

Denver C. Snuffer, Jr. (#3032) denversnuffer@gmail.com
Steven R. Paul (#7423) spaul@nsdplaw.com
Daniel B. Garriott (#9444) dbgarrriott@msn.com
Joshua D. Egan (15593) Joshua.d.egan@gmail.com
NELSON, SNUFFER, DAHLE & POULSEN
10885 South State Street
Sandy, Utah 84070
Telephone: (801) 576-1400
Facsimile: (801) 576-1960

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;">NELSON SNUFFER RESPONSE TO NELDON JOHNSON’S MOTION TO EXTEND DEADLINE FOR PRODUCTION OF DECLARATION OF NELDON JOHNSON (ECF 706)</p> <p style="text-align: center;">Judge David Nuffer</p>
--	---

The Request to Enlarge Time by counsel for Neldon Johnson (ECF 706) is reasonable and should be granted. However, there is one matter this law firm feels needs to be clarified for the record. On page 2, item d. the Request states that the “defense was delayed until June 19, 2019, in obtaining from Nelson Snuffer a hard drive of the materials Neldon Johnson had delivered to their firm[.]” That “delay” was not due to this law firm.

We agreed to produce anything required by Mr. Wall immediately following the last hearing, but he was unprepared to do the review at that time. A few days afterward we learned he hired an assistant attorney and she would be the one conducting the review. We spoke with

her by phone on three occasions describing what we had and offering to allow the review to take place.

The date coordinated between counsel was agreed upon based on the schedule of Mr. Wall's assistant and Daniel Garriott. Mr. Garriott had a portable hard drive he had used at counsel's table during the trial of this case which contained all the discovery, depositions, trial exhibits, pleadings, and document production (including password protected materials provided by the government), hearing transcripts, and anything provided by prior attorneys for the defense in this case. Mr. Wall's assistant looked at the contents of the hard drive (much of which is irrelevant to their review) and decided to take the hard drive to review and then copy from it what she determined would be useful. These are the "materials" referenced in the Request that Neldon Johnson's attorney obtained on June 19th.

We anticipate the drive will be returned when they finish using it. This law firm, however, did not delay providing any information. Although the Request does not say this law firm was responsible for any delay, we want the record to be clear that we were not responsible for delaying any document review by Mr. Wall's office and responded promptly to any requests of us.

The Request is reasonable and ought to be granted. Mr. Wall has been diligent in working toward the required disclosures. The day after his appointment he contacted this firm and we provided him documents we believed would be helpful to understanding the case, including the Opening and Reply Briefs filed in the 10th Circuit Court. We also described background information and offered to provide trial transcripts and exhibits, however since he had access to the Court record already he did not need us to provide anything additional at that time. The level of detail required by the Order makes Mr. Wall's task very challenging. It is

unlikely that any group of attorneys and accountants could accomplish the required scope of review in the time allowed by the Court. Therefore, additional time ought to be granted.

Pursuant to paragraph 10 of the Receivership Order (ECF 410) no receivership funds or receivership property was used in the preparation or filing of this document.

DATED this 1st day of July, 2019.

NELSON SNUFFER DAHLE & POULSEN

/s/ Denver C. Snuffer, Jr.

Denver C. Snuffer, Jr.

Steven R. Paul

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed with the clerk of the court through the CM/ECF system on this date, which provided notice of the electronic filing to all counsel of record.

I further certify that I caused to be served a true and correct copy of the foregoing on the following individuals by email as indicated below.

Neldon Johnson glendaejohnson@hotmail.com
2730 West 4000 South
Oasis, Utah 84624

R. Gregory Shepard greg@rapower3.com

Dated this 1st day of July, 2019.

/s/ Lisa Revels