

Healy Gallagher, Erin (TAX)

From: Steven R. Paul <spaul@nsdplaw.com>
Sent: Monday, October 16, 2017 4:08 PM
To: Healy Gallagher, Erin (TAX); Hines, Erin R. (TAX); Moran, Christopher R. (TAX)
Cc: denversnuffer@gmail.com; Dan Garriott; Joshua Egan
Subject: USA v, RaPower3, LLC - discovery dispute
Attachments: Serial Numbers for Lenses.pdf

Erin,

As Denver will be involved in the Mancini deposition on the 23rd, I believe I will be appearing personally at the hearing with Judge Furse. To streamline issues, we have been authorized to provide you the following documents and response to the outstanding discovery that is the subject of your motion.

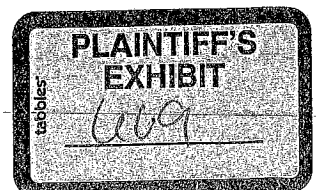
1. **Solar Lenses Purchase Agreement.** We will not be producing the SOLCO1 lens purchase agreement. We have already provided the Escrow Agreement which proves the existence of the agreement and relationship between SOLCO1 and a buyer and believe that satisfies the court's order. Any remaining contracts or evidence relating to SOLCO1 is not relevant to the present proceedings. We object to any further discovery on the SOLCO matter as beyond the scope of Rule 26. The parties to the SOLCO Purchase Agreement are not parties in this matter and there is no allegation of tax implications of the SOLCO transaction. As such, we will not provide additional information about the SOLCO transaction.
2. **Website Data.** Documents identified as JOHNSON 000001 - JOHNSON 000190. We are providing this document as directed by the court's order. It identifies solar lens customer names and sales and serial numbers of lenses. We have already explained that RaPower3, LLC does not currently track the location of lenses as all lenses are located at the facility warehouse or are being installed into solar arrays at the Delta, Utah, facility.
3. **RaPower-3 solar lens purchase agreements.** After diligent search for these documents and understanding the extreme effort that would be required to produce a copy of all customer solar lens purchase agreements, no documents are being produced at this time and we object to the production of all solar lens purchase agreements as disproportionate to the needs of this case. RaPower 3, LLC has already produced all versions of the solar lens purchase agreements and has produced the names of all customers. Producing the solar lens purchase agreements for all customers would be unduly burdensome, extremely expensive and time consuming, and would serve no substantive purpose. We estimate that it would take at least three full weeks of a person working full time just downloading and copying purchase agreements to meet the discovery request for a barely tenuous relevant discovery request. Under the new discovery rules requiring discovery be proportional to the needs of the case, we object that this request is disproportionate to the needs of this case.

Thank you for your attention to this matter. Please let me know if this response satisfies the government as to the Court's order to produce documents (Doc. No. 218).

Sincerely,

Steven Paul

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