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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

**REQUEST TO SUBMIT FOR DECISION**

Civil No. 2:15-cv-00828-DN

District Judge David Nuffer

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Pursuant to DUCivR 7-3, R. Wayne Klein, the Court-Appointed Receiver (the “Receiver”) hereby files this Request to Submit for Decision the following filings: The Receiver’s Ex-Parte Declaration of Non-Compliance against Nelson Snuffer (“Affidavit of Non-Compliance”),<sup>1</sup> and the Receiver’s Fourth Motion for Approval to Consummate Settlements (“Fourth Settlement Motion”).<sup>2</sup>

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<sup>1</sup> [Docket No. 812](#), filed December 4, 2019.

<sup>2</sup> [Docket No. 873](#), filed March 5, 2020.

These documents and related filings are detailed below:

**I. Affidavit of Non-Compliance Against Nelson Snuffer.**

1. On December 4, 2019, the Receiver filed the Affidavit of Non-Compliance under paragraph 43 of the Corrected Receivership Order.<sup>3</sup>

2. On February 20, 2020, Nelson Snuffer Dahle & Poulsen (“Nelson Snuffer”) filed a response opposing the Affidavit of Non-Compliance.<sup>4</sup>

3. On March 23, 2020, the Receiver filed a response in support of the Affidavit of Non-Compliance.<sup>5</sup>

4. Nelson Snuffer requested a hearing on this matter. The Receiver does not believe a hearing will materially assist the Court in ruling on the Affidavit of Non-Compliance.

**II. Fourth Settlement Motion.**

1. On March 5, 2020, the Receiver filed the Fourth Settlement Motion.<sup>6</sup>

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

3. No hearing was requested on this matter.

**CONCLUSION**

The Affidavit of Non-Compliance and Fourth Settlement Motion are ripe and the

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<sup>3</sup> [Docket No. 812](#). After the Affidavit of Non-Compliance was filed, the Receiver and Nelson Snuffer stipulated that (1) Nelson Snuffer would turn over the \$735,202.22 at issue to the Receiver; (2) Nelson Snuffer would respond to the Receiver’s Affidavit of Non-Compliance; (3) the Receiver would respond to Nelson Snuffer’s submission; and (4) that the Receiver would not distribute the \$735,202.22 until Nelson Snuffer’s claims to the funds are resolved by court order or stipulation. See [Docket No. 844](#), filed January 17, 2020.

<sup>4</sup> [Docket No. 859](#).

<sup>5</sup> [Docket No. 889](#).

<sup>6</sup> [Docket No. 873](#).

Receiver requests that the Court grant the motions and order the requested relief.

DATED this 26th day of March, 2020.

**PARR BROWN GEE & LOVELESS**

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

**CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that service of the above **REQUEST TO SUBMIT FOR DECISION** was electronically filed with the Clerk of the Court through the CM/ECF system on March 26, 2020, which sent notice of the electronic filing to all counsel of record.

/s/ Michael S. Lehr