

# DRAFT

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

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1, LLC, R. GREGORY SHEPARD, and NELDON JOHNSON,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Civil No. 2:15-cv-00828-DN-EJF</p> <p style="text-align: center;"><b>SECOND DECLARATION OF RANDALE JOHNSON RELATING TO COMPLIANCE VERIFICATION OF ECF Doc. 491, ¶ 24</b></p> <p style="text-align: center;">Judge David Nuffer</p>
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Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. My name is Randale Johnson and I make this declaration under oath and based on my personal knowledge.
2. In compliance with paragraph 24 of the Receivership Order, ECF doc 491, I hereby state that I do not have in my control any books, records, documents, accounts, stock certificates, intellectual property records, evidence of intellectual property rights, computer and electronic records, or other instruments and papers relating to the Receivership Defendants, except that I own shares in IAS, but I am unable to presently locate the copies of those

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shares and may need to request replacement certificates from the stock transfer agent, and some limited technical documents and photographs which were provided during discovery, copies of checks showing payments I made to Neldon Johnson and IAS totaling approximately \$800,000 used for research and development, which I have provided to the Receiver.

3. Other than documents previously provided to the Receiver, I do not have possession or control over any other category of information listed in paragraph 24 of the Receivership Order.
4. I do not recall ever having corporate documents for IAS or RaPower in my physical possession outside of the corporate offices or places of business. My duties and services to the businesses did not require me to take documents with me or maintain records at my home. If documents were occasionally taken by me outside of the corporate offices or business facilities, I did not retain copies and either returned any I had taken or destroyed the copies when I finished whatever I had taken them for.
5. I never had access to bank records and never was the recipient of mail on behalf of IAS or RaPower for any reason that I can now recall.
6. The efforts I have made to retrieve documents ordered to be delivered from me is that I've searched my computers and my home for any documents that are responsive to the court's order and provided all that related to the court's order. I have not delivered documents to any person that I can presently recall that would otherwise be subject to production under the court's order. I do not have control over or a relationship with anyone that I can think of (outside of the Receivership Defendants themselves) that may have possession or control of documents identified in the court's order.

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7. I have participated in meetings and conversations with Neldon Johnson and Glenda Johnson during which production of documents to the Receiver has been discussed and believe that any documents that have ever been within my control are being dealt with between Neldon Johnson and his new counsel and the Receiver.

**I declare under the penalty of perjury, that the foregoing is true and correct.**

DATED this 21<sup>st</sup> day of June, 2019.

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Randale Johnson