

Jonathan O. Hafen (6096) (jhafen@parrbrown.com)  
Joseph M.R. Covey (7492) (jcovey@parrbrown.com)  
Michael S. Lehr (16496) (mlehr@parrbrown.com)  
**PARR BROWN GEE & LOVELESS, P.C.**  
101 South 200 East, Suite 700  
Salt Lake City, Utah 84111  
Telephone: (801) 532-7840  
Facsimile: (801) 532-7750

*Attorneys for Court-Appointed Receiver Wayne Klein*

---

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

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

**DECLARATION OF MICHAEL S.  
LEHR IN SUPPORT OF RECEIVER'S  
MOTION FOR ATTORNEYS' FEES  
AND NON-TAXABLE EXPENSES**

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

The Honorable David Nuffer

---

I, Michael S. Lehr, declare as follows:

1. I am an attorney at the law firm of Parr Brown Gee & Loveless, P.C., the firm that is legal counsel for the Court-Appointed Receiver Wayne Klein ("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 obligations of \$26,972.00 in attorney fees relating to the contemptuous conduct set forth in the Court's *Civil Contempt Order Re: Glenda Johnson, Roger Hamblin, and Preston Olsen* ("Contempt Order").<sup>1</sup>

**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 spent for which the fee award is sought related to Glenda Johnson's, Roger Hamblin's, and Preston Olsen's contemptuous conduct.

**REASONABLE DESCRIPTION OF TIME SPENT AND WORK PERFORMED**

4. The following attorneys performed legal services on behalf of the Plaintiff as part of the attorney fees award sought by this declaration:

<b><u>Name</u></b>	<b><u>Position</u></b>	<b><u>Hourly Rate</u></b>	<b><u>Total Hours</u></b>
Michael S. Lehr	attorney/associate	\$220.00	122.6

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.

---

<sup>1</sup> [Docket no. 1116](#), filed April 14, 2021.

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

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

/s/ Michael S. Lehr  
Michael S. Lehr

**Exhibit A: Itemization of Attorney Fees**

<b>DATE</b>	<b>ATTORNEY</b>	<b>DESCRIPTION</b>	<b>HOURS</b>	<b>RATE</b>	<b>TOTAL</b>
3/18/2020	MSL	Research re lawsuit filed by Glenda Johnson against Wings West; Communication with Wayne Klein re same	.3	\$220.00	\$66.00
3/20/2020	MSL	Review and revise Glenda Johnson affidavit of non-compliance re Glenda Johnson and the filing of lien and a lawsuit against Wings West; Communication with Wayne Klein re same; Research re contempt sanctions for continuing contempt; Review liens filed on properties; Coordinate filing re affidavit	3.5	\$220.00	\$770.00
4/28/2020	MSL	Draft request to submit including a request for clarification re liens filed by Glenda Johnson on 15 Millard County properties, the Payson Property, the Texas property, and a lawsuit filed by Glenda Johnson against purchaser of the tower property in Millard County; Communication with Wayne Klein re same; Draft proposed order re liens and lawsuit filed by Glenda Johnson	5.4	\$220.00	\$1,188.00
4/29/2020	MSL	Draft and revise proposed order granting affidavit of non-compliance against Glenda Johnson and ordering the removal of liens filed on property in Millard County, Payson, and Texas; Draft and revise notice to submit re affidavit of non-compliance;	3.4	\$220.00	\$748.00

		Communication with Wayne Klein re same; Coordinate filing re same			
5/13/2020	MSL	Draft notice of non-compliance re Glenda Johnson and the release of liens; Communication with Wayne Klein re same; Research re filings recorded on the properties in Utah and Millard County for same; Coordinate filing re same	1.6	\$220.00	\$352.00
5/19/2020	MSL	Draft response to declaration by Glenda Johnson re order to remove liens on properties in Millard County, Utah County, and Howard County Texas; Research re impossibility defense to compliance with court orders; Review related pleadings and communications; Communication with Jeff Balls and Wayne Klein re same	3.8	\$220.00	\$836.00
5/20/2020	MSL	Review and revise response to Glenda Johnson declaration re liens; Communication with Wayne Klein re same; Coordinate filing response to declaration	1.7	\$220.00	\$374.00
6/10/2020	MSL	Review and analyze declaration of Glenda Johnson, Roger Hamblin, and Preston Olsen re liens filed on receivership properties; Review receiver's analysis of the declarations; Communication with Receiver re next step concerning liens and Glenda Johnson	1.00	\$220.00	\$220.00
6/15/2020	MSL	Communication with Wayne Klein re response to Glenda Johnson lien declaration	.1	\$220.00	\$22.00

6/29/2020	MSL	Review and revise report and recommendation on liens filed by Glenda Johnson; Research re the scope of civil contempt prison sanction and the court's ability to require admissions be made; Communication with Wayne Klein re same	3.2	\$220.00	\$704.00
6/30/2020	MSL	Communication with Wayne Klein re report and recommendation as to Glenda Johnson liens; Review and revise updated version of report; Coordinate filing re same	1.5	\$220.00	\$484.00
8/13/2020	MSL	Communication with Wayne Klein re depositions of Hamblin and Olsen	.2	\$220.00	\$44.00
8/14/2020	MSL	Review federal rules re deposition subpoenas; Draft deposition subpoena to Roger Hamblin; Coordinate service of deposition subpoena; Communication with Preston Olsen re deposition	1.4	\$220.00	\$308.00
8/24/2020	MSL	Communication with counsel for Roger Hamblin re deposition	.3	\$220.00	\$66.00
8/25/2020	MSL	Communication with Wayne Klein re Hamblin deposition; Communication with Steven Paul re same	.5	\$220.00	\$110.00
8/27/2020	MSL	Review motion to quash filed by Roger Hamblin; Communication with Wayne Klein re same; Draft opposition to motion to quash; Research re Rule 45 of the Federal Rules of Civil Procedure; Review service records	5.5	\$220.00	\$1,210.00
8/27/2020	MSL	Communication with Preston Olsen re deposition; Draft deposition notice	.6	\$220.00	\$132.00

8/28/2020	MSL	Communication with Wayne Klein re opposition to motion to quash; Finalize opposition; Coordinate filing of opposition	.9	\$220.00	\$198.00
8/31/2020	MSL	Communication with counsel for Neldon Johnson re Hamblin deposition; Communication with Wayne Klein re same	.3	\$220.00	\$66.00
9/4/2020	MSL	Attend deposition of Preston Olsen; Communication with Wayne Klein re same	.9	\$220.00	\$198.00
12/7/2020	MSL	Review and revise report and recommendation on property liens Glenda Johnson granted to Anstram Energy and violations of receivership order; Review docket and filings in Utah state court case Johnson v. Wings West for report; Review docket for report; Review order denying Rule 11 sanctions against Nelson Snuffer; Communication with Jeff Balls re order	3.9	\$220.00	\$858.00
12/8/2020	MSL	Review and revise report and recommendation re Amstram liens including adding section re requirements and prohibitions of Receiver Order on interference with the Receiver; Communication with Wayne Klein re report	2.3	\$220.00	\$506.00
12/8/2020	MSL	Review and revise report and recommendation re property liens and Anstram Energy; Review deposition transcripts of Preston Olsen and Roger Hamblin for report; Review docket in state court case involving Glenda Johnson and Wings	5.3	\$220.00	\$1,166.00

		West; Review contempt order re Glenda Johnson previous violations of Receivership Order			
12/10/2020	MSL	Research re authority of receivership court to issue sanctions such as flipping the burden of proof and entering default; Research re civil contempt procedures; Finalize revisions to report and recommendation re liens and Anstram Energy; Communication with Wayne Klein re report and plan moving forward related to Anstram; Communication with Wayne Klein re Nelson Snuffer motion to withdraw	5.3	\$220.00	\$1,166.00
12/16/2020	MSL	Draft motion for order to show cause against Hamblin, Glenda Johnson, and Olsen; Review report and recommendation re same; Research re civil contempt and rule 65 of the Federal Rules of Civil Procedure	1.4	\$220.00	\$308.00
12/17/2020	MSL	Draft motion for order to show cause against Hamblin, Johnson, and Olsen including section re notice and validity of order; Review depositions of Hamblin and Olsen for show cause motion; Review report and recommendation to incorporate into motion for order to show cause	7.4	\$220.00	\$1,628.0
12/18/2020	MSL	Draft motion for order to show cause against Hamblin, Olsen, and Glenda Johnson including section re violations of CRO; Review report and recommendation re liens and Amstram Energy	2.9	\$220.00	\$638.00
12/21/2020	MSL	Draft motion for order to show cause against Glenda	11.8	\$220.00	\$2,596.00



		Johnson, Hamblin, and Olsen including sections re violations and notice of CRO; Review and revise report and recommendation re liens filed by Anstram Energy and creation of Anstram; Communication with Wayne Klein re same; Research re authority to issue sanction of flipping burden			
12/22/2020	MSL	Communication with Wayne Klein re motion for order to show cause and notice updating the court re Randale's compliance with court orders	.3	\$220.00	\$66.00
12/23/2020	MSL	Review and revise motion for order to show cause to incorporate changes and comments of Wayne Klein; Update citations in order to show cause; Review and revise report and recommendation re liens and Anstram to incorporate changes made in related motion for order to show cause; Review and compile exhibits in report and recommendation	2.4	\$220.00	\$528.00
12/28/2020	MSL	Review and revise report and recommendation and motion for order to show cause against Glenda Johnson, Roger Hamblin, and Preston Olsen including updating and revising citations and exhibit citations; Review deposition transcripts of Roger Hamblin and Preston Olsen re same; Communication with Wayne Klein re possible addition to report and recommendation	4.5	\$220.00	\$990.00
12/29/2020	MSL	Revise report and recommendation and motion	6.7	\$220.00	\$1,474.00

		for order to show cause against Glenda Johnson, Roger Hamblin, and Preston Olsen re Hamblin's misstatements about reason he dismissed the lawsuit against Glenda Johnson; Compile exhibits for report and motion for order to show cause in advance of filing; Final review of report and motion for order to show cause; Draft proposed order for motion for order to show cause; Communication with Wayne Klein re same; Coordinate filling re report and motion for order to show cause and service upon Hamblin and Olsen			
1/29/2021	MSL	Communication with Wayne Klein re stipulations of Roger Hamblin and Preston Olsen; Review and revise Olsen stipulation; Communication with Olsen re stipulation; Draft Receiver's notice of stipulation re Hamblin and Olsen stipulation; Coordinate filing re stipulations	2.6	\$220.00	\$572.00
1/30/2021	MSL	Review Glenda Johnson's response to motion for order to show cause; Communication with Wayne Klein re same	.3	\$220.00	\$66.00
2/1/2021	MSL	Review draft reply to motion for order to show cause; Communication with Wayne Klein re same	.2	\$220.00	\$44.00
2/2/2021	MSL	Draft reply in support of motion for order to show cause; Review report and recommendation and motion re same; Research defenses to civil contempt including advice of counsel and	5.4	\$220.00	\$1,188.00

		impossibility; Research re contempt sanctions; Communication with Wayne Klein re same			
2/3/2021	MSL	Draft and revise reply in support of motion of order to show cause including section re remedy; Research re remedy in civil contempt context; Communication with Wayne Klein re same	2.9	\$220.00	\$638.00
2/4/2021	MSL	Incorporate changes to reply in support of motion for order to show cause; Finalize reply and citations; Coordinate filing of reply	1.1	\$220.00	\$242.00
2/16/2021	MSL	Review order re contempt of Glenda Johnson, Preston Olsen, and Roger Hamblin	.2	\$220.00	\$44.00
3/10/2021	MSL	Review and revise proposed order re interference by Glenda Johnson, Hamblin, and Olsen with efforts to take control of Receivership property; Research re assessing creditability of witnesses without a hearing on a motion; Review previously filed documents re interference for proposed order	4.2	\$220.00	\$924.00
3/11/2021	MSL	Review and revise proposed order re civil contempt of Glenda Johnson, Olsen, and Hamblin; Research re authority of receiver to decide who to recover joint and several liability judgment against; Communication with Jeff Balls re authority; Communication with Wayne Klein re proposed order	4.9	\$220.00	\$1,078.00
3/15/2021	MSL	Review revisions to proposed order re contempt of Glenda Johnson, Hamblin, and Olsen by receiver; Communication	1.9	\$220.00	\$418.00

		with Wayne Klein re revisions; Incorporate changes and finalize proposed order			
3/16/2021	MSL	Research re authority to enter sanctions for attorneys fees and to flip the burden of proving claims; Finalize proposed order including citations and proofing; Serve proposed order on opposing counsel for review; Communication with Jeff Balls and Wayne Klein re service of proposed order on opposing counsel and finalizing proposed order	3.6	\$220.00	\$792.00
3/17/2021	MSL	Communication with Preston Olsen re proposed order	.3	\$220.00	\$66.00
3/24/2021	MSL	Draft notice of filing proposed order re civil contempt of Glenda Johnson, Hamblin, and Olsen; Coordinate filing re same	.4	\$220.00	\$88.00
5/27/2021	MSL	Draft attorneys' fees motion, compile fee entries; Draft declaration of Michael Lehr; Draft declaration of Wayne Klein	4.3	\$220.00	\$946.00
			122.6		Total: \$26,972.00