
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

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

Defendants.

**ORDER GRANTING THE UNITED
STATES' MOTION FOR
PRODUCTION OF BANK AND
RETIREMENT ACCOUNT RECORDS
OF LAGRAN JOHNSON AND
RANDALE JOHNSON AND FOR
ADDITIONAL RELIEF**

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

District Judge David Nuffer

The United States filed a Motion for Production of Bank and Retirement Account Records of LaGrand Johnson and Randale Johnson and for Additional Relief (“Motion for Production”).¹ LaGrand and Randale Johnson (“Johnsons”) filed an objection to the Motion for Production, and requested an evidentiary hearing (“Objection”).² The United States declined to file a reply and explained that all relevant issues were addressed in the Motion for Production.³

For the reasons given in the Motion for Production, supplemented by the evidence submitted by Receiver R. Wayne Klein in connection with his motion for the turnover of certain

¹ [Docket no. 876](#), filed March 10, 2020.

² [Docket no. 900](#), filed March 31, 2020.

³ Request to Submit for Decision: [Motion for Production] at 2, [docket no. 901](#), filed April 1, 2020.

property held by Glenda Johnson,⁴ and the factual findings made from the bench in the hearing held in this matter on February 25, 2020,⁵ IT IS HEREBY ORDERED THAT:

1. The Motion for Production⁶ is GRANTED. The Objection⁷ does not raise any substantial issues and is accordingly OVERRULED AND DENIED.
2. Counsel for LaGrand Johnson and Randale Johnson shall immediately deliver this order to LaGrand and Randale Johnson. No later than three business days from the date of this order, LaGrand and Randale Johnson shall file, through counsel, an acknowledgment that they received a copy of this order.
3. The payment of \$200,000 to LaGrand Johnson, made on October 5, 2018, is subject to the Asset Freeze entered in this case.
 - a. Therefore, LaGrand Johnson's bank and retirement accounts are subject to the Asset Freeze, for amounts therein up to \$200,000 total.
 - b. If the balances in these accounts are greater than \$200,000 in the aggregate, LaGrand Johnson may request that the Receiver authorize a financial institution holding those accounts to release from the freeze amounts that exceed \$200,000. The Receiver is empowered to authorize such a release.

⁴ Receiver's Motion for Order Directing Turnover and Transfer of Real Properties Titled in the Name of Glenda Johnson and Funds in Accounts Controlled by Glenda Johnson ("Turnover Motion"), [docket no. 757](#), filed August 30, 2019. A Docket Text Order was entered indicating that documents presented in connection with the Turnover Motion would likely be considered in deciding the Motion for Production as well. Docket Text Order, docket no. 945, filed July 6, 2020. No objections to that suggestion were filed by the deadline set for doing so.

⁵ See also Civil Contempt Order Re: Neldon Johnson, Glenda Johnson, LaGrand Johnson, and Randale Johnson, [docket no. 947](#), filed July 6, 2020.

⁶ [Docket no. 876](#), filed March 10, 2020.

⁷ [Docket no. 900](#), filed March 31, 2020.

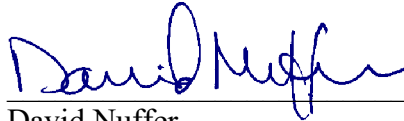
4. The payment of \$200,000 to Randale Johnson, made on October 5, 2018, is subject to the Asset Freeze entered in this case.
 - a. Therefore, Randale Johnson's bank and retirement accounts are subject to the Asset Freeze, for amounts therein up to \$200,000 total.
 - b. If the balances in these accounts are greater than \$200,000 in the aggregate, Randale Johnson may request that the Receiver authorize a financial institution holding those accounts to release from the freeze amounts that exceed \$200,000. The Receiver is empowered to authorize such a release.
5. No later than seven days from the date of this order, LaGrand Johnson and Randale Johnson shall file a declaration, under penalty of perjury, that they have delivered this order to all financial institutions necessary to effect the freeze on their accounts.
 - a. They shall include in the declaration the balance in each account as of February 25, 2020.
 - b. They shall attach account records showing the account balances as of February 25, 2020, and documents showing any withdrawals or transfers from any of those accounts on or after February 25, 2020.
6. No later than 14 days from the date of this order, LaGrand Johnson and Randale Johnson shall deliver to the Receiver all statements – going back to January 1, 2010 – from any bank, investment, and retirement account they own (or owned), have (or had) signature authority over, or exercise (or exercised) other authority over and all documents showing the source of funds for deposits into those accounts. For every monthly account statement

they receive after the date of this order, LaGrand Johnson and Randale Johnson shall deliver such statements to the Receiver no later than the tenth day of each month.

7. No later than 21 days from the date of this order, the Receiver shall file with the Court a declaration stating whether LaGrand Johnson and Randale Johnson have complied with this order. The Receiver's declaration will carry significant weight in this Court's evaluation of whether they have complied or coercive incarceration is required to enforce their compliance. If the latter, LaGrand Johnson and Randale Johnson are warned that a bench warrant may promptly issue for their arrest.

SIGNED September 14, 2020.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge