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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.; LTB1,
LLC; R. GREGORY SHEPARD; NELDON
JOHNSON; and ROGER FREEBORN,

Defendants.

REQUEST TO SUBMIT FOR DECISION

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

District Judge David Nuffer

Pursuant to DUCivR 7-3, R. Wayne Klein, the Court-Appointed Receiver (the “Receiver”) hereby files this Request to Submit for Decision his Motion to Transfer Related Cases Pursuant to DUCivR 83-2(g) (“Motion”).¹ In support of the request the Receiver submits the following:

1. On May 24, 2019, in the Order Granting Motion to Commence Legal Proceedings, the Court ordered: “It is necessary for the efficient administration of justice that any lawsuit filed by the Receiver in the U.S. District Court for the District of Utah under the Corrected Receivership

¹ [Docket No. 736](#).

Order be assigned to the same judge, to the extent possible. Accordingly, for each such lawsuit that the Receiver may file, the Receiver shall promptly file a motion and proposed order in this case in accordance with DUCivR 83-2(g).”²

2. On July 31, 2019, the Receiver filed the Motion with the Court.³

3. On August 8, 2019, LaGrand Johnson and Randale Johnson (the “Johnsons”) filed an opposition to the Motion.⁴

4. On August 21, 2019, the Receiver filed his Reply in Support of the Motion to Transfer Related Cases Pursuant to DUCivR83-2(g).⁵

5. LaGrand Johnson and Randale Johnson requested an evidentiary hearing in their opposition. It is unclear, however, what purpose an evidentiary hearing would serve on a DUCivR 83-2(g) motion, and the Johnsons do not explain.

The Receiver requests that the Court grant the Motions and order the relief requested therein.

DATED this 21st day of August, 2019.

PARR BROWN GEE & LOVELESS

/s/ Michael S. Lehr
Jonathan O. Hafen
Michael S. Lehr
Attorneys for Receiver

² [Docket No. 673](#), at Order ¶ 3.

³ [Docket No. 736](#).

⁴ [Docket No. 745](#).

⁵ [Docket No. 753](#).

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the above **REQUEST TO SUBMIT FOR DECISION** was electronically filed with the Clerk of the Court through the CM/ECF system on August 21, 2019, which sent notice of the electronic filing to all counsel of record.

IT IS FURTHER CERTIFIED that, on the same date, by U.S. Mail, first-class, postage pre-paid, I caused to be served the same documents upon the following persons:

R. Gregory Shepard
858 Clover Meadow Dr.
Murray, Utah 84123

/s/ Michael S. Lehr