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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL GREER

Plaintiff

v.

JOSHUA MOON ET AL,

Defendants

**PLAINTIFF'S REPLY IN SUPPORT OF
MOTION TO STRIKE IMPROPER
WITNESS DISCLOSURE**

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

Defendants' opposition confirms that the challenged "witness disclosure" was not made to comply with Rule 26, but was instead used as a coercive litigation tactic. Defendants' counsel expressly threatened to designate an uninvolved private citizen as a witness **based on Plaintiff's filing activity**, not because the individual possessed relevant knowledge. That admission alone warrants striking the disclosure.

I. Defendants' Own Words Establish an Improper and Coercive Purpose

This dispute is no longer about competing views of relevance. Defendants' counsel has **admitted in writing** that the potential designation of Waylon Huber as a witness would be driven by Plaintiff's continued filings, not by any legitimate evidentiary need.

On December 6, 2025, while CC'ing Mr. Huber—an uninvolved private citizen—Defendants' counsel wrote to Plaintiff:

"As you continue to bring him up in filings... the more likely it becomes that I will have to name him as a witness."

This statement is dispositive. It ties witness designation directly to Plaintiff's exercise of his right to petition the Court, and not to the existence of discoverable information relevant to any claim or defense. Rule 26 does not permit witness disclosures to be used as leverage or retaliation.

II. Waylon Huber Is an Uninvolved Third Party Who Expressly Objected to Being Dragged Into This Case

The record further establishes that Mr. Huber has **no involvement** in this litigation and does not wish to be contacted. Immediately after being CC'd by Defendants' counsel, Mr. Huber responded:

"I have nothing to do with any of this. Please leave me out of it."

Plaintiff never identified Mr. Huber as a witness and never suggested he possessed relevant knowledge. Plaintiff referenced Mr. Huber solely to provide narrative context showing that Defendants' counsel had previously contacted him after Mr. Hardin did a public records request. Defendants' counsel's threat to name Mr. Huber as a witness—despite this express objection—confirms that the disclosure serves no legitimate discovery purpose.

III. Defendants' Opposition Mischaracterizes Plaintiff's Position to Justify Coercion

Defendants attempt to reframe Plaintiff's objection as an effort to "forbid" rebuttal. That is false. Plaintiff expressly contends that Defendants have no legitimate basis to contact or involve individuals in Plaintiff's personal or professional life, who are not parties or witnesses with relevant admissible information, except through formal discovery authorized by the Federal Rules. What Plaintiff challenges is not rebuttal, but **informal third-party pressure followed by threats of witness designation**. Defendants may not manufacture "relevance" by first contacting private citizens and then threatening to name them as witnesses when Plaintiff objects.

Further, discovery is stayed. It is interesting that Defendants move to sanction plaintiff over any misunderstanding of the rules, yet they like to act like the rules don't apply to them.

IV. Post-Hoc Theories of Relevance Cannot Cure a Coercive Disclosure

Defendants' attempt to justify the disclosure through after-the-fact theories—such as speculative IFP challenges or generalized fair-use narratives—fails as a matter of law. A witness disclosure must stand or fall on whether, at the time it is made, the individual is believed to possess discoverable information relevant to a claim or defense. Defendants' counsel has admitted the opposite: that witness designation would be triggered by Plaintiff's continued filings.

Rule 26 does not allow witness disclosures to be used as punishment for motion practice.

Further, Plaintiffs IFP is irrelevant. He paid the filing fee. It is not a defense to copyright infringement

V. This Conduct Demonstrates Harassment and Abuse of the Discovery Process

Threatening to designate an uninvolved private citizen as a witness—after that individual expressly asked to be left out—constitutes harassment and misuse of discovery tools. Courts routinely strike disclosures interposed for such improper purposes.

The conduct reflected in the record shows:

- unwanted contact with uninvolved third parties;
- express coercion tied to Plaintiff’s filing activity; and
- an attempt to chill Plaintiff’s access to the Court.

That is precisely what Rule 26 is designed to prevent.

VII. Conclusion

Defendants’ “witness disclosure” is not a good-faith attempt to comply with Rule 26. Defendants’ counsel has admitted that witness designation would be used as leverage tied to Plaintiff’s filing activity. That admission, combined with the objection of the uninvolved third party himself, leaves no room for dispute.

Accordingly, the disclosure should be **struck in its entirety**,

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

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

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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

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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

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