 Q. As you look through that list -- please look  
4 through that list and let me know if you believe that  
5 the vehicles listed there are, in fact, owned by you.

6 Are there any vehicles in that section that  
7 you think are not yours?

8 A. Looks like they all would be mine.

9 Q. The first one, which is number 27, is a 2017  
10 Dodge Durango SUV. Do you know what funds were used to  
11 purchase that vehicle?

12 A. The Solstice, my funds.

13 Q. So the money came from a Solstice bank  
14 account? Or your personal bank account?

15 A. It wasn't my personal account. I'm not sure  
16 exactly which account that came from. I'd have to look  
17 that up.

18 Q. Are there any vehicles on this list in  
19 Section D where your own personal money was used to  
20 purchase them?

21 A. I'm not sure about the 2014 Chrysler. I'm  
22 not sure about that one.

23 Q. Meaning that you think that may have been  
24 your personal funds?

25 A. As far as a down payment goes -- I'm not



1 sure.

2 Q. Are there any others on this list that you  
3 think you've paid for with your own personal funds?

4 A. No. There's none in here, my own personal  
5 funds.

6 Q. Does that mean that they -- with the  
7 possible exception of the Chrysler Town & Country --  
8 that they were all purchased with funds from one of the  
9 entities?

10 A. Right.

11 Q. In August, Neldon Johnson submitted a  
12 declaration in which he talked about a safe deposit  
13 box. Are you aware of a safe deposit box owned by --  
14 held by either IAS or RaPower?

15 A. I believe there was one.

16 Q. And what bank was that at?

17 A. The bank's name has changed, but it had been  
18 Bank of American Fork.

19 Q. And were you an authorized -- did you have  
20 authority to access that safe deposit box?

21 A. No.

22 Q. Do you know who did?

23 A. Pardon?

24 Q. Do you know who did have access to that safe  
25 deposit box?

1 A. I believe it was LaGrand Johnson.

2 Q. Do you know of anyone else who had access to  
3 that safe deposit box?

4 A. I don't know.

5 Q. You've submitted previously some compliance  
6 declarations. Does that sound familiar?

7 A. What does that mean?

8 Q. That you've signed essentially affidavits  
9 stating that you -- that you have complied with the  
10 Court's orders. Do you remember signing documents like  
11 that?

12 A. I probably did, but I don't remember.

13 Q. Do you recall signing documents that said at  
14 the bottom, "I declare under penalty of perjury the  
15 foregoing is true and correct"?

16 A. Yes.

17 Q. And what do you understand that to mean?

18 A. Whatever I've given you has been true and  
19 correct.

20 Q. And what do you understand the consequences  
21 to be if you have not given correct information?

22 A. I don't know. I always tried to do the best  
23 I could to give the correct information that I can.

24 Q. Are you aware of any documents relating to  
25 any of the receivership entities that are still in

1 control of Neldon Johnson, LaGrand, or Randale Johnson?

2 A. I don't know of anything.

3 Q. Are you aware of any documents relating to  
4 any of the receivership entities in the possession of  
5 third parties?

6 A. No.

7 Q. Are you aware of any documents relating to  
8 any of the receivership entities that are sitting in  
9 homes, storage units, warehouses, workshops, trailers,  
10 or elsewhere?

11 A. No.

12 Q. Are you aware of any documents relating to  
13 any of the receivership entities that have been  
14 destroyed or discarded since October 31st of 2018?

15 A. No.

16 (Receiver Exhibit-2163 introduced.)

17 Q. (BY MR. KLEIN) I've handed you what's been  
18 marked as Receiver Exhibit-2163, which is labeled,  
19 "Acknowledgment Receipt of Receivership Order." Do you  
20 recognize this document?

21 A. I've signed it.

22 Q. Do you believe that's your signature?

23 A. Yes.

24 Q. Do you recall being given a copy of the  
25 receivership order on or around November 29th of 2018?



1 you have gut feelings about certain things as a woman,  
2 and I didn't feel -- it's like -- I don't know if it's  
3 good. Come to find out, it wasn't good.

4 Q. What did Neldon Johnson say when you told  
5 him you were not comfortable with the situation?

6 MR. PAUL: Objection. Foundation.

7 Q. (BY MS. HEALY GALLAGHER) You can answer.

8 A. I don't know. Maybe he prayed about it,  
9 thought about it. I don't know.

10 Q. I'm asking you what he said.

11 A. Oh, I don't know what he said.

12 Q. Did you tell him that you felt uncomfortable  
13 about signing the easement?

14 A. Yeah. I said, "I've got a gut feeling that  
15 there's just something wrong here."

16 Q. And what did he say to you in response?

17 A. I -- I don't know exactly. Knowing that  
18 sometimes I have a gut feeling and he'll think about  
19 it.

20 Q. Is that what he said? That he would think  
21 about it?

22 A. No. I don't know what he said.

23 Q. Mrs. Johnson, you mentioned that the  
24 shipping container from Wisdom Farms -- actually, let  
25 me withdraw that.

1           You said that you had a gut feeling that it  
2 just wasn't a good idea, or words to that effect, in  
3 terms of signing the agreement. Did anything else,  
4 other than a gut feeling, inform you that signing that  
5 easement was not a good idea?

6           A.       Well, no. When you've got the -- not doing  
7 anything and then, all of a sudden, you get a thing in  
8 the mail stating that they're going to condemn the  
9 property -- I think that's what it was, was condemn it.  
10 I don't know if it was condemn it and take us to court  
11 or what it was. But condemn the property. Because  
12 they had the right to it. The state had the right to  
13 it because, like I told the receiver, something to do  
14 with the school or the -- anyway, it was something to  
15 do with the state.

16           Q.       Okay. Other than your gut feeling or  
17 concern that the state would condemn the property, did  
18 anything else --

19           A.       They said they would condemn it.

20           Q.       Okay. Other than your gut feeling and the  
21 threat of condemnation, was there anything else that  
22 suggested to you it might not be a good idea to sign  
23 the easement?

24           A.       I don't know what more I could say.

25           Q.       Okay. Now let's turn to the shipping

1 container, please, from Wisdom Farms that's on your  
2 property in Payson, Utah. Right?

3 A. Correct.

4 Q. Why is that shipping container on your  
5 property?

6 A. Well, we have 5 acres there, and if we  
7 choose to, I can do a solar energy with it in a  
8 greenhouse or even hook up the house to it.

9 Q. Do you own the contents of that shipping  
10 container, Mrs. Johnson?

11 A. I don't know who owns it.

12 Q. So that's where my question is coming from.  
13 If you don't know who owns it, why is it on your  
14 property?

15 A. Because they needed a place to put it.

16 Q. Who needed a place to put it?

17 A. Oh, the company that built it. They're not  
18 going to keep it on their place.

19 Q. So why did they give it to you?

20 A. Well, I'm assuming -- I shouldn't say that.  
21 I don't -- shouldn't assume. I don't know. I mean,  
22 Neldon is -- it's -- it's a turbine. Maybe they figure  
23 they didn't want to take it some far away place.

24 Q. Who is "they"?

25 A. The people that -- that was in their

1 possession.

2 Q. How did you learn that this shipping  
3 container was going to land on your property?

4 A. I don't know.

5 Q. Did anybody ask your permission to put it  
6 there?

7 A. I believe they did.

8 Q. Who's "they"?

9 A. It could have been the people that own --  
10 that built it.

11 Q. Do you remember having a conversation  
12 with -- actually, do you know who it is that built it?

13 A. Wisdom Farms.

14 Q. Wisdom Farms? So who have you talked to at  
15 Wisdom Farms?

16 A. I think his name is Johnny Kraczek, I think  
17 is the last name.

18 Q. Did he ask you if he could put the shipping  
19 container on your property?

20 A. I don't know for sure how it came about. He  
21 may have asked me.

22 Q. Could the request have come from anyone  
23 else?

24 A. Neldon could have said something to me about  
25 it.



1 Q. Do you know if Neldon paid to have the  
2 equipment manufactured?

3 A. I don't.

4 Q. Is anyone paying rent to you to store that  
5 container on your property?

6 A. No.

7 Q. Have you paid anyone for that equipment?

8 A. Me personally? No.

9 Q. Is there any agreement between you and  
10 anybody else for money to change hands with respect to  
11 that equipment?

12 A. I'm not quite understanding what you're  
13 saying.

14 Q. Have you entered any sort of agreement with  
15 anybody else to do anything with respect to that  
16 equipment in the shipping container from Wisdom Farms?

17 A. Me personally?

18 Q. We'll start there. Yes.

19 A. I haven't done anything.

20 Q. Are you aware of any agreement that exists,  
21 even if not between you and somebody else, with respect  
22 to that equipment that's in the container from Wisdom  
23 Farms?

24 A. I don't think so.

25 Q. Mrs. Johnson, I'm going to turn your

1 attention to the screen that's next to you. I've  
2 pulled up a document that's already been filed in this  
3 case. It's Document 714. Do you see that at the top  
4 of the screen? We've got the case number.

5 A. Oh, 71 -- yes.

6 Q. Document 714. Filed on July 5th, 2019. Do  
7 you see that?

8 A. Yes.

9 Q. Okay. I'm going to scroll down a little  
10 bit. And we see the title here. "July 8th, 2019,  
11 Declaration of Glenda Johnson relating to compliance  
12 verification of ECF Doc. 491, paragraph 24." Do you  
13 see that?

14 A. Yes.

15 Q. Do you remember making a declaration in this  
16 case around that time?

17 A. I could have. I don't remember.

18 Q. Okay. Let's take a look. Because I'm going  
19 to ask you if this is your declaration with your  
20 signature. So let's make sure you can take a look and  
21 see if you recognize it. If you would please take a  
22 look at the text that's on the page. I've scrolled  
23 down to the first portion. We've got two paragraphs  
24 and part of a third. So take a look at those and let  
25 me know when you've had a chance to review them.

1           A.     Okay.

2           Q.     Say when you're ready for me to scroll down  
3 further.

4           A.     Go ahead.

5                     Okay.

6                     Okay.

7                     Okay.

8                     Okay.  Already read that.

9                     Okay.

10                    Okay.

11                    Okay.

12                    May I ask -- when it says, "I further  
13 understand that the Court has tasked Neldon Johnson,"  
14 what does that mean?

15                    THE COURT:  Has assigned him to do that.  
16 Has asked him to do it or assigned him to do it.

17                    THE WITNESS:  Okay.

18                    Okay.

19                    Okay.

20                    Okay.

21           Q.     (BY MS. HEALY GALLAGHER)  Okay.

22 Mrs. Johnson, you've had the opportunity to read the  
23 six pages of your declaration that's at ECF Number 714,  
24 correct?

25           A.     Correct.

1 Q. And we see your signature there at the  
2 bottom, right?

3 A. Correct.

4 Q. Your signature is under the statement that  
5 Mr. Klein asked you about earlier, "I declare under  
6 penalty" -- excuse me. Let me start that again. "I  
7 declare under the penalty of perjury that the foregoing  
8 is true and correct." Did I read that correctly?

9 A. Correct.

10 Q. Drawing your attention to paragraph 3 that's  
11 up on the screen. This paragraph reads, "I hereby  
12 state that to the best of my knowledge, information,  
13 and belief, I do not have in my control any books,  
14 records, documents, accounts, stock certificates,  
15 intellectual property records, evidence of intellectual  
16 property rights, computer and electronic records, or  
17 other instruments and papers relating to the  
18 receivership defendants or any of the affiliated  
19 entities" -- and there's Footnote 1 there. Do you see  
20 that?

21 A. Mm-hmm.

22 Q. Yes?

23 A. Yes.

24 Q. "Identified by the Court in the affiliates  
25 order." Did I read that correctly?

1 A. Yes.

2 Q. Sorry, Mrs. Johnson?

3 A. Yes.

4 Q. Thank you. Let's take a look at Footnote 1.  
5 Footnote 1 says, "Affiliated entities includes those  
6 defined by the Court in its memorandum and decision  
7 (ECF 636) as SOLCO I, LLC, XSun Energy, LLC,  
8 Cobblestone Centre, LC, LTB O&M, LLC, U-Check Inc.,  
9 DCL16BLT, Inc., DCL-16A, Inc., N.P. Johnson Family  
10 Limited Partnership, Solstice Enterprises, Inc., Black  
11 Night Enterprises, Inc., Starlight Holdings, Inc.,  
12 Shepard Energy, and Shepard Global, Inc."

13 Did I read that correctly?

14 A. Yes.

15 THE COURT: We just need a short biological  
16 break for Ms. Johnson if we're not literally 30 seconds  
17 from being done here.

18 MS. HEALY GALLAGHER: Let's take a break.

19 THE COURT: Okay. Very good.

20 (Off the record from 3:56 p.m. to 3:59 p.m.)

21 Q. (BY MS. HEALY GALLAGHER) I'd like to return  
22 to another topic you discussed with Mr. Klein. The  
23 boxes that you delivered in May of last year, am I  
24 understanding correctly you delivered 31 boxes to the  
25 receiver himself at that time?

1 A. Me personally?

2 Q. Yes.

3 A. I was sitting out in the car, but LaGrand,  
4 Randy, and Neldon took it up to his office.

5 Q. Okay. So those 31 boxes went from your car  
6 to the receiver's office?

7 A. Correct. Excuse me. I don't know -- it  
8 seems like they were taken up two different times. I  
9 personally had -- I think it was 15 boxes or 16 boxes  
10 that I took up. And then that was what I had. And  
11 then I believe LaGrand and Randy took up the other  
12 boxes that were from IAS.

13 Is that correct, sir?

14 MR. PAUL: I think they just want you to  
15 testify from your recollection, Glenda. If she wants  
16 to clarify, then she can ask.

17 THE WITNESS: Okay.

18 MR. PAUL: Thanks.

19 Q. (BY MS. HEALY GALLAGHER) So you don't  
20 actually know, Mrs. Johnson -- I'll say this. You did  
21 not personally deliver all of the boxes in May,  
22 correct?

23 A. I did not personally, no. Because they're  
24 not in my possession, all of them.

25 Q. So 15 or 16 boxes, you personally delivered?

1 A. Correct.

2 Q. Other than the 15 or 16 boxes you recall  
3 Randy and LaGrand delivering, do you remember if there  
4 were any other boxes that were delivered to anyone in  
5 May of last year?

6 A. Okay. You're going to have to really  
7 specify that because I already said boxes were taken to  
8 the attorney's office. And then the --

9 Q. So let me stop you there. You personally  
10 delivered 15 or 16 boxes to the receiver, yes?

11 A. Correct.

12 Q. The 15 or 16 boxes that Randy and LaGrand  
13 brought up to Salt Lake City, where did those go? If  
14 you know.

15 A. You're saying the other 15 or 16 boxes?

16 Q. Yes.

17 A. I can't assume, but I would assume it went  
18 to the receiver.

19 Q. But you don't know?

20 A. I don't know. Because I was sitting out in  
21 the car.

22 MR. PAUL: We do know because the receiver  
23 accounted for them and he told us what he had. So,  
24 yes, we do know. I hope you're not trying to trick her  
25 into something, because that's ridiculous. We know the

1 boxes the receiver had. Move on.

2 MS. HEALY GALLAGHER: Mr. Paul, I'm simply  
3 trying to get some clarity on exactly what happened.  
4 So thank you for your input.

5 Q. (BY MS. HEALY GALLAGHER) Mrs. Johnson, what  
6 boxes do you recall being delivered to your attorneys?  
7 How many boxes in May of last year?

8 A. It should have been the same amount.

9 Q. I guess I'd like to understand, did the  
10 boxes go from you to your attorneys and then to the  
11 receiver?

12 A. Correct.

13 Q. To your knowledge, Mrs. Johnson, were there  
14 any boxes that went to your attorneys in May that did  
15 not go to the receiver in May of last year?

16 A. They all went to the receiver.

17 Q. And how do you know that?

18 A. I happened to have been there.

19 Q. All right. Mrs. Johnson, I'm going to come  
20 up to talk to you. I'm showing you, Mrs. Johnson, the  
21 envelope that Mr. Klein asked you about in his  
22 questions. Do you remember this envelope?

23 A. Yes.

24 Q. Okay. This has -- this envelope, it's the  
25 original. It has your handwriting on it, yes?



1 A. Yes.

2 Q. I'm going to show you what's been marked  
3 Receiver's Exhibit-2141 and ask you to turn to the last  
4 page of that exhibit. Do you see that?

5 A. Mm-hmm.

6 Q. Yes?

7 A. Yes.

8 Q. So the last page of Receiver's Exhibit-2141,  
9 is this a fair copy of the original envelope that the  
10 receiver was asking you about in your testimony?

11 A. Yes.

12 MS. HEALY GALLAGHER: No further questions  
13 at this time.

14 MR. WALL: On behalf of Neldon Johnson, I  
15 pass the witness.

16 THE COURT: Okay. Thank you.

17 MR. PAUL: I do have a couple questions.

18 CROSS-EXAMINATION

19 BY MR. PAUL:

20 Q. Mrs. Johnson, have you done your best to  
21 comply with the requirement to produce all of  
22 the documents in your possession relating to RaPower-3,  
23 IAS, Neldon Johnson, or Greg Shepard?

24 A. Yes.

25 Q. Have you done your best to report to the

1 receiver in this case the identity and location of any  
2 other documents or records that you're aware of related  
3 to IAS, RaPower-3, Neldon Johnson, or Greg Shepard that  
4 are no longer in your possession, as well as your  
5 efforts to obtain those records?

6 A. Is that a yes or a no answer?

7 Q. Do you want me to -- I'll --

8 A. You might have to read it again.

9 Q. Have you done your best to report to the  
10 receiver in this case the identity -- to identify the  
11 location of any other documents or records that may  
12 relate to IAS, RaPower-3, Neldon Johnson, and Greg  
13 Shepard that are no longer in your possession including  
14 your efforts to obtain those records?

15 A. Yes.

16 Q. Are you aware of any records in any location  
17 relating to IAS, RaPower-3, that have not been  
18 delivered to the receiver this time?

19 A. I don't know of any that hasn't been done.

20 Q. Thank you.

21 THE COURT: Okay. Thank you, Mrs. Johnson.  
22 You are excused. Oh, I'm sorry.

23 MR. KLEIN: That's fine. We are finished  
24 with this witness, and thank you very much.

25 THE COURT: Okay.

1 MR. PAUL: May she be excused?

2 THE COURT: She may.

3 MR. PAUL: Thank you.

4 MR. KLEIN: Logistically, do I have till  
5 5:00 or 5:30?

6 THE COURT: I'm being told the CSOs will get  
7 very grumpy at 5:00.

8 MR. KLEIN: Let's see what we can do between  
9 now and 5:00.

10 THE COURT: Okay. Let's do that.

11 MR. WALL: Are we planning to continue  
12 tomorrow with this phase? That's fine.

13 THE COURT: We could if the parties would  
14 all like to, but my general plan was to just continue  
15 to the 25th. But I'll listen to what you have to say.

16 MS. HEALY GALLAGHER: I think my impression  
17 was if we're going to continue to the 25th, then we can  
18 just end with tonight for this phase. Oh, but the  
19 25th, that is here in Salt Lake, right?

20 THE COURT: Correct.

21 MS. HEALY GALLAGHER: Okay.

22 MR. WALL: I'll go get Neldon.

23 THE COURT: Mr. Johnson, come right on up  
24 here to the witness box.

25 (Discussion off the record.)

1 THE COURT: Go ahead and have a seat,  
2 Mr. Johnson. I'll just remind you that the oath I  
3 administered to you this morning is still in place. So  
4 you're obligated to tell the truth, the whole truth,  
5 and nothing but the truth.

6 THE WITNESS: Okay.

7 THE COURT: Okay. Mr. Klein?

8 MR. KLEIN: We need to wait for Mr. Paul.

9 NELDON JOHNSON

10 Called as a witness herein, having been previously  
11 sworn by the Court to tell the truth, was examined and  
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MR. KLEIN:

15 Q. Mr. Johnson, if you'd please state your full  
16 name.

17 A. Yeah. It's Neldon Paul Johnson.

18 Q. And how do you spell your first name?

19 A. N-E-L-D-O-N.

20 Q. I want to go through some -- discuss some  
21 items that hopefully will create a better record for  
22 the court reporter. So if I ask a question and you  
23 don't understand it, please ask me to clarify, because  
24 if you answer a question, I'm going to assume that  
25 you've understood the question. Okay?

1 A. Okay. Thank you.

2 Q. And if I ask a question that can be answered  
3 "yes" or "no," please try and remember to give a verbal  
4 answer, "yes" or "no," rather than "uh-huh," "huh-uh,"  
5 or nodding or shaking your head. Okay?

6 A. Okay.

7 Q. Are you under any -- taking any medications  
8 or have any illness that would prevent you from  
9 testifying truthfully and accurately?

10 A. No.

11 Q. What are the sources of funds you are using  
12 now to pay your living expenses?

13 A. Just social security.

14 Q. Since October of 2018, have you received  
15 funds from any source other than social security?

16 A. No, I have not.

17 Q. Are you aware that in June of 2019, the  
18 Court issued an order finding you in contempt of the  
19 prior orders?

20 A. I -- I don't -- I don't know what the  
21 contempt was. I don't -- I don't remember that.

22 Q. Since June of 2019, what efforts have you  
23 taken to identify and locate documents that might be  
24 responsive to the receivership order?

25 A. I've worked with attorney Edwin Wall, and he

1 has communicated with me and asked me to do various  
2 tasks, which I have done. And I have -- I have  
3 completely followed his directions to the very letter.  
4 And he has other people that has worked with him to  
5 make sure that those things were validated.

6 Q. And what are those tasks that you've  
7 completed?

8 A. A variety of tasks. Lots of tasks that he's  
9 asked me to do. I couldn't remember item by item. So  
10 there's no point in doing that.

11 Q. Which items do you remember?

12 A. I remember taking up documents to your  
13 office in boxes. Having an individual that was  
14 hired -- I think he was a -- anyway, he was a -- kind  
15 of a detective in a way, I guess. And we went down and  
16 looked for the things that maybe -- that I overlooked.  
17 And we looked together to see if there were things that  
18 I couldn't identify that he could identify that they  
19 might be needed. And so from that, with his help and  
20 Edwin Wall's help, I think we've fulfilled every  
21 assignment that was given by Mr. Wall.

22 Q. When you talk about the joint effort with  
23 the person who is or was a detective, when was that?

24 A. I don't remember the exact dates.

25 Q. Has it been the past two months?

1           A.       I don't remember the dates. I have a hard  
2 time, as you know, remembering dates. I don't --  
3 the -- it's just something I've never done.

4           Q.       Have you had any communications since June  
5 with Pacific Stock Transfer Company about records they  
6 may have?

7           A.       Not personally, I haven't. But I believe  
8 with the assistance of Edwin Wall's attorneys or  
9 helpers. I don't know what you'd call them. But I  
10 think they have -- they have made the contacts with  
11 them, and I think they've indicated that those are  
12 accurate.

13          Q.       Have you had any communications with Snell &  
14 Wilmer since June of 2019 about documents they may be  
15 holding?

16          A.       I'm trying to think who Snell & Wilmer is.

17          Q.       It's a law firm in Salt Lake.

18          A.       Right. I assumed they were a law firm. But  
19 I'm just trying to remember which -- which law firm  
20 they were. And what did they do? What they -- I don't  
21 remember names very well either.

22          Q.       Have you made efforts since June of 2019 to  
23 contact any law firms to see what records they may  
24 have?

25          A.       Well, with Denver and Dave Nelson's law

1 firm.

2 Q. Have you gone to Nelson Snuffer law firm and  
3 looked through documents there to see whether or not  
4 they have any documents that would be -- that once were  
5 under your possession or control?

6 A. I did with a company by an attorney that  
7 worked with Edwin Wall. And her assignment was to go  
8 down and evaluate all the documents with me while we  
9 were there.

10 Q. And so did you look through documents there?

11 A. I did, with the assistance of Edwin Wall's  
12 assistant.

13 Q. And how many -- how many documents did you  
14 look through?

15 A. Oh, I don't know. There were probably  
16 hundreds of documents.

17 Q. Were they in boxes? In file cabinets? On  
18 desks?

19 A. They were brought into this room where they  
20 had it on desks. And then we went through the files  
21 together.

22 Q. And in that process, did you find that there  
23 were documents there that had once been in your  
24 possession or control?

25 A. I don't -- I'm not sure I understand how you



1 mean "possession or control."

2 Q. In the documents that were brought to you in  
3 that conference room, you're saying that you looked  
4 through them with the attorney associated with  
5 Mr. Wall, correct?

6 A. Correct.

7 Q. And as you went through those documents, did  
8 you notice that there were -- in those documents, that  
9 there were copies of any documents that had once been  
10 documents you had had?

11 A. I'm not sure, because I don't usually take a  
12 document from the attorney's office. I usually leave  
13 all the documents they prepare in their office. So I  
14 don't usually take copies or do anything. So I'm not  
15 sure what you mean by "possession" or anything like  
16 that.

17 Q. That's not my question. That's not my  
18 question. My question is: Did you -- when you  
19 reviewed the documents at Nelson Snuffer, did you  
20 recognize any documents there that were the same --  
21 copies of a document that you had once had as an  
22 operator of IAS or RaPower?

23 A. Well, I usually keep the documents that work  
24 with the attorneys separate from the documents that  
25 are -- would be day-to-day operational documents. Most

1 legal issues that I deal with, I don't really have a  
2 safe place to put them where -- to where they'd be  
3 secure from other -- other people. And so what I do is  
4 I just leave most of the legal documents that I -- that  
5 we look at with the attorneys. And I don't usually --  
6 I really don't take any legal documents out of their  
7 office because I have no way of securing those from --  
8 from other individuals.

9 Q. Let me ask the question a different way.

10 A. Okay.

11 Q. In the course of your operating RaPower,  
12 IAS, and other affiliated entities, did you end up with  
13 documents on behalf of the company? Such as contracts?  
14 Employment agreements? Invoices, et cetera?

15 A. Yes. And I -- and I -- but they were  
16 reviewed at the office. I don't usually, like I said,  
17 take those out of those offices.

18 Q. I understand. I'm trying to take this in  
19 pieces so that it is going to be as clear as possible.

20 A. Right.

21 Q. So on behalf of RaPower and IAS and other  
22 companies, there were documents created or received,  
23 correct?

24 A. If you say that I received them while I was  
25 in the office, and I've noticed that those documents

1 were there and they gave them to me, and if you're  
2 saying that that would be somewhat of a control, then  
3 there were a lot of documents that I would have  
4 recognized as them preparing documents for and on  
5 behalf of me or one of the companies, yes.

6 Q. Okay. I'm going to try again, and I want  
7 you to listen carefully so that you focus on the  
8 question I'm asking.

9 MR. WALL: I'm going to object to badgering.  
10 My client has answered the question clearly.

11 MR. PAUL: I'll join the objection.

12 THE COURT: Overruled.

13 MR. PAUL: They're talking about boxes.  
14 Mr. Wall went through. His office produced a list of  
15 all of the boxes of files that were in our office.  
16 That -- that list of documents was given to Mr. Klein.  
17 He knows what those boxes are that he's talking about.  
18 There's no reason to --

19 MR. LEHR: Is your objection for relevance,  
20 then? What's your objection?

21 MR. PAUL: He's badgering --

22 MR. WALL: Your Honor, this is a deposition,  
23 and I make an objection. I anticipate later, if the  
24 deposition is used, it could be ruled on.

25 THE COURT: I understand. I won't overrule

1 it for all time, but we are going to move forward.

2 MR. WALL: And even if -- just for my  
3 client's notice while you're on the stand, if I object,  
4 you are still to answer the question, unless I assert  
5 attorney-client privilege. Okay?

6 THE WITNESS: Okay. Thank you.

7 THE COURT: And Mr. Johnson, let me just  
8 remind you the context of this hearing. Judge Nuffer  
9 has already found you under contempt one time. Now, we  
10 are preparing for another hearing in which Judge Nuffer  
11 is going to evaluate that contempt process to see if  
12 there are additional findings of contempt that need to  
13 take place. Those could lead to all kinds of nasty  
14 things including -- jail would not be out of the  
15 question.

16 And so I'm just going to remind you that  
17 your cooperation and forthrightness today could go a  
18 long way in what Judge Nuffer ultimately decides to do  
19 with the contempt in this case. I know it's kind of  
20 complicated, but I'll just encourage you to listen  
21 carefully to Mr. Klein and give him simple answers to  
22 his questions.

23 THE WITNESS: Your Honor, I've not worried  
24 about contempt in answering any of my questions. I've  
25 always -- I've always wanted to do what is right and

1 abide by the law. I always have. If people find me  
2 contemptuous, which some people do, it's not because  
3 I'm trying to be contemptuous. It's because of my  
4 background of how I am and how I live. There's a lot  
5 of people that probably find myself personally  
6 undesirable.

7 THE COURT: I'm not talking about --

8 THE WITNESS: And I'm just that way in some  
9 aspects.

10 THE COURT: I need you to not talk over me,  
11 or you'll find yourself in contempt here today.

12 THE WITNESS: Okay. Fine.

13 THE COURT: I'm not talking about your  
14 personality. I'm talking about Judge Nuffer has given  
15 orders, and he has found that you did not follow those  
16 orders. You've already been found in contempt once.  
17 It can escalate significantly from here. I'm  
18 encouraging you not to let that happen, but just listen  
19 to Mr. Klein and give him simple answers, and I will  
20 encourage him to give you simple questions.

21 THE WITNESS: Well, I just want to make  
22 sure --

23 THE COURT: I'm not having anymore  
24 discussion.

25 THE WITNESS: Okay. Sorry.

1 MR. WALL: Your Honor, may I direct my  
2 client?

3 The judge has given you a comment to which  
4 you do not need to respond. Just answer the questions.

5 THE WITNESS: All right. Thank you.

6 Q. (BY MR. KLEIN) Mr. Johnson, let me try it  
7 from a different approach.

8 A. Okay.

9 Q. In connection with operating IAS, RaPower,  
10 and the other companies, I would expect there would  
11 have been a lot of documents. Correct?

12 A. That's correct.

13 Q. And pursuant to the judge's order, boxes --  
14 31 boxes of those documents were delivered to the  
15 receiver, correct?

16 A. I believe that's correct.

17 Q. When you went to Nelson Snuffer and you went  
18 through their boxes, did you notice in those boxes any  
19 documents that once had -- were documents that IAS or  
20 RaPower had had but may have been discarded, but they  
21 were now copies in Nelson Snuffer's files?

22 A. What I don't think -- like I said, they  
23 weren't discarded, because we never had them as taken  
24 out of the office. But there are documents that -- if  
25 you want to say that I -- that I recognized documents

1 that were prepared by Dave Nelson or Denver on one of  
2 the issues, that, yes, I recognized that all the  
3 information there was prepared by them for me. If  
4 that's what you want to know, that's what I did.

5 Q. And did you see any documents at Nelson  
6 Snuffer that were company documents, not copies of  
7 company documents, not documents that the lawyers had  
8 created?

9 MR. PAUL: Objection. Foundation.

10 THE WITNESS: I'm not sure what you mean by  
11 "company documents." They would have been in the hands  
12 of the attorneys. That's what I don't understand.

13 Q. (BY MR. KLEIN) Did you find copies of  
14 documents at Nelson Snuffer that perhaps IAS or RaPower  
15 had sent to Nelson Snuffer but IAS or RaPower had  
16 subsequently discarded documents because it no longer  
17 decided to retain them?

18 A. I'm not -- I'm not trying to be contentious,  
19 your Honor. I'm trying to figure out what documents  
20 that I would have -- would have been that I generated  
21 to bring to Nelson Snuffer and Dahle's office.

22 Q. Let me try an example.

23 A. Okay.

24 Q. Let's say that I received a letter from the  
25 IRS or a 1099 from an employee -- from a company that

1 had provided me money, and I sent that to my attorney  
2 to prepare tax returns. And then I sent it to him  
3 because I no longer needed to keep it. Or I maybe sent  
4 him a copy and I threw away my copy. In that  
5 situation, the attorney might have a document that I  
6 used to have but I no longer have. Do you understand  
7 the example I'm giving?

8 A. Okay. So if I had a --

9 Q. Do you understand the example I'm giving?

10 A. Let me see if I do. Okay? Can I do that?

11 Okay. So if I were going to be sued for  
12 something, and I got something in the mail of a lawsuit  
13 or pending litigation or a legal issue, I would have  
14 taken that document to Denver's office. If it had to  
15 do with a bookkeeping issue or a tax issue, we had  
16 accountants that -- it's a public corporation. They  
17 would have -- they would have been given to the  
18 accountants, and they would have prepared the documents  
19 for the accounting.

20 And I don't think there would be any reason  
21 why I would take those documents, say, to -- to Dave --  
22 Dave's office. But if there were some, I didn't notice  
23 any documents that were used for -- like, accounting  
24 documents. There may have been, but I didn't notice  
25 those.



1 Q. So in the instances you give -- let's say  
2 you were sued -- would you have given a copy of those  
3 documents to Nelson Snuffer? Or would you have given  
4 them the only copy you had?

5 A. I would have probably taken the only copy  
6 that I had.

7 Q. So at Nelson Snuffer, did you find at Nelson  
8 Snuffer documents that once had been your documents  
9 that you had given to Nelson Snuffer?

10 A. Yes. Concerning other lawsuits. It may  
11 have been a file that we had dealt with. Then I would  
12 have saw those and possibly recognized those.

13 Q. And did you identify those documents and  
14 deliver them to the receiver?

15 A. As far as I know, they were worked with with  
16 the assistant there. And with her help, we went  
17 through all of the documents, document by document, to  
18 evaluate what kind of documents belonged where. They  
19 were the experts in those fields. I'm not an expert in  
20 that area. And I would not really have known which  
21 documents were important and which ones weren't.

22 Q. Have you had any communications with Gary  
23 Peterson or Peregrine Consulting since June of 2019  
24 about records they may have?

25 A. The only -- the only communication that I

1 had with Mr. Peterson would have been with Mr. Wall's  
2 assistant where she called and got information from  
3 him. And then I think she sent someone up there to get  
4 the information or she went up. But I did not meet  
5 with him personally.

6 Q. Okay. Did you have any communication with  
7 him?

8 A. Not personally, no.

9 Q. Okay. Now when I'm asking these questions,  
10 I'm not asking what somebody else may have done. I'm  
11 intending to inquire about what you have done. Do you  
12 understand?

13 A. I'm not really good at answering questions.  
14 I just -- my mind works the way it does. I'm trying to  
15 figure out how to best answer the questions.

16 Q. But if I ask you if you've had  
17 communications with somebody, I'm asking about  
18 communications that you have had with the other person,  
19 not whether or not your attorneys have had  
20 communications with them.

21 A. Okay. Then no.

22 Q. Any communications with Cadence Group?

23 A. No.

24 Q. Have you had any communications since June  
25 of 2019 with a group called NOW CFO?

1 A. No.

2 Q. In the past 20 years, what are the different  
3 locations where IAS or RaPower have stored documents?

4 A. Could you repeat that again? I'm sorry.

5 Q. In the last 20 years, please tell me what  
6 different locations company records have been kept for  
7 IAS and RaPower.

8 A. In 20 years. Let's see. What's today? So  
9 2009. Okay. I think that we had some documents in an  
10 office in American Fork. I'm not sure the address.  
11 But then we had documents in Salem, in a grocery store  
12 in Salem. And then we moved them to another grocery  
13 store in Salem, another building in Salem. I think  
14 from there, I think we had some offices in Spanish Fork  
15 after we moved from the offices in Salem. And then I  
16 believe we -- I'm not sure about this, because I don't  
17 know that I actually took any documents from the  
18 office, but -- International Automated Systems  
19 documents to Delta. I'm not sure of that, but I could  
20 have done.

21 Q. Is the location in American Fork still  
22 existing or under your control?

23 A. No, it is not.

24 Q. You identified two locations in Salem. Are  
25 either of those locations where you have access or

1 control?

2 A. No. They are not.

3 Q. Are any documents still at those locations  
4 that you would -- you had created or had?

5 A. No, they are not.

6 Q. And Spanish Fork, is that location under  
7 your control?

8 A. No, it is not.

9 Q. Are there any documents still there?

10 A. No, there is not.

11 Q. And what location's in Delta?

12 A. The offices would have been in Oasis.

13 Q. And were documents kept anywhere other than  
14 the office in Oasis?

15 A. There were documents -- not IAS documents.  
16 No. I don't believe so.

17 Q. Were there any RaPower documents?

18 A. RaPower documents were in our -- in my -- in  
19 our home there in Delta.

20 Q. And the documents that were at the Oasis  
21 facility, have all of those documents been delivered to  
22 the receiver?

23 A. As far as I know, they have been, yes.

24 Q. Well, who would know better than you?

25 A. I don't know, but I -- every document that I

1 could find has been delivered. And as far as I know,  
2 there might be -- it's a big building. It's 60,000  
3 square feet. And so if there are, we looked. That's  
4 why we took the detective down and went through all of  
5 the buildings, all of the storage buildings in both the  
6 Delta storage units and the Oasis buildings. And all  
7 the storage units.

8 And all of the buildings, we thoroughly went  
9 through and tried to identify any documents that may  
10 have got scattered out. I mean, 20 years is a long  
11 time. And so you might have documents on pallets  
12 stored somewhere. So we wanted to make sure that every  
13 place had been looked thoroughly through, made sure we  
14 hadn't lost anything or was behind something. We even  
15 took a forklift, I think, and moved things around and  
16 made sure I was uncovering every piece of that building  
17 that we could. And went through all of the storage  
18 units as thoroughly as we could to make sure that all  
19 the documents that were in our possessions were given  
20 over to you.

21 Q. Are there still some documents at the office  
22 in Oasis that you have not given to the receiver?

23 A. No.

24 Q. So there's no documents at all? Or just no  
25 documents relating to IAS, RaPower, and the affiliated

1 entities?

2 A. There are no documents that I have found  
3 that have not been turned over. Now, if there's some  
4 remote place where I didn't look, or something that I  
5 didn't see, I can't testify to that. But I do know  
6 that I thoroughly looked. And I have not found any  
7 documents that I have not -- that I did not turn over  
8 to you.

9 Q. And that's what I'm trying to explore, where  
10 the different locations are that documents have been  
11 stored, so I -- and find out what searches have been  
12 made.

13 So you mentioned your home had some RaPower  
14 documents. Did I understand that correctly?

15 A. That's correct.

16 Q. And have all of the documents -- RaPower  
17 documents that were at your home, have all of those  
18 been given to the receiver?

19 A. Everything -- everything that I -- that I  
20 looked through thoroughly with the detective and  
21 thoroughly explored every place in the house and in the  
22 garage and everything that we found has been turned  
23 over to you. If there's some obscure place that I  
24 didn't have, that I couldn't see and I don't know, then  
25 I can't testify to that. But every place that we

1 looked. We thoroughly looked with the assistance of  
2 the detective in every -- every place that there was  
3 concerning the homes there for any kind of document  
4 including any document that refer to any company that  
5 we operated.

6 Q. So that includes XSun?

7 A. Includes XSun.

8 Q. SOLCO?

9 A. SOLCO.

10 Q. Solstice?

11 A. Yes.

12 Q. Does that include your personal financial  
13 information?

14 A. Yes.

15 Q. You mentioned some storage units in Delta.  
16 How many storage units did you have in Delta?

17 A. Four or five. I'm not sure.

18 Q. And do you still have those storage units?

19 A. As far as I know, they're still there, yes.

20 Q. And who has keys to those storage units?

21 A. There are no locks on them that I know of.

22 Q. And what's in those storage units?

23 A. Just some -- I have personal items mostly,  
24 like we have some food storage. We have some  
25 furniture. We have some restaurant -- old restaurant

1 equipment. There's really no reason to keep it. They  
2 just are there. I don't -- I don't go through things  
3 and throw things away like I should, so I don't know.

4 Q. Have you identified to the receiver the  
5 contents of those storage units?

6 A. As far as I know. The detective took  
7 pictures of those. And as far as I know, all the  
8 information was given to Mr. Wall, the pictures and the  
9 documents and everything that was in there.

10 (Receiver's Exhibit-2120 introduced.)

11 Q. (BY MR. KLEIN) You've been handed what's  
12 been marked as Receiver's Exhibit-2120, which is  
13 "Declaration of Neldon Johnson," on August 2nd, 2019,  
14 filed in this case as Document 738. Do you see that?

15 A. I do.

16 Q. Do you recognize this document?

17 A. I do.

18 Q. Turn, please, to page 10, please.

19 A. Okay.

20 Q. And paragraph 7, it says, "Further in  
21 response to C.R.0., paragraph 24, and affiliates order,  
22 paragraph 9, I provided and turned over to the receiver  
23 or to the law firm of Nelson Snuffer all of the books,  
24 records, documents, accounts, stock certificates,  
25 intellectual property records, evidence of intellectual



1 property rights," et cetera, et cetera, "which  
2 previously I owned, had access, possessed, controlled,  
3 or had the ability to direct another to assert  
4 control." Do you see that?

5 A. I do.

6 Q. So that indicates you turned over, either to  
7 the receiver or Nelson Snuffer, all of these books and  
8 records, right?

9 A. That's correct.

10 Q. Which records did you turn over to the  
11 receiver and which records did you turn over to Nelson  
12 Snuffer?

13 A. Well, they were in boxes. And I didn't go  
14 through and -- I mean, do you want me to identify  
15 everything that was in each box? I'm not sure what  
16 you're talking about.

17 Q. What I'm trying to understand is this was  
18 written in the disjunctive, that you had given records  
19 to either the receiver or Nelson Snuffer. Are there  
20 documents that you've given to Nelson Snuffer that you  
21 have not given to the receiver?

22 A. No.

23 (Receiver's Exhibit-2164 introduced.)

24 Q. (BY MR. KLEIN) I'm handing you what's been  
25 marked Receiver Exhibit-2164, which consists of nine

1 pages, which is Exhibit-27 to that declaration, and 11  
2 pages, which is Exhibit-28 to that declaration.

3 And I believe these -- this is an index of  
4 boxes at Nelson Snuffer. Does this document look  
5 familiar to you?

6 A. I -- I don't know. I mean, I -- there's a  
7 lot of information here.

8 Q. Did you prepare this exhibit?

9 A. They're very small. What's that?

10 Q. Did you prepare this exhibit?

11 A. I did not, no.

12 Q. Do you know who did prepare it?

13 A. I assume that Edwin Wall or one of his  
14 assistants did.

15 Q. Did you take any steps to verify the  
16 accuracy of this information?

17 A. Yes. We went through the documents and made  
18 sure the documents were there when they were compiling  
19 this information.

20 Q. So do you believe this information is  
21 accurate?

22 A. Well, I have no reason not to.

23 Q. The first nine pages are Exhibit-27, and  
24 then the next 11 pages are Exhibit-28 to your  
25 declaration. Do you know, is there a difference

1 between these two exhibits?

2 A. I'm -- what page are you talking about  
3 again?

4 Q. The first nine pages are Exhibit-27.

5 A. You don't have -- oh, okay. Page 4 of 5.  
6 Okay. The top of the page. All right.

7 Q. The first nine pages are Exhibit-27.

8 A. Okay.

9 Q. The next 11 pages are Exhibit-28 to your  
10 declaration.

11 A. Okay.

12 Q. Do you have any -- is there a difference  
13 between these two lists? Do they talk about different  
14 documents?

15 A. I can't read this first one, so I'm not  
16 sure. But if they -- there's no reason why I would  
17 believe that they are or not. I don't --

18 Q. So 31 boxes were delivered to the receiver  
19 on May 10th and May 17th, 2019. Does that sound right?

20 A. I don't know the dates, but they were  
21 delivered, yes.

22 Q. Subsequent to that time, have you had in  
23 your possession any company documents related to IAS?

24 A. Would you say that again?

25 Q. Since May 17th of 2019, when the 31 boxes

1 were delivered to the receiver, had you had in your  
2 possession any company documents related to IAS?

3 A. Since May 19th?

4 Q. Yes.

5 A. Not that I can recollect, no.

6 Q. Have you had any documents in your  
7 possession that list the shareholders of IAS or that  
8 identify who bought and sold stock in IAS?

9 A. I've never had a list, so I don't know.

10 Q. Have you had in your possession since May of  
11 2019 any financial statements or checkbooks or check  
12 registers or deposit books or canceled checks for any  
13 of the receivership entities?

14 A. Not that I -- not that -- not that I haven't  
15 turned over. I don't believe I have.

16 Q. Any checkbooks, check registers, deposit  
17 books, or canceled checks for any of your personal bank  
18 accounts?

19 A. I don't believe anything I have hasn't been  
20 turned over.

21 Q. Any stock trading records for you or IAS  
22 such as brokerage account statements?

23 A. I think that I might have had a broker  
24 account statement, but I believe -- I believe they were  
25 turned over. But I don't -- I'm not positive about

1 that.

2 Q. So to your knowledge, have you had any  
3 brokerage account statements that you have not turned  
4 over to the receiver since -- let me start over.

5 Since May of 2019, have you had in your  
6 possession any brokerage account statements that were  
7 not given to the receiver?

8 A. I think that they sometimes -- the broker  
9 account statements may come out quarterly or monthly.  
10 I'm not positive. But if we've had one, I think we've  
11 turned them over to -- my wife would have turned them  
12 over to the attorneys or something like that. But I  
13 don't remember having any, no.

14 Q. Since May of 2019, have you had any tax  
15 returns for IAS or other receivership entities that  
16 you've not given to the receiver?

17 A. I don't believe so, no.

18 Q. Since May of 2019, have you had any  
19 documents belonging to RaPower or any other entities in  
20 your possession or control that were not given to the  
21 receiver?

22 A. I don't believe so, no.

23 Q. Since October 2018, has Nelson Snuffer been  
24 your attorney during some of that time?

25 A. Since October what?

1 Q. 2018. Since the receiver was appointed.

2 A. No. I don't believe so. He worked for my  
3 wife, I think, but not for me.

4 Q. So Nelson Snuffer has not done any legal  
5 work for you since the receiver was appointed?

6 A. No. Not for me. No. Not that I can think  
7 of.

8 Q. If you -- this is Exhibit-2157, which is  
9 labeled an "Escrow Agreement." Do you recognize that  
10 document?

11 A. Yes, I do. Uh-huh.

12 Q. Who is the other party to that document?

13 A. It's a company in Vermont, but the -- yeah.  
14 Go ahead.

15 Q. What's the name of that company?

16 A. I don't know. I don't know the name.

17 Q. And did that company pay the -- was it 10  
18 million? Put 10 million in escrow?

19 A. They put \$10 million in an escrow account  
20 that they control.

21 Q. And was that money ever released from  
22 escrow?

23 A. No, it was not.

24 Q. And who -- who acted as escrow agent?

25 A. I'm not sure. I think it was a bank, but it

1 was controlled, I think, by the company that put the  
2 money in.

3 Q. And so did any of your entities ever get any  
4 of that \$10 million?

5 A. There was \$1 million that I think went to  
6 SOLCO. I believe SOLCO 1.

7 Q. This is Exhibit-2159. Do you recognize that  
8 document?

9 A. Okay. Yes, I do. I believe I do. Okay.

10 Q. Was this from a company in Texas that was  
11 seeking an easement across the Texas property owned by  
12 the N.P. Johnson Family Limited Partnership?

13 A. I believe so.

14 Q. And do you know whether or not an easement  
15 was granted?

16 A. Yes. It was granted.

17 Q. And Exhibit-2141, is that a copy of the  
18 easement agreement?

19 A. I don't know that I would have seen this,  
20 but I don't -- but it looks like it.

21 Q. And so on the first page of that, it  
22 indicates that Randale Johnson says that he is the  
23 owner of the N.P. Johnson Family Limited Partnership.

24 A. Okay.

25 Q. Was Randale an owner of the N.P. Johnson

1 Family Limited Partnership in October of 2019?

2 A. I think he's still listed on the documents,  
3 but I'm not positive. I don't know.

4 Q. Was LaGrand Johnson an owner of the N.P.  
5 Johnson Family Limited Partnership in October of 2019?

6 A. Again, I think they were, but I don't know  
7 for sure.

8 Q. What do you know about Wisdom Farms  
9 Technology Development Group?

10 A. They were a company hired by -- to do a  
11 model of the turbine that they had a customer for,  
12 supposedly.

13 Q. And when did Wisdom Farms start doing work  
14 for -- at your request?

15 A. I'm not positive. I have hard times with  
16 dates.

17 Q. Was it after the receiver was appointed?

18 A. I don't know. I'd have to look at the  
19 documents.

20 Q. And who gave directions to Wisdom Farms on  
21 what to do?

22 A. I believe it was my wife.

23 Q. Did you give any directions to Wisdom Farms?

24 A. On technical stuff if they asked, yes, I  
25 delivered and worked with them on the development. But



1 I didn't -- didn't do the project at all. I mean, I  
2 didn't get paid anything for doing it.

3 Q. And how much did Wisdom Farms get paid for  
4 the work that it did?

5 A. I think there was \$500,000, and I think they  
6 still owe about \$100,000 still owed on it.

7 Q. And who asked Wisdom Farms to do this work?

8 A. I believe -- I believe it was my wife. I'm  
9 not positive, but I believe it was my wife. Could have  
10 been Bill Pack, but I'm not sure.

11 Q. Is there a written contract with Wisdom  
12 Farms?

13 A. Yes, there is.

14 Q. And was it by Glenda Johnson individually or  
15 on behalf of one of the companies?

16 A. I'm not sure, but I think it was -- I think  
17 it was Solstice that actually had the contract with  
18 them.

19 Q. And was any money paid to Wisdom Farms?

20 A. \$500,000 was paid to Wisdom Farms.

21 Q. Where did that money come from?

22 A. It came from money that Glenda earned and  
23 from -- they owe -- International Automated Systems  
24 owes Glenda in the neighborhood of \$20 million or some  
25 sort, with a contract that she can use that money

1 whenever she chooses in repayment of that money. And I  
2 think she took \$2 million towards paying someone to  
3 hold on to the money to do various projects for her.

4 Q. So did -- are you saying that Glenda Johnson  
5 paid \$2 million to who?

6 A. I think it was Bob Johnson. I'm not sure  
7 the exact amount, but it was a check made from Glenda  
8 Johnson to, I think, Bob Johnson.

9 Q. So it was a \$2 million check from Glenda  
10 Johnson's personal account to Robert Johnson?

11 A. No. I don't think it was a personal  
12 account, but I'm not sure. It could have been from  
13 International Automated Systems.

14 Q. And from that, Robert Johnson was to pay  
15 \$500,000 to Wisdom Farms?

16 A. Yes. Uh-huh.

17 Q. Did you ask Robert Johnson to pay the  
18 \$500,000 to Wisdom Farms?

19 A. I believe I did, yes. But it was my wife's  
20 directions. It was her money.

21 Q. And were you at a meeting in Denver  
22 Snuffer's office around August of 2018 at which two  
23 checks from Robert Johnson for \$250,000 each were given  
24 to Wisdom Farms?

25 A. I suppose I was. I think so.

1 Q. Who else was at that meeting?

2 A. I'm not sure.

3 Q. Was Denver Snuffer there?

4 A. I don't even remember the meeting, to tell  
5 you the truth. But I assume if that's where the money  
6 was done, I assume that that's correct. But I'm not --  
7 I don't recall the -- I don't even recall the meeting  
8 actually.

9 Q. Do you have any recollection of handing over  
10 money, that money, the checks?

11 A. I'm sure I did. But like I said, I don't  
12 recall the meeting.

13 Q. And where did you get the checks?

14 A. I think from Robert Johnson, I assume.

15 Q. So did you go to Robert Johnson's house and  
16 pick up the checks from him and take it to Denver  
17 Snuffer's office?

18 A. I believe I did, but I don't remember  
19 exactly where -- if we signed -- if we turned it over  
20 in Denver's office or not. I don't recollect that.

21 Q. So what did Wisdom Farms do with the  
22 \$500,000?

23 A. I -- well, they worked on this -- they  
24 worked on the -- this turbine.

25 Q. Did they create equipment?

1 A. Yes, they did.

2 Q. And was it installed in a shipping  
3 container?

4 A. It was, yes.

5 Q. Who's the owner of that equipment?

6 A. It was Glenda Johnson's. Now I believe  
7 it's -- belongs to Anstram Energy.

8 Q. And did you go to Kitco Iron in August of  
9 2019 and arrange to pick up that container?

10 A. Yes, I did.

11 Q. Who else was with you?

12 A. I think Randy may have been with me. But I  
13 don't know that for sure. But we hired a company to  
14 come take it and move it.

15 Q. Move it where?

16 A. Move it down into the Payson -- Payson home.

17 Q. Is that the Payson home that you live in?

18 A. Yes, it is. Uh-huh.

19 Q. Exhibit-2162 is a spreadsheet about  
20 vehicles. Have you seen that document before?

21 A. I don't remember seeing this exact document,  
22 but I've seen a document that represents in a  
23 spreadsheet format. I'm not sure if this is it or not.

24 Q. And in Section A of that document, does it  
25 list vehicles that you own?

1 A. I don't own them. No.

2 Q. Are they titled in your name?

3 A. I don't -- they could be, but they're not --  
4 they are my wife's. They belong to my wife.

5 Q. If the DMV, Division of Motor Vehicles, says  
6 that they are titled in your name, do you have any  
7 reason to dispute that?

8 A. Yes. Because I probably would have given  
9 them over to my wife and said, you know, these are --  
10 these are -- and whether or not we completed the  
11 transaction, a verbal agreement was made that they were  
12 hers a long time ago.

13 Q. And when was that agreement?

14 A. Oh, I don't know. Probably when we bought  
15 them or when we got them. I don't own anything. But I  
16 don't know that I -- I've ever really owned anything  
17 personally.

18 Q. Well, when these vehicles were purchased,  
19 according to the Division of Motor Vehicles, they were  
20 titled in your name. Do you dispute that?

21 A. No. That's probably because I purchased  
22 them, and my wife probably wasn't there when I  
23 registered them. But that's the only reason why they  
24 would be hers, probably. In that fashion. But if  
25 you're asking me if they belong to me, I would say no.

1 They would have been my wife's. But if you want them,  
2 you can have them. I don't care. Doesn't bother me.

3 Q. I -- one more. Do you know of any documents  
4 related to any of the receivership entities that have  
5 been destroyed or discarded since October 31st of 2018?

6 A. Say that again, please.

7 Q. Do you know of any documents relating to any  
8 of the receivership entities that have been destroyed  
9 or discarded since October 31st of 2018?

10 A. No. I don't believe so.

11 MR. KLEIN: And with two minutes -- two  
12 seconds to spare, I will give up, leaving, I guess,  
13 perhaps, time for questions if somebody wants to incur  
14 the wrath of the CSO.

15 THE COURT: I appreciate your timing. Is  
16 there anything that anybody would like to do today as  
17 opposed to next time we meet?

18 MR. WALL: If we could just continue this  
19 particular session, then no further questions at this  
20 point.

21 THE COURT: We can. I appreciate that.  
22 Mr. Johnson, I'm sure your lawyers have been in touch  
23 with you, but we're actually going to continue  
24 tomorrow's hearing to the end of February. That will  
25 actually save you and your lawyers some time, and I'll

1 let them explain how that actually works.

2 THE WITNESS: I didn't hear that. I'm  
3 hearing a little bit bad.

4 THE COURT: I'm sorry. Tomorrow's hearing  
5 has been rescheduled to February. Okay? So you're  
6 excused for today, and you don't need to come back  
7 tomorrow. And your lawyers will talk to you more about  
8 when you need to come back. It will actually save some  
9 time, and they can explain how that will save time.  
10 Okay?

11 MR. KLEIN: I do need to ask one clarifying  
12 question.

13 THE COURT: Go right ahead.

14 Q. (BY MR. KLEIN) Mr. Johnson, I asked you  
15 about any documents in receivership entities, whether  
16 or not any had been destroyed or discarded. And I  
17 meant by that to also inquire whether or not any  
18 documents related to any of the affiliated entities,  
19 whether you're aware that any of those documents have  
20 been discarded or destroyed since October of 2018.

21 A. Not that I'm aware of.

22 MR. WALL: Your Honor, just so it's clear  
23 and notice is on the record, that is -- that next  
24 hearing, since tomorrow's continued, is February 25th.  
25 And I anticipate and I believe it's been scheduled for

1 9:00 before Judge Nuffer for the entire day.

2 And in addition to that, because there's an  
3 exclusionary or sequestration rule in place, I'm  
4 advising my client, as well as placing it on the  
5 record, he is not to talk to any of the other  
6 individuals who have testified here today, which  
7 includes his two sons and his wife, as he's aware of,  
8 about any of the testimony that they gave during the  
9 time that they were in deposition.

10 THE COURT: That's correct. I'll support  
11 that.

12 Any other clarifications from respondents?

13 MS. HEALY GALLAGHER: None from us.

14 THE COURT: Okay. Very good. Anything else  
15 we need to take care of on the record?

16 Okay. Thank you all for being here. Thank  
17 you for the cooperative effort. I think you made a lot  
18 of progress today, and I'll report to Judge Nuffer.

19 MS. HEALY GALLAGHER: Thank you for your  
20 time.

21 (Proceedings concluded at 5:01 p.m.)  
22  
23  
24  
25



1 STATE OF UTAH )  
 ) ss.  
2 COUNTY OF SALT LAKE )

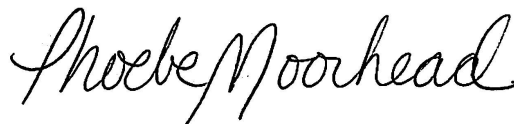
3 I, PHOEBE S. MOORHEAD, Certified Shorthand  
4 Reporter and Registered Professional Reporter within  
5 and for the County of Salt Lake, State of Utah, do  
6 hereby certify:

7 That the foregoing proceedings were taken  
8 before me at the time and place set forth herein and  
9 were taken down by me in shorthand and thereafter  
10 transcribed into typewriting under my direction and  
11 supervision;

12 That the foregoing pages contain a true and  
13 correct transcription of my said shorthand notes so  
14 taken.

15 I FURTHER CERTIFY that I am neither counsel  
16 for nor related to any party to said action nor in  
17 anywise interested in the outcome thereof.

18 Certified and dated this 2nd day of  
19 February, 2020.

20 

21 \_\_\_\_\_  
22 PHOEBE S. MOORHEAD, RPR, CRR  
23 Certified Shorthand Reporter  
24 for the State of Utah  
25