

David E. Leta (1937)  
Jeffrey D. Tuttle (14500)  
**SNELL & WILMER L.L.P.**  
15 W. South Temple, Suite 1200  
Salt Lake City, UT 84101  
Telephone: (801) 257-1900  
Facsimile: (801) 257-1800  
Email: [dleta@swlaw.com](mailto:dleta@swlaw.com)  
[jtuttle@swlaw.com](mailto:jtuttle@swlaw.com)

*Proposed Counsel for RaPower-3, LLC*

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**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

In re <b>RAPOWER-3, LLC</b> ,  Debtor.	Bankruptcy Case No. 18-24865  (Chapter 11)  Judge Kevin R. Anderson
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**DEBTOR'S EX PARTE MOTION TO CONTINUE 341 MEETING**

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RaPower-3, LLC, Debtor (“Debtor”) respectfully requests that the Court continue the 341 meeting of creditors (the “**341 Meeting**”) scheduled for August 9, 2018 at 3:00 p.m. Debtor has filed *RaPower-3, LLC’s Omnibus Response to Creditor United States Department of Justice, Tax Division’s (1) Motion to Dismiss Bankruptcy Petition, or in the Alternative, Convert to Chapter 7, or Appoint Chapter 11 Trustee [Dkt. No. 13]; (2) Motion to Withdraw the Reference [Dkt. No. 15]; and (3) Motion for Partial Stay [Dkt. No. 18]* (“**Debtor’s Stipulation to Dismiss**”) [Dkt. No. 27], wherein Debtor has stipulated to the dismissal of the above-captioned bankruptcy case (the “**Bankruptcy Case**”).

Based on communications with the United States Department of Justice, Tax Division (“**DOJ**”) and the United States Trustee’s Office (the “**UST**”), Debtor reasonably believed that all

parties were in agreement that the unconditional dismissal of the Bankruptcy Case was agreeable to the Debtor, the DOJ, and the UST. Debtor canceled its arrangements to have its manager and accountants appear at the scheduled 341 Meeting. Debtor has been informed with too little time to reverse course that the proposed stipulated dismissal is not, in fact, agreeable to the DOJ.

WHEREFORE, in light of the foregoing, the Debtors request that the Court continue the 341 Meeting until after the Court has had the opportunity to consider the Debtor's Stipulation to Dismiss. A proposed form of order is attached hereto as **Exhibit "A"**.

DATED this 9<sup>th</sup> day of August, 2018.

**SNELL & WILMER L.L.P.**

*/s/ Jeff Tuttle*

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David E. Leta

Jeff D. Tuttle

*Proposed Counsel for RaPower-3, LLC*

**CERTIFICATE OF SERVICE – BY NOTICE OF ELECTRONIC FILING (CM/ECF)**

I hereby certify that on the 9<sup>th</sup> day of August, 2018, I electronically filed the foregoing document with the United States Bankruptcy Court for the District of Utah by using the Court's CM/ECF system. I further certify that the parties of record in this case, as identified below, are listed as registered CM/ECF users and will be served through the CM/ECF system:

- Erin Healy Gallagher erin.healygallagher@usdoj.gov, Russell.S.Clarke@usdoj.gov
- Erin R. Hines erin.r.hines@usdoj.gov, Central.Taxcivil@usdoj.gov
- David E. Leta dleta@swlaw.com, wkalawaia@swlaw.com;csmart@swlaw.com
- John K. Mangum john.mangum@usdoj.gov, valerie.maxwell@usdoj.gov
- Christopher R. Moran christopher.r.moran@usdoj.gov, central.taxcivil@usdoj.gov
- John T. Morgan jr john.t.morgan@usdoj.gov,  
James.Gee@usdoj.gov;Lindsey.Huston@usdoj.gov;Suzanne.Verhaal@usdoj.gov
- Jeff D. Tuttle jtuttle@swlaw.com, jpollard@swlaw.com;docket\_slc@swlaw.com
- United States Trustee USTPRegion19.SK.ECF@usdoj.gov

/s/ Joyce Kyle

# **EXHIBIT A**

David E. Leta (1937)  
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**SNELL & WILMER L.L.P.**  
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[jtuttle@swlaw.com](mailto:jtuttle@swlaw.com)

*Prepared by Proposed Counsel for RaPower-3, LLC*

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**ORDER GRANTING EX PARTE MOTION TO CONTINUE 341 MEETING**

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Upon consideration of the Ex Parte Motion to Continue 341 Meeting, the Court  
ORDERS:

1. that the 341 Meeting scheduled for August 9, 2018 at 3:00 p.m. is continued without date, with a date to be set by the Court after consideration of *RaPower-3, LLC's Omnibus Response to Creditor United States Department of Justice, Tax Division's (1) Motion to Dismiss Bankruptcy Petition, or in the Alternative, Convert to Chapter 7, or Appoint Chapter 11*

*Trustee [Dkt. No. 13]; (2) Motion to Withdraw the Reference [Dkt. No. 15]; and (3) Motion for Partial Stay [Dkt. No. 18] (“Debtor’s Stipulation to Dismiss”) [Dkt. No. 27].*

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END OF ORDER

**DESIGNATION OF PARTIES TO BE SERVED**

Service of the foregoing **ORDER** shall be served to the parties and in the manner designated below:

- David E. Leta dleta@swlaw.com, wkalawaia@swlaw.com;csmart@swlaw.com
- John K. Mangum john.mangum@usdoj.gov, valerie.maxwell@usdoj.gov
- John T. Morgan tr john.t.morgan@usdoj.gov,  
James.Gee@usdoj.gov;Lindsey.Huston@usdoj.gov;Suzanne.Verhaal@usdoj.gov
- Jeff D. Tuttle jtuttle@swlaw.com, jpollard@swlaw.com;docket\_slc@swlaw.com
- United States Trustee USTPRegion19.SK.ECF@usdoj.gov

/s/ Jeff Tuttle

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- Jeff D. Tuttle jtuttle@swlaw.com, jpollard@swlaw.com;docket\_slc@swlaw.com
- United States Trustee USTPRegion19.SK.ECF@usdoj.gov

/s/ Joyce Kyle