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Joshua Moon and Lolcow, LLC

THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL GREER,

Plaintiff,

v.

JOSHUA MOON, *et al.*

Defendants.

**NOTICE REGARDING PLAINTIFF'S
VIOLATION OF DISCOVERY STAY**

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

District Judge David Barlow
Magistrate Judge Jared C. Bennett

NOW COME the Defendants, by and through their undersigned counsel, and give NOTICE that the Plaintiff is apparently using the resources of this Court to violate the stay on discovery this Court entered at ECF No. 283.

Specifically, on June 5, 2025, Mr. Greer wrote to the Defendants to indicate that "The clerk issued a subpoena today for Mr. Moon." Exhibit A. But this Court stayed all discovery in this case orally on May 6, 2025. ECF No. 300 at 34:11 *et seq.* The Court later memorialized its stay on all discovery, with one immaterial exception, on May 7, 2025. ECF No. 283. Yet Mr. Greer later confirmed that he is attempting to use the subpoena the clerk apparently issued on June 5, 2025, for purposes of seeking discovery in violation of the stay. Exhibit B.

Because no evidentiary hearing or trial is set in this matter, there is no valid purpose for Mr. Greer to seek subpoenas from the clerk in this case unless or until the

stay is lifted, and any subpoena Mr. Greer might seek to serve is inherently a discovery subpoena issued in violation of the stay. Defendants respectfully submit that Mr. Greer's attempts to obtain subpoenas in violation of the stay without first seeking leave of court is illustrative of Mr. Greer's broader abuse of process.

DATED June 5, 2025

HARDIN LAW OFFICE

/s/ Matthew D. Hardin

Matthew D. Hardin

Attorney for Defendants

Joshua Moon and Lolcow, LLC

From: Russell Greer russmark@gmail.com
Subject: Subpoena
Date: June 5, 2025 at 11:04 AM
To: Matthew Hardin matthewdhardin@gmail.com



Mr. Hardin

The clerk issued a subpoena today for Mr. Moon. Can this be served on you? And if so, which address?

From: Russell Greer russmark@gmail.com
Subject: Re: Subpoena
Date: June 5, 2025 at 11:09 AM
To: Matthew Hardin matthewdhardin@gmail.com



RG

Sir,

Because I'm trying to locate the two John Does to serve them.

Would you like to do a meet and confer ?

Sent from my iPhone

On Jun 5, 2025, at 8:05 AM, Matthew Hardin <matthewdhardin@gmail.com> wrote:

Good morning,

I will not accept service of a subpoena. It would be Defendants' position that any subpoena should be withdrawn or quashed because of the stay on discovery. I am unclear why you believe there is any authority to serve us a subpoena while discovery is stayed.

Best,

Matthew D. Hardin

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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 Jun 5, 2025, at 11:03 AM, Russell Greer <russmark@gmail.com> wrote:

Mr. Hardin

The clerk issued a subpoena today for Mr. Moon. Can this be served on you? And if so, which address?