

**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 and his general complete failure to use legal case authority in his Assignment of Errors and Brief (“Appellant’s Third Brief”), filed June 4, 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 has now twice stricken Appellant’s briefs. The first brief, filed 12/7/2019 was stricken 3/5/2020, for, among other reasons, unauthorized practice of law and because the Appellant’s brief was rife with abusive language. Further the brief filed 12/7/2019 and stricken 3/5/2020 did not contain citations to the trial record nor any case authority. The amended brief filed 4/13/2020 was stricken on 5/20/2020 for the same reasons the first brief was stricken. Appellant Lindstedt was then ordered to file a brief that would exclude derogatory and inflammatory language and name calling, not raise arguments on behalf of the Church of Jesus Christ Christian Aryan Nations on Missouri, and reference the trial court record and legal authority. Appellant-Defendant Lindstedt was substantially failed to comply.

Further Appellant's brief is still 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. Appellant's amended brief before this court in the instant appeal was stricken on 5/20/2020 and he was given 15 days to file a conforming brief. This he has failed to do. He has filed a brief but it is still substantially in non-compliance.

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 amended brief filed 4/13/2020 was stricken 5/20/2020. Appellant's present brief [Appellant's Third Brief] is largely more of the same as his first brief and his amended brief but Appellant still does not use citations of legal authority or citations to the trial court's record.

For the Third, Fourth, Sixth, Eighth, and Ninth Assignments of Error, Appellant cites absolutely no case authority whatsoever and provides only rambling narratives void of either case authority or statutory authority.

For the First and Second Assignments of Error, Appellant's table of contents references one case authority for each assignment of error but his law and argument does not use or even attempt to use or relate the case authority to the present issues raised on appeal.

The Fifth Assignment of Error raises two case authorities in the table of contents but their relevancy is not demonstrated in the law and argument.

The Seventh Assignment of Error cites a case that is not relevant to this appeal because the issue with that case was already resolved at the trial court. Appellant's only use of that case authority is to quote the trial court which applied the case to block Appellee from pursuing any claims for defamation that occurred more than 365 days prior to the filing of the 15CV case, in short the trial court applied that case authority in a manner beneficial to Appellant.

Appellant was ordered to cite to the record and to use case authority. The order stated in pertinent part, "**Lindstedt shall also support *each* [emphasis added] assignment of error with legal authority *and* [emphasis added] references to the trial court record."**

(5/20/2020 Order striking amended appellant brief- pg. 3).

Most of Appellant's assignments of error lack case authority, citations to the record, or both.

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 [in the table of contents] 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 law and argument of the First Assignment of Error does not contain a single citation to the trial court's record, to the trial transcripts, or any reference or use of legal authority whether statutory or case authority.

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. "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 three times in the instant appeal, on 3/5/2020, 3/23/2020, and 5/20/2020 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.

Appellant's First Assignment of Error challenges personal jurisdiction being exercised over "Church of Jesus Christ Christian Aryan Nations of Missouri residing 900 miles away." (Appellant's Third Brief, pg. i)

Appellant's Second Assignment of Error raises issues about "Co-Defendant Church" getting a fair trial. (Appellant's Third Brief, pg. i)

Appellant's Sixth Assignment of Error raises issues about the "punishment" of Church of Jesus Christ Christian Aryan Nations of Missouri (Appellant's Third Brief, pg. iii)

Appellant's Eighth Assignment of Error directly states that the jury instructions were adverse and error as to the "Co-Defendant Lindstedt's Aryan Nations Church." (Appellant's Third Brief, pg. iv)

Appellant's Ninth Assignment of Error attempts to raise issues on behalf of the Church of Jesus Christ Christian Arya Nations of Missouri to "preserve for further review" in what is clearly legal advocacy on behalf of a corporate entity by a non-attorney. of the Aryan Church (Appellant's Third Brief, pg. iv)

Appellant explicitly seeks relief on behalf of the Aryan Church, "overturn the verdict in Bryan Reo v Church of Jesus Christ Christian Aryan Nations of Missouri..." (Appellant's Third Brief, pg. 35)

Appellant states he seeks relief in “Defendants’ favor” on behalf of himself as a “racial dissident” and the “church.” (Appellant’s Third Brief, pg.35)

The contact information in the title block also provides “Martin Lindstedt, Church of Jesus Christ Christian Aryan Nations of Missouri.” (Appellant’s Third Brief, title/cover sheet)

Appellant states that the jury was inherently biased against “Pastor Lindstedt and his Aryan Nations Church” raising an argument on behalf of the Church. (Appellant’s Third Brief, pg. 1)

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)- (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 Second Assignment of Error references the corporate entity , Church of Jesus Christ Christian Aryan Nations of Missouri and raises voir dire issues/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 Eighth Assignment of Error references the corporate entity, Church of Jesus Christ Christian Aryan Nations of Missouri and refers to that entity as a "Co-Defendant" and makes it clear Appellant Lindstedt is advancing an argument on behalf of that entity.

Lindstedt's Ninth Assignment of Error is solely about "preserving an issue for review" on behalf of the entity, Church of Jesus Christ Christian Aryan Nations of Missouri and makes it clear Appellant Lindstedt is still attempting to engage in unauthorized legal advocacy on behalf of that 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)

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 three occasions, 3/5/2020, 3/23/2020, 5/20/2020, in the last 14 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 [Appellant’s Third 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 Third 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.

Appellant Lindstedt was warned not to use any inflammatory language and given a list [not exhaustive] of examples of what was specifically not to be used, with the caveat "or anything of the sort." (5/20/2020 Order striking amended appellant brief- pg. 2)

Appellant rants about this appellate court being "liberal anti-white anti-Christian."
(Appellant's Third Brief, pg. 2)

Appellant rants about using "civil war" to "eliminate" "herd animals." (Appellant's Third Brief, pg. 3)

Appellant refers to Appellee and Appellee's father as "non-white homosexual lovers."
(Appellant's Third Brief, pg. 4) this despite Appellant being explicitly warned in the 5/20/2020 order from this Court not to use any of the following "homosexual," "non-white,"

“homosexuality” or “anything of the sort” (5/20/2020 Order striking amended appellant brief- pg. 2)

Appellant again refers to an alleged “homosexual lover.” (Appellant’s Third Brief, pg. 4)

Appellant states he has been considering “shooting City of Granby” government officials (Appellant’s Third Brief, pg. 4)

Appellant refers to Appellee as a “longtime known non-heterosexual” (Appellant’s Third Brief, pg. 5) which after being told not to use the word “homosexual” or “homosexuality” or “anything of the sort” (5/20/2020 Order striking amended appellant brief- pg. 2) should be seen as an attempt to violate the spirit and the letter of the order which even provides “we will not tolerate noncompliance with either the letter or the spirit of this order.” (5/20/2020 Order striking amended appellant brief- pg. 3)

Being told not to use the word “homosexual” or “anything of the sort,” is not an invitation to begin using the word “non-heterosexual” in place of “homosexual.” It is a violation of the letter and spirit of the order.

Appellant again refers to the jury as a “lynch mob” (Appellant’s Third Brief, pg. 5) after being explicitly instructed not to use the term “lynch mob” which is actually the first word on the [non-exhaustive] list of words that this Court ordered Appellant to refrain from using (5/20/2020 Order striking amended appellant brief- pg. 2)

Appellant refers to the Constitution containing the “First Amendment to the Bill of Goods” and refers to the procedures of the Ohio courts as “Ohio Court’s egalistic [sic] monkey talk.” (Appellant’s Third Brief, pg. 6)

Appellant disturbingly writes about “shooting non-white refugees.” (Appellant’s Third Brief, pg. 6) after being explicitly instructed not to use the term “non-white” which is actually the second word on the [non-exhaustive] list of words that this Court ordered Appellant to refrain from using (5/20/2020 Order striking amended appellant brief- pg. 2)

Appellant states “thus any African or Jew...” (Appellant’s Third Brief, pg. 13) after being told not to use the word “Jew.” (5/20/2020 Order striking amended appellant brief- pg. 2)

Those are simply some of the more choice quotes from Appellant’s Third Brief. The remainder of the Appellant’s Third 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 and has persisted in his use of threat including threats to kill government officials. Appellant does not deserve any further consideration from this Court. He has undertaken to violate the letter and certainly the spirit of the 5/20/2020 order striking his third brief.

Lindstedt has been given multiple chances and **three** 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,

/S/ BRYAN ANTHONY REO

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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 5 day of JUNE, 2020

/S/ BRYAN ANTHONY REO
