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THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL GREER,

Plaintiff,

v.

JOSHUA MOON, et al.

Defendant.

**DECLARATION OF JOSHUA
MOON**

Case No. 2:24-cv-421-DBB-JDB

District Judge David Barlow
Magistrate Judge Jared Bennett

NOW COMES Joshua Moon, and states as follows:

1. My name is Joshua Moon. I am an adult resident and domiciliary of the State of Florida. I am the sole member of Lolcow, LLC, which is a Limited Liability Company organized under the laws of the State of West Virginia. I am competent to testify to the matters set forth herein based upon my own personal knowledge and based upon my knowledge as the sole member and custodian of records of Lolcow, LLC.

2. I have never been to the State of Utah. I have never intentionally conducted any business in the State of Utah. To my knowledge, I have no systematic or persistent contacts with the State of Utah, except for those which have necessarily arisen as a result of this litigation, in which I have been forced to retain Utah counsel and appear in a Utah court.

3. Lolcow, LLC does not do business in Utah. To my knowledge, Lolcow, LLC has

no systematic or persistent contacts with the State of Utah, except for those which have necessarily arisen as a result of this litigation, in which Lolcow, LLC has been forced to retain Utah counsel and appear in a Utah court.

4. I am aware of this Court's order at ECF No. 16 granting alternative service upon "Defendants." In that order, this Court stated "Defendants appear to have consented to receive service by email." The Court cited to a document filed at ECF No. 15-1 for that proposition. ECF No. 15-1 is a copy of the website www.kiwifarms.net, as that site appeared on or about February 2021. www.kiwifarms.net is owned by Lolcow, LLC. Although I am the sole member of Lolcow, LLC, I do not maintain, in my personal capacity, the website which is printed out ECF No. 15-1.

5. The exhibit filed at ECF No. 15-1 expressly refers to service of DMCA complaints, not civil complaints filed in the U.S. District Court. Under the Digital Millenium Copyright Act, copyright agents are required to provide their email address. 17 U.S.C.S. § 512. DMCA "takedown notices" are routinely sent via email under that statute. Neither I nor Lolcow, LLC have never received service of a civil complaint via email.

6. I have reviewed the records of Lolcow, LLC. The "contact us" page on kiwifarms.net as of 2020 (when this lawsuit began) contained the following information (emphasis in original):

For servicing:

913 Beal Pkwy NW

Suite A-1017

Fort Walton Beach, FL 32547

7. I have never consented to service of process in any civil litigation via email. Nor have I consented to service of process against me personally merely because such service of process is received at my LLC.

8. Lolcow, LLC has never consented to service of process in any civil litigation via email. Lolcow LLC may presently be served through the West Virginia Secretary of State. It formerly was capable of being sued through a registered agent. To the extent that Lolcow, LLC was susceptible to service via certified mail in 2020 pursuant to any state court procedures, such mail should have been addressed to the address in paragraph 6, above. Lolcow, LLC has never indicated that service of a summons via email was acceptable.

9. The email address legal@kiwifarms.net is owned by Lolcow, LLC. My personal email address is jcmoon@pm.me.

10. Except as indicated at ECF No. 247 at 63, Mr. Greer has never provided me with the precise URL he alleges contains copyrighted material. Instead, he has generally linked to kiwifarms.net or to his “thread” on kiwifarms.net. Kiwifarms.net is a website that contains hundreds of thousands of individual “threads.” Indeed, Mr. Greer on April 19, 2019 even told me “I don’t need to” identify specific URLs. Mr. Greer is the topic of discussion in at least two threads, although occasional mentions of Mr. Greer happen across the entire site. One of those threads currently has over 16,000 individual “posts” by users, spanning 811 pages. The other thread has over 91,000 individual “posts” by users, spanning 4,582 pages.

11. Kiwifarms.net is an Internet forum, which allows individual users to discuss events and individuals. Those who use the website discuss Mr. Greer, among other

individuals, and comment upon his history of civil and criminal litigation, as well as his history of behavior towards women, which to date has resulted in the issuance of at least three protective orders. Users on kiwifarms.net discuss, *inter alia*, how Mr. Greer's history of vexatious litigation against popular singers such as Taylor Swift and Arianna Grande make Mr. Greer worthy of criticism. Users also discuss Mr. Greer's musical compositions, which many users feel are of an inferior quality and lack artistic merit.

12. I am given to understand that Mr. Greer believes somewhere on kiwifarms.net, there is a link to a page on Google Drive that contains Mr. Greer's book, *Why I Sued Taylor Swift: and How I Became Falsely Known as Frivolous, Litigious and Crazy*.

13. I do not control Google, and I do not have the ability to "take down" any material which is hosted on a Google Drive as alleged in the Amended Complaint. I did not personally post any material related to Mr. Greer on any Google Drive account, and neither did Lolcow, LLC. I have no ability to remove the allegedly offending material from Google Drive.

14. I am given to understand that Mr. Greer believes somewhere on kiwifarms.net, there is an MP3 file containing a song which Mr. Greer alleges is copyrighted.

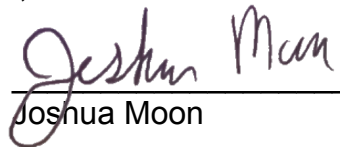
15. I did not personally post any MP3 involving a song by Mr. Greer on kiwifarms.net, and neither did Lolcow, LLC.

16. Any individual who posted material relating to Mr. Greer likely did so in order to comment upon and criticize Mr. Greer, his book, and his music. As set forth above, there are over 5,000 pages of discussion of Mr. Greer on kiwifarms.net. According to Amazon (<https://www.amazon.com/Why-Sued-Taylor-Swift-Frivolous/dp/069297010X>),

Mr. Greer's book is 175 pages in length. Thus even if Mr. Greer's book were posted to Google Drive and discussed by any particular Kiwi Farms user, it is evident that the commentary far exceeds – by several orders of magnitude – the content of the book itself. Similarly, because there are over 100,000 posts related to Mr. Greer, in which many users express a negative view towards Mr. Greer's musical talents, it is evident that on the whole, and considered in the context of the site's discussion of Mr. Greer, any incidental republication of one song in one post out of 100,000 would be a fair use for purposes of criticism and commentary.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 14, 2025.


Joshua Moon