
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAPOWER-3, LLC; INTERNATIONAL
AUTOMATED SYSTEMS, INC.; LTB1,
LLC; R. GREGORY SHEPARD; NELDON
JOHNSON; and ROGER FREEBORN,

Defendants.

**ORDER RE: EVIDENTIARY
HEARING SET FOR DECEMBER 13,
2019**

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

District Judge David Nuffer

Based on the United States' Motion for Additional Sanctions Due to Continued Contempt of Neldon Johnson, Glenda Johnson, LaGrand Johnson, and Randale Johnson,¹ an evidentiary hearing is set for 9:00 a.m. on December 13, 2019 ("Motion"). In preparation for such hearing,

IT IS HEREBY ORDERED AS FOLLOWS:

- (1) By no later than December 6, 2019, Neldon Johnson must deliver boxes 15-27 referenced in his most recent declaration² to the United States Attorney's Office in Salt Lake City, Utah. By no later than December 2, 2019, Nelson, Snuffer, Dahle & Poulsen must file any motion to retain possession of the boxes.³
- (2) By no later than December 5, 2019, Neldon Johnson must produce, to the United States Attorney's Office in Salt Lake City, responsive documents (i.e., those

¹ [Docket no. 754](#), filed August 2, 2019.

² [Docket no. 738](#), filed August 2, 2019, ¶10 (referencing 27 boxes located at Nelson, Snuffer, Dahle & Poulsen).

³ Defendant Neldon Johnson's Response to the United State's [sic] Motion for Additional Sanctions, [docket no. 760](#), filed September 3, 2019, at 4 ("Mr. Snuffer states NSDP seeks to retain the boxes . . .").

documents referenced in Paragraph 24 of the Corrected Receivership Order),⁴ and claimed by Neldon Johnson to be in the possession of third parties (including at least Pacific Stock Transfer Co., Snell & Wilmer, Gary Peterson, Candence Group, and Now CFO), or identify such documents, their location, and the specific efforts Neldon Johnson has made to obtain such documents. Depending on the sufficiency of the documents or information provided by Neldon Johnson, it may be helpful for the United States to subpoena Mr. Peterson and other third parties to testify at the December 12, 2019 hearing.

- (3) The same requirement stated as to Neldon Johnson in Paragraph (2), *supra*, applies equally to Glenda Johnson, LaGrand Johnson, and Randale Johnson, as to any responsive documents each of them respectively claims to be in the possession of third parties.
- (4) Neldon Johnson, Glenda Johnson, LaGrand Johnson, and Randale Johnson, will not be permitted to use, in support of any claim or defense against the Receiver or the United States in any future proceedings, any documents or information not produced or at least disclosed as stated in Paragraphs (2) and (3), *supra*.
- (5) By no later than December 6, 2019, counsel for Neldon Johnson and counsel for the United States must meet; confer; and if possible reconcile the vehicle lists included in Neldon Johnson's most recent declaration⁵ and those included in the United States's reply.⁶

⁴ [Docket no. 491](#), filed November 1, 2018.

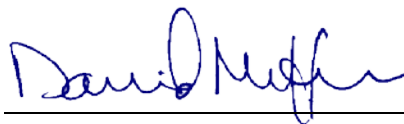
⁵ [Docket no. 738](#), filed August 2, 2019, at 17-18, and docket nos. [738-2](#) and [738-3](#), filed August 2, 2019.

⁶ [Docket no. 772](#), filed September 25, 2019, at 4; Plaintiff's Exhibit 958, [docket no. 772-2](#), filed September 25, 2019, at 3.

- (6) By no later than noon December 1, 2019, Neldon Johnson must file a document which will specify the scope of the Quick Book records referenced in his most recent declaration,⁷ including the entities whose financial records are found therein, and the timeframe covered by the records.
- (7) Neldon Johnson, Glenda Johnson, LaGrand Johnson, and Randale Johnson must each appear, at 9:00 a.m. on December 12, 2019, at the United States Courthouse in Salt Lake City, to answer questions under oath regarding any of the above issues; or assets or documents of the Receivership Defendants or Affiliated Entities, including those held in the name of any family member or other insiders. It is anticipated that Magistrate Judge Paul Kohler will be available to supervise and resolve issues that may arise during the December 12, 2019 hearing. Check at the clerks office, Room 1.100, to determine which courtroom will be used.

SIGNED November 25, 2019.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge

⁷ [Docket no. 738](#), filed August 2, 2019, at 22-23.