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THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL GREER,

Plaintiff,

v.

JOSHUA MOON, *et al.*

Defendants.

**CONSENT MOTION TO MODIFY
SCHEDULING ORDER**

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, with the consent of the *pro se* Plaintiff, and move for an order extending the close of Defendants' discovery window for a period of 60 days, as described more fully below. In support of this Motion, Defendants state as follows:

1. The schedule for Defendants to serve written discovery is currently May 16, 2025, and the close of discovery is currently June 30, 2025. ECF No. 177 at 3.
2. The Plaintiff's recalcitrance and his refusal to engage in required meet and confers has led to Defendants being unable to timely begin the discovery process.
3. As Defendants have pointed out serially to both Mr. Greer and the Court, Mr. Greer remains out of compliance with his Rule 26 initial disclosure obligations. Mr. Greer also has not responded with anything other than a wholesale objection (Exhibit B) to the lone Request for Production that Defendants served

upon him (Exhibit C). Defendants anticipate that a Motion to Compel will be forthcoming.

4. Mr. Greer and undersigned counsel for Defendants have corresponded in great length. A portion of that correspondence is attached hereto as Exhibit A, and indicates that Mr. Greer consents to a 60-day extension of Defendants' discovery deadlines. This agreement was made in part because Mr. Greer has expressed a newfound desire to engage in the mandatory DUCivR 37-1 "meet and confer" process, but Mr. Greer seeks to delay the mandatory conferral until January 6, 2025.
5. Defendants have waived none of their rights to seek additional or other relief arising from Mr. Greer's failures to provide discovery, and are willing to agree to Mr. Greer's proposed conferral date of January 6, 2025, but only insofar as the proposed extension will minimize the risk of Defendants' discovery clock running out and will mitigate any prejudice to Defendants' discovery rights.

WHEREFORE, Defendants move that the deadline for Defendants to serve written discovery be extended through and including July 16, 2025 and the deadline for Defendants' discovery to close be extended through and including August 30, 2024.

DATED December 29, 2024

HARDIN LAW OFFICE

/s/ Matthew D. Hardin

Matthew D. Hardin

Attorney for Defendants