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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

R. WAYNE KLEIN, as Receiver,

Plaintiff,

v.

LAGRAND T. JOHNSON, an individual and
as trustee of the Yotsuya Family Trust,

Defendant.

REQUEST TO SUBMIT FOR DECISION

(Ancillary to Case No. 2:15-cv-00828)

Civil No. 2:19-cv-00534-DN-PK

Judge David Nuffer

Magistrate Judge Paul Kohler

Pursuant to DUCivR 7-3, R. Wayne Klein, the Court-Appointed Receiver (“Receiver”) in the Civil Enforcement Case underlying this action, hereby files this Request to Submit for Decision his Rule 12(b)(1) Motion to Dismiss Defendant’s Counterclaims (“Motion”). In support of the request the Receiver submits the following:

1. On September 9, 2019, the Receiver filed the Motion asking the Court to dismiss Defendant counterclaims for lack of jurisdiction.¹

¹ [Docket No. 13](#).

2. On September 23, 2019, Defendant filed an opposition to the Motion.²
3. On October 7, 2019, the Receiver filed a reply in support of the Motion.³
4. Defendant requested a hearing on the Motion. The Receiver, however, believes a hearing would not be helpful and the Motion and reply provide sufficient basis to grant the Motion.
5. The motion is ripe, and the Receiver requests that the Court enter an order granting the Motion.

DATED this 8th day of October, 2019.

PARR BROWN GEE & LOVELESS, P.C.

/s/ Michael S. Lehr

Jonathan O. Hafen

Jeffery A. Balls

Michael Lehr

Attorneys for R. Wayne Klein, Receiver

² [Docket No. 14.](#)

³ [Docket No. 18.](#)

CERTIFICATE OF SERVICE

I hereby certify that the above **REQUEST TO SUBMIT FOR DECISION** was filed with the Court on this 8th day of October, 2019, and served via ECF on all parties who have requested notice in this case.

/s/ Michael S. Lehr
