

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.

**SHORT FORM DISCOVERY
MOTION**

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

District Judge David Barlow
Magistrate Judge Jared C. Bennett

NOW COME the Defendants and move for an order compelling Plaintiff to comply with the discovery request which is attached as Exhibit A. In support of this Motion, Defendants state as follows:

1. On January 16, 2025, Defendants sent Plaintiff the Request for Production of Documents which is attached hereto as Exhibit A. This request was inspired Plaintiff's repeated confessions that he had either lost relevant documents or had intentionally deleted documents to clear space in his electronic folders.

2. On January 17, 2025, Plaintiff confirmed that he had received the email sent the previous day, and stated that he would respond in the future. Exhibit B.

3. But Plaintiff never did respond. Plaintiff went radio silent.

4. On February 18, 2025, Defendants sent Plaintiff a request to meet and confer pursuant to DUCivR 37-1. Exhibit C. Plaintiff at first accepted that request to meet and confer at noon on February 19, 2025. Exhibit D.

5. But on the morning of February 19, 2025, Plaintiff sent undersigned counsel two emails, one of which bore the header “FOR ATTORNEYS EYES ONLY: DO NOT PUBLISH” and the other of which replied to that same email with that same header. These emails did not transmit discovery material, but instead express Plaintiff’s demands and conditions relating to his participation in a meet and conferral, his generalized complaints about this litigation (and about undersigned counsel), and Plaintiff’s belief that a “person affiliated with moon” [*sic*] had managed to obtain documents that Plaintiff still has not produced in discovery. Plaintiff’s emails appear facially to be entirely outside the scope of this Court’s Standard Protective Order, and to have been designated as “Attorneys Eyes Only” in order to frustrate Defendants’ ability to file an effective and timely motion to compel and to provide unreviewable demands relating to his participation in a conference.

6. Under the circumstances, Defendants respectfully submit that Plaintiff has returned to his well-worn pattern of refusing to meaningfully meet and confer with Defendants relating to discovery disputes. See, e.g., ECF No. 196-5 (declaration attesting to attempts to meet and confer with Plaintiff) and ECF No. 228-2 at 3-4 (declaration attesting to costs such failed meet and conferrals have imposed on Defendants and their counsel). As Defendants have explained, Plaintiff requires undersigned counsel to repeatedly clear his schedule for a meet and confer, but then refuses to participate in such conferral. Plaintiff has now coupled this pattern with the blatantly improper designation of his own correspondence as “Attorneys Eyes Only” so that Defendants cannot file proof of Plaintiff’s antics with the Court without first filing a motion to de-designate Plaintiff’s emails pursuant to the Standard Protective Order, and without still further delay. And Plaintiff has expressly admitted, in an “attorneys eyes only” email, that

third parties have been able to obtain information which Plaintiff himself has consistently failed or refused to provide.

WHEREFORE, Defendants move that this Court compel Plaintiff to respond to the attached Request for Production of Documents, or enter other appropriate relief.

DATED February 19, 2025

HARDIN LAW OFFICE


/s/ Matthew D. Hardin

Matthew D. Hardin

Attorney for Defendants



MH

From: Matthew Hardin matthewdhardin@gmail.com 
Subject: Second Request for Production of Documents
Date: January 16, 2025 at 11:01 AM
To: Russell Greer russmark@gmail.com

Good morning,

Please see attached Joshua Moon's Second Request for Production of Documents. Please pay special attention to the instructions this time, as I suspect last time that would have saved us both a great deal of effort.

Your response to this Request for Production is due February 17, 2025.

Best,

greerPRD2.pdf



Matthew D. Hardin

Hardin Law Office

Direct Dial: 202-802-1948

NYC Office: 212-680-4938

Email: MatthewDHardin@protonmail.com

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, <i>et al.</i> Defendant.	JOSHUA MOON'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS Case No. 2:24-cv-00421-DBB District Judge David Barlow Magistrate Judge Jared C. Bennett
--	---

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, 101 Rainbow Drive #11506, Livingston, TX 77399. Alternatively, compliance with this Request may be accomplished by mailing or emailing 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 PDF 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, Defendant 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, Defendant 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
SECOND REQUEST FOR PRODUCTION

REQUEST NO. 2: Please produce any and all written or electronic documents which reflect or memorialize the loss or deletion of any record at issue in this case, or which is relevant to this case, or which in any way relates to the factual or legal claims at issue in this case, including but not limited to emails, pleadings, items requested in Joshua Moon’s First Request for Production of Documents, correspondence, and all other material, along with any documents which reflect your efforts to recover such deleted or lost records or your efforts to ensure that such documents were not lost or deleted and were preserved from July 1, 2020 to the present.

Respectfully submitted,

/s/ Matthew D. Hardin

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of January, 2025, the foregoing Defendant Joshua Moon's Second 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



RG

From: Russell Greer RussMark@gmail.com
Subject: Re: Following up on my emails of 1/15 and 1/16
Date: January 17, 2025 at 1:06 PM
To: Matthew Hardin matthewdhardin@gmail.com

Hi,

I am currently drafting objections to the court order from 1-14-25. Per FRCP 72, I have 14 days to file the objections. I will respond to your other emails when the objections are filed.

Thank you.

Sent from my iPhone

On Jan 17, 2025, at 8:30 AM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

Good morning, Mr. Greer.

I didn't hear from you with respect to my emails of Wednesday (1/15) or Thursday (1/16), so I wanted to check in again. Did you receive those?

Thanks,

Matthew D. Hardin

Hardin Law Office


Direct Dial: 202-802-1948

NYC Office: 212-680-4938

Email: MatthewDHardin@protonmail.com

The information contained in this message may be privileged. It is intended by the sender to be confidential. If you suspect you may not be the intended recipient, please notify the sender and delete all copies.



From: Matthew Hardin matthewdhardin@gmail.com 
Subject: Re: Second Request for Production of Documents
Date: February 18, 2025 at 7:49 AM
To: Russell Greer russmark@gmail.com
Bcc: Joshua Moon jcmoon@pm.me

Good morning, Mr. Greer.

I note that we have not received any response to the below request for production of documents. I therefore ask whether you would like to do a DUCiV R 37-1 conference tomorrow at 6:00 a.m. Pacific Time (which I offer only because you have expressed that you leave for work so early), or alternatively at noon Pacific Time (so that you can participate over your lunch hour), or 5 p.m. Pacific time (after your day job concludes).

Best,

Matthew D. Hardin

Hardin Law Office

Direct Dial: 202-802-1948

NYC Office: 212-680-4938

Email: MatthewDHardin@protonmail.com

The information contained in this message may be privileged. It is intended by the sender to be confidential. If you suspect you may not be the intended recipient, please notify the sender and delete all copies.

On Jan 16, 2025, at 11:01 AM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

Good morning,

Please see attached Joshua Moon's Second Request for Production of Documents. Please pay special attention to the instructions this time, as I suspect last time that would have saved us both a great deal of effort.

Your response to this Request for Production is due February 17, 2025.

Best,

greerPRD2.pdf

142 KB



Matthew D. Hardin

Hardin Law Office

Direct Dial: 202-802-1948

NYC Office: 212-680-4938

Email: MatthewDHardin@protonmail.com



RG

From: Russell Greer RussMark@gmail.com
Subject: Re: Second Request for Production of Documents
Date: February 18, 2025 at 8:30 AM
To: Matt Hardin matthewdhardin@gmail.com

12 pm tomorrow works. Thanks

Sent from my iPhone

On Feb 18, 2025, at 4:49 AM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

Good morning, Mr. Greer.

I note that we have not received any response to the below request for production of documents. I therefore ask whether you would like to do a DUCiV R 37-1 conference tomorrow at 6:00 a.m. Pacific Time (which I offer only because you have expressed that you leave for work so early), or alternatively at noon Pacific Time (so that you can participate over your lunch hour), or 5 p.m. Pacific time (after your day job concludes).

Best,

Matthew D. Hardin

Hardin Law Office

Direct Dial: 202-802-1948

NYC Office: 212-680-4938

Email: MatthewDHardin@protonmail.com

The information contained in this message may be privileged. It is intended by the sender to be confidential. If you suspect you may not be the intended recipient, please notify the sender and delete all copies.

On Jan 16, 2025, at 11:01 AM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

Good morning,

Please see attached Joshua Moon's Second Request for Production of Documents. Please pay special attention to the instructions this time, as I suspect last time that would have saved us both a great deal of effort.

Your response to this Request for Production is due February 17, 2025.

Best,

<greerPRD2.pdf>

Matthew D. Hardin

Hardin Law Office

Direct Dial: 202-802-1948

NYC Office: 212-680-4938

Email: MatthewDHardin@protonmail.com