

**IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT OF OHIO
LAKE COUNTY, OHIO**

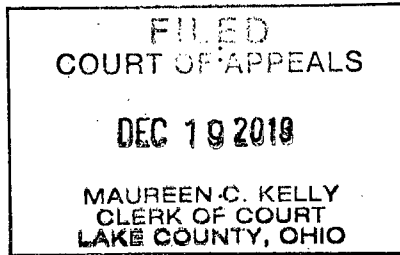
BRYAN ANTHONY REO

Appellee,

vs.

MARTIN LINDSTEDT et al.

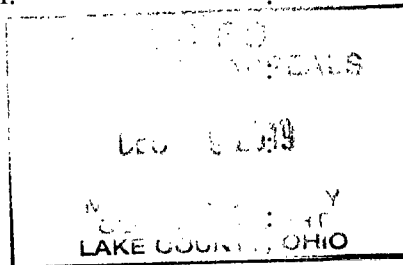
Appellant.



Case #- 2019-L-073

Case #- 2019-L-074

**APPELLEE'S MOTION TO
DISMISS APPEAL OR TO
STRIKE APPELLANT'S
BRIEF**



**APPELLEE'S MOTION TO DISMISS APPEAL
OR TO STRIKE APPELLANT'S BRIEF**

REO LAW LLC

By: Bryan Anthony Reo (#0097470)

P.O. Box 5100

Mentor, OH 44061

(P): (440) 313-5893

(E): Reo@ReoLaw.org

Pro Se Appellee & Attorney

MARTIN LINDSTEDT

338 Rabbit Track Road

Granby, MO 64844

(P): (417) 472-6901

(E): pastorlindstedt@gmail.com

Pro se Appellant

APPELLANT'S BRIEF SHOULD BE DISMISSED FOR FLAGRANT NON-COMPLIANCE WITH THE RELEVANT RULES OF APPELLATE PROCEDURE AND THE LOCAL RULES OF THE ELEVENTH APPELLATE DISTRICT.

Appellee respectfully moves this Court for an order dismissing Defendant-Appellant Martin Lindstedt's appeal for failure to cite to the record in his Assignment of Errors and Brief ("Appellant's Brief"), filed December 17, 2019, and because he is engaged in unauthorized practice of law on behalf of a corporate entity Church of Jesus Christ Christian Aryan Nations of Missouri by signing the brief on their behalf and filing on their behalf [after being repeatedly warned and sanctioned with the striking of pleadings in Lake County Court of Common Pleas and Northern District of Ohio for the same], and because the Appellant's brief is rife with abusive language, it is rambling, incoherent, and arguments about personal jurisdiction [in light of Appellant having pursued counter-claims in Lake County] are plainly lacking in merit. In the alternative to the dismissing of the appeal, Plaintiff-Appellee moves that this Court strike the Appellant's Brief. Appellant is no stranger to having his pleadings stricken for unauthorized practice of law and/or for abusive and scandalous language, as both Lake County Court of Common Pleas and United States District Court for the Northern District of Ohio have stricken his pleadings or recommended his pleadings be stricken for such reasons.

Defendant-Appellant, proceeding pro se, filed the Appellant's Brief to appeal the Lake County Court of Common Pleas judgment based upon a jury verdict returned in favor of Plaintiff-Appellee, which was returned at the conclusion of a jury trial on June 26, 2019, judgment entered in an order in Plaintiff-Appellee's favor on July 1, 2019. Appellant timely filed a [defective] notice of appeal on July 30, 2019, which he amended on 9/3/2019, relating back to the date of the original notice of appeal. On December 17, 2019 Appellant filed his brief, in the

instant appeal which Appellee now moves be dismissed, and for the reasons which follow, should be dismissed.

APPELLANT LINDSTEDT HAS PERSISTENTLY ENGAGED IN UNAUTHORIZED PRACTICE OF LAW ACROSS OHIO ON BEHALF OF A CORPORATE ENTITY AND HAS FILED A NOTICE OF APPEAL AND A BRIEF ON BEHALF OF THE SAME CORPORATE ENTITY IN THE INSTANT APPEAL.

Appellant's Appeal must be dismissed because of persistent unauthorized practice of law perpetrated by Martin Lindstedt on behalf of the corporate entity Church of Jesus Christ Christian Aryan Nations of Missouri. Defendant/Appellant is illegally practicing law on behalf of a corporate entity despite Defendant-Appellant not being a licensed attorney admitted to practice law before this Court and, the Lake County Court of Common Pleas and the Northern District of Ohio already ordering Martin Lindstedt to not so practice law. (Lake Count Court of Common Pleas 16CV000825, journal entry 6/21/2016 striking answer filed by Lindstedt on behalf of Church of Jesus Christ Christian Aryan Nations of Missouri) (ND Ohio 1:19-CV-02103-SO, Doc. 19, PageID ## 195-195) ("But the court grants Plaintiff's Second Motion to the extent it asks the court to strike Defendant's assertion that he represents not only himself but also his Church of Jesus Christ Christian/Aryan Nations of Missouri. Ohio law forbids a non-lawyer like Defendant from representing a corporate entity. See *Disciplinary Counsel v. Givens*, 832 N.E.2d 1200, 1202 (Ohio 2005).").

Disciplinary Counsel v. Givens, 832 N.E.2d 1200, 106 Ohio St.3d 144 (Ohio 2005) (holding that a corporate officer engages in the unauthorized practice of law when he files legal documents such as motions on behalf of the corporate entity).

See also *Cincinnati Bar Assn. v. Clapp & Affiliates Fin. Serv., Inc.*, 764 N.E.2d 1003, 94 Ohio St.3d 509 (Ohio 2002) (holding that a non-attorney engages in the unauthorized practice of law when he prepares or files documents on behalf of a corporation, even one where he is a director or the CEO of the corporate entity).

The court further finds that Robert D. Clapp moved to quash the subpoena directed at Clapp, Inc. and further filed a "response" to the board's order of June 26, 2001, ostensibly for himself, but actually on behalf of the corporation of which he is sole shareholder and Chief Executive Officer. As we recently said in *Disciplinary Counsel v. Lawlor* (2001), 92 Ohio St.3d 406, 407, 750 N.E.2d 1107, 1109, "Since *Union Savings Assn. v. Home Owners Aid, Inc.* (1970), 23 Ohio St.2d 60, 52 O.O.2d 329, 262 N.E.2d 558, we have consistently held that a corporation may not maintain an action through an officer who is not a licensed attorney." In *Union Savings*, we also held that a corporation may not appear in court through its officer. And in *Worthington City School Dist. Bd. of Edn. v. Franklin Cty. Bd. of Revision* (1999), 85 Ohio St.3d 156, 160-161, 707 N.E.2d 499, 502-503, we found that the officers of a corporation and of a quasi-corporation (a local board of education), having prepared and filed legal documents for their corporations, had engaged in the unauthorized practice of law. Here, based on his statements in open court before us and taking judicial notice of our own records, we find that Robert D. Clapp, who is not an attorney admitted to the practice of law in Ohio, has personally engaged in the practice of law in this state.

Cincinnati Bar Assn at 1005.

Courts in Ohio have "consistently held *** an individual, including a corporate officer, who is not an attorney, may not appear in court or maintain litigation in propria persona on behalf of a corporation." *Smith v. Mighty Distributing of S.W., PA, Inc.*, 11th Dist. No.2004-T-0056, 2005-Ohio-1689, at 10, citing to *Union Sav. Assn. v. Home Owners Aid, Inc.* (1970), 23 Ohio St.2d 60, 262 N.E.2d 558. Any filing by a non-attorney on a corporation's behalf constitutes litigation and if filed by an individual on behalf of a corporation is a nullity and subject to being stricken from the record. *Union Sav.* At 64, 262 N.E.2d 558.

APPELLANT LINDSTEDT IS CLEARLY PRACTICING LAW ON BEHALF OF CHURCH OF JESUS CHRIST CHRISTIAN ARYAN NATIONS OF MISSOURI.

The title block of Appellant Lindstedt's Brief makes it clear it is intended to be filed on behalf of and in advancing the interests of, the corporate entity, Church of Jesus Christ Christian Aryan Nations of Missouri. Lindstedt names that entity and references Defendant(s) and Appellant(s) plural.

Lindstedt's First Assignment of Error references the corporate entity, Church of Jesus Christ Christian Aryan Nations of Missouri.

Lindstedt's Fifth Assignment of Error references the corporate entity, Church of Jesus Christ Christian Aryan Nations of Missouri.

Lindstedt's Sixth Assignment of Error references the corporate entity, Church of Jesus Christ Christian Aryan Nations of Missouri.

Lindstedt's Seventh Assignment of Error references the corporate entity, Church of Jesus Christ Christian Aryan Nations of Missouri.

Lindstedt's Eighth Assignment of Error references the corporate entity, Church of Jesus Christ Christian Aryan Nations of Missouri. Specifically, he states, the "trial court erred in deliberately denying Defendant(s) [plural emphasis added] Pastor Lindstedt and Lindstedt's Aryan Nations Church their chance." Lindstedt is not legally permitted to advocate on behalf of his church yet he obviously does so and he clearly intends this Court to consider issues for the corporate entity Church of Jesus Christ Christian Aryan Nations of Missouri.

Lindstedt's Ninth Assignment of Error references the corporate entity, Church of Jesus Christ Christian Aryan Nations of Missouri and states that Plaintiff-Appellee should not have been allowed to initiate an action against the corporate entity.

Lindstedt's very Notice of Appeal and Amended Notice of Appeal specifically state that he is naming the corporate entity, Church of Jesus Christ Christian Aryan Nations of Missouri, as an Appellant, and that he is appearing on their behalf. [see Lindstedt's Amended Notice of Appeal]

Defendant's Amended Appeal begins "Comes Now the current Defendant/Appellant Pastor Martin Lindstedt (hereinafter described as "Pastor Lindstedt") along with Defendant/Appellant The Church of Jesus Christ Christian Aryan Nations of Missouri."

APPELLANT LINDSTEDT SHOULD BE SANCTIONED FOR UNAUTHORIZED PRACTICE OF LAW BY HAVING HIS APPEAL DISMISSED IN ITS ENTIRETY.

Lindstedt has filed a notice of appeal and a brief on behalf of a corporate co-defendant which he maintained at trial was and is his alter ego, stating , "I am the church" and he has declared his intention to maintain litigation in propria persona on behalf of this corporation, after being repeatedly warned and sanctioned with the striking of pleadings for unauthorized practice of law in various courts, including within the last two months. The most appropriate remedy at this stage is to dismiss the entire appeal, in toto, as a sanction, and put an end to this matter.

Lindstedt has a persistent history of unauthorized practice of law and has been put on more than ample notice that such is not permissible in Ohio. Lindstedt's Appeal should be dismissed in toto as a sanction for continued unauthorized practice of law. See attached Exhibit 1 [order from Lake County Court of Common Pleas regarding unauthorized practice of law], Exhibit 2 [order from Northern District of Ohio regarding unauthorized practice of law], in regards to Lindstedt. See also Exhibit 3, [Magistrate's Report and Recommendation to strike Lindstedt's abusive/frivolous pleading, ND Ohio 1:19-CV-02589-CAB, Doc. 11]

Appellant Lindstedt has engaged in unauthorized practice of law by filing a brief advancing assignments of errors on behalf of Church of Jesus Christ Christian Aryan Nations of Missouri, he has engaged in highly abusive and inflammatory language, he has consistently failed to cite to the record in any meaningful context within his rambling and largely incoherent appeal, and some of his assignments of errors indecipherable, patently frivolous, and plainly lacking in merit such as arguments about his supposed to right to exclude blacks from the jury based on their race.

APPELLANT LINDSTEDT SHOULD ADDITIONALLY BE SANCTIONED FOR THE HIGHLY INFLAMMATORY AND FRIVOLOUS NATURE OF HIS BRIEF.

There is absolutely nothing of merit or substance to Appellant's Brief, the entire brief is scandalous and inflammatory in addition to being incoherent and absurd to the point that it is not possible to meaningfully respond to the assignments of errors. Nor should this Court allow judicial resources to be allocated and used giving consideration to a blatantly abusive and frivolous appeal.

Ranting that “Reo is a non-white homosexual” [Appellant’s Brief Pg. 4] is complete and utter nonsense and it is beneath the dignity of this Court to have to review such an appeal and beneath the dignity of Appellee to have to respond to.

Threatening Ohio and this Court with “civil war” is improper and absurd and merits no response.” [Appellant’s Brief Pg. 5]

Referring to the trial as a “corrupt farce of a trial” is improper and absurd and merits no response.” [Appellant’s Brief Pg. 5]

Referring to Appellee as a “homosexual part-Jew mongrel” is improper and absurd and merits no response. [Appellant’s Brief Pg. 6]

Again threatening Ohio and this Court with “civil war” is improper and absurd and merits no response. [Appellant’s Brief Pg. 6]

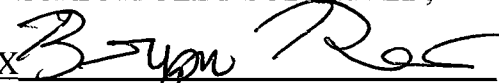
Again referring to Appellee as a “homosexual mongrel” is improper and absurd and merits no response.” [Appellant’s Brief Pg. 6]

Those are simply some of the more choice quotes from the first six pages. The remainder of the Appellant’s Brief varies between more of the same and even gets worse.

There is nothing in Appellant's Brief that should be dignified with a response by Appellee or given consideration and review by this Court. Lindstedt's Brief [even his very Notice of Appeal] constitutes unauthorized practice of law on behalf of the corporate entity, Church of Jesus Christ Christian Aryan Nations of Missouri. Additionally the very substance of the Appellant's Brief is highly inflammatory insulting rhetoric, sexual and racial slurs, and improper threats of civil war and violence against this Court and Lake County in general.

Appellee's motion should be granted and Appellant's appeal should be dismissed for unauthorized practice of law, non-compliance with the Rules of Appellate Procedure, non-compliance with the Local Rules, and the replete use of abusive language. In the alternative Lindstedt's Brief should be stricken.

RESPECTFULLY SUBMITTED,

X 

REO LAW LLC

By: Bryan Anthony Reo (#0097470)

P.O. Box 5100

Mentor, OH 44061

(Business): (216) 505-0811

(Mobile): (440) 313-5893

(E): Reo@ReoLaw.org

Attorney and Pro Se Appellee

Certificate of Service

I, Bryan Anthony Reo, do hereby certify that a true and genuine copy of this Appellee's Motion to Dismiss Appeal has been dispatched by United States regular mail, postage prepaid to the Defendant at:

Martin Lindstedt
338 Rabbit Track Road
Granby, Missouri 64844

On this 10 day of December 2019

X

Bryan Reo

Exhibit 1

FILED

2016 JUN 21 P 2:44

IN THE COURT OF COMMON PLEAS

LAKE COUNTY, OHIO

BRYAN ANTHONY REO)
Plaintiff,)
)
vs.)
)
THE CHURCH OF JESUS CHRIST)
CHRISTIAN/ARYAN NATIONS OF)
MISSOURI, et al.)
Defendants.)
)

CASE NO. 16 CV 000825

JOURNAL ENTRY

June 21, 2016

This matter is presented to address the motion of plaintiff Bryan Anthony Reo to strike the answer and counterclaims filed by defendant Martin Lindstedt on behalf of defendants Roxie Fausnaught and The Church of Jesus Christ Christian/Aryan Nations of Missouri. No opposition was filed by either defendant.

Courts in Ohio have "consistently held * * * an individual, including a corporate officer, who is not an attorney, may not appear in court or maintain litigation in propria persona on behalf of a corporation." *Smith v. Mighty Distributing of S. W., PA, Inc.*, 11th Dist. No.2004-T-0056, 2005-Ohio-1689, at ¶ 10, citing to *Union Sav. Assn. v. Home Owners Aid, Inc.* (1970), 23 Ohio St.2d 60, 262 N.E.2d 558, syllabus; *Harvey v. Austinburg Dev. Corp.*, 11th Dist. No.2006-A-0044, 2007-Ohio-3025, at ¶ 5. See, also, *Sheridan Mobile Village, Inc., v. Larsen* (1992), 78 Ohio App.3d 203, 205, 604 N.E.2d 217. Any filing by a non-attorney on a corporation's behalf constitutes litigation and if filed by individual on behalf of a corporations is a nullity and subject to being stricken from the record. *Union Sav.* at 64, 262 N.E.2d 558.

The same applies when a non-attorney seeks to represent another individual. "The unauthorized practice of law is the rendering of legal services for another by any person not admitted to practice in Ohio under Rule I and not granted active status under Rule VI, or certified under Rule II, Rule IX, or Rule XI of the Supreme Court Rules for the Government of the Bar of Ohio.' Gov.Bar R. VII(2)(A)." *Dayton Bar Assn. v. Stewart*, 116 Ohio St. 3d 289, 291, 2007-Ohio-6461, ¶ 8, 878 N.E.2d 628, 630.

Lindstedt can file no pleading on behalf of nor can he provide counsel to Roxie

JOURNALIZED

Fausnaught and The Church of Jesus Christ Christian/Aryan Nations of Missouri . By doing so he is engaging in the unauthorized practice of law, a practice this court cannot allow.

To the extent the May 4, 2016 answer and counterclaim attempts to assert an answer and counterclaim on behalf of Roxie Fausnaught and The Church of Jesus Christ Christian/Aryan Nations of Missouri , the same is ordered stricken as to each of these defendants.

IT IS SO ORDERED.



RICHARD L. COLLINS, JR.
Judge of the Court of Common Pleas

Copies:

Bryan Reo, Plaintiff *pro se*

Martin Lindstedt, Defendant *pro se*

Roxie Fausnaught, Defendant

The Church of Jesus Christ Christian/Aryan Nations of Missouri, Defendant

Exhibit 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRYAN ANTHONY REO, <i>Pro Se</i> ,)	Case No.: 1:19 CV 2103
)	
Plaintiff)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
MARTIN LINDSTEDT, <i>Pro Se</i> ,)	
)	
Defendant)	<u>ORDER</u>

Currently pending before the court in the above-captioned case are three motions filed by Defendant Martin Lindstedt (“Defendant”): Motion for Extension of Time to Answer Plaintiff’s Complaint (“Motion for Extension”) (ECF No. 8), Motion to Consolidate Four Related Cases from the Lake County Court (“First Motion to Consolidate”) (ECF No. 9), and Renewed Motion to Consolidate Four Related Cases from the Lake County Court (“Second Motion to Consolidate”) (ECF No. 14). Also before the court are several motions filed by Plaintiff Bryan Reo (“Plaintiff”): Motion to Strike Defendant’s Proposed Notice of Removal (“First Motion to Strike”) (ECF No. 11), Motion to Strike Defendant’s Filings (“Second Motion to Strike”) (ECF No. 12), and Motion to Strike Defendant’s Amended Answer and Counterclaims (“Third Motion to Strike”) (ECF No. 16).

For the following reasons, the court grants Defendant’s Motion for Extension; the court denies both of Defendant’s Motions to Consolidate and therefore denies as moot Plaintiff’s First Motion to Strike; the court grants in part and denies in part Plaintiff’s Second Motion to Strike; and the court grants Plaintiff’s Third Motion to Strike.

I. BACKGROUND

Plaintiff sued Defendant in the Court of Common Pleas of Lake County on August 12, 2019. (Compl., ECF No. 1-1.) The Complaint asserts state law tort claims, including defamation per se, false light, and libel, for various statements Defendant allegedly published online. (*Id.* ¶¶ 7–24.) These statements include assertions that Plaintiff, a lawyer who resides in Lake County, Ohio, has engaged in unprofessional conduct, vexatious litigation, immoral behavior, and potentially corrupt and criminal actions. (*Id.*) Although Defendant resides in Missouri, Plaintiff asserts that Ohio courts have personal jurisdiction because Defendant published statements on the internet to the general public and, in some instances, traveled to Ohio to confront Plaintiff in person. (*Id.* ¶ 5.)

Defendant removed the case to this court on September 12, 2019. (ECF No. 1.) On September 26, 2019, after Defendant failed to file a timely Answer, Plaintiff applied for a default judgment. (ECF No. 7.) Four days later, Defendant filed a document labeled “A Quick Answer/Pleading” and also requested “additional time to make a more thorough amended answer.” (Def.’s Answer & Mot. Extension, ECF No. 8.) Defendant later filed an Amended Answer with Counterclaims (ECF No. 15) on October 17, 2019.

Between his initial “Quick Answer” and the amended version, Defendant also filed two Motions to Consolidate with other actions pending in Lake County court.¹ (First Mot. Consolidate, ECF No. 9; Second Mot. Consolidate, ECF No. 14.) These other cases involve allegations against Defendant brought by Plaintiff’s wife and father. Defendant also filed a request for permission to use the court’s electronic filing system (ECF No. 4), which Plaintiff opposes. (Pl.’s Opp’n, ECF No. 10.)

¹ Defendant also filed a motion (ECF No. 13) that was unsigned and appears to be an incomplete draft of Defendant’s Second Motion to Consolidate. The court construes Defendant’s Second Motion to Consolidate as superceding and replacing the earlier incomplete draft. Accordingly, the unsigned motion (ECF No. 13) is denied as moot.

Plaintiff has filed three Motions to Strike. The First Motion asks the court to strike Defendant's "Proposed Notice of Removal" for the case brought by Plaintiff's wife because "Defendant has not filed a proper notice of removal, and the filing fee of \$400 has not been paid, and no notice has been filed with Lake County Court of Common Pleas." (Pl.'s First Mot. Strike at 1, ECF No. 11.) Plaintiff's Second Motion asserts that the court should strike several filings because they are "scandalous, abusive, irrelevant, immaterial, legally insufficient, or otherwise" under Federal Rule of Civil Procedure 12(f). (Pl.'s Second Mot. Strike at 1, ECF No. 12.) Similarly, the Third Motion moves to strike Defendant's Amended Answer and Counterclaims as scandalous and abusive. (Pl.'s Third Mot. Strike at 1-3, ECF No. 16.)

II. LAW AND ANALYSIS

A. Removal

Before addressing the merits of the parties' various motions, the court notes that it has jurisdiction over this matter. Removal from state court to federal court is proper for "any civil action brought in a [s]tate court of which the district courts of the United States have original jurisdiction." 28 U.S.C. § 1441(a). Federal district courts have original jurisdiction over "federal question" cases, which implicate questions "arising under the Constitution, laws or treaties of the United States." 28 U.S.C. § 1331. Federal district courts also have original jurisdiction over "civil actions where the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different states." 28 U.S.C. § 1332(a).

Defendant properly removed the case to this court. (ECF No. 1.) While federal question jurisdiction is lacking because Plaintiff's well pleaded Complaint contains only state law tort claims, Defendant has correctly asserted diversity jurisdiction. (*See* Compl. ¶¶ 2-3, 24, ECF No. 1-1.) Notably, Plaintiff has not challenged Defendant's removal notice or this court's jurisdiction.

B. Defendant's Answer and Motion for Extension of Time

While Defendant properly removed this action on September 12, 2019, he did not file a timely Answer. Pursuant to Federal Rule of Civil Procedure 81(c), Defendant had until September 19, 2019, to answer the Complaint. He failed to do so. Instead, on September 30, 2019, Defendant filed a document labeled "A Quick Answer/Pleading," in which he "denie[d] all damages and allegations" and asked the court to reject Plaintiff's application for default judgment. (Def.'s Answer & Mot. Extension at 2, ECF No. 8.) Defendant also requested "additional time to make a more thorough amended answer." (*Id.* at 1.) Defendant did not specify how much time he needed, but he eventually filed an Amended Answer (ECF No. 15) on October 17, 2019. The court hereby grants Defendant's Motion for Extension of Time to File an Amended Answer, which he has already filed.

C. Defendant's Motions to Consolidate

Both of Defendant's Motions to Consolidate are without merit and must be denied. To the court's knowledge, the other cases Defendant wants to consolidate remain pending in the Court of Common Pleas of Lake County. The Federal Rules of Civil Procedure provide a process for removing a case to federal court. It is the same process Defendant used to remove the present action. If Defendant wants to combine the other cases into a single action before this court, he can do so only by first removing those cases, including paying the applicable fees, and then moving to consolidate them before this court once they are properly removed. The court would then consider whether consolidation is appropriate. Therefore, Defendant's Motions to Consolidate (ECF Nos. 9 and 14), which attempt to circumvent the Federal Rules of Civil Procedure, are hereby denied.

D. Plaintiff's Motions to Strike

Federal Rule of Civil Procedure 12(f) provides, in relevant part, that "[t]he court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous

matter.” Fed. R. Civ. P. 12(f). Courts wield broad discretion when deciding such motions. *See Malibu Media, LLC v. Doe*, No. 1:14-CV-2293, 2015 WL 5730756, at *2 (N.D. Ohio Sept. 29, 2015). However, motions to strike are generally disfavored because, given “the practical difficulty of deciding cases without a factual record[,] . . . [i]t is a drastic remedy to be resorted to only when required for the purposes of justice.” *See Brown & Williamson Tobacco Corp. v. United States*, 201 F.2d 819, 822 (6th Cir. 1953) (citations omitted). Thus, courts may choose to grant parties leave to amend their deficient pleadings rather than strike them. *Revolaze, LLC v. Target Corp.*, No. 1:17-CV-2417, 2018 WL 8838853, at *1 (N.D. Ohio July 31, 2018). Nonetheless, courts retain “liberal discretion” to strike filings as they deem appropriate. *See In re Keithley Instruments, Inc.*, 599 F. Supp. 2d 908, 911 (N.D. Ohio 2009) (citation omitted).

Plaintiff’s First Motion to Strike (ECF No. 11) is moot because it relates to Defendant’s First Motion to Consolidate, which the court has already denied. Accordingly, the court denies as moot Plaintiff’s First Motion to Strike.

Next, the court grants in part and denies in part Plaintiff’s Second Motion to Strike (ECF No. 12). In the Second Motion, Plaintiff asks the court to strike all of Defendant’s filings made on or before October 2, 2019, which includes Defendant’s First Motion to Consolidate (ECF No. 9) and his combined “Quick Answer” and Motion for Extension (ECF No. 8). The court denies as moot Plaintiff’s Motion insofar as it relates to Defendant’s First Motion to Consolidate and Motion for Extension, since the court has already denied those Motions. Further, the court declines to strike Defendant’s “Quick Answer” in its entirety. It is one of Defendant’s most relevant and appropriate filings to date, and it responds to Plaintiff’s arguments—albeit in cursory fashion—by “den[ying] all damages and allegations” made by Plaintiff. (Def.’s Answer & Mot. Extension at 2, ECF No. 8.) But the court grants Plaintiff’s Second Motion to the extent it asks the court to strike Defendant’s

assertion that he represents not only himself but also his Church of Jesus Christ Christian/Aryan Nations of Missouri. Ohio law forbids a non-lawyer like Defendant from representing a corporate entity. *See Disciplinary Counsel v. Givens*, 832 N.E.2d 1200, 1202 (Ohio 2005). Accordingly, the court strikes all suggestions that Defendant represents any person or entity other than himself.

Finally, the court grants Plaintiff's Third Motion to Strike (ECF No. 16). Defendant's Amended Answer and Counterclaims (ECF No. 15) consist of rambling, largely irrelevant arguments, which are rife with personal insults and racial slurs. Defendant seeks to join a number of parties: (1) Plaintiff's wife and father, Stefani Rossi Reo and Anthony Domenic Reo; (2) three individuals, Kyle Bristow, Brett Klimkowsky, and William Finck, who Defendant describes as Plaintiff's "provacateur" co-conspirators; (3) the Court of Common Pleas of Lake County and Lake County Judge Patrick Condon; (4) the State of Ohio; and (5) the United States Government. Defendant also maintains that his Church of Jesus Christ Christian/Aryan Nations of Missouri is a party to this action. But each of these parties, and the claims Defendant purports to bring against them, are irrelevant to Plaintiff's tort action. More importantly, the arguments throughout the Amended Complaint and Counterclaims are offensive and plainly lack merit.

Although striking a party's pleading is a drastic action, it is appropriate in this instance. Accordingly, the court exercises its broad discretion and strikes Defendant's Amended Answer and Counterclaims (ECF No. 15). Thus, following this Order, the record contains Defendant's initial "Quick Answer" but no other responsive pleading. The court orders Defendant to file an appropriate Amended Answer that responds to Plaintiff's Complaint within fourteen (14) days from the date of this Order. If Defendant fails to do so, this action will proceed on the basis of his bare-bones "Quick Answer."

E. E-Filing Request

Defendant requests permission to use this court's electronic filing system. Plaintiff opposes this request and argues that Defendant will abuse the filing system if given permission. In support, Plaintiff points to Defendant's voluminous filings in previous litigation. (See ECF Nos. 10, 16-2, and 16-3.) Local Rule 5.1(c) provides in relevant part:

While parties and pro se litigants may register to receive "read only" electronic filing accounts so that they may access documents in the system and receive electronic notice, typically only registered attorneys, as Officers of the Court, will be permitted to file electronically. The Judicial Officer may, at his or her discretion, grant a pro se litigant who demonstrates a willingness and capability to file documents electronically permission to register to do so.

After considering the content of Plaintiff's filings to date, the court is not persuaded that electronic filing is appropriate. Accordingly, the court denies Plaintiff's request for electronic filing privileges.

III. CONCLUSION

For the foregoing reasons, the court denies Defendant's First and Second Motions to Consolidate (ECF Nos. 9 and 14); denies as moot Defendant's Unsigned Motion (ECF No. 13) and Plaintiff's First Motion to Strike (ECF No. 11); grants in part and denies in part Plaintiff's Second Motion to Strike (ECF No. 12); and grants Defendant's Motion for Extension (ECF No. 8) and Plaintiff's Third Motion to Strike (ECF No. 16). Further, the court declines to grant Defendant electronic filing privileges. Consistent with this Order, Defendant has fourteen (14) days in which to file an appropriate Amended Answer.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

November 15, 2019

Exhibit 3

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRYAN ANTHONY REO,)	Case No. 1:19-cv-2589
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	MAGISTRATE JUDGE
)	THOMAS M. PARKER
MARTIN LINDSTEDT,)	
)	
Defendant.)	<u>REPORT & RECOMMENDATION¹</u>
)	

On November 14, 2019, Plaintiff Bryan Anthony Reo (“Reo”) filed a motion for more definite answer (ECF Doc. 7) and a motion to strike Defendant Martin Lindstedt’s (“Lindstedt”) answer and counterclaim. ECF Doc. 8. Reo claims that he is unable to properly respond to Lindstedt’s counterclaim and that Lindstedt’s filing is abusive, scandalous, irrelevant and immaterial. Lindstedt has not responded to Reo’s motion to strike and his time to file an opposition memorandum has now expired under Local Rule 7.1(d). Because Lindstedt’s answer and counterclaim do not comply with Fed. R. Civ. P. 8 and because they contain insufficient defenses and redundant, immaterial, impertinent and scandalous matter, the undersigned hereby recommends that the court GRANT plaintiff’s unopposed motion to strike (ECF Doc. 8), require

¹ I submit this report and recommendation because Reo’s motion to strike is dispositive of Lindstedt’s attempted answer and counterclaim. *Ruffin v. Frito-Lay, Inc.*, no. 09-cv-14664, 2010 U.S. Dist. LEXIS 66268, 2010 WL 2663185, at *1 (E.D. Mich. June 10, 2010); *Del-Nat Tire Corp. v. A to Z Tire & Battery, Inc.*, no. 09-2457, 2009 U.S. Dist. LEXIS 114337, 2009 WL 4884435, at *2 (W.D. Tenn. Dec. 8, 2009); *Specialty Minerals, Inc. v. Pluess-Staufner AG*, 395 F. Supp. 2d 109, 111 (S.D.N.Y. 2005) (“motion to strike an affirmative defense is clearly ‘dispositive of a ... defense of a party.’”); *United States v. Davis*, 794 F. Supp. 67, 68 (D.R.I.1992) (“[a]n order striking affirmative defenses is dispositive of those defenses ...”).

defendant to file his pleading in accordance with the Federal Rules of Civil Procedure, and to DENY, as moot, plaintiff's motion for a more definite statement. ECF Doc. 7.


This case was removed from Lake County Court of Common Pleas to this court on November 5, 2019. On November 14, 2019, Lindstedt filed an "answer, counterclaim" against Brian Reo. ECF Doc. 6. Lindstedt's lengthy filing contains many derogatory terms and insults directed at plaintiff, his family and other unrelated individuals. This matter was referred to the undersigned for pretrial supervision on November 26, 2019. ECF Doc. 10.

Reo argues that he is unable to determine what claims, if any, Lindstedt's purported counterclaim attempts to assert against him. ECF Doc. 7. He also argues that Lindstedt's answer and counterclaim contain scandalous and immaterial material. Fed. R. Civ. P. 12(f) permits the court to strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The majority of Lindstedt's answer and counterclaim contain the very type of material described in Fed. R. Civ. P. 12(f). And, as stated in Reo's supplemental authority (ECF Doc. 9), Judge Oliver also recently struck a similar answer and counterclaim filed by Lindstedt in case 1:19 cv 2103. Upon due consideration of Reo's unopposed motion to strike, I find that it is well taken and should be granted.

I recommend that the Court GRANT Reo's motion to strike (ECF Doc. 8) and require Lindstedt to file an answer that complies with Fed. R. Civ. P. 8 containing a short and plain statement of his grounds for relief and his defenses to Reo's claims, minus the redundant, immaterial, impertinent and scandalous statements asserted in his original pleading. Should Lindstedt not file a proper answer within 14 days of the court's order, an award of default judgment against Lindstedt may be warranted. Finally, I recommend that the Court DENY, as moot, plaintiff's motion for a more definite statement. ECF Doc. 7.

IT IS SO ORDERED.

Dated: December 10, 2019


Thomas M. Parker
United States Magistrate Judge

OBJECTIONS

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days after being served with a copy of this document. Failure to file objections within the specified time may waive the right to appeal the District Court's order. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).