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

UNITED STATES OF AMERICA, Plaintiff, v. RAPOWER-3, LLC; INTERNATIONAL AUTOMATED SYSTEMS, INC.; LTB1, LLC; R. GREGORY SHEPARD; and NELSON JOHNSON, Defendants.	**MEMORANDUM DECISION AND ORDER GRANTING IN PART AND DENYING IN PART HEIDEMAN & ASSOCIATES' MOTION FOR RELIEF** Case No. 2:15-cv-00828-DN District Judge David Nuffer

The law firm of Heideman & Associates (the "Firm") filed a motion (the "Motion")[1] for relief under Fed. R. Civ. P. 52(b), 59(e), and 60(b)(6) from the Memorandum Decision and Order Granting Plaintiff's Motion for Reasonable Expenses and Attorneys' Fees (the "Fee Order").[2] Specifically, the Firm asks that the Fee Order be amended so as to relieve the Firm of liability for any fees and costs awarded in the Fee Order.

Based on the arguments of the parties, the evidence presented, and the current state of the record,[3] and for good cause appearing,

[1] Rule 52(b), Rule 59(e) and Rule 60(b)(6) Motion for Relief ("Motion"), docket no. 503, filed November 9, 2018; *see* United States' Opposition to Heideman & Associates Rule 52(b), Rule 59(e) and Rule 60(b)(6) Motion for Relief, *supra* note 513, filed November 21, 2018; Reply Memorandum in Support of Rule 52(b), Rule 59(e) and Rule 60(b)(6) Motion for Relief, docket no. 517, filed November 28, 2018.

[2] Docket no. 480, filed October 23, 2018. The Fee Order was based on the arguments of the parties, the evidence presented, and the state of the record at that time, including: United States' Motion for Reasonable Expenses & Attorneys' Fees Associated with Motions to Compel, docket no. 290, filed February 13, 2018; Memorandum in Opposition to United States' Motion for Reasonable Expenses and Attorneys' Fees Associated with Motions to Compel, docket no. 313, filed February 27, 2018; Defendants' Objection to Plaintiff's Motion for Expenses and Fees, docket no. 317, filed March 1, 2018; and the documents cited to in footnotes 2 and 3 of the Fee Order.

[3] *See supra* notes 1-2.

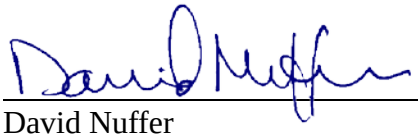
IT IS HEREBY ORDERED that the Motion[4] is GRANTED in part and DENIED in part as follows:

1. The Fee Order[5] is hereby amended so as to apply only to Defendants Neldon Johnson, RaPower-3 LLC, International Automated Systems Inc., and LTB1 LLC. The Firm shall not be liable for any amount awarded or owed under the Fee Order.[5]

2. The Judgment for Attorney Fees[6] entered against Defendants and the Firm is hereby amended so as to apply only to Defendants Neldon Johnson, RaPower-3 LLC, International Automated Systems Inc., and LTB1 LLC. The Firm shall not be liable for any amount awarded or owed under the Judgment for Attorney Fees.[6]

Signed December 28, 2018.

BY THE COURT:



David Nuffer
United States District Judge

[4] Docket no. 503, filed November 9, 2018.

[5] Docket no. 480, filed October 23, 2018.

[6] Docket no. 481, filed October 23, 2018.