

United States District Court
District of Utah



D. Mark Jones
Clerk of Court

Anne W. Morgan
Chief Deputy Clerk

June 24, 2019

Denver C. Snuffer, Jr.
Steven R. Paul
Daniel B. Garriott
Joshua D. Egan
NELSON, SNUFFER, DAHLE & POULSEN
10885 South State Street
Sandy, Utah 84070

And Counsel of Record

RE: NOTICE OF APPEAL
USA v. RaPower-3 et al
Defendant/Appellant Plaintiff/Appellee
Lower Docket: 2:15-cv-00828-DN-EJF

The notice of appeal for this case has been filed.

RETAINED Counsel for the appellant is instructed to download the "Initial Appeal Documents and Instructions" for this appeal from www.ca10.uscourts.gov. In addition, counsel will need to download the "Designation of Record" form from the 10th Circuit web site. Please follow the instructions for Transcript Order Form and Docketing Statement (for appellant only) regarding counsel's responsibility for compliance. For specific requirements concerning transcripts, records on appeal, briefs and appendices to briefs, please refer to the Federal Rules of Appellate Procedure and the Rules of the Tenth Circuit Court of Appeals. Rules of the Tenth Circuit are available at www.ca10.uscourts.gov.

Counsel and the Tenth Circuit will receive the following via CM/ECF (If counsel or party are not e-filers, they will receive these documents by mail): Order/Judgment being appealed from, Notice of Appeal, Letter of Transmission of the Preliminary Record on Appeal, Docket Sheet. This case contains sealed documents.

Sincerely,

D. Mark Jones, Clerk

By:/s/
Jennifer Richards
Generalist Clerk

cc: Clerk, U.S. Court of Appeals, Tenth Circuit
Court Reporter: Karen Murakami, Becky Janke, Kelly Hicken, Laura Robinson

Judge David Nuffer

**United States District Court
District of Utah**



D. Mark Jones
Clerk of Court

Anne W. Morgan
Chief Deputy Clerk

District: 1088
Jurisdiction: U.S. Government Plaintiff

Division: Central
Fee Status: Paid

STAYED,APPEAL,CJA,CLOSED,LC2,LODGE_DOC,MLC1

Email All Attys

Email All Attys and Secondary Emails

US District Court Electronic Case Filing System
District of Utah (Central)
CIVIL DOCKET FOR CASE #: 2:15-cv-00828-DN-EJF

USA v. RaPower-3 et al
Assigned to: Judge David Nuffer
Referred to: Magistrate Judge Evelyn J. Furse
Case in other court: Tenth, 18-04119
Tenth, 18-04150
Tenth, 19-04066

Date Filed: 11/23/2015
Date Terminated: 10/04/2018
Jury Demand: Defendant
Nature of Suit: 870 Taxes
Jurisdiction: U.S. Government Plaintiff

Cause: 26:7402(a) IRS: Jurisdiction of District Courts

Plaintiff

USA

represented by **Erin Healy Gallagher**
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V.

Defendant

RaPower-3

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Defendant

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Defendant

LTB1

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Defendant

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represented by

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TERMINATED: 03/06/2019

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Defendant

Roger Freeborn

TERMINATED: 04/03/2018

represented by **Denver C. Snuffer, Jr.**

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TERMINATED: 08/30/2017

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Respondent

Heideman & Associates
re 290 Motion

represented by **Justin D. Heideman**
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Respondent

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Respondent

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Respondent

Randale Johnson

represented by **Steven R. Paul**

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LEAD ATTORNEY

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Respondent

Pacific Stock Transfer

Movant

Todd Anderson

TERMINATED: 02/27/2018

represented by **Byron G. Martin**

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Movant

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TERMINATED: 02/27/2018

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Movant

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Movant

David Mantyla
TERMINATED: 02/27/2018

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Movant

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Objector

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Objector

Black Night Enterprises

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Objector

Starlight Holdings

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Objector

NP Johnson Family Limited

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Partnership

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V.

Receiver

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Date Filed	#	Page	Docket Text
11/23/2015	<u>1</u>		Case has been indexed and assigned to Judge David Nuffer. Plaintiff USA is directed to E-File the <u>complaint and cover sheet</u> (found under Complaints and Other Initiating Documents) by the end of the business day. Filing Fee waived (USA) NOTE: The court will not have jurisdiction until the opening document is electronically filed and the filing fee paid in the CM/ECF system. Civil Summons may be issued electronically. Prepare the summons using the courts <u>PDF version</u> and email it to utdecf_clerk@utd.uscourts.gov for issuance. (eat) (Entered: 11/23/2015)
11/23/2015	<u>2</u>		COMPLAINT <i>for Permanent Injunction & Other Equitable Relief</i> against All Defendants No Filing Fee, filed by USA. (Attachments: # <u>1</u> Civil Cover Sheet) Assigned to Judge David Nuffer (Mangum, John) Modified to correct docket text on 11/23/2015 (eat). (Entered: 11/23/2015)
11/23/2015	<u>3</u>		MOTION for Admission Pro Hac Vice of Erin Healy Gallagher (no registration fee required) filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit A & B – PHV Applic & ECF Registration, # <u>2</u> Text of Proposed Order na)(Mangum, John) (Entered: 11/23/2015)
11/23/2015	<u>4</u>		MOTION for Admission Pro Hac Vice of Erin R. Hines (no registration fee required) filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit A – PHV Application, # <u>2</u> Text of Proposed Order na)(Mangum, John) (Entered: 11/23/2015)
11/23/2015	<u>5</u>		

		MOTION for Admission Pro Hac Vice of Christopher R. Moran (no registration fee required) filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit A & B – PHV Application & ECF Registration, # <u>2</u> Text of Proposed Order na)(Mangum, John) (Entered: 11/23/2015)
11/23/2015	<u>6</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to International Automated Systems. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 11/23/2015)
11/23/2015	<u>7</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to RaPower-3. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 11/23/2015)
11/23/2015	<u>8</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Roger Freeborn. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 11/23/2015)
11/23/2015	<u>9</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Neldon Johnson. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 11/23/2015)
11/23/2015	<u>10</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to R. Gregory Shepard. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 11/23/2015)
11/23/2015	11	DOCKET TEXT ORDER granting <u>3</u> Motion for Admission Pro Hac Vice of <u>Erin Healy Gallagher</u> ; granting <u>4</u> Motion for Admission Pro Hac Vice of <u>Erin R. Hines</u> ; granting <u>5</u> Motion for Admission Pro Hac Vice of <u>Christopher R. Moran</u> ; all for USA. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov</i> So ordered by Judge David Nuffer on 11/23/15 (docket text only – no attached document) (alt) (Entered: 11/23/2015)

11/23/2015	<u>12</u>		**RESTRICTED DOCUMENT** Summons Issued Electronically as to LTB1. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (eat) (Entered: 11/23/2015)
11/24/2015	13		DOCKET TEXT ORDER REFERRING CASE to Magistrate Judge Brooke C. Wells under 28:636 (b)(1)(A), Magistrate to hear and determine all nondispositive pretrial matters. So ordered by Judge David Nuffer on 11/24/15 (docket text only – no attached document) (alt) (Entered: 11/24/2015)
12/31/2015	<u>14</u>		**RESTRICTED DOCUMENT** SUMMONS Returned Executed by USA as to R. Gregory Shepard served on 12/3/2015, answer due 12/24/2015. (Attachments: # <u>1</u> Summons)(Hines, Erin) (Entered: 12/31/2015)
12/31/2015	<u>15</u>		**RESTRICTED DOCUMENT** SUMMONS Returned Executed by USA as to Roger Freeborn served on 12/4/2015, answer due 12/28/2015. (Attachments: # <u>1</u> Summons)(Hines, Erin) (Entered: 12/31/2015)
12/31/2015	<u>16</u>		**RESTRICTED DOCUMENT** SUMMONS Returned Executed by USA as to Neldon Johnson served on 12/9/2015, answer due 12/30/2015. (Attachments: # <u>1</u> Summons)(Hines, Erin) (Entered: 12/31/2015)
12/31/2015	<u>17</u>		**RESTRICTED DOCUMENT** SUMMONS Returned Executed by USA as to RaPower–3 served on 12/9/2015, answer due 12/30/2015. (Attachments: # <u>1</u> Summons)(Hines, Erin) (Entered: 12/31/2015)
12/31/2015	<u>18</u>		**RESTRICTED DOCUMENT** SUMMONS Returned Executed by USA as to International Automated Systems served on 12/4/2015, answer due 12/28/2015. (Attachments: # <u>1</u> Summons)(Hines, Erin) (Entered: 12/31/2015)
12/31/2015	<u>19</u>		**RESTRICTED DOCUMENT** SUMMONS Returned Executed by USA as to LTB1 served on 12/5/2015, answer due 12/28/2015. (Attachments: # <u>1</u> Summons)(Hines, Erin) (Entered: 12/31/2015)
01/18/2016	<u>20</u>		NOTICE of Appearance by Donald S. Reay on behalf of Roger Freeborn (Reay, Donald) (Entered: 01/18/2016)
01/18/2016	<u>21</u>		NOTICE of Appearance by Donald S. Reay on behalf of R. Gregory Shepard (Reay, Donald) (Entered: 01/18/2016)
01/21/2016	<u>22</u>		ANSWER to Complaint filed by International Automated Systems, Neldon Johnson, LTB1, RaPower–3. Attorney Samuel Alba added to party International Automated Systems(pty:dft), Attorney Samuel Alba added to party Neldon Johnson(pty:dft), Attorney Samuel Alba added to party LTB1(pty:dft), Attorney Samuel Alba added to party RaPower–3(pty:dft)(Alba, Samuel) (Entered: 01/21/2016)
01/25/2016	<u>23</u>		RE–FILED AS <u>26</u> ANSWER – ANSWER to Complaint filed by Roger Freeborn.(Reay, Donald) Modified on 1/29/2016: added re–filing info (alt) (Entered: 01/25/2016)
01/25/2016	<u>24</u>		DEMAND for Trial by Jury by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower–3. (Alba, Samuel) (Entered: 01/25/2016)

01/26/2016	25		NOTICE FROM THE COURT re: Initial Scheduling The court's IPT Clerk will now set the case for the Initial Pretrial Scheduling Conference (asb) (Entered: 01/26/2016)
01/26/2016	<u>26</u>		ANSWER to Complaint filed by Roger Freeborn, R. Gregory Shepard.(Reay, Donald) (Entered: 01/26/2016)
02/04/2016	27		<u>NOTICE OF INITIAL PRETRIAL CONFERENCE:</u> (Notice generated by IPT Clerk) The Attorneys Planning Meeting Report and Proposed Scheduling Order forms, available on the court web site at http://www.utd.uscourts.gov/documents/formpage.html , should be prepared 21 days before the Initial Pretrial Conference hearing date. <u>NOTICE TO COUNSEL.</u> The Court <i>may</i> enter a scheduling order and vacate the hearing <i>if</i> counsel (a) file a stipulated Attorneys Planning Meeting Report ; and (b) e-mail a Proposed Scheduling Order to ipt@utd.uscourts.gov 21 days before the scheduled hearing. See instructions at http://www.utd.uscourts.gov/documents/ipt.html If counsel or the parties would like to participate by phone they must contact the IPT Clerk at least two days in advance at ipt@utd.uscourts.gov to make arrangements. Initial Pretrial Conference set for 3/9/2016 at 10:00 AM in Rm 7.400 before Magistrate Judge Evelyn J. Furse. (jds) (Entered: 02/04/2016)
02/09/2016	<u>28</u>		MOTION to Continue the March 9, 2016 Hearing and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Attachments: # <u>1</u> Text of Proposed Order Order Granting Motion to Continue the March 9, 2016 Hearing) Motions referred to Brooke C. Wells.(Alba, Samuel) (Entered: 02/09/2016)
02/09/2016	<u>29</u>		NOTICE of Appearance by James S. Judd on behalf of International Automated Systems, Neldon Johnson, LTB1, RaPower-3 (Judd, James) (Entered: 02/09/2016)
02/11/2016	<u>30</u>		ORDER granting <u>28</u> Motion to Continue the March 9, 2016. Hearing is reset to April 13, 2016 at 10:00 am. Signed by Magistrate Judge Evelyn J. Furse on 2/10/2016. (jds) Modified time on 2/11/2016 (jds). (Entered: 02/11/2016)
02/11/2016			<u>Reset Hearings: Initial Pretrial Conference reset for 4/13/2016 at 10:00 AM in Rm 8.400 before Magistrate Judge Evelyn J. Furse.</u> (jds) (Entered: 02/11/2016)
02/22/2016	<u>31</u>		MOTION to Strike and Memorandum in Support <i>re Jury Demand</i> filed by Plaintiff USA. Motions referred to Brooke C. Wells.(Moran, Christopher) Modified on 5/2/2016: removed unnecessary text (alt) (Entered: 02/22/2016)
03/04/2016	<u>32</u>		MEMORANDUM in Opposition re <u>31</u> MOTION to Strike and Memorandum in Support of <i>Motion to Strike Jury Demand</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Alba, Samuel) (Entered: 03/04/2016)

03/14/2016			Reset Hearings: Initial Pretrial Conference reset for 4/20/2016 at 10:00 AM in Rm 8.400 before Magistrate Judge Evelyn J. Furse. (jds) (Entered: 03/14/2016)
03/18/2016	<u>33</u>		REPLY to Response to Motion re <u>31</u> MOTION to Strike and Memorandum in Support of <i>Motion to Strike Jury Demand</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Supplement Unpublished Opinion, USA v. Hansen, 05cv0921–L (SD Cal.))(Moran, Christopher) (Entered: 03/18/2016)
03/21/2016	34		NOTICE OF HEARING ON MOTION re: <u>31</u> MOTION to Strike and Memorandum in Support of <i>Motion to Strike Jury Demand</i> : (Notice generated by chambers) Motion Hearing set for 4/27/2016 at 10:00 AM in Rm 7.400 before Magistrate Judge Brooke C. Wells. (mjw) (Entered: 03/21/2016)
03/25/2016	<u>35</u>		REPORT OF ATTORNEY PLANNING MEETING. (Hines, Erin) (Entered: 03/25/2016)
04/05/2016	<u>36</u>		NOTICE of Appearance by Rodney R. Parker on behalf of International Automated Systems, Neldon Johnson, LTB1, RaPower–3 (Parker, Rodney) (Entered: 04/05/2016)
04/06/2016	<u>37</u>		SCHEDULING ORDER: Initial Pretrial Conference vacated. Amended Pleadings due by 11/4/2016. Joinder of Parties due by 11/4/2016. Expert Discovery due by 10/6/2017. Motions due by 11/10/2017. Final Pretrial Conference set for 4/2/2018 at 02:30 PM in Rm 3.100 before Judge David Nuffer. 10 Day Jury Trial set for 4/16/2018 at 08:30 AM in Rm 3.100 before Judge David Nuffer. Signed by Magistrate Judge Evelyn J. Furse on 4/5/16 (alt) (Entered: 04/06/2016)
04/06/2016	<u>38</u>		NOTICE of Appearance by Richard A. Van Wagoner on behalf of International Automated Systems, Neldon Johnson, LTB1, RaPower–3 (Van Wagoner, Richard) (Entered: 04/06/2016)
04/11/2016	<u>39</u>		MOTION for Protective Order and Memorandum in Support <i>Relief re DUCivR26–2</i> filed by Plaintiff USA. Motions referred to Brooke C. Wells.(Hines, Erin) Modified on 9/20/2016: corrected text (alt) (Entered: 04/11/2016)
04/22/2016	<u>40</u>		DOCKET TEXT ORDER – The court orders the parties to follow the Short Form Discovery Motion procedure as outlined in the attached document in this case for all discovery disputes arising after this date. Signed by Judge David Nuffer on 4/22/2016. (jds) (Entered: 04/22/2016)
04/25/2016	<u>41</u>		MEMORANDUM in Opposition re <u>39</u> MOTION for Protective Order and Memorandum in Support <i>Motion for Relief from Standard Protective Order and DUCivR26–2</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower–3. (Parker, Rodney) (Entered: 04/25/2016)
04/27/2016	42		Minute Order. Proceedings held before Magistrate Judge Brooke C. Wells. Motion Hearing held on 4/27/2016 re <u>31</u> MOTION to Strike and Memorandum in Support of <i>Motion to Strike Jury Demand</i> filed by USA. Court heard from cnsl. Court took under advisement <u>31</u> Motion to Strike. Order to issue. Attorney for Plaintiff: Christopher R. Moran, Erin R. Hines, Attorney for

		Defendant James S. Judd, Rodney R. Parker, Donald S. Reay. Court Reporter: electronic.(Time Start: 10:00, Time End: 11:00, Room 7.4.) (mlp) (Entered: 04/29/2016)
05/02/2016	<u>43</u>	MEMORANDUM DECISION AND ORDER granting <u>31</u> Motion to Strike Jury Demand. Signed by Magistrate Judge Brooke C. Wells on 5/2/16 (alt) (Entered: 05/02/2016)
05/09/2016	<u>44</u>	REPLY to Response to Motion re <u>39</u> MOTION for Protective Order and Memorandum in Support <i>Motion for Relief from Standard Protective Order and DUCivR26-2</i> filed by Plaintiff USA. (Hines, Erin) (Entered: 05/09/2016)
05/13/2016	<u>45</u>	REQUEST for Oral Argument re <u>39</u> MOTION for Protective Order and Memorandum in Support <i>Motion for Relief from Standard Protective Order and DUCivR26-2</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Judd, James) (Entered: 05/13/2016)
05/18/2016	<u>46</u>	SUBSTITUTION OF COUNSEL Justin D. Heideman replacing Rodney R. Parker; Richard A. Van Wagoner; Samuel Alba and James S. Judd as counsel on behalf of International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 05/18/2016)
05/27/2016	<u>47</u>	CERTIFICATE OF SERVICE by Roger Freeborn, R. Gregory Shepard <i>Responses to Plaintiff's First Interrogatories to Defendants</i> (Reay, Donald) (Entered: 05/27/2016)
05/27/2016	<u>48</u>	CERTIFICATE OF SERVICE by International Automated Systems, Neldon Johnson, LTB1, RaPower-3 <i>Responses to Plaintiff's First Interrogatories to Defendant LTB1</i> (Heideman, Justin) (Entered: 05/27/2016)
05/27/2016	<u>49</u>	CERTIFICATE OF SERVICE by International Automated Systems, Neldon Johnson, LTB1, RaPower-3 <i>Responses to Plaintiff's First Interrogatories to Defendant International Automated Systems, Inc.</i> (Heideman, Justin) (Entered: 05/27/2016)
06/13/2016	50	<u>NOTICE OF HEARING ON MOTION</u> re: <u>39</u> MOTION for Protective Order and Memorandum in Support <i>Motion for Relief from Standard Protective Order and DUCivR26-2</i> : (Notice generated by chambers) Motion Hearing set for 7/27/2016 at 02:00 PM in Rm 7.400 before Magistrate Judge Brooke C. Wells. (mjw) (Entered: 06/13/2016)
06/17/2016	<u>51</u>	CERTIFICATE OF SERVICE by Roger Freeborn, R. Gregory Shepard <i>Responses to Plaintiff's First RPD and Supplemental Responses to Plaintiff's First Interrogatories to Defendants</i> (Reay, Donald) (Entered: 06/17/2016)
06/20/2016	<u>52</u>	NOTICE OF FILING of Certificate of Service <i>Defendant's Production of Documents</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 06/20/2016)
06/21/2016	<u>53</u>	MOTION to Compel RaPower-3, LLC to respond to Plaintiff's First Interrogatories and Memorandum in Support , MOTION to Expedite resolution of motion (in accordance with Short Form Discovery Motion Procedure) and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Moran, Christopher) (Entered: 06/21/2016)

06/21/2016	<u>54</u>		NOTICE OF FILING of Certificate of Service of <i>Defendant RaPower-3 Responses to First Set of Interrogatories</i> filed by Defendant RaPower-3. (Heideman, Justin) (Entered: 06/21/2016)
06/22/2016	<u>55</u>		MOTION to Compel LTB1 to Sign and Supplement its Responses to Plaintiff's First Interrogatories and Memorandum in Support , MOTION to Expedite resolution of motion (in accordance with Short Form Discovery Motion Procedure) and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit USA's First Interrogatories to LTB1, LLC, # <u>2</u> Exhibit LTB1's response to USA's First Interrogatories, # <u>3</u> Exhibit 2016 0602 USA Letter to Justin Heideman) Motions referred to Brooke C. Wells.(Moran, Christopher) (Entered: 06/22/2016)
06/22/2016	<u>56</u>		MOTION to Compel IAS to sign and supplement its responses to USA's first interrogatories and Memorandum in Support , MOTION to Expedite resolution of motion (in accordance with Short Form Discovery Motion Procedure) and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit USA's First Interrogatories to IAS, # <u>2</u> Exhibit IAS' Responses to USA's First Interrogatories, # <u>3</u> Exhibit 2016 0602 USA Letter to Justin Heideman, # <u>4</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Moran, Christopher) (Entered: 06/22/2016)
06/22/2016	<u>57</u>		MOTION to Compel Neldon Johnson to Sign and Supplement response to USA's First Interrogatories and Memorandum in Support , MOTION to Expedite resolution of motion (in accordance with Short Form Discovery Motion Procedure) and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit USA's First Interrogatories to Neldon Johnson, # <u>2</u> Exhibit Neldon Johnson's responses to USA's First Interrogatories, # <u>3</u> Exhibit 2016 0602 USA Letter to Justin Heideman, # <u>4</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Moran, Christopher) (Entered: 06/22/2016)
06/23/2016	<u>58</u>		RE-FILED AS <u>59</u> AMENDED MOTION – Supplemental MOTION to Amend/Correct <u>53</u> MOTION to Compel RaPower-3, LLC to respond to Plaintiff's First Interrogatories and Memorandum in Support MOTION to Expedite resolution of motion (in accordance with Short Form Discovery Motion Procedure) and Memorandum in Support and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit RaPower-3's responses to USA's first interrogatories, # <u>2</u> Exhibit 2016 0602 USA Letter to Justin Heideman) Motions referred to Brooke C. Wells.(Moran, Christopher) Modified on 6/27/2016: added re-filing info (alt) (Entered: 06/23/2016)
06/27/2016	<u>59</u>		Amended MOTION to Compel RaPower-3, LLC to respond to Plaintiff's First Interrogatories and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit RaPower-3's responses to USA's first interrogatories, # <u>2</u> Exhibit 2016 0602 USA Letter to Justin Heideman) Motions referred to Brooke C. Wells.(Moran, Christopher) (Entered: 06/27/2016)
06/27/2016			Modification of Docket re <u>58</u> Supplemental MOTION to Amend/Correct <u>53</u> MOTION to Compel RaPower-3, LLC to respond to Plaintiff's First Interrogatories. Error: Document was filed incorrectly as a Motion to Amend. Correction: Motion has been correctly re-filed as <u>59</u> Amended Motion to Compel. (alt) (Entered: 06/27/2016)

06/27/2016	<u>60</u>		ORDER setting briefing on <u>55</u> Motion to Compel, <u>56</u> Motion to Compel, <u>57</u> Motion to Compel, <u>59</u> Amended Motion to Compel: Oppositions due 7/7/16; Replies due 7/12/16. Parties are to notify court of the resolution of any issues on or before 7/15/16. Signed by Magistrate Judge Brooke C. Wells on 6/27/16 (alt) (Entered: 06/27/2016)
07/05/2016	<u>61</u>		STIPULATION to Extend Time to Answer Requests for Discovery by International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 07/05/2016)
07/11/2016	<u>62</u>		MOTION to Quash Subpoena filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. Motions referred to Brooke C. Wells.(Heideman, Justin) (Entered: 07/11/2016)
07/14/2016	<u>63</u>		NOTICE OF FILING filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 07/14/2016)
07/14/2016	<u>64</u>		MEMORANDUM in Opposition re <u>59</u> Amended MOTION to Compel RaPower-3 to Respond to First Interrogatories filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 07/14/2016)
07/15/2016	<u>65</u>		MOTION to Quash Subpoenas filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. Motions referred to Brooke C. Wells.(Heideman, Justin) (Entered: 07/15/2016)
07/19/2016	<u>66</u>		REPLY to Response to Motion re <u>57</u> MOTION to Compel Neldon Johnson to Sign and Supplement Response to First Interrogatories MOTION to Expedite filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Neldon Johnson's Signed, Supplemental Responses to the United States' First Interrogatories)(Moran, Christopher) (Entered: 07/19/2016)
07/19/2016	<u>67</u>		REPLY to Response to Motion re <u>55</u> MOTION to Compel LTB1 to Sign and Supplement Responses to First Interrogatories MOTION to Expedite filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit LTB's Signed, Supplemental Responses to the United States' First Interrogatories)(Moran, Christopher) (Entered: 07/19/2016)
07/19/2016	<u>68</u>		REPLY to Response to Motion re <u>56</u> MOTION to Compel IAS to Sign and Supplement Responses to First Interrogatories MOTION to Expedite filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit IAS's Signed, Supplemental Responses to the United States' First Interrogatories)(Moran, Christopher) (Entered: 07/19/2016)
07/19/2016	<u>69</u>		REPLY to Response to Motion re <u>59</u> Amended MOTION to Compel RaPower-3 to Respond to First Interrogatories, <u>53</u> MOTION to Compel RaPower-3 to Respond to First Interrogatories MOTION to Expedite filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit RaPower-3's Signed, Supplemental Responses to the United States' First Interrogatories)(Moran, Christopher) (Entered: 07/19/2016)
07/21/2016	<u>70</u>		MOTION to Quash Subpoena filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. Motions referred to Brooke C. Wells.(Heideman, Justin) (Entered: 07/21/2016)

07/25/2016	<u>71</u>		MEMORANDUM in Opposition re <u>62</u> MOTION to Quash Subpoena filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Emails re: Notice of Intent to Subpoena, # <u>2</u> Exhibit Subpoena)(Hines, Erin) (Entered: 07/25/2016)
07/27/2016	<u>72</u>		Minute Order. Proceedings held before Magistrate Judge Brooke C. Wells. Motion Hearing held on 7/27/2016 re <u>39</u> MOTION for Protective Order and Memorandum in Support <i>Motion for Relief from Standard Protective Order and DUCivR26-2</i> filed by USA. Court heard from parties and took under advisement <u>39</u> Motion for Protective Order. Both parties have until Wednesday, August 3, 2016 to submit cases found that support their position. Attorney for Plaintiff: Erin Healy Gallagher, Christopher R. Moran, Attorney for Defendant Justin D. Heideman, Donald S. Reay. Court Reporter: electronic.(Time Start: 2:00, Time End: 2:45, Room 7.4.) (mlp) (Entered: 07/28/2016)
08/01/2016	<u>73</u>		MEMORANDUM in Opposition re <u>65</u> MOTION to Quash <i>Subpoenas</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit A, emails regarding notice of subpoenas, # <u>2</u> Exhibit B, subpoena to Bank of American Fork)(Gallagher, Erin) (Entered: 08/01/2016)
08/02/2016	<u>74</u>		NOTICE of filing a corrected exhibit by USA re <u>71</u> Memorandum in Opposition to Motion (Attachments: # <u>1</u> Exhibit A, emails regarding notice of subpoenas) (Gallagher, Erin) (Entered: 08/02/2016)
08/03/2016	<u>75</u>		NOTICE OF FILING filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 08/03/2016)
08/03/2016	<u>76</u>		NOTICE of SUPPLEMENTAL AUTHORITY by USA re <u>39</u> MOTION for Protective Order and Memorandum in Support <i>Motion for Relief from Standard Protective Order and DUCivR26-2</i> , 72 Order on Motion for Protective Order, Motion Hearing,,,, (Hines, Erin) (Entered: 08/03/2016)
08/05/2016	<u>77</u>		MEMORANDUM in Opposition re <u>70</u> MOTION to Quash Subpoena filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit A, emails regarding notice of subpoenas, # <u>2</u> Exhibit B, subpoena to Wells Fargo Bank, N.A.)(Gallagher, Erin) (Entered: 08/05/2016)
08/08/2016	<u>78</u>		REPLY to Response to Motion re <u>62</u> MOTION to Quash Subpoena filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 08/08/2016)
08/08/2016	<u>79</u>		NOTICE of Appearance by Justin D. Heideman on behalf of International Automated Systems, Neldon Johnson, LTB1, RaPower-3 (Heideman, Justin) (Entered: 08/08/2016)
08/08/2016	<u>80</u>		NOTICE of Appearance by Justin D. Heideman on behalf of International Automated Systems, Neldon Johnson, LTB1, RaPower-3 (Heideman, Justin) (Entered: 08/08/2016)
08/15/2016	<u>81</u>		MEMORANDUM in Support re <u>65</u> MOTION to Quash <i>Subpoenas</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 08/15/2016)
08/19/2016	<u>82</u>		

		RESPONSE to Motion re <u>70</u> MOTION to Quash Subpoena filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 08/19/2016)
08/19/2016	<u>83</u>	MOTION to Quash Production of Information and Subpoenas filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. Motions referred to Brooke C. Wells.(Heideman, Justin) (Entered: 08/19/2016)
08/19/2016	<u>84</u>	MOTION to Quash Subpoenas filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. Motions referred to Brooke C. Wells.(Heideman, Justin) (Entered: 08/19/2016)
09/02/2016	<u>85</u>	MEMORANDUM in Opposition re <u>83</u> MOTION to Quash Production of Information and Subpoenas filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Exhibit List, # <u>2</u> Exhibit A Excerpts from the Deposition of Frank F. Lunn, # <u>3</u> Exhibit B Excerpts from the Deposition of Brian Zeleznik, # <u>4</u> Exhibit C Excerpts from the Deposition of Lynette L. Williams, # <u>5</u> Exhibit D Excerpts from the Deposition of Preston F. Olsen, # <u>6</u> Exhibit E Pl. U.S.s Notice of Intent to Subpoena Docs. dated March 14, 2016, # <u>7</u> Exhibit F Pl. U.S.s Notice of Intent to Subpoena Docs dated April 29, 2016, # <u>8</u> Exhibit G Letter from Erin Healy Gallagher to Paul Jones dated August 16, 2016, # <u>9</u> Exhibit H Email correspondence from Gregory Shepard produced by a third-party, # <u>10</u> Exhibit I Excerpts from Gregory Shepards Response to United States First, # <u>11</u> Exhibit J Email correspondence from Gregory Shepard produced by a third-party, # <u>12</u> Exhibit K Excerpts from the Deposition of Robert Rowbotham, # <u>13</u> Exhibit L Flyer for Solar Energy Celebration, # <u>14</u> Exhibit M Email correspondence from Gregory Shepard produced by a third-party, # <u>15</u> Exhibit N Excerpt from email correspondence from Gregory Shepard produced by, # <u>16</u> Exhibit O Email correspondence from Gregory Shepard produced by a third-party, # <u>17</u> Exhibit 4 Printout of www.rapower3.com: RaPower3 Technology dated March, # <u>18</u> Exhibit 16 New Solar Breakthrough May Compete with Gas downloaded from, # <u>19</u> Exhibit 17 IAUS Technical Overview downloaded from prior version of, # <u>20</u> Exhibit 21 Printout of www.rapower3.com: Site Tours dated March 2, 2015, # <u>21</u> Exhibit 35 Subpoena to Frank Lunn dated March 21, 2016, # <u>22</u> Exhibit 42 RaPower3 Member Office printout from Frank F. Lunn dated, # <u>23</u> Exhibit 114 Email correspondence from Gregory Shepard produced by a third-party, # <u>24</u> Exhibit 118 Subpoena to Lynette L. Williams dated May 6, 2016, # <u>25</u> Exhibit 154 Email correspondence produced by Preston F. Olsen)(Gallagher, Erin) (Entered: 09/02/2016)
09/02/2016	<u>86</u>	MEMORANDUM in Opposition re <u>84</u> MOTION to Quash Subpoenas filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Exhibit List, # <u>2</u> Exhibit A Email correspondence from Gregory Shepard produced by a third-party, # <u>3</u> Exhibit B Email correspondence from Gregory Shepard produced by a third-party, # <u>4</u> Exhibit C Excerpts from the Deposition of Frank F. Lunn, # <u>5</u> Exhibit D Excerpts from the Deposition of Brian Zeleznik, # <u>6</u> Exhibit E Excerpts from the Deposition of Lynette L. Williams, # <u>7</u> Exhibit F Excerpts from the Deposition of Preston F. Olsen, # <u>8</u> Exhibit G Email correspondence from Gregory Shepard produced by a third-party, # <u>9</u> Exhibit H Pl. U.S.s Notice of Intent to Subpoena Docs. dated July 21, 2016, # <u>10</u> Exhibit I Email correspondence from Gregory Shepard produced by a third-party, # <u>11</u>

		Exhibit J Excerpts from Gregory Shepards Response to United States First, # <u>12</u> Exhibit K Email correspondence from Gregory Shepard produced by a third-party, # <u>13</u> Exhibit L Excerpts from the Deposition of Robert Rowbotham, # <u>14</u> Exhibit M Flyer for Solar Energy Celebration, # <u>15</u> Exhibit N Email correspondence from Gregory Shepard produced by a third-party, # <u>16</u> Exhibit O Excerpt from email correspondence from Gregory Shepard produced by, # <u>17</u> Exhibit P Email correspondence from Gregory Shepard produced by a third-party, # <u>18</u> Exhibit 4 Printout of www.rapower3.com: RaPower3 Technology dated March, # <u>19</u> Exhibit 16 New Solar Breakthrough May Compete with Gas downloaded from, # <u>20</u> Exhibit 17 IAUS Technical Overview downloaded from prior version of, # <u>21</u> Exhibit 21 Printout of www.rapower3.com: Site Tours dated March 2, 2015, # <u>22</u> Exhibit 42 RaPower3 Member Office printout from Frank F. Lunn dated, # <u>23</u> Exhibit 114 Email correspondence from Gregory Shepard produced by a third-party, # <u>24</u> Exhibit 154 Email correspondence produced by Preston F. Olsen)(Gallagher, Erin) (Entered: 09/02/2016)
09/16/2016	<u>87</u>	MOTION to Quash Subpoena filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Attachments: # <u>1</u> Exhibit Subpoena to Kenneth Birrell) Motions referred to Brooke C. Wells.(Heideman, Justin) (Entered: 09/16/2016)
09/16/2016	<u>88</u>	REPLY to Response to Motion re <u>83</u> MOTION to Quash Production of Information and Subpoenas filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 09/16/2016)
09/16/2016	<u>89</u>	REPLY to Response to Motion re <u>84</u> MOTION to Quash Subpoenas filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 09/16/2016)
09/16/2016	<u>90</u>	MOTION to Bifurcate and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. Motions referred to Brooke C. Wells.(Heideman, Justin) (Entered: 09/16/2016)
09/19/2016	91	Motions No Longer Referred: <u>90</u> MOTION to Bifurcate and Memorandum in Support (jcw) (Entered: 09/19/2016)
09/20/2016	<u>92</u>	MEMORANDUM DECISION AND ORDER granting <u>39</u> Motion for Relief from Standard Protective Order. Case is stayed for 45 days to allow the parties to negotiate a new protective order. Signed by Magistrate Judge Brooke C. Wells on 9/20/16 (alt) (Entered: 09/20/2016)
10/03/2016	<u>93</u>	MOTION for Leave to File Excess Pages and Memorandum in Support <i>re Motion to Bifurcate</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Gallagher, Erin) (Entered: 10/03/2016)
10/03/2016	<u>94</u>	MOTION to Bifurcate and Memorandum in Support filed by Defendants Roger Freeborn, R. Gregory Shepard. Motions referred to Brooke C. Wells.(Reay, Donald) (Entered: 10/03/2016)
10/03/2016	<u>95</u>	MEMORANDUM in Opposition re <u>94</u> MOTION to Bifurcate, <u>90</u> MOTION to Bifurcate filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Exhibit List, # <u>2</u>

		Exhibit A – Email correspondence from Gregory Shepard produced by a third-party customer dated July 19, 2012, # <u>3</u> Exhibit B – Printout of www.rapower3.com: Start Your Own RaPower3 [sic] Business dated March 2, 2015, # <u>4</u> Exhibit C – Printout of www.rapower3.com: Start Your Own RaPower3 [sic] Business dated May 1, 2014, # <u>5</u> Exhibit Email correspondence from Gregory Shepard produced by a third-party customer dated February 19, 2016, # <u>6</u> Exhibit E – United States First Requests for the Production of Documents to Defendant Neldon Johnson, # <u>7</u> Exhibit F – Excerpts from the Deposition of Frank F. Lunn, # <u>8</u> Exhibit 10 – Letter from Gregory Shepard dated March 20, 2015, from IRS files, # <u>9</u> Exhibit 19 – Printout of www.rapower3.com: Your BIG and Quick Payout dated March 2, 2015, # <u>10</u> Exhibit 25 – Printout of www.rapower3.com: Satisfying the IRS Depreciation Conditions dated March 2, 2015, # <u>11</u> Exhibit 26 – Printout of www.rapower3.com: RaPower3 [sic] Basics dated March 2, 2015, # <u>12</u> Exhibit 32 – Email correspondence from Gregory Shepard produced by a third-party customer dated November 11, 2013, # <u>13</u> Exhibit 34 – Printout of www.rapower3.com: Your BIG and Quick Payout dated May 1, 2014, # <u>14</u> Exhibit 35 – Subpoena for the production of documents to Frank F. Lunn, # <u>15</u> Exhibit 89 – Email correspondence from Gregory Shepard produced by a third-party customer dated January 17, 2014)(Gallagher, Erin) (Entered: 10/03/2016)
10/04/2016	96	Motions No Longer Referred: <u>90</u> MOTION to Bifurcate, <u>94</u> MOTION to Bifurcate and Memorandum in Support , <u>93</u> MOTION for Leave to File Excess Pages <i>re Motion to Bifurcate</i> (jcw) (Entered: 10/04/2016)
10/04/2016	97	DOCKET TEXT ORDER granting <u>93</u> Motion for Leave to File Excess Pages. The United States may file a brief in opposition to the motion for bifurcation of 24 total pages. Signed by Judge David Nuffer on 10/4/2016. (jcw) (Entered: 10/04/2016)
10/07/2016	<u>98</u>	Joint MOTION for Continued Discovery During Stay filed by Plaintiff USA. (Attachments: # <u>1</u> Joint Stipulation Regarding Continued Discovery During 45 Day Stay, # <u>2</u> Text of Proposed Order Approving Joint Stipulation) Motions referred to Brooke C. Wells.(Gallagher, Erin) Modified on 10/7/2016: corrected text (alt) (Entered: 10/07/2016)
10/07/2016	<u>99</u>	ORDER granting <u>98</u> Stipulated Motion for Continued Discovery During Stay. Signed by Magistrate Judge Brooke C. Wells on 10/7/16 (alt) (Entered: 10/07/2016)
10/17/2016	<u>100</u>	REPLY to Response to Motion re <u>90</u> MOTION to Bifurcate filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 10/17/2016)
10/18/2016	<u>101</u>	REPLY to Response to Motion re <u>94</u> MOTION to Bifurcate <i>and Joinder</i> filed by Defendants Roger Freeborn, R. Gregory Shepard. (Reay, Donald) (Entered: 10/18/2016)
10/20/2016	<u>102</u>	STATUS REPORT <i>Regarding Protective Order</i> by USA. (Moran, Christopher) (Entered: 10/20/2016)
10/21/2016	<u>103</u>	ERRATA to <u>100</u> Reply Memorandum/Reply to Response to Motion filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3 . (Heideman, Justin) (Entered: 10/21/2016)

10/24/2016	<u>104</u>		ORDER: on or by 11/3/16, the parties are to file a new stipulated protective order and a status report regarding the pending motions. Signed by Magistrate Judge Brooke C. Wells on 10/24/16 (alt) (Entered: 10/24/2016)
11/03/2016	<u>105</u>		STATUS REPORT by USA. (Gallagher, Erin) (Entered: 11/03/2016)
11/03/2016	<u>106</u>		NOTICE OF FILING of United States' Proposed Protective Order filed by Plaintiff USA. (Gallagher, Erin) (Entered: 11/03/2016)
11/03/2016	<u>107</u>		*ENTRY ERROR* – Disregard, Incorrect Document Attached. NOTICE OF FILING of Proposed Stipulated Protective Order filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Heideman, Justin) Modified by striking entry and adding error text on 11/3/2016 (eat). (Entered: 11/03/2016)
11/03/2016	<u>108</u>		STATUS REPORT by Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Heideman, Justin) (Entered: 11/03/2016)
11/03/2016	109		Modification of Docket: Error: counsel uploaded the wrong document. Correction: docket entry stricken and error message added re <u>107</u> Notice of Filing. (eat) (Entered: 11/03/2016)
11/03/2016	<u>110</u>		NOTICE OF FILING of Proposed Joint Stipulated Protective Order filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Heideman, Justin) (Entered: 11/03/2016)
11/04/2016	<u>111</u>		MOTION for Extension of Time to file a motion to amend complaint and join parties and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit A, "Defendant Neldon Johnson's Production of Documents") Motions referred to Brooke C. Wells.(Gallagher, Erin) (Entered: 11/04/2016)
11/04/2016	<u>112</u>		Joint MOTION for Extension of Time to Complete Discovery and Memorandum in Support filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Reay, Donald) (Entered: 11/04/2016)
11/18/2016	<u>113</u>		MEMORANDUM in Opposition re <u>112</u> Joint MOTION for Extension of Time to Complete Discovery and Memorandum in Support filed by Plaintiff USA. (Gallagher, Erin) (Entered: 11/18/2016)
11/22/2016	<u>114</u>		REQUEST to Submit for Decision re <u>111</u> MOTION for Extension of Time to file a motion to amend complaint and join parties and Memorandum in Support filed by Plaintiff USA. (Moran, Christopher) (Entered: 11/22/2016)
11/29/2016	<u>115</u>		DOCKET TEXT ORDER – The court orders the parties to follow the Short Form Discovery Motion procedure as outlined in the attached document in this case for all discovery disputes arising after this date. So ordered by Magistrate Judge Brooke C. Wells on 11/29/16 (docket text order only – no order attached) (alt) (Entered: 11/29/2016)
11/29/2016	<u>116</u>		PROTECTIVE ORDER. Signed by Magistrate Judge Brooke C. Wells on 11/29/16 (alt) (Entered: 11/29/2016)

11/29/2016	<u>117</u>		ORDER denying without prejudice <u>55</u> Motion to Compel; denying without prejudice <u>56</u> Motion to Compel; denying without prejudice <u>57</u> Motion to Compel; denying without prejudice <u>59</u> Motion to Compel; denying without prejudice <u>62</u> Motion to Quash; denying without prejudice <u>65</u> Motion to Quash; denying without prejudice <u>70</u> Motion to Quash; denying without prejudice <u>83</u> Motion to Quash; denying without prejudice <u>84</u> Motion to Quash; denying without prejudice <u>87</u> Motion to Quash; denying without prejudice <u>111</u> Motion for Extension of Time; granting in part and deeming moot in part <u>112</u> Motion for Extension of Time to Complete Discovery. Signed by Magistrate Judge Brooke C. Wells on 11/29/16 (alt) (Entered: 11/29/2016)
01/04/2017	<u>118</u>		REQUEST to Submit for Decision re <u>90</u> MOTION to Bifurcate filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 01/04/2017)
01/12/2017	<u>119</u>		CERTIFICATE OF SERVICE by R. Gregory Shepard <i>Supplemental Responses to US First Request for Production</i> (Reay, Donald) (Entered: 01/12/2017)
01/12/2017	<u>120</u>		CERTIFICATE OF SERVICE by R. Gregory Shepard <i>Response to the USA's Second Request for Production of Documents</i> (Reay, Donald) (Entered: 01/12/2017)
01/13/2017	<u>121</u>		CERTIFICATE OF SERVICE by International Automated Systems, Neldon Johnson, LTB1, RaPower-3 <i>Supplemental Responses to USA's Request for Production of Documents</i> (Heideman, Justin) (Entered: 01/13/2017)
01/31/2017	<u>122</u>		REQUEST to Submit for Decision re <u>90</u> MOTION to Bifurcate filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 01/31/2017)
02/02/2017	<u>123</u>		NOTICE of Appearance by Byron G. Martin on behalf of Todd Anderson (Martin, Byron) (Entered: 02/02/2017)
02/02/2017	<u>124</u>		MOTION to Expedite Handling of Short Form Discovery Motion to Quash Subpoena , MOTION to Quash Subpoena filed by Movant Todd Anderson. (Attachments: # <u>1</u> Exhibit 1 – Subpoena to Todd Anderson, # <u>2</u> Exhibit 2 – Heideman E-mail, # <u>3</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Martin, Byron) (Entered: 02/02/2017)
02/02/2017	<u>125</u>		NOTICE of Appearance by Stuart H. Schultz on behalf of Todd Anderson (Schultz, Stuart) (Entered: 02/02/2017)
02/07/2017	<u>126</u>		MEMORANDUM in Opposition re <u>124</u> MOTION to Expedite Handling of Short Form Discovery Motion to Quash Subpoena MOTION to Quash Subpoena filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 353, United States' correspondence of 12/1/2016, # <u>2</u> Exhibit 1, RaPower-3 website)(Moran, Christopher) (Entered: 02/07/2017)
02/14/2017	<u>127</u>		MOTION to Quash Subpoena to Todd Anderson and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. Motions referred to Brooke C. Wells.(Heideman, Justin) (Entered: 02/14/2017)
02/15/2017	<u>128</u>		REQUEST to Submit for Decision re <u>124</u> MOTION to Expedite Handling of Short Form Discovery Motion to Quash Subpoena MOTION to Quash

		Subpoena filed by Movant Todd Anderson. (Martin, Byron) (Entered: 02/15/2017)
02/16/2017	<u>129</u>	MEMORANDUM in Opposition re <u>127</u> MOTION to Quash Subpoena to Todd Anderson and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit No. 378, Notice of Todd Anderson's Deposition)(Moran, Christopher) (Entered: 02/16/2017)
02/21/2017	<u>130</u>	CERTIFICATE OF SERVICE by International Automated Systems, Neldon Johnson, LTB1, RaPower-3 Responses to the US's Second Request for Production of Documents (Heideman, Justin) (Entered: 02/21/2017)
02/21/2017	<u>131</u>	CERTIFICATE OF SERVICE by International Automated Systems, Neldon Johnson, LTB1, RaPower-3 Responses to the US's Second Interrogatories to International Automated Systems, Neldon Johnson, LTB1, and RaPower-3 (Heideman, Justin) (Entered: 02/21/2017)
02/28/2017	<u>132</u>	ORDER denying <u>124</u> Motion to Quash Subpoena; denying <u>127</u> Motion to Quash Subpoena. Signed by Magistrate Judge Brooke C. Wells on 2/28/17 (alt) (Entered: 02/28/2017)
03/09/2017	<u>133</u>	Expedited MOTION for Leave to File Motions to Compel Deposition Testimony Under Seal and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Moran, Christopher) Modified on 3/10/2017 added Expedited text (las). (Entered: 03/09/2017)
03/10/2017	<u>134</u>	Amended MOTION for Leave to File Motions to Compel Deposition Testimony Under Seal and Memorandum in Support , MOTION to Expedite resolution of motion (in accordance with Short Form Discovery Motion Procedure) and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Moran, Christopher) (Entered: 03/10/2017)
03/15/2017	<u>135</u>	ORDER granting <u>134</u> Motion for Leave to File Motions to Compel Deposition Testimony Under Seal. Signed by Magistrate Judge Brooke C. Wells on 3/15/17 (alt) (Entered: 03/15/2017)
03/22/2017	<u>136</u>	NOTICE OF CONVENTIONAL FILING of Motion to Compel Deposition Testimony of Cody Buck, Ken Oveson, and David Mantyla filed by Plaintiff USA (Moran, Christopher) (Entered: 03/22/2017)
03/23/2017	<u>137</u>	*SEALED DOCUMENT* SEALED MOTION to Compel Deposition Testimony of Cody Buck, Ken Oveson, and David Mantyla and Memorandum in Support filed by Plaintiff USA (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Exhibit 87, # <u>3</u> Exhibit 136, # <u>4</u> Exhibit 214, # <u>5</u> Exhibit 221, # <u>6</u> Exhibit 244, # <u>7</u> Exhibit 372, # <u>8</u> Exhibit 373, # <u>9</u> Exhibit 374, # <u>10</u> Exhibit 376, # <u>11</u> Exhibit 377, # <u>12</u> Exhibit 381, # <u>13</u> Exhibit 383, # <u>14</u> Exhibit 384, # <u>15</u> Exhibit 385, # <u>16</u> Exhibit 386) Motion referred to Brooke C. Wells (alt) Modified on 7/19/2017 by unterming the motion. (lnp). Modified on 10/20/2017; Changed event type and Unsealed per <u>233</u> Order (jds). (Entered: 03/23/2017)
03/24/2017	<u>138</u>	MOTION to Compel Todd Anderson to Produce Documents and Memorandum in Support , MOTION to Expedite resolution of motion (in accordance with Short Form Discovery Motion Procedure) and Memorandum

		in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Moran, Christopher) Modified on 3/24/2017: corrected text (alt) (Entered: 03/24/2017)
03/24/2017	<u>139</u>	MOTION for Leave to File Movants' Response to United States' Motion to Compel , MOTION to Seal re <u>137</u> SEALED MOTION to Compel Deposition Testimony of Cody Buck, Ken Oveson, and David Mantyla filed by Movants Cody Buck, David Mantyla, Ken Oveson. Motions referred to Brooke C. Wells.(Benson, Eric) (Entered: 03/24/2017)
03/28/2017	<u>140</u>	MOTION to Compel deposition testimony of Kenneth Birrell and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 231, # <u>2</u> Exhibit 370, # <u>3</u> Exhibit 409, # <u>4</u> Exhibit 410, # <u>5</u> Exhibit 411 excerpt, # <u>6</u> Exhibit 412 excerpt) Motions referred to Brooke C. Wells.(Gallagher, Erin) (Entered: 03/28/2017)
03/28/2017	<u>141</u>	ORDER granting <u>139</u> Motion to File Response to Motion to Compel Under Seal. Signed by Magistrate Judge Brooke C. Wells on 3/28/17 (alt) (Entered: 03/28/2017)
03/28/2017	<u>142</u>	Defendant's RESPONSE To United States' Request to Enter Onto Land For Inspection filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 03/28/2017)
03/29/2017	<u>143</u>	MOTION to Compel Defendants Neldon Johnson, RaPower-3, LLC, International Automated Systems, Inc., and LTB1, LLC to answer certain interrogatories and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit excerpts from Pl. Ex. 413 Neldon Johnson's Resp. to US 1st Interrogs., # <u>2</u> Exhibit excerpts from Pl. Ex. 414, Def. RaPower-3's Resp. to US 1st Set of Interrogs., # <u>3</u> Exhibit excerpts from Pl. Ex. 415, IAS's Resp. to US 1st Interrogs., # <u>4</u> Exhibit excerpts from Pl. Ex. 416, LTB1's Resp. to US 1st Interrogs.) Motions referred to Brooke C. Wells.(Gallagher, Erin) (Entered: 03/29/2017)
03/29/2017	<u>144</u>	MEMORANDUM in Opposition re <u>138</u> MOTION to Compel Todd Anderson to Produce Documents MOTION to Expedite resolution of motion filed by Movant Todd Anderson. (Attachments: # <u>1</u> Text of Proposed Order Order Denying United States' Motion to Compel Todd Anderson to Produce Documents)(Martin, Byron) (Entered: 03/29/2017)
03/30/2017	<u>145</u>	ORDER OF RECUSAL. Magistrate Judge Brooke C. Wells recused. Magistrate Referral reassigned to Magistrate Judge Evelyn J. Furse under 28:636(b)(1)(A) to hear and determine all nondispositive pretrial matters. Motions referred to Evelyn J. Furse. Case number is now 2:15cv00828 DN-EJF. Signed by Magistrate Judge Brooke C. Wells on 3/30/17 (alt) (Entered: 03/30/2017)
03/31/2017	<u>146</u>	RESPONSE to Motion re <u>140</u> MOTION to Compel deposition testimony of Kenneth Birrell and Memorandum in Support filed by Movant Kenneth Birrell. (Attachments: # <u>1</u> Text of Proposed Order) Attorney Christopher S. Hill added to party Kenneth Birrell(pty:mov)(Hill, Christopher) (Entered: 03/31/2017)
04/03/2017	<u>147</u>	RESPONSE to Motion re <u>137</u> SEALED MOTION to Compel Deposition Testimony of Cody Buck, Ken Oveson, and David Mantyla filed by

		Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 04/03/2017)
04/03/2017	<u>148</u>	RESPONSE to Motion re <u>137</u> SEALED MOTION to Compel Deposition Testimony of Cody Buck, Ken Oveson, and David Mantyla <i>Short Form Response</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 04/03/2017)
04/04/2017	149	<u>NOTICE OF HEARING ON MOTION</u> re: <u>143</u> MOTION to Compel Defendants Neldon Johnson, RaPower-3, LLC, International Automated Systems, Inc., and LTB1, LLC to answer certain interrogatories and Memorandum in Support , <u>138</u> MOTION to Compel Todd Anderson to Produce Documents MOTION to Expedite resolution of motion, <u>137</u> SEALED MOTION to Compel Deposition Testimony of Cody Buck, Ken Oveson, and David Mantyla, <u>140</u> MOTION to Compel deposition testimony of Kenneth Birrell and Memorandum in Support : (Notice generated by EJF Chambers) Motion Hearing set for 4/7/2017 at 02:00 PM in Rm 7.400 before Magistrate Judge Evelyn J. Furse. (lnp) (Entered: 04/04/2017)
04/04/2017	<u>150</u>	RESPONSE to Motion re <u>138</u> MOTION to Compel Todd Anderson to Produce Documents MOTION to Expedite resolution of motion filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 04/04/2017)
04/04/2017	<u>151</u>	RESPONSE to Motion re <u>140</u> MOTION to Compel deposition testimony of Kenneth Birrell and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 04/04/2017)
04/05/2017	152	<u>AMENDED NOTICE OF HEARING ON MOTIONS</u> re: <u>143</u> MOTION to Compel Defendants Neldon Johnson, RaPower-3, LLC, International Automated Systems, Inc., and LTB1, LLC to answer certain interrogatories and Memorandum in Support , <u>138</u> MOTION to Compel Todd Anderson to Produce Documents MOTION to Expedite resolution of motion, <u>137</u> SEALED MOTION to Compel Deposition Testimony of Cody Buck, Ken Oveson, and David Mantyla, <u>140</u> MOTION to Compel deposition testimony of Kenneth Birrell and Memorandum in Support : (Notice generated by EJF Chambers) Motion Hearing reset for 4/12/2017 at 02:00 PM in Rm 7.400 before Magistrate Judge Evelyn J. Furse. PLEASE NOTE THE DATE CHANGE. THIS HEARING WILL BE IN PERSON. (lnp) (Entered: 04/05/2017)
04/12/2017	<u>153</u>	RESPONSE to Motion re <u>143</u> MOTION to Compel Defendants Neldon Johnson, RaPower-3, LLC, International Automated Systems, Inc., and LTB1, LLC to answer certain interrogatories and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Heideman, Justin) (Entered: 04/12/2017)
04/12/2017	154	Minute Entry for proceedings held before Magistrate Judge Evelyn J. Furse: Motion Hearing held on 4/12/2017 re <u>140</u> MOTION to Compel deposition testimony of Kenneth Birrell and Memorandum in Support filed by USA, <u>143</u> MOTION to Compel Defendants Neldon Johnson, RaPower-3, LLC, International Automated Systems, Inc., and LTB1, LLC to answer certain interrogatories and Memorandum in Support filed by USA. Court hears argument from counsel and GRANTS IN PART <u>143</u> MOTION to Compel

		Defendants Neldon Johnson, RaPower-3, LLC, International Automated Systems, Inc., and LTB1, LLC. Court instructs Defendant to supplement responses within 21 days. Responses due by 5/3/2017. Court instructs Plaintiff's counsel to prepare and submit a proposed order. Court GRANTS IN PART <u>140</u> MOTION to Compel deposition testimony of Kenneth Birrell. Court orders depositions be taken on defendants on limited issue of assertion of right to counsel. The Court instructs the parties to meet and confer further. Court instructs Plaintiff's counsel to prepare and submit a proposed order. Court SEALS the remainder of the hearing from 6:48:09 PM – 8:12:16 PM. Attorney for Plaintiff: Erin Healy Gallagher, Attorney for Defendant: Justin D. Heideman, Christopher Hill, Donald S. Reay. Court Reporter: Electronic.(Time Start: 2:06:22, Time End: 6:48:09, Room 7.400.)(lnp) (Entered: 04/13/2017)
04/21/2017	<u>156</u>	ORDER granting in part and denying in part <u>143</u> Motion to Compel Defendants Neldon Johnson, RaPower-3, LLC, International Automated Systems, Inc., and LTB1, LLC to answer certain interrogatories. Signed by Magistrate Judge Evelyn J. Furse on 4/21/2017. (jwv) (Entered: 04/21/2017)
04/21/2017	<u>157</u>	RESPONSE OBJECTIONS <i>re Proposed Order to <u>140</u> MOTION to Compel deposition testimony of Kenneth Birrell filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Attachments: # <u>1</u> Text of Proposed Order)(Heideman, Justin)</i> Modified on 4/25/2017: corrected entry text and linked to underlying motion to match actual filing (alt) (Entered: 04/21/2017)
04/21/2017	<u>158</u>	ORDER denying <u>90</u> Motion to Bifurcate; denying <u>94</u> Motion to Bifurcate. Signed by Judge David Nuffer on 4/21/2017. (jds) (Entered: 04/21/2017)
04/24/2017	<u>159</u>	Plaintiff's RESPONSE <i>re <u>157</u> Objection re Proposed Order to <u>140</u> MOTION to Compel deposition testimony of Kenneth Birrell filed by USA. (Attachments: # <u>1</u> Text of Proposed Order re motion to compel deposition testimony of Kenneth Birrell)(Gallagher, Erin)</i> Modified on 4/25/2017: corrected entry text to match actual filing and added link to underlying motion (alt) (Entered: 04/24/2017)
04/24/2017	<u>160</u>	ORDER granting in part <u>140</u> Motion to Compel Deposition Testimony of Kenneth Birrell. Signed by Magistrate Judge Evelyn J. Furse on 4/24/2017. (jds) (Entered: 04/24/2017)
04/24/2017	<u>161</u>	ORDER re <u>138</u> MOTION to Compel Todd Anderson to Produce Documents. The United States motion to compel Mr. Anderson to produce certain documents is DENIED WITHOUT PREJUDICE. Signed by Magistrate Judge Evelyn J. Furse on 4/24/2017. (jds) (Entered: 04/24/2017)
04/25/2017		Modification of Docket <i>re <u>157</u> Response (NOT to motion), <u>159</u> Response (NOT to motion). Error: Document <u>157</u> is not a Response but an <u>Objection</u> to the proposed order related to <u>140</u> Motion.. Correction: Although the type of filing cannot be changed, the entry text will be corrected to show that it is an "Objection" and it will be linked to the underlying <u>140</u> Motion so that it shows on the docket report for that motion. Entry <u>159</u> , which is a Response to the Objection, will have its text corrected and a link created to <u>140</u> Motion so that it also appears on the motion report for that motion. (alt) (Entered: 04/25/2017)</i>

05/05/2017	<u>162</u>		RESPONSE re <u>160</u> Order on Motion to Compel, filed by USA. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 23, # <u>3</u> Exhibit 231, # <u>4</u> Exhibit 283, # <u>5</u> Exhibit 353, # <u>6</u> Exhibit 370, # <u>7</u> Exhibit 411, # <u>8</u> Exhibit 412, # <u>9</u> Exhibit 449, # <u>10</u> Exhibit 450, # <u>11</u> Exhibit 451, # <u>12</u> Exhibit 452)(Gallagher, Erin) (Entered: 05/05/2017)
05/18/2017	<u>163</u>		MOTION to Compel Todd Anderson to produce documents and Memorandum in Support <i>renewed</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 23, # <u>3</u> Exhibit 283, # <u>4</u> Exhibit 353, # <u>5</u> Exhibit 411, # <u>6</u> Exhibit 412, # <u>7</u> Exhibit 449, # <u>8</u> Exhibit 450, # <u>9</u> Exhibit 451, # <u>10</u> Exhibit 452, # <u>11</u> Exhibit 454) Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 05/18/2017)
05/19/2017	<u>164</u>		MOTION to Withdraw as Attorney and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Attachments: # <u>1</u> Exhibit Scheduling Order, # <u>2</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Heideman, Justin) (Entered: 05/19/2017)
05/22/2017	<u>165</u>		MOTION for Extension of Time Respond to United States' Renewed Motion to Compel Production of Documents and Memorandum in Support filed by Movant Todd Anderson. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Martin, Byron) (Entered: 05/22/2017)
05/22/2017	<u>166</u>		NOTICE of Appearance by Denver C. Snuffer, Jr on behalf of International Automated Systems, Neldon Johnson, LTB1, RaPower-3 (Snuffer, Denver) (Entered: 05/22/2017)
05/22/2017	<u>167</u>		NOTICE of Appearance by Daniel B. Garriott on behalf of International Automated Systems, Neldon Johnson, LTB1, RaPower-3 (Garriott, Daniel) (Entered: 05/22/2017)
05/22/2017	<u>168</u>		ORDER granting <u>164</u> Motion to Withdraw as Attorney. Attorney Justin D. Heideman withdrawn from case for International Automated Systems, Neldon Johnson, LTB1, RaPower-3. Signed by Magistrate Judge Evelyn J. Furse on 5/22/17 (alt) (Entered: 05/22/2017)
05/22/2017	<u>169</u>		NOTICE of Appearance by Steven R. Paul on behalf of International Automated Systems, Neldon Johnson, LTB1, RaPower-3 (Paul, Steven) (Entered: 05/22/2017)
05/22/2017	<u>170</u>		MOTION for Protective Order and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 455, # <u>2</u> Exhibit 456, # <u>3</u> Exhibit 457) Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 05/22/2017)
05/23/2017	171		<u>NOTICE OF HEARING ON MOTION</u> re: <u>170</u> MOTION for Protective Order and Memorandum in Support : (Notice generated by EJF Chambers) Motion Hearing set for 6/15/2017 at 09:00 AM in Rm 8.400 before Magistrate Judge Evelyn J. Furse. OPPOSITION DUE 6/13/2017. (lnp) (Entered: 05/23/2017)
05/23/2017	<u>172</u>		ORDER granting <u>165</u> Motion for Extension of Time. Signed by Magistrate Judge Evelyn J. Furse on 5/23/17 (alt) (Entered: 05/23/2017)
05/26/2017	<u>173</u>		Defendant's MOTION to Strike and Memorandum in Support <i>under Rule 12(f)</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1,

			RaPower-3. Motions referred to Evelyn J. Furse.(Snuffer, Denver) (Entered: 05/26/2017)
05/30/2017	174		Motions No Longer Referred: <u>173</u> Defendant's MOTION to Strike and Memorandum in Support <i>under Rule 12(f)</i> (jcw) (Entered: 05/30/2017)
05/30/2017	<u>175</u>		MEMORANDUM in Opposition re <u>163</u> MOTION to Compel Todd Anderson to produce documents and Memorandum in Support <i>renewed</i> filed by Movant Todd Anderson. (Martin, Byron) (Entered: 05/30/2017)
05/31/2017	<u>176</u>		MEMORANDUM in Opposition re <u>163</u> MOTION to Compel Todd Anderson to produce documents and Memorandum in Support <i>renewed</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Garriott, Daniel) (Entered: 05/31/2017)
05/31/2017	<u>177</u>		MOTION to Quash Subpoena to IRS and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 488 – Notice of Intent to Subpoena and Subpoena Duces Tecum to IRS, # <u>2</u> Exhibit 453 – United States' Objections and Responses to Defendants' First Requests to Plaintiff United States, # <u>3</u> Exhibit 457 – United States' Supplemental Objections and Responses to Defendants' First Discovery Requests to Plaintiff United States, # <u>4</u> Exhibit 189 – Email correspondence produced by a third-party, # <u>5</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Hines, Erin) (Entered: 05/31/2017)
06/01/2017	<u>178</u>		MOTION for Extension of Time to Complete Discovery and Memorandum in Support , MOTION to Expedite order on motion to take discovery out of time and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 457, # <u>2</u> Exhibit 484, # <u>3</u> Exhibit 485, # <u>4</u> Exhibit 486, # <u>5</u> Exhibit 487) Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 06/01/2017)
06/01/2017	179		NOTICE OF HEARING ON MOTION re: <u>177</u> MOTION to Quash Subpoena to IRS and Memorandum in Support : (Notice generated by EJF Chambers) Motion Hearing set for 6/15/2017 at 09:00 AM in Rm 8.400 before Magistrate Judge Evelyn J. Furse. OPPOSITION DUE 6/13/2017. (lnp) (Entered: 06/01/2017)
06/05/2017	<u>180</u>		MEMORANDUM in Opposition re <u>170</u> MOTION for Protective Order and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Paul, Steven) (Entered: 06/05/2017)
06/05/2017	181		NOTICE OF HEARING ON MOTIONS re: <u>178</u> MOTION for Extension of Time to Complete Discovery and Memorandum in Support MOTION to Expedite order on motion to take discovery out of time and Memorandum in Support , <u>163</u> MOTION to Compel Todd Anderson to produce documents and Memorandum in Support <i>renewed</i> : (Notice generated by EJF Chambers) Motion Hearing set for 6/15/2017 at 09:00 AM in Rm 8.400 before Magistrate Judge Evelyn J. Furse. (lnp) (Entered: 06/05/2017)
06/07/2017	<u>182</u>		MOTION to Continue Hearing on United States' Renewed Motion to Compel Todd Anderson to Produce Documents filed by Movant Todd Anderson. Motions referred to Evelyn J. Furse.(Martin, Byron) (Entered: 06/07/2017)

06/07/2017	<u>183</u>		MOTION to Continue Hearing on United States' Renewed Motion to Compel Todd Anderson to Produce Documents filed by Movant Todd Anderson. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) Motions referred to Evelyn J. Furse.(Martin, Byron) (Entered: 06/07/2017)
06/08/2017	<u>184</u>		MEMORANDUM in Opposition re <u>173</u> Defendant's MOTION to Strike and Memorandum in Support <i>under Rule 12(f)</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 10, # <u>2</u> Exhibit 504, # <u>3</u> Exhibit 505)(Gallagher, Erin) (Entered: 06/08/2017)
06/08/2017	<u>185</u>		RESPONSE to Motion re <u>183</u> MOTION to Continue Hearing on United States' Renewed Motion to Compel Todd Anderson to Produce Documents filed by Plaintiff USA. (Gallagher, Erin) (Entered: 06/08/2017)
06/08/2017	<u>186</u>		RESPONSE to Motion re <u>173</u> Defendant's MOTION to Strike and Memorandum in Support <i>under Rule 12(f) and Joinder to Motion</i> filed by Defendants Roger Freeborn, R. Gregory Shepard. (Reay, Donald) (Entered: 06/08/2017)
06/08/2017	<u>187</u>		RESPONSE to Motion re <u>173</u> Defendant's MOTION to Strike and Memorandum in Support <i>under Rule 12(f) and Joinder to Motion</i> filed by Defendants Roger Freeborn, R. Gregory Shepard. (Reay, Donald) (Entered: 06/08/2017)
06/08/2017	<u>188</u>		RESPONSE to Motion re <u>173</u> Defendant's MOTION to Strike and Memorandum in Support <i>under Rule 12(f) and Joinder to Motion</i> filed by Defendants Roger Freeborn, R. Gregory Shepard. (Reay, Donald) (Entered: 06/08/2017)
06/08/2017	189		DOCKET TEXT ORDER re <u>183</u> MOTION to Continue Hearing on United States' Renewed Motion to Compel Todd Anderson to Produce Documents filed by Todd Anderson, <u>182</u> MOTION to Continue Hearing on United States' Renewed Motion to Compel Todd Anderson to Produce Documents filed by Todd Anderson. Opposition Due 6/9/17. Signed by Magistrate Judge Evelyn J. Furse on 6/8/17. (brm) (Entered: 06/08/2017)
06/08/2017	<u>190</u>		RESPONSE to Motion re <u>183</u> MOTION to Continue Hearing on United States' Renewed Motion to Compel Todd Anderson to Produce Documents , <u>182</u> MOTION to Continue Hearing on United States' Renewed Motion to Compel Todd Anderson to Produce Documents <i>AND "NON-OPPOSITION" THERETO</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Paul, Steven) (Entered: 06/08/2017)
06/09/2017	<u>191</u>		REPLY to Response to Motion re <u>183</u> MOTION to Continue Hearing on United States' Renewed Motion to Compel Todd Anderson to Produce Documents filed by Movant Todd Anderson. (Martin, Byron) (Entered: 06/09/2017)
06/09/2017	192		DOCKET TEXT ORDER granting <u>182</u> Motion to Continue; granting <u>183</u> Motion to Continue. Signed by Magistrate Judge Evelyn J. Furse on 6/9/2017. No attached document. (lnp) (Entered: 06/09/2017)
06/09/2017	193		NOTICE OF HEARING ON MOTION re: <u>163</u> MOTION to Compel Todd Anderson to produce documents and Memorandum in Support <i>renewed</i> : (Notice generated by EJF Chambers) Motion Hearing set for 6/23/2017 at

		04:00 PM in Rm 8.400 before Magistrate Judge Evelyn J. Furse. (lnp) (Entered: 06/09/2017)
06/13/2017	<u>194</u>	NOTICE of Withdrawal of Subpoena to IRS by International Automated Systems, Neldon Johnson, LTB1, RaPower-3 re <u>177</u> MOTION to Quash Subpoena to IRS and Memorandum in Support (Paul, Steven) (Entered: 06/13/2017)
06/14/2017		<u>NOTICE VACATING 177 Motion to Quash hearing</u> set for 6/15/2017 at 9:00 AM before Judge Evelyn J. Furse (Notice generated by EJF Chambers). Motion has been withdrawn. (lnp) (Entered: 06/14/2017)
06/15/2017	195	Minute Entry for proceedings held before Magistrate Judge Evelyn J. Furse: Motion Hearing held on 6/15/2017 re <u>170</u> MOTION for Protective Order and Memorandum in Support filed by USA, <u>178</u> MOTION for Extension of Time to Complete Discovery and Memorandum in Support MOTION to Expedite order on motion to take discovery out of time and Memorandum in Support filed by USA. Court hears argument from counsel and GRANTS <u>170</u> MOTION for Protective Order and GRANTS <u>178</u> MOTION for Extension of Time to Complete Discovery. Counsel makes a stipulated oral motion for extension of time to extend the scheduling order dates. Court GRANTS the oral motion and instructs plaintiff's counsel to prepare and submit a proposed order. Attorney for Plaintiff: Erin Hines, Christopher Moran, Attorney for Defendant: Denver C. Snuffer, Jr., Steven R. Paul, Donald S. Reay. Court Reporter: Electronic.(Time Start: 9:01:46, Time End: 10:02:11, Room 8.400.)(lnp) (Entered: 06/15/2017)
06/16/2017	<u>196</u>	ORDER granting <u>170</u> Motion for Protective Order: Defendants shall not depose any representative of the USDOJ Tax Division. Signed by Magistrate Judge Evelyn J. Furse on 6/15/17 (alt) (Entered: 06/16/2017)
06/16/2017	<u>197</u>	ORDER granting <u>178</u> Motion for Extension of Time to Take Certain Discovery Out of Time. Signed by Magistrate Judge Evelyn J. Furse on 6/15/17 (alt) (Entered: 06/16/2017)
06/23/2017	<u>198</u>	REPLY to Response to Motion re <u>173</u> Defendant's MOTION to Strike and Memorandum in Support <i>under Rule 12(f)</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Garriott, Daniel) (Entered: 06/23/2017)
06/23/2017	<u>199</u>	REPLY to Response to Motion re <u>173</u> Defendant's MOTION to Strike and Memorandum in Support <i>under Rule 12(f)</i> JOINDER filed by Defendants Roger Freeborn, R. Gregory Shepard. (Reay, Donald) (Entered: 06/23/2017)
06/23/2017	200	Minute Order. Proceedings held before Magistrate Judge Evelyn J. Furse: Motion Hearing held on 6/23/2017 re <u>163</u> MOTION to Compel Todd Anderson to produce documents and Memorandum in Support <i>renewed</i> filed by USA. Court hears argument from counsel and GRANTS <u>163</u> and GRANTS <u>140</u> MOTION to Compel Todd Anderson to produce documents and GRANTS MOTION to Compel deposition testimony of Kenneth Birrell. Court instructs counsel to prepare and submit proposed orders. Attorney for Plaintiff: Erin Healy Gallagher, Attorney for Defendant Steven R. Paul. Attorney for Movant: Byron Martin for Movant Todd Anderson. Attorney for Movant: Christopher S. Hill for Movant Kenneth Birrell. Court Reporter: Electronic.(Time Start: 4:04:05, Time End: 4:25:19, Room 8.400.)(lnp)

		(Entered: 06/23/2017)
06/26/2017	<u>201</u>	REQUEST to Submit for Decision re <u>173</u> Defendant's MOTION to Strike and Memorandum in Support <i>under Rule 12(f)</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Paul, Steven) (Entered: 06/26/2017)
06/27/2017	<u>202</u>	MEMORANDUM DECISION AND ORDER denying <u>173</u> 12(f) Motion to Strike. Signed by Judge David Nuffer on 6/27/17 (alt) (Entered: 06/27/2017)
06/29/2017	<u>203</u>	ORDER granting <u>140</u> Motion to Compel Deposition Testimony of Kenneth Birrell. Signed by Magistrate Judge Evelyn J. Furse on 6/29/17 (alt) (Entered: 06/29/2017)
07/03/2017	<u>204</u>	OBJECTIONS to <i>United States' Proposed Order</i> to <u>163</u> MOTION to Compel Todd Anderson to produce documents and Memorandum in Support <i>renewed to United States' Proposed Order</i> filed by Todd Anderson. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Text of Proposed Order)(Martin, Byron) (Entered: 07/03/2017)
07/06/2017	<u>205</u>	AMENDED SCHEDULING ORDER following 6/15/2017 hearing: Discovery due by 11/3/2017. Motions due by 11/17/2017. Final Pretrial Conference set for 4/2/2018 at 02:30 PM in Rm 3.100 before Judge David Nuffer. 10 Day Bench Trial set for 4/16/2018 at 08:00 AM in Rm 3.100 before Judge David Nuffer. Signed by Magistrate Judge Evelyn J. Furse on 7/6/2017. (jds) (Entered: 07/06/2017)
07/06/2017	<u>206</u>	ORDER granting <u>163</u> Motion to Compel Todd Anderson to Produce Certain Documents. Signed by Magistrate Judge Evelyn J. Furse on 7/6/17 (alt) (Entered: 07/06/2017)
07/07/2017	<u>207</u>	NOTICE of Todd Anderson's Response to Subpeona for Records by International Automated Systems, Neldon Johnson, LTB1, RaPower-3 re <u>206</u> Order on Motion to Compel (Paul, Steven) (Entered: 07/07/2017)
07/18/2017	<u>208</u>	REQUEST to Submit for Decision re <u>136</u> Notice of Conventional Filing filed by Plaintiff USA. (Moran, Christopher) (Entered: 07/18/2017)
07/21/2017	<u>209</u>	ORDER SEALED granting <u>137</u> Sealed Motion to compel deposition testimony of Certified Public Accountants (CPAs) Cody Buck, Ken Oveson, and David Mantyla. Signed by Magistrate Judge Evelyn J. Furse on 7/19/2017. (Attachments: # <u>1</u> Mailing Certificate) (jds) Modified on 10/20/2017; Unsealed per <u>233</u> Order (jds). (Entered: 07/21/2017)
08/17/2017	<u>210</u>	MOTION to Compel production of documents and Memorandum in Support , MOTION to Expedite and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 568, # <u>2</u> Exhibit 569, # <u>3</u> Exhibit 570, # <u>4</u> Exhibit 571, # <u>5</u> Exhibit 572, # <u>6</u> Exhibit 573 (excerpts), # <u>7</u> Exhibit 574 (excerpts), # <u>8</u> Exhibit 575 (excerpts), # <u>9</u> Exhibit 576 (excerpts), # <u>10</u> Exhibit 577) Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 08/17/2017)
08/17/2017	<u>211</u>	MOTION to Withdraw as Attorney and Memorandum in Support <i>for Defendants Freeborn and Shepard</i> filed by Defendants Roger Freeborn, R. Gregory Shepard. (Attachments: # <u>1</u> Text of Proposed Order on Motion to Withdraw) Motions referred to Evelyn J. Furse.(Reay, Donald) (Entered: 08/17/2017)

08/18/2017	212		<u>NOTICE OF HEARING ON MOTION</u> re: <u>210</u> MOTION to Compel production of documents and Memorandum in Support MOTION to Expedite and Memorandum in Support : (Notice generated by EJF Chambers) Motion Hearing set for 8/25/2017 at 10:30 AM in Rm 7.400 before Magistrate Judge Evelyn J. Furse. (lnp) (Entered: 08/18/2017)
08/21/2017	<u>213</u>		MOTION for Extension of Time to Complete Discovery and Memorandum in Support , MOTION to Expedite order on motion to depose Jessica Anderson out of time and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 23, # <u>2</u> Exhibit 480, # <u>3</u> Exhibit 570, # <u>4</u> Exhibit 571, # <u>5</u> Exhibit 572, # <u>6</u> Exhibit 574, # <u>7</u> Exhibit 575, # <u>8</u> Exhibit 576, # <u>9</u> Exhibit 578, # <u>10</u> Exhibit 579, # <u>11</u> Exhibit 580, # <u>12</u> Exhibit 581, # <u>13</u> Exhibit 582) Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 08/21/2017)
08/22/2017	214		<u>AMENDED NOTICE OF HEARING ON MOTIONS</u> re: <u>210</u> MOTION to Compel production of documents and Memorandum in Support MOTION to Expedite and Memorandum in Support , <u>213</u> MOTION for Extension of Time to Complete Discovery and Memorandum in Support MOTION to Expedite order on motion to depose Jessica Anderson out of time and Memorandum in Support , <u>211</u> MOTION to Withdraw as Attorney and Memorandum in Support <i>for Defendants Freeborn and Shepard</i> : (Notice generated by EJF Chambers) Motion Hearing set for 8/29/2017 at 02:00 PM in Rm 7.400 before Magistrate Judge Evelyn J. Furse. PLEASE NOTE THE DATE AND TIME CHANGE AND THE ADDITION OF MOTIONS <u>211</u> AND <u>213</u> . (lnp) (Entered: 08/22/2017)
08/24/2017			<u>NOTICE VACATING HEARING ON MOTION</u> RE: <u>211</u> MOTION to Withdraw as Attorney and Memorandum in Support for Defendants Freeborn and Shepard set for 8/29/2017 at 2:00 PM before Judge Evelyn J. Furse (Notice generated by EJF Chambers) (lnp) (Entered: 08/24/2017)
08/25/2017	<u>215</u>		MEMORANDUM in Opposition re <u>213</u> MOTION for Extension of Time to Complete Discovery and Memorandum in Support MOTION to Expedite order on motion to depose Jessica Anderson out of time and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Attachments: # <u>1</u> Exhibit Anderson Letter)(Paul, Steven) (Entered: 08/25/2017)
08/29/2017	217		Minute Entry for proceedings held before Magistrate Judge Evelyn J. Furse: Motion Hearing held on 8/29/2017 re <u>210</u> MOTION to Compel production of documents and Memorandum in Support MOTION to Expedite and Memorandum in Support filed by USA, <u>213</u> MOTION for Extension of Time to Complete Discovery and Memorandum in Support MOTION to Expedite order on motion to depose Jessica Anderson out of time and Memorandum in Support filed by USA. Court hears argument from counsel and GRANTS <u>210</u> MOTION to Compel production of documents and GRANTS <u>213</u> MOTION for Extension of Time to Complete Discovery. Court instructs Government counsel to prepare and submit proposed orders for the two motions. Attorney for Plaintiff: Erin Healy Gallagher, Christopher Moran, Attorney for Defendant: Steven R. Paul. Court Reporter: Electronic.(Time Start: 2:05:44, Time End: 3:55:16, Room 7.400.)(lnp) (Entered: 08/31/2017)
08/30/2017	<u>216</u>		

			ORDER granting <u>211</u> Motion to Withdraw as Attorney. Attorney Donald S. Reay withdrawn from case for R. Gregory Shepard and Roger Freeborn. Signed by Magistrate Judge Evelyn J. Furse on 8/29/17 (alt) (Entered: 08/30/2017)
09/13/2017	<u>218</u>		ORDER granting <u>210</u> Motion to Compel Production of Documents. Signed by Magistrate Judge Evelyn J. Furse on 9/12/17 (alt) (Entered: 09/13/2017)
09/13/2017	<u>219</u>		ORDER granting <u>213</u> Motion for Extension of Time to Complete Discovery/Depose Jessica Anderson Out of Time. Signed by Magistrate Judge Evelyn J. Furse on 9/12/17 (alt) (Entered: 09/13/2017)
09/15/2017	<u>220</u>		DESIGNATION OF EXPERTS Kurt O. Hawes, JD, MBA <i>and Certificate of Service of Expert Report of Kurt O. Hawes</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3.(Paul, Steven) (Entered: 09/15/2017)
09/15/2017	<u>221</u>		DESIGNATION OF EXPERTS Neldon P. Johnson <i>and Certificate of Service of Expert Report of Neldon P. Johnson</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3.(Paul, Steven) (Entered: 09/15/2017)
09/27/2017	<u>222</u>		NOTICE of Appearance by Steven R. Paul on behalf of Roger Freeborn, R. Gregory Shepard (Paul, Steven) (Entered: 09/27/2017)
09/27/2017	<u>223</u>		NOTICE of Appearance by Daniel B. Garriott on behalf of Roger Freeborn, R. Gregory Shepard (Garriott, Daniel) (Entered: 09/27/2017)
09/27/2017	<u>224</u>		NOTICE of Appearance by Denver C. Snuffer, Jr on behalf of Roger Freeborn, R. Gregory Shepard (Snuffer, Denver) (Entered: 09/27/2017)
09/28/2017	<u>225</u>		DESIGNATION OF EXPERTS Richard Jameson <i>and Certificate of Service of Expert Report</i> filed by Defendants Roger Freeborn, R. Gregory Shepard.(Paul, Steven) (Entered: 09/28/2017)
10/11/2017	<u>226</u>		MOTION for Sanctions and Memorandum in Support , MOTION to Expedite order on motion for sanctions and Memorandum in Support filed by Plaintiff USA. Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 10/11/2017)
10/11/2017	227		<u>NOTICE OF HEARING ON MOTION</u> re: <u>226</u> MOTION for Sanctions and Memorandum in Support MOTION to Expedite order on motion for sanctions and Memorandum in Support : (Notice generated by EJF Chambers) Motion Hearing set for 10/23/2017 at 03:30 PM in Rm 7.100 before Magistrate Judge Evelyn J. Furse. (lnp) (Entered: 10/11/2017)
10/12/2017	<u>228</u>		MOTION to Unseal Document <u>137</u> SEALED MOTION to Compel Deposition Testimony of Cody Buck, Ken Oveson, and David Mantyla filed by USA and Memorandum in Support <i>and Doc. No. 209 (Court's Order)</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 660, Letter of 8/16/2017 to Defendants' counsel, # <u>2</u> Exhibit Pl. Ex. 661, Letter of 9/7/2017 to Eric Benson, # <u>3</u> Exhibit Pl. Ex. 662, Letter of 9/15/2017 from Eric Benson, to counsel for the United States, # <u>4</u> Exhibit PL. Ex. 663, Email Correspondence between Eric Benson and Christopher Moran) Motions referred to Evelyn J. Furse.(Moran, Christopher) (Entered: 10/12/2017)

10/18/2017	<u>229</u>		MOTION for Extension of Time to Complete Discovery and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 664, # <u>2</u> Exhibit 665, # <u>3</u> Exhibit 666, # <u>4</u> Exhibit 667) Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 10/18/2017)
10/19/2017	230		DOCKET TEXT ORDER Any opposition to United States' Motion to Depose Richard Jameson Out of Time <u>229</u> shall be filed by 9:00am Monday, October 23, 2017. No attached document. Signed by Magistrate Judge Evelyn J. Furse on 10/19/2017. (nas) (Entered: 10/19/2017)
10/20/2017	<u>231</u>		RESPONSE to Motion re <u>226</u> MOTION for Sanctions and Memorandum in Support MOTION to Expedite order on motion for sanctions and Memorandum in Support filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Paul, Steven) (Entered: 10/20/2017)
10/20/2017	<u>232</u>		MEMORANDUM in Opposition re <u>229</u> MOTION for Extension of Time to Complete Discovery and Memorandum in Support filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Cover Page of Jameson Deposition, # <u>2</u> Exhibit Excerpt from Jameson Expert Report, # <u>3</u> Exhibit Jameson Deposition Word Index Excerpt)(Paul, Steven) (Entered: 10/20/2017)
10/20/2017	<u>233</u>		ORDER granting <u>228</u> Motion to Unseal Document <u>209</u> Order on Sealed Motion and <u>137</u> SEALED MOTION to Compel Deposition Testimony of Cody Buck, Ken Oveson, and David Mantyla. Signed by Magistrate Judge Evelyn J. Furse on 10/20/2017. (jds) (Entered: 10/20/2017)
10/20/2017			NOTICE of Unsealing Documents <u>137</u> Motion to Compel and <u>209</u> Order granting the Motion to Compel per <u>233</u> ORDER. (jds) (Entered: 10/20/2017)
10/23/2017	234		Minute Order. Proceedings held before Magistrate Judge Evelyn J. Furse: Motion Hearing held on 10/23/2017 re <u>226</u> MOTION for Sanctions and Memorandum in Support MOTION to Expedite order on motion for sanctions and Memorandum in Support filed by USA, <u>229</u> MOTION for Extension of Time to Complete Discovery and Memorandum in Support filed by USA. Court hears argument from counsel. Plaintiff's counsel submits exhibits. Court seals a portion of the exhibits presented. After hearing argument from counsel, the Court TAKES UNDER ADVISEMENT <u>226</u> Motion for Sanctions/ <u>226</u> Motion to Expedite and also TAKES UNDER ADVISEMENT <u>229</u> Motion for Extension of Time to Complete Discovery. Court to issue written orders. Attorney for Plaintiff: Erin Healy Gallagher, Attorney for Defendant Steven R. Paul. Court Reporter: Electronic.(Time Start: 3:37:15, Time End: 5:10:59, Room 7.100.) (lnp) (Entered: 10/23/2017)
10/25/2017	<u>235</u>		ORDER GRANTING <u>226</u> Expedited Motion for Sanctions. Signed by Magistrate Judge Evelyn J. Furse on 10/25/2017. (nas) (Entered: 10/25/2017)
10/25/2017	<u>236</u>		ORDER GRANTING <u>229</u> Motion to Depose Richard Jameson Out of Time. Signed by Magistrate Judge Evelyn J. Furse on 10/25/2017. (nas) (Entered: 10/25/2017)
10/26/2017			Modification of Docket re <u>209</u> Order on Sealed Motion. Correction: Document has been unsealed per <u>233</u> Order. (alt) (Entered: 10/26/2017)

11/01/2017	<u>237</u>		CERTIFICATE OF SERVICE by Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard re <u>235</u> Order on Motion for Sanctions, Order on Motion to Expedite (Paul, Steven) (Entered: 11/01/2017)
11/01/2017	<u>238</u>		OBJECTION TO MAGISTRATE JUDGE DECISION to District Court by International Automated Systems, Neldon Johnson, LTB1, RaPower-3 re <u>235</u> Order on Motion for Sanctions, Order on Motion to Expedite (Paul, Steven) (Entered: 11/01/2017)
11/01/2017	<u>239</u>		MOTION to Stay re <u>235</u> Order on Motion for Sanctions, Order on Motion to Expedite and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. Motions referred to Evelyn J. Furse.(Paul, Steven) (Entered: 11/01/2017)
11/01/2017	<u>240</u>		AFFIDAVIT/DECLARATION of Neldon Johnson in Support re <u>239</u> MOTION to Stay re <u>235</u> Order on Motion for Sanctions, Order on Motion to Expedite and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3. (Attachments: # <u>1</u> Exhibit Email Threat of Lawsuit)(Paul, Steven) (Entered: 11/01/2017)
11/02/2017	241		DOCKET TEXT ORDER GRANTING <u>239</u> Motion to Stay. Enforcement of the Order Granting Plaintiff's Expedited Motion for Sanctions <u>235</u> is stayed pending review of Defendants' Objection to the Order <u>238</u> by Judge Nuffer. Signed by Magistrate Judge Evelyn J. Furse on 11/2/2017. (nas) (Entered: 11/02/2017)
11/02/2017	<u>242</u>		**SEALED EXHIBITS** re 234 Motion Hearing held on 10/23/2017 re <u>226</u> MOTION for Sanctions. (Attachments: # <u>1</u> Plaintiff's Exhibit <u>613</u> , # <u>2</u> Plaintiff's Exhibits <u>668</u> , # <u>3</u> Plaintiff's Exhibits <u>669</u>)(lnp) (Entered: 11/02/2017)
11/02/2017	<u>243</u>		EXHIBIT 181 filed by USA re 234 Motion Hearing held on 10/23/2017 re <u>226</u> MOTION for Sanctions.(lnp) (Entered: 11/02/2017)
11/02/2017	<u>244</u>		EXHIBIT 659 filed by USA re <u>242</u> Sealed Document and 234 Motion Hearing held on 10/23/2017 re <u>226</u> MOTION for Sanctions.(lnp) (Entered: 11/02/2017)
11/02/2017	<u>245</u>		EXHIBIT 668 filed by USA re <u>242</u> Sealed Document and 234 Motion Hearing held on 10/23/2017 re <u>226</u> MOTION for Sanctions. (lnp) (Entered: 11/02/2017)
11/02/2017	<u>246</u>		EXHIBIT 669 filed by USA re <u>242</u> Sealed Document and 234 Motion Hearing held on 10/23/2017 re <u>226</u> MOTION for Sanctions. (lnp) (Entered: 11/02/2017)
11/14/2017	<u>247</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Hearing for Sanctions and Extension of Time to Complete Discovery held on October 23, 2017 before Judge Evelyn J. Furse. Court Reporter/Transcriber Karen Murakami, Telephone number 801-328-4800. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional

		<p>information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/5/2017. Redacted Transcript Deadline set for 12/15/2017. Release of Transcript Restriction set for 2/12/2018. (las) Modified on 2/12/2018 by removing restricted text (las). (Entered: 11/14/2017)</p>
11/17/2017	<u>249</u>	<p>MOTION in Limine and Memorandum in Support <i>to Exclude "Expert" Testimony of Kurt Hawes and Richard Jameson</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 1, # <u>2</u> Exhibit Pl. Ex. 20, # <u>3</u> Exhibit Pl. Ex. 24, # <u>4</u> Exhibit Pl. Ex. 25, # <u>5</u> Exhibit Pl. Ex. 40, # <u>6</u> Exhibit Pl. Ex. 78, # <u>7</u> Exhibit Pl. Ex. 112, # <u>8</u> Exhibit Pl. Ex. 163, # <u>9</u> Exhibit Pl. Ex. 214, # <u>10</u> Exhibit Pl. Ex. 216, # <u>11</u> Exhibit Pl. Ex. 244, # <u>12</u> Exhibit Pl. Ex. 282, # <u>13</u> Exhibit Pl. Ex. 492, # <u>14</u> Exhibit Pl. Ex. 518, # <u>15</u> Exhibit Pl. Ex. 520, # <u>16</u> Exhibit Pl. Ex. 625, # <u>17</u> Exhibit Pl. Ex. 631, # <u>18</u> Exhibit Pl. Ex. 632, # <u>19</u> Exhibit Pl. Ex. 637, # <u>20</u> Exhibit Pl. Ex. 638, # <u>21</u> Exhibit Pl. Ex. 639, # <u>22</u> Exhibit Pl. Ex. 640, # <u>23</u> Exhibit Pl. Ex. 641, # <u>24</u> Exhibit Pl. Ex. 651 (Part 1), Kurt Hawes' Expert Report, # <u>25</u> Exhibit Pl. Ex. 651 (Part 2), Kurt Hawes' Expert Report, # <u>26</u> Exhibit Pl. Ex. 659, Richard Jameson's Expert Report, # <u>27</u> Exhibit Pl. Ex. 666, Deposition of Richard Jameson, # <u>28</u> Exhibit Pl. Ex. 670, # <u>29</u> Exhibit Pl. Ex. 671, # <u>30</u> Exhibit Pl. Ex. 672, Deposition of Kurt Hawes, # <u>31</u> Exhibit Pl. Ex. 673, Deposition of LTB1, LLC, # <u>32</u> Exhibit Pl. Ex. 674, # <u>33</u> Text of Proposed Order)(Moran, Christopher) (Entered: 11/17/2017)</p>
11/17/2017	<u>250</u>	<p>MOTION in Limine and Memorandum in Support <i>to Exclude "Expert" Testimony of Neldon Johnson</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 1, # <u>2</u> Exhibit Pl. Ex. 24, # <u>3</u> Exhibit Pl. Ex. 25, # <u>4</u> Exhibit Pl. Ex. 40, # <u>5</u> Exhibit Pl. Ex. 214, # <u>6</u> Exhibit Pl. Ex. 216, # <u>7</u> Exhibit Pl. Ex. 492, # <u>8</u> Exhibit Pl. Ex. 507, # <u>9</u> Exhibit Pl. Ex. 520, # <u>10</u> Exhibit Pl. Ex. 579, Deposition of Neldon Johnson, volume 1, # <u>11</u> Exhibit Pl. Ex. 643, Neldon Johnson's Expert Report, # <u>12</u> Exhibit Pl. Ex. 646, # <u>13</u> Exhibit Pl. Ex. 647, # <u>14</u> Exhibit Pl. Ex. 648, # <u>15</u> Exhibit Pl. Ex. 649, # <u>16</u> Exhibit Pl. Ex. 650, # <u>17</u> Exhibit Pl. Ex. 673, # <u>18</u> Exhibit Pl. Ex. 674, # <u>19</u> Exhibit Pl. Ex. 681, Deposition of Neldon Johnson, volume 2, # <u>20</u> Text of Proposed Order)(Hines, Erin) (Entered: 11/17/2017)</p>
11/17/2017	<u>251</u>	<p>MOTION for Partial Summary Judgment and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Text of Proposed Order)(Gallagher, Erin) Modified on 11/20/2017: corrected motion relief (alt) (Entered: 11/17/2017)</p>
11/17/2017	<u>252</u>	<p>MOTION to Appoint Receiver and Memorandum in Support <i>to Freeze Assets of Defendants Neldon Johnson, RaPower-3, and International Automated Systems</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 1, # <u>2</u> Exhibit Pl. Ex. 2, # <u>3</u> Exhibit Pl. Ex. 24, # <u>4</u> Exhibit Pl. Ex. 25, # <u>5</u> Exhibit Pl. Ex. 32, # <u>6</u> Exhibit Pl. Ex. 40, # <u>7</u> Exhibit Pl. Ex. 93, # <u>8</u> Exhibit Pl. Ex. 125, # <u>9</u> Exhibit Pl. Ex. 214, # <u>10</u> Exhibit Pl. Ex. 216, # <u>11</u> Exhibit Pl. Ex. 246, # <u>12</u></p>

		Exhibit Pl. Ex. 279, # <u>13</u> Exhibit Pl. Ex. 294, # <u>14</u> Exhibit Pl. Ex. 492, # <u>15</u> Exhibit Pl. Ex. 496, # <u>16</u> Exhibit Pl. Ex. 511, # <u>17</u> Exhibit Pl. Ex. 520, # <u>18</u> Exhibit Pl. Ex. 531, # <u>19</u> Exhibit Pl. Ex. 532, # <u>20</u> Exhibit Pl. Ex. 579, # <u>21</u> Exhibit Pl. Ex. 581, # <u>22</u> Exhibit Pl. Ex. 646, # <u>23</u> Exhibit Pl. Ex. 647, # <u>24</u> Exhibit Pl. Ex. 648, # <u>25</u> Exhibit Pl. Ex. 649, # <u>26</u> Exhibit Pl. Ex. 650, # <u>27</u> Exhibit Pl. Ex. 666, # <u>28</u> Exhibit Pl. Ex. 673, # <u>29</u> Exhibit Pl. Ex. 674, # <u>30</u> Exhibit Pl. Ex. 677, # <u>31</u> Exhibit Pl. Ex. 681, # <u>32</u> Exhibit Pl. Ex. 682, # <u>33</u> Exhibit Pl. Ex. 683, # <u>34</u> Exhibit Pl. Ex. 684, # <u>35</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Hines, Erin) Modified on 11/20/2017: corrected text (alt) (Entered: 11/17/2017)
11/17/2017	<u>253</u>	Defendant's MOTION in Limine and Memorandum in Support <i>to Strike Expert Report and Exclude Testimony of Thomas Mancini</i> filed by Defendants International Automated Systems, Neldon Johnson, RaPower-3. (Attachments: # <u>1</u> Exhibit Expert Report of Thomas Mancini, # <u>2</u> Exhibit Deposition of Thomas Mancini)(Snuffer, Denver) Modified on 11/20/2017: corrected text (alt) (Entered: 11/17/2017)
11/17/2017	<u>254</u>	APPENDIX to <u>251</u> MOTION for Summary Judgment and Memorandum in Support <i>partial</i> filed by Plaintiff USA <i>vol. 1</i> . (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 8A, # <u>4</u> Exhibit 16, # <u>5</u> Exhibit 17, # <u>6</u> Exhibit 19, # <u>7</u> Exhibit 20, # <u>8</u> Exhibit 24, # <u>9</u> Exhibit 25, # <u>10</u> Exhibit 32, # <u>11</u> Exhibit 34, # <u>12</u> Exhibit 40, # <u>13</u> Exhibit 43, # <u>14</u> Exhibit 48, # <u>15</u> Exhibit 49, # <u>16</u> Exhibit 54, # <u>17</u> Exhibit 61, # <u>18</u> Exhibit 70, # <u>19</u> Exhibit 72, # <u>20</u> Exhibit 77, # <u>21</u> Exhibit 80, # <u>22</u> Exhibit 85, # <u>23</u> Exhibit 88, # <u>24</u> Exhibit 91, # <u>25</u> Exhibit 93, # <u>26</u> Exhibit 94, # <u>27</u> Exhibit 95, # <u>28</u> Exhibit 109, # <u>29</u> Exhibit 112, # <u>30</u> Exhibit 114, # <u>31</u> Exhibit 119, # <u>32</u> Exhibit 121, # <u>33</u> Exhibit 125, # <u>34</u> Exhibit 141, # <u>35</u> Exhibit 157, # <u>36</u> Exhibit 158, # <u>37</u> Exhibit 159, # <u>38</u> Exhibit 174, # <u>39</u> Exhibit 181, # <u>40</u> Exhibit 185, # <u>41</u> Exhibit 186, # <u>42</u> Exhibit 188, # <u>43</u> Exhibit 189, # <u>44</u> Exhibit 204, # <u>45</u> Exhibit 207, # <u>46</u> Exhibit 213, # <u>47</u> Exhibit 214, # <u>48</u> Exhibit 216, # <u>49</u> Exhibit 217, # <u>50</u> Exhibit 218)(Gallagher, Erin) (Entered: 11/17/2017)
11/17/2017	<u>255</u>	APPENDIX to <u>251</u> MOTION for Summary Judgment and Memorandum in Support <i>partial</i> filed by Plaintiff USA <i>vol. 2</i> . (Attachments: # <u>1</u> Exhibit 220, # <u>2</u> Exhibit 237, # <u>3</u> Exhibit 246, # <u>4</u> Exhibit 249, # <u>5</u> Exhibit 260, # <u>6</u> Exhibit 267, # <u>7</u> Exhibit 270, # <u>8</u> Exhibit 279, # <u>9</u> Exhibit 282, # <u>10</u> Exhibit 292, # <u>11</u> Exhibit 294, # <u>12</u> Exhibit 297, # <u>13</u> Exhibit 323, # <u>14</u> Exhibit 340, # <u>15</u> Exhibit 341, # <u>16</u> Exhibit 348, # <u>17</u> Exhibit 352, # <u>18</u> Exhibit 383, # <u>19</u> Exhibit 412, # <u>20</u> Exhibit 419, # <u>21</u> Exhibit 420, # <u>22</u> Exhibit 424, # <u>23</u> Exhibit 425, # <u>24</u> Exhibit 426, # <u>25</u> Exhibit 439, # <u>26</u> Exhibit 441, # <u>27</u> Exhibit 459, # <u>28</u> Exhibit 460, # <u>29</u> Exhibit 462, # <u>30</u> Exhibit 463, # <u>31</u> Exhibit 464, # <u>32</u> Exhibit 465, # <u>33</u> Exhibit 468, # <u>34</u> Exhibit 469, # <u>35</u> Exhibit 470, # <u>36</u> Exhibit 471, # <u>37</u> Exhibit 473, # <u>38</u> Exhibit 474, # <u>39</u> Exhibit 481, # <u>40</u> Exhibit 490, # <u>41</u> Exhibit 491, # <u>42</u> Exhibit 492, # <u>43</u> Exhibit 493, # <u>44</u> Exhibit 496, # <u>45</u> Exhibit 497, # <u>46</u> Exhibit 498, # <u>47</u> Exhibit 499, # <u>48</u> Exhibit 500, # <u>49</u> Exhibit 501, # <u>50</u> Exhibit 502)(Gallagher, Erin) (Entered: 11/17/2017)
11/17/2017	<u>256</u>	APPENDIX to <u>251</u> MOTION for Summary Judgment and Memorandum in Support <i>partial</i> filed by Plaintiff USA <i>vol. 3</i> . (Attachments: # <u>1</u> Exhibit 503, # <u>2</u> Exhibit 504, # <u>3</u> Exhibit 509, # <u>4</u> Exhibit 511, # <u>5</u> Exhibit 512, # <u>6</u> Exhibit 520, # <u>7</u> Exhibit 531, # <u>8</u> Exhibit 532, # <u>9</u> Exhibit 533, # <u>10</u> Exhibit 535, # <u>11</u>

		Exhibit 539, # <u>12</u> Exhibit 557, # <u>13</u> Exhibit 558, # <u>14</u> Exhibit 579, # <u>15</u> Exhibit 581, # <u>16</u> Exhibit 666, # <u>17</u> Exhibit 673, # <u>18</u> Exhibit 674, # <u>19</u> Exhibit 676, # <u>20</u> Exhibit 677, # <u>21</u> Exhibit 678, # <u>22</u> Exhibit 679, # <u>23</u> Exhibit 680, # <u>24</u> Exhibit 681, # <u>25</u> Exhibit 682, # <u>26</u> Exhibit 683, # <u>27</u> Exhibit 685, # <u>28</u> Exhibit 686, # <u>29</u> Exhibit 687, # <u>30</u> Exhibit 688, # <u>31</u> Exhibit 689, # <u>32</u> Exhibit 690, # <u>33</u> Exhibit 693, # <u>34</u> Exhibit 694, # <u>35</u> Exhibit 695, # <u>36</u> Exhibit 696, # <u>37</u> Exhibit 697)(Gallagher, Erin) (Entered: 11/17/2017)
11/17/2017	<u>257</u>	Defendant's MOTION to Dismiss and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, RaPower-3. (Attachments: # <u>1</u> Affidavit Declaration of Paul W. Jones (With Exhibits))(Snuffer, Denver) (Entered: 11/17/2017)
11/20/2017	258	Motions No Longer Referred: <u>252</u> MOTION to Appoint Receiver and Memorandum in Support <i>To Freeze Assets of Defendants Neldon Johnson, RaPower-3, LLC, and International Automated Systems, Inc.</i> District Judge to handle the Motion. (lnp) (Entered: 11/20/2017)
11/22/2017	<u>259</u>	MOTION for Extension of Time to File Response/Reply as to <u>252</u> MOTION to Appoint Receiver <i>to Freeze Assets of Dfts Neldon Johnson, RaPower-3, and International Automated Systems</i> , <u>251</u> MOTION for Partial Summary Judgment, <u>249</u> MOTION in Limine <i>to Exclude "Expert" Testimony of Kurt Hawes and Richard Jameson</i> , <u>250</u> MOTION in Limine <i>to Exclude "Expert" Testimony of Neldon Johnson</i> and Memorandum in Support filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Notice of Filing Doc. 249, # <u>2</u> Exhibit Notice of Filing Doc. 250, # <u>3</u> Exhibit Notice of Filing Doc. 251, 254,255,256, # <u>4</u> Exhibit Notice of Filing Doc. 252) Motions referred to Evelyn J. Furse.(Paul, Steven) (Entered: 11/22/2017)
11/27/2017	<u>260</u>	MEMORANDUM in Opposition re <u>259</u> MOTION for Extension of Time to File Response/Reply as to <u>252</u> MOTION to Appoint Receiver <i>to Freeze Assets of Dfts Neldon Johnson, RaPower-3, and International Automated Systems</i> , <u>251</u> MOTION for Partial Summary Judgment, <u>249</u> MOTION filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 698)(Gallagher, Erin) (Entered: 11/27/2017)
11/27/2017	<u>261</u>	ORDER granting in part and denying in part <u>259</u> Motion for Extension of Time to File Response/Reply re <u>252</u> MOTION to Appoint Receiver <i>to Freeze Assets of Dfts Neldon Johnson, RaPower-3, and International Automated Systems</i>, <u>253</u> Defendant's MOTION in Limine <i>to Strike Expert Report and Exclude Testimony of Thomas Mancini</i>, <u>250</u> MOTION in Limine <i>to Exclude "Expert" Testimony of Neldon Johnson</i>, <u>257</u> Defendant's MOTION to Dismiss, <u>249</u> MOTION in Limine <i>to Exclude "Expert" Testimony of Kurt Hawes and Richard Jameson</i>, <u>251</u> MOTION for Partial Summary Judgment: Responses due by 12/17/2017; Replies due by 1/12/2018. Signed by Judge David Nuffer on 11/27/17 (alt) (Entered: 11/27/2017)
12/15/2017	<u>262</u>	MEMORANDUM in Opposition re <u>257</u> Defendant's MOTION to Dismiss filed by Plaintiff USA. (Gallagher, Erin) (Entered: 12/15/2017)
12/15/2017	<u>263</u>	MEMORANDUM in Opposition re <u>253</u> Defendant's MOTION in Limine <i>to Strike Expert Report and Exclude Testimony of Thomas Mancini</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 15, # <u>2</u> Exhibit Pl. Ex. 699, #

			<u>3</u> Exhibit Pl. Ex. 700, # <u>4</u> Exhibit Defs. Ex. 1005, # <u>5</u> Exhibit Defs. Ex. 1006)(Gallagher, Erin) (Entered: 12/15/2017)
12/17/2017	<u>264</u>		Defendant's RESPONSE to Motion re <u>249</u> MOTION in Limine to Exclude "Expert" Testimony of Kurt Hawes and Richard Jameson filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Snuffer, Denver) (Entered: 12/17/2017)
12/17/2017	<u>265</u>		Defendant's MEMORANDUM in Opposition re <u>251</u> MOTION for Partial Summary Judgment filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit List of N. Johnson Patents, # <u>2</u> Exhibit Excerpts from Dep. of Thomas R. Mancini, # <u>3</u> Exhibit Excerpts from Dep. of RaPower3, # <u>4</u> Exhibit Excerpts from Dep. Todd F. Anderson, # <u>5</u> Exhibit Anderson Letter, # <u>6</u> Exhibit Excerpts from Dep. Jessica Anderson, # <u>7</u> Exhibit Excerpts from Dep. of Kenneth W. Birrell, # <u>8</u> Exhibit Excerpts from Dep. IAS Inc., # <u>9</u> Exhibit Plaintiff's Exhibit 466, # <u>10</u> Exhibit Plaintiff's Exhibit 363)(Snuffer, Denver) (Entered: 12/17/2017)
12/17/2017	<u>266</u>		Defendant's AFFIDAVIT/DECLARATION of Neldon Johnson in Opposition re <u>251</u> MOTION for Partial Summary Judgment filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Snuffer, Denver) (Entered: 12/17/2017)
12/17/2017	<u>267</u>		NOTICE of Death of Roger Freeborn by Roger Freeborn (Snuffer, Denver) (Entered: 12/17/2017)
12/17/2017	<u>268</u>		Defendant's MEMORANDUM in Opposition re <u>252</u> MOTION to Appoint Receiver to Freeze Assets of Dfts Neldon Johnson, RaPower-3, and International Automated Systems filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit 2013 Dept. of Energy Renewable Energy Data Book)(Snuffer, Denver) (Entered: 12/17/2017)
12/17/2017	<u>269</u>		Defendant's MEMORANDUM in Opposition re <u>250</u> MOTION in Limine to Exclude "Expert" Testimony of Neldon Johnson filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit List of Patents of N. Johnson)(Snuffer, Denver) (Entered: 12/17/2017)
01/08/2018	270		Motions No Longer Referred: <u>252</u> MOTION to Appoint Receiver to Freeze Assets of Dfts Neldon Johnson, RaPower-3, and International Automated Systems (ms) (Entered: 01/08/2018)
01/12/2018	<u>271</u>		Plaintiff's REPLY to Response to Motion re <u>249</u> MOTION in Limine to Exclude "Expert" Testimony of Kurt Hawes and Richard Jameson filed by Plaintiff USA. (Moran, Christopher) (Entered: 01/12/2018)
01/12/2018	<u>272</u>		Defendant's REPLY to Response to Motion re <u>253</u> Defendant's MOTION in Limine to Strike Expert Report and Exclude Testimony of Thomas Mancini filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Expert Witness [Dr. Tom Mancini] Statement of Work)(Snuffer, Denver) (Entered: 01/12/2018)

01/12/2018	<u>273</u>		Defendant's REPLY to Response to Motion re <u>257</u> Defendant's MOTION to Dismiss filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTBI, RaPower-3, R. Gregory Shepard. (Snuffer, Denver) Modified on 1/12/2018: removed unnecessary text (alt) (Entered: 01/12/2018)
01/12/2018	<u>274</u>		Plaintiff's REPLY to Response to Motion re <u>250</u> MOTION in Limine to Exclude "Expert" Testimony of Neldon Johnson filed by Plaintiff USA. (Hines, Erin) (Entered: 01/12/2018)
01/12/2018	<u>275</u>		NOTICE OF FILING of Exhibit List re <u>250</u> MOTION in Limine to Exclude "Expert" Testimony of Neldon Johnson filed by Plaintiff USA. (Hines, Erin) (Entered: 01/12/2018)
01/12/2018	<u>276</u>		NOTICE OF FILING of of Exhibit List re <u>249</u> MOTION in Limine to Exclude "Expert" Testimony of Kurt Hawes and Richard Jameson filed by Plaintiff USA. (Moran, Christopher) (Entered: 01/12/2018)
01/12/2018	<u>277</u>		REPLY to Response to Motion re <u>251</u> MOTION for Partial Summary Judgment filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Exhibit List, # <u>2</u> Exhibit Pl. Ex. 23A, # <u>3</u> Exhibit Pl. Ex. 355, # <u>4</u> Exhibit Pl. Ex. 358, # <u>5</u> Exhibit Pl. Ex. 361, # <u>6</u> Exhibit Pl. Ex. 362, # <u>7</u> Exhibit Pl. Ex. 364, # <u>8</u> Exhibit Pl. Ex. 479, # <u>9</u> Exhibit Pl. Ex. 548, # <u>10</u> Exhibit Pl. Ex. 580, # <u>11</u> Exhibit Pl. Ex. 703, # <u>12</u> Exhibit Pl. Ex. 704)(Gallagher, Erin) (Entered: 01/12/2018)
01/12/2018	<u>278</u>		Plaintiff's REPLY to Response to Motion re <u>252</u> MOTION to Appoint Receiver to Freeze Assets of Dfts Neldon Johnson, RaPower-3, and International Automated Systems filed by Plaintiff USA. (Hines, Erin) (Entered: 01/12/2018)
01/12/2018	<u>279</u>		RESPONSE re <u>265</u> Memorandum in Opposition to Motion, re Evidentiary Objections filed by USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 701, United States' Notice of Witness Depositions (including Frank Lunn), # <u>2</u> Exhibit Pl. Ex. 702, United States' Notice of Witness Depositions (including Robert Aulds))(Gallagher, Erin) Modified on 1/12/2018: corrected text (alt) (Entered: 01/12/2018)
01/22/2018			Deadlines/Hearings terminated. Past-due deadlines terminated to make the hearing/deadlines report up-to-date. (asb) (Entered: 01/22/2018)
01/22/2018	280		DOCKET TEXT ORDER denying <u>253</u> Defendant's Motion in Limine. For the reasons set forth in Plaintiffs Opposition <u>263</u> , Defendants motion is DENIED. Counsel for Plaintiff is directed to prepare and submit a proposed Order denying the Motion. Signed by Judge David Nuffer on 01/22/2018. No attached document. (ms) (Entered: 01/22/2018)
01/22/2018	281		DOCKET TEXT ORDER denying <u>257</u> Defendant's Motion to Dismiss. For the reasons set forth in Plaintiffs Memorandum in Opposition <u>260</u> , Defendants motion is DENIED. Counsel for Plaintiff is directed to prepare and submit a proposed Order. The proposed Order should contain detailed reasoning and citations of legal authority. Signed by Judge David Nuffer on 01/22/2018. No attached document. (ms) (Entered: 01/22/2018)
01/22/2018	282		

			DOCKET TEXT ORDER deferring ruling on <u>249</u> Motion in Limine; deferring ruling on <u>250</u> Motion in Limine. Plaintiff's Motions in Limine will be reserved until trial. The experts should prepare to testify. Signed by Judge David Nuffer on 01/22/2018. No attached document. (ms) (Entered: 01/22/2018)
01/24/2018	<u>283</u>		MEMORANDUM DECISION AND ORDER overruling objection and affirming Magistrate Judge's <u>235</u> Order on <u>226</u> Motion for Sanctions. Signed by Judge David Nuffer on 1/24/18 (alt) (Entered: 01/24/2018)
01/25/2018	284		AMENDED SCHEDULING ORDER: Final Pretrial Conference set for 3/19/2018 at 09:00 AM in Rm 3.100 before Judge David Nuffer. 10 Day Bench Trial set to begin 4/2/2018 at 08:00 AM in Rm 3.100 before Judge David Nuffer. Dates of 10 Day Bench Trial: April 2, 3, 4, 5, 19, 20, 23, 24; May 9; and June 4. Signed by Judge David Nuffer on 01/25/2018. (ms) (Entered: 01/25/2018)
01/26/2018			<u>Set/Reset Hearings:</u> Final Pretrial Conference set for 3/19/2018 at 09:00 AM in Rm 3.100 before Judge David Nuffer. 10-Day Bench Trial set for 4/2/2018 4/3/2018 4/4/2018 4/5/2018 4/19/2018 04/20/2018 4/23/2018 4/24/2018 5/9/2018 6/4/2018 at 08:00 AM in Rm 3.100 before Judge David Nuffer. (asb) (Entered: 01/26/2018)
01/31/2018	<u>285</u>		OBJECTIONS to 281 Order on Motion to Dismiss, filed by Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Text of Proposed Order)(Paul, Steven) (Entered: 01/31/2018)
01/31/2018	<u>286</u>		OBJECTIONS to 280 Order on Motion in Limine, filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Text of Proposed Order)(Paul, Steven) (Entered: 01/31/2018)
02/05/2018	287		AMENDED SCHEDULING ORDER: Final Pretrial Conference set for 3/19/2018 at 09:00 AM in Rm 3.100 before Judge David Nuffer. 10 Day Bench Trial set to begin 4/2/2018 at 08:00 AM in Rm 3.100 before Judge David Nuffer. Dates of 10 Day Bench Trial: April 2, 3, 4, 5, 19, 20, 23, 24, 25, 26; and if necessary May 9; and June 4. Signed by Judge David Nuffer on 02/05/2018. (ms) (Entered: 02/05/2018)
02/07/2018	<u>288</u>		TRIAL ORDER with instructions to counsel: Final Pretrial Conference set for 3/19/2018 at 09:00 AM in Rm 3.100 before Judge David Nuffer. 10-Day Bench Trial set to begin 4/2/2018 at 08:00 AM in Rm 3.100 before Judge David Nuffer. Signed by Judge David Nuffer on 2/7/18 (alt) (Entered: 02/07/2018)
02/09/2018	<u>289</u>		MOTION in Limine to Reinstate Trial by Jury and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Paul, Steven) Modified on 3/7/2018: corrected motion relief (alt) (Entered: 02/09/2018)
02/13/2018	<u>290</u>		MOTION for Attorney Fees and Memorandum in Support <i>re Motions to Compel</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 382, USA Notice of Oveson, Buck, Mantyla Depositions, # <u>2</u> Exhibit Pl. Ex. 712, Itemized Expenses, # <u>3</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Moran, Christopher) Modified on 2/27/2018: removed excess text (alt)

		(Entered: 02/13/2018)
02/20/2018	<u>291</u>	DOCKET TEXT ORDER taking under advisement <u>289</u> Motion in Limine. Response to Defendants' Motion in Limine shall be due on or before February 26, 2018. Signed by Judge David Nuffer on 02/20/2018. Docket Text Only. No attached document. (ms) (Entered: 02/20/2018)
02/20/2018	<u>292</u>	MOTION for Leave to File Excess Pages and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 02/20/2018)
02/20/2018	<u>293</u>	ORDER granting <u>292</u> Motion for Leave to File Excess Pages. Signed by Magistrate Judge Evelyn J. Furse on 2/20/2018. (blh) (Entered: 02/20/2018)
02/23/2018	<u>294</u>	Proposed Exhibit List <i>Defendants' Pretrial Disclosures</i> by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard.. (Garriott, Daniel) (Entered: 02/23/2018)
02/23/2018	<u>295</u>	OBJECTIONS filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Garriott, Daniel) (Entered: 02/23/2018)
02/23/2018	<u>296</u>	OBJECTIONS filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Garriott, Daniel) (Entered: 02/23/2018)
02/26/2018	<u>297</u>	NOTICE OF FILING of United States' Deposition Designations for Robert Aulds filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 687, United States' Deposition Designations for Robert Aulds)(Moran, Christopher) (Entered: 02/26/2018)
02/26/2018	<u>298</u>	NOTICE OF FILING of United States' Deposition Designations for Roger Freeborn filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 688 United States' Deposition Designations for Roger Freeborn)(Moran, Christopher) (Entered: 02/26/2018)
02/26/2018	<u>299</u>	NOTICE OF FILING of United States' Deposition Designations for Peter Gregg filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 689. United States' Deposition Designations for Peter Gregg)(Moran, Christopher) (Entered: 02/26/2018)
02/26/2018	<u>300</u>	NOTICE OF FILING of United States' Deposition Designations of Roger Halvorsen filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 690, United States' Deposition Designations of Roger Halvorsen)(Moran, Christopher) (Entered: 02/26/2018)
02/26/2018	<u>301</u>	NOTICE OF FILING of United States' Deposition Designations of John Howell filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 683, United States' Deposition Designations of John Howell)(Moran, Christopher) (Entered: 02/26/2018)
02/26/2018	<u>302</u>	NOTICE OF FILING of United States' Deposition Designations for Neldon Johnson filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 579, United States' Deposition Designations of Neldon Johnson (VOL. I), # <u>2</u> Exhibit Pl. Ex. 581, United States' Deposition of International Automated Systems (Neldon Johnson, designee), # <u>3</u> Exhibit Pl. Ex. 673, United States' Deposition

		Designations of LTB1, LLC (Neldon Johnson, designee), # <u>4</u> Exhibit Pl. Ex. 681, United States' Deposition Designations of Neldon Johnson (VOL. II), # <u>5</u> Exhibit Pl. Ex. 682, United States' Deposition Designations of RaPower-3, LLC (Neldon Johnson, designee))(Moran, Christopher) (Entered: 02/26/2018)
02/26/2018	<u>303</u>	NOTICE OF FILING of United States' Deposition Designations for Frank Lunn filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 693, United States' Deposition Designations for Frank Lunn)(Moran, Christopher) (Entered: 02/26/2018)
02/26/2018	<u>304</u>	NOTICE OF FILING of United States' Deposition Designations for PacifiCorp filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 713, United States' Deposition Designations for PacifiCorp)(Moran, Christopher) (Entered: 02/26/2018)
02/26/2018	<u>305</u>	NOTICE OF FILING of United States' Deposition Designations for Mike Penn filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 448, Deposition Designations for Mike Penn)(Moran, Christopher) (Entered: 02/26/2018)
02/26/2018	<u>306</u>	NOTICE OF FILING of United States' Deposition Designations for R. Gregory Shepard filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 685, United States' Deposition Designations for R. Gregory Shepard)(Moran, Christopher) (Entered: 02/26/2018)
02/26/2018	<u>307</u>	NOTICE OF FILING of United States' Deposition Designations for Brian Zeleznik filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 697, United States' Deposition Designations for Brian Zeleznik)(Moran, Christopher) (Entered: 02/26/2018)
02/26/2018	<u>308</u>	MOTION for Leave to File pretrial disclosures nunc pro tunc and Memorandum in Support <i>unopposed</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 02/26/2018)
02/26/2018	<u>309</u>	MEMORANDUM in Opposition re <u>289</u> MOTION in Limine and Memorandum in Support <i>to Reinstate Trial by Jury</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Exhibit List, # <u>2</u> Exhibit 777)(Gallagher, Erin) (Entered: 02/26/2018)
02/27/2018	<u>310</u>	WRITTEN ORDER following 280 Docket Text Order of 1/22/18 denying <u>253</u> Motion in Limine. Signed by Judge David Nuffer on 2/27/18 (alt) (Entered: 02/27/2018)
02/27/2018	<u>311</u>	WRITTEN ORDER following 281 Docket Text Order of 1/22/18 denying <u>257</u> Motion to Dismiss. Signed by Judge David Nuffer on 2/27/18 (alt) (Entered: 02/27/2018)
02/27/2018	<u>312</u>	ORDER granting <u>308</u> Motion for Leave to File Pretrial Disclosures Nunc Pro Tunc. Signed by Magistrate Judge Evelyn J. Furse on 2/27/18 (alt) (Entered: 02/27/2018)
02/27/2018	<u>313</u>	MEMORANDUM in Opposition re <u>290</u> MOTION for Attorney Fees <i>re Motions to Compel</i> filed by Respondent Heideman & Associates. (Attachments: # <u>1</u> Exhibit Exhibit 1_Birrell, Kenneth W. mini, # <u>2</u> Exhibit Exhibit 2-Buck, Cody Michael-mini, # <u>3</u> Exhibit Exhibit 3_Oveson, Kenneth Wayne -mini, # <u>4</u> Exhibit Exhibit 4_Mantyla, David - mini)(Heideman,

		Justin) (Entered: 02/27/2018)
02/28/2018	<u>314</u>	Proposed Witness List by USA. (Hines, Erin) (Entered: 02/28/2018)
02/28/2018	<u>315</u>	Proposed Exhibit List by Plaintiff USA.. (Hines, Erin) (Entered: 02/28/2018)
02/28/2018	<u>316</u>	NOTICE OF FILING of Pretrial Disclosure <i>re: Deposition Designations</i> filed by Plaintiff USA. (Hines, Erin) (Entered: 02/28/2018)
03/01/2018	<u>317</u>	OBJECTIONS to <u>290</u> MOTION for Attorney Fees <i>re Motions to Compel</i> filed by Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Snuffer, Denver) (Entered: 03/01/2018)
03/02/2018	<u>318</u>	MEMORANDUM DECISION AND ORDER denying <u>251</u> Motion for Partial Summary Judgment; denying without prejudice <u>252</u> Motion to Appoint Receiver. Signed by Judge David Nuffer on 3/2/18 (alt) (Entered: 03/02/2018)
03/05/2018	<u>319</u>	Defendant's MOTION in Limine and Memorandum in Support <i>Excluding Testimony Regarding Damages Relating to Disgorgement of Funds</i> filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Snuffer, Denver) (Entered: 03/05/2018)
03/05/2018	<u>320</u>	ERRATA to <u>319</u> Defendant's MOTION in Limine and Memorandum in Support <i>Excluding Testimony Regarding Damages Relating to Disgorgement of Funds</i> filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard . (Attachments: # <u>1</u> Exhibit Plaintiff's Exhibit 752, # <u>2</u> Exhibit Plaintiff's Exhibit 734, # <u>3</u> Exhibit Plaintiff's Exhibit 750)(Snuffer, Denver) (Entered: 03/05/2018)
03/07/2018	321	<u>AMENDED NOTICE OF HEARING:</u> Final Pretrial Conference reset for Monday, 3/19/2018 at 08:30 AM in Rm 3.100 before Judge David Nuffer. (time change only) (asb) (Entered: 03/07/2018)
03/07/2018		NOTICE OF ERROR/CORRECTION re <u>289</u> MOTION to Reinstate Trial by Jury. Error: Filer selected wrong motion relief – motion is not seeking 'In Limine' relief. Correction: The motion relief has been corrected to "Miscellaneous Relief" and entry text corrected. (alt) (Entered: 03/07/2018)
03/07/2018	<u>322</u>	MEMORANDUM DECISION AND ORDER denying <u>289</u> Motion to Reinstate Trial by Jury. Signed by Judge David Nuffer on 3/7/18 (alt) (Entered: 03/07/2018)
03/08/2018	323	DOCKET TEXT ORDER taking under advisement <u>319</u> Motion in Limine. Response is due Monday, March 12, 2018. Signed by Judge David Nuffer on 3/8/2018. Docket text only. No attached document. (ms) (Entered: 03/08/2018)
03/08/2018	324	Docket Text Order – The briefing on the demand for jury trial has revealed a wide range of possibilities for measurement and proof of a disgorgement amount. If the Motion in Limine <u>319</u> is not granted, the parties must submit briefs on or before noon March 26, 2018 on those issues. Specifically, the parties must provide legal authority for (1) measuring disgorgement by the amount of (a) taxes avoided by investors in Defendant RaPower; (b) gross

			profit of RaPower; (c) net profit of RaPower; (d) income of individual defendants from RaPower; or any other measure, and (2) who, in the event net profit is a proper measure, bears the burden of proof on expenses RaPower incurred in its business. Docket text only. No attachment. Signed by Judge David Nuffer on 3/8/2018. (ms) (Entered: 03/08/2018)
03/08/2018	<u>325</u>		Defendant's MOTION Rule 60(a) Oversight, Request to File Reply to Doc. 309 (Plaintiff's Opposition to Reinstate Jury re <u>322</u> Order on Motion for Miscellaneous Relief, Memorandum Decision and Memorandum in Support filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. Motions referred to Evelyn J. Furse.(Snuffer, Denver) (Entered: 03/08/2018)
03/08/2018	<u>326</u>		Defendant's REPLY to Response to Motion re <u>289</u> MOTION to Reinstate Trial by Jury filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Snuffer, Denver) (Entered: 03/08/2018)
03/09/2018	<u>327</u>		NOTICE OF FILING of United States' Objections and Counter-Designations to Defendants' Deposition Counter-Designations re <u>294</u> Exhibit List(Proposed) filed by Plaintiff USA. (Hines, Erin) (Entered: 03/09/2018)
03/09/2018	<u>328</u>		OBJECTIONS to <u>294</u> Exhibit List(Proposed) filed by USA. (Attachments: # <u>1</u> Exhibit 411 excerpts, # <u>2</u> Exhibit 449, # <u>3</u> Exhibit 450, # <u>4</u> Exhibit 451, # <u>5</u> Exhibit 452, # <u>6</u> Exhibit 453 excerpts, # <u>7</u> Exhibit 644 excerpts, # <u>8</u> Exhibit 789 excerpts)(Gallagher, Erin) (Entered: 03/09/2018)
03/09/2018	<u>329</u>		Redacted OBJECTIONS to <u>296</u> Objections filed by USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 742-A, # <u>2</u> Exhibit Pl. Ex. 742-B, # <u>3</u> Exhibit Pl. Ex. 782, # <u>4</u> Exhibit Pl. Ex. 783, # <u>5</u> Exhibit Pl. Ex. 784, # <u>6</u> Exhibit Pl. Ex. 785, # <u>7</u> Exhibit Pl. Ex. 786, # <u>8</u> Exhibit Pl. Ex. 787, # <u>9</u> Exhibit Pl. Ex. 788)(Moran, Christopher) Modified on 3/9/2018: added "Redacted" to text (alt) (Entered: 03/09/2018)
03/09/2018	<u>330</u>		MOTION for Leave to File Sealed Document re <u>329</u> Objections, filed by Plaintiff USA. Motions referred to Evelyn J. Furse.(Moran, Christopher) (Entered: 03/09/2018)
03/09/2018	<u>331</u>		**SEALED DOCUMENT** SEALED EXHIBITS 742-A and 742-B TO <u>329</u> Objections, filed by Plaintiff USA NOTE: Filer is instructed to serve the sealed document on all other parties.. (Attachments: # <u>1</u> Exhibit Pl. Ex. 742-A, # <u>2</u> Exhibit Pl. Ex. 742-B)(Moran, Christopher) Modified on 3/14/2018: updated text (alt) (Entered: 03/09/2018)
03/12/2018	<u>332</u>		MEMORANDUM in Opposition re <u>319</u> Defendant's MOTION in Limine <i>Excluding Testimony Regarding Damages Relating to Disgorgement of Funds</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 666-A, # <u>2</u> Exhibit Pl. Ex. 683-A, # <u>3</u> Supplement (unpublished case, SEC v. Razmilovic, Case No. CV-04-2276 (E.D. NY), Doc. No. 194)(Moran, Christopher) (Entered: 03/12/2018)
03/12/2018	333		DOCKET TEXT ORDER GRANTING <u>330</u> Motion for Leave to File Sealed Document. Signed by Magistrate Judge Evelyn J. Furse on 3/12/2018. No

			attached document. (nas) (Entered: 03/12/2018)
03/12/2018	<u>334</u>		Proposed Findings of Fact by USA. (Gallagher, Erin) (Entered: 03/12/2018)
03/12/2018	<u>335</u>		Proposed Findings of Fact by Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Paul, Steven) (Entered: 03/12/2018)
03/13/2018	<u>336</u>		MEMORANDUM DECISION and ORDER granting <u>325</u> Motion Defendants' Rule 60(a) Request for Relief Based on Oversight and confirming Order Denying Trial by Jury. The 10-day bench trial will begin April 2nd as previously scheduled. Signed by Judge David Nuffer on 3/13/2018. (blh) (Entered: 03/13/2018)
03/13/2018	<u>337</u>		Defendant's REPLY to Response to Motion re <u>319</u> Defendant's MOTION in Limine <i>Excluding Testimony Regarding Damages Relating to Disgorgement of Funds</i> filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Plaintiff's Initial Rule 26 Disclosures)(Snuffer, Denver) (Entered: 03/13/2018)
03/14/2018	<u>338</u>		MEMORANDUM DECISION AND ORDER denying <u>319</u> Motion in Limine <i>Excluding Testimony Regarding Damages Relating to Disgorgement of Funds</i> . Parties to submit briefs on measurement and proof of a disgorgement amount on or before noon, 3/26/18. Signed by Judge David Nuffer on 3/14/18 (alt) (Entered: 03/14/2018)
03/15/2018	<u>339</u>		Defendant's MOTION for Leave to Appeal DEFENDANTS' MOTION TO CERTIFY AND AMEND THE ORDER DENYING DEFENDANTS MOTION TO REINSTATE TRIAL BY JURY and Memorandum in Support filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. Motions referred to Evelyn J. Furse.(Snuffer, Denver) (Entered: 03/15/2018)
03/15/2018	340		DOCKET TEXT ORDER denying <u>339</u> Motion for Leave to Appeal. There is no "substantial ground for difference of opinion." Further, due to the proximity of trial, "an immediate appeal " would clearly not "materially advance the ultimate termination of the litigation." It would delay this case even more. Also, defendants failed to articulate a reason why the Memorandum and Decision Order Denying Motion to Reinstate Jury Trial <u>322</u> and Memorandum Decision and Order Granting Defendants Rule 60(a) Request <u>336</u> qualifies for immediate appeal under the collateral order doctrine, specifically why this issue would be effectively unreviewable on appeal from a final judgment. An Order Denying Motion to Reinstate Jury Trial can be adequately reviewed on appeal from a final judgment. Signed by Judge David Nuffer on 3/15/2018. Docket text only. No attached document. (ms) (Entered: 03/15/2018)
03/16/2018	<u>341</u>		NOTICE of Appearance by Joshua D. Egan on behalf of International Automated Systems, Neldon Johnson, LTB1, RaPower-3 (Egan, Joshua) (Entered: 03/16/2018)
03/19/2018	342		Minute Entry for proceedings held before Judge David Nuffer: Final Pretrial Conference held on 3/19/2018, Counsel present for parties. Discussion heard on preparations for trial. Court ordered Terri Eppich, to be available for a 3 hour deposition, Lemar

		<p>Roulhac to be available for a 4 hour deposition. Court overruled the defendants objections to plaintiffs 12 fact witnesses. Deposition designations due 3/26/2018. Government to file a motion re: sealing exhibits by 3/20/2018, response to due 3/23/2018 – limited to 3 pages. Mr. Snuffer to file motion re: depositions by noon, 3/21/2018, limited to 5 pages. No response necessary, unless ordered by the court. Defendant Freeborn, deceased, is dismissed as a party. Mr. Snuffer requested a site visit during trial. Court made no decision on the request. Trial will begin each day at 8:30 a.m., with the first week to end around 4:00 p.m Status Conference set for 3/29/2018 at 01:30 PM in Rm 3.100 before Judge David Nuffer. Court adjourned.. Attorney for Plaintiff: Erin Healy Gallagher, Erin Hines, Christopher Moran, Attorney for Defendant: Denver Snuffer, Steven Paul, Daniel Garriott. Court Reporter: Becky Janke.(Time Start: 8:28, Time End: 10:05, Room 3.100.)(asb) (Entered: 03/19/2018)</p>
03/19/2018	<u>343</u>	<p>MOTION Modify Trial Subpoena and Memorandum in Support filed by Movant Todd Anderson. (Attachments: # <u>1</u> Exhibit A – Declaration of Todd Anderson) Motions referred to Evelyn J. Furse.(Martin, Byron) (Entered: 03/19/2018)</p>
03/19/2018	344	<p>DOCKET TEXT ORDER taking under advisement <u>343</u> Motion Modify Trial Subpoena. The parties may submit a response to this Motion by Thursday, March 22, 2018. Signed by Judge David Nuffer on 03/19/18. Docket text only. No attached document. (ms) (Entered: 03/19/2018)</p>
03/20/2018	<u>345</u>	<p>MOTION to Unseal Document <u>331</u> Sealed Document, filed by USA, <u>246</u> Exhibits filed by USA, <u>245</u> Exhibits filed by USA and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 03/20/2018)</p>
03/20/2018		<p>Set Hearings: 10–Day Bench Trial set for 4/2/2018, 4/3/2018, 4/4/2018, 4/5/2018, 4/19/2018, 4/20/2018, 4/23/2018, 4/24/2018, 4/25/2018, 4/26/2018, 5/9/2018, 6/4/2018 at 08:30 AM in Rm 3.100 before Judge David Nuffer. (time change from 8:00 a.m. to 8:30 a.m.)(asb) (Entered: 03/20/2018)</p>
03/21/2018	346	<p>Motions No Longer Referred: <u>345</u> MOTION to Unseal Document <u>331</u> Sealed Document, filed by USA, <u>246</u> Exhibits filed by USA, <u>245</u> Exhibits filed by USA and Memorandum in Support , <u>249</u> MOTION in Limine to Exclude "Expert" Testimony of Kurt Hawes and Richard Jameson, <u>343</u> MOTION Modify Trial Subpoena and Memorandum in Support , <u>290</u> MOTION for Attorney Fees re Motions to Compel, <u>250</u> MOTION in Limine to Exclude "Expert" Testimony of Neldon Johnson (asb) (Entered: 03/21/2018)</p>
03/21/2018	<u>347</u>	<p>Memorandum to Exclude Deposition Testimony in Lieu of Live Witnesses BRIEF re 342 Pretrial Conference – Final,,,,, Set Hearings,,,,, filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower–3, R. Gregory Shepard. (Garriott, Daniel) (Entered: 03/21/2018)</p>
03/22/2018	<u>348</u>	

		MEMORANDUM in Opposition re <u>343</u> MOTION Modify Trial Subpoena and Memorandum in Support re: <i>Todd and Jessica Anderson Trial Subpoenas</i> filed by Plaintiff USA. (Hines, Erin) (Entered: 03/22/2018)
03/23/2018	<u>349</u>	Defendant's RESPONSE to Motion re <u>343</u> MOTION Modify Trial Subpoena and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Paul, Steven) (Entered: 03/23/2018)
03/26/2018	350	DOCKET TEXT ORDER DENYING <u>343</u> Motion to Modify Trial Subpoena. The Parties are directed to notify the Andersons of a date certain for their testimony. The Andersons may have the option of not testifying on the same day. Docket Text Only. No attached document. Signed by Judge David Nuffer on 03/26/2018.(ms) (Entered: 03/26/2018)
03/26/2018	<u>351</u>	Disgorgement Issues BRIEF filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Exhibit List, # <u>2</u> Exhibit 25, # <u>3</u> Exhibit 38, # <u>4</u> Exhibit 40, # <u>5</u> Exhibit 128, # <u>6</u> Exhibit 208, # <u>7</u> Exhibit 325, # <u>8</u> Exhibit 355, # <u>9</u> Exhibit 356, # <u>10</u> Exhibit 463, # <u>11</u> Exhibit 490, # <u>12</u> Exhibit 495, # <u>13</u> Exhibit 496, # <u>14</u> Exhibit 497, # <u>15</u> Exhibit 507, # <u>16</u> Exhibit 531, # <u>17</u> Exhibit 540, # <u>18</u> Exhibit 646, # <u>19</u> Exhibit 647, # <u>20</u> Exhibit 648, # <u>21</u> Exhibit 649, # <u>22</u> Exhibit 650, # <u>23</u> Exhibit 743, # <u>24</u> Exhibit 744, # <u>25</u> Exhibit 745, # <u>26</u> Exhibit 748, # <u>27</u> Exhibit 752)(Gallagher, Erin) (Entered: 03/26/2018)
03/26/2018	<u>352</u>	Defendant's MEMORANDUM re <u>338</u> Order on Motion in Limine,, Memorandum Decision, <i>MEMORANDUM REGARDING PROPER BASIS FOR DISGORGEMENT AND PARTIES RESPECTIVE BURDENS</i> filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Snuffer, Denver) (Entered: 03/26/2018)
03/26/2018	<u>353</u>	REPLY to Response to Motion re <u>343</u> MOTION Modify Trial Subpoena and Memorandum in Support filed by Movant Todd Anderson. (Martin, Byron) (Entered: 03/26/2018)
03/26/2018	354	DOCKET TEXT ORDER. Taking under advisement – <u>347</u> Defendants' Memorandum to Exclude the Use of Deposition Testimony in Lieu of Live Witnesses at Trial. The Government is Ordered to respond no later than Thursday, March 29, 2018, at noon. Specifically, the response should detail the basis under the rules for permitting the deposition designation of PacifiCorp in lieu of live testimony. No attached document. Docket text only. Signed by Judge David Nuffer on 03/26/2018. (ms) (Entered: 03/26/2018)
03/27/2018	355	DOCKET TEXT ORDER – Consistent with the strong presumption in favor of public access to judicial records <u>345</u> Motion to Unseal Exhibits is GRANTED. Signed by Judge David Nuffer on 03272018. Docket Text Only. No attached document. (ms) (Entered: 03/27/2018)
03/28/2018	356	<u>NOTICE VACATING STATUS CONFERENCE HEARING</u> set for Thursday, March 29, 2018 at 1:30 p.m. before Judge David Nuffer (asb) (Entered: 03/28/2018)
03/29/2018	<u>357</u>	use of PacifiCorp deposition in lieu of live testimony BRIEF re 354 Order,, filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 193 Deposition subpoena to PacifiCorp, # <u>2</u> Exhibit 713A Deposition of PacifiCorp, # <u>3</u> Exhibit 794 Notice of PacifiCorp deposition, # <u>4</u> Exhibit 795 Declaration of

		PacifiCorp)(Gallagher, Erin) (Entered: 03/29/2018)
03/29/2018	358	<p>DOCKET TEXT ORDER DENYING Defendants' request to exclude the use of deposition testimony in lieu of live witnesses at trial <u>347</u> . Pursuant to Rule 32(a)(3) the United States may use deposition testimony in lieu of live witnesses at trial for International Automated Systems, Inc.; Neldon Johnson; LTB1, LLC; RaPower-3, LLC; and R. Gregory Shepard. Based on the United States' Response <u>357</u> PacifiCorp deposition testimony is permitted by Rule 32(a)(4)(B). Defendants do not dispute the United States' other deposition designations are permitted under the Rule. Defendants' counsel's request that he is entitled to cross-examine any of the Defendants with leading questions is also DENIED. Fed. R. Evid. 611(c). Docket text only. No attachment. Signed by Judge David Nuffer on 03/29/2018. (ms) (Entered: 03/29/2018)</p>
03/29/2018	359	<p>DOCKET TEXT ORDER – Pursuant to the Memorandum Decision and Order <u>338</u> the Parties submitted briefs on the issue of disgorgement <u>351</u> <u>352</u> . The Parties' briefing and supporting documentation have been carefully reviewed. This Order finds:</p> <ul style="list-style-type: none"> –A party is not unjustly enriched if the gains he acquired flow from any legitimate business activity. –A claimant bears the burden of showing the disgorgement amount is a reasonable approximation of defendants unjust enrichment. –Unjust enrichment may be shown by gross receipts or increase in net assets. –A defendant is free to introduce evidence showing that unjust enrichment is something less than the amount put in evidence by plaintiff. Defendant has the burden of proving entitlement to a credit or deduction for business expenses, which may include refunds to customers. –However, defendant is not entitled to a credit for costs or expenses incurred in an attempt to defraud the claimant. –Tax credits or depreciation deductions by defendants' customers might be a measure of disgorgement, but are not a required measure of disgorgement. –Individuals may be held personally liable for an entity's debt, if the individuals' unjust enrichment was directly derived from using the entity as a conduit for fraud. –Defendants may, when appropriate by transmission of funds from one to another, be jointly and severally liable for disgorgement. <p>Docket text only. No attached document. Signed by Judge David Nuffer on 03/29/2018. (ms) (Entered: 03/29/2018)</p>
03/30/2018	<u>360</u>	ORDER Ruling on Objections to Pretrial Deposition Designations. Signed by Judge David Nuffer on 3/30/18 (alt) (Entered: 03/30/2018)
03/30/2018	361	<p>DOCKET TEXT ORDER – The following rulings on objections to pretrial deposition designations are hereby incorporated into <u>360</u> as follows:</p> <ol style="list-style-type: none"> 1) Deposition of PacifiCorp taken November 15, 2016 – 62:17 20, Objection, Not relevant, Fed. R. Evid. 401, 402 – Overruled 2) Deposition of Peter Gregg taken November 16, 2016 –170:4 13, Objection, Leading, Fed. R. Evid. 611(c); Argumentative, Fed. R. Evid. 611(a); Not relevant, Fed. R. Evid. 401, 402 – Overruled 3) Deposition of Robert Aulds taken March 14, 2017 – 168:10 169:18, Objection, Not relevant, Fed. R. Evid. 401, 402 – Overruled 4) Deposition of John Howell taken August 23, 2017 – a. 126 133, Objection.

		Argumentative; lack of foundation; lack of personal knowledge; calls for speculation – Overruled Docket Text Only. No attachment. Signed by Judge David Nuffer on 03/30/2018. (ms) (Entered: 03/30/2018)
03/30/2018	<u>362</u>	MOTION in Limine and Memorandum in Support <i>to Limit the Testimony of Lemar Roulhac at Trial</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower–3, R. Gregory Shepard. (Garriott, Daniel) (Entered: 03/30/2018)
03/30/2018	363	DOCKET TEXT ORDER taking under advisement <u>362</u> Motion in Limine. A three page response may be submitted up through Monday, April 2, 2018 at 6:00 p.m. Docket text only. No attached document. Signed by Judge David Nuffer on 03/30/2018. (ms) (Entered: 03/30/2018)
04/01/2018	<u>364</u>	Defendant's MOTION in Limine and Memorandum in Support <i>MOTION IN LIMINE TO STRIKE PLAINTIFF'S SUMMARY EXHIBIT 752 (JOANNA PEREZ)</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower–3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Deposition of J. Perez)(Snuffer, Denver) (Entered: 04/01/2018)
04/01/2018	<u>365</u>	Defendant's MOTION in Limine and Memorandum in Support <i>DEFENDANTS' MOTION IN LIMINE TO STRIKE PLAINTIFF'S SUMMARY EXHIBIT 734, 735, 736, 737, 738, 739, 740, 741, 742(A), 742(B), AND 750 (AMANDA REINKEN)</i> filed by Defendants International Automated Systems, Neldon Johnson, RaPower–3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Deposition of A. Reinken)(Snuffer, Denver) (Entered: 04/01/2018)
04/02/2018	<u>366</u>	MEMORANDUM in Opposition re <u>362</u> MOTION in Limine and Memorandum in Support <i>to Limit the Testimony of Lemar Roulhac at Trial</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 791, Lamar Roulhac CV, # <u>2</u> Exhibit Email chain between counsel ending in email dated March 27, 2018, # <u>3</u> Exhibit Email chain between counsel ending in email dated March 29, 2018, # <u>4</u> Exhibit United States' Witness List)(Hines, Erin) (Entered: 04/02/2018)
04/02/2018	<u>367</u>	PRETRIAL ORDER. Signed by Judge David Nuffer on 4/2/18 (alt) (Entered: 04/02/2018)
04/02/2018	<u>368</u>	MEMORANDUM in Opposition re <u>364</u> Defendant's MOTION in Limine and Memorandum in Support <i>MOTION IN LIMINE TO STRIKE PLAINTIFF'S SUMMARY EXHIBIT 752 (JOANNA PEREZ)</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 752)(Gallagher, Erin) (Entered: 04/02/2018)
04/02/2018	<u>369</u>	Defendant's MEMORANDUM <i>DEFENDANTS' MEMORANDUM REGARDING PLAINTIFF'S BURDEN UNDER 26 USC §§ 6700 AND 7408</i> filed by Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower–3, R. Gregory Shepard. (Snuffer, Denver) (Entered: 04/02/2018)
04/02/2018	<u>370</u>	MEMORANDUM in Opposition re <u>365</u> Defendant's MOTION in Limine and Memorandum in Support <i>DEFENDANTS' MOTION IN LIMINE TO STRIKE PLAINTIFF'S SUMMARY EXHIBIT 734, 735, 736, 737, 738, 739, 740, 741, 742(A), 742(B), AND 750 (AMANDA REINKEN)</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit 734, Combined Gross Receipts, # <u>2</u> Exhibit 735, RaPower–3's Gross Receipts, # <u>3</u> Exhibit 736, R. Gregory Shepard's Gross

		<p>Receipts, # <u>4</u> Exhibit 737, Neldon Johnson's Gross Receipts, # <u>5</u> Exhibit 738, IAS's Gross Receipts, # <u>6</u> Exhibit 739, SOLCO I, LLC's Gross Receipts, # <u>7</u> Exhibit 740, XSun Energy, LLC's Gross Receipts, # <u>8</u> Exhibit 741, Cobblestone Centre, LLC's Gross Receipts, # <u>9</u> Exhibit Summary of October 2017 Spreadsheet of Lens Transactions, # <u>10</u> Exhibit Summary of February 2018 Spreadsheet of Lens Transactions, # <u>11</u> Exhibit Defendants' Supplemented Production of Documents)(Hines, Erin) (Entered: 04/02/2018)</p>
04/02/2018	372	<p>Minute Entry for proceedings held before Judge David Nuffer: Bench Trial held on 4/2/2018.</p> <p>Counsel present for parties. Mr. Johnson, defendant, stated that he is pro se. Ms. Healy Gallagher responded that this is the first that they have heard of Mr. Johnson proceeding pro se. Discussion heard. Based on the record, court made findings on the record that Mr. Johnson is represented by Mr. Snuffer and his associates. Mr. Johnson maintains he would like to proceed pro se.</p> <p>Court has reviewed the pretrial order and will have it entered today. Court has reviewed a portion of the deposition designations in preparation of trial.</p> <p>Mr. Moran requested the admission of exhibits and provided a spreadsheet, with an approximation of 400 exhibits. Court instructed Mr. Moran to provide the lists to both the court and defendants counsel. Court will address after the lunch hour.</p> <p>Ms. Hines addressed the bank records exhibits and provided exhibit numbers. Court will review.</p> <p>Ms. Healy Gallagher addressed the outstanding motions in limine. Court has not yet had time to review the motions. Government would either file oppositions or argue, as the court directs. Court instructed responses by 6:00 p.m. today.</p> <p>Mr. Snuffer addressed the court on his concern re: preponderance of evidence to be clarified. Court instructed Mr. Snuffer to file a motion by 6:00 p.m. today. Response by 6:00 p.m. Tuesday.</p> <p>Mr. Snuffer then addressed the court on his concern with threshold questions. Court instructed Mr. Snuffer that this is untimely and should have been filed months prior to today.</p> <p>Government called Dr. Thomas Mancini. Witness sworn and testified. Ms. Healy Gallagher moved for the admission of Exhibit 754. Objection heard. Court received. Ms. Healy Gallagher moved for the admission of Exhibit 755. Objection heard. Court received. Ms. Healy Gallagher moved for the admission of Exhibit 757. No objection. Court received. Ms. Healy Gallagher moved for the admission of Exhibits 16 and 17. No objection. Court received. Ms. Healy Gallagher moved for the admission of Exhibit 559. No objection. Court received. Ms. Healy Gallagher moved for the admission of Exhibit 437. No objection. Court received. Ms. Healy Gallagher moved for the admission of Exhibit 562. No objection. Court received. Ms. Healy Gallagher moved for the admission of Exhibit 509, Video 12_4_00-4_23. No objection. Court received. Ms. Healy Gallagher moved for the admission of Exhibit 509, Video 12_4_38-5_15. No objection. Court received. Ms. Healy Gallagher moved for the admission of Exhibit 460. No objection. Ms. Healy Gallagher moved for the admission of Exhibit 509, Video 16_12_24-12_41. No objection. Court received. Ms. Healy Gallagher moved for the admission of Exhibit 509, Video 18_4_09-4_25. No objection. Court received. Mr. Snuffer moved for the admission of Exhibit 1500. Objection heard. Court instructed the exhibit needs more foundation. Mr. Snuffer moved to strike the testimony of Dr. Mancini.</p>

		<p>Court made findings on the record and denied the motion. Witness excused. Mr. Snuffer requested a clarification on how depositions and live testimony will work. Court informed counsel on how it intends to proceed with depositions and live testimony.</p> <p>Court printed out the annotated exhibits during Dr. Mancinis testimony. Counsel given an opportunity to review, then mark for identification. Ms. Healy Gallagher marked them with their exhibit numbers.</p> <p>Government exhibits with no objections discussed. Court received the identified exhibits. Ms. Healy Gallagher requested the exhibits identified for the record. Court instructed counsel that the spreadsheet will be identified as a court demonstrative exhibit #1.</p> <p>Ms. Healy Gallagher addressed the defendants amended witness list, specifically as to Mr. Peterson. Argument heard. Court took the matter under advisement. Mr. Snuffer to provide the court and government with proffer of testimony of Mr. Peterson, attaching exhibits he intends to use/rely by Wednesday, 4/4/2018 6:00 p.m.</p> <p>Court adjourned.</p> <p>Attorney for Plaintiff: Denver Snuffer, Daniel Garriott, Steven Paul, Joshua Egan, Attorney for Defendant: Erin Healy Gallagher, Christopher Moran, Erin Hines. Court Reporter: Becky Janke, Kelly Hicken.(Time Start: 8:32, Time End: 4:10, Room 3.100.)(asb) Modified on 4/3/2018 to correct date of hearing (asb). (Entered: 04/03/2018)</p>
04/03/2018	371	<p>DOCKET TEXT ORDER denying <u>362</u> Defendants' Motion in Limine to Limit the Testimony of Lemar Roulhoc. Even if Mr. Roulhoc were an expert under Rule 702, traditional disclosure was not required because his services were necessitated by Defendants' failure to comply with discovery until a very late date as cited in <u>329</u> at p. 6. Furthermore, after the final pre-trial conference when his deposition was permitted, Plaintiff attempted to make Mr. Roulhoc available, but Defendants failed to act with reasonable diligence to make arrangements to depose him. His testimony of data extraction is not unfair to Defendants. Defendants have complete control over the evidence about which he will be testifying, reducing the possibility of any prejudice. Signed by Judge David Nuffer on 04/03/2018. Docket Text Only. No attached document. (ms) (Entered: 04/03/2018)</p>
04/03/2018	373	<p>DOCKET TEXT ORDER – Regarding Defendants' Amended Witness List, specifically as to Mr. Gary Peterson. Defendants are to provide the court and Plaintiff with proffer of testimony of Mr. Peterson, attaching exhibits he intends to use and list of everything he intends to rely on by Wednesday, 4/4/2018 6:00 p.m. Plaintiff may file a response by Friday, 4/6/2018 6:00 p.m. Docket text only. No attached document. Signed by Judge David Nuffer on 04/03/2018. (ms) (Entered: 04/03/2018)</p>
04/03/2018	374	<p>Minute Entry for proceedings held before Judge David Nuffer: Bench Trial held on 4/3/2018.</p> <p>Counsel present for parties.</p> <p>Government called Cody Buck. Witness sworn and testified. Mr. Moran moved for the admission of Exhibit 371. No objection. Court received. Mr. Moran moved for the admission of Exhibit 533. No objection. Court received. Mr. Moran moved for the admission of Exhibit 92. Mr. Paul allowed to voir dire the witness. No objection. Court received. Witness excused.</p> <p>Government called Ken Overson. Witness sworn and testified. Mr. Moran</p>

		<p>moved for the admission of Exhibit 372. No objection. Court received. Court addressed the issue with objections to deposition exhibits. Government will provide a spreadsheet and depositions to the court. Discussion heard on deposition designations. Ms. Healy Gallagher provided Plaintiffs Exhibit 829, affidavit of non-appearance of Samuel Otto and moved for the admission. Mr. Paul requested additional time to review the exhibit before responding to the proposed admission. Mr. Overson returned to complete testimony. Witness excused. Court addressed the service issue. Ms. Healy Gallagher stated that the service issue was in their proposed findings and conclusions (pages 88–90). Government called Kenneth Birrell. Witness sworn and testified. Witness excused for the day and instructed to return 4/4/2018, at the time indicated by government counsel. Court will resume 4/4/2018 at 8:30 a.m. Court adjourned. Attorney for Plaintiff: Denver Snuffer, Daniel Garriott, Steven Paul, Joshua Egan, Attorney for Defendant: Erin Healy Gallagher, Christopher Moran, Erin Hines. Court Reporter: Kelly Hicken, Becky Janke.(Time Start: 8:32, Time End: 4:03, Room 3.100.)(asb) (Entered: 04/03/2018)</p>
04/03/2018	<u>375</u>	Burden of Proof BRIEF re <u>369</u> Memorandum (NOT to motion), filed by Plaintiff USA. (Gallagher, Erin) (Entered: 04/03/2018)
04/04/2018	376	<p>DOCKET TEXT ORDER denying Defendants' <u>364</u> Motion in Limine to Strike Plaintiff's Summary Exhibit 752 is DENIED for the following reasons: (1) The United States was not required to disclose the Excel spreadsheet Perez used to create her summary (Exhibit 752) because Defendants were given sufficient time to inspect the underlying documents, the tax returns (produced May 15, 2017, September 5, 2017, and September 15, 2017), and therefore, there is no reason to give the Defendants the benefit of Plaintiff's work product in preparing the spreadsheet. (2) These summaries qualify under Rule 1006. The admission of summaries under Rule 1006 is within the sound discretion of the court. (3) Exhibit 752 is not more prejudicial than probative and therefore does not violate Rule 403. Exhibit 752 adds substantial probative value, saves time and increases convenience by summarizing voluminous tax records. The Defendants may challenge Exhibit 752 on cross-examination. (4) Defendants failed to cite any case law to support their arguments of lack of relevance. (5) "Harm to the Treasury," depreciation expenses, and tax credits may be relevant to a proper measure of disgorgement. Signed by Judge David Nuffer on 04/04/2018. Docket text only. No attached document. (ms) (Entered: 04/04/2018)</p>
04/04/2018	377	<p>DOCKET TEXT ORDER – Defendants' <u>365</u> Motion in Limine to Strike Plaintiff's Summary Exhibits 734 – 741, 742(A), 742(B), and 750 ("Exhibits") is DENIED for the following reasons: (1) The United States was not required to disclose the Excel spreadsheet Reinken used to create her summaries in Exhibit 734 through 741 because Defendants were given sufficient time to inspect the underlying documents (the bank records) after they were produced March 30, 2017, and therefore, there is no reason to give the Defendants the benefit of Plaintiff's work product in preparing the spreadsheet. (2) The admission of these summaries which qualify under Rule 1006 is within the sound discretion of the court. (3) The Exhibits are far more probative than prejudicial and therefore do not violate Rule 403. The Exhibits add substantial</p>

		<p>probative value by summarizing voluminous bank records, saving time and increasing convenience. Defendants may challenge the Exhibits' on cross-examination. (4) Defendants failed to cite any case law to support their arguments. (5) Plaintiff indicates it no longer intends to offer Pl. Ex. 750. (6) The format conversion issue related to Exhibits 742A and 742B was caused by Defendants' form of production of their database in a non-native format. (7) The lack of information about amounts paid for lenses in Exhibits 742A and 742B is due to the non-production of that data from Defendants. (8) Defendants have been free to prepare their own summaries from the bank records and from their database. Signed by Judge David Nuffer on 04/04/2018. Docket text only. No attached document. (ms) (Entered: 04/04/2018)</p>
04/04/2018	378	<p>Minute Entry for proceedings held before Judge David Nuffer: Bench Trial held on 4/4/2018.</p> <p>Counsel present for parties. Government addressed the trade or other business, and placed in service. Government requested to brief the issue. Defendants response on the issues due Friday, 4/13/2018 1:00 p.m., not to exceed 20 pages. Government reply due 4/20/2018.</p> <p>authenticity issues of the affidavit of non-appearance of Samuel Otto. Mr. Snuffer accepted the authentication of the affidavit and exhibits. Exhibits authenticated, but not yet admitted for the record are 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, and 30.</p> <p>Mr. Snuffer addressed the issue as to their expert designation deadline of 9/15/2017, therefore, he would have been able to obtain a qualified expert. Government responded. Courts prior ruling still stands.</p> <p>Government called Todd Anderson. Witness sworn and testified. Ms. Healy Gallagher moved for the admission of Exhibit 480. Objection heard. Court received. Witness excused.</p> <p>Government called Jessica Anderson. Witness sworn and testified. Ms. Healy Gallagher moved for the admission of Exhibit 574. No objection. Court received. Ms. Healy Gallagher moved for the admission of Exhibit 575. No objection. Court received. Ms. Healy Gallagher moved for the admission of Exhibit 23A. Objection heard. Court received. Court requested that Exhibit 582 be admitted. No objections. Court received. Court requested that the defendants mark and admit Ms. Andersons timekeeping records. Discussion heard. Exhibit marked 1519. Court received. Witness excused.</p> <p>Mr. Birrell returned to complete testimony. Mr. Paul used Plaintiff Exhibit 360. The exhibit has not been identified nor provided by either plaintiff nor defendant for trial purposes. Discussion heard on Exhibit 360. Mr. Paul moved for the admission of Exhibit 360. Objection heard. Court did not receive. Court instructed counsel to provide a copy of Exhibit 360 for court records. Witness excused.</p> <p>Court will resume 4/5/2018 at 8:30 a.m.</p> <p>Court adjourned.</p> <p>Attorney for Plaintiff: Denver Snuffer, Daniel Garriott, Steven Paul, Joshua Egan, Attorney for Defendant: Erin Healy Gallagher, Christopher Moran, Erin Hines. Court Reporter: Kelly Hicken, Becky Janke.(Time Start: 8:31, Time End: 4:17, Room 3.100.)(asb) (Entered: 04/04/2018)</p>
04/04/2018	<u>379</u>	<p>Defendant's MEMORANDUM re 373 Order, <i>Gary Peterson's Proffer of Testimony and Documents Upon Which He Will Rely</i> filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory</p>

		Shepard. (Attachments: # <u>1</u> Exhibit IAS 10–K 2009, # <u>2</u> Exhibit IAS 10–K 2016, # <u>3</u> Exhibit IAS 10–K 2014, # <u>4</u> Exhibit IAS 10–K 2017, # <u>5</u> Exhibit IAS 10–K 2010)(Snuffer, Denver) (Entered: 04/04/2018)
04/05/2018	380	<p>Minute Entry for proceedings held before Judge David Nuffer: Bench Trial held on 4/5/2018.</p> <p>Counsel present for parties. Government moved for the admission of the exhibits noted in Samuel Ottos affidavit, which are identified as 30,168, 169, 170, 171, 172, 173, 175. No objections. Court received. Government has a number of exhibits that need redaction. Once they are completed, will submit to the court.</p> <p>Government called Lamar Roulhac. Witness sworn and testified. Ms. Healy Gallagher moved for the admission to Exhibit 831. No objection. Court received. Ms. Healy Gallagher moved for the admission to Exhibit 749. Objection heard. Court received. Witness excused.</p> <p>Government called JoAnna Perez. Witness sworn and testified. Ms. Hines moved for the admission of Exhibits 123 and 752. No objection to Exhibit 123. Court received. Objection heard on Exhibit 752. Government responded. Court received Exhibit 752. Witness excused.</p> <p>Court addressed Exhibit 829 and if the government wanted it received. At this time, government does not request its admission. Court requested that Exhibit 347 be emailed. Court instructed government to review Exhibits 349, 464 and 535, which were identified in depositions. Government will review to see if they need to move for admission. The screenshots of RaPower–3 website, Governments Exhibit 832. Mr. Paul provided the court with a complete 2–page screenshot. Government does not object to marking the 2–pages as Exhibit 832A. Court received.</p> <p>Government called Amanda Reinken. Witness sworn and testified. Ms. Hines moved for the admission of Exhibits 714 thru 733. No objection. Court received. Ms. Hines moved for the admission of Exhibit 796. No objection. Court received. Ms. Hines moved for the admission of Exhibit 742A. No objection. Court received. Ms. Hines moved for the admission of Exhibit 742B. No objection. Court received. Ms. Hines moved for the admission of Exhibit 735. No objection. Court received. Ms. Hines moved for the admission of Exhibit 738. No objection. Court received. Ms. Hines moved for the admission of Exhibit 739. No objection. Court received. Ms. Hines moved for the admission of Exhibit 740. Objection heard. Court received. Ms. Hines moved for the admission of Exhibit 741. No objection. Court received. Court received. Ms. Hines moved for the admission of Exhibit 737. No objection. Court received. Court received. Ms. Hines moved for the admission of Exhibit 769. Objection heard. Court received. Witness excused.</p> <p>Argument heard on damages.</p> <p>Government called Robert Rowbotham. Witness sworn and testified. Mr. Moran moved for the admission of Exhibit 94. No objection. Court received. Mr. Moran moved for the admission of Exhibit 95. No objection. Court received. Mr. Moran moved for the admission of Exhibit 91. No objection. Court received. Mr. Moran moved for the admission of Exhibit 93. No objection. Court received.</p> <p>Government addressed Deposition Exhibits 349, 465, 535. Government laid foundation through argument. Mr. Snuffer would like time to review the exhibits before responding. Court will rule on the exhibits after Mr. Snuffer informs the court of their response.</p>

		<p>Court will resume with trial on Thursday, 4/19/2018 at 8:30 a.m. Court adjourned. Attorney for Plaintiff: Erin Healy Gallagher, Christopher Moran, Erin Hines, Attorney for Defendant: Denver Snuffer, Daniel Garriott, Steven Paul, Joshua Egan. Court Reporter: Kelly Hicken, Becky Janke.(Time Start: 8:32, Time End: 4:19, Room 3.100.)(asb) (Entered: 04/05/2018)</p>
04/06/2018	<u>381</u>	<p>RESPONSE re <u>379</u> Memorandum (NOT to motion), „<i>Defendants' proffer of Gary Peterson</i> filed by USA. (Attachments: # <u>1</u> Exhibit 449, IAS Supplemental Responses to US First Interrogatories, # <u>2</u> Exhibit 450, RaPower–3 Supplemental Responses to US First Interrogatories, # <u>3</u> Exhibit 451, Neldon Johnson Supplemental Responses to US First Interrogatories, # <u>4</u> Exhibit 452, LTB1 Supplemental Responses to US First Interrogatories, # <u>5</u> Exhibit 789, Defendants' Supplemented Production of Documents, # <u>6</u> Exhibit 833, Defendants' Joint Initial Disclosures)(Gallagher, Erin) (Entered: 04/06/2018)</p>
04/10/2018	382	<p>Docket Text Order – On March 30, 2018, Defendants amended their witness list to include Gary Peterson, the defendant companies' accountant. Pursuant to Rule 26(a), Defendants failed to timely disclose Gary Peterson. He is a witness whose necessity should have been known from the filing of the complaint, as his testimony bears on the issue of disgorgement. The court has broad discretion in determining whether a Rule 26(a) violation is justified or harmless.</p> <p>Mr. Peterson should not testify, in light of the four factors in <i>Woodworker's Supply, Inc. v. Principal Mut. Life Ins. Co.</i>, 170 F.3d 985, 993 (10th Cir. 1999):</p> <p>(1) Offering a new witness the Friday preceding a Monday trial start date undoubtedly was a surprise to Plaintiffs and his testimony would prejudice Plaintiffs as they relied on Defendants previous disclosures and discovery responses to prepare for trial.</p> <p>(2) Plaintiff has already prepared for trial based on Defendants disclosures and discovery responses. Had Defendants timely disclosed Mr. Peterson, Plaintiffs would have had time to adequately prepare for trial taking into account his testimony. Defendants are unable to cure this prejudice.</p> <p>(3) This is a 10–day bench trial spread across a 4–week time frame. This case in the midst of trial. The remaining six days of trial resume on April 19, 2018. At such a late date, adding another witness would disrupt trial.</p> <p>(4) Defendants did not include Mr. Peterson in their initial disclosures, nor did they supplement their initial disclosures, nor did they otherwise make Mr. Peterson or his testimony known to Plaintiff during the discovery process or in writing prior to March 30, 2018.</p> <p>Defendants witness Gary Peterson will not be permitted to testify.</p> <p>Docket text only. No attached document. Signed by Judge David Nuffer on 04/10/2018. (ms) (Entered: 04/10/2018)</p>
04/11/2018	383	<p><u>UPDATED BENCH TRIAL SCHEDULE:</u></p> <p>Bench Trial set for Thursday, 4/19/2018 at 08:00 AM – 02:30 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for Friday, 4/20/2018 at 08:30 AM –04:00 PM in Rm 3.100 before Judge David Nuffer.</p>

		<p>Bench Trial set for Monday, 4/23/2018 at 08:00 AM – 02:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for Tuesday, 4/24/2018 at 08:00 AM – 02:30 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for Wednesday, 4/25/2018 at 08:30 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for Thursday, 4/26/2018 at 08:30 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for Monday, 5/14/2018 at 08:00 AM – 02:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial tentatively set for Tuesday, 5/15/2018 at 08:30 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer. (5/15/2018 is for any additional argument necessary to complete the trial. Counsel are to pencil in the date) (asb) (Entered: 04/11/2018)</p>
04/13/2018	<u>384</u>	<p>MEMORANDUM <i>re "placed in service" and "used in trade or business"</i> filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Trial Testimony Excerpts of Mr. Robert Rowbotham)(Snuffer, Denver) Modified on 5/31/2018: corrected text (alt) (Entered: 04/13/2018)</p>
04/18/2018	385	<p><u>UPDATED BENCH TRIAL SCHEDULE:</u></p> <p>Bench Trial set for Thursday, 4/19/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for Friday, 4/20/2018 at 08:30 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for Monday, 4/23/2018 at 08:00 AM – 02:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for Tuesday, 4/24/2018 at 08:00 AM – 02:30 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for Wednesday, 4/25/2018 at 08:30 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for Thursday, 4/26/2018 at 08:30 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for Monday, 5/14/2018 at 08:00 AM – 02:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for Tuesday, 5/15/2018 at 08:30 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer. (5/15/2018 is for any additional argument</p>

		necessary to complete the trial. Counsel are to pencil in the date) (asb) (Entered: 04/18/2018)
04/19/2018	386	<p>Minute Entry for proceedings held before Judge David Nuffer: Bench Trial held on 4/19/2018.</p> <p>Counsel present for parties. Court informed counsel that all depositions have now been read. Ms. Healy Gallagher provided additional exhibits, including redactions, to court and opposing counsel this morning.</p> <p>Ms. Healy Gallagher clarified for the record errors of minute entries: /4/2018 Exhibits 380 123 should be 132 and Exhibits 769 should be 796; 4/5/2018 Exhibit 669 moved into evidence and was admitted. ME does not note the admission. Court made the identified corrections.</p> <p>Government offered Exhibits 509 Video 12_4_00-4_23A, 509 Video 12_4_38-5_15A, 509 Video 12_4_38-5_15B, and 562A. Court received.</p> <p>The government list for deposition exhibits where no objections has been marked as Court Exhibit 2.</p> <p>Court will discuss Exhibits 349, 465, 535 at a break between testimony.</p> <p>Ms. Hines called Lynette Williams. Witness sworn and testified.</p> <p>Mr. Moran called Preston Olsen. Witness sworn and testified. Mr. Moran moved for the admission of Exhibit 134. Objection heard. Court received. Mr. Moran moved for the admission of Exhibit 135. No objection. Court received. Mr. Moran moved for the admission of Exhibit 141. Objection heard. Court received. Mr. Moran moved for the admission of Exhibit 147. No objection. Court received. Mr. Moran moved for the admission of Exhibit 158. Objection heard. Court received. Mr. Moran moved for the admission of Exhibit 142. Objection heard. Court received. Mr. Moran moved for the admission of Exhibits 127, 128, 129, and 130. Objections heard. Court received. Mr. Paul moved for the admission of Exhibit 1500. Objection heard. Court received. Witness excused.</p> <p>Court will resume with trial on Friday, 4/20/2018 at 8:30 a.m. Court adjourned.</p> <p>Attorney for Plaintiff: Erin Healy Gallagher, Christopher Moran, Erin Hines, Attorney for Defendant: Denver Snuffer, Daniel Garriott, Steven Paul, Joshua Egan. Court Reporter: Kelly Hicken, Becky Janke, Laura Robinson.(Time Start: 8:00, Time End: 3:35, Room 3.100.)(asb) (Entered: 04/19/2018)</p>
04/20/2018	<u>387</u>	<p>regarding "trade or business" and "placed in service" BRIEF re <u>384</u> Memorandum (NOT to motion), 378 Bench Trial – Held,,,,,,,,, filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 534, placed in service letters, # <u>2</u> Exhibit Pl. Ex. 546, placed in service letters, # <u>3</u> Exhibit Pl. Ex. 547, overview of the placed in service letter, # <u>4</u> Exhibit Excerpts of Trial Transcript)(Gallagher, Erin) (Entered: 04/20/2018)</p>
04/20/2018	388	<p>Minute Entry for proceedings held before Judge David Nuffer: Bench Trial held on 4/20/2018.</p> <p>Counsel present for parties. Ms. Healy Gallagher addressed the exhibits that are similar to Exhibit 158.</p> <p>Ms. Healy Gallagher moved for the admission of deposition designation form Exhibits 197, 334, 483, 504, 526, 581, 530, 544, 545, 550, 554, 589, and 590, which were not identified in Court Exhibit 2. Court will review the exhibits and rule on the admission at a later time.</p> <p>Ms. Healy Gallagher moved to admit Exhibits 413, 414, 415, 416, 668. Mr. Snuffer responded if incomplete, then they object. However, if complete, then</p>

no objections. Court gave defense counsel the weekend to review the exhibits and formally respond on Monday, April 23, 2018.

Ms. Healy Gallagher moved for the admission of Exhibit 790. No objection. Court received.

Ms. Healy Gallagher moved to admit the deposition designations Exhibits 448, 579, 581, 673, 681, 682, 683, 685, 687, 688, 689, 690, 693, 697, 713. Court received.

Court ruling on the following exhibits:

Exhibit 349 not received.

Court received Exhibit 465 for limited purpose of showing the use of unsigned documentation, but otherwise not received.

Court deferred ruling on Exhibit 535.

Ms. Hines called Richard Jameson. Witness sworn and testified. Ms. Hines moved to admit Exhibit 865. Objections heard. Court received. Ms. Hines moved to admit Exhibit 637. No objection. Court received. Witness excused for the day, subject to recall by Mr. Snuffer.

Mr. Moran called Matthew Shepard. Witness sworn and testified. Mr. Moran moved for the admission of Exhibit 438. No objection. Court received. Mr. Moran moved for the admission of Exhibit 424. No objection. Court received. Mr. Moran moved for the admission of Exhibit 426. No objection. Court received. Mr. Moran moved for the admission of Exhibit 417. No objection. Court received. Mr. Moran moved for the admission of Exhibit 427. No objection. Court received. Mr. Moran moved for the admission of Exhibit 428. No objection. Court received. Mr. Moran moved for the admission of Exhibit 441. No objection. Court received. Mr. Moran moved for the admission of Exhibit 547. No objection. Court received. Mr. Moran moved for the admission of Exhibit 351. No objection. Court received. Mr. Moran moved for the admission of Exhibit 679. No objection. Court received. Mr. Moran moved for the admission of Exhibit 680. No objection. Court received. Mr. Moran moved for the admission of Exhibit 433. No objection. Court received. Mr. Moran moved for the admission of Exhibit 417. No objection. Court received. Mr. Moran moved for the admission of Exhibit 434. No objection. Court received. Direct finished. Cross examination will begin Monday, April 23, 2018 at 8:00 a.m.

Court will email the exhibit lists for government to amend the descriptions of exhibits, adding dates and descriptions. Counsel to make no other edits. Court instructed counsel to email PDFs of exhibits the court has not yet received. Discussion heard on witness schedule. Government to provide a list of exhibits to be used on upcoming witnesses to defendants counsel.

Mr. Snuffer addressed the deposition designations and upcoming testimony. Ms. Healy Gallagher responded.

Mr. Snuffer informed the court that he is not available on May 15, 2018 for any additional argument. Court inquired if counsels schedules allow for time the week of May 21, 2018 and May 29, 2018. Counsel responded. Counsel may have the week of May 29, 2018 available. Court instructed counsel to pencil in that week.

Court recessed until Monday, 4/23/2018 at 8:00 a.m.

Attorney for Plaintiff: Erin Healy Gallagher, Christopher Moran, Erin Hines, Attorney for Defendant: Denver Snuffer, Daniel Garriott, Steven Paul, Joshua Egan. Court Reporter: Kelly Hicken, Becky Janke, Laura Robinson.(Time Start: 8:33, Time End: 4:11, Room 3.100.)(asb) (Entered: 04/20/2018)

04/23/2018	<u>389</u>		DOCUMENTS LODGED consisting of 2018 April 20 Email from Erin Healy Gallagher re: Exhibits. Note: attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (asb) (Entered: 04/23/2018)
04/23/2018	<u>390</u>		DOCUMENTS LODGED consisting of 2018 April 22 Email from Erin Healy Gallagher re: Exhibits.. Note: attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (asb) (Entered: 04/23/2018)
04/23/2018	391		Minute Entry for proceedings held before Judge David Nuffer: Bench Trial held on 4/23/2018. Counsel present for parties. Ms. Healy Gallagher stated that the government is not available to week of May 29, 2018. Mr. Snuffer is not available May 15, 2018. Mr. Snuffer is available May 21 and 25, 2018. Ms. Healy Gallagher will check their schedules. Exhibits discussed. Mr. Snuffer had no objections to Exhibits 413, 414, 415, 416 and 668 (unredacted). Court received. The deposition designation list, Exhibits 448, 579, 581, 673, 681, 682, 683, 685, 687, 688, 689, 690, 693, 697, 713 were received on Friday, 4/20/2018 and received again today. Mr. Snuffer had no objections to Exhibits 197, 334, 483 (without handwriting), 504, 526, 530, 544, 550, 554. Court received. Mr. Snuffer objected to 545, 589, 590. Court reserved ruling on 545, 589, 590. Court received Exhibits 114A, 150A and 1500A, which are screenshots of video clips shown during trial testimony. Court received the exhibits on Court Exhibit #2. The exhibit list will be updated to include those exhibits as received. Court will review the 4/22/2018 email from Ms. Healy Gallagher, paragraphs 2–4, that notes the court received exhibit, however, were not noted on the exhibit list. Court will review the transcripts and minute entries and make appropriate changes. Mr. Matthew Shepard returned to complete testimony. Mr. Moran moved for the admission of Exhibit 903. No objection. Court received. Witness excused. Court confirmed the exhibits in the 4/22/2018 email from Ms. Healy Gallagher were received. Identified exhibits are now shown as received on the exhibit list. Mr. Moran called Gregory Shepard. Witness sworn and testified. Mr. Moran moved for the admission of Exhibits 435, 469, 553. No objection. Exhibit received. Mr. Paul moved for the admission of Exhibit 22. Objection heard. Court deferred ruling. Witness instructed to return Tuesday, 4/24/2018 at 8:00 a.m. to continue with testimony. Court adjourned. Attorney for Plaintiff: Erin Healy Gallagher, Christopher Moran, Erin Hines, Attorney for Defendant: Denver Snuffer, Daniel Garriott, Steven Paul, Joshua Egan. Court Reporter: Kelly Hicken, Becky Janke, Laura Robinson.(Time Start: 8:03, Time End: 2:46, Room 3.100.)(asb) (Entered: 04/23/2018)
04/24/2018			<u>BENCH TRIAL UPDATED SCHEDULE:</u> Bench Trial set for 4/24/2018 at 08:00 AM – 03:15 PM in Rm 3.100 before Judge David Nuffer. Bench Trial set for 4/25/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.

		<p>Bench Trial set for 4/26/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for 5/14/2018 at 08:00 AM – 02:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for 6/25/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for 6/26/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for 6/27/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for 6/28/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for 6/29/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer. (asb) (Entered: 04/24/2018)</p>
04/24/2018	392	<p>Minute Entry for proceedings held before Judge David Nuffer: Bench Trial held on 4/24/2018.</p> <p>Counsel present for parties. Ms. Healy Gallagher stated that they have penciled in June 25–29, 2018. Ms. Healy Gallagher addressed Exhibits 589 and 590. Court will review the associated documents to rule on Exhibits 589 and 590. Discussion heard on Exhibit 545. Objection heard. Court received 545. Mr. Gregory Shepard returned to complete testimony. Mr. Paul moved for the admission of Exhibit 22. Court deferred ruling until the exhibit has been reviewed.</p> <p>Exhibit 22 discussed. Court received.</p> <p>Ms. Healy Gallagher addressed the outstanding motion in limine <u>249</u> . Court received 589 and 590.</p> <p>Ms. Healy Gallagher called Neldon Johnson. Witness sworn and testified. Mr. Snuffer had no objection to the use and admission of Exhibit 901. Court received. Ms. Healy Gallagher moved for the admission of Exhibits 780 and 781. Objection heard. Court received. Ms. Healy Gallagher moved for the admission of Exhibit 852. Objection heard. Court received.</p> <p>Court will resume Wednesday, 4/25/2018 at 8:00 a.m.</p> <p>Court adjourned.</p> <p>Attorney for Plaintiff: Erin Healy Gallagher, Christopher Moran, Erin Hines, Attorney for Defendant: Denver Snuffer, Daniel Garriott, Steven Paul, Joshua Egan. Court Reporter: Kelly Hicken, Becky Janke, Laura Robinson.(Time Start: 8:06, Time End: 3:06, Room 3.100.)(asb) (Entered: 04/24/2018)</p>
04/25/2018	393	<p>Minute Entry for proceedings held before Judge David Nuffer: Bench Trial held on 4/25/2018.</p> <p>Counsel present for parties. No preliminary matters to be discussed. Mr. Johnson returned to complete testimony. Government objects to the use of Exhibit 16A with Mr. Johnson for his lack of personal knowledge on technical details. Otherwise, no objection to use as to marketing. Court struck Mr.</p>

		<p>Johnsons testimony from 9:42:38 9:51:02. Court made findings on the record and will not allow Mr. Johnson to testify that he has engaged experts or procured the information outlined in these areas that incorporate expert reporting by reference. Mr. Johnson cannot leverage Exhibit 16A to be anything for than a marketing of white paper turned into expert testimony. Mr. Snuffer moved for the admission of Exhibit 513. Objection heard. Court received. Mr. Snuffer moved for the admission of Exhibit 536. No objection. Exhibit received. Ms. Healy Gallagher made several objections during testimony, which the court held.</p> <p>Court to resume Thursday, 4/26/2018 at 8:00 a.m. Court adjourned.</p> <p>Attorney for Plaintiff: Erin Healy Gallagher, Christopher Moran, Erin Hines, Attorney for Defendant: Denver Snuffer, Daniel Garriott, Steven Paul, Joshua Egan. Court Reporter: Kelly Hicken, Becky Janke, Laura Robinson.(Time Start: 8:14, Time End: 4:22, Room 3.100.)(asb) (Entered: 04/25/2018)</p>
04/26/2018	396	<p>Minute Order. Proceedings held before Judge David Nuffer: granting <u>249</u> Motion in Limine; granting <u>250</u> Motion in Limine; Bench Trial held on 4/26/2018.</p> <p>Counsel present for parties. Mr. Snuffer addressed the submitted Exhibits 1523, 1524, 1525 (unedited. Edited version is Exhibit 536) and 1526. Mr. Paul to email Exhibit 536. Ms. Healy Gallagher addressed the submitted Exhibits 904 and 905.</p> <p>Mr. Johnson returned to continue with testimony. Ms. Healy Gallagher made objections to testimony, which the court held for ruling.</p> <p>Court grants all reserved objections and motions to strike on the basis of foundation and Rule 702. Court made findings on the record regarding proposed defense experts. Mr. Johnsons testimony under Rule 702 is unacceptable. He claims qualifications and endorsements without any proof other than patents. Mr. Johnsons testimony will not help the trier of the fact to understand the evidence to determine a fact in issue, because he has shown that this testimony is not based on sufficient facts or data at least that are verifiable by the Court. Court grants all reserved objections and motions to strike on the basis of foundation and Rule 702. Mr. Johnson is nearly incapable of answering a question and when he does, he offers confusing nonresponsive disconnect answers. Court cannot accept that Mr. Johnson has qualifications necessary to testify as to anything that requires a basis under Rule 702 (see transcript for full findings and ruling).</p> <p>Court clarified for and made findings on the record ruling on Hawes, Jameson. Court granted motions in limine <u>249</u> to exclude expert testimony of Kurt Hawes and Richard Jameson and <u>250</u> to exclude expert testimony of Neldon Johnson.</p> <p>Mr. Johnson returned to complete testimony. Ms. Healy Gallagher made objections to testimony. Court granted the objections.</p> <p>Discussion heard on scheduling. Court would like to finish with Mr. Johnson in the governments case in chief. The CSOs report that they will be prepared to stay as last as necessary this evening.</p> <p>Ms. Healy Gallagher discussed Exhibits 904 and 905. Argument heard on the related government objections and motion to strike Mr. Johnsons testimony. Court did not strike the testimony from the record.</p> <p>Ms. Healy Gallagher moved for the admission of Exhibit 789. No objection. Court received.</p> <p>Mr. Johnson returned to continue with testimony. Ms. Healy Gallagher moved</p>

		<p>for the admission of Exhibit 907. Discussion heard. Court denied. Witness excused for the day.</p> <p>Plaintiff rests.</p> <p>Mr. Snuffer moved to dismiss the case under Rule 52(c). Argument heard. Ms. Healy Gallagher to submit her PowerPoint presentation to the court in native format. Court adjourned.</p> <p>Attorney for Plaintiff: Erin Healy Gallagher, Christopher Moran, Erin Hines, Attorney for Defendant Denver Snuffer, Daniel Garriott, Steven Paul, Joshua Egan. Court Reporter: Kelly Hicken, Becky Janke. (Time Start: 8:04, Time End: 7:50, Room 3.100.) (asb) (Entered: 05/03/2018)</p>
04/27/2018	<u>394</u>	<p>Defendant's MOTION to Dismiss <i>Pursuant to Rule 52(c)</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Argument)(Garriott, Daniel) (Entered: 04/27/2018)</p>
04/27/2018		<p><u>BENCH TRIAL UPDATED SCHEDULE:</u></p> <p>Bench Trial set for 6/21/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for 6/22/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for 6/25/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for 6/26/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for 6/27/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for 6/28/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for 6/29/2018 at 08:00 AM – 04:00 PM in Rm 3.100 before Judge David Nuffer. (asb) (Entered: 04/27/2018)</p>
04/27/2018	<u>395</u>	<p>RESPONSE to Motion re <u>394</u> Defendant's MOTION to Dismiss <i>Pursuant to Rule 52(c) in Opposition</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Argument Presentation)(Hines, Erin) (Entered: 04/27/2018)</p>
05/29/2018	<u>397</u>	<p>MOTION for Payment and Memorandum in Support <i>re costs of enforcing discovery orders</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 908, # <u>2</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Gallagher, Erin) Modified on 6/7/2018: corrected motion relief (alt) (Entered: 05/29/2018)</p>
05/30/2018	398	<p>SEE 399 FOR CORRECT ORDER – DOCKET TEXT ORDER denying <u>394</u> Motion to Dismiss. After review of the documentation submitted by counsel and notes from the trial as well as portions of the transcripts the motion is denied subject to renewal as a 50b motion. Signed by Judge David Nuffer on</p>

		05/30/2018. Docket Text Only. No attached document. (ms) Modified on 5/31/2018: struck out text per chambers entry of corrected DTO (alt) (Entered: 05/30/2018)
05/31/2018	<u>399</u>	<p>AMENDED DOCKET TEXT ORDER deferring ruling on <u>394</u> . This DTO corrects and amends 398 DTO.</p> <p>The Motion to Dismiss <u>394</u> is deferred. After review of the documentation submitted by counsel and notes from the trial as well as portions of the transcripts the court declines to render any judgment until the close of the evidence. Signed by Judge David Nuffer on 05/31/2018. Docket text only. No attached document.(ms) (Entered: 05/31/2018)</p>
06/07/2018	<u>400</u>	ORDER granting <u>397</u> Motion for Payment of costs of enforcing discovery orders in the amount of \$16,195.26. Signed by Magistrate Judge Evelyn J. Furse on 6/7/18 (alt) (Entered: 06/07/2018)
06/12/2018	<u>401</u>	Defendant's MOTION for Judgment as a Matter of Law and Memorandum in Support <i>No Fraudulent Tax Scheme</i> filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Snuffer, Denver) (Entered: 06/12/2018)
06/13/2018	<u>402</u>	DOCKET TEXT ORDER deferring ruling on <u>401</u> Motion for Judgment as a Matter of Law. After review of the documentation submitted by counsel and notes from the trial as well as portions of the transcripts the court declines to render any judgment until the close of the evidence. Signed by Judge David Nuffer on 06/13/2018. Docket text only. No attached document. (ms) (Entered: 06/13/2018)
06/15/2018	<u>403</u>	MOTION to Continue trial and Memorandum in Support <i>on the Basis of Litigant's Health</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. Motions referred to Evelyn J. Furse.(Paul, Steven) (Entered: 06/15/2018)
06/15/2018	<u>404</u>	RESPONSE to Motion re <u>403</u> MOTION to Continue trial and Memorandum in Support <i>on the Basis of Litigant's Health</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 912, Email from Mr. Snuffer re. Witness Order)(Moran, Christopher) (Entered: 06/15/2018)
06/15/2018	<u>405</u>	REPLY to Response to Motion re <u>403</u> MOTION to Continue trial and Memorandum in Support <i>on the Basis of Litigant's Health</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Paul, Steven) (Entered: 06/15/2018)
06/18/2018	<u>406</u>	EXHIBITS filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard re <u>405</u> Reply Memorandum/Reply to Response to Motion,. (Snuffer, Denver) (Entered: 06/18/2018)
06/18/2018	<u>407</u>	MEMORANDUM DECISION AND ORDER denying <u>403</u> Motion to Continue Jury Trial. Signed by Judge David Nuffer on 6/18/18 (alt) (Entered: 06/18/2018)
06/20/2018	<u>408</u>	NOTICE OF FILING of Defendants' Anticipated Trial Schedule filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Paul, Steven) (Entered: 06/20/2018)

06/20/2018			<p><u>UPDATE BENCH TRIAL COURTROOM LOCATIONS:</u></p> <p>Bench Trial set for 6/21/2018 thru 6/27/2018 at 08:00 AM in Rm 3.100 before Judge David Nuffer.</p> <p>Bench Trial set for 6/28/2018 thru 6/29/2018 at 08:00 AM in Rm 3.400 before Judge David Nuffer.(asb) (Entered: 06/20/2018)</p>
06/21/2018	409		<p>Minute Entry for proceedings held before Judge David Nuffer: Bench Trial held on 6/21/2018. Counsel present for parties. Mr. Snuffer addressed the court stating that the defense rests. After a brief discussion, counsel for the parties will return tomorrow, June 22 at 9:00 a.m. to begin closing arguments. Each side will have 1.5 hours for closings, with the Plaintiff having .5 for rebuttal. Defendant states exhibit 360 was admitted by the court. The court does not show exhibit 360 admitted, but will confirm later. Court is adjourned and will resume tomorrow, June 22 at 9:00 a.m. Attorney for Plaintiff: Erin Healy Gallagher, Christopher Moran, Erin Hines, Attorney for Defendant Denver Snuffer, Daniel Garriott, Steven Paul, Joshua Egan. Court Reporter: Laura Robinson.(mjm) (Entered: 06/21/2018)</p>
06/21/2018	410		<p><u>UPDATED TRIAL SCHEDULE:</u></p> <p>Bench Trial set for Friday, 6/22/2018 at 09:00 AM in Rm 3.100 before Judge David Nuffer. All other trial dates are vacated pursuant to the trial minute entry dated 6/21/2018. (asb) (Entered: 06/21/2018)</p>
06/22/2018	<u>411</u>		<p>NOTICE OF FILING of Defendants' Closing Argument filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Technical Explanation of the Revenue Provisions of the Reconciliation Act of 2010, as Amended, in Combination with the Patient Protection and Affordable Care Act)(Snuffer, Denver) (Entered: 06/22/2018)</p>
06/22/2018	<u>412</u>		<p>NOTICE OF FILING filed by Plaintiff USA. (Hines, Erin) (Entered: 06/22/2018)</p>
06/22/2018	<u>413</u>		<p>INTERIM ORDER for Partial Injunctive Relief After Trial. Defendants' Declaration of Compliance due on or before 6/29/18. Signed by Judge David Nuffer on 6/22/18 (alt) (Entered: 06/22/2018)</p>
06/22/2018	<u>414</u>		<p>Second MOTION to Appoint Receiver and Memorandum in Support <i>and Freeze Defendants' Assets</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Warranty Deed, # <u>2</u> Exhibit Deed of Trust, # <u>3</u> Exhibit Warranty Deed, # <u>4</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Hines, Erin) (Entered: 06/22/2018)</p>
06/22/2018	415		<p>Minute Entry for proceedings held before Judge David Nuffer: Bench Trial completed on 6/22/2018. Counsel present for parties. Closing arguments heard from both parties. Parties excused for lunch. Upon return, the court hears rebuttal from Plaintiff. The court issues the following ruling: docket entry <u>394</u> Defendant's MOTION to Dismiss Pursuant to Rule 52(c) filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard is DENIED. Docket entry <u>401</u> Defendant's MOTION for Judgment as a Matter of Law and Memorandum in Support No Fraudulent Tax</p>

			Scheme filed by Defendants Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard is DENIED. The court made interim findings in favor of Plaintiff. Plaintiff will submit proposed findings and facts of law by 7/13/2018. Defendant will submit objections by 7/27/2018. Attorney for Plaintiff: Erin Healy Gallagher, Christopher Moran, Erin Hines, Attorney for Defendant Denver Snuffer, Daniel Garriott, Steven Paul, Joshua Egan. Court Reporter: Kelly Hicken.(mjm) (Entered: 06/22/2018)
06/22/2018	<u>416</u>		Bench Trial Witness and Exhibit Lists. (asb) (Entered: 06/25/2018)
06/27/2018	417		DOCKET TEXT ORDER taking under advisement <u>414</u> Motion to Appoint Receiver. Expedited response is necessary. Defendants may file a response to <u>414</u> Motion to Appoint Receiver on Monday, July 2, 2018, by 9:00 a.m. If the court determines a reply is necessary, one will be requested. Signed by Judge David Nuffer on 06/27/2018. Docket text only. No attached document. (ms) (Entered: 06/27/2018)
06/27/2018	418		Motions No Longer Referred: <u>414</u> Second MOTION to Appoint Receiver and Freeze Defendants' Assets. (nas) (Entered: 06/27/2018)
06/27/2018	<u>419</u>		PRESERVATION ORDER . Signed by Judge David Nuffer on 6/27/18 (alt) (Entered: 06/27/2018)
06/29/2018	<u>420</u>		NOTICE OF FILING of Defendants' Report and Certification filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Snuffer, Denver) (Entered: 06/29/2018)
06/29/2018	<u>421</u>		<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Bench Trial held on June 22, 2018, before Judge David Nuffer. Court Reporter/Transcriber Kelly Brown Hicken CSR, RPR, RMR, Telephone number 801-524-7238.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/20/2018. Redacted Transcript Deadline set for 7/30/2018. Release of Transcript Restriction set for 9/27/2018 (alt) Modified by removing restricted text on 10/1/2018 (rgj). (Entered: 06/29/2018)</p>
07/02/2018	<u>423</u>		Defendant's RESPONSE to Motion re <u>414</u> Second MOTION to Appoint Receiver and Memorandum in Support <i>and Freeze Defendants' Assets</i> filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Snuffer, Denver) (Entered: 07/02/2018)
07/02/2018	<u>424</u>		

		NOTICE of Filing of Bankruptcy of RaPower-3, by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard (Snuffer, Denver) Modified on 7/9/2018: added name of party who filed for bkrcy (alt) (Entered: 07/02/2018)
07/02/2018	<u>425</u>	MOTION for Extension of Time to comply with Doc. 419 and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, R. Gregory Shepard. Motions referred to Evelyn J. Furse.(Paul, Steven) (Entered: 07/02/2018)
07/02/2018	426	NOTICE FROM THE COURT – Defendant RaPower-3 LLC, filed for bankruptcy in U.S. Bankruptcy Court for the District of Utah, Case No. 18-24865. (ms) (Entered: 07/02/2018)
07/02/2018	427	DOCKET TEXT ORDER granting in part and denying in part <u>425</u> Motion for Extension of Time. Defendants shall have until July 13, 2018 to comply with item c. of the <u>419</u> Preservation Order. Item c. requires Defendants to provide a descriptive list of the data, identify persons responsible for maintenance of the data, including all persons with access to the data. No extensions on any other part of the <u>419</u> Preservation Order are permitted. Signed by Judge David Nuffer on 07/02/2018. Docket text only. No attached document. (ms) (Entered: 07/02/2018)
07/02/2018		Case Stayed per <u>424</u> Notice of Filing of Bankruptcy (rks) (Entered: 07/05/2018)
07/10/2018	428	DOCKET TEXT ORDER denying <u>394</u> Motion to Dismiss ; denying <u>401</u> Motion for Judgment as a Matter of Law. Judge Nuffer denied both of these motions from the bench on 6/22/2015. See minute entry 415 . Signed by Judge David Nuffer on 07/10/2018. Docket text only. No attached document. (ms) (Entered: 07/10/2018)
07/13/2018	<u>429</u>	MOTION to Vacate Stay and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Excerpts from June 22, 2018 trial transcript, # <u>2</u> Exhibit 917, RaPower-3, LLC's List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders, # <u>3</u> Text of Proposed Order)(Gallagher, Erin) Modified on 7/13/2018: corrected entry text (alt) (Entered: 07/13/2018)
07/13/2018	<u>430</u>	ORDER taking under advisement and for expedited briefing re <u>429</u> MOTION to Vacate Stay. Signed by Judge David Nuffer on 7/13/18 (alt) (Entered: 07/13/2018)
07/13/2018	<u>431</u>	MOTION for Extension of Time submission of draft opinion and order and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 07/13/2018)
07/13/2018	432	DOCKET TEXT ORDER granting <u>431</u> Motion for Extension of Time. The time for Plaintiff to submit a draft order and opinion as order on June 22, 2018, see minute entry 415 , will be extended to 14 days after an order is issued on <u>429</u> Motion to Vacate. Defendants will then have 14 days to submit their response to the draft. Docket text only. No attached document. Signed by Judge David Nuffer on 07/13/2018. (ms) (Entered: 07/13/2018)
07/18/2018	<u>433</u>	

		NOTICE of Appearance by Jeffrey D. Tuttle on behalf of RaPower-3 (Tuttle, Jeffrey) (Entered: 07/18/2018)
07/18/2018	<u>434</u>	MEMORANDUM in Opposition re <u>429</u> MOTION to Vacate Stay <i>and Reservation of Rights</i> filed by Defendant RaPower-3. (Tuttle, Jeffrey) (Entered: 07/18/2018)
07/18/2018	<u>435</u>	RESPONSE to Motion re <u>429</u> MOTION to Vacate Stay filed by Defendants International Automated Systems, Neldon Johnson, LTB1, R. Gregory Shepard. (Paul, Steven) (Entered: 07/18/2018)
07/19/2018	<u>436</u>	NOTICE of Appearance by David E. Leta on behalf of RaPower-3 (Leta, David) (Entered: 07/19/2018)
07/20/2018	<u>437</u>	REPLY to Response to Motion re <u>429</u> MOTION to Vacate Stay filed by Plaintiff USA. (Gallagher, Erin) (Entered: 07/20/2018)
08/17/2018	<u>438</u>	MOTION for Hearing re <u>429</u> MOTION to Vacate Stay, <u>414</u> Second MOTION to Appoint Receiver and Memorandum in Support <i>and Freeze Defendants' Assets</i> re status conference and Memorandum in Support <i>status conference requested, or in the alternative, request to submit for decision</i> filed by Plaintiff USA. Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 08/17/2018)
08/17/2018	<u>439</u>	RESPONSE to Motion re <u>438</u> MOTION for Hearing re <u>429</u> MOTION to Vacate Stay, <u>414</u> Second MOTION to Appoint Receiver and Memorandum in Support <i>and Freeze Defendants' Assets</i> re status conference and Memorandum in Support <i>status conference requested, or filed by Defendants International Automated Systems, Neldon Johnson, LTB1, R. Gregory Shepard. (Garriott, Daniel) (Entered: 08/17/2018)</i>
08/20/2018	440	Motions No Longer Referred: <u>438</u> MOTION for Hearing re <u>429</u> MOTION to Vacate Stay, <u>414</u> Second MOTION to Appoint Receiver and Memorandum in Support.(nas) (Entered: 08/20/2018)
08/21/2018	441	DOCKET TEXT ORDER granting <u>429</u> Motion to Vacate Stay for the reasons stated in 429 and 437. Signed by Judge David Nuffer on 8/21/2018. No attached document. (asb) (Entered: 08/21/2018)
08/21/2018	<u>442</u>	DOCUMENTS LODGED consisting of 8/17/2018 3:32 p.m. email from Dan Garriott with redlined proposed stipulated order to freeze assets and appoint receiver. Note: attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (Attachments: # <u>1</u> Text of Proposed Stipulated Order)(asb) (Entered: 08/21/2018)
08/22/2018	<u>443</u>	ORDER finding as moot <u>438</u> Motion for Hearing. Signed by Judge David Nuffer on 8/22/18 (alt) (Entered: 08/22/2018)
08/22/2018	<u>444</u>	MEMORANDUM DECISION AND ORDER granting <u>414</u> Motion to Appoint Receiver. The assets of Defendants RaPower-3, Neldon Johnson, International Automated Systems, and R. Gregory Shepard are frozen until further order of this Court. The USA shall provide within 30 days, the names of three possible receivers to the court. Signed by Judge David Nuffer on 8/22/18 (alt) (Entered: 08/22/2018)

08/27/2018	<u>445</u>		NOTICE OF INTERLOCUTORY APPEAL as to <u>444</u> Order on Motion to Appoint Receiver,, Memorandum Decision, filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. Appeals to the USCA for the 10th Circuit. Filing fee \$ 505, receipt number 1088-3089136. (Snuffer, Denver) (Entered: 08/27/2018)
08/27/2018	<u>446</u>		Transmission of Preliminary Record to USCA re <u>445</u> Notice of Appeal – Interlocutory (Attachments: # <u>1</u> Appendix) (alt) (Entered: 08/27/2018)
08/28/2018	<u>447</u>		USCA Case Number Case Appealed to Tenth Case Number 18-4119 for <u>445</u> Notice of Appeal – Interlocutory, filed by RaPower-3, R. Gregory Shepard, International Automated Systems, Neldon Johnson, LTB1. (jmr) (Entered: 08/28/2018)
09/06/2018	<u>448</u>		Defendant's MOTION to Stay re <u>444</u> Order on Motion to Appoint Receiver,, Memorandum Decision, and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. Motions referred to Evelyn J. Furse.(Snuffer, Denver) (Entered: 09/06/2018)
09/07/2018	449		Motions No Longer Referred: <u>448</u> Defendant's MOTION to Stay re <u>444</u> Order on Motion to Appoint Receiver, Memorandum Decision, and Memorandum in Support (nas) (Entered: 09/07/2018)
09/10/2018	<u>450</u>		DOCUMENT LODGED consisting of correspondence from Key Bank to atty Erin Hines. Note: attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (alt) (Entered: 09/11/2018)
09/14/2018	<u>451</u>		MOTION to Amend/Correct 428 Docket Text Order based on 6/22/18 Oral Ruling and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Confirmation of Electrical Power Production, # <u>2</u> Exhibit Sterling Engine Power Production Data, # <u>3</u> Exhibit Resume of John Kraczek)(Snuffer, Denver) Modified on 9/17/2018: corrected motion relief/case has not been closed (alt) (Entered: 09/14/2018)
09/14/2018	<u>452</u>		Defendant's OBJECTIONS to 432 Order on Motion for Extension of Time, <i>RE: Response to Plaintiff's Draft Order and Opinion</i> filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Snuffer, Denver) (Entered: 09/14/2018)
09/17/2018			Modification of Docket re <u>451</u> MOTION to Amend/Correct 428 Docket Text Order based on 6/22/18 Oral Ruling. Error: Wrong motion relief, "Reopen Case" was selected, however case has never been closed. Correction: Motion relief corrected to "Amend/Correct" and linked to order in question. (alt) (Entered: 09/17/2018)
09/17/2018	<u>453</u>		Please be advised the Record is complete for purposes of appeal for USCA case number 18-04119 re <u>445</u> Notice of Appeal – Interlocutory (alt) (Entered: 09/17/2018)
09/17/2018	<u>454</u>		DOCUMENT LODGED consisting of correspondence from JPMorgan Chase. Note: attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (alt) (Entered: 09/17/2018)

09/20/2018	<u>455</u>		MEMORANDUM in Opposition re <u>448</u> Defendant's MOTION to Stay re <u>444</u> Order on Motion to Appoint Receiver,, Memorandum Decision, and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 329, July 2013 email string re Ra3 IRS Audits)(Gallagher, Erin) (Entered: 09/20/2018)
09/21/2018	<u>456</u>		NOTICE OF FILING of United States' Proposed Receivers and Proposed Receivership Order re <u>444</u> Order on Motion to Appoint Receiver,, Memorandum Decision, filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 920, Wayne Klein Resume, # <u>2</u> Exhibit Pl. Ex. 921, Gil Miller Resume, # <u>3</u> Exhibit Pl. Ex. 922, Peggy Hunt Resume, # <u>4</u> Text of Proposed Order)(Gallagher, Erin) (Entered: 09/21/2018)
09/25/2018	<u>457</u>		REQUEST to Submit for Decision re <u>290</u> MOTION for Attorney Fees <i>re Motions to Compel</i> filed by Plaintiff USA. (Moran, Christopher) (Entered: 09/25/2018)
09/27/2018	<u>458</u>		REPLY to Response to Motion re <u>448</u> Defendant's MOTION to Stay re <u>444</u> Order on Motion to Appoint Receiver,, Memorandum Decision, and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Expert Resumes)(Paul, Steven) (Entered: 09/27/2018)
09/27/2018	<u>459</u>		MOTION for Settlement and Memorandum in Support <i>re State Cases</i> filed by Defendants International Automated Systems, Neldon Johnson, RaPower-3. (Attachments: # <u>1</u> Exhibit Proposed Settlement Agreement, # <u>2</u> Exhibit Proposed Order, # <u>3</u> Exhibit Email from Plaintiff's Counsel)(Garriott, Daniel) Modified on 10/4/2018: corrected text (alt) (Entered: 09/27/2018)
09/28/2018	<u>460</u>		Plaintiff's MEMORANDUM in Opposition re <u>451</u> MOTION to Amend/Correct 428 Docket Text Order based on 6/22/18 Oral Ruling filed by Plaintiff USA. (Attachments: # <u>1</u> Affidavit Declaration of Dr. Thomas Mancini, # <u>2</u> Exhibit Pl. Ex. 932, website capture of www.rapower3.com)(Hines, Erin) (Entered: 09/28/2018)
09/28/2018	<u>461</u>		OBJECTIONS to <u>444</u> Order on Motion to Appoint Receiver,, Memorandum Decision, <i>Plaintiff's Proposed Receivership Order</i> filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Snuffer, Denver) (Entered: 09/28/2018)
09/28/2018	<u>462</u>		MOTION lift asset freeze order as to certain assets and Memorandum in Support filed by Defendant R. Gregory Shepard. (Attachments: # <u>1</u> Affidavit Declaration of Greg Shepard) Motions referred to Evelyn J. Furse.(Paul, Steven) (Entered: 09/28/2018)
09/29/2018	<u>463</u>		DOCUMENTS LODGED consisting of Email from Plaintiff's counsel dated August 31, 2018, enclosing draft findings and conclusions. Note: attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (Attachments: # <u>1</u> Text of Proposed Order Plaintiff's clean draft Findings and Conclusions, August 31, 2018, # <u>2</u> Text of Proposed Order Plaintiff's redline draft Findings and Conclusions, August 31, 2018) (DN) (Entered: 09/29/2018)

10/01/2018	<u>464</u>		Motions No Longer Referred: <u>462</u> MOTION lift asset freeze order as to certain assets and Memorandum in Support (nas) (Entered: 10/01/2018)
10/03/2018	<u>465</u>		OBJECTIONS to <u>458</u> Reply Memorandum/Reply to Response to Motion, <i>to "new evidence" submitted in Reply</i> filed by USA. (Gallagher, Erin) (Entered: 10/03/2018)
10/03/2018	<u>466</u>		MEMORANDUM in Opposition re <u>462</u> MOTION lift asset freeze order as to certain assets and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 924, April 12, 2017 "Full Reconveyance")(Gallagher, Erin) (Entered: 10/03/2018)
10/04/2018	<u>467</u>		FINDINGS OF FACT AND CONCLUSIONS OF LAW and PERMANENT INJUNCTION. Signed by Judge David Nuffer on 10/4/18 (alt) (Entered: 10/04/2018)
10/04/2018	<u>468</u>		JUDGMENT entered in favor of USA against International Automated Systems, RaPower-3, Neldon Johnson, R. Gregory Shepard, jointly and severally, in the amount of \$50,025,480, with post-judgment interest at the legal rate – CASE CLOSED. The Order and Injunction and Compliance Verifications set forth in the Findings of Fact and Conclusions of Law shall remain in effect and survive the closure of this action. Signed by Judge David Nuffer on 10/4/18 (alt) (Entered: 10/04/2018)
10/08/2018	<u>469</u>		NOTICE of Withdrawal of Motion [Doc. 462] by R. Gregory Shepard re <u>462</u> MOTION lift asset freeze order as to certain assets and Memorandum in Support (Paul, Steven) (Entered: 10/08/2018)
10/09/2018	<u>470</u>		REPLY to Response to Motion re <u>451</u> MOTION to Amend/Correct 428 Docket Text Order based on 6/22/18 Oral Ruling filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Engineers' Report)(Paul, Steven) (Entered: 10/09/2018)
10/09/2018	<u>471</u>		AFFIDAVIT/DECLARATION of John Kraczek in Support re <u>451</u> MOTION to Amend/Correct 428 Docket Text Order based on 6/22/18 Oral Ruling filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit John Kraczek Resume, # <u>2</u> Exhibit Engineers Report)(Paul, Steven) (Entered: 10/09/2018)
10/10/2018	<u>472</u>		NOTICE OF APPEAL filed by Roger Freeborn, International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. Appeals to the USCA for the 10th Circuit. Filing fee \$ 505, receipt number 1088-3120754. (Paul, Steven) (Entered: 10/10/2018)
10/10/2018	<u>473</u>		Transmission of Preliminary Record to USCA re <u>472</u> Notice of Appeal (Attachments: # <u>1</u> Appendix) (alt) (Entered: 10/10/2018)
10/16/2018	<u>474</u>		Defendant's MOTION to Amend/Correct <u>468</u> Judgment, and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. Motions referred to Evelyn J. Furse.(Snuffer, Denver) (Entered: 10/16/2018)
10/17/2018	<u>475</u>		USCA Case Number Case Appealed to Tenth Case Number 18-4150 for <u>472</u> Notice of Appeal filed by Roger Freeborn, RaPower-3, R. Gregory Shepard, International Automated Systems, Neldon Johnson, LTB1. (jmr) (Entered: 10/17/2018)

		10/17/2018)
10/17/2018	476	Motions No Longer Referred: <u>474</u> Defendant's MOTION to Amend/Correct <u>468</u> Judgment, and Memorandum in Support (nas) (Entered: 10/17/2018)
10/18/2018	<u>477</u>	BILL OF COSTS filed by USA. (Attachments: # <u>1</u> Memorandum of Costs, # <u>2</u> Verification of Costs: Declaration of Erin Healy Gallagher, # <u>3</u> Pl. Ex. 925)(Gallagher, Erin) (Entered: 10/18/2018)
10/23/2018	478	DOCKET TEXT ORDER re <u>452</u> Objection re: <u>467</u> Findings of Fact and Conclusions of Law ("Objection"), filed by Defendants. Defendants' <u>452</u> Objection is MOOT and therefore OVERRULED. Signed by Judge David Nuffer on 10/23/18. (elm) (Entered: 10/23/2018)
10/23/2018	<u>479</u>	ORDER denying <u>448</u> Motion to Stay enforcement of <u>444</u> Memorandum Decision. Signed by Judge David Nuffer on 10/23/18 (alt) (Entered: 10/23/2018)
10/23/2018	<u>480</u>	ORDER granting <u>290</u> Motion for Attorney Fees in the total amount of \$8,899.98. Signed by Judge David Nuffer on 10/23/18 (alt) Modified on 12/28/2018: this order no longer applies to Heideman & Associates per <u>551</u> Order (alt) (Entered: 10/23/2018)
10/23/2018	<u>481</u>	CLERK'S JUDGMENT FOR ATTORNEYS' FEES AND COSTS in favor of USA and against Heideman & Associates , International Automated Systems, LTB1, RaPower-3, Neldon Johnson, jointly and severally, in the total amount of \$8,899.98. Signed by ALT, Deputy Clerk (alt) Modified on 12/28/2018: this jgm no longer applies to Heideman & Associates per <u>551</u> Order (alt) (Entered: 10/23/2018)
10/24/2018	<u>482</u>	ORDER granting <u>459</u> Motion to Permit Settlement of State Cases. Signed by Judge David Nuffer on 10/24/18 (alt) (Entered: 10/24/2018)
10/25/2018	<u>483</u>	MOTION for Order to Show Cause and Memorandum in Support <i>why defendant R. Gregory Shepard should not be held in civil contempt</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 927- Affidavit of Certified Records, regarding attached Confirmation Notice of Shepard's Surrender of Annuity Contract, # <u>2</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Moran, Christopher) (Entered: 10/25/2018)
10/25/2018	<u>484</u>	TRANSCRIPT REQUEST FORM filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard re <u>472</u> Notice of Appeal (Paul, Steven) (Entered: 10/25/2018)
10/25/2018	485	<u>NOTICE OF HEARING ON MOTION</u> re: <u>483</u> MOTION for Order to Show Cause and Memorandum in Support <i>why defendant R. Gregory Shepard should not be held in civil contempt</i> : Motion Hearing set for Thursday, 11/8/2018 at 01:00 PM in Rm 7.300 before Judge David Nuffer. (asb) (Entered: 10/25/2018)
10/25/2018	486	Motions No Longer Referred: <u>483</u> MOTION for Order to Show Cause and Memorandum in Support <i>why defendant R. Gregory Shepard should not be</i>

		<i>held in civil contempt</i> (elm) (Entered: 10/25/2018)
10/25/2018	487	<p>DOCKET TEXT ORDER taking under advisement <u>483</u> United States' Motion for Order to Show Cause Why R. Gregory Shepard Should Not Be Held in Civil Contempt of Court (the "Motion").</p> <p>IT IS HEREBY ORDERED that any response to the <u>483</u> Motion shall be filed by no later than Friday, November 2, 2018.</p> <p>Signed by Judge David Nuffer on 10/25/18. No attached document. (elm) (Entered: 10/25/2018)</p>
10/26/2018	<u>488</u>	RESPONSE to Motion re <u>474</u> Defendant's MOTION to Amend/Correct <u>468</u> Judgment, and Memorandum in Support filed by Plaintiff USA. (Gallagher, Erin) (Entered: 10/26/2018)
10/31/2018	<u>489</u>	Please be advised the Record is complete for purposes of appeal for USCA case number 18-4150 re <u>472</u> Notice of Appeal (alt) (Entered: 10/31/2018)
10/31/2018	<u>490</u>	RECEIVERSHIP ORDER overruling objections and appointing Wayne Klein as receiver for the estate of the Receivership Defendants and any subsidiaries or affiliated entities, with standing to prosecute claims under the Uniform Voidable Transactions Act. The Asset Freeze is continued. Signed by Judge David Nuffer on 10/31/18 (alt) (Entered: 10/31/2018)
11/01/2018	<u>491</u>	CORRECTED RECEIVERSHIP ORDER (corrects formatting problems in the <u>490</u> Receivership Order). Signed by Judge David Nuffer on 11/1/18 (alt) (Entered: 11/01/2018)
11/01/2018	<u>492</u>	DECLARATION of Neldon Johnson <i>re Compliance Verifications</i> filed by Neldon Johnson. (Paul, Steven) (Entered: 11/01/2018)
11/01/2018	<u>493</u>	DECLARATION of R. Gregory Shepard <i>re Compliance Verifications</i> filed by R. Gregory Shepard. (Paul, Steven) (Entered: 11/01/2018)
11/02/2018	<u>494</u>	RESPONSE to Motion re <u>483</u> MOTION for Order to Show Cause and Memorandum in Support <i>why defendant R. Gregory Shepard should not be held in civil contempt</i> filed by Defendant R. Gregory Shepard. (Attachments: # <u>1</u> Affidavit Declaration of Greg Shepard)(Paul, Steven) (Entered: 11/02/2018)
11/02/2018	<u>495</u>	Neldon Johnson's Pro Se MOTION to Recuse Honorable Judge David Nuffer filed by Defendant Neldon Johnson. Motions referred to Evelyn J. Furse.(mas) (Entered: 11/02/2018)
11/02/2018	<u>496</u>	MOTION to Appoint Counsel <i>Accounting Firm Lone Peak Valuation Group</i> filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse. Attorney Jonathan O. Hafen added to party Wayne Klein(pty:rc)(Hafen, Jonathan) (Entered: 11/02/2018)
11/02/2018	<u>497</u>	MOTION to Appoint Counsel <i>Parr Brown Gee & Loveless</i> filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Hafen, Jonathan) (Entered: 11/02/2018)
11/05/2018	498	Motions No Longer Referred: <u>495</u> MOTION to Recuse, <u>496</u> MOTION to Appoint Counsel <i>Accounting Firm Lone Peak Valuation Group</i> , <u>497</u> MOTION to Appoint Counsel <i>Parr Brown Gee & Loveless</i> (nas) (Entered: 11/05/2018)

11/05/2018	<u>499</u>		ORDER denying <u>495</u> Motion for Recusal. Signed by Judge David Nuffer on 11/05/2018. (elm) (Entered: 11/05/2018)
11/06/2018	<u>500</u>		ORDER granting <u>496</u> Motion to Appoint Accounting Firm Lone Peak Valuation Group; granting <u>497</u> Motion to Appoint Counsel Parr Brown Gee & Loveless P.C. Signed by Judge David Nuffer on 11/6/18 (alt) (Entered: 11/06/2018)
11/08/2018	<u>501</u>		Costs Taxed in amount of \$ 49140.53 for Plaintiff against Defendants; signed by AWM, Chief Deputy Clerk on 11/7/2018 (alt) (Entered: 11/08/2018)
11/08/2018	502		Minute Order. Proceedings held before Judge David Nuffer: Counsel present for parties. Discussion heard on the government's motion finding Mr. Shepard in civil contempt, and procedures/remedies on the motion. Government requested a return of all money withdrawn within 7 days. Mr. Paul responded that all money has been spent. Mr. Klein requested a full accounting of the monies spent, including bank and AXA records. Court made findings on the record that the government has satisfied the burden of proof of civil contempt against Mr. Shepard. Court found Mr. Shepard guilty of civil contempt. Court ordered Mr. Shepard to pay \$27,126.05 to the receiver on or before 4:00 p.m. 11/30/2018. Mr. Shepard to provide a full accounting along with all exhibits by noon, 11/13/2018. Mr. Shepard to also provide information of all persons benefiting from the funds (names, addresses, phone numbers, SSN, email), along with a list of those living with Mr. Shepard. Court ordered that the U.S. is entitled to reasonable attorney fees and costs. Motion for attorney fees to be filed by 12/7/2018. granting <u>483</u> Motion for Order to Show Cause Follow-Up Show Cause Hearing set for Thursday, 11/15/2018 at 09:00 AM in Rm 7.300 before Judge David Nuffer. Government may appear by video conferencing. Government counsel to email the request to dj.nuffer@utd.uscourts.gov to make arrangements. Mr. and Mrs. Shepard must be present for the hearing on 11/15/2018. Motion Hearing held on 11/8/2018 re <u>483</u> MOTION for Order to Show Cause and Memorandum in Support <i>why defendant R. Gregory Shepard should not be held in civil contempt</i> filed by USA. Court adjourned. Written Order to follow oral order: Yes. Attorney for Plaintiff: Christopher Moran, Attorney for Defendant Steven Paul. Receiver: Wayne Klein. Court Reporter: Becky Janke.(Time Start: 1:05, Time End: 1:32, Room 7.300.) (asb) (Entered: 11/08/2018)
11/09/2018	<u>503</u>		MOTION for Rule 52(b), 59(e) and 60(b) Relief re <u>480</u> Order on Motion for Attorney Fees and Memorandum in Support filed by Respondent Heideman & Associates. Motions referred to Evelyn J. Furse.(Heideman, Justin) Modified on 11/9/2018: corrected relief text (alt) (Entered: 11/09/2018)
11/09/2018	504		Motions No Longer Referred: <u>503</u> MOTION Rule 52(b), 59(e) and 60(b) Relief from October 23, 2018 Order re <u>480</u> Order on Motion for Attorney Fees and Memorandum in Support (nas) (Entered: 11/09/2018)
11/09/2018	<u>505</u>		ORDER OF CONTEMPT as to R. Gregory Shepard following findings of 11/8/18 Show Cause Hearing. Signed by Judge David Nuffer on 11/9/18 (alt) (Entered: 11/09/2018)

11/13/2018	<u>506</u>		Redacted RESPONSE re <u>505</u> Contempt Order, filed by R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Accounting of Funds–redacted, # <u>2</u> Exhibit Accounting of Income–redacted)(Paul, Steven) (Entered: 11/13/2018)
11/13/2018	<u>507</u>		AMENDED AND RESTATED JUDGMENT in favor of USA and against International Automated Systems, RaPower–3, Neldon Johnson, R. Gregory Shepard, jointly and severally, in the amount of \$50,025,480.00 as equitable monetary relief, up to and including the amount of gross receipts each received from the solar energy scheme as follows, together with post–judgment interest at the legal rate: Neldon Johnson, \$50,025,480; International Automated Systems, \$5,438,089; RaPower–3, \$25,874,066; and R. Gregory Shepard, \$702,001. The Order and Injunction and Compliance Verifications set forth in the Findings of Fact and Conclusions of Law shall remain in effect and survive the closure of this action. Signed by Judge David Nuffer on 11/13/18 (alt) (Entered: 11/13/2018)
11/15/2018	508		Minute Entry Counsel present for parties. Court reviewed for the record the contempt order and associated deadlines entered by the court on 11/9/2018. Discussion heard on the accounting, filed by Mr. Paul on 11/13/2018. Government called Matthew Shepard. Witness sworn and testified. Government called Diana Shepard. Witness sworn or testified. Government called R. Gregory Shepard. Witness sworn and testified. Court ordered that Mr. Shepard produce documentation of disbursement of \$6k by 11/21/2018. Plaintiff and receiver to brief the joint and several issue and what funds from whom, and attorney fees claim due noon, 12/7/2018. Response noon, 12/13/2018. Further hearing 12/20/2018 at 9:00 a.m. to complete this hearing. Court adjourned. for proceedings held before Judge David Nuffer: Show Cause Hearing held on 11/15/2018, (Show Cause Hearing set for 12/20/2018 at 09:00 AM in Rm 7.300 before Judge David Nuffer.). Attorney for Plaintiff: Erin Healy Gallagher, Attorney for Defendant: Steven Paul. Receiver: Wayne Klein. Court Reporter: Kelly Hicken.(Time Start: 8:59, Time End: 12:00, Room 7.300.)(asb) (Entered: 11/15/2018)
11/16/2018	<u>509</u>		MOTION to lift asset freeze order as to Solco I, LLC and XSun Energy, LLC and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower–3, R. Gregory Shepard. Motions referred to Evelyn J. Furse.(Paul, Steven) (Entered: 11/16/2018)
11/16/2018	<u>510</u>		DECLARATION of Neldon Johnson re <u>492</u> Declaration <i>AMENDED</i> filed by International Automated Systems, Neldon Johnson, LTB1, RaPower–3. (Garriott, Daniel) (Entered: 11/16/2018)
11/19/2018	511		Motions No Longer Referred: <u>509</u> MOTION to lift asset freeze order as to Solco I, LLC and XSun Energy, LLC and Memorandum in Support (jjm) (Entered: 11/19/2018)
11/20/2018	<u>512</u>		ERRATA to <u>509</u> MOTION to lift asset freeze order as to Solco I, LLC and XSun Energy, LLC and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower–3, R. Gregory Shepard . (Paul, Steven) (Entered: 11/20/2018)

11/21/2018	<u>513</u>		MEMORANDUM in Opposition re <u>503</u> MOTION for Rule 52(b), 59(e) and 60(b) Relief re <u>480</u> Order on Motion for Attorney Fees filed by Plaintiff USA. (Moran, Christopher) (Entered: 11/21/2018)
11/26/2018	<u>514</u>		DOCUMENT LODGED consisting of correspondence from JPMorgan Chase. Note: attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (alt) (Entered: 11/26/2018)
11/27/2018	<u>515</u>		<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Show Cause Hearing held on November 15, 2018, before Judge David Nuffer, re <u>472</u> Notice of Appeal, <u>445</u> Notice of Appeal – Interlocutory. Court Reporter/Transcriber Kelly Brown Hicken CSR, RPR, RMR, Telephone number 801–521–7238.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/18/2018. Redacted Transcript Deadline set for 12/28/2018. Release of Transcript Restriction set for 2/25/2019 (alt) Modified by removing restricted text on 2/25/2019 (rgj). (Entered: 11/27/2018)</p>
11/28/2018	<u>517</u>		Defendant's REPLY to Response to Motion re <u>503</u> MOTION for Rule 52(b), 59(e) and 60(b) Relief re <u>480</u> Order on Motion for Attorney Fees filed by Respondent Heideman & Associates. (Heideman, Justin) (Entered: 11/28/2018)
11/29/2018	<u>518</u>		DOCUMENTS LODGED consisting of an e–mail from attorney Steven R. Paul. Note: attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (elm) (Entered: 11/29/2018)
11/29/2018	<u>519</u>		DOCUMENTS LODGED consisting of an e–mail from attorney Erin Healy Gallagher. Note: attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (elm) (Entered: 11/29/2018)
11/29/2018	<u>520</u>		DECLARATION of Neldon Johnson re <u>467</u> Findings of Fact & Conclusions of Law, Permanent Injunction (<i>Second Declaration of Compliance</i>) filed by International Automated Systems, Neldon Johnson, LTB1, RaPower–3. (Garriott, Daniel) (Entered: 11/29/2018)
11/29/2018	<u>521</u>		DECLARATION of R. Gregory Shepard (<i>Second Declaration of Compliance</i>) filed by R. Gregory Shepard. (Garriott, Daniel) (Entered: 11/29/2018)
11/29/2018	<u>522</u>		ORDER Vacating Hearing previously set for 9:00 a.m. on 12/20/18 and Limiting Briefs in re Civil Contempt. Signed by Judge David Nuffer on

			11/29/18 (alt) (Entered: 11/29/2018)
11/30/2018	<u>523</u>		MEMORANDUM in Opposition re <u>509</u> MOTION to lift asset freeze order as to Solco I, LLC and XSun Energy, LLC and Memorandum in Support filed by Plaintiff USA. (Hines, Erin) (Entered: 11/30/2018)
11/30/2018	<u>524</u>		NOTICE of Appearance by Michael S. Lehr on behalf of Wayne Klein (Lehr, Michael) (Entered: 11/30/2018)
11/30/2018	<u>525</u>		MEMORANDUM in Opposition re <u>509</u> MOTION to lift asset freeze order as to Solco I, LLC and XSun Energy, LLC and Memorandum in Support filed by Receiver Wayne Klein. (Lehr, Michael) (Entered: 11/30/2018)
11/30/2018	<u>526</u>		Receiver's FINANCIAL REPORT <i>Recommendation of Living Allowances</i> filed by Receiver Wayne Klein. (Lehr, Michael) (Entered: 11/30/2018)
12/03/2018	<u>527</u>		DECLARATION of R. Gregory Shepard re <u>491</u> Order filed by R. Gregory Shepard. (Paul, Steven) (Entered: 12/03/2018)
12/03/2018	<u>528</u>		DECLARATION of Neldon P. Johnson re <u>491</u> Order filed by Neldon Johnson. (Paul, Steven) (Entered: 12/03/2018)
12/04/2018	<u>529</u>		ORDER denying <u>451</u> Rule 59(e) and Rule 52(b) Motion. Signed by Judge David Nuffer on 12/4/18. (dla) (Entered: 12/04/2018)
12/04/2018	<u>530</u>		MOTION for Limited Relief from Asset Freeze and Memorandum in Support filed by Defendant Neldon Johnson. (Attachments: # <u>1</u> Exhibit Email from W. Klein, # <u>2</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Paul, Steven) Modified on 12/26/2018: corrected motion relief (alt) (Entered: 12/04/2018)
12/04/2018	<u>531</u>		AFFIDAVIT/DECLARATION of Neldon P. Johnson in Support re <u>530</u> MOTION and Memorandum in Support <i>for limited relief from asset freeze</i> filed by Defendant Neldon Johnson. (Paul, Steven) (Entered: 12/04/2018)
12/04/2018	532		Motions No Longer Referred: <u>530</u> MOTION and Memorandum in Support <i>for limited relief from asset freeze</i> (elm) (Entered: 12/04/2018)
12/05/2018	533		DOCKET TEXT ORDER taking under advisement <u>530</u> Defendant Neldon Johnson's Motion for Limited Relief from Asset Freeze Order (the "Motion"). Any response to the Motion shall be filed by no later than <u>Tuesday, December 18, 2018</u> , and any reply to the same shall be filed by no later than <u>12:00 p.m. on Friday, December 21, 2018</u> . Signed by Judge David Nuffer on December 5, 2018. No attached document. (elm) (Entered: 12/05/2018)
12/06/2018	<u>534</u>		MOTION for Attorney Fees and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Declaration of Erin Healy Gallagher, # <u>2</u> Exhibit Pl. Ex. 935, United States' attorney's fees and costs, # <u>3</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 12/06/2018)
12/07/2018	535		Motions No Longer Referred: <u>534</u> MOTION for Attorney Fees and Memorandum in Support (nas) (Entered: 12/07/2018)
12/07/2018	<u>536</u>		MOTION for Order Releasing Properties from Receivership Estate filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Lehr, Michael) (Entered: 12/07/2018)

		12/07/2018)
12/10/2018	<u>537</u>	NOTICE of Intent to Serve Subpoena to Pacific Stock Transfer Company by Wayne Klein (Lehr, Michael) (Entered: 12/10/2018)
12/10/2018	<u>538</u>	Motions No Longer Referred: <u>536</u> MOTION for Order Releasing Properties from Receivership Estate (nas) (Entered: 12/10/2018)
12/11/2018	<u>539</u>	ORDER of USCA 10th Circuit as to <u>472</u> Notice of Appeal: abatement is lifted (alt) (Entered: 12/11/2018)
12/12/2018	<u>540</u>	Defendant's REPLY to Response to Motion re <u>509</u> MOTION to lift asset freeze order as to Solco I, LLC and XSun Energy, LLC and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Snuffer, Denver) (Entered: 12/12/2018)
12/12/2018	<u>541</u>	NOTICE OF WITHDRAWAL OF COUNSEL of Christopher Robert Moran filed by Christopher R. Moran on behalf of USA (Moran, Christopher) (Entered: 12/12/2018)
12/13/2018	<u>542</u>	RESPONSE to Motion re <u>534</u> MOTION for Attorney Fees and Memorandum in Support filed by Defendant R. Gregory Shepard. (Paul, Steven) (Entered: 12/13/2018)
12/14/2018	<u>543</u>	ERRATA to <u>526</u> Receivers Financial Report filed by Receiver Wayne Klein . (Attachments: # <u>1</u> Exhibit)(Lehr, Michael) (Entered: 12/14/2018)
12/18/2018	<u>544</u>	MEMORANDUM in Opposition re <u>530</u> MOTION and Memorandum in Support <i>for limited relief from asset freeze</i> filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Ex. 936, Bank statements for -9233)(Gallagher, Erin) (Entered: 12/18/2018)
12/21/2018	<u>545</u>	NOTICE of Intent to Serve Subpoena to Roger Hamblin by Wayne Klein (Lehr, Michael) (Entered: 12/21/2018)
12/26/2018	<u>546</u>	REQUEST to Submit for Decision re <u>536</u> MOTION for Order Releasing Properties from Receivership Estate filed by Receiver Wayne Klein. (Lehr, Michael) (Entered: 12/26/2018)
12/26/2018	<u>547</u>	ORDER granting <u>534</u> Motion for Attorney Fees: Defendant R. Gregory Shepard shall pay to the USA attorneys' fees and costs in the total amount of \$3,273.79 by no later than 2/1/19. Signed by Judge David Nuffer on 12/26/18 (alt) (Entered: 12/26/2018)
12/26/2018	<u>548</u>	ORDER granting <u>536</u> Motion to Release Certain Properties from the Receivership Estate. Signed by Judge David Nuffer on 12/26/18 (alt) (Entered: 12/26/2018)
12/26/2018	<u>549</u>	MEMORANDUM DECISION AND ORDER granting in part and denying in part <u>530</u> Motion for Limited Relief from Asset Freeze Order. Signed by Judge David Nuffer on 12/26/18 (alt) (Entered: 12/26/2018)
12/27/2018	<u>550</u>	ORDER denying <u>509</u> Motion without prejudice pending completion of Receivers investigation and report in accordance with the Corrected Receivership Order. Signed by Judge David Nuffer on December 27, 2018. (elm) (Entered: 12/27/2018)

12/28/2018	<u>551</u>		MEMORANDUM DECISION AND ORDER granting in part and denying in part <u>503</u> Motion for Relief from <u>480</u> Fee Order: the <u>480</u> Order and <u>481</u> Judgement for Atty Fees are amended to apply only to Defendants International Automated Systems, LTB1, RaPower-3, Neldon Johnson. Signed by Judge David Nuffer on 12/28/18 (alt) (Entered: 12/28/2018)
12/31/2018	<u>552</u>		Receiver's FINANCIAL REPORT <i>Recommendation on Status of International Automated Systems, and Liquidation Plan</i> filed by Receiver Wayne Klein. (Lehr, Michael) (Entered: 12/31/2018)
01/10/2019	<u>553</u>		NOTICE of Intent to Serve Subpoena To Church of Jesus Christ of Latter-Day Saints by Wayne Klein (Lehr, Michael) (Entered: 01/10/2019)
01/14/2019	<u>554</u>		NOTICE of Intent to Serve Subpoena to Glenda Johnson by Wayne Klein (Lehr, Michael) (Entered: 01/14/2019)
01/14/2019	<u>555</u>		NOTICE of Intent to Serve Subpoena to Neldon Johnson by Wayne Klein (Lehr, Michael) (Entered: 01/14/2019)
01/18/2019	<u>556</u>		NOTICE of Intent to Serve Subpoena to Cyprus Credit Union by Wayne Klein (Lehr, Michael) (Entered: 01/18/2019)
01/28/2019	<u>557</u>		STATUS REPORT <i>Receiver's Initial Quarterly Status Report</i> by Wayne Klein. (Lehr, Michael) (Entered: 01/28/2019)
01/28/2019	<u>558</u>		DOCUMENT LODGED consisting of an Affidavit styled as filed by Pro Se Plaintiff by dft party who has legal representation and is not a plaintiff in the case. Note: attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (Attachments: # <u>1</u> Copy of Opening Brief filed with 10CCA) (alt) (Entered: 01/28/2019)
01/29/2019	<u>559</u>		MOTION for Order to Show Cause and Memorandum in Support filed by Plaintiff USA. (Attachments: # <u>1</u> Exhibit Pl. Ex. 937, Email from Receiver to Neldon and Glenda Johnson, # <u>2</u> Exhibit Pl. Ex. 938, Letter from Nelson Snuffer to Receiver, # <u>3</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Gallagher, Erin) (Entered: 01/29/2019)
01/30/2019	560		Motions No Longer Referred: <u>559</u> MOTION for Order to Show Cause and Memorandum in Support (nas) (Entered: 01/30/2019)
01/31/2019	<u>561</u>		RESPONSE re <u>557</u> Status Report, filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit 1 – Email from Nelson to Klein 12-17-18, # <u>2</u> Exhibit 2 – Email from Klein to Nelson 12-18-18, # <u>3</u> Exhibit 3 – Letter from Nelson to Klein 12-26-18, # <u>4</u> Exhibit 4 – Email from Klein to Nelson 12-27-18, # <u>5</u> Exhibit 5 – Email from W Klein to D Nelson 12-18-18, # <u>6</u> Exhibit 6 – Release and Dismissal re R Button, # <u>7</u> Exhibit 7 – Order Re Dismissal of RaPower3 dated 5-11-16, # <u>8</u> Exhibit 8 – Order Re IAS Mot to Quash dated 5-11-16, # <u>2</u> Exhibit 9 – Order Re Dismissal of IAS dated 10-17-18)(Snuffer, Denver) (Entered: 01/31/2019)
02/01/2019	<u>562</u>		MOTION for Protective Order and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. Motions referred to Evelyn J. Furse.(Snuffer, Denver) (Entered: 02/01/2019)

02/01/2019	<u>563</u>		MOTION to Withdraw as Attorney and Memorandum in Support filed by Defendants International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Snuffer, Denver) (Entered: 02/01/2019)
02/01/2019	<u>566</u>		NOTICE of Intent to Appear Pro Se by Neldon Johnson (alt) (Entered: 02/08/2019)
02/01/2019	<u>567</u>		Amended AFFIDAVIT of Neldon P. Johnson filed by Neldon Johnson (Attachments: # <u>1</u> Supplement Copy of Opening Brief filed with 10CCA) (alt) (Entered: 02/08/2019)
02/04/2019	564		Motions No Longer Referred: <u>562</u> MOTION for Protective Order and Memorandum in Support , <u>563</u> MOTION to Withdraw as Attorney and Memorandum in Support (nas) (Entered: 02/04/2019)
02/07/2019	<u>565</u>		MOTION for Protective Order and Memorandum in Support <i>for Non-Party Glenda Johnson</i> filed by Defendant LTB1. (Attachments: # <u>1</u> Exhibit List of Documents Requested) Motions referred to Evelyn J. Furse.(Paul, Steven) (Entered: 02/07/2019)
02/07/2019	<u>568</u>		Pro Se MOTION for Protective Order filed by Defendant Neldon Johnson. Motion referred to Evelyn J. Furse (alt) (Entered: 02/08/2019)
02/11/2019	569		Motions No Longer Referred: <u>565</u> MOTION for Protective Order and Memorandum in Support <i>for Non-Party Glenda Johnson</i> , <u>568</u> MOTION for Protective Order (nas) (Entered: 02/11/2019)
02/12/2019	<u>570</u>		MEMORANDUM in Opposition re <u>562</u> MOTION for Protective Order and Memorandum in Support filed by Receiver Wayne Klein. (Lehr, Michael) (Entered: 02/12/2019)
02/13/2019	<u>571</u>		MOTION for Fee Application for 10/31/18 to 12/31/18 and Memorandum in Support filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Exhibit Time Summary, # <u>2</u> Exhibit Detailed Invoices, # <u>3</u> Exhibit Expenses, # <u>4</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Lehr, Michael) Modified on 3/5/2019: corrected text (alt) (Entered: 02/13/2019)
02/14/2019	572		Motions No Longer Referred: <u>571</u> MOTION Fee Application and Memorandum in Support <i>First Fee Application for October 31, 2018 to December 31, 2018</i> (nas) (Entered: 02/14/2019)
02/15/2019	<u>573</u>		REQUEST to Submit for Decision re <u>559</u> MOTION for Order to Show Cause and Memorandum in Support filed by Plaintiff USA. (Gallagher, Erin) (Entered: 02/15/2019)
02/15/2019	<u>574</u>		OBJECTIONS to Deposition (5th Amendment Claim) filed by Neldon Johnson (Attachments: # <u>1</u> Supplement) (alt) (Entered: 02/15/2019)
02/18/2019	<u>575</u>		RESPONSE re <u>574</u> Objections, <i>Neldon Johnson's Fifth Amendment Claim</i> filed by Wayne Klein. (Lehr, Michael) (Entered: 02/18/2019)
02/19/2019	<u>576</u>		MOTION for Order to Show Cause <i>Why Pacific Stock Transfer Company Should Not Be Held in Civil Contempt of Court for Violating the Corrected Receivership Order</i> filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Exhibit 2018.11.12 Ltr from Receiver to PST, # <u>2</u> Exhibit Subpoena to PST and

		Affidavit of Service, # <u>3</u> Exhibit 2019.01.02 Ltr from PST to Receiver, # <u>4</u> Exhibit 2019.01.15 Email from PST, # <u>5</u> Exhibit 2019.01.18 Ltr to PST) Motions referred to Evelyn J. Furse.(Lehr, Michael) Modified on 3/5/2019: corrected carry-forward text (alt). (Entered: 02/19/2019)
02/19/2019	<u>577</u>	MOTION for Protective Order and Memorandum in Support filed by Defendant Neldon Johnson. Motions referred to Evelyn J. Furse.(Snuffer, Denver) (Entered: 02/19/2019)
02/20/2019	578	Motions No Longer Referred: <u>577</u> MOTION for Protective Order and Memorandum in Support, <u>576</u> MOTION for Order to Show Cause Why Pacific Stock Transfer Company Should Not Be Held in Civil Contempt of Court for Violating the Corrected Receivership Order (nas) (Entered: 02/20/2019)
02/20/2019	<u>579</u>	MEMORANDUM in Opposition re <u>565</u> MOTION for Protective Order and Memorandum in Support <i>for Non-Party Glenda Johnson</i> filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Exhibit Acknowledgment of Receipt, # <u>2</u> Exhibit Email Thread Steven Paul, # <u>3</u> Exhibit Email Tread Process Server)(Lehr, Michael) (Entered: 02/20/2019)
02/20/2019	<u>580</u>	MEMORANDUM in Opposition re <u>568</u> MOTION for Protective Order <i>of Neldon Johnson</i> filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Exhibit Email Thread Steven Paul, # <u>2</u> Exhibit Email Tread Process Server)(Lehr, Michael) (Entered: 02/20/2019)
02/25/2019	<u>581</u>	NOTICE of Report and Recommendation on Inclusion of Affiliates/Subsidiaries in Receivership Estate by Wayne Klein (Lehr, Michael) Modified on 2/26/2019: added title text (alt) (Entered: 02/25/2019)
03/01/2019	<u>582</u>	MOTION to Include Affiliates and Subsidiaries in the Receivership Estate re <u>581</u> Notice (Other) and Memorandum in Support filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Lehr, Michael) (Entered: 03/01/2019)
03/01/2019	<u>583</u>	REQUEST to Submit for Decision re <u>571</u> MOTION Fee Application and Memorandum in Support <i>First Fee Application for October 31, 2018 to December 31, 2018</i> filed by Receiver Wayne Klein. (Lehr, Michael) (Entered: 03/01/2019)
03/04/2019	584	Motions No Longer Referred: <u>582</u> MOTION to Include Affiliates and Subsidiaries in the Receivership Estate re <u>581</u> Notice (Other) and Memorandum in Support (nas) (Entered: 03/04/2019)
03/04/2019	<u>585</u>	REQUEST to Submit for Decision re <u>562</u> MOTION for Protective Order and Memorandum in Support , <u>570</u> Memorandum in Opposition to Motion <i>for Protective Order</i> filed by Receiver Wayne Klein. (Lehr, Michael) (Entered: 03/04/2019)
03/04/2019	<u>586</u>	NOTICE of Non-Parties' Notice of Intent to File an Opposition to Receiver's Motion to Include Affiliates and Subsidiaries in the Receivership Estate by Neldon Johnson, R. Gregory Shepard re <u>582</u> MOTION to Include Affiliates and Subsidiaries in the Receivership Estate re <u>581</u> Notice (Other) and Memorandum in Support (Snuffer, Denver) (Entered: 03/04/2019)
03/05/2019	<u>587</u>	

		MEMORANDUM in Opposition re <u>577</u> MOTION for Protective Order and Memorandum in Support <i>Glenda Johnson Spousal Privilege</i> filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Exhibit Email to Nelson Snuffer, # <u>2</u> Exhibit RaPower checks signed by Glenda Johnson)(Lehr, Michael) (Entered: 03/05/2019)
03/05/2019	<u>588</u>	ORDER taking under advisement <u>559</u> Motion for Order to Show Cause; taking under advisement <u>576</u> Motion for Order to Show Cause. Service to be made on those named in the motions and briefing deadlines set. Signed by Judge David Nuffer on 3/5/19 (alt) (Entered: 03/05/2019)
03/05/2019		PER 588 ORDER: Evidentiary Motion Hearing set for 4/26/2019 at 09:30 AM in Rm 7.300 before Judge David Nuffer as to <u>559</u> MOTION for Order to Show Cause, <u>576</u> MOTION for Order to Show Cause <i>Why Pacific Stock Transfer Shouldn't Be Held in Civil Contempt for Violating the CRO</i> (alt) (Entered: 03/05/2019)
03/06/2019	<u>589</u>	MEMORANDUM DECISION AND ORDER denying <u>562</u> Motion for Protective Order Under Rule 26(c). Signed by Judge David Nuffer on 3/5/19 (alt) (Entered: 03/06/2019)
03/06/2019	<u>590</u>	ORDER granting <u>571</u> Motion for Approval of Fee Application, 10/31/18 to 12/31/18. Signed by Judge David Nuffer on 3/6/19 (alt) (Entered: 03/06/2019)
03/06/2019	<u>591</u>	MEMORANDUM DECISION AND ORDER denying <u>565</u> Motion for Protective Order; denying <u>568</u> Motion for Protective Order: the Johnsons must comply with the subpoenas by no later than 3/22/19. Signed by Judge David Nuffer on 3/6/19 (alt) (Entered: 03/06/2019)
03/06/2019	<u>592</u>	ORDER granting <u>563</u> Motion to Withdraw as Attorney. Attorneys Steven R. Paul; Denver C. Snuffer, Jr; Joshua D. Egan; and Daniel B. Garriott are withdrawn from case for International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. Signed by Judge David Nuffer on 3/6/19 (alt) (Entered: 03/06/2019)
03/07/2019	<u>593</u>	MEMORANDUM DECISION denying <u>577</u> Motion for Protective Order as to Glenda Johnson. Signed by Judge David Nuffer on 3/6/19 (alt) (Entered: 03/07/2019)
03/13/2019	<u>594</u>	NOTICE of Service by USA re <u>559</u> MOTION for Order to Show Cause, <u>588</u> Order on Motion for Order to Show Cause,,, (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Affidavit of Service on Glenda Johnson, # <u>3</u> Affidavit of Service on Randale Johnson, # <u>4</u> Affidavit of Service on LaGrand Johnson) (Gallagher, Erin) (Entered: 03/13/2019)
03/13/2019	<u>595</u>	NOTICE of Service by Wayne Klein re <u>576</u> MOTION for Order to Show Cause <i>Why Pacific Stock Transfer Shouldn't Be Held in Civil Contempt for Violating the CRO</i> , <u>588</u> Order on Motion for Order to Show Cause,,, (Attachments: # <u>1</u> Affidavit Service Pacific Stock Transfer) (Lehr, Michael) (Entered: 03/13/2019)
03/15/2019	<u>596</u>	RESPONSE to Motion re <u>582</u> MOTION to Include Affiliates and Subsidiaries in the Receivership Estate re <u>581</u> Notice (Other) filed by Respondents Glenda Johnson, Solco I, XSun Energy. (Snuffer, Denver) (Entered: 03/15/2019)
03/18/2019	<u>597</u>	

		MEMORANDUM in Opposition re <u>582</u> MOTION to Include Affiliates and Subsidiaries in the Receivership Estate (also opposing report filed as <u>581</u> Notice (Other)) filed by Defendant Neldon Johnson (alt) (Entered: 03/18/2019)
03/21/2019	<u>598</u>	MOTION to Appoint Expert Appraiser (T.V. Boyer) and Memorandum in Support filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit Appraisal Bid, # <u>3</u> Exhibit Resume & License) Motions referred to Evelyn J. Furse.(Lehr, Michael) Modified on 4/9/2019: corrected motion relief (alt) (Entered: 03/21/2019)
03/21/2019	<u>599</u>	MOTION to Appoint Expert Appraiser (C.A. Peterson) and Memorandum in Support filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit Resume, References and License) Motions referred to Evelyn J. Furse.(Lehr, Michael) Modified on 4/9/2019: corrected motion relief (alt) (Entered: 03/21/2019)
03/22/2019	600	Motions No Longer Referred: <u>599</u> MOTION Appoint Appraiser and Memorandum in Support , <u>598</u> MOTION Appoint Appraiser and Memorandum in Support (nas) (Entered: 03/22/2019)
03/27/2019	<u>601</u>	Mail sent to Neldon Johnson re docket entry <u>593</u> Returned as Not Deliverable as Addressed. Street address on his documents, '2800 W 4000 S' is unrecognized by USPS. No answer at phone number. Address will be changed to 2730 W 4000 S and mail will be resent to that address. (alt) (Entered: 03/27/2019)
03/29/2019	<u>602</u>	REPLY to Response to Motion re <u>582</u> MOTION to Include Affiliates and Subsidiaries in the Receivership Estate re <u>581</u> Notice (Other) filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Exhibit Solco Operating Agreement, # <u>2</u> Exhibit XSun Operating Agreement, # <u>3</u> Exhibit Shareholder Agreement, # <u>4</u> Exhibit Voting Trust Agreement, # <u>5</u> Exhibit Notice of Resignation, # <u>6</u> Exhibit Email)(Lehr, Michael) (Entered: 03/29/2019)
04/01/2019	<u>603</u>	REQUEST to Submit for Decision re <u>582</u> MOTION to Include Affiliates and Subsidiaries in the Receivership Estate re <u>581</u> Notice (Other) filed by Receiver Wayne Klein. (Lehr, Michael) (Entered: 04/01/2019)
04/05/2019	<u>604</u>	MOTION Lift Stay to Allow Settlement of Tax Case and Memorandum in Support filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Lehr, Michael) (Entered: 04/05/2019)
04/08/2019	605	Motions No Longer Referred: <u>604</u> MOTION Lift Stay to Allow Settlement of Tax Case and Memorandum in Support (elm) (Entered: 04/08/2019)
04/08/2019	<u>606</u>	REQUEST to Submit for Decision re <u>559</u> MOTION for Order to Show Cause, <u>576</u> MOTION for Order to Show Cause <i>Why Pacific Stock Transfer Shouldn't Be Held in Civil Contempt for Violating the CRO</i> filed by Receiver Wayne Klein. (Lehr, Michael) (Entered: 04/08/2019)
04/09/2019	<u>607</u>	ORDER granting <u>598</u> Motion to Appoint Expert Appraiser (T.V. Boyer); granting <u>599</u> Motion to Appoint Expert Appraiser (C.A. Peterson). Signed by Judge David Nuffer on 4/9/19 (alt) (Entered: 04/09/2019)
04/15/2019	<u>608</u>	

		STATUS REPORT <i>Receiver's Second Quarterly Status Report</i> by Wayne Klein. (Lehr, Michael) (Entered: 04/15/2019)
04/17/2019	<u>609</u>	ORDER: Witness/Exhibit List for 4/26/19 Evidentiary Hearing is to be filed by no later than 4/24/19 at 12:00 pm. Signed by Judge David Nuffer on 4/17/19 (alt) (Entered: 04/17/2019)
04/18/2019	<u>610</u>	MOTION for Order of (1) Public Sale of Property Free and Clean of Interests, (2) Method and Form of Publication Notice, and (3) Public Auction Procedures filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit B – Auction Procedures) Motions referred to Evelyn J. Furse.(Lehr, Michael) (Entered: 04/18/2019)
04/19/2019	611	Motions No Longer Referred: <u>610</u> MOTION for Order of (1) Public Sale of Property Free and Clean of Interests, (2) Method and Form of Publication Notice, and (3) Public Auction Procedures (nas) (Entered: 04/19/2019)
04/24/2019	<u>612</u>	Proposed Exhibit List <i>and Witness List</i> by Plaintiff USA.. (Gallagher, Erin) (Entered: 04/24/2019)
04/24/2019	<u>613</u>	Proposed Witness List <i>and Exhibit List for Hearing on 4–26–2019</i> by Glenda Johnson, LaGrand Johnson, Randale Johnson. (Paul, Steven) (Entered: 04/24/2019)
04/24/2019	<u>614</u>	Proposed Witness List <i>and Exhibit List for Hearing on 4–26–2019</i> by R. Gregory Shepard. (Paul, Steven) (Entered: 04/24/2019)
04/24/2019	<u>615</u>	Proposed Witness List <i>and Exhibit List for the Evidentiary Hearing on Show–Cause Motions</i> by Wayne Klein. (Lehr, Michael) (Entered: 04/24/2019)
04/24/2019	<u>616</u>	Proposed Witness and Exhibit List by Neldon Johnson (Attachments: # <u>1</u> Exhibit 1) (alt) (Entered: 04/24/2019)
04/24/2019	<u>617</u>	MOTION to Dismiss Party Receiver, MOTION to Dismiss and Memorandum in Support filed by Defendant Neldon Johnson (Attachments: # <u>1</u> Appendix) (alt) (Entered: 04/24/2019)
04/26/2019	<u>618</u>	ORDER granting <u>604</u> Motion to Lift Stay to Allow Settlement of Tax Case: The Litigation Stay is lifted solely to allow the IRS, R. Gregory Shepard and Diana C. Shepard to execute documents and to allow the Tax Court to enter any orders necessary to resolve the United States Tax Court, Case No. 002826–18. If a settlement agreement is not submitted and the Tax Court Case is not dismissed within 60 days of this Order, the Tax Court Case will automatically be stayed in accordance with paragraphs 44 through 48 of the Corrected Receivership Order. Signed by Judge David Nuffer on 4/25/19 (alt) (Entered: 04/26/2019)
04/26/2019	619	Minute Order. Proceedings held before Judge David Nuffer: Counsel and pro se parties present. No appearance for Pacific Stock Transfer. Mr. Lehr and Mr. Klein addressed the court as to the status of Pacific Stock Transfer, offering Exhibits 1–6. Court received the exhibits. Court made findings on the record that Pacific Stock Transfer is in contempt. Mr. Lehr to prepare and submit the proposed order for contempt, noting that the \$2,000 fine is due 10 days after entry of the order, and motion to attorneys fees, noting the response due 14 days after filing. Mr. Lehr offered Exhibits 1 thru 6. Court received. Court instructed Mr. Lehr to email the exhibits to chambers.

		<p>Ms. Healy Gallagher called Wayne Klein. Witness sworn and testified. Government offered Exhibits 937, 938, 939, 941, 507, 946, 947, 948, 949, 950, 945. No objections. Exhibits received. Government offered Exhibit 834. Objection heard. Court received Exhibit 834, pages 1, 2, 3, 11 and 12 only. Government offered Exhibit 943. Objection heard. Court will receive, subject to a correct Exhibit 943 being submitted. The current Exhibit 943 will only be used as a summary. Government offered Exhibit 941, subject to correction. No objections. Exhibit received, subject to correction.</p> <p>Mr. Paul addressed the court as to why his clients, Neldon (prior client) and Glenda Johnson (current client), did not appear for their scheduled depositions. Court ordered that Neldon Johnsons and Glenda Johnsons depositions must be taken before May 3, 2019. Counsel have agreed to schedule Glenda Johnson on Wednesday, May 1, 2019 and Neldon Johnson on Thursday, May 2, 2019. Court continued this matter until Friday, May 3, 2019 at 8:30 a.m. Court adjourned.</p> <p>taking under advisement <u>559</u> Motion for Order to Show Cause.; taking under advisement <u>576</u> Motion for Order to Show Cause.; Motion Hearing held on 4/26/2019 re <u>559</u> MOTION for Order to Show Cause filed by USA, <u>576</u> MOTION for Order to Show Cause <i>Why Pacific Stock Transfer Shouldn't Be Held in Civil Contempt for Violating the CRO</i> filed by Wayne Klein. Attorney for Plaintiff: Erin Healy Gallagher, Attorney for Defendant Steven Paul, Neldon Johnson, Gregory Shepard. Court Reporter: Becky Janke.(Time Start: 9:35, Time End: 12:44, Room 7.300.) (asb) (Entered: 04/26/2019)</p>
04/26/2019		<p>Set Evidentiary Motion Hearing as to <u>559</u> MOTION for Order to Show Cause, <u>576</u> MOTION for Order to Show Cause <i>Why Pacific Stock Transfer Shouldn't Be Held in Civil Contempt for Violating the CRO</i>.</p> <p>Motion Hearing continued until Monday, 5/3/2019 at 08:30 AM in Rm 7.300 before Judge David Nuffer. (asb) (Entered: 04/26/2019)</p>
04/29/2019	<u>620</u>	DECLARATION of R. Gregory Shepard <i>Relating to Compliance Verification of ECF 491 paragraph 24 and 26</i> filed by R. Gregory Shepard. (Paul, Steven) (Entered: 04/29/2019)
04/29/2019	<u>621</u>	DECLARATION of Randale Johnson <i>Relating to Compliance Verification of ECF 491 paragraph 24</i> filed by Randale Johnson. (Paul, Steven) (Entered: 04/29/2019)
04/29/2019	<u>622</u>	DECLARATION of LaGrand Johnson <i>Relating to Compliance Verification of ECF 491 paragraph 24</i> filed by LaGrand Johnson. (Paul, Steven) (Entered: 04/29/2019)
04/29/2019	<u>623</u>	DECLARATION of Glenda Johnson <i>Relating to Compliance Verification of ECF 491 paragraph 24</i> filed by Glenda Johnson. (Paul, Steven) (Entered: 04/29/2019)
04/29/2019	<u>624</u>	ORDER denying <u>617</u> Motion to Dismiss Party (Receiver); denying <u>617</u> Motion to Dismiss Case. Signed by Judge David Nuffer on 4/29/19 (alt) (Entered: 04/29/2019)
04/29/2019	<u>625</u>	DECLARATION of Neldon P. Johnson re <u>491</u> Order filed by Neldon Johnson (Attachments: # <u>1</u> Appendix of documents) (alt) (Entered: 04/30/2019)
04/30/2019	<u>626</u>	

		NOTICE OF APPEAL as to 619 Minute Order on Motion, <u>624</u> Order on Motion to Dismiss, filed by Neldon Johnson. Appeals to the USCA for the 10th Circuit. Fee Status: Not Paid. Filing fee \$ 505.00 (alt) (Entered: 04/30/2019)
04/30/2019	<u>627</u>	Transmission of Preliminary Record to USCA re <u>626</u> Notice of Appeal (Attachments: # <u>1</u> Appendix) (alt) (Entered: 04/30/2019)
04/30/2019	<u>628</u>	MOTION Commence Legal Proceedings and Memorandum in Support filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Lehr, Michael) Modified on 5/9/2019: corrected carry forward text (alt) (Entered: 04/30/2019)
05/01/2019	<u>629</u>	USCA Case Number Case Appealed to Tenth Case Number 19-4066 for <u>626</u> Notice of Appeal filed by Neldon Johnson. (jmr) (Entered: 05/01/2019)
05/01/2019	630	Motions No Longer Referred: <u>628</u> MOTION Commence Legal Proceedings and Memorandum in Support (nas) (Entered: 05/01/2019)
05/02/2019	631	DOCKET TEXT ORDER taking under advisement <u>628</u> Motion for Leave to Commence Legal Proceedings. Any response to the <u>628</u> motion must be filed by no later than <u>May 9, 2019</u>. Signed by Judge David Nuffer on 5/2/2019. No attached document. (jds) (Entered: 05/02/2019)
05/02/2019	<u>632</u>	DOCUMENTS LODGED consisting of Subpoenas to Appear and Testify in Civil Action to Magistrate Judge Evelyn J. Furse and David Nuffer, issued 4/24/2019. Note: attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (asb) (Entered: 05/02/2019)
05/02/2019	<u>633</u>	MEMORANDUM DECISION AND ORDER Quashing Subpoenas. Defendant Neldon Johnson caused subpoenas to be issued on April 24, 2019, commanding District Judge David Nuffer and Magistrate Judge Evelyn J. Furse to appear at a hearing in this case on April 26, 2019. Johnson served the Subpoenas by U.S. mail, addressed to the federal courthouse in Salt Lake City, where they were received on April 29, 2019. Among other deficiencies, the Subpoenas were not timely or properly served.THEREFORE, IT IS HEREBY ORDERED that the Subpoenas are QUASHED. Signed by Judge David Nuffer on 5/2/2019. (jds) (Entered: 05/02/2019)
05/03/2019	634	Minute Order. Proceedings held before Judge David Nuffer: taking under advisement <u>559</u> Motion for Order to Show Cause.; taking under advisement <u>576</u> Motion for Order to Show Cause.; Motion Hearing held on 5/3/2019 re <u>559</u> MOTION for Order to Show Cause filed by USA, <u>576</u> MOTION for Order to Show Cause <i>Why Pacific Stock Transfer Shouldn't Be Held in Civil Contempt for Violating the CRO</i> filed by Wayne Klein. Counsel and pro se parties present. Mr. Klein stated that the depositions of Neldon Johnson and Glenda Johnson were completed. Declarations were filed and received <u>620</u> <u>621</u> <u>622</u> <u>623</u> <u>625</u> . Ms. Healy Gallagher and Mr. Klein responded as to additional direct examination is necessary, after reviewing the declarations. Discussion heard on the boxes and thumb drives that have been delivered over the course of the past week. Court allowed to re-open direct examination of Mr. Klein. Discussion heard on Exhibits 834 and 945. Ms. Healy Gallagher stated that Exhibit 945 was received on 4/26/2019 and provided by email. Mr. Paul

		<p>continues to object to the Exhibit 834 in its entirety on relevance. Mr. Shepard and Mr. Johnson had no objections. Court received Exhibit 834 in its entirety. Court instructed Ms. Healy Gallagher to provide a declaration on business records.</p> <p>Mr. Klein returned to continue testimony. Government moved to admit Exhibits 2007, 2009. No objections. Court received. Government moved to admit Exhibit 2100. Objection heard and withdraw. Court received. Government moved to admit Exhibits 2100, 2101, 2074, 2102. No objections. Court received. Mr. Johnson offered Exhibits 2085 and 2086. No objections. Court received.</p> <p>Court addressed the issues of effectively concluding these proceedings. Counsel and pro se parties responded. Court ordered Mr. Johnson to obtain documents from the identified affiliates with first delivery by May 10 (along with the computer) and second delivery May 17, 2019 to the receiver. Ms. Healy Gallagher to prepare a proposed order listing all items to be delivered and submit by Monday, 5/6/2019. All of Ms. Glenda Johnsons bank and real estate records going back to 2013 be provided by May 17, 2019. Court continued this hearing until May 28, 2019 at 8:30 a.m.</p> <p>Mr. Klein requested that the Cobblestone bank accounts of Glenda Johnsons (Account #2190 and Folks Account, both located at Bank of American Fork) be frozen until a determination of whether those are receivership proceeds. Ms. Healy Gallagher addressed the request. Mr. Paul responded after speaking with his client. He will have a stipulation signed and filed as quickly as possible. The two accounts and balances are secured and will not change, and provide bank account records to the receiver and continue on a monthly basis.</p> <p>Ms. Healy Gallagher requested that sworn statements of Mr. Shepard and Mr. Johnson to be delivered by May 21, 2019. Court granted the request. Ms. Healy Gallagher requested an order of contempt on all respondents. Court made findings on the record as to the non-compliance of the court's valid order. Court did not make findings as to contempt at this time. Court adjourned.</p> <p>Attorney for Plaintiff: Erin Healy Gallagher. Attorney for Receiver: Jeffery Balls. Attorney for Defendant Steven Paul, Neldon Johnson, Gregory Shepard. Court Reporter: Kelly Hicken (Time Start: 8:30, Time End: 2:55, Room 7.300.) (asb) (Entered: 05/03/2019)</p>
05/03/2019		<p>Set/Reset Deadlines as to <u>559</u> MOTION for Order to Show Cause, <u>576</u> MOTION for Order to Show Cause <i>Why Pacific Stock Transfer Shouldn't Be Held in Civil Contempt for Violating the CRO</i>. Evidentiary Motion Hearing continued until Tuesday, 5/28/2019 at 08:30 AM in Rm 7.300 before Judge David Nuffer. (asb) (Entered: 05/03/2019)</p>
05/03/2019	<u>635</u>	<p>ORDER Regarding Requests for Attorney, Expert, or Other Services Without Payment of Fee. If either Defendant R. Gregory Shepard or Defendant Neldon Johnson requests the appointment of an attorney in this case without payment of fee in connection with the pending contempt proceedings, they must each complete, sign, and file by no later than 12:00 p.m. on Monday, May 13, 2019, a copy of the Financial Affidavit in Support of Request for Attorney, Expert, or Other Services Without Payment of Fee. Signed by Judge David Nuffer on 5/3/2019. (Attachments: # <u>1</u> Financial Affidavit)(mas) (Entered: 05/03/2019)</p>
05/03/2019	<u>636</u>	98

		MEMORANDUM DECISION AND ORDER granting <u>582</u> Receiver's Motion to Include Affiliates and Subsidiaries in Receivership. Any person who may have an objection to this Memorandum Decision and Order, whether in whole or in part, must file such objection in this case within 21 days of receiving actual notice of this Memorandum Decision and Order or else such objection shall be considered waived. Signed by Judge David Nuffer on 5/3/2019. (jds) (Entered: 05/03/2019)
05/06/2019	<u>637</u>	ORDER Directing R. Gregory Shepard to Submit Information; Directing Receiver to Confer with R. Gregory Shepard; and Directing Receiver to Make Recommendation: Based on information developed at the hearing on May 3, 2019, Defendant R. Gregory Shepard must complete a summary of his financial circumstances, including a complete statement of income, expenses, assets, and liabilities. Shepard must file this summary under seal and deliver a copy to the Receiver by <i>May 15, 2019</i> . Thereafter, the Receiver must confer with Shepard regarding Shepard's financial circumstances and evaluate the adequacy of the living expenses allowance Shepard receives. The Receiver is further directed to file a recommendation for any changes to Shepards living expenses allowance by <i>May 24, 2019</i> . The law firm of Nelson Snuffer Dahle & Poulsen is directed to e-mail a copy of this Order to Defendant R. Gregory Shepard immediately. Signed by Judge David Nuffer on 5/6/19. (dla) (Entered: 05/06/2019)
05/06/2019	<u>638</u>	NOTICE from the Court Re: Compliance and Adverse Inferences. Signed by Judge David Nuffer. (dla) (Entered: 05/06/2019)
05/07/2019	<u>640</u>	**RESTRICTED DOCUMENT** NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing held on April 26, 2019, before Judge David Nuffer. Court Reporter/Transcriber Rebecca Janke, CSR, RMR, Telephone number 801-521-7238. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/28/2019. Redacted Transcript Deadline set for 6/7/2019. Release of Transcript Restriction set for 8/5/2019 (alt) (Entered: 05/07/2019)
05/08/2019	<u>642</u>	MOTION for Attorney Fees <i>re 576 Motion for Order to Show Cause – PSTC</i> filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Affidavit Declaration of Michael Lehr, # <u>2</u> Affidavit Declaration of Wayne Klein) Motions referred to Evelyn J. Furse.(Lehr, Michael) Modified on 5/9/2019: corrected entry text (alt) (Entered: 05/08/2019)

05/08/2019	<u>643</u>		RESPONSE to Motion re <u>628</u> MOTION to Commence Legal Proceedings filed by Respondents Glenda Johnson, LaGrand Johnson, Randale Johnson, Solco I, XSun Energy. Attorney Steven R. Paul added to party LaGrand Johnson(pty:res), Attorney Steven R. Paul added to party Randale Johnson(pty:res)(Paul, Steven) Modified on 5/9/2019: corrected carried-forward text (alt) (Entered: 05/08/2019)
05/08/2019	<u>644</u>		RESPONSE re <u>638</u> Notice (Other), <i>Court's Notice RE Compliance and Adverse Inferences</i> filed by International Automated Systems, Neldon Johnson, LTB1, RaPower-3, R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Search Warrant Items Seized)(Paul, Steven) (Entered: 05/08/2019)
05/09/2019	<u>645</u>		STRICKEN PER <u>680</u> ORDER – OBJECTIONS to <u>638</u> Notice from the Court Re: Compliance and Adverse Inferences filed by Neldon Johnson (alt) Modified on 5/24/2019: added stricken info to entry (alt) (Entered: 05/09/2019)
05/09/2019	<u>646</u>		Proposed Witness/Exhibit List by Neldon Johnson (alt) (Entered: 05/09/2019)
05/10/2019	<u>647</u>		Motions No Longer Referred: <u>642</u> MOTION for Attorney Fees re <u>576</u> Motion for Order to Show Cause – PSTC (nas) (Entered: 05/10/2019)
05/10/2019	<u>648</u>		DECLARATION of R. Gregory Shepard (<i>Second</i>) <i>Relating to Compliance Verification of ECF 491 paragraph 24</i> filed by R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Attachment 1 – Ameritrade, # <u>2</u> Exhibit Attachment 2 – Closing Documents)(Paul, Steven) (Entered: 05/10/2019)
05/13/2019	<u>649</u>		NOTICE of Service upon Pacific Stock Transfer Company by Wayne Klein re <u>642</u> MOTION for Attorney Fees re <u>576</u> Motion for Order to Show Cause – PSTC and Proposed Order (Attachments: # <u>1</u> Exhibit Proposed Order, # <u>2</u> Exhibit Affidavit of Process Server) (Lehr, Michael) (Entered: 05/13/2019)
05/14/2019	<u>650</u>		**SEALED DOCUMENT** re <u>637</u> Order,,,,, Set Deadlines,,,, filed by Defendant R. Gregory Shepard NOTE: Filer is instructed to serve the <u>sealed document</u> on all other parties.. (Paul, Steven) (Entered: 05/14/2019)
05/15/2019	<u>651</u>		MOTION for Second Interim Fee Application for 1/1/2019 – 3/31/2019 filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Exhibit A – Time Summary, # <u>2</u> Exhibit B – Time Detail, # <u>3</u> Exhibit C – Expenses, # <u>4</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Lehr, Michael) (Entered: 05/15/2019)
05/16/2019	<u>652</u>		DOCKET TEXT Order Finding Mr. Neldon Johnson Indigent. Court orders the Appointment of CJA Counsel, Edwin S. Wall for Neldon Johnson. No attached document. Signed by Judge David Nuffer on 5/16/2019. (asb) (Entered: 05/16/2019)
05/16/2019	<u>653</u>		Motions No Longer Referred: <u>651</u> MOTION for Second Interim Fee Application for 1/1/2019 – 3/31/2019 (nas) (Entered: 05/16/2019)
05/16/2019	<u>654</u>		NOTICE OF FILING of Proposed Order <i>Re: Civil Contempt of Pacific Stock Transfer Company</i> filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Text of Proposed Order)(Lehr, Michael) (Entered: 05/16/2019)

05/16/2019	<u>655</u>		NOTICE of Appearance by Edwin S. Wall on behalf of Neldon Johnson (Wall, Edwin) (Entered: 05/16/2019)
05/16/2019	<u>656</u>		DECLARATION of R. Gregory Shepard <i>Third Supplemental Declaration in Compliance with ECF 491 p.26</i> filed by R. Gregory Shepard. (Attachments: # <u>1</u> Exhibit Expenses over \$1000)(Paul, Steven) (Entered: 05/16/2019)
05/17/2019	<u>657</u>		MOTION to Withdraw as Attorney <i>And For Standby Designation</i> filed by Defendant Neldon Johnson. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Wall, Edwin) (Entered: 05/17/2019)
05/17/2019	658		Motions No Longer Referred: <u>657</u> MOTION to Withdraw as Attorney <i>And For Standby Designation</i> (elm) (Entered: 05/17/2019)
05/17/2019	<u>659</u>		REPLY to Response to Motion re <u>628</u> MOTION to Commence Legal Proceedings filed by Receiver Wayne Klein. (Lehr, Michael) (Entered: 05/17/2019)
05/18/2019	<u>660</u>		ORDER taking under advisement <u>657</u> Motion to Withdraw as Attorney. Mr. Wall is, and shall continue to be, counsel of record for Defendant Neldon Johnson in connection with the pending contempt proceedings in this case. Should another qualified attorney timely enter an appearance for Johnson, certifying readiness to proceed, the court may take action on the motion. In the meantime, Mr. Wall and Mr. Johnson are expected to attend and be fully prepared for the previously-scheduled May 28, 2019 hearing and all related proceedings in this case. Any party having an email address for Mr. Johnson shall serve a copy of this order on Mr. Johnson by email. Signed by Judge David Nuffer on May 18, 2019. (DN) (Entered: 05/18/2019)
05/20/2019	<u>661</u>		MOTION to Approve (1) Public Sale of Property Free and Clear of Interests, (2) Method and Form of Publication Notice, and (3) Public Auction Procedures filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Exhibit A – Sale Order, # <u>2</u> Exhibit B – Appraisal, # <u>3</u> Exhibit C – Auction Procedures) Motions referred to Evelyn J. Furse.(Lehr, Michael) (Entered: 05/20/2019)
05/20/2019	662		Motions No Longer Referred: <u>661</u> MOTION to Approve (1) Public Sale of Property Free and Clear of Interests, (2) Method and Form of Publication Notice, and (3) Public Auction Procedures (jjm) (Entered: 05/20/2019)
05/21/2019	<u>663</u>		**RESTRICTED DOCUMENT** NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing held on May 3, 2019, before Judge David Nuffer, re <u>626</u> Notice of Appeal, <u>472</u> Notice of Appeal. Court Reporter/Transcriber Kelly Brown Hicken CSR, RPR, RMR, Telephone number 801-521-7238. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.

		Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/11/2019. Redacted Transcript Deadline set for 6/21/2019. Release of Transcript Restriction set for 8/19/2019 (alt) (Entered: 05/21/2019)
05/21/2019	<u>669</u>	DECLARATION of Neldon P. Johnson filed by Neldon Johnson (alt) (Entered: 05/23/2019)
05/21/2019	<u>670</u>	NOTICE of Tolling by Neldon Johnson (Attachments: # <u>1</u> Copy of USCA Order) (alt) (Entered: 05/23/2019)
05/23/2019	<u>664</u>	OBJECTIONS to <u>636</u> Order on Motion for Miscellaneous Relief,, Memorandum Decision, filed by XSun Energy. (Attachments: # <u>1</u> Exhibit Checks to XSun, # <u>2</u> Exhibit Correspondence with Kirton & McConkie, # <u>3</u> Exhibit Engagement Agreement with Kirton & McConkie, # <u>4</u> Exhibit Invoices to XSun)(Paul, Steven) (Entered: 05/23/2019)
05/23/2019	<u>665</u>	OBJECTIONS to <u>636</u> Order on Motion for Miscellaneous Relief,, Memorandum Decision, filed by Solco I. (Attachments: # <u>1</u> Exhibit Kirton McConkie Memorandum, # <u>2</u> Exhibit K&M Purchase Contract for Solco I, # <u>3</u> Exhibit Solco Escrow Agreement (redacted))(Paul, Steven) (Entered: 05/23/2019)
05/23/2019	<u>666</u>	ERROR: NOT FILED BY G. JOHNSON – OBJECTIONS to <u>636</u> Order on Motion for Miscellaneous Relief,, Memorandum Decision, filed by Glenda Johnson. (Snuffer, Denver) Modified on 5/23/2019: marked as filed in error, incorrectly added text removed (alt) (Entered: 05/23/2019)
05/23/2019	<u>667</u>	NOTICE OF DEFICIENCY re <u>666</u> Objections. The document was filed as if by Glenda Johnson, however the attached document does not identify her as a filing party and instead indicates several non-parties to this case as filers. The document will be marked as filed in error. Filers are reminded that they must contact the court to have parties added before attempting to file on behalf of any party not already named in the case. (alt) (Entered: 05/23/2019)
05/23/2019	<u>668</u>	ORDER granting <u>610</u> Motion Regarding Public Sale of San Bernadino Property. Signed by Judge David Nuffer on 5/23/19 (alt) (Entered: 05/23/2019)
05/24/2019	<u>671</u>	DOCUMENTS LODGED consisting of correspondence between parties regarding proposed orders. Note: attached document lodged for reference purposes only; no response required unless specifically ordered by the court. (Attachments: # <u>1</u> Additional follow-up correspondence between parties regarding, and with copies of, proposed orders.)(elm) Modified on 5/24/2019: the PDF of this correspondence was emailed to R. Gregory Shepard by the law clerk (alt) (Entered: 05/24/2019)
05/24/2019	<u>672</u>	STIPULATED ORDER Regarding Funds Held By Glenda Johnson, following <u>634</u> Hearing/Minute Order on <u>576</u> Motion for Order to Show Cause. Signed by Judge David Nuffer on 5/24/19 (alt) Modified on 5/24/2019: added link to underlying motion (alt) (Entered: 05/24/2019)
05/24/2019	<u>673</u>	

			ORDER granting <u>628</u> Motion to Commence Legal Proceedings. Signed by Judge David Nuffer on 5/24/19 (alt) (Entered: 05/24/2019)
05/24/2019	<u>674</u>		NOTICE of Appearance by Denver C. Snuffer, Jr on behalf of Black Night Enterprises, NP Johnson Family Limited Partnership, Solstice Enterprises, Starlight Holdings (Snuffer, Denver) (Entered: 05/24/2019)
05/24/2019	<u>675</u>		OBJECTIONS to <u>636</u> Order on Motion for Miscellaneous Relief,, Memorandum Decision, filed by Black Night Enterprises, NP Johnson Family Limited Partnership, Solstice Enterprises, Starlight Holdings. (Snuffer, Denver) (Entered: 05/24/2019)
05/24/2019	<u>676</u>		WRITTEN ORDER for Production, following 634 Minute Order on Motion for Order to Show Cause (follows oral order/hearing of 5/3/19). Signed by Judge David Nuffer on 5/24/19 (alt) (Entered: 05/24/2019)
05/24/2019	<u>677</u>		ORDER RE CIVIL CONTEMPT of Pacific Stock Transfer Company, granting <u>576</u> Motion for Order to Show Cause. Signed by Judge David Nuffer on 5/24/19 (alt) (Entered: 05/24/2019)
05/24/2019	678		DOCKET TEXT ORDER re <u>677</u> Order: The Receiver is ordered to serve a copy of the Order re Contempt upon Pacific Stock Transfer Company as no counsel has appeared for the 'Respondent'. So ordered by Judge David Nuffer on 5/24/19 (docket text only – no attached document) (alt) (Entered: 05/24/2019)
05/24/2019	<u>679</u>		STIPULATION re <u>543</u> Errata, <u>526</u> Receivers Financial Report <i>Receiver's Recommendation for Living Expenses Allowance for Gregory Shepard</i> by Wayne Klein. (Attachments: # <u>1</u> Text of Proposed Order)(Lehr, Michael) (Entered: 05/24/2019)
05/24/2019	<u>680</u>		ORDER re Objections to <u>638</u> Notice re: Compliance and Adverse Inferences: <u>644</u> Response (NOT to motion) is overruled, and <u>645</u> Objection is stricken. Signed by Judge David Nuffer on 5/24/19 (alt) (Entered: 05/24/2019)
05/24/2019	<u>681</u>		ORDER directing living expenses allowance for R. Gregory Shepard. Signed by Judge David Nuffer on 5/24/19 (alt) (Entered: 05/24/2019)
05/24/2019	<u>684</u>		DECLARATION on Accounting filed by Neldon Johnson (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15 – last 17 pages are scanned as–is, the originals were skewed, cutting off text) (alt) (Entered: 05/28/2019)
05/27/2019	<u>682</u>		MOTION Cancellation of IAS Shares re <u>552</u> Receivers Financial Report <i>re Recommendation of Publicly–Traded Status of IAS and Liquidation Plan</i> filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Exhibit Excerpt from Neldon Johnson Deposition, # <u>2</u> Text of Proposed Order) Motions referred to Evelyn J. Furse.(Lehr, Michael) (Entered: 05/27/2019)
05/28/2019	683		Motions No Longer Referred: <u>682</u> MOTION Cancellation of IAS Shares re <u>552</u> Receivers Financial Report <i>re Recommendation of Publicly–Traded Status of IAS and Liquidation Plan</i> (jjm) (Entered: 05/28/2019)
05/28/2019	685		

Minute Entry for proceedings held before Judge David Nuffer: Motion Hearing held on 5/28/2019 re 559 MOTION for Order to Show Cause filed by USA, 576 MOTION for Order to Show Cause *Why Pacific Stock Transfer Shouldn't Be Held in Civil Contempt for Violating the CRO* filed by Wayne Klein.

Counsel and pro se parties present. Mr. Wall stated that Neldon Johnson has retained Denver Snuffer. However, Mr. Snuffer is unable to certify that he is unable to go forward with todays proceedings and would request a continuance. The order issued 5/18/2019 states that if Mr. Johnson was to retain counsel, that they would be certified to be ready for todays proceedings. Mr. Snuffer addressed the court on the retention and preparedness for the contempt proceedings. If Mr. Snuffer is not allowed to represent Mr. Johnson, then Mr. Johnson would request to proceed pro se. Court stated that the hearing will go forward today as scheduled, then, if this hearing is continued to a future date, Mr. Snuffer would be allowed to appear on behalf of Mr. Johnson. Government responded to Mr. Wall and Mr. Snuffers statements. Mr. Lehr agreed with going forward today.

Mr. Klein returned to complete direct examination. Government moved for the admission of Exhibit 955. No objection. Court received. Government moved for the admission of Exhibit 952. No objections. Court received. Government moved for the admission of Exhibit 954. No objections. Court received. Government moved for the admission of Exhibit 953. No objections. Court received. Mr. Lehr moved for the admission of Exhibit 2088. No objections. Court received. Witness excused.

Government has no further witnesses. Mr. Wall has no witnesses. Mr. Paul has no witnesses. Mr. Shepard would like to provide testimony of himself, and will call Neldon, Glenda, Randale and LeGrand Johnson. Mr. Shepard sworn and testified. Mr. Shepard excused.

Government requested Mr. Shepard provide a proffer on what testimony he intends to obtain to the additional witnesses as how their testimony would apply to his compliance. Mr. Wall objects to his client, Neldon Johnson, to be called. Mr. Shepard would only call the witnesses to prove his innocence, not as their testimony applies to the contempt charge.

Final argument heard. Court stated the facts for the record.

Ms. Healy-Gallagher to prepare and submit the draft order by 6/10/2019 to opposed counsel/parties, objections in redline due 6/17/2019, final version due to court by 6/24/2019.

6/28/2019 Neldon Johnson to provide a draft of complete statements of records, inventory of what has been produced. 7/8/2019 final version to be submitted to court.

Glenda Johnson to go through the produced information and itemize with statement that complies with paragraphs 4 and 5 of the 676 order.

LeGrande and Randale Johnson to provide statements to comply with paragraph 24 of the 676 order.

Receiver to file by 7/1/2019 a motion award of attorneys fees.

Court made further findings as to contempt for the proposed order. No fines or incarceration are being ordered at this time.

Mr. Wall stated that his client is now satisfied with Mr. Walls representation and will not be changing counsel at this time.

Mr. Wall to submit a motion and order for appointment of additional persons to assist in complying with the courts order. The motion for withdraw is now denied.

		Mr. Wall to report any time that Mr. Johnson fails to appear at scheduled appointments. Court adjourned. Attorney for Plaintiff: Erin Healy Gallagher. Attorney for Receiver: Michael Lehr. Attorney for Defendant: Ed Wall, Denver Snuffer, Steven Paul., Gregory Shepard. Court Reporters: Becky Janke, Kelly Hicken (Time Start: 8:25, Time End: 4:32, Room 7.300.)(asb) Modified on 5/29/2019 to correct date hearing held (asb). (Entered: 05/29/2019)
05/28/2019	<u>686</u>	Witness and Exhibit List for hearings held 4/26/2019, 5/3/2019 and 5/28/2019 before Judge David Nuffer. (asb) (Entered: 05/29/2019)
06/06/2019	<u>687</u>	RESPONSE re <u>664</u> Objections, <u>675</u> Objections, <u>665</u> Objections,, <i>re Memorandum Decision and Order Including Affiliates in Receivership Estate</i> filed by Wayne Klein. (Attachments: # <u>1</u> Exhibit Neldon Johnson Deposition Citation)(Lehr, Michael) (Entered: 06/06/2019)
06/06/2019	<u>688</u>	ORDER granting <u>651</u> Motion to Approve Receiver's Second Interim Fee Application. Signed by Judge David Nuffer on 6/6/19 (alt) (Entered: 06/06/2019)
06/06/2019	<u>689</u>	ORDER granting <u>661</u> Motion to Approve (1) Public Sale of Millard County Property, (2) Method and Form of Publication Notice, and (3) Public Auction Procedures. Signed by Judge David Nuffer on 6/6/19 (alt) (Entered: 06/06/2019)
06/07/2019	<u>690</u>	Defendant's RESPONSE to Motion re <u>682</u> MOTION Cancellation of IAS Shares re <u>552</u> Receivers Financial Report <i>re Recommendation of Publicly-Traded Status of IAS and Liquidation Plan</i> filed by Defendant International Automated Systems. (Attachments: # <u>1</u> Exhibit Exhibit A)(Snuffer, Denver) (Entered: 06/07/2019)
06/10/2019	<u>691</u>	NOTICE of email submission of draft opinion and order on United States' motion for order to show cause re civil contempt by USA re <u>559</u> MOTION for Order to Show Cause (Attachments: # <u>1</u> Text of Proposed Order June 10, 2019 email from Erin Healy Gallagher with attached word-processing draft opinion and order) (Gallagher, Erin) (Entered: 06/10/2019)
06/12/2019	<u>692</u>	**RESTRICTED DOCUMENT** NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Closing Arguments and Court's Ruling held on May 28, 2019, before Judge David Nuffer, re <u>626</u> Notice of Appeal, <u>472</u> Notice of Appeal, <u>445</u> Notice of Appeal – Interlocutory. Court Reporter/Transcriber Kelly Brown Hicken CSR, RPR, RMR, Telephone number 801–521–7238. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.

			<p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/3/2019. Redacted Transcript Deadline set for 7/15/2019. Release of Transcript Restriction set for 9/10/2019 (alt) (Entered: 06/12/2019)</p>
06/12/2019	<u>694</u>		<p>**RESTRICTED DOCUMENT** NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing held on May 28, 2019, before Judge David Nuffer, re <u>626</u> Notice of Appeal, <u>472</u> Notice of Appeal, <u>445</u> Notice of Appeal – Interlocutory. Court Reporter/Transcriber Rebecca Janke, CSR, RMR, Telephone number 801–521–7238.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/3/2019. Redacted Transcript Deadline set for 7/15/2019. Release of Transcript Restriction set for 9/10/2019 (alt) (Entered: 06/12/2019)</p>
06/19/2019	<u>696</u>		<p>REPLY to Response to Motion re <u>682</u> MOTION Cancellation of IAS Shares re <u>552</u> Receivers Financial Report <i>re Recommendation of Publicly–Traded Status of IAS and Liquidation Plan</i> filed by Receiver Wayne Klein. (Attachments: # <u>1</u> Exhibit USPTO Documents, # <u>2</u> Exhibit Patent License Agreement)(Lehr, Michael) (Entered: 06/19/2019)</p>
06/24/2019	<u>697</u>		<p>NOTICE of email submission of draft opinion and order on United States' motion for order to show cause re civil contempt by USA re <u>559</u> MOTION for Order to Show Cause (Attachments: # <u>1</u> Text of Proposed Order) (Gallagher, Erin) (Entered: 06/24/2019)</p>
06/24/2019	<u>698</u>	106	<p>NOTICE OF APPEAL as to <u>636</u> Order on Motion for Miscellaneous Relief,, Memorandum Decision, filed by Black Night Enterprises, NP Johnson Family Limited Partnership, Solco I, Solstice Enterprises, Starlight Holdings, XSun Energy. Appeals to the USCA for the 10th Circuit. Filing fee \$ 505, receipt number 1088–3308724. (Paul, Steven) (Entered: 06/24/2019)</p>

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

**MEMORANDUM DECISION AND
ORDER ON RECEIVER’S MOTION
TO INCLUDE AFFILIATES AND
SUBSIDIARIES IN RECEIVERSHIP**

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

District Judge David Nuffer

R. Wayne Klein, the court-appointed receiver (“Receiver”),¹ filed a motion (the “Motion”)² to extend the receivership to thirteen entities affiliated with Defendants RaPower-3 LLC (“RaPower”), International Automated Systems Inc. (“IAS”), LTB1 LLC (“LTB1”), Neldon Johnson, and R. Gregory Shepard (collectively, the “Receivership Defendants”). Specifically, the Motion seeks to extend the receivership to the following (collectively, the “Affiliated Entities”):

1. Solco I, LLC (“Solco”);
2. XSun Energy, LLC (“XSun”);
3. Cobblestone Centre, LC (“Cobblestone”);

¹ See Corrected Receivership Order, [docket no. 491](#), filed November 1, 2018.

² Receiver’s Motion to Include Affiliates and Subsidiaries in the Receivership Estate (“Motion”), [docket no. 582](#), filed March 1, 2019; *see* Non-Parties Solco I, XSun Energy and Glenda Johnson’s Notice of Intent to File Opposition to Receiver’s Motion to Include Affiliates and Subsidiaries in the Receivership Estate, [docket no. 586](#), filed March 4, 2019; Response to Receiver’s Report and Recommendation and Motion to Include Affiliates and Subsidiaries in the Receivership Estate (“Response”), [docket no. 596](#), filed March 15, 2019; Neldon Johnson’s Opposition to the Receiver’s Report and Motion, [docket no. 597](#), filed March 18, 2019; Receiver’s Reply in Support of Its Motion to Include Affiliates and Subsidiaries in the Receivership Estate (“Reply”), [docket no. 602](#), filed March 29, 2019.

4. LTB O&M, LLC;
5. U-Check, Inc.;
6. DCL16BLT, Inc.;
7. DCL-16A, Inc.;
8. N.P. Johnson Family Limited Partnership (“NPJFLP”);
9. Solstice Enterprises, Inc. (“Solstice”);
10. Black Night Enterprises, Inc. (“Black Night”);
11. Starlight Holdings, Inc. (“Starlight”);
12. Shepard Energy; and
13. Shepard Global, Inc.

The Motion is based, in large measure, on the Receiver’s Report and Recommendation on Inclusion of Affiliates and Subsidiaries in Receivership Estate (the “R&R”).³ The R&R was required by Paragraph 5 of the Corrected Receivership Order. The assets of these entities were frozen by that same paragraph “for the purpose of permitting the Receiver to investigate the assets, property, property rights, and interests of the” Affiliated Entities “to determine whether the assets, property, property rights, or interests of the [Affiliated Entities] derive from the abusive solar energy scheme at issue in this case or from an unrelated business activity.”⁴ In the R&R, “[t]he Receiver recommends that the 12 affiliated entities identified in the [Corrected Receivership] Order, as well as one additional entity, U-Check, Inc., be included in the Receivership Estate as Entity Receivership Defendants.”⁵

³ Docket no. 581 (“R&R”), filed February 25, 2019.

⁴ Corrected Receivership Order, *supra* note 1, ¶ 5.

⁵ R&R, *supra* note 3, at 28-29, ep 31-32.

Each of the Affiliated Entities has received timely and sufficient notice of the Motion and been afforded an adequate opportunity to be heard with respect to it.⁶ Although Neldon Johnson and nonparties Glenda Johnson, XSun Energy, Solco, and Solstice filed responses opposing the Motion, they have not raised a genuine dispute as to any material fact set forth in support of the Motion.⁷ No other response has been filed in opposition to the Motion.

It is generally recognized that district courts have broad powers and wide discretion to determine relief in a receivership.⁸ “When a district court creates a receivership, its focus is to safeguard the assets, administer the property as suitable, and to assist the district court in achieving a final, equitable distribution of the assets if necessary.”⁹ To accomplish the purpose of the receivership, courts frequently include all subsidiaries and affiliates of receivership defendants in the receivership, regardless of where they may be located.¹⁰

⁶ See Reply, *supra* note 1, at 4-6.

⁷ See Response, *supra* note 2; Opposition, *supra* note 2. No other person, including R. Gregory Shepard, has filed anything in opposition to the Motion, and the time to do so has now expired.

⁸ *S.E.C. v. Vescor Capital Corp.*, 599 F.3d 1189, 1194 (10th Cir. 2010).

⁹ *Id.* (citation and internal quotation marks omitted).

¹⁰ See, e.g., *SEC v. Nationwide Automated Sys., Inc.*, No. CV-14-07249-SJO, 2014 WL 12599624, *5 (C.D. Cal. Nov. 10, 2014); *Orlowski v. Bates*, No. 2:11-cv-01396-JPM, 2014 WL 12771523, *1 (W.D. Tenn. July 28, 2014); *FTC v. Money Now Funding, LLC*, No. CV-13-01583-PHX, 2014 WL 11515024, *8 (D. Ariz. Apr. 28, 2014); *FTC v. Vacation Commc’ns Group, LLC*, No. 6:13-CV-789-ORL, 2013 WL 2468307, *7 (M.D. Fla. June 6, 2013); *SEC v. Small Bus. Capital Corp.*, No. 5:12-CV-03237-EJD, 2012 WL 12862153, *3 (N.D. Cal. June 26, 2012); *SEC v. Sunwest Mgmt., Inc.*, No. 09-6056-HO, 2009 WL 3245879, *2 (D. Or. Oct. 2, 2009); *FTC v. Direct Connection Consulting, Inc.*, No. 1:08-CV-1739, 2008 WL 11336186, *7 (N.D. Ga. May 14, 2008); *Commodity Futures Trading Comm’n v. Aurifex Commodities Research Co.*, No. 1:06-cv-166, 2007 WL 2481015, *1 (W.D. Mich. 2007); *Commodity Futures Trading Comm’n v. Wall Street Underground, Inc.*, No. Civ.A.03-2193-CM, 2004 WL 957852, *2 (D. Kan. Mar. 18, 2004); *FTC v. Sierra Pac. Mktg.*, No. CV-S-93-134-PMP, 1993 WL 78579, *6 (D. Nev. Feb. 22, 1993).

FACTUAL BASIS

The following facts are based on the evidence presented and existing record, including proof presented in hearings held April 26 and May 3, 2019.

1. For more than ten years, the Receivership Defendants promoted an abusive tax scheme centered on purported solar energy technology featuring “solar lenses” to customers across the United States. But the solar lenses were only the cover story for what the Receivership Defendants were really selling: unlawful tax deductions and credits. Their conduct, which is subject to penalty under the Internal Revenue Code, caused serious harm to the United States Treasury.¹¹ As a result, they have been enjoined from promoting their abusive solar energy scheme, ordered to disgorge their gross receipts, and required to turn over their assets and business operations to the Receiver.¹²

2. The whole purpose of RaPower, IAS, and LBT1 (collectively, the “Receivership Entities”) was to perpetrate a fraud to enable funding for Neldon Johnson. The same is true for other entities Johnson created, controls, and owns (either directly or indirectly), including Solco, XSun, Solstice,¹³ Cobblestone, LTB O&M, DCL16BLT, DCL-16A, NPJFLP, U-Check, Black Night, and Starlight. Johnson has commingled funds between these entities, used their accounts to pay personal expenses, and transferred Receivership Property to and through them in an

¹¹ Findings of Fact and Conclusions of Law, at 1, electronic page (“ep”) 6 (“FFCL”), [docket no. 467](#), filed October 4, 2018.

¹² See Memorandum Decision and Order Freezing Assets and to Appoint a Receiver, [docket no. 444](#), filed August 22, 2018.

¹³ Solco, XSun, and Solstice have each made an affirmative appearance in this case. See Response, *supra* note 2, at 1.

attempt to avoid creditors.¹⁴ (U-Check, which is not specifically named in the Corrected Receivership Order, is in possession of a Cessna twin-engine airplane, which may have significant value, and which Neldon Johnson owned and controls.)¹⁵

3. Each of the Affiliated Entities is a subsidiary or affiliated entity of Receivership Defendants¹⁶ and has close associations with the Receivership Entities.¹⁷ In many cases, the Affiliated Entities and Receivership Entities have common officers, directors, members, and managers. Their corporate purposes are similar. And there have been numerous and substantial financial transactions between them.¹⁸

4. The failure of the Receivership Defendants and Affiliated Entities to cooperate or provide records,¹⁹ together with the evidence the Receiver has obtained from financial institutions, show that the Receivership Defendants and Affiliated Entities have engaged in transactions without objective economic justification or compliance with legal formalities, while concealing assets and withholding records from the Receiver.²⁰

¹⁴ FFCL, *supra* note 11, at 128, ep 133; *id.* ¶¶ 17 n.26, 41, 284; R&R, *supra* note 3, §§ B.4-5, B.7, B.10-13, F.4-5, F.7, F.10-13; *id.* at 20, 36-37, ep 23, 39-40. The term “Receivership Property” has the same meaning in this Memorandum Decision and Order as it does in the Corrected Receivership Order.

¹⁵ R&R, *supra* note 3, at 35, ep 38.

¹⁶ See Corrected Receivership Order, *supra* note 1, ¶¶ 2, 5.

¹⁷ R&R, *supra* note 3, at 35, ep 38.

¹⁸ *Id.*

¹⁹ *Id.* at 1-3, ep 4-6; *see also* United States’ Motion to Show Cause Why Neldon Johnson, R. Gregory Shepard, Glenda Johnson, LaGrand Johnson, and Randale Johnson Should Not Be Held in Civil Contempt of Court for Violating the Corrected Receivership Order, [docket no. 559](#), filed January 29, 2019; Receiver’s Accounting, Recommendation on Publicly-Traded Status of International Automated Systems, and Liquidation Plan, [docket no. 552](#), filed December 31, 2018; Receiver’s Initial Quarterly Status Report, [docket no. 557](#), filed January 28, 2019; Receiver’s Second Quarterly Status Report, [docket no. 608](#), filed April 15, 2019; and transcripts of proceedings April 26 and May 3, 2019.

²⁰ R&R, *supra* note 3, at 37-48, ep 40-51.

5. In many instances, the Affiliated Entities' only assets are tied to the Receivership Defendants. In each instance, the assets appear to have been transferred to the Affiliated Entities for the purpose of defrauding creditors. To prevent further dissipation of Receivership Property, it is necessary to put the Affiliated Entities under the Receiver's control.²¹

6. Based on the Receiver's investigation of the Affiliated Entities, the Receiver has recommended that the receivership be extended to include each of the Affiliated Entities.²²

7. To fulfil the purposes of the receivership, safeguard receivership assets, administer receivership property as suitable, and achieve a final and equitable distribution of receivership assets, it is necessary to extend the receivership to include the Affiliated Entities.²³

8. Although many of the Affiliated Entities are now defunct and without assets, bringing them into the receivership estate is necessary to prevent their use to perpetuate further fraud in contravention of the receivership's purposes.²⁴

ORDER

THEREFORE, IT IS HEREBY ORDERED that:

1. This court takes exclusive jurisdiction and possession of all assets, of whatever kind and wherever situated, of each of the Affiliated Entities.

2. The Affiliated Entities are hereby made part of the existing receivership estate, which is being administered by court-appointed receiver Wayne Klein, in accordance with the Corrected Receivership Order.

²¹ *Id.* at 35-36, ep 38-39.

²² *Id.* at 48-49, ep 51-52.

²³ See *Vescor*, 599 F.3d at 1194.

²⁴ R&R, *supra* note 3, at 36, ep 39.

3. The “Asset Freeze” set forth in the Corrected Receivership Order shall continue to include and apply to the Affiliated Entities.

4. The directors, officers, managers, employees, trustees, investment advisors, accountants, attorneys, and other agents of the Affiliated Entities are hereby dismissed, and the powers of any general partners, directors, or managers are hereby suspended. Such persons shall have no authority with respect to the Affiliated Entities’ operations or assets, except to the extent as may hereafter by expressly granted by the Receiver or the court.

5. No person holding or claiming any position of any sort with any of the Affiliated Entities shall possess any authority to act by or on behalf of any of the Affiliated Entities.

6. The Receiver shall have all powers, authorities, rights, and privileges heretofore possessed by the owners, members, shareholders, officers, directors, managers, and general and limited partners of the Affiliated Entities under applicable state and federal law, by the governing charters, bylaws, articles, or agreements in addition to all powers and authority of a receiver at equity.

7. In carrying out his responsibilities as receiver, the Receiver shall have all control over assets, books, records, and accounts of Affiliated Entities and all powers and rights granted to the Receiver in the Corrected Receivership Order.

8. The Receivership Defendants, their subsidiaries, any affiliated entities, any affiliated individuals (including spouses and other family members), and the past and present officers, directors, agents, managers, servants, employees, attorneys, accountants, general and limited partners, trustees, and any person acting for or on behalf of the Affiliated Entities, shall cooperate with and assist the Receiver in the performance of his duties and obligations relating to

the Affiliated Entities to the same extent as required in the Corrected Receivership Order with respect to the Receivership Defendants.

9. All persons having control, custody, or possession of any property or records of Affiliated Entities are hereby ordered to turn such property or records over to the Receiver to the same extent as required by the Corrected Receivership Order with respect to Receivership Defendants.

10. As the holder of all ownership and management interests of the Affiliated Entities, the Receiver is granted power and authority to transfer all assets (including intellectual property and real estate) owned or controlled by foreign-based entities to the United States and to liquidate or abandon all foreign entities created by Receivership Defendants.

11. The stay of litigation set forth in the Corrected Receivership Order shall apply to the Affiliated Entities to the same extent as it does to the Receivership Entities.

12. All other provisions of the Corrected Receivership Order shall apply to the Affiliated Entities, as they do to the Receivership Entities, to the extent necessary and appropriate to allow the Receiver to accomplish his duties under the Corrected Receivership Order.

13. Any person who may have an objection to this Memorandum Decision and Order, whether in whole or in part, must file such objection in this case within 21 days of receiving actual notice of this Memorandum Decision and Order or else such objection shall be considered waived.

Signed May 3, 2019.

BY THE COURT:



David Nuffer
United States District Judge

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Attorneys for Appealing Parties

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

UNITED STATES OF AMERICA, Plaintiff, vs. RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1, LLC, R. GREGORY SHEPARD, NELDON JOHNSON, and ROGER FREEBORN, Defendants.	Civil No. 2:15-cv-00828-DN-EJF NOTICE OF APPEAL OF DOCKET ORDER ECF 636 Judge David Nuffer Magistrate Judge Evelyn J. Furse
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Notice is hereby given that Solco I, LLC, XSun Energy, LLC, N.P. Johnson Family Limited Partnership, Solstice Enterprises, Inc., Black Night Enterprises, Inc., and Starlight Holdings, Inc., each called by the District Court “Affiliated Entities” in the above-named case, hereby appeal to the United States Court of Appeals for the Tenth Circuit from the District Court’s Order (Doc. 636) filed on May 3, 2019; which permitted objections to be filed by the affected

parties within 21 days. XSun Energy, LLC filed its objection to the Order on May 23, 2019 (Doc. 664). Solco I, LLC filed its objection to the Order on May 23, 2019 (Doc. 665). Solstice Enterprises, Inc., Black Night Enterprises, Inc., Starlight Holdings, Inc., and N.P. Johnson Family Limited Partnership all filed objections to the Order on May 23, 2019 (Doc. 666). These objections to the Order were timely filed, however the lower court has failed to respond or rule on these objections. Therefore, Appellants do not want to forfeit their right to appeal the Order and file this Notice of Appeal to preserve their right to have this Court review the decision that confiscates their property, removes their right to manage their business enterprises, and deprives them of the right to legal counsel. This is a timely appeal of the Order.

These parties further appeal from the substance of the May 3, 2019 Order as it relates to each of them.

Pursuant to paragraph 10 of the Receivership Order (ECF 410) no receivership funds or receivership property was used in the preparation or filing of this document.

Dated this 24th day of June, 2019.

NELSON SNUFFER DAHLE & POULSEN

/s/ Denver C. Snuffer, Jr.
Denver C. Snuffer, Jr.
Steven R. Paul
Daniel B. Garriott
Joshua D. Egan
Attorneys for Appealing Parties

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF APPEAL OF DOCKET ORDER ECF 636** was e-filed with the district court using CM/ECF, which sent copies to counsel and parties of record. I further certify that I caused to be served a copy of the foregoing on parties that are not registered with an e-filing service as indicated below:

Neldon P. Johnson

Sent via email: glendaejohnson@hotmail.com

R. Gregory Shepard

Sent via email: greg@rapower3.com

/s/ Steven R. Paul
Attorneys for Appealing Parties

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
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Elisabeth A. Shumaker
Clerk of Court

June 25, 2019

Chris Wolpert
Chief Deputy Clerk

Mr. Joshua D. Egan
Mr. Daniel Garriott
Mr. Steven Richard Paul
Mr. Denver C. Snuffer Jr.
Nelson, Snuffer, Dahle & Poulsen, P.C.
10885 South State Street
Sandy, UT 84070-0000

RE: 19-4089, United States v. RaPower-3, et al
Dist/Ag docket: 2:15-CV-00828-DN-EJF

Dear Counsel:

The court has received and docketed your appeal. Please note your case number above. Copies of the Tenth Circuit Rules, effective January 1, 2019, and the Federal Rules of Appellate Procedure, effective December 1, 2018, may be obtained by contacting this office or by visiting our website at <http://www.ca10.uscourts.gov>. In addition, please note all counsel are required to file pleadings via the court's Electronic Case Filing (ECF) system. *See* 10th Cir. R. 25.3. You will find information regarding registering for and using ECF on the court's website. We invite you to contact us with any questions you may have about our operating procedures. Please note that all court forms are now available on the court's web site.

Attorneys must complete and file an entry of appearance form within 14 days of the date of this letter. *See* 10th Cir. R. 46.1(A). Pro se parties must complete and file the form within thirty days of the date of this letter. An attorney who fails to enter an appearance within that time frame will be removed from the service list for this case, and there may be other ramifications under the rules. If an appellee does not wish to participate in the appeal, a notice of non-participation should be filed via ECF as soon as possible. The notice should also indicate whether counsel wishes to continue receiving notice or service of orders issued in the case.

You are required to file a docketing statement within 14 days of filing the notice of appeal. If you have not yet filed that pleading, you should do so within 14 days of the date of this letter. Please note that under 10th Cir. R. 3.4(B), the appellant is not limited

to the issues identified in his docketing statement and may raise other appropriate issues in the opening brief.

In addition to the docketing statement, all transcripts must be ordered within 14 days of the date of this letter. If no transcript is necessary, you must file a statement to that effect.

Appellant is not required to file a designation of record, but will be required to file an appendix with appellant's opening brief. *See* 10th Cir. R. 10.1 and 30.1.

Appellant must file an opening brief and appendix within 40 days after the date on which the district clerk notifies the parties and the circuit clerk that the record is complete for purposes of appeal. *See* 10th Cir. R. 31.1(A)(1). Motions for extension of time to file briefs and appendices must comply with 10th Cir. R. 27.1 and 27.6. These motions are not favored.

Briefs must satisfy all requirements of the Federal Rules of Appellate Procedure and Tenth Circuit Rules with respect to form and content. *See* specifically Fed. R. App. P. 28 and 32 and 10th Cir. R. 28.1, 28.2 and 32, as well as 31.3 when applicable. In addition, we encourage all counsel, as applicable, to be familiar with 10th Cir. R. 46.4(B). Seven hard copies of briefs must be provided to the court within two days of filing via the court's Electronic Case Filing system. *See* 10th Cir. R. 31.5 and the court's [CM/ECF User's Manual](#). Appendices must satisfy the requirements of Fed. R. App. P. Rule 30 and 10th Cir. R. 30.1(A) through (F). Appendix volumes submitted under seal must be accompanied by a separate motion to seal. *See* 10th Cir. R. 30.1(D)(6). As of January 1, 2015, all appendices must be filed electronically, and a single hard copy provided to the court within two days of filing via the court's Electronic Case Filing system. *See* 10th Cir. R. 30 as well as the court's [CM/ECF User's Manual](#). Counsel are encouraged to utilize the court's [Briefing & Appendix checklist](#) when compiling their briefs and appendices.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in black ink, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

Elisabeth A. Shumaker
Clerk of the Court

cc: All Counsel of Record

EAS/mlb