

# UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF UTAH

UNITED STATES of AMERICA  
V.  
RAPOWER-3, LLC, et al.

## EXHIBIT AND WITNESS LIST

Case Number: 2:15-CV-828 DN

| PRESIDING JUDGE |          |              |        |          | PLAINTIFF'S ATTORNEY   | DEFENDANT'S ATTORNEY                                     |
|-----------------|----------|--------------|--------|----------|--|--|
| David Nuffer    |          |              |        |          | Erin Healy Gallagher   | Ed Wall, Steven Paul, Neldon Johnson,<br>Gregory Shepard |
| TRIAL DATE (S)  |          |              |        |          | COURT REPORTER   | COURTROOM DEPUTY   |
| 4/26/2019       |          |              |        |          | Becky Janke, Kelly Hicken  | A. Bowers  |
| PLF. NO.        | DEF. NO. | DATE OFFERED | MARKED | ADMITTED | DESCRIPTION OF EXHIBITS* AND WITNESSES   |  |
|                 |          |              |        |          | Corrected Receivership Order ( <a href="#">ECF No. 491</a> )   |  |
|                 |          |              |        |          | Receiver's Financial Report ( <a href="#">ECF No. 552</a> )  |  |
|                 |          |              |        |          | Receiver's Initial Quarterly Status Report ( <a href="#">ECF No. 557</a> )   |  |
|                 |          |              |        |          | Receiver's Report and Recommendation on Inclusion of Affiliates and Subsidiaries in Receivership Estate ( <a href="#">ECF No. 581</a> )  |  |
|                 |          |              |        |          | Order Taking Show-Cause Motions Under Advisement ( <a href="#">ECF No. 588</a> )   |  |
|                 |          |              |        |          | Memorandum Decision and Order Denying Defendants' Rule 26(c) Motion ( <a href="#">ECF No. 589</a> )  |  |
|                 |          |              |        |          | Memorandum Decision and Order Denying the Johnsons' Rule 26(c) Motions ( <a href="#">ECF No. 591</a> )   |  |
|                 |          |              |        |          | Order Granting Motion to Withdraw as Counsel ( <a href="#">ECF No. 592</a> )   |  |
|                 |          |              |        |          | Memorandum Decision Denying Glenda Johnson's Motion for Protective Order ( <a href="#">ECF No. 593</a> )   |  |
|                 |          |              |        |          | United States' Notice That Service Has Been Made ( <a href="#">ECF No. 594</a> ), with attachments ( <a href="#">ECF No. 594-1</a> , <a href="#">ECF No. 594-2</a> , <a href="#">ECF No. 594-3</a> , and <a href="#">ECF No. 594-4</a> ) |  |
|                 |          |              |        |          | Neldon Johnson's Opposition to the Receiver's Report (581) and Motion (582) ( <a href="#">ECF No. 597</a> )  |  |
|                 |          |              |        |          | Receiver's Second Quarterly Report ( <a href="#">ECF No. 608</a> )   |  |
| 507             |          | 4/26/2019    | Yes    | Yes      | IAS 10-K for Fiscal Year ending June 30, 2016  |  |
| 650             |          |              |        |          | Check from Cobblestone Centre, LC to Randale Johnson in the amount of \$30,000   |  |
| 743             |          |              |        |          | Composite Exhibit – checks from RaPower-3, LLC, to Neldon Johnson and his family members   |  |
| 834             |          | 4/26/2019    | Yes    | Yes      | Composite Exhibit – bank account signature   |  |
| 937             |          | 4/26/2019    | Yes    | Yes      | 1/28/2019 email from Wayne Klein to Neldon and Glenda Johnson re Attached Notices, Subpoenas   |  |
| 938             |          | 4/26/2019    | Yes    | Yes      | 1/24/2019 letter from Steven Paul to Wayne Klein re Johnson Deposition Concerns  |  |

\* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

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**EXHIBIT AND WITNESS LIST – CONTINUATION**

| USA      |          |              |        |          | vs.   | RP3 | CASE NO.<br>2:15-CV-828 DN |
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| PLF. NO. | DEF. NO. | DATE OFFERED | MARKED | ADMITTED | DESCRIPTION OF EXHIBITS AND WITNESSES   |     |                            |
| 939      |          | 4/26/2019    | Yes    | Yes      | Written acknowledgements, by Respondents, of receipt of the Corrected Receivership Order  |     |                            |
| 940      |          |              |        |          | Affidavits of service of the Corrected Receivership Order upon Respondents Neldon, Glenda, and LaGrand Johnson and R. Gregory Shepard |     |                            |
| 941      |          | 4/26/2019    | Yes    | Yes      | 4/15/2019 emails between Steven Paul and Wayne Klein re LaGrand Johnson Documents, with attachments                                   |     |                            |
| 942      |          | 4/26/2019    | Yes    | Yes      | Chart summarizing certain financial transactions related to Neldon and Glenda Johnson   |     |                            |
| 943      |          | 4/26/2019    | Yes    | Yes      | Chart summarizing transfers of money from RaPower-3 to Cobblestone Centre, LLC  |     |                            |
| 944      |          |              |        |          | Chart summarizing transfers from Glenda Johnson to RaPower-3, IAS, and Cobblestone Centre, LLC  |     |                            |
| 945      |          | 4/26/2019    | Yes    | Yes      | Composite Exhibit – bank records in support of the summary chart at Pl. Exs. 942-944  |     |                            |
| 946      |          | 4/26/2019    | Yes    | Yes      | SOLCO I, LLC Operating Agreement  |     |                            |
| 947      |          | 4/26/2019    | Yes    | Yes      | Limited Liability Company Operating Agreement for XSun Energy, LLC  |     |                            |
| 948      |          | 4/26/2019    | Yes    | Yes      | Shareholder Agreement for Solstice Enterprises, Inc.  |     |                            |
| 949      |          | 4/26/2019    | Yes    | Yes      | Voting Trust Agreement for Solstice Enterprises Inc.  |     |                            |
| 950      |          | 4/26/2019    | Yes    | Yes      | Notices of Resignation by Neldon Johnson re Solstice Enterprises, Inc.  |     |                            |
| 951      |          |              |        |          | 2019 05 20 email from Klein to Shepard re compliance verification deficiencies  |     |                            |
| 952      |          | 5/28/2019    | Yes    | Yes      | 2019 05 06 email from Klein to Paul re missing Glenda Johnson bank records  |     |                            |
| 953      |          | 5/28/2019    | Yes    | Yes      | PST IAS transaction journal USE   |     |                            |
| 954      |          | 5/28/2019    | Yes    | Yes      | RaPower account statement of IAS stock USE  |     |                            |
| 955      |          | 5/28/2019    | Yes    | Yes      | Nov 2018 Checks from Shepard Global   |     |                            |
| 958      |          |              |        |          | 2019 08 29 Email from Klein to Wall re RaPower/Johnson vehicles, with attachments   |     |                            |
| 959      |          |              |        |          | 2019 08 29 Email from KleinW to Paul and Snuffer re Glenda Johnson, with attachments  |     |                            |
| 960      |          |              |        |          | Declaration of James Bennett, of NOW CFO, LLC   |     |                            |
| 961      |          |              |        |          | Declaration of Gordon Jacobsen, of Cadence Consulting Group   |     |                            |
|          |          |              |        |          |   |     |                            |
|          |          |              |        |          |   |     |                            |
|          |          |              |        |          |   |     |                            |
|          |          |              |        |          |   |     |                            |
|          |          |              |        |          |   |     |                            |
|          |          |              |        |          |   |     |                            |



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|          | A        |              |        |          | Progressive Aut Insurance Renewal Bill, due date 2/23/2019   |     |          |
|          | B        |              |        |          | Larry H. Miller Contract to Enter Into a Lease Agreement   |     |          |
|          | C        |              |        |          | Larry H. Miller Contract to Enter Into a Lease Agreement   |     |          |
|          | D        |              |        |          | Larry H. Miller Contract to Enter Into a Lease Agreement   |     |          |
|          | E        |              |        |          | Larry H. Miller Contract to Enter Into a Lease Agreement   |     |          |
|          | F        |              |        |          | Larry H. Miller Contract to Enter Into a Lease Agreement   |     |          |
|          | G        |              |        |          | Toyota Financial Services Billing Statement, Statement Date 4/3/2019   |     |          |
|          | H        |              |        |          | Closed-End Motor Vehicle Lease Agreement Utah, Lease Date 7/21/2016  |     |          |
|          | I        |              |        |          | US Bank Lease Billing Statement, Billing Summary 4/1/2019  |     |          |
|          | J        |              |        |          | ILaw VCI-UCL-UT-EPS-14 9/16 Closed-End Motor Vehicle Lease, Lease Date 11/18/2017                                      |     |          |
|          | K        |              |        |          | Volkswagen Account Statement, Payment Due Date 4/18/2019   |     |          |
|          | L        |              |        |          | Gus Paulos Chevrolet Moto Vehicle Contract of Sale, 7/5/2017   |     |          |
|          | M        |              |        |          | Division of Motor Vehicles Registration Form Certificate, Expires 7/2019   |     |          |
|          | N        |              |        |          | US Bank Motor Vehicle Lease Agreement Closed-End   |     |          |
|          | O        |              |        |          | US Bank Lease Billing Statement, Billing Summary 3/31/2019   |     |          |
|          |          |              |        |          |  |     |          |
|          |          |              |        |          | RECEIVER EXHIBITS  |     |          |
| 1        |          | 4/26/2019    | Yes    | Yes      | 11/12/2018 Letter from Wayne Klein to Pacific Stock Transfer Co. re: Request for Information                           |     |          |
| 2        |          | 4/26/2019    | Yes    | Yes      | Subpoena to Pacific Stock Transfer Company   |     |          |
| 3        |          | 4/26/2019    | Yes    | Yes      | Subpoena to Pacific Stock Transfer Company   |     |          |
| 4        |          | 4/26/2019    | Yes    | Yes      | 1/2/2019 Pacific Stock Transfer Letter to Michael Lehr re: Receipt of Subpoena and Response                            |     |          |
| 5        |          | 4/26/2019    | Yes    | Yes      | 1/18/2019 Letter from Wayne Klein to Ashlee Canady, Compliance Manager re: 2 <sup>nd</sup> Request for Information     |     |          |
| 6        |          | 4/26/2019    | Yes    | Yes      | Affidavit of Process Server upon Pacific Stock Transfer Co. on 3/8/2019 12:08 p.m.                                     |     |          |
| 2007     |          | 5/3/2019     | Yes    | Yes      | Compilation by Loan Peak Valuation of All Transfers from RP3 Bank Accounts to Cobblestone Center Between 2013 and 2018 |     |          |
| 2009     |          | 5/3/2019     | Yes    | Yes      | Loan Peak Valuation Document Showing Checks Payable to Glenda Johnson 2005 and 2018                                    |     |          |
| 2010     |          | 5/3/2019     | Yes    | Yes      | Financial Transaction that went to Glenda Johnson by Means Other than Checks   |     |          |
| 2074     |          | 5/3/2019     | Yes    | Yes      | Bank Statement for International Automated Systems dated 4/2/2017 from Bank of American Fork                           |     |          |

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| 2085     |          | 5/3/2019     | Yes    | Yes      | Document Showing Neldon Johnson Compensation of \$1,000,000/year                                  |                |
| 2086     |          | 5/3/2019     | Yes    | Yes      | Excerpt of Attachment of N. Johnson's 4/29/2019 Filing, Introduced in Neldon Johnson's Deposition |                |
| 2088     |          | 5/28/2019    | Yes    | Yes      | 5/2/2019 Letter from Wayne Klein re: Johnson Authorization  |                |
| 2100     |          | 5/3/2019     | Yes    | Yes      | Composite of Account of Bank Statements of Glenda Johnson March and April 2019                    |                |
| 2101     |          | 5/3/2019     | Yes    | Yes      | Summary Balances of Glenda Johnson of Exhibit 2100  |                |
| 2102     |          | 5/3/2019     | Yes    | Yes      | Transfer to Insiders After Key Court Dates June 2018 thru April 2019                              |                |
| 2120     |          | 2/25/20      | Yes    | Yes      | Neldon Johnson Declaration (Doc. #738)  |                |
| 2121     |          |              |        |          | 12/29/08 Letter from Jones Waldo to Neldon Johnson  |                |
| 2122     |          |              |        |          | 12/31/08 Letter from Jones Waldo to Neldon Johnson  |                |
| 2123     |          | 2/25/20      | Yes    | Yes      | 10/25/90 IAS Board Resolution   |                |
| 2124     |          | 2/25/20      | Yes    | Yes      | 12/6/93 IAS Bank Deposit Book   |                |
| 2125     |          | 2/25/20      | Yes    | Yes      | 3/29/94 U-Check checkbook   |                |
| 2126     |          | 2/25/20      | Yes    | Yes      | 1/20/89 Canceled Checks: Neldon Johnson bank account  |                |
| 2127     |          |              |        |          | 7/8/88 Canceled Checks: Reams Video   |                |
| 2128     |          | 2/25/20      | Yes    | Yes      | IAS Tax Returns (Form 1120) for tax year 1989   |                |
| 2129     |          | 2/25/20      | Yes    | Yes      | 6/30/92 IAS Financial Statements  |                |
| 2130     |          |              |        |          | 8/12/96 Hansen, Barnett & Maxwell fax   |                |
| 2131     |          |              |        |          | Video # 6 Check Register  |                |
| 2132     |          | 2/25/20      | Yes    | Yes      | 4/1/98 OTC Stock Transfer: Stock Transfer Records   |                |
| 2133     |          | 2/25/20      | Yes    | Yes      | 12/27/91 Trans National Transfer: Transfer Order  |                |
| 2134     |          |              |        |          | 8/29/88 OTC Stock Journal: Invoice  |                |
| 2135     |          |              |        |          | 11/3/94 Source Foods Check  |                |
| 2136     |          | 2/25/20      | Yes    | Yes      | 6/30/95 Wilson Davis: Account Statement   |                |
| 2137     |          | 2/25/20      | Yes    | Yes      | 4/30/96 Sierra Brokerage: Account Statement   |                |
| 2138     |          | 2/25/20      | Yes    | Yes      | 9/30/94 Alpine Securities: Account Statement  |                |
| 2139     |          | 2/25/20      | Yes    | Yes      | 10/29/95 Smith Barney: Account Statement  |                |
| 2140     |          |              |        |          | 3/25/96 Letter from Boyack, Ashton to N. Johnson  |                |

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| RCR. NO. | DEF. NO. | DATE OFFERED | MARKED | ADMITTED | DESCRIPTION OF EXHIBITS AND WITNESSES                            |     |                            |
| 2141     |          | 2/25/20      | Yes    | Yes      | 10/31/19 Easement acknowledgement                                |     |                            |
| 2142     |          | 2/25/20      | Yes    | Yes      | 8/13/19 Wisdom Farms cashier's check \$30000                     |     |                            |
| 2143     |          | 2/25/20      | Yes    | Yes      | 11/14/18 Laptop screenshot of solar tree testing                 |     |                            |
| 2144     |          | 2/25/20      | Yes    | Yes      | 1/9/07 Checks from Randale Johnson to Neldon Johnson, IAS        |     |                            |
| 2145     |          | 2/25/20      | Yes    | Yes      | 12/19/19 Spreadsheet summary of Randale Johnson checks           |     |                            |
| 2146     |          | 2/25/20      | Yes    | Yes      | 10/12/08 Sierra Engineering emails, letter                       |     |                            |
| 2147     |          | 2/25/20      | Yes    | Yes      | 11/30/18 Acknowledgment of Receivership Order by Randale Johnson |     |                            |
| 2148     |          | 2/25/20      | Yes    | Yes      | 4/1/14 Checks from LaGrand Johnson to Troy Koenig                |     |                            |
| 2149     |          | 2/25/20      | Yes    | Yes      | 11/21/19 Div. Corporations list: Registered Principals           |     |                            |
| 2150     |          | 2/25/20      | Yes    | Yes      | 11/21/19 Div. Corporations: Company status                       |     |                            |
| 2151     |          | 2/25/20      | Yes    | Yes      | 12/3/19 Div. Corporations: Certification                         |     |                            |
| 2152     |          | 2/25/20      | Yes    | Yes      | 7/27/09 Checks from LaGrand Johnson to IAS                       |     |                            |
| 2153     |          | 2/25/20      | Yes    | Yes      | 11/30/18 Acknowledgment of Receivership Order by LaGrand Johnson |     |                            |
| 2154     |          | 2/25/20      | Yes    | Yes      | 10/11/19 Glenda Johnson Declaration on Solstice                  |     |                            |
| 2155     |          | 2/25/20      | Yes    | Yes      | 11/2/12 Check to Solco for purchase of solar lens                |     |                            |
| 2156     |          | 2/25/20      | Yes    | Yes      | 12/15/11 List of "power plant" purchases from XSun               |     |                            |
| 2157     |          | 2/25/20      | Yes    | Yes      | 10/11/12 Escrow Agreement  |     |                            |
| 2158     |          | 2/25/20      | Yes    | Yes      | 8/5/11 Checks, Deposit Slips for XSun lens sales                 |     |                            |
| 2159     |          | 2/25/20      | Yes    | Yes      | 10/3/19 Letter from NuStar Permian Transportation                |     |                            |
| 2160     |          | 2/25/20      | Yes    | Yes      | 12/19/19 Notice of Lien  |     |                            |
| 2161     |          | 2/25/20      | Yes    | Yes      | 4/5/18 Div. Corporations: Certificate: Anstrum Energy.           |     |                            |
| 2162     |          | 2/25/20      | Yes    | Yes      | 12/13/19 Vehicle reconciliation spreadsheet                      |     |                            |
| 2163     |          | 2/25/20      | Yes    | Yes      | 11/29/18 Acknowledgment of Receivership Order by Glenda Johnson  |     |                            |
| 2164     |          | 2/25/20      | Yes    | Yes      | 8/2/19 Exhibits 27 and 28 to Neldon Johnson Declaration          |     |                            |
| 2165     |          |              |        |          | 8/2/19 Exhibit 18 to Neldon Johnson Declaration                  |     |                            |
| 2166     |          |              |        |          | 8/2/19 Exhibit 25 to Neldon Johnson Declaration (p. 1 of 48)     |     |                            |

