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*LTB1, R. Gregory Shepard and Neldon Johnson*

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

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1, LLC, R. GREGORY SHEPARD, and NELDON JOHNSON,</p> <p>Defendants.</p>	<p>Civil No. 2:15-cv-00828-DN-EJF</p> <p><b>NELSON, SNUFFER, DAHLE &amp; POULSEN, P.C.'S RENEWED MOTION TO WITHDRAW AS COUNSEL FOR ALL DEFENDANTS</b></p> <p>Judge David Nuffer</p>
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Pursuant to [Rule DUCivR 83-1.4\(a\)](#), Denver C. Snuffer, Jr., Steven R. Paul, Daniel B. Garriott, Joshua D. Egan, and the law firm of Nelson, Snuffer, Dahle & Poulsen, P.C., counsel for Defendants move for withdrawal as counsel for Defendants. This Court entered a Corrected Receivership Order in the above case (ECF Doc. [491](#)) in which all attorneys for the Defendants were dismissed (§ 9). Counsel have attempted to assist the Defendants in complying with the Court's ordered compliance obligations and the receiver's demands. However, because the Receiver's Report (ECF Doc. [557](#)) points out on page 24, (Chart at ¶ VB) that we were dismissed as counsel, we moved to withdraw as counsel on February 1, 2019 (ECF Doc. [563](#)). The Court

granted the motion on March 6, 2019 (ECF Doc. [592](#)), however, because there were pending matters including the government's motion for Rule 11 sanctions, the Court required replacement counsel to appear before our withdrawal would be finalized. We were unable to secure replacement counsel, and as far as we know our client made no attempt to do so.

The Rule 11 motion against us was denied by the Court on December 7, 2020 (ECF Doc. [1030](#)). There is nothing pending and no reason for Nelson, Snuffer, Dahle & Poulsen to continue to be counsel for these parties. The Receiver represents these parties, and has counsel.

Pursuant to [DUCivR 83-1.4\(a\)](#) we renew our request for leave to withdraw as counsel for Defendants in this matter as follows:

1. Neldon Johnson is a party and has requested, both during trial and again afterwards, to represent himself Pro Se. He has also filed a motion Pro Se and informed us that he would like to be his own counsel in that motion and any other proceedings remaining in this Court.
2. The Court has Ordered we be dismissed as counsel in this matter. (ECF Doc. [491](#)).
3. The last known address and phone number for Defendants RaPower-3, LLC, International Automated Systems, Inc., LTB1, LLC, and Neldon Johnson is 2730 West 4000 South, Oasis, Utah. (801) 372-4838.
4. The last known address and phone number for Defendant R. Gregory Shepard is 858 W. Clover Meadow Drive, Murray, Utah, 84123. (801) 699-2284.
5. If this motion is granted, the clients will be informed that they must file a notice of appearance within twenty-one (21) days after entry of the order, unless otherwise ordered by the court.

6. The clients have been informed that, pursuant to [DUCivR 83-1.3](#), no corporation, association, partnership, limited liability company or other artificial entity may appear pro se, but must be represented by an attorney who is admitted to practice in this court.
7. We also certify that this motion was sent to our clients and to all parties.
8. A proposed form of Order accompanies this Motion.
9. All clients have been kept apprised of all court proceedings and deadlines and have been given regular status updates of the case, including deadlines or requirements under any existing court orders.
10. A copy of [DUCivR 83-1.4](#) is being provided to the client together with this motion.

In addition to the foregoing, since the asset freeze order has been entered, the retainer given to this firm to pay for work performed in this matter in dealing with deadlines, dealing with the receiver or otherwise representing these Defendants including with the appeals was frozen and then turned over to the Receiver to keep pending further order from the Court (ECF Doc. [844](#)). It was later awarded to the Receiver as receivership property (ECF Doc. [984](#)), and is therefore unavailable to use to pay legal fees. This represented a \$735,202.22 loss to Nelson, Snuffer, Dahle & Poulsen, and is not a loss this firm is able to bear. Given the amount of effort that has been required for the appeals and ancillary matters, we are unable to bear the expense of further activity in this case without payment. Given the Court's decision in ECF Doc. [984](#), ORDER ON RECEIVER'S EX PARTE DECLARATION OF NONCOMPLIANCE AGAINST NELSON SNUFFER DAHLE & POULSEN, PC, we cannot expect authorization for payment from the funds now in the possession of the Receiver by the Court.

Therefore, based on the foregoing, counsel for Defendants renews our request for leave to withdraw from further representation of Defendants in these proceedings.

DATED this 9<sup>th</sup> day of December, 2020.

NELSON SNUFFER DAHLE & POULSEN

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

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **RENEWED MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANTS** was sent to the following and in the manner described below.

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