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THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL GREER,

Plaintiff,

v.

JOSHUA MOON, *et al.*

Defendants.

**DEFENDANTS' RESPONSE TO
ECF NO. 204**

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 file this Response in order to clarify the record with respect to certain of the assertions made by the Plaintiff in his filing at ECF No. 204. Because Mr. Greer's filing at ECF No. 204 is a "Response" to two Notices filed by Defendants, rather than to a Motion, Defendants do not file a Reply brief. Nevertheless, to clarify the record, Defendants state as follows:

1. Mr. Greer asserts that he "never told witnesses to not show up to the deposition, rather he [t]old them to hire an attorney." ECF No. 204 at 2. This is incorrect. In fact, Mr. Greer additionally told his father he wanted an attorney "to get out of this deposition." ECF No 197-4. Mr. Greer additionally told his father not to agree to anything "this crazy man says," referring to undersigned counsel. *Id.* Plaintiff additionally told Nathan Greer, his brother, that undersigned counsel is "a very unethical person, who has been harassing me all week through emails." ECF No. 197-5.

2. Even in the context of a criminal complaint rather than a civil suit, there is "no talismanic requirement that a [party] must say 'Don't testify' or words tantamount thereto..." *Owens v. Davey*, No. 2:17-cv-01586-JAK (GJS), 2019 U.S. Dist. LEXIS 148697, at *28 (C.D. Cal. May 23, 2019), quoting *People v. Thomas*, 83 Cal. App. 3d 511, 514, 148 Cal. Rptr. 52 (1978). It is plain from Mr. Greer's behavior that he actively sought to discourage *his own disclosed witnesses* from cooperating with the civil discovery process, calling undersigned counsel "a crazy man" and warning his witnesses that defense counsel is "an unethical person," such that the witnesses should not agree to anything undersigned counsel says on examination in a deposition.
3. Mr. Greer additionally asserts that undersigned counsel has violated the Standard Protective Order in this case. Undersigned counsel has asked Mr. Greer on at least two occasions what provision of the Standard Protective Order Mr. Greer feels was violated. Exhibits A and B. Mr. Greer has declined to respond, and instead generically continues to assert that the order was violated by mere disclosure of names that Mr. Greer himself failed in any way to designate as confidential or attorneys-eyes-only. Exhibit C, *cf.* ECF 194-1.

WHEREFORE, Defendants clarify the record as set forth above.

DATED January 2, 2024

HARDIN LAW OFFICE

/s/ Matthew D. Hardin

Matthew D. Hardin

Attorney for Defendants



MH

From: Matthew Hardin matthewdhardin@gmail.com
Subject: Re: Witnesses
Date: December 17, 2024 at 8:44 AM
To: Russell Greer russmark@gmail.com

Which paragraph of the protective order did I violate? Perhaps we can add this to the list of topics to discuss at our mandatory meet and confer per DUCivR 37-1.

Merry Christmas,

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

On Dec 17, 2024, at 8:41 AM, Russell Greer <russmark@gmail.com> wrote:

You didn't even attempt to redact the names in that exhibit of yours. So yes I am replying to the courts show cause order and letting him know you violated the protective order.

Sent from my iPhone

On Dec 17, 2024, at 5:35 AM, Russell Greer <russellgreer27@icloud.com> wrote:

Mr. Hardin.

Stop with your frivolous notices, sir. You didn't even allow me to reply before you filed that notice.

Further, you just violated the protective order by publishing the names of the witnesses I told you and the court I didn't want published.

I am a pro se litigant doing my best trying to understand this. I am not being willful with anything. You are very pushy and jump to conclusions if I don't reply.

I was trying to provide everything to you the best that I can.

This isn't my full time job. So just simmer down, sir! I'm trying to get everything to you.

Rule 26(a) only says i have to give you the names and *if known*, the addresses.

I do not know Nathan's address.

The question of relevancy comes to Scott's address.

They're going to ask me the same thing and so I was trying to provide everything.

But you just did the thing I was hesitant about: publishing the witness contact info in your exhibits.

You sir are out of line

<image0.png>

Sent from my iPhone

Russell Greer
 CEO of ID LLC/Paralyzed Face Productions/CART U

NV Bus. License #NV20222557279

www.russellgreer.com

IMDB Profile: https://www.imdb.com/name/nm10428966/?ref=ext_shr_lnk

Sent from my iPhone

On Dec 17, 2024, at 5:05 AM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

Good morning,

This is yet another prompt written communication pursuant to DUCivR 37-1. For purposes of this email I will assume, **without waiving any of our rights to bring a motion for sanctions**, that your email below constitutes an attempt to provide "updated" initial disclosures as required by the Court on December 9, 2024, and that you are not simply continuing a pattern of playing games to waste Defendants' resources and thwart the purposes of Fed. R. Civ. P. 26.

It appears that your "updated" initial disclosures sent (late) on December 17, 2024 are deficient for most of the same reasons as your earlier initial disclosures. You have not remedied any of the issues I identified in my emails dated November 18, 2024 or November 19, 2024, except that you have provided the bare identity (without accompanying information) for two individuals. Nor have you indicated you wish to engage in a meet and confer.

Your new "initial disclosures" are deficient for substantially the same reasons I explained before, including but not limited to:

1) You have failed to provide "the name and, if known, **the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information**—that the disclosing party may use to support its claims or defenses..." Instead, you have merely stated that Nathan and Scott Greer are witnesses, without providing any address at which they can be served with appropriate legal process and without providing the subject of their expected testimony or knowledge. This is impermissible pursuant to Fed. R. Civ. P. 26 (a)(1)(A)(i).

2) You have continued in your earlier failure to provide "a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses." Instead, for the third time time, you have failed to provide any documents or a list of such documents. You must provide this information as specifically enumerated in Rule 26.

3) You have continued in your earlier failure to provide "materials bearing on the nature and extent of injuries suffered." I therefore cannot ascertain the basis for your computation of damages. You must provide this information as specifically enumerated in Rule 26.

You have failed to comply with Rule 26 and any of the requirements it imposes, except perhaps for the bare computation of damages in your first attempt at making initial disclosures and the bare identification of two witnesses by name only in an email filed only after Defendants' informed the Court that you remained out of compliance with your disclosure obligations, which email is itself unaccompanied by the necessary supporting materials and provides no information at all on the topics of each witnesses's knowledge. **I therefore request, without waiving any of our rights, to meet and confer pursuant to DUCivR 37-1 (a) (2)(B).** Such a meet and confer could take place via Zoom on 12/17/2024 at Noon, or alternatively on 12/18/2024 at Noon, or alternatively on 12/19/2024 at Noon. **If we are unable to resolve our differences, I will file a motion pursuant to DUCivR 37-1 (b) to compel you to supplement your initial disclosures, or for appropriate sanctions as a result of failure to make proper initial disclosures in full compliance with Rule 26, including but not limited to my attorney's fees (which continue to escalate) and an order seeking to exclude undisclosed testimony and evidence.**

As I have noted in previous correspondence to you, we are prejudiced with each passing day that we do not receive valid initial disclosures, because we cannot move forward with our full panoply of discovery in the absence of the required initial information from you. Moreover, you appear to have continued in your pattern of wasting time since I first notified you of these deficiencies (and even more time since the Court notified you of the deficiencies), and you have either have not bothered to read the relevant rule (Fed. R. Civ. P. 26 (a) (1)) or have persistently refused to follow it after numerous efforts to bring you into compliance. If there was ever any confusion on what proper Initial Disclosures look like and what sort of information they contain, you could simply have referred to the Initial Disclosures which Defendants provided on December 2, 2024.

Merry Christmas,

Matthew D. Hardin

Hardin Law Office

Direct Dial: 202-802-1948

NYC Office: 212-680-4938

Email: MatthewDHardin@protonmail.com

On Dec 17, 2024, at 5:23 AM, Russell Greer <RussMark@gmail.com> wrote:

I apologize for being 2 hours late with disclosing the witnesses. L

I am making this very clear: the reason for the initial non-disclosure is because your client and his users stalk me. If you may recall, a person a month ago was pretending to be you and sent me unsolicited porn emails.

However. Complying with the court's order, the witnesses are:

1. Nathan Greer. +1 (801) 310-2142
2. Scott Greer . (801) 301-1290



From: Matthew Hardin matthewdhardin@gmail.com
Subject: Re: Evidence disclosure
Date: December 26, 2024 at 1:55 PM
To: Russell Greer russmark@gmail.com

Good afternoon,

I'm confused by your recent filings. In them, you say that you have disclosed evidence to me (including, presumably, your email below from December 23, 2024). But in your December 4, 2024 email to me, you stated "I clearly said in the documents, there is nothing relevant at this time. I have images of the emails of his users harassing me and the countless Instagram accounts harassing me that post links to kiwi farms, but as you have pointed out to the judge, that has nothing to do with copyright infringement."

I therefore ask: Is it your position that you have nothing relevant to disclose with relation to your claims of copyright infringement, or is it your claim that you have disclosed everything to me?

Additionally: You have now accused me in at least three filings of violating the protective order, and have stated in today's filings that you intend to separately move for sanctions against me. But you have never answered my email from December 17, 2024 in which I asked you which paragraph of the protective order you believe I violated. Please explain the nature of the violation you are alleging, with reference to a specific page or paragraph of the protective order.

Best,

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

On Dec 23, 2024, at 7:43 AM, Russell Greer <russmark@gmail.com> wrote:

Per the federal rules, please find attached evidence that of myself telling Good Reads about the kiwi farms site, after the kiwi farms users got good reads to remove positive reviews from my book.

This is relevant evidence because it shows market value damage, as I'm not even able to hold positive reviews on my works without Joshua Moon's users sabotaging me.

Please also consider the several emails I have forwarded to you since October as relevant evidence too.

Thanks.

<image0.png>



RG

From: Russell Greer RussellGreer27@icloud.com
Subject: Re: Evidence disclosure
Date: December 29, 2024 at 2:30 PM
To: Matthew Hardin matthewdhardin@gmail.com

Matthew,

This is an example of what I'm talking about: I never saw any email asking me what protective order you violated.

1. I provided you a description of the evidence. Are you wanting a list? A numbered list?
2. The protective order said you would keep all Information (witnesses; etc) secret. You published the names, emails and phone numbers of my family. That in turn caused a kiwi farmer to harass me. And so by publishing private information, you violated the protective order.

Sent from my iPhone

Russell Greer
 CEO of ID LLC/Paralyzed Face Productions/CART U

NV Bus. License #NV20222557279

www.russellgreer.com

IMDB Profile: https://www.imdb.com/name/nm10428966/?ref_=ext_shr_lnk

Sent from my iPhone

On Dec 29, 2024, at 11:15 AM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

My reply to your filing at ECF No. 202 is due tomorrow. I therefore write to request that you respond to the email below, so that I do not inaccurately present your position in my reply. Are you saying you have already produced a description of the relevant documents under Rule 26, or is it your position that you have no such documents to produce/describe?

Thank you,

Matthew D. Hardin

Hardin Law Office

Direct Dial: 202-802-1948

NYC Office: 212-680-4938

Email: MatthewDHardin@protonmail.com

On Dec 26, 2024, at 1:55 PM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

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