

**IN THE CIRCUIT COURT OF THE COUNTY OF NEWTON
STATE OF MISSOURI**

BRYAN ANTHONY REO,

Case No. 19NW-CV01809

Plaintiff,

Hon. Gregory Stremel

v.

MARTIN LINDSTEDT,

Defendant.

BRYAN ANTHONY REO

MARTIN LINDSTEDT

By: Bryan Anthony Reo (#0097470)

338 Rabbit Track Road

P.O. Box 5100

Granby, MO 64844

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Pro se Defendant

Pro Se Plaintiff & Ohio Attorney

**PLAINTIFF'S BRIEF IN OPPOSITION TO
DEFENDANTS' MOTION TO STAY EXECUTION**

Plaintiff Pro Se, Bryan Anthony Reo, hereby provides this Honorable Court and Defendants Martin Lindstedt and Church of Jesus Christ Christian Aryan Nations of Missouri¹, Plaintiff's Brief in Opposition to Defendants' Motion to Stay Execution. For the reasons that

¹ Defendants are Martin Lindstedt and Church of Jesus Christ Christian Aryan Nations of Missouri, a duly registered corporate entity that is a registered 501c3. The corporation purports to be represented by Martin Lindstedt who is not a licensed attorney in Missouri or any jurisdiction and therefore may not engage in the practice of law on behalf of a corporate entity. A natural person ordinarily is entitled to appear and assert claims on his own behalf in Missouri's courts, but a corporation may appear only through an attorney licensed or admitted to practice in Missouri by the Supreme Court. *Naylor Senior Citizens Hous., LP v. Side Const. Co.*, 423 S.W.3d 238 (Mo. 2014)

follow, Defendant's motion is frivolous and fatally defective. Defendants' requests for relief should be denied *in toto* and there should be no stay of execution for any reason.

The United States Constitution requires "full faith and credit" be given by any state to a duly issued judgment from a sister state. Article IV Sec 1, United States Constitution. Missouri Rule of Civil Procedure- 74.14(d)(1), Uniform Enforcement of Foreign Judgments, provides for domestication and recognition of foreign judgments issued by sister states. The statute requires, in relevant part, that a stay of execution may only be granted for the purpose of appeal if security for satisfaction of the judgement is furnished in the state where the judgement was entered:

(d) Stay.

(1) If the judgment debtor shows the circuit court that an appeal from the foreign judgment is pending or will be taken or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated ***upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the state in which it was entered.***

The Circuit Court may only stay the judgment in this circumstance. Moreover, Ohio requires posting a supersedeas bond in the amount of the entire judgment, in addition to expected post-judgment interest, to stay execution during the pendency of an appeal taken from the judgment. Defendants have ignored and overlooked the last portion of the statute Lindstedt cited to, the portion requiring proof of the furnishing of the security. Therefore, Defendants' motion is *per se* a legal nullity because it was filed by a pro se non-attorney on behalf of a corporate defendant [which is unauthorized practice of law] and the individual natural person defendant Mr. Lindstedt made no mention and offered no proof of having posted a security in Ohio.

Nor do the rules of the State of Ohio provide recourse to Defendants. Ohio Civil Rule 62(A) provides that- **Stay on motion after judgment.** *In its discretion and on such conditions for the security of the adverse party as are proper, the court may, upon motion made any time after judgment, stay the execution of that judgment or stay any proceedings to enforce the judgment until the time for moving for a new trial under Civ.R. 59, moving for relief from a judgment or order under Civ.R. 60, moving for judgment notwithstanding the verdict under Civ. R. 50, or filing a notice of appeal, and during the pendency of any motion under Civ.R. 50, Civ.R. 59, or Civ.R. 60. 60, or of a motion for judgment notwithstanding the verdict made pursuant to Rule 50. ...*

Ohio Civil Rule 62(B) provides that a stay may be granted during the pendency of an appeal after the posting of a **supersedeas bond** and the approval of said bond by the trial court.

Stay upon appeal. *When an appeal is taken the appellant may obtain a stay of execution of a judgment or any proceedings to enforce a judgment by giving an adequate **supersedeas bond**. The bond may be given at or after the time of filing the notice of appeal. The stay is effective when the supersedeas bond is approved by the court.*

Mr. Lindstedt is subject to a \$105,400.00 [one hundred and five thousand four hundred dollar] judgment duly entered by the Lake County Court of Common Pleas in Lake County Ohio, with said judgment resulting from a jury verdict returned in favor of Plaintiff against Defendant. Mr. Lindstedt has offered no evidence that he has posted a bond in the amount of \$105,400.00 dollars with the Lake County Court of Common Pleas, and indeed to date he has not posted any bond with any court. Mr. Lindstedt is not entitled to a stay, either through Ohio Rule 62, Missouri Rule 74.14, or by any rule.

Neither Defendant has offered any proof that they have posted a bond in the amount of \$105,400.00 dollars with the Lake County Court of Common Pleas, let alone that said bond has been posted and accepted, for the simple reason that this has not occurred. Indeed, neither Defendant has posted the required bond.

Because neither Defendant has posted a bond with the trial court in Lake County Court of Common Pleas, as required by the relevant Rules of Civil Procedure, neither Defendant is entitled to have the execution of the judgment stayed during the pendency of the appeal that Defendant Martin Lindstedt has recently filed in the 11th Appellate District in the State of Ohio. Missouri law clearly requires that in order to stay the execution the judgment debtor must comply with the rules of the foreign state that rendered the judgment in regards to posting security for the judgement. Mr. Lindstedt is not in compliance. Thus, his motion is *per se* a legal nullity.

Additionally, Mr. Lindstedt has not ordered the transcripts of the record on appeal, he has stated he will not do so [it would cost approximately \$2,500.00 to order the transcripts], and Mr. Lindstedt's main assignment of error for review by the appellate court is that-

“African juror forced upon jury. Judge Condon and Bryan Reo, did not allow a peremptory challenge by Pastor Lindstedt of the one lone African female in the jury pool. Pastor Lindstedt knew that African negroes are worse than American negroes because they come to this country to live off the White Man without the spurious notion of being owed for slavery & racism stuff.”²

² Defendants' Rule 59(B) Motion for judgment to set aside- jury verdict and judgment and to have judgment entered in favor of defendants Pastor Linstedt and the The Church of Jesus Christ Christian/Aryan Nations of Missouri in the alternative motion for new trial by less biased jury. Filed 7/29/2019 by Defendant in 15CV001590 in Lake County Court of Common Pleas. Pg 7, p 1.

Mr. Lindstedt's attempt to contest the validity of a jury verdict – rendered by a properly impaneled jury that contained one black member and seven white members – on the basis that one of the jury members was black, is a patently and obviously racist and frivolous appeal that will not succeed. In short, Mr. Lindstedt's appeal has no expectation, let alone any reasonable expectation, of success.

Mr. Lindstedt is not entitled to have the judgment stayed during the pendency of his frivolous appeal before Ohio's 11th Appellate District. He has not posted the bond as required by Ohio and Missouri law. He seems to misunderstand and generally ignore requirements that he comply with the foreign state's procedures for staying a judgment during the pendency of appeal. He is not in compliance with Ohio's requirement of an offer of bond and acceptance by the Ohio trial court of said bond. Mr. Lindstedt has never offered to post a \$105,400.00 dollar bond and has provided no proof of his offer of the bond and the acceptance of the bond by Lake County Court of Common Pleas in Lake County Ohio, or to any other court.

For these reasons, Plaintiff prays that this honorable court summarily DENY Defendants' motion. Defendants' motion should be denied and nothing should be stayed in regards to the enforcement and collection on the judgment.

Respectfully submitted

/S/ BRYAN ANTHONY REO
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Certificate of Service

I, Bryan Reo, do hereby certify that a true and genuine copy of the foregoing has been dispatched by United States Postal Service regular first class mail to the Defendants at:

Martin Lindstedt
338 Rabbit Track Road
Granby, Missouri 64844

Church of Jesus Christ Christian/Aryan Nations of Missouri
338 Rabbit Track Road
Granby, Missouri 64844

On this 19 day of AUGUST. 2019

/S/ BRYAN ANTHONY REO
