

Matthew D. Hardin (pro hac vice)
HARDIN LAW OFFICE
101 Rainbow Drive # 11506
Livingston, TX 77399
Telephone: (202) 802-1948
Email: MatthewDHardin@gmail.com
Attorney for Defendants

THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL GREER,

Plaintiff,

v.

JOSHUA MOON, *et al.*

Defendants.

**NOTICE REGARDING ORDER AT
ECF NO. 189**

Case No. 2:24-cv-00421-DBB

District Judge David Barlow
Magistrate Judge Jared C. Bennett

NOW COME the Defendants, by and through undersigned counsel, and hereby give NOTICE that as of the date of this filing, the Defendants still have not received Plaintiff's Initial Disclosures. Undersigned counsel has double checked all of his email accounts and all relevant spam folders in an abundance of caution and has verified that no disclosures were provided.

Mr. Greer has communicated on other matters to at least some extent since the Order at ECF No. 189 was issued, as demonstrated in the attached exhibits, but the Plaintiff has not indicated that any initial disclosures were sent or are forthcoming. Nor has the Plaintiff informed undersigned counsel that Mr. Greer no longer wishes to communicate exclusively via email or that Plaintiff's address or email address have changed.

DATED December 17, 2024

HARDIN LAW OFFICE

/s/ Matthew D. Hardin

Matthew D. Hardin

Attorney for Defendants

A

RG

From: Russell Greer russmark@gmail.com
Subject: Re: Activity in Case 2:24-cv-00421-DBB-JCB Greer v. Moon et al Motion to Compel
Date: December 11, 2024 at 2:32 PM
To: Matthew Hardin matthewdhardin@gmail.com

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On Dec 11, 2024, at 8:26 AM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

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Merry Christmas,

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District of Utah

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Case Number: [2:24-cv-00421-DBB-JCB](#)
Filer: Russell G. Greer
Document Number: [190](#)

Docket Text:

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Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1060034973 [Date=12/11/2024] [FileNumber=5994438-0] [a73caef7458ec9f845b81c6824ae50bbb1eabe62b43c04811c49ba63c1af58cfcaf3a914677e9358215456aa41a45f6b1b5a854bc7b67c90fa9a3fffa45f7da7]]



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From: Russell Greer russmark@gmail.com
Subject: Re: Activity in Case 2:24-cv-00421-DBB-JCB Greer v. Moon et al Motion to Compel
Date: December 12, 2024 at 10:03 PM
To: Matt Hardin matthewdhardin@gmail.com

My motion is pretty clear what I seek. It complied with DUCivR 7-1. It says what is sought pretty clearly. It gives the facts. Your client has not paid me and before we get lost in further litigation, I want what is owed to me.

Don't be like this. Just pay me the awarded money,

Sent from my iPhone

On Dec 12, 2024, at 6:40 PM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

Good afternoon, Mr. Greer.

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Also: I note that I have not heard from you with respect to the Requests for Production sent on November 20. I therefore assume that you have no concerns as to ambiguity or burden within the meaning of paragraph J of the instructions. Please let me know if that assumption is incorrect.

Lastly, what would be the Plaintiff's position on modifying the scheduling order so that we are given an additional month to conduct discovery as a result of the unjustified delays the Court recognized in its December 9, 2024 order (ECF No. 189). Defendants believe that some remedy is needed so that we are not prejudiced by the ongoing delay in receiving your initial disclosures, and we hope you would not object to such a request.

Merry Christmas,

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On Dec 11, 2024, at 3:56 PM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

Good afternoon,

Among other things, we'd like to discuss your proposed discovery methods and scope, your belief that Lolcow LLC is subject to discovery notwithstanding that it was not a party at the time of the Tenth Circuit appeal or remand., what rule or decision you believe authorizes your proposed mechanism of discovery, whether it is your position that payment will constitute abandonment/waiver of appellate rights, whether you consent to or oppose entry of a supersedes bond, and whether you object to payment of funds into a Court registry as per Newman v. Nelson, 350 F.2d 602, 605 (10th Cir. 1965), so that we can later recoup those funds when we are awarded our costs and fees at the conclusion of the Case under Fed. R. Civ. P. 54 (d).

Do I take it you now agree to a conference under Rule 37-1 and will be proposing dates?

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To: Russell Greer russmark@gmail.com
Bcc: Joshua Moon jcmoon@pm.me



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Lastly, what would be the Plaintiff's position on modifying the scheduling order so that we are given an additional month to conduct discovery as a result of the unjustified delays the Court recognized in its December 9, 2024 order (ECF No. 189). Defendants believe that some remedy is needed so that we are not prejudiced by the ongoing delay in receiving your initial disclosures, and we hope you would not object to such a request.

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Subject: Re: Activity in Case 2:24-cv-00421-DBB-JCB Greer v. Moon et al Motion to Compel
Date: December 12, 2024 at 10:34 PM
To: Russell Greer russmark@gmail.com
Bcc: Joshua Moon jcmoon@pm.me

Mr. Greer:

It appears you have not answered my questions, and I am afraid I must reiterate that we cannot respond to arguments that you fail to articulate, which is in large part why the rules require you to engage with the conferral process:

Do you consider your Motion at ECF No. 190 to be a discovery motion governed by DUCivR 37-1? You have only mentioned DUCivR 7-1 in your email below, and your underlying motion cites to neither rule.

Additionally, I repeat my question from earlier on the issue of scheduling: What would be the Plaintiff's position on modifying the scheduling order so that we are given an additional month to conduct discovery as a result of the unjustified delays the Court recognized in its December 9, 2024 order (ECF No. 189). Defendants believe that some remedy is needed so that we are not prejudiced by the ongoing delay in receiving your initial disclosures, and we hope you would not object to such a request.

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