

Matthew D. Hardin (pro hac vice)
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Attorney for Defendants

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

A

RG

From: Russell Greer RussMark@gmail.com
Subject: Re: Request for Production (Case 2:24-cv-00421-DBB-JCB)
Date: December 29, 2024 at 3:17 PM
To: Matthew Hardin matthewdhardin@gmail.com

Sir,

This is an example of you misinterpreting something I write. Agreeing to a meet and confer is because (1) I was under the previous assumption that if we write through email and agree to things, that nullifies a meet and confer and (2) so that you don't file another motion sanction claiming I'm not complying, when I have clearly been.

I've also provided you with some evidence. Those emails I have forwarded to you from the kiwi farmers are more relevant than anything I have done in my past.

Again, I'm a pro se person, who has been reading the FRCP actually to understand this.

You're from Virginia, so in that state, they allow people to study under a lawyer and "fast track" your legal education. I didn't have that luxury.

I didn't pursue my bachelors and law school until last year because I was unable to find good work with a paralegal degree. Your clients robbed me of that by exaggerating things, which you mentioned earlier.

So ok. Jan 6th. And a 60 day extension.

As for the complaint, the only reason I would need to extend an amendment date is I need to research if two legal claims against organizations are viable or not.

Sent from my iPhone

On Dec 29, 2024, at 11:53 AM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

We cannot even begin the discovery process in earnest due to your repeated failures under Rule 26 and also Rule 34. Discovery theoretically opened in this case on 11/18, but so far absolutely nothing has been produced by you notwithstanding that it is December 29, and we have expended thousands of dollars in attorney time trying to get you to comply with basic requirements. While your sudden desire to meet and confer in compliance with the rules is welcome, it is also very new, such that we are suspicious your true effort in pushing off a meet and confer is to cause still further delay rather than to productively resolve our differences.

I'll make this offer: I'll agree to a January 6 meet and confer (you still have not specified a time), if you consent to a stipulated extension of Defendants' discovery period of 60 days, which will alleviate some portion of the prejudice you have caused. This is without prejudice to our rights to seek costs or any other rights we have.

Best,

Matthew D. Hardin
Hardin Law Office
Direct Dial: 202-802-1948
NYC Office: 212-680-4938
Email: MatthewDHardin@protonmail.com

On Dec 29, 2024, at 2:47 PM, Russell Greer <russmark@gmail.com> wrote:

Sr.

You're not understanding that you keep sending me so much stuff that I'm not even able to file my own things. I need to request production of documents, file interrogatories and amend my complaint.

The deadline to amend my complaint is 12-31-24, but haven't been able to because if I focus on something else, you barrage me with more emails.

And so I need to maybe pushback my amendment of the complaint too.

So I guess there's a few things to talk about.

A meet and confer of Monday the 6th? Does that work?

Sent from my iPhone

On Dec 29, 2024, at 11:26 AM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

You do not understand the difference between the "close of discovery" and the deadline to bring motions relating to individual discovery requests under DUCivR 37-1. I have explained this and even pointed you to specific rules that must be followed, which you decline to read or selectively misquote (as in the context of Rule 26). The judge has also explained this to you, and referred you to his webpage and the video series on how discovery works.

If you wish to propose a time for a meet and confer, you should read DUCivR 37-1 (a)(2)(B) and comply with it, as I have done on multiple occasions. I waive none of Defendants' rights to assert that your proposed dates/times, when you provide them, are unreasonable or prejudicial, including but not limited to because you have repeatedly delayed the overall progress of discovery under Rule 26 and pursuant to the Request for Production of Documents generally, such that this failure means we are unable to engage in further discovery at all and the clock will effectively "run out" for us to seek additional discovery, including 24 remaining Requests for Production and an equal number of interrogatories, without quick judicial relief relating to this specific request.

Best,

Matthew D. Hardin
Hardin Law Office
Direct Dial: 202-802-1948
NYC Office: 212-680-4938
Email: MatthewDHardin@protonmail.com

On Dec 29, 2024, at 2:20 PM, Russell Greer <russmark@gmail.com> wrote:

Can the meet and confer be after the new years?

Again, deadline is June 2025 for discovery.

On Dec 29, 2024, at 10:48 AM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

Yes, I'd love the two documents you are referring to re: Joshua Connor or Joshua Moon. That does not waive Defendants' entitlement to anything else, but I was not aware of those documents and would like a copy.

Please note that I am required to meet and confer with you. Either refuse that so that I can file your refusal with the Court, or tell me which of my three proposed dates/times work. This is mandatory per DUCivR 37-1.

Matthew D. Hardin
Hardin Law Office
Direct Dial: 202-802-1948
NYC Office: 212-680-4938
Email: MatthewDHardin@protonmail.com

On Dec 29, 2024, at 1:45 PM, Russell Greer <russmark@gmail.com> wrote:

Matthew.

I'm not going to keep playing these games with you regarding deficiencies or what not, when I have in good faith done everything you have wanted. You are wasting judicial resources.

1. You are apparently under the impression that I have every single document I have ever written in my possession. I do not. I frequently delete documents to clear up space. For instance, i do not have any of the Taylor Swift lawsuit documents. I deleted them.
2. The only relevant case would be trying to seek restraining orders against Joshua moon and his users, which those orders clearly state kiwi farms. I can try to provide those to you.
3. Regarding duplicate damages, that's a lie. I have never once sued anybody for copyright infringement. So I have never once argued copyright infringement or damages to the market in any other case.
4. You mean the school incident that was DISMISSED? That was a senior prank where I had anxiety issues and was being dumb? Where I moved on with my life? And then moon and his users undug everything.

You seem like you have Me figured out. So I'm confused why you are needing all of that.

Again, I'm happy to provide the copy of the restraining order I filed against Joshua Connor in 2018 in Utah (funny how you didn't mention that).

I'm also getting ready to meet with the police to bring charges against Joshua Connor moon for him coordinating stalking against me. I can provide you the police report too if you want.

So those are like the only two documents relevant to this case.

I will tell you the same thing over a meet and confer.

Sent from my iPhone

On Dec 29, 2024, at 10:18 AM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

Thank you for your response, but I follow up to provide a prompt written communication pursuant to Rule 37-1 and to give you an opportunity to cure your noncompliance with our discovery request. **I invite you to meet and confer with me at noon on December**

30, or alternatively at 3 pm on December 30, in order to accommodate your work schedule (that way, you can participate in the video conference either during your lunch hour or immediately when you get off work). The third option would be to meet and confer at 9 am on December 31.

Your discovery response is deficient for reasons including but not limited to the following:

1) Your complete history of civil and criminal litigation is relevant for many reasons. First, your complaint refers to both your history of criminal conviction(s) in Utah and to your lawsuit against Taylor Swift, thus putting the facts pertaining to such litigation in dispute. Second, on information and belief, you have repeatedly claimed the same sort of damages no matter who you are suing or under what cause of action, such that we are entitled to examine your past cases to ensure that any claim for damages in this case does not duplicate or overlap with damages claimed in another case. Third, your history of litigation is the subject of the book you claim was infringed, and is central to any claim of fair use or to your status as a public figure. Fourth, your history of litigation, including the many unsuccessful causes of action you have filed in numerous courts and the sanctions that were awarded to other attorneys (Greg Skordas) are relevant to show your lack of good faith and are the basis for our claims for fees under Fed. R. Civ. P. 54, to sanctions under Fed. R. Civ. P. 11, and to an injunction designating you a vexatious litigant.

2) There is no undue burden because you are the only person who has access to the documents in their entirety. We aren't even aware of which courts you filed all of your litigation in, and can only obtain certain information from public sources. You have repeatedly asked for litigation or filings to be sealed, such that we have no idea what we cannot see on public dockets. And because you yourself filed all of the material with courts and burdened judges with reading your filings, there cannot possibly be any impermissible burden from reproducing those same documents to us. Our search of public sources is both incomplete and very costly compared to the requirement that you produce the records which your behavior in courts generated on your own and at no cost or minimal cost.

3) The assumption that all documents are public may or may not be true. For example, your juvenile history relating to the "kill list" you prepared at your school in Wyoming is part of what makes you a public figure. It's part of why folks like to comment on your later litigation history with Taylor Swift and your behavior stalking various women, including celebrities and even a woman named Erica in Utah. But those records are not necessarily available to the public. Similarly, your many (denied) applications for protective orders in the State courts of Nevada against individuals who warn about your sexually predatory behavior have recently been revealed at least in part, but many applications for protective or restraining orders in certain states are sealed and not publicly available. Moreover, to the extent any of your victims, like Erica in Utah, may have been forced to file restraining orders against you, your behavior is also part of what makes you a public figure and what makes your book worthy of comment. Lastly, every court system has a records retention schedule, which may mean that older records are no longer available in various court files, and are only available through a Request for Production directed to you.

I look forward to you curing your noncompliance with the discovery request, or alternatively to meeting and conferring with you on one of the three dates/times above. Please let me know which date/time you prefer.

Best,

Matthew D. Hardin

Hardin Law Office

Direct Dial: 202-802-1948

NYC Office: 212-680-4938

Email: MatthewDHardin@protonmail.com

On Dec 29, 2024, at 12:25 PM, Russell Greer <russmark@gmail.com> wrote:

Good morning,

As stated, this isn't my full time job and so if I missed your document in November and r any time since it was because of not seeing it or seeing it and forgetting to respond because it got buried with your other messages.

However, i have responded.

Thank you.

Sent from my iPhone

On Dec 29, 2024, at 8:09 AM, Russell Greer <russmark@gmail.com> wrote:

Hello,

I have received this. I will file a response by 11:59 PST.

Sent from my iPhone

On Dec 28, 2024, at 5:49 PM, Matthew D. Hardin <matthewdhardin@gmail.com> wrote:

This is the request for production you asked me to resend.

Matthew D. Hardin

Hardin Law Office
Direct Dial: 202-802-1948
Email: MatthewDHardin@protonmail.com

----- Forwarded message -----

From: **Matthew Hardin** <matthewdhardin@gmail.com>
Date: Wed, Nov 20, 2024 at 12:13 PM
Subject: Request for Production (Case 2:24-cv-00421-DBB-JCB)
To: Russell Greer <russmark@gmail.com>

Good morning, Mr. Greer.

Please see attached Joshua Moon's *First Request for Production*. As indicated in the attachment, we will look forward to your response within 30 days (on or before December 20, 2024).

Best,

Matthew D. Hardin
Hardin Law Office
NYC Office: 212-680-4938
DC Office: 202-802-1948
Cell Phone: 434-202-4224
Email: MatthewDHardin@protonmail.com

<greerPRD1.pdf>

<Response to production of documents .pdf>

Matthew D. Hardin
Hardin Law Office
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Russell Greer
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Pro Se Litigant

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL GREER

Plaintiff

v.

JOSHUA MOON ET AL,

Defendants

**PLAINTIFF'S RESPONSE
TO JOSHUA MOON'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS**

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

Plaintiff Russell Greer responds to Defendants' First Request for Production of Documents and says:

INTRODUCTION

On 11-20-24, Defendants requested, *“Please produce any and all pleadings, filings, or other documents which have been made a part of the record or otherwise appear on the docket in any state, local, or federal court, or in any other forum of dispute resolution or relating to or in any way concerning a case or proceeding in which you are a party, regardless of whether such case is criminal or civil in nature and regardless of the current status or outcome of such case.”*

Plaintiff replies and says that he **objects in whole** because he cannot produce these documents because (1) the request is irrelevant, (2) the time to compile every document would be an undue burden and (3) any civil or criminal case is public information that Defendants have access to and thus they have not demonstrated why they can't get the documents themselves.

1. Other Civil and Criminal Cases are Irrelevant

This is a case about Defendants infringing upon Plaintiffs' copyrights. The 10th Circuit in the appeal of this case stated that Plaintiff stated a “plausible claim” and reversed the dismissal.

Plaintiff is aware that Defendants are trying to paint Joshua Moon as a poor victim, who they are portraying as having done nothing wrong and are trying to tie into past things in Plaintiff's life to show that Moon is somehow a victim of alleged frivolous behavior.

Since the 10th Circuit ruled Greer stated a case, it proves that Defendants' argument is flawed because the panel of 3 judges agreed Greer stated a case for contributory copyright infringement by ruling 3-0 against Moon, thus proving the current case is not frivolous.

Any past case is irrelevant because Joshua Moon is clearly not a victim. In fact, the opposite is true. Defendants have mercilessly stalked Plaintiff and if plaintiff were to go and hand over PUBLIC filings that Plaintiff has made in other cases, some of those filings directly references

kiwi farms (one filing is the case of *Greer v. Stallone* in the 8th Judicial District Court of Nevada, who was apparently using Kiwi Farms to spread defamation about Plaintiff). So not only is the request irrelevant, but providing filings won't help Defendants the way they hope for.

2. Undue Burden

To retrieve all documents, Plaintiff would have to login to PACER (for federal cases) and statewide databases. The amount of time this would take would be an undue burden. Since the cases are irrelevant, it is an undue amount of time to conduct a fishing expedition.

Further, downloading PDFs costs money.

3. Public Information

Lastly, Defendants have an attorney, who has access to these same databases that are very public. It makes no sense to hand over public documents that Defendants can access.

Conclusion

Plaintiff objects in whole to production request #1 because it's irrelevant, it would cost time and money and the documents are very public.

Respectfully

DATED: December 29th, 2024

Russell Greer

/rgreer/

Pro Se

CERTIFICATE OF SERVICE:

Pursuant to FRCP 5(b), I certify that on December 29th, 2024, I served a true and correct copy of the attached document by email to all attorneys on record

Matthew D. Hardin (pro hac vice)
HARDIN LAW OFFICE
1725 I Street NW, Suite 300
Washington, DC 20006
Telephone: (202) 802-1948
Email: MatthewDHardin@gmail.com
Attorney for Defendants



THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

<p>RUSSELL GREER, Plaintiff, v. JOSHUA MOON, <i>et al.</i> Defendant.</p>	<p>JOSHUA MOON'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS</p> <p>Case No. 2:24-cv-00421-DBB</p> <p>District Judge David Barlow Magistrate Judge Jared C. Bennett</p>
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TO: Russell Greer, Plaintiff
FROM: Joshua Moon, Defendant

Pursuant to Fed R. Civ. P. 34, Defendant Joshua Moon, through his undersigned counsel, requests that the following documents and/or tangible things be produced by Plaintiff for inspection and copying by undersigned counsel at the Hardin Law Office, 1725 I Street NW, Suite 300, Washington, DC 20006. Alternatively, compliance with this Request may be accomplished by mailing a copy of the documents and/or tangible things to the address indicated within thirty (30) days. Documents are requested in either paper format or in electronic format, in their entirety.

When responding to these requests, please be mindful of and comply with the below instructions and definitions.

INSTRUCTIONS

You are instructed to produce the originals of the following documents in the manner described above within thirty days after service of this request in accord with Fed. R. Civ. P. 34. Additionally, to the extent practicable and consistent with Fed. R. Civ. P. 34, we request that you comply with the following instructions:

A. Please identify the source of each of the documents you produce and label them to correspond to the categories in this request.

B. If there are documents not currently in your possession, but which you can obtain from any of your agents or anyone acting on your behalf, to include individuals to whom you have previously provided such documents or copies of such documents, any such additional documents are included in this request.

C. If your response to any requests herein is that the documents are not in your possession or custody, we request that you describe in detail the unsuccessful efforts you made to locate the records.

D. If your response to any requests herein is that the documents are not in your control, We request that you identify who has control and the location of the records, and provide any documents you have that contain all or part of the information contained in the requested document or category.

E. If any requested document was, but no longer is in your possession or subject to your control, or has been misplaced, destroyed or discarded, or otherwise disposed of, we request that you please so state, and for each such document provide:

(1) Its date;

(2) The identity of the person(s) who prepared the document;

- (3) The identity of all persons who participated in preparing the document, to whom the document was sent or who have otherwise seen the document;
- (4) The length of the document;
- (5) The subject matter of the document;
- (6) If misplaced, the last time and place it was seen and a description of efforts made to locate the document;
- (7) If disposed of, the date of and reason for disposal, the manner of disposition (e.g., destroyed, transferred to a third party), the reason for disposal, the identity the person(s) who authorized disposal and the identity of the person who disposed of the document.

F. If you are declining to produce any document in whole or in part because of a claim of privilege, please:

- (a) identify the subject matter, the type (e.g., letter, memorandum), the date, and the author of the privileged communication or information, all persons that prepared or sent it, and all recipients or addressees;
- (b) identify each person to whom the contents of each such communication or item of information have heretofore been disclosed, orally or in writing;
- (c) state what privilege is claimed; and
- (d) state the basis upon which the privilege is claimed.

G. When a document exists as a computer database or spreadsheet file, Plaintiff requests

that the file be copied to a disk, provided via electronic link, or provided as an attachment to an email in one of the following formats in descending order of preference: PDF, Microsoft word, native format.

H. When a document exists in a computer disk as a word processing file, Plaintiff requests that the file be copied and provided via electronic link, or provided as an attachment to an email in one of the following formats in descending order of preference: PDF, Microsoft word, native format.

I. Defendant's Requests for Production of Documents are to be considered continuing, and supplemental documents must be submitted by Defendant upon discovering or becoming aware of additional responsive documents.

J. If any paragraph of this request is believed to be ambiguous or unduly burdensome, please contact the undersigned and an effort will be made to remedy the problem.

K. If any request calls for the production of any document which are already filed on the docket in the U.S. District Court for the District of Utah in the pending case *Russell Greer v. Joshua Moon et al.*, Case No. 2:24-cv-421, you need not re-produce such document pursuant to this request, and may instead refer undersigned counsel to the appropriate docket entry where such document is located in the Court's file.

DEFINITIONS

A. The pronoun "you" refers to Russell Greer, and his agents, representatives, and unless privileged, attorneys.

B. The term "documents" is intended to be construed in the broadest possible sense and includes, but is not limited to, any written, printed, typed, recorded, filmed, punched, transcribed, taped or other graphic matter of any kind or nature held or produced or reproduced,

whether sent or received, including the original, draft, copies and non-identical copies bearing notation or marks not found on the original, and includes, but is not limited to, all the correspondence, records, drawings, calculations, memoranda, reports, financial statements, telegrams, cables, telex messages, tabulations, studies, analysis, evaluations, projections, work appointment books, diaries, lists, comparisons, questionnaires, surveys, charts, graphs, books, pamphlets, booklets, articles, magazines, newspapers, microfilms, microfiche, photographs, tapes or other recording, punched cards, magnetic tapes, discs, data sales, drums, print-outs, computer generated reports and print-outs, other data compilations from which information can be obtained, any other documents or tangible things as defined Fed. R. Civ. P. 34, which is in your custody, possession and/or control or to which you otherwise have access. Attachments to documents are to be considered part of the document to which they are attached.

C. A document “relating”, “related”, “related to”, “regarding”, to any given subject matter, means the documents that constitute, pertain to or in any way directly or indirectly bear upon or deal with that subject matter, including, without limitation, documents concerning the preparation of documents.

D. If the document request calls for a document which Plaintiff claims to be privileged, in lieu of production, state:

- (1) the reason for withholding;
- (2) the author of the document;
- (3) each individual or other person to whom the document indicates the original or copy has been sent;
- (4) the date of the document; and
- (5) the general subject of the document.

E. The term “person” shall include a natural person, partnership, corporation, joint venture, association, or other group however organized.

F. The term “court” shall include state, local, and federal courts both in the United States and in any other country. It shall also include any forum of dispute resolution, including but not limited to arbitration forums, mediation forums.

E. The term “pleading” shall include any filing made by any person or party, including but not limited to attorneys acting on behalf of such person or party, in a court (as defined above). This includes but is not limited to, any motion or memoranda, any judgment or order, any correspondence which was exchanged with or otherwise shared with a court employee (whether such employee was acting as a clerk, as a judge, or otherwise), and any written material filed *ex parte*.

JOSHUA MOON’S
FIRST REQUEST FOR PRODUCTION

REQUEST NO. 1: Please produce any and all pleadings, filings, or other documents which have been made a part of the record or otherwise appear on the docket in any state, local, or federal court, or in any other forum of dispute resolution or relating to or in any way concerning a case or proceeding in which you are a party, regardless of whether such case is criminal or civil in nature and regardless of the current status or outcome of such case.

Respectfully submitted,

/s/ Matthew D. Hardin
Matthew D. Hardin (pro hac vice)
HARDIN LAW OFFICE
1725 I Street NW, Suite 300
Washington, DC 20006
Telephone: (202) 802-1948
Email: MatthewDHardin@gmail.com
Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November, 2024, the foregoing Defendant Joshua Moon's Request for Production of Documents to Plaintiff was served upon the following Plaintiff via email, pursuant to his agreement at the scheduling Conference held November 18, 2024:

Russell Greer
via email to: russmark@gmail.com
Defendant, pro se

/s/ Matthew D. Hardin

Matthew D. Hardin