

Healy Gallagher, Erin (TAX)

From: Steven R. Paul <spaul@nsdplaw.com>
Sent: Thursday, September 28, 2017 3:01 PM
To: Healy Gallagher, Erin (TAX); Hines, Erin R. (TAX); Moran, Christopher R. (TAX)
Cc: denversnuffer@gmail.com; Dan Garriott
Subject: USA v. RaPower - document production
Attachments: Rapower3 Member Office - Screen Shots - Member Office TREE.pdf; Rapower3 Member Office - Screen Shots - Roger Freeborn (2).pdf; Rapower3 Member Office - Screen Shots - Roger Freeborn (3).pdf; Rapower3 Member Office - Screen Shots - Roger Freeborn (4).pdf; Rapower3 Member Office - Screen Shots - Roger Freeborn.pdf

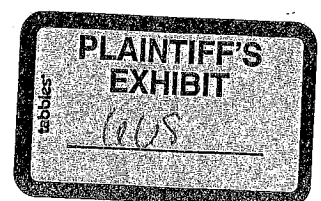
Erin,

As we discussed on the telephone today, attached are 5 screen shots from the web site, RaPower3.net. The first is a screen shot of the "Member Office TREE" this is a 26 page document that lists all buyers of lenses in their MLM organizations. At the top of the page is a drop-down box link entitled "Select Member". That link opens a drop-down box that can be opened for any member. In screen shots 2-5 I've printed Roger Freeborn's "Member Office". In the first, it shows the contact information for Roger Freeborn and his lens purchases (three purchases for 49 total lenses). The image does not show it well, but next to each date is a toggle switch that opens that particular transaction. So, the page entitled "Rapower3 Member Office - Screen Shots - Roger Freeborn (2)" is a message box that opens the detail for the 2/9/2010 purchase of 40 units, paid by check showing a balance of \$0. The other two screen shots show the purchase details for 12/15/?? And 12/31/?? respectively (the .pdf image cut off part of the date, but it is visible on the program window).

As shown, each purchase has its own transaction or "Order ID". Thus, it is possible to individually track each lens and determine a location for each individual lens, if needed. However, at this time, lenses are not marked with any Order ID number for tracking purposes. Given that the lenses are all identical and are warranted, RaPower determined it would be unproductive to label each lens, given that so many lenses were damages or destroyed during R&D and given that each lens is warranted for each customer. RaPower did not believe it necessary (or particularly feasible) to mark each lens with an identifying label. RaPower believes it is sufficient that it has installed more lenses than have been sold, so, in accordance with the Placed in Service letters, each customer knows that once it has purchased a lens or lenses, those lenses are installed and being used, or in a warehouse ready to be installed into an array when needed.

Our intention is to make the website data available to the government in a format that it can open the member tree and see what lenses have been purchased, when and for what amount. All of the website data will be transferred to a portable hard drive so that you can access everything on the website through the downloaded material. It is estimated to be over a terabyte in total material, once fully downloaded. As this information will be marked Confidential - Attorney's Eyes Only, we trust that the information will be used only for this case and for no other use, in conformity with the Protective Order entered in this case.

Steven R. Paul
NELSON SNUFFER DAHLE & POULSEN
10885 South State Street
Sandy, Utah 84070
Telephone: (801) 576-1400
Facsimile: (801) 576-1960
Mobile: (801) 428-7031
spaul@nsdplaw.com



CONFIDENTIALITY NOTICE

This electronic mail transmission, and any documents, files, or previous e-mail messages attached to it, is intended only for the use of the person or entity to whom it is addressed and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read this transmission and that any disclosure, copying, printing, distribution, use of any of the information, or the taking of action in reliance on the contents of the information contained in or attached to this transmission is **STRICTLY PROHIBITED**. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading or saving it in any manner.

FEDERAL TAX ADVICE DISCLAIMER: We are required by U. S. Treasury Regulations to inform you that, to the extent this message includes any federal tax advice, this message is not intended or written by the sender to be used, and cannot be used, for the purpose of avoiding federal tax penalties.