

Russell Greer
1100 Dumont Blvd
Apt 139
Las Vegas, NV 89169
801-895-3501
russmark@gmail.com
Pro Se Litigant

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL GREER

Plaintiff

v.

JOSHUA MOON ET AL,

Defendants

**PLAINTIFF’S MOTION TO STRIKE &
EXCLUDE IMPROPER WITNESS
DISCLOSURE (W.H.) UNDER FRCP 37(C
) (1)**

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

Plaintiff Russell Greer respectfully moves the Court to strike Defendants’ December 8, 2025 “witness disclosure,” which contains irrelevant, immaterial, and scandalous assertions concerning a non-party (Waylon Huber) and Plaintiff’s unrelated business entities, financial circumstances, and personal affairs.¹ **Exhibit A.**

The disclosure fails to comply with *Fed. R. Civ. P. 26(a)(1)(A)(i)*, and appears retaliatory, improper, and intended to harass. It should be struck in full.

I. INTRODUCTION

Defendants disclosure identifies no testimony relevant to any claim or defense. Instead, it appears designed to:

- smear Plaintiff,
- intimidate a private non-party,
- insert irrelevant personal material into the docket, and
- retaliate for Plaintiff’s protected litigation activity.

Courts within the Tenth Circuit have held that Rule 26 disclosures must be narrowly tethered to actual claims and cannot be used to “embarrass, delay, or harass” opposing parties. FRCP 26(g). See *Sender v. Mann*, 225 F.R.D. 645, 655 (D. Colo. 2004) (sanctioning party for abusing disclosure obligations under Rule 26); *Cohen v. Pub. Serv. Co. of Colo.*, No. 13-cv-00578-WYD-NYW, 2015 WL 13722189, at *2 (D. Colo. Apr. 6, 2015) (striking twelve “may-call” witnesses for lack of relevance).²

II. LEGAL STANDARD

¹ Plaintiff will refer to this individual as W.H. afterwards because he requested not to be in this case, but Defendants published him regardless.

² <https://www.casemine.com/judgement/us/5914e1dbadd7b049348eca7a>

A. Rule 26(a)(1)(A)(i)

Disclosures must include only those individuals “likely to have discoverable information that the disclosing party may use to support its claims or defenses.” *Cohen*, 2015 WL 13722189, at

*2. Parties cannot use Rule 26 as a vehicle for ambush or harassment.

B. Rule 12(f)

Fed. R. Civ. P. 12(f) authorizes courts to strike “any redundant, immaterial, impertinent, or scandalous matter.” This includes filings used to embarrass, intimidate, or harm third parties.

See *Creamer v. Laidlaw Transit, Inc.*, 86 F.3d 167, 171-72(10th Cir. 1996) (may rely only on evidence relating to a claim).

C. Rule 37(c)(1)

If a party fails to comply with Rule 26(a), the court may exclude the witness unless the failure is substantially justified or harmless. *Woodworker’s Supply, Inc. v. Principal Mut. Life Ins. Co.*, 170 F.3d 985, 993 (10th Cir. 1999) (applying Rule 37 to improper disclosures). The standard is enforced even absent bad faith.

D. Rule 26(g)

Rule 26(g)(1)(B)(ii) prohibits disclosures “interposed for any improper purpose, such as to harass.” Disclosures designed solely to burden a third party violate this rule and justify sanctions.

III. ARGUMENT

A. W.H.’s Testimony Is Irrelevant

Defendant claims W.H. has knowledge of:

- Plaintiff’s LLCs,
- real estate interests,

- finances,
- past social or professional relationships.

None of these topics are relevant to copyright infringement. In *Cohen*, the court struck all witnesses whose knowledge fell outside the relevant timeframe or subject matter. 2015 WL 13722189, at *2–3. Defendants offer no explanation how W.H.’s personal details relate to any claim or defense. Disclosures must be tethered to the pleadings, not personal narrative.

Further, Greer only met W.H. in person once. Defense Counsel Hardin found W.H. in an email from a public disclosure he did. A mere CC in an email.

B. Defendant’s Email Demonstrates Retaliatory Motive

On 12-9-25, Mr. Hardin wrote: “As you continue to bring him up... the more likely it becomes that I will have to name him as a witness.” **Exhibit B.**

This statement admits the designation was in response to Plaintiff’s protected filings—not because W.H. has material knowledge. Courts reject this type of coercion.

Moreover, Defendants’ logic is flawed. Based on that admission, Defendant Moon’s family and friends are fair game to call as witnesses regarding Moon’s running a stalking website.

C. Disclosure of W.H. Personal Info Serves No Litigation Purpose

On 12-10-25, in a supplemental notice, Defendants published the disclosure. The disclosure includes:

- home address,
- phone number,
- email address,

- narrative allegations about Plaintiff’s “dealings” with him.

Publishing this in a supplemental motion was unnecessary.

D. The Filing Is Scandalous Under Rule 12(f)

The Tenth Circuit recognizes that material must be stricken when it:

- lacks any connection to the claims,
- is designed to inflame,
- or invites prejudicial assumptions.

Here, Defendants’ narrative about Plaintiff’s alleged finances and business contacts is not only irrelevant but clearly intended to paint Plaintiff in a negative light. None of this has to do with copyright.

IV. NOTE REGARDING DISQUALIFICATION

This disclosure is not a one-off mistake. It continues a documented pattern of boundary violations, improper disclosures, and litigation abuse. It supports Plaintiff’s pending motion to disqualify Mr. Hardin and revoke his pro hac vice admission.

V. RELIEF REQUESTED

Plaintiff respectfully requests that the Court:

1. Strike Defendants’ December 8, 2025 witness disclosure in full;
2. Prohibit Defendants from naming Mr. Huber (W.H.);
3. Instruct Defendants to refrain from including personal, irrelevant, or retaliatory material in any future filings; and
4. Award any further relief the Court deems just and proper.

Respectfully submitted,

Russell Greer

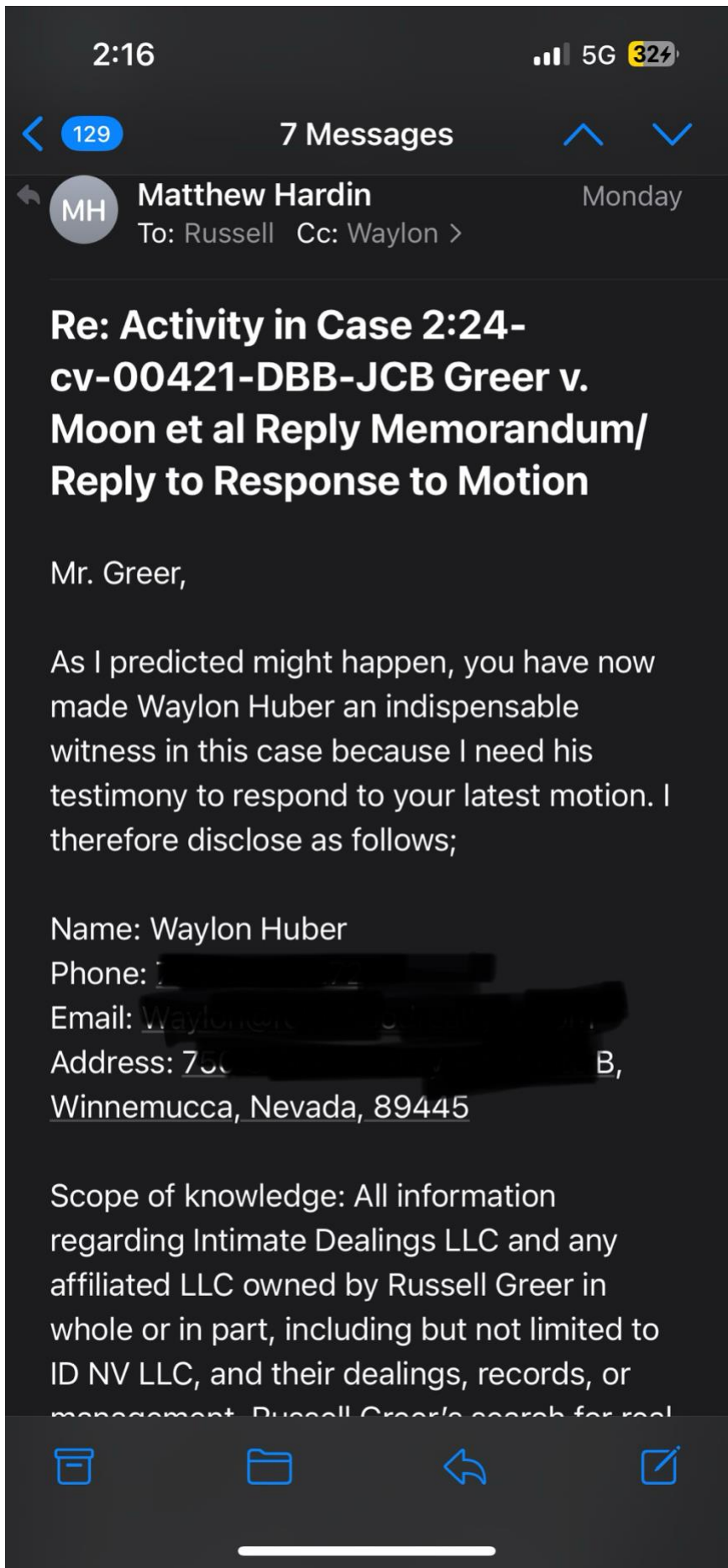
/rgreer/

12-11-25

CERTIFICATE OF SERVICE:

Pursuant to FRCP 5(b), I certify that on 12-11-25, I served a true and correct copy of the attached document by ECF to all attorneys on record.

EXHIBIT A



2:16

5G 32%

129

7 Messages



Matthew Hardin

Monday

To: Russell Cc: Waylon >

Re: Activity in Case 2:24-cv-00421-DBB-JCB Greer v. Moon et al Reply Memorandum/ Reply to Response to Motion

Mr. Greer,

As I predicted might happen, you have now made Waylon Huber an indispensable witness in this case because I need his testimony to respond to your latest motion. I therefore disclose as follows;

- Name: Waylon Huber
- Phone: [REDACTED]
- Email: [Waylon@intimatedealings.com](#)
- Address: 750 [REDACTED] B, Winnemucca, Nevada, 89445

Scope of knowledge: All information regarding Intimate Dealings LLC and any affiliated LLC owned by Russell Greer in whole or in part, including but not limited to ID NV LLC, and their dealings, records, or management. Russell Greer's search for real



EXHIBIT B

Russle you know that I have nothing to do with any of this. Please leave me out of it.

Get [Outlook for iOS](#)

From: Matthew Hardin <matthewdhardin@gmail.com>

Sent: Saturday, December 6, 2025 9:27:18 AM

To: Russell Greer <russmark@gmail.com>

Cc: Waylon Huber <waylon@robinhoodrealtynv.com>

Subject: Re: Activity in Case 2:24-cv-00421-DBB-JCB Greer v. Moon et al Reply Memorandum/
Reply to Response to Motion

Mr. Greer:

I have not yet named Waylon Huber as a witness in this case. As you continue to bring him up in filings, however, you are creating a situation where I may need to name him to defend against the accusations you keep making. I am not telling you what to do, you can obviously make your own decisions as to whether you want to keep mentioning Mr. Huber in your filings. But the more you do that, the more likely it becomes that I will have to name him as a witness.

Best,

Matthew D. Hardin

Hardin Law Office

Direct Dial: [202-802-1948](tel:202-802-1948)

NYC Office: [212-680-4938](tel: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 Dec 5, 2025, at 6:21PM, utd_enotice@utd.uscourts.gov wrote:

This is an automatic e-mail message generated by the CM/ECF system. If you need assistance, call the Help Desk at [\(801\)524-6100](tel:8015246100).

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including unrepresented parties) who receive notice by email to receive one free**

electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. Access to the one free electronic copy expires as designated by PACER. To avoid incurring charges later, download and save a copy of the document during the first access. However, if the referenced document is a transcript, the free download restrictions and 30-page limit do not apply.

*****NOTICE REGARDING MAILING COPIES OF NEFS AND DOCUMENTS***** The court will mail a copy of the NEF and associated document of court-generated documents (e.g., reports and recommendations, orders, and notices of hearings) to parties who are not registered to receive electronic notice, as indicated under "Notice has been delivered by other means to. . . ". The court will not mail NEFs and documents of party-generated filings to any party (including the filing party) even if the "Notice has been delivered by other means to. . . " states otherwise. The filing party is responsible for serving a copy of the NEF or document on parties who do not receive electronic notice.

US District Court Electronic Case Filing System

District of Utah

Notice of Electronic Filing

The following transaction was entered on 12/5/2025 at 4:21 PM MST and filed on 12/5/2025

Case Name: Greer v. Moon et al
Case Number: [2:24-cv-00421-DBB-JCB](#)
Filer: Russell G. Greer
Document Number: [396](#)

Docket Text:

REPLY to Response to Motion re [394] MOTION for Protective Order and Memorandum in Support filed by Plaintiff Russell G. Greer. (alf)

2:24-cv-00421-DBB-JCB Notice has been electronically mailed to:

Stewart B. Harman stewart.harman@bachhomes.com,
aanderson@pckutah.com

Matthew D. Hardin matthewdhardin@gmail.com,
matthewdhardin@ecf.courtdrive.com, matthewdhardin@protonmail.com

Russell G. Greer russmark@gmail.com

2:24-cv-00421-DBB-JCB Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=[1060034973](#) [Date=[12/5/2025](#)] [FileNumber=[6355268-0](#)]

[3fec54195c889fb22a2755bcc313873e443a601378c4d5fd69a1c8d180523134102

48074c011d175d662973ee391b01aad141a54642c00b9d11b8f9a1a00eb4d]]