
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAPOWER-3, LLC; INTERNATIONAL
AUTOMATED SYSTEMS, INC.; LTB1,
LLC; R. GREGORY SHEPARD; NELDON
JOHNSON; and ROGER FREEBORN,

Defendants.

**ORDER RE: ISSUES FOR SHOW-
CAUSE HEARING**

Civil No. 2:15-cv-00828-DN

District Judge David Nuffer

At the evidentiary hearing on February 25, 2020, the following matters are to be addressed:

1. Using the Status Report on United States' Motion for Additional Contempt Sanctions,¹ we will first determine matters not in dispute and matters in dispute;
2. Hearing a summary of the sworn testimony obtained January 23, 2020, with live testimony on matters in dispute as needed and centrally relevant to the matters in dispute;
3. Hearing live testimony and receiving exhibits from three witnesses identified by the United States² to a specific instance of an additional indication of contempt where the United States and the Receiver believe it is important that the testimony occur before the Court, so the Court can evaluate the credibility of the testimony as an aid in determining whether additional contempt has occurred and what sanctions, if any, to impose for the conduct; and

¹ [Docket no. 836](#), filed January 15, 2020.

² The United States shall identify these witnesses in the Monday filing referenced in paragraph 5.

4. Hearing focused arguments by the parties as to specific instances of contempt proven after entry of the Receivership Order³ and Corrected Receivership Order;⁴ whether contempt is continuing in any of these specific instances; and, if so, what remedial or coercive remedies to impose.

5. By no later than noon on Monday, February 24, 2020, the parties must file a statement indicating whether the following issues are currently disputed or undisputed:

- a. Neldon Johnson, Glenda Johnson, LaGrand Johnson, and Randale Johnson's failure to obtain documents held by third parties, or to provide a declaration identifying documents they once had access to, their location, and efforts made to obtain them (as required by paragraph 24 of the Corrected Receivership Order);
- b. Neldon Johnson's failure to provide a financial statement setting forth the identity, value, and location of all assets of each Receivership Defendant (as required by paragraph 25(g) of the Corrected Receivership Order);
- c. Neldon Johnson's failure to provide an accounting with documentation regarding all expenditures of more than \$1,000 (as required by paragraph 26 (introductory text) and 26(g) of the Corrected Receivership Order);
- d. Neldon Johnson's failure to fully disclose all vehicles titled in the names of Receivership Defendants, or purchased with Receivership Defendants' funds (as required by paragraph 25(g) of the Corrected Receivership Order);

³ [Docket no. 490](#), filed October 31, 2018.

⁴ [Docket no. 491](#), filed November 1, 2018.

e. Neldon Johnson and Glenda Johnson's failure to turn over to the Receiver any of the vehicles mentioned in subparagraph 5.d, *supra* (as required by paragraphs 16 and 17 of the Corrected Receivership Order);

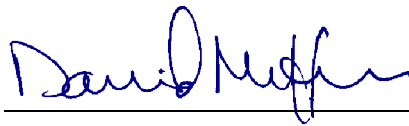
f. Neldon Johnson's failure to account for all funds received by the Receivership Defendants related to conduct alleged in the Complaint (as required by paragraph 26 (introductory text) and 26(f) of the Corrected Receivership Order);

g. Neldon Johnson, Glenda Johnson, LaGrand Johnson, and Randale Johnson's failure to pay attorney fees and costs to the government and the Receiver (as required by the civil contempt order⁵ and related orders);⁶ and

h. Identifying any other allegedly contumacious actions or inactions addressed in the motion for additional sanctions⁷ or the status report,⁸ and their disputed or undisputed character.

SIGNED February 19, 2020.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge

⁵ Civil Contempt Order Re: R. Gregory Shepard, Neldon Johnson, Glenda Johnson, LaGrand Johnson, and Randale Johnson, ¶ 11 at 29, [docket no. 701](#), filed June 25, 2019.

⁶ Order Granting United States' Motion for Attorneys' Fees and Costs in Re Civil Contempt, [docket no. 731](#), filed July 25, 2019; Order Granting Receiver's Motion for Attorneys' Fees and Costs in Re Civil Contempt, [docket no. 732](#), filed July 25, 2019.

⁷ United States' Motion for Additional Sanctions Due to Continued Contempt of Neldon Johnson, Glenda Johnson, LaGrand Johnson, and Randale Johnson, [docket no. 754](#), filed August 21, 2019.

⁸ Status Report on United States' Motion for Additional Contempt Sanctions, [docket no. 836](#), filed January 15, 2020.