

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, NELDON JOHNSON, and ROGER FREEBORN,</p> <p>Defendants.</p>	<p>Civil No. 2:15-cv-00828 DN EJF</p> <p>ORDER GRANTING IN PART AND DENYING IN PART RENEWED MOTION TO COMPEL DEFENDANTS NELDON JOHNSON, RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., AND LTB1, LLC TO ANSWER PLAINTIFF'S FIRST INTERROGATORIES</p> <p>Judge David Nuffer Magistrate Judge Evelyn J. Furse</p>
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Upon consideration of the United States' renewed and modified motion to compel Defendants Neldon Johnson, RaPower-3, LLC, International Automated Systems, Inc., and LTB1, LLC ("Defendants") to answer certain interrogatories,¹ papers related to that motion, and submissions by counsel at the hearing held on April 12, 2017, IT IS HEREBY ORDERED THAT the motion is GRANTED IN PART AND DENIED IN PART, without prejudice, as follows:

¹ ECF Doc. 143.

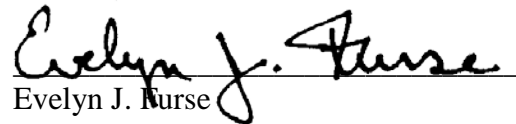
1. Defendant RaPower-3, LLC's objections to the United States' Interrogatories No. 14-17 and 22 are overruled.
2. Defendant RaPower-3, LLC, shall answer separately and fully in writing under oath Interrogatories No. 14-17 and 22 and serve its answers on the United States no later than May 3, 2017.
3. Defendants Neldon Johnson's, International Automated Systems, Inc.'s, and LTB1, LLC's objections to the United States' Interrogatories No. 10-13 and 18 are overruled.
4. Defendants Neldon Johnson, International Automated Systems, Inc., and LTB1, LLC, shall answer separately and fully in writing under oath Interrogatories No. 10-13 and 18 and shall serve their answers on the United States no later than no later than May 3, 2017.
5. If Defendants choose to answer these Interrogatories with reference to documents that they produce or have produced, they shall adhere to Fed. R. Civ. P. 33(d).
6. With respect to the following, the United States' motion to compel is DENIED without prejudice: Interrogatory No. 19 to RaPower-3, LLC; Interrogatory No. 15 to International Automated Systems, Inc.; and Interrogatory No. 15 to LTB1, LLC.
 - a. The United States shall review the documents these Defendants have produced to date, and documents from third-party witnesses, and shall determine whether it has information sufficient to identify these Defendants' gross receipts or whether additional information is required.

- b. If necessary, following that review and a meet-and-confer with counsel for these Defendants, the United States may renew its motion to compel with respect to these Interrogatories.

IT IS SO ORDERED.

DATED this 21st day of April, 2017.

BY THE COURT:


Evelyn J. Nurse
United States Magistrate Judge