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

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1, LLC, R. GREGORY SHEPARD, and NELDON JOHNSON,</p> <p>Defendants.</p>	<p>Civil No. 2:15-cv-00828-DN-EJF</p> <p>OPPOSITION TO RECEIVER'S SECOND MOTION TO TRANSFER RELATED CASES PURSUANT TO DUCivR 83-2(g) (ECF 736)</p> <p>EVIDENTIARY HEARING REQUESTED</p> <p>Judge David Nuffer</p>
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COMES NOW Glenda Johnson and, on behalf of other future similarly situated defendants in actions filed by Receiver Wayne Klein, does hereby request an evidentiary hearing and objects to the Receiver's Second Motion to Transfer Related Cases (ECF 763).

Defendants Randale Johnson, Matthew Shepard and LaGrand Johnson have filed an objection to the transfer of cases filed by the receiver against them and other parties similarly

situated. (ECF 745). Glenda Johnson incorporates by reference the arguments and opposition stated in that objection.

The argument made by the Receiver in furtherance of this motion (ECF 763) are essentially the same as the prior motion (ECF 736). As such, the same objections also apply: the collection cases filed by the receiver are all unique and distinct as to transactions, claims and defenses that the cases need not be transferred to the same judge; the cases sought to be transferred to not involve the same parties or the same property; and, Judge Nuffer no longer sits in Salt Lake, as such, the cases (if they are transferred to a single judge) should not be transferred to Judge Nuffer.

The receiver is not correct that the court will be required to make the same findings in each case. Other than issues involving RaPower-3, LLC or other “receivership entities” and the findings of the court in the underlying case, the issues in each of the separately filed cases are unique as to all of the relevant factors the receiver must prove in order to recover.

The substance of each of the collection cases filed by the receiver is to recover allegedly fraudulent transfers to the individual named as defendant. In many of the cases, there will be hundreds of transactions totaling several thousands of dollars. In each collection case, the receiver will have to show how each individual transaction falls within one of the 6 causes of action for which the Receiver claims gives him grounds to recover. That is literally thousands of elements of proof against individual. Each defendant and each transaction is unique, separate and distinct. To allege that the transactions are the same or similar to the other cases or defendants is to ignore the receiver’s burdens of proof and persuasion.

The claims against Glenda Johnson are vastly different than the claims against Ina Marie Newman. The proof behind the assets and funds the receiver claims were improperly received by

Mrs Johnson will require vastly different proof than the claims for beneficial treatment and transfers the receiver has claimed against Mrs. Newman.

All of the collection claims will involve unique timelines for discovery; unique detail for each transaction; unique considerations for the defendants' relationship to IAS and RaPower; unique defenses and unique counterclaims. Some of the receiver's collection claims will be transfers of cash or other assets, some will be wages, others commissions, reimbursements, benefits, and many other payments to the named defendant. Each will entail separate proof and each deserves the individual attention of a judge that will render to each defendant a fair and just analysis and consideration.

The cases are so far removed from each other that it would be unwise and not beneficial to any party to have them all assigned to the same judge, and particularly not to Judge Nuffer who is no longer residing in Salt Lake but has moved his courtroom to St. George, Utah.

This Court should deny the second motion to transfer the cases and leave the cases as assigned. If the Court is persuaded that the cases would be better served under the same judge, the cases should not be assigned to Judge Nuffer as he is no longer based in Salt Lake City and his familiarity with the underlying case does not put him in any better situation to decide the collection cases filed by the Receiver versus any other sitting Magistrate or Judge.

DATED this 23rd day of September, 2019.

NELSON SNUFFER DAHLE & POULSEN

/s/ Steven R. Paul
Denver C. Snuffer, Jr.
Daniel B. Garriott
Steven R. Paul

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed using the court's CM/ECF filing system and that system sent notice of filing to all counsel and parties of record.

In addition, the foregoing was mailed or emailed as indicated to the following who are not registered with CM/ECF.

Greg Shepard greg@rapower3.com

/s/ Steven R. Paul
Attorneys for Glenda Johnson