

Denver C. Snuffer, Jr. (#3032) [denversnuffer@gmail.com](mailto:denversnuffer@gmail.com)

Steven R. Paul (#7423) [spaul@nsdplaw.com](mailto:spaul@nsdplaw.com)

Daniel B. Garriott (#9444) [dbgarrriott@msn.com](mailto:dbgarrriott@msn.com)

Joshua D. Egan (#15593) [joshua.d.egan@gmail.com](mailto:joshua.d.egan@gmail.com)

**NELSON, SNUFFER, DAHLE & POULSEN**

10885 South State Street

Sandy, Utah 84070

Telephone: (801) 576-1400

**Attorneys for Glenda Johnson, LaGrand Johnson, Randale Johnson**

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,  Plaintiff,  vs.  RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1, LLC, R. GREGORY SHEPARD, and NELDON JOHNSON,  Defendants.	Civil No. 2:15-cv-00828-DN  <b>OBJECTIONS TO CIVIL CONTEMPT ORDER RE: NELDON JOHNSON, GLENDA JOHNSON, LAGRAN JOHNSON, AND RANDALE JOHNSON</b>  Judge David Nuffer
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COMES NOW Glenda Johnson, LaGrand Johnson and Randale Johnson (hereafter referred to as “the Johnsons”) and object to the draft form of “Civil Contempt Order” submitted by Plaintiff relating to the finding of ongoing contempt by the Johnsons in the following specific particulars.

1. Disclosure cut-off date should be no earlier than December 5, 2019. The Court’s Order of November 25, 2019 [ECF Doc. 803] is the first (and only) time the Court has used

the specific language that the Johnsons “will not be permitted to use, in support of any claim or defense against the Receiver or the United States in any future proceedings, any documents or information not produced or at least disclosed as stated in Paragraphs (2) and (3), supra.<sup>1</sup>” The Court should not now enter an order which will contradict its November 25, 2019 Order and eliminate documents that were produced on or before December 5, 2019.

- a. The Johnsons suggest that EVERY document that has now been produced be included as fair for all parties to use. What sense does it make to exclude what everyone has exchanged already, no matter what date they were produced or by whom? Should this limitation should be made reciprocal? Would this apply to any document not produced by December 5, 2019 being excluded, even if the Receiver later produces it and we believe it helps in the defense? Or, can the Receiver produce a defense-relevant document but prevent defendants from using it because he only made it available after some deadline?
2. The section of the Order that requires the production of LaGrand Johnson’s financial information should be stricken. There is no basis for the production of that information and there has been no prior order from the Court which requires that information to be produced such that this new order directed at LaGrand Johnson would be in resolution or purge of any contempt on the part of LaGrand Johnson.

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<sup>1</sup> ECF Doc. 803 at ¶ 4.

- a. Section 7 of the proposed Order has nothing to do with the contempt issues addressed in the remainder of the Order. It is simply a back-door attempt to get discovery information to use against LaGrand Johnson in the Receiver's collection case against him.
  - b. There is no prior order that requires the disclosures demanded of Mr. Johnson.
  - c. It would be improper for Plaintiff to obtain the information from Mr. Johnson in the manner proposed. This case is closed. This is not a contempt issue. The information does not advance the Government's case against any Receivership Defendant or Affiliated Entity.
3. It should perhaps be specifically noted and clarified in language in the Order that the cut-off of documentation does not apply to the following specific instances of production:
  - a. *Documents the Receiver has in his possession through the file boxes that he returned but did not copy;*
  - b. *Documents that are relevant to defenses to the Receiver's claims against Randale, LaGrande or Glenda but not covered by ¶24 of the Corrected Receivership Order;*
  - c. *Documents that are in possession of and later obtained from third parties;*
  - d. *Documents that may be created by expert witnesses (accountants, employment experts, economists, engineers) as part of any defense report exhibit in the future;*
  - e. *Documents that were disclosed during the course of these proceedings which were not requested by the Receiver (such as records of Nelson Snuffer Dahle & Poulsen identified in ECF Doc. 738, Declaration of Neldon Johnson filed with the court on August 2, 2019.)*

Our red-line changes to the Government’s draft “Civil Contempt Order” is attached hereto and filed herewith. A copy will be emailed to chambers are instructed by the Court.

DATED this 16<sup>st</sup> day of April, 2020.

NELSON SNUFFER DAHLE & POULSEN

/s/ Steven R. Paul  
Denver C. Snuffer, Jr.  
Daniel B. Garriott  
Steven R. Paul

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed using the court's CM/ECF filing system and that system sent notice of filing to all counsel and parties of record.

In addition, the foregoing was mailed or emailed as indicated to the following who are not registered with CM/ECF.

/s/ Steven R. Paul  
*Attorneys for Glenda Johnson, LaGrand  
Johnson and Randale Johnson*