

STATE OF OHIO)	IN THE COURT OF APPEALS
)SS.	
COUNTY OF LAKE)	ELEVENTH DISTRICT

BRYAN ANTHONY REO,	JUDGMENT ENTRY
Plaintiff-Appellee,	
- vs -	CASE NOS. 2019-L-073
	2019-L-074
MARTIN LINDSTEDT, et al.,	
Defendants-Appellants.	

On April 13, 2020, Lindstedt filed an amended brief, and Reo again moves to dismiss or to strike the brief based on Lindstedt's continued noncompliance. Lindstedt opposes.

On March 5, 2020, we struck appellants' brief and ordered Lindstedt to file a compliant brief that (1) excludes derogatory and inflammatory language and name calling; (2) does not raise arguments on behalf of the Church of Jesus Christ Christian/Aryan Nations of Missouri (the church), an unrepresented entity; and (3) references the trial court's record and legal authority. We also granted Lindstedt an extension to file his brief and ordered Reo to file his brief 20 days thereafter.

Rather than remove the language he was ordered to remove, Lindstedt uses a ~~striketrough~~ feature keeping the prohibited language legible. Elsewhere in his brief, Lindstedt also repeatedly continues to use abusive and inflammatory language when referencing Reo and the trial court that is not germane to his legal position.

Further, each of the nine assignments of error still raises arguments on behalf of the church, contrary to our order.

Although we have the authority to dismiss an appeal for the failure to comply with the appellate rules or court orders, it is a fundamental tenet of judicial review that courts should decide cases on the merits. *DeHart v. Aetna Life Ins. Co.*, 69 Ohio St.2d 189, 192, 431 N.E.2d 644 (1982), citing *Cobb v. Cobb*, 62 Ohio St.2d 124, 403 N.E.2d 991 (1980). Moreover, we prefer to review cases on their merits and tend to afford pro se litigants considerable leniency. *E.g., Viars v. Ironton*, 4th Dist. Lawrence No. 16CA8, 2016-Ohio-4912, ¶ 25; *Robb v. Smallwood*, 165 Ohio App.3d 385, 2005-Ohio-5863, 846 N.E.2d 878, ¶ 5 (4th Dist.).

With the foregoing in mind, we afford Lindstedt a final opportunity to comply. Thus, we overrule Reo's motion to dismiss but order the April 13, 2020 amended appellate brief stricken.

Consistent with our prior order, Lindstedt is again ordered to exclude *all* abusive and inflammatory language and name calling in his brief *and any future court filings*. No court filings shall include any of the following: lynch mob, non-white, homosexual, jew, nigger-lipped, mamzer, faggot, zogbot, mongrel, antifa, homosexuality, effeminate, satanic, abomination, slant-eyed, shit-skinned, unibrow, whiggers, or anything of the sort.

Lindstedt is likewise ordered to delete all arguments raised on behalf of the church, including but not limited to, assignment of error number nine that is


currently only crossed out. Consistent with our prior order, a non-attorney cannot represent the church or raise arguments on behalf of the church.

Lindstedt shall also support each assigned error with legal authority and references to the trial court record.

We have given Lindstedt every opportunity to have his case decided on the merits. Whether that happens is up to him. We will not tolerate noncompliance with either the letter or spirit of this order. Our patience and forbearance have limits.

Lindstedt is ordered to file a new and compliant brief within 15 days after the date of this order or face dismissal. *DeHart v. Aetna Life Ins. Co.*, 69 Ohio St.2d 189, 431 N.E.2d 644, 647 (1982) (dismissal of appeal will be upheld for flagrant and substantial noncompliance); accord *In re Beck*, 7th Dist. Belmont No. 00 BA 52, 2002-Ohio-3460, ¶ 30.

As indicated, we overrule Reo's motion to dismiss but grant his motion to strike. We also grant Reo an extension of time to file his appellate brief, which shall be filed 20 days after Lindstedt's new brief. Lindstedt's motion for extension of time to file a reply brief is moot and sua sponte stricken for violations already discussed.



JUDGE THOMAS R. WRIGHT

MATT LYNCH, J.,

MARY JANE TRAPP, J.,

concur.