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THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL GREER,

Plaintiff,

v.

JOSHUA MOON, *et al.*

Defendant.

**NOTICE REGARDING
ERRONEOUS CERTIFICATE OF
SERVICE**

Case No. 2:20-cv-00647-DBB

District Judge David Barlow
Magistrate Judge Jared C. Bennett

NOW COME the Defendants, by and through undersigned counsel, and give Notice that the document filed at ECF No. 82 (a purported “supplemental memorandum”) appears to have an incorrect or erroneous certificate of service. Specifically, the Certificate of Service states that undersigned counsel was served a copy of the filing by email on February 7, 2024. However, undersigned counsel did not receive the document by email until February 8, 2024, and only *after* undersigned counsel received the ECF notice relating to its filing. Accurate copies of the relevant ECF Notice (timestamped 9:08 a.m. Eastern Time) and the relevant transmittal from the Plaintiff (timestamped 9:18 a.m. Eastern Time) are attached hereto.

This error appears to be part of a pattern, and it prejudices the Defendants in two ways. First, to the extent that any applicable deadlines run from the date of service, Fed. R Civ. P. 6 (d) and DUCivR 5-1, an incorrect certificate of service leads

to incorrect calculation of applicable deadlines. This is especially so with respect to purported emergency or “expedited” motions, in which the Plaintiff seeks ostensibly urgent relief and the Defendant therefore is forced to reply on an expedited basis. DUCivR 83-2 (c). Second, the Plaintiff’s incorrect certificates of service cause confusion as to the proper order of briefing (that is to say, what brief is a response, what brief is a reply, and what brief might be a “supplemental” brief file without leave of court).

DATED February 8, 2024

HARDIN LAW OFFICE

/s/ Matthew D. Hardin

Matthew D. Hardin

Attorney for Defendants