

Exhibit “A”

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

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTBI, LLC, R. GREGORY SHEPARD, and NELDON JOHNSON,</p> <p>Defendants.</p>	<p>Civil No. 2:15-cv-00828-DN-EJF</p> <p>DECLARATION OF DENVER C. SNUFFER, JR.</p> <p>Judge David Nuffer</p>
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Denver C. Snuffer, Jr. declares as follows:

1. My name is Denver C. Snuffer, Jr.
2. I am over 18 years of age and competent to testify as a witness in a court of law.
3. I am a principal of Nelson, Snuffer, Dahle & Poulsen, P.C. (“NSDP”), and am familiar with the litigation styled *United States of America v. Rapower-3, LLC, International Automated Systems, Inc., LTBI, LLC, R. Gregory Shepard, and Neldon Johnson*, Civil No. 2:15-cv-00828-DN-EJF and related appeals.

4. I am also familiar with amounts XSun and SOLCO I paid to NSDP in the underlying litigation.

5. On June 25, 2018, XSun Energy and SOLCO I provided a retainer for deposit in NSDP's client trust account in the amount of \$1,168,000 (the "Retainer").

6. Of that \$1,168,000, XSun provided \$1,000,000.

7. Over time, funds were drawn from the \$1,000,000 XSun deposited with NSDP as follows:

a. NSDP legal fees 7/12/18:	\$28,326.17
b. Peregrine Consulting & Accounting: Expert fees: 8/6/18:	\$8,900.00
c. Rick Jameson: Expert witness fees: 8/14/18:	\$13,323.93
d. Kelly Brown-Hicken: Court Reporter transcript fees: 8/14/18:	\$503.18
e. Gleaves Swearingen: Fees 8/14/18:	\$7,082.00
f. NSDP legal fees 8/21/18:	\$43,949.25
g. NSDP legal fees 8/28/18:	\$19,310.00
h. NSDP legal fees 8/31/18:	\$7,000.00
i. NSDP legal fees: 8/31/18:	\$29,750.00
j. NSDP legal fees: 9/12/18:	\$8,274.75
k. NSDP legal fees: 9/13/18:	\$275.00
l. NSDP legal fees: 9/20/18:	\$4,710.00
m. NSDP legal fees: 10/3/18:	\$58,283.50
n. NSDP legal fees: 10/23/18:	\$1,110.00
o. NSDP legal fees: 10/25/18:	\$34,000.00

- p. Wayne Klein 1/23/20: \$735,202.22.
- 8. Of the \$1,168,000, SOLCO I provided \$168,000.
- 9. Over time, funds were drawn from the \$168,000 SOLCO I deposited with NSDP as follows:

- a. Snell & Wilmer payment of legal fees: 6/29/18: \$100,000.00
- b. NSDP legal fees: 7/12/18: \$68,000.00

10. Pursuant to the above accounting, NSDP transferred earned funds from the Retainer to NSDP's operating account consistent with the dates and amounts described.

11. The remaining balance of \$735,202.22 remained in NSDP's client trust account until its transfer to the Receiver on January 23, 2020.¹

12. NSDP maintains an attorney's lien over the Retainer in the amount of \$702,172.21 through the end of January 2020, last month's billing cycle (adding together all amounts due). Additional fees have been incurred since then, but the billing cycle ended at the end of January 2020. Therefore, no February 2020 fees have been included in this amount.

13. The lien constitutes fees Defendants incurred in protecting the interests of XSun and SOLCO I in this litigation and on appeal. Defendants incurred these fees after the November 1, 2018 asset freeze.

14. In my opinion, the services performed by NSDP in Case No. 2:15-cv-00828-DN-EJF and related appeals were reasonable and necessary. Fees charged by NSDP are based on the attorney providing services: Daniel B. Garriott is charged at \$250.00 per hour; Steven Paul is

¹ The stipulation under which NSDP agreed to transfer the Retainer balance reserved all rights to challenge any obligation to do so.

charged at \$250.00 per hour; Denver C. Snuffer, Jr. is charged at \$325.00 per hour; Joshua D. Egan is charged at \$150.00 per hour; Bob Dahle is charged at \$275.00 per hour; and Dave Nelson is charged at \$300.00 per hour. These rates were reasonable and comparable to what lawyers of comparable skill and experience charge in this community. All the hours spent were reasonable and necessary to protect the legal interests of XSun and SOLCO I.

15. XSun and SOLCO I are likely to continue incurring fees in the future to protect their interests. Those fees are likely to exceed all remaining amounts in the Retainer.

I declare under criminal penalty of the State of Utah that the foregoing statements are true and accurate to the best of my knowledge, information and belief.

DATED this 20th day of February, 2020.

/s/ Denver C. Snuffer, Jr. (signed by attorney with permission of witness)

Denver C. Snuffer, Jr.