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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 captioned 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 attorney fees and costs totaling \$5,110.40 (\$4,910.40 in attorney fees and \$200.00 in costs) in bringing the Motion for Order to Show Cause Why Pacific Stock Transfer Company (“PSTC”) Should Not Be Held in Civil Contempt of Court for Violating the Corrected Receivership Order (“OSC Motion”).¹

SCOPE OF THE EFFORT

3. The scope of the work performed for the award of attorney fees in bringing the OSC Motion related to 1) drafting the OSC Motion; 2) providing notice to PSTC of the OSC Motion and the Court’s orders; 3) preparing for and participating in the April 26, 2019 and May 3, 2019 hearings; 4) drafting the proposed order and the attorneys’ fee motion; and 5) communication between the Receiver and his attorney related to the OSC Motion. All of time spent was reasonably necessary to attain the contempt order that will hopefully lead to PSTC producing the records and information the Receiver needs to fulfill his duties under the Corrected Receivership Order.

REASONABLE DESCRIPTION OF TIME SPENT AND WORK PERFORMED

4. The following attorneys performed legal services on behalf of the Receiver as part of the attorney fees award sought:

<u>Name</u>	<u>Position</u>	<u>Hourly Rate</u>	<u>Total Hours</u>
Michael S. Lehr	attorney/associate	\$220.00	24.8

5. An itemization of the fees and costs incurred in this case, 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 1. The total amount requested includes a 10% discount.

¹ [Docket No. 576](#), filed February 19, 2019.

RELATED COSTS

6. In addition to the attorney fees set forth above, part of the overall award includes costs for the service of the subpoena, the OSC Motion, and the attorneys' fees motion upon PSTC. Such costs total \$200.00.

7. An itemization of these costs is attached hereto as Exhibit 2.

I declare under penalty of perjury of laws of the United States of America that the foregoing is true and correct.

Executed on this 8th day of May, 2019, at Salt Lake City, Utah.

/s/ Michael S. Lehr
Michael S. Lehr

Exhibit 1: Itemization of Attorney Fees

DATE	ATTORNEY	DESCRIPTION	HOURS	RATE	TOTAL
2/14/2019	MSL	Draft motion for order to show cause to PSTC; Review correspondence with PSTC; Research re civil contempt legal requirements	6.3	\$222.00	\$1,386.00
2/15/2019	MSL	Draft and revise motion for order to show cause to PSTC; Communication with Wayne Klein re same	2.8	\$220.00	\$616.00
2/19/2019	MSL	Revise motion for order to show cause to PSTC; Compile communications with PSTC to attach as exhibits to motion	1.6	\$220.00	\$352.00
3/06/2019	MSL	Review Court's order taking OSC motion under advisement; Coordinate service of OSC motion and order	.3	\$220.00	\$66.00
4/24/2019	MSL	Conference with Wayne Klein re April 26, 2019 hearing re OSC Motion including content direct examination testimony by Wayne Klein; Review OSC Motion in preparation for hearing	1.8	\$220.00	\$396.00
4/26/2019	MSL	Prepare for and attend hearing on OSC Motion	1.0	\$220.00	\$220.00
5/6/2019	MSL	Draft proposed order re PSTC Civil Contempt; Communication with Wayne Klein re same	3.9	\$220.00	\$858.00
5/7/2019	MSL	Draft motion for attorneys' fees and costs; Draft declaration of Michael Lehr in support of motion; Draft declaration of Wayne Klein in support of Motion; Communication with Wayne Klein re same	7.1	\$220.00	\$1,562
		Total:			\$5,456
		Minus 10%:			\$4,910.40

Exhibit 2: Itemization of Costs

DESCRIPTION	TOTAL
Service of Subpoena	\$60.00
Service of OSC Motion and Order	\$55.00
Service of Attorneys' Fees Motion	\$85.00
	\$200.00