

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
(Big Stone Gap Division)**

MELINDA SCOTT,

Plaintiff,

v.

WISE COUNTY DEPARTMENT OF
SOCIAL SERVICES, *et al.*,

Defendants.

Case No. 2:20-cv-00014-JPJ-PMS

MOTION FOR AN EXTENSION OF TIME

NOW COMES Defendant Joshua Moon, by counsel, and submits this Motion for an Extension of Time pursuant to Fed. R. Civ. P. 54(d). In support of this Motion, Mr. Moon states as follows:

- 1) This Court entered judgment in favor of the Defendants on August 30, 2021. ECF No. 62.
- 2) In an order entered the same day, the Court noted that the Plaintiff has engaged in “repetitive meritless filings” directed at Mr. Moon and spanning three cases in this Court (two of which the Plaintiff previously appealed, unsuccessfully, to the Fourth Circuit and to the U.S. Supreme Court). ECF No. 61.
- 3) Fed. R. Civ. P. 54 (d) entitles Moon to file a Motion seeking his costs and attorney’s fees if such Motion is filed within 14 days of judgment. The rule expressly contemplates that a Court order can “provide otherwise” or set alternate deadlines. This Court’s Local Civ. R. 11 (c) (3) similarly contemplates that the Court can act on Motions for an Extension of Time.

4) Mr. Moon's Motion for an award of costs and attorney's fees would ordinarily be due by September 13, 2021. In this Motion, Moon asks that the deadline be extended until October 13, 2021. Good cause exists for an extension, to wit:

- a. As Mr. Moon has noted in various filings, there is reason to believe that this litigation has been conducted in bad faith and that the Plaintiff has acted in violation of Fed. R. Civ. P. 11 (b).
- b. The Plaintiff has occasionally admitted to questionable, extra-legal, or otherwise improper motives for this litigation and her conduct in it on the website www.kiwifarms.net. Those admissions are contained on various pages of a "thread" that spans over 1,000 pages, however, and compiling a complete catalogue of the Plaintiff's statements made at key junctures of this litigation is thus quite time consuming. Others of her statements have been made directly to undersigned counsel, but must be properly authenticated and submitted in an admissible form to be considered in a Motion for costs and/or fees.
- c. The Plaintiff has now served upon undersigned counsel a Notice of Appeal, which indicates that it is her intention to continue to escalate Mr. Moon's costs by persisting in her pattern of "repetitive" and "meritless" litigation against Mr. Moon in another Court. See Exhibit A. In light of the Plaintiff's continued behavior, already well-documented in several filings in this case, it is only fair to Defendant Moon to allow him to develop and present to this Court his best evidence relating to the Plaintiff's pattern of litigation, and to preserve such evidence in the record to be considered on appeal.

d. As discussed in previous filings, Mr. Moon is resident in the European Union.

Communication with him has been made more difficult than it would be with a local client due to the time differences and the inability to have in-person meetings. As such, undersigned counsel has not yet been able to discuss with Mr. Moon the full import of the Court's judgment or Rule 54(d). Additionally, it is undersigned counsel's understanding that Mr. Moon is currently on vacation, such that those conversations cannot take place until he returns.

Respectfully submitted this the 8th day of September, 2021,

JOSHUA MOON

By Counsel:

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Certificate of Service

I hereby certify that I will file a true and correct copy of the foregoing document with the Court's CM/ECF system, which will electronically serve counsel of record. I have also deposited a true and correct copy of the foregoing document into the U.S. Mail, with First Class postage prepaid, directed to:

Melinda Scott
2014PMB87
Post Office Box 1133
Richmond, VA 23218

Dated: September 8, 2021

/s/Matthew D. Hardin
Matthew D. Hardin
Counsel for Joshua Moon