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

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

**DECLARATION OF R. WAYNE KLEIN
IN SUPPORT OF RECEIVER'S
MOTION FOR ATTORNEYS' FEES
AND COSTS**

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

The Honorable David Nuffer

I, R. Wayne Klein, declare as follows:

1. I am the Court-Appointed Receiver in the above caption matter. I make this declaration based upon my personal knowledge and the contents of business records known to me to be maintained in the ordinary course of business, and which I believe to be true. I have personal knowledge of the statements and matters set forth herein and, if called to testify, would testify as follows.

2. The Receiver and the Receivership Estate have incurred Receiver fees and costs of \$42,546.54 relating to the contemptuous conduct set forth in the Court's *Civil Contempt Order Re: Glenda Johnson, Roger Hamblin, and Preston Olsen* ("Contempt Order").¹

SCOPE OF THE EFFORT

3. The scope of the work performed for the award of attorney fees related to the Contempt Order including the Receiver's motion to invalidate the liens, the depositions of Roger Hamblin and Preston Olsen and related filings, investigation related to Glenda Johnson's state court lawsuits, the Receiver's report and recommendation detailing the contemptuous conduct of Johnson, Hamblin, and Olsen, the Receiver's motion for order to show cause, an affidavit of non-compliance against Glenda Johnson, and a status report related to Glenda Johnson's non-compliance with orders requiring the release of the liens. All of the time reflected in this fee application related to Glenda Johnson's, Roger Hamblin's, and Preston Olsen's contemptuous conduct.

REASONABLE DESCRIPTION OF TIME SPENT AND WORK PERFORMED

4. My rate as Receiver in this matter is \$250.00 an hour. 170.1 hours were spent related to the contemptuous conduct set forth in the Contempt Order.

5. An itemization of the fees incurred, which include dates worked, timekeeper, description of work, amount of time spent for each entry, and the billable amount for such time, is attached hereto as Exhibit A.

6. An itemization of costs is also included in Exhibit A.

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

¹ Docket no. 1116, filed April 14, 2021.

Executed on this 28th day of May 2021, at Salt Lake City, Utah.


R. Wayne Klein

EXHIBIT A

RECEIVER TIME AND COSTS RELATING TO IMPROPER LIEN FILINGS

Date	Hours	Rate	Amount	Description	Category
12/26/2019	1.7	250.00	425.00	Read liens filed by Glenda Johnson on properties titled in Glenda's name; compare liens against properties in Millard County; respond to P. Finlinson; research Anstram Energy and Preston Olsen; research notary; send results of investigation to DOJ; send inquiry to P. Olsen (1.5); call with Millard County Recorder to request certified copy of lien (.2).	Investigation
1/6/2020	0.4	250.00	100.00	Send information on liens filed by Glenda Johnson to IRS attorney (.2); research Glenda property records for IAS properties (.2).	Litigation
3/12/2020	0.4	250.00	100.00	Call with T. Belchak on lawsuit against him by (what he thought was) IAS and his plan re: lien filed by Glenda Johnson; notes of call (.4).	Investigation
3/19/2020	5.7	250.00	1,425.00	Read Glenda lawsuit against Wings West; emails with DOJ; work drafting affidavit of non-compliance; call with T. Belchak; call with DOJ; search TX public records; finish draft affidavit, send to DOJ and Parr Brown with comments.	Investigation
3/20/2020	0.3	250.00	75.00	Read M. Lehr redline of affidavit of non-compliance, respond with approval to file (.3).	Litigation
3/23/2020	0.1	250.00	25.00	Call with M. Lehr on content and approach for reply on affidavit of non-compliance.	Litigation
3/23/2020	0.3	250.00	75.00	Read revised title report for TX property, send copy of affidavit of non-compliance to broker, buyer, title company with explanation of effect of liens filed by Glenda Johnson.	Asset Disposition
4/28/2020	1.7	250.00	425.00	Review draft request to submit on Glenda affidavit of non-compliance; review files; create redline and send with comments; call with M. Lehr.	Litigation
4/29/2020	1.5	250.00	375.00	Review draft changes to notice to submit on Glenda non-compliance; review proposed order; create redlines, send to M. Lehr; call with M. Lehr (.6); call with DOJ (.5); call with M. Lehr on proposed order for notice to submit (.1); call with T. Belchak; send copies of depositions, contempt, non-compliance affidavit to Belchak attorney; correspondence with attorney (.3).	Litigation
5/5/2020	0.3	250.00	75.00	Call with M. Lehr on court order on affidavit of non-compliance; read order; send to attorney for T. Belchak; call with Erin Healy Gallagher on court order.	Litigation
5/6/2020	0.1	250.00	25.00	Read Glenda Johnson filed motion to dismiss suit against Wings West, send to DOJ with comments.	Litigation
5/7/2020	0.1	250.00	25.00	Call with T. Belchak on order to dismiss property liens.	Litigation
5/12/2020	1.1	250.00	275.00	Research property filing records; respond to inquiry on affidavit of non-compliance, respond to M. Lehr on lien release (.3); calls with Millard County and Howard County TX to inquire whether liens were released; notes of calls and research; notify DOJ (.8).	Litigation

5/13/2020	0.2	250.00	50.00	Gather documents, review supplemental notice of non-compliance relating to property liens filed by Glenda Johnson.	Litigation
5/14/2020	0.9	250.00	225.00	Read declaration by Glenda Johnson on impossibility of lien release, send suggestions to J. Balls on how to respond.	Litigation
5/20/2020	0.2	250.00	50.00	Send Laredo Oil copies of filings on lien release order for Texas property (.2).	Asset Disposition
5/20/2010	0.7	250.00	175.00	Read draft response to Glenda declaration on lien release; review files; create redline, send to Parr Brown with comments.	Litigation
6/3/2020	0.4	250.00	100.00	Read Glenda Johnson answer to Wings West counterclaim, respond to James Dunn; send copy of appeals court ruling.	Litigation
6/4/2020	0.1	250.00	25.00	Read court order on Glenda Johnson's non-compliance on lien release (.1).	Litigation
6/10/2020	0.9	250.00	225.00	Call with T. Belchak on status of liens filed by Glenda Johnson (.1); read submission by G. Johnson on liens and declarations by Hamblin and Olsen; send comments to M. Lehr (.8).	Asset Disposition
6/11/2020	0.1	250.00	25.00	Read comments from M. Lehr on Glenda lien report and declarations, send comments to DOJ (.1).	Asset Disposition
6/15/2020	0.5	250.00	125.00	Review comments from M. Lehr and DOJ on approaches for responding to Glenda response on property liens, respond; read Hamblin lawsuit against Glenda Johnson, send inquiry on corporate records to Nevis.	Litigation
6/17/2020	1.5	250.00	375.00	Begin drafting report on liens filed by Glenda Johnson.	Litigation
6/18/2020	2.0	250.00	500.00	Work on report and recommendation on responding to Glenda liens.	Litigation
6/19/2020	0.9	250.00	225.00	Work on report and recommendation on responding to Glenda liens.	Litigation
6/20/2020	2.9	250.00	725.00	Work on report and recommendation on Glenda liens (2.9).	Litigation
6/23/2020	2.8	250.00	700.00	Work on report and recommendation on responding to Glenda liens; revise and edit draft, send to DOJ with comments.	Litigation
6/26/2020	3.2	250.00	800.00	Call with DOJ on suggestions for report and recommendation on Glenda Johnson liens (.3); research Olsen tax transcript; read Glenda Johnson answer to Hamblin complaint; revise and edit report and recommendation (2.9).	Litigation
6/30/2020	1.3	250.00	325.00	Review M. Lehr changes to report and recommendation on Glenda Johnson liens; call with M. Lehr (.4); revise R&R, send to M. Lehr; send exhibits to R&R, approve filing; get filed R&R (.9).	Litigation
7/15/2020	5.9	250.00	1,475.00	Read court text order re: property liens filed by Glenda Johnson, send comments to M. Lehr (.2); review files, begin drafting proposed findings and conclusions of law; create list of questions to ask in depositions of R. Hamblin, P. Olsen (5.7).	Litigation

7/16/2020	2.0	250.00	500.00	Work on findings of fact, conclusions of law, proposed order for liens created by Glenda Johnson.	Litigation
7/17/2020	4.9	250.00	1,225.00	Revise and edit findings of fact on Glenda liens; finish; send to M. Lehr for comment.	Litigation
7/22/2020	0.2	250.00	50.00	Read Hamblin proposed findings in suit against Glenda Johnson, read Receiver notice of stay in Hamblin lawsuit (.2).	
7/27/2020	1.6	250.00	400.00	Review DOJ comments on draft order on Glenda-imposed liens; revise draft; send to M. Lehr for review and delivery to Glenda attorney.	Litigation
8/4/2020	0.2	250.00	50.00	Gather information on Millard and Utah County properties, send to J. Rickards with maps, explanation of sales process, status of liens (1.0) [only .2 hours charged relating to buyer concern over existence of new liens].	Asset Disposition
8/7/2020	0.2	250.00	50.00	Call with M. Lehr on deposition notices for Hamblin and Olsen and additional lien orders (.1); read order on lien invalidation, send for web posting, send to interested property bidder J. Rickards (.1).	Litigation
8/11/2020	0.3	250.00	75.00	Receive additional, specific orders invalidating liens for filings in Utah and Millard Counties; respond to J. Balls.	Litigation
8/13/2020	0.1	250.00	25.00	Get copies of filed lien releases for Utah and Millard Counties, respond to J. Balls.	Asset Recovery
8/14/2020	0.3	250.00	75.00	Respond to M. Lehr on deposition of Roger Hamblin, list documents to include as exhibits.	Investigation
8/24/2020	4.0	250.00	1,000.00	Draft deposition questions for Roger Hamblin re: property liens, Anstram Energy; review files, gather exhibits.	Investigation
8/25/2020	6.6	250.00	1,650.00	Work preparing deposition questions for Roger Hamblin, gather exhibits; call with M. Lehr about deposition.	Investigation
8/26/2020	1.7	250.00	425.00	Review and revise deposition questions for Hamblin, mark exhibits.	Investigation
8/27/2020	1.8	250.00	450.00	Revise Hamblin deposition questions (.7); create exhibit list (1.1).	Investigation
8/27/2020	0.6	0.00	0.00	Copy exhibits for Hamblin deposition. (Time not billed.)	Investigation
8/27/2020	0.2	250.00	50.00	Call with M. Lehr on Hamblin motion to quash, read motion and exhibits.	Litigation
8/28/2020	2.8	250.00	700.00	Begin preparing deposition questions for Preston Olsen (2.8).	Investigation
8/28/2020	0.9	250.00	225.00	Read Parr Brown draft opposition to Hamblin motion to quash subpoena, create redline, send to M. Lehr with comments (.8); read order denying motion to quash subpoena, send comments to Parr Brown on notifying Hamblin (.1)	Litigation
8/30/2020	4.5	0.00	0.00	Travel time to St. George. (Time not billed.)	Investigation
8/31/2020	0.6	250.00	150.00	Work on deposition questions for Olsen.	Investigation
9/1/2020	7.0	250.00	1,750.00	Deposition of Roger Hamblin in St. George.	Investigation
9/1/2020	4.7	0.00	0.00	Travel: return to Salt Lake from deposition of Roger Hamblin. (Time not billed.)	Investigation

9/2/2020	2.3	250.00	575.00	Email Roger Hamblin with list of documents to provide (.2) work preparing questions for Olsen deposition (2.1).	Investigation
9/3/2020	0.1	250.00	25.00	Call with M. Lehr on results of Hamblin deposition, plans for Olsen deposition.	Asset Recovery
9/3/2020	3.7	250.00	925.00	Finish preparing deposition questions for Olsen; update exhibit list.	Investigation
9/3/2020	0.6	0.00	0.00	Gather, copy exhibits for Olsen. (Time not billed.)	Investigation
9/4/2020	5.2	250.00	1,300.00	Take deposition of Preston Olsen (4.6); send summary to E. Healy Gallagher (.6).	Investigation
9/16/2020	0.4	250.00	100.00	Read Glenda Johnson appeal of judgment by Wings West, note instances of disregard of receivership order, respond to county attorney (.4).	Litigation
9/18/2020	0.4	250.00	100.00	Begin work on outline for report and recommendation for liens transferred to Anstram.	Investigation
9/22/2020	2.1	250.00	525.00	Work on report and recommendation on Anstram Energy liens on properties.	Investigation
10/27/2020	0.4	250.00	100.00	Work on Anstram report and recommendation.	Investigation
11/3/2020	5.6	250.00	1,400.00	Work on Report and Recommendation for Anstram liens; retrieve information from Hamblin deposition.	Investigation
11/4/2020	0.4	250.00	100.00	Work on Anstram report and recommendation.	Investigation
11/11/2020	3.4	250.00	850.00	Work on Anstram report and recommendation.	Investigation
11/17/2020	1.6	250.00	400.00	Work on Anstram report and recommendation (.1.6).	Investigation
11/18/2020	4.9	250.00	1,225.00	Work on Anstram report and recommendation.	Investigation
11/19/2020	1.3	250.00	325.00	Work on Anstram report and recommendation.	Investigation
11/20/2020	3.6	250.00	900.00	Work on Anstram report and recommendation.	Investigation
11/23/2020	0.9	250.00	225.00	Work on Anstram report and recommendation.	Investigation
11/24/2020	4.7	250.00	1,175.00	Work on Anstram report and recommendation.	Investigation
11/25/2020	4.3	250.00	1,075.00	Edit Anstram report and recommendation; include new recommendations, research amounts received by Glenda Johnson for real estate purchases; add list of false statements.	Investigation
11/27/2020	3.6	250.00	900.00	Work on Anstram report and recommendation.	Investigation
11/28/2020	2.4	250.00	600.00	Work on Anstram report and recommendation.	Investigation
11/30/2020	1.6	250.00	400.00	Work on Anstram report and recommendation; finish, send to Parr Brown and DOJ with comments and requests for comments.	Investigation
12/8/2020	2.1	250.00	525.00	Review new files, add information to report and recommendation on Anstram; research check register from Glenda Johnson for transactions related to four properties; finish and send redline to M. Lehr (2.1).	Investigation
12/10/2020	1.7	250.00	425.00	Call with M. Lehr on Anstram report and recommendation strategy; read changes suggested by M. Lehr; revise draft, send for finalization.	Investigation
12/22/2020	2.0	250.00	500.00	Review draft OSC motion re: Anstram report and recommendation, send comments to M. Lehr (2.0).	Litigation
12/24/2020	0.1	250.00	25.00	Read information from M. Lehr, review Hamblin dismissal motion in lawsuit against Glenda, respond with directions on changes to report and recommendation (.1).	Asset Disposition

12/28/2020	1.9	250.00	475.00	Review M. Lehr changes to Anstram report and recommendation, find exhibits showing service of orders on Hamblin (1.9).	Investigation
12/29/2020	0.4	250.00	100.00	Read revised OSC motion and proposed order, create redlines, respond to M. Lehr (.4).	Litigation
12/29/2020	0.1	250.00	25.00	Get filed Anstram report, OSC, send for web posting.	Litigation
1/29/2021	1.1	250.00	275.00	Read S. Paul settlement proposal for R. Hamblin, respond to J. Balls; draft stipulation for Hamblin; draft stipulation for P. Olsen, send with comments (.8); call with M. Lehr on settlement with Olsen for OSC; read signed Olsen stipulation, respond to M. Lehr (.3).	Litigation
2/1/2021	3.5	250.00	875.00	Read Glenda Johnson opposition to Receiver's OSC on liens; review files; prepare reply, finish draft; send to M. Lehr.	Litigation
2/3/2021	0.5	250.00	125.00	Review M. Lehr revisions to reply on Receiver's OSC against Glenda Johnson for liens (.5).	Litigation
2/16/2021	0.1	250.00	25.00	Read docket text order on OSC against Glenda Johnson, Olsen, Hamblin (.1)	Litigation
2/19/2021	2.2	250.00	550.00	Work drafting proposed findings and order re: property liens (2.2).	Asset Recovery
2/24/2021	1.5	250.00	375.00	Work preparing findings and proposed order for contempt re: lien filings.	Investigation
2/26/2021	2.7	250.00	675.00	Work on proposed findings and order on property liens (2.7).	Investigation
2/27/2021	2.8	250.00	700.00	Work preparing findings and proposed order for contempt re: lien filings.	Investigation
3/1/2021	1.4	250.00	350.00	Work preparing findings and proposed order for contempt on lien filings.	Investigation
3/3/2021	1.2	250.00	300.00	Work preparing findings and proposed order for contempt re: lien filings.	Investigation
3/4/2021	7.9	250.00	1,975.00	Finish first draft of proposed findings and order on lien contempt, revise and edit; send to Parr Brown and DOJ with request for comments.	Investigation

Totals 170.1 39,925.00

Costs

6/16/2020	Nevis Fin. S	36.07	Document copies
8/14/2020	Marriott	135.34	Hotel for Hamblin deposition
9/15/2020	CitiCourt	1,490.05	Hamblin deposition transcript
9/18/2020	AMEX	250.00	Hotel conf. room: Hamblin depo
9/24/2020	CitiCourt	596.85	Olsen deposition transcript
10/20/2020	CitiCourt	113.23	Hamblin depo. Teleconference

Total Costs 2,621.54

Fees and Expenses 42,546.54