

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

BRYAN ANTHONY REO	:	Case #- 2019-L-073
	:	Case #- 2019-L-074
Appellee,	:	
vs.	:	
MARTIN LINDSTEDT et al.	:	<u>APPELLEE’S MOTION TO</u>
	:	<u>DISMISS APPEAL OR TO</u>
Appellant.	:	<u>STRIKE APPELLANT’S</u>
	:	<u>BRIEF</u>
	:	
	:	

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

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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 his general failure to cite to the record, his failure to cite properly and with clear specificity when he does cite, in his Assignment of Errors and Brief (“Appellant’s Brief”), filed April 14, 2020. Additionally Appellant 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], after having had his first brief stricken by this Court for Unauthorized Practice of Law, and for abusive language.

The Appellant’s conduct is particularly egregious in light of this Court having previously stricken Appellant’s first brief, filed 12/7/2019 and stricken 3/5/2020, for, among other reasons, unauthorized practice of law and because the Appellant’s brief was rife with abusive language.

Further Appellant’s brief 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.

Appellant previously had his brief in the instant appeal stricken on 3/5/2020 with a warning not to attempt to represent Church of Jesus Christ Christian Aryan Nations of Missouri, with an additional further warning on 3/23/2020 when Appellant was granted an extension of time.

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 first appellate brief, in the instant appeal which this Court struck from the record on March 5, 2020 with the caution that Appellant file a conforming brief, citing to the record, refraining from abusive/offensive language, and not attempting to engage in unauthorized practice of law. Appellant's present brief is largely more of the same as his first brief, with the notable changes that he has made some slight improvements by making a handful of cursory [albeit defective] citations to the records and although Appellant has moved on from his more vulgar sexual remarks remarks he has switched to biological terrorist threats, declarations that he will bring "civil war" upon this Court, and outright racial

slurs [repeated use of the N-word]. In short, Appellant's conduct is a direct challenge to the orders issued by this Court to refrain from abusive language.

Most of Appellant's assignments of error contain no citations to the record and are mere rhetorical argument. Appellant's First Assignment of Error does not contain one single citation to the record and only cites once to the trial docket to Appellee's complaint, but does not attempt to show what is allegedly wrong with the complaint or what is being appealed from that complaint.

The handful of citations in the Second Assignment of Error do not cite to the paragraph or the actual page of the trial transcripts with the specificity needed for Appellee to know where in the record to go because it isn't clear what is being referenced, it is not specific. There are three volumes of transcripts, and Appellant is not clear as to which volume, or day of the trial, he cites to.

It isn't clear what basis, if any, exists for Appellant's appeal. It isn't clear what his Assignments of Error are since they are not concise statements that succinctly and precisely summarize the issue presented for appeal. Most of his assignments of error are multiple paragraph rants that take up half a page or more [single spaced] and are simply incoherent walls of nonsensical text. It is offensive to basic theories of due process rights to compel Appellee to attempt to try to makes sense of the incomprehensible, threatening, and offensive gibberish being articulated by Appellant and to try to construct answers/arguments to unclear and vague assignments of errors that Appellant might be raising. It isn't clear what Appellant wants or what the basis is for the relief he purports to seek. "Reo is a homosexual mongrel of negro ancestry

and I don't like him and there shouldn't have been a black woman on the jury" isn't the basis for an appeal and Appellee shouldn't have to delve into a 35 page incoherent rant to try to formulate Appellant's arguments for Appellant and then respond to what those arguments might be. It is appellant's responsibility to clearly summarize his issues in his Assignments of Errors and succinctly provide the basis for each assignment, citing to the record and relevant authority.

Appellee now moves that Appellant's Appeal be dismissed, and for the reasons which follow, the Appeal should be dismissed in its entirety.

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.

Most importantly, Appellant was warned twice in the instant appeal, on 3/5/2020 and 3/23/2020 that he would not be permitted to engage in unauthorized practice of law. He declares in the title block that his document is on behalf of the Church of Jesus Christ Christian Aryan Nations of Missouri (“Aryan Church”) and states his intent to litigate on their behalf. He raises arguments on behalf of the alleged interests of Aryan Church throughout his appellate brief.

“Pastor and his Aryan Nations Church.” (pg. 7)

“trying to form a jury which would rule against the open White Supremacist and his Aryan Nations Church.” (pg. 9)

Appellant contends that the “trial court never had jurisdiction” over the Aryan Church (pg. 10)

Appellant accuses the legal system of “draining Pastor Lindstedt and Lindstedt’s Aryan Nations Church” of their property. (pg. 15)

Appellant attempts to raise issues about the “First Amendment rights” of the Aryan Church (pg. 18)

Appellant raises a muddled assignment of error that references the Aryan Church allegedly being punished (pg. 18 Sixth Assignment of Error)

Appellant raises issues with his Aryan Church allegedly being defamed by Appellee (pg. 21)

Appellant explicitly seeks relief on behalf of the Aryan Church, “Church of Jesus Christ Christians Aryan Nations must be released...” (pg. 27)

Appellant states he appeals from the verdict rendered on June 26, 2019 including the verdict of \$400 as to the Aryan Church. “There was a corrupt farce of a trial from 24-26 June 2019 wherein a Lake County Lynch Mob jury assessed \$105,000 against Pastor Lindstedt and \$400 against Lindstedt’s Church. This appeal is from that verdict.” (pg.34)

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 and raises jurisdictional arguments on behalf of that entity.

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 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]

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 four months. Lindstedt has been twice warned by this Appellate Court to refrain from attempting to advocate on behalf of the Church of Jesus Christ Christian Aryan Nations of Missouri on two occasions, 3/5/2020 and 3/23/2020, in the last 6 weeks. Lindstedt even signs the signature line on behalf of the Church of Jesus Christ Christian Aryan Nations of Missouri and includes them as an additional appellant in the title block of the document and captions the document on their behalf as well.

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.

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 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” and “biowarfare pathogen strikes” is improper and absurd and merits no response.” [Appellant’s Brief Pg. 2] In light of the COVID-19 situation, it is highly inflammatory and potentially a terroristic threat for Appellant to threaten a county and its courts to be subjected to “biowarfare strikes.”

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

Appellant refers to “homosexual jew mongrels of negroid descent.”. [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. 7]

Appellant repeatedly uses the word “nigger” to describe Appellee (pg. 16, pg. 17). It is beneath the dignity of Appellee to have to acknowledge such insults, let alone cite and quote them and have to repeat them in this motion to strike. Appellee should certainly not have to address such insults in his own appellate brief.

Those are simply some of the more choice quotes from Appellant's Brief. 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 persistent and flagrant 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. In any event, Appellee would request an extension of time because Appellant's brief is incoherent and nonsensical and will take significant and considerable time to even begin to decipher and make sense of.

It would be violative of Appellee's rights to due process to subject him to having to file Appellee's brief under the circumstances presented by Appellant's brief which is abusive, inflammatory, incoherent, rambling, frequently fails to cite to the records, makes vague and unspecific citations, and also advances arguments on behalf of corporate entities that Appellant was warned not to attempt to litigate on behalf of. Unless the matter is stopped with the dismissal of the appeal as a sanction for flagrant non-compliance, Appellant will continue to improperly

utilize the time and resources of this Court and the time and resources of Appellee with his rambling incomprehensible filings.

This is not an instance of an unsophisticated pro se attempting to comply with complex appellate rules in good faith. Lindstedt was repeatedly warned not to use abusive language and he has stuck to his usual practice of sexual, homophobic, religious, and racial slurs [now going so far as to make repeated use of the N-word] and has persisted in his use of threats, including threats of biological warfare. Appellant does not deserve any further consideration from this Court. He made no attempt to clean up his language and actually doubled down and began using the N-word while making terroristic threats against Lake County and this Court.

Lindstedt has been given multiple chances and two explicit warnings by this Court that he is to refrain from offensive language and to refrain from unauthorized practice of law. His appeal should now be dismissed for his continued violations of the relevant Rules and the explicit orders issued by this Court.

RESPECTFULLY SUBMITTED,

X

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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 _____ day of _____. 2020

X
