STATE OF SOUTH DAKOTA	)	**IN CIRCUIT COURT**
	)SS	
COUNTY OF STANLEY	)	**SIXTH JUDICIAL CIRCUIT**
BRYAN ANTHONY REO,	)	**CIV20-000007**
Plaintiff,	)	
	)	**MOTION FOR ORDER TO SHOW CAUSE**
VS.	)	
MARTIN LINDSTEDT and SUSAN APRIL BESSMAN, as Trustee of the Susan April Bessman Revocable Living Trust,	)	
Defendants.	)	

COMES NOW, Plaintiff Bryan Reo, by and through his attorney of record, Robert Konrad, and for his Motion for Order to Show Cause, does respectfully ask the Court to enter an Order requiring Defendant Martin Lindstedt to show cause as to why he should not be held in contempt for the violations herein alleged.

The function and purpose of civil contempt power is "to force a party 'to comply with orders and decrees issued by a court in a civil action....' " *Sazama v. State ex rel. Muilenberg*, 2007 S.D. 17, ¶ 23, 729 N.W.2d 335, 344 (quoting *Wold Family Farms, Inc. v. Heartland Organic Foods, Inc.*, 2003 S.D. 45, ¶ 14, 661 N.W.2d 719, 723). "The required elements for ... civil contempt are (1) the existence of an order; (2) knowledge of the order; (3) ability to comply with the order; and (4) willful or contumacious disobedience of the order." (*Keller v. Keller*, 2003 S.D. 36, ¶ 9, 660 N.W.2d 619, 622) (quoting *Harksen v. Peska*, 2001 S.D. 75, ¶ 12, 630 N.W.2d 98, 101). "To form the basis for a subsequent finding of contempt, an order must state the details of compliance in such clear, specific and unambiguous terms that the person to whom

Filed: 4/22/2021 9:47 AM CST Stanley County, South Dakota 58CIV20-000007

it is directed will know exactly what duties or obligations are imposed upon her." *Id.* ¶ 10 (quoting *Harksen*, 2001 S.D. 75, ¶ 17, 630 N.W.2d at 102). If a party claims they are unable to comply with a contempt order, the burden shifts to that party to prove the disability. *Talbert v. Talbert*, 290 N.W.2d 862, 863 (S.D. 1980).

On November 24, 2020, this Court signed an Order Denying Defendant Lindstedt's Motions Under SDCL 15-6-59, SDCL 15-6-60, and Email Requests for Dismissal of This Action, and a copy of this Order is Attached hereto as **Exhibit A**, and by this reference incorporated herein. The existence of the order is unquestioned.

The November 24, 2020 Order Denying Defendant Lindstedt's various motions states in clear, specific, and unambiguous language that it is:

> ORDERED, ADJUDGED AND DECREED, that the parties shall refrain from making any oral, written statements, or arguments to this Court containing profanity; sexual innuendo; sexual orientation comments; racist comments; threats of violence; intimation or harassment; comments regarding death, disease, plague, or other death or destruction; or any other argument that is not directly relevant to the legal arguments and factual allegations in this matter. It is also;
>
> ORDERED, ADJUDGED AND DECREED, that this Court now requires that any and all written correspondence and arguments to this Court shall be made in pleadings and filed with this Court as set forth in the South Dakota Rules of Civil Procedure. This order is made to ensure that all arguments made by the parties are properly heard and the record is preserved. Minor scheduling and minor routine emails may still be sent to the court, however emails containing argument or facts outside the record will be disregarded. The parties are directed to minimize and consolidate all emails to the court and refrain from copying persons other than the parties to this action....

Exhibit A was served on the parties or their counsel pursuant to the terms a certificate of service and/or notice of entry of order as filed with this court. In this case a Notice of Entry of Order was filed on November 25, 2020, and the service indicated therein states that it was mailed

to Martin Lindstedt at his 338 Rabbit Track Road address. Then, on November 27, 2020, just two days after the notice of entry of order was mailed, Defendant Lindstedt filed a "Docketing Statement" regarding his frivolous appeal (now dismissed for failure to file a brief). In that document, attached hereto as **Exhibit B**, and by this reference incorporated herein, he states on the final page that he attached a copy of the November 24, 2020 Order as an Exhibit to his Order. He also confirmed his 338 Rabbit Track Road address. Therefore it is clear from the statements above that the order was sent to Lindstedt by the undersigned counsel, and that Lindstedt read the order and attached it as an Exhibit to his docketing statement. Therefore, knowledge and notice of the order is conclusive.

ARGUMENT FOR CONTEMPT AGAINST DEFENDANT MARTIN LINDSTEDT CONCERNING PROHIBITED LANGUAGE AND USE OF EMAIL

Plaintiff attaches hereto as **Exhibit C**, a true and correct copy of an email sent by Defendant Lindstedt on or April 16, 2021 at 11:47am. In that email Defendant Lindstedt states as follows:

1. He refers to Granby county residents as "assholes."
2. He refers to Defendant Susan April Bessman as a "pussy."
3. He uses highly offensive language concerning African Americans.
4. He refers to Plaintiff Reo as a "homosexual mongrel."
5. He makes child-like references to "bowel movements."
6. He threatens to destroy "the system."
7. He mentions that the "killing cannot stop until either or both sides are destroyed."

Defendant continues to use highly offensive, threatening, inappropriate, and racist language, even though the same is prohibited in the November 24, 2020 Order as set forth above. Furthermore, the Defendant was prohibited from emailing the Court such rambling nonsense in the first place.

Defendant was warned numerous times by this Court at the time of the evidentiary hearing in August of 2020 that his commentary needed to be appropriate, and most importantly, relevant. He has also been warned and cautioned by Federal Judge John Adams in his April 18, 2021 Order in file #1:19-cv-02615-JRA granting a five hundred thousand ($500,000.00) judgment against Martin Lindstedt, a copy of which is attached hereto as **Exhibit D**, and by this reference incorporated herein. Judge Adams stated on pages 3&4 as follows:

> In closing, the Court notes that despite warnings, Defendant Lindstedt has not only continued to use improper language in his filings, but he has now expanded that commentary and directed it at the Magistrate Judge. Within his objections, Defendant Lindstedt includes: "This magistrate judge's Talmudic rationalizations & monkey-talk regarding..." This Court will not tolerate such hateful and bigoted comments to be directed at a colleague on this bench. Defendant Martin Lindstedt is hereby ORDERED TO SHOW CAUSE why he should not be held in contempt of Court for continuing to include such commentary in his filings despite express admonitions by the Court. Defendant Lindstedt shall file his show cause response by no later than May 12, 2021.

Judge John Adams and this Court are not in the minority asking that Martin Lindstedt tone down his hateful and disgusting rhetoric to the courts. Judge Christopher Boyko, Senior Untied States District Judge, in his Opinion and Order in file #1:19-cv-02589-CAB (attached hereto as **Exhibit E** and by this reference incorporated herein) dated March 29, 2021 not only granted a seven hundred fifty thousand dollar ($750,000.00) judgment in favor of Plaintiff Reo and against Defendant Lindstedt, but he also stated on pages 2-5:

> The present suit alleges Defendant made several defamatory statements against Plaintiff following the Lake County suit, including: that Plaintiff engaged in an extramarital affair; Plaintiff engaged in a sex act with a judge in order to obtain a favorable court ruling; and that Plaintiff engaged in an incestuous relationship with his own father. The Reos have filed multiple suits against Lindstedt in Lake County court....Defendant

> continues to represent himself and submits filings filed with racial and sex-based slurs and insults largely directed at the Plaintiff.... Thus, should the Court permit withdrawal of his admissions it would only needlessly prolong the litigation and continue to provide Defendant a public forum to further demean and degrade Plaintiff.

For reasons that are facially obvious, Defendant continues to demean, degrade, harass, threaten, and attack Plaintiff in a totally irrelevant manner, even in a view stretching the bounds of "relevancy." The conduct of the Defendant Lindstedt is reprehensible, is clearly in contempt of this Court's order dated November 24, 2020, and violates the common sense etiquette rules of this Court. Plaintiff prays for an order finding Defendant in contempt of the November 24, 2020 order.

WHEREFORE, Plaintiff respectfully request this court to enter an order as follows:

1. Plaintiff asks that the Court allow an order to show cause and setting a hearing thereon to make a determination as to whether Defendant is in contempt for violating the terms of the order concerning email correspondence and abusive language as prohibited in the November 24, 2020 order;

2. For an order directing Defendant Lindstedt to pay Plaintiff's reasonable attorney fees in bringing this motion;

3. For a finding of contempt against Lindstedt and imposing the largest monetary penalty possible or in the alternative a penalty in the Court's discretion; and

4. For any other such relief as deemed just and equitable by the court.

Dated this 22nd day of April 2021.

Konrad Law Prof. LLC

/s/ Robert Thomas Konrad
Robert Konrad
1110 East Sioux Avenue
Pierre, SD 57501
605-494-3004
rob@xtremejustice.com

Certificate of Service

The undersigned hereby certifies that on the 22nd day of April, 2021 he served a true and correct copy of the Motion for Order to Show Cause upon the following persons in the following manner:

BY EMAIL TO:

Mark Marshall
Attorney for Defendant Bessman
mmarshall@bangsmccullen.com
By way of Odyssey File and Serve

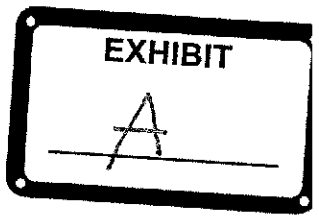
AND BY USPS MAIL POSTAGE PREPAID TO THE FOLLOWING:

Martin Lindstedt
338 Rabbit Track Road
Granby, MO 64844

Dated this 22nd day of April, 2021.

/s/ Robert Thomas Konrad
Robert Konrad

Filed: 4/22/2021 9:47 AM CST Stanley County, South Dakota 58CIV20-000007



STATE OF SOUTH DAKOTA)SS COUNTY OF STANLEY	)	IN CIRCUIT COURT SIXTH JUDICIAL CIRCUIT
BRYAN ANTHONY REO, Plaintiff, VS. MARTIN LINDSTEDT and SUSAN APRIL BESSMAN, as Trustee of the Susan April Bessman Revocable Living Trust, Defendants.	)	58CIV20-00007 ORDER DENYING DEFENDANT LINDSTEDT'S MOTIONS UNDER SDCL 15-6-59, SDCL 15-6-60, and EMAIL REQUESTS FOR DISMISSAL OF THIS ACTION

This matter having come before this Court on Defendant's Lindstedt's Motion Under SD 15-6-59 Amendment of Judgment & 15-6-60 Relief From Judgment for Permanent Injunction Granted Due to Attorney Konrad Fraud/Deceit filed with this court in duplicate on November 19, 2020, and the Court having reviewed the written and filed responses to these motions made by Plaintiff Bryan Reo by and through his attorney of record, Robert Konrad; and Susan Bessman not filing a response through her attorney of record, Kody Kyriss but having been copied on the written filings above; and the Court having reviewed the entirety of the Court filings in this matter, having reviewed the Motion for Preliminary Injunction filed by Plaintiff Reo, and the Court having previously heard the evidence and reviewed the exhibits offered at the preliminary injunction hearing; and the Court having taken judicial notice of several matters; this Court:

FINDS that the Motion for new trial is premature as a final trial has not yet taken place in this case;

FINDS that even if the motion was not premature, the Defendant's motion for new trial is denied to the extent that is makes no specific referenced to a particular irregularity with the proceedings at the motion hearing for preliminary injunction;

FINDS that with regard to the motion for correction of judgment, Defendant has made no specific argument and cites no facts as to why the current Order Granting Preliminary Injunction was made in error, is defective, or should be nullified;

FINDS that Defendant Lindstedt partly alleges "fraud/deceit" by attorney Robert Konrad as his basis for his request to nullify or otherwise modify the Order granting preliminary injunction in this matter. The Court finds no record facts in support of this allegation, and finds no evidence at this time that attorney Konrad has engaged in "fraud" or "deceit";

FINDS that the motions made by Defendant Lindstedt, including his email arguments and statements as contained in the emails filed by this Court and those emails filed by the Plaintiff by way of affidavit of counsel on November 18, 2020 in support of his objection, are largely irrelevant arguments containing offensive language and do not offer any reasonable legal argument to nullify or otherwise modify the current order of the court granting preliminary injunction.

Based upon the foregoing, it is hereby:

ORDERED, ADJUDGED AND DECREED that Defendant's Lindstedt's Motion Under SD 15-6-59 Amendment of Judgment & 15-6-60 Relief From Judgment for Permanent Injunction Granted Due to Attorney Konrad Fraud/Deceit and any similar requests as made in his various email messages are DENIED IN THEIR ENTIRETY. It is also;

ORDERED, ADJUDGED AND DECREED that Defendant's various email requests for dismissal of this action are hereby DENIED IN THEIR ENTIRETY. It is also;

ORDERED, ADJUDGED AND DECREED, that the parties shall refrain from making any oral, written statements, or arguments to this Court containing profanity; sexual innuendo; sexual orientation comments; racist comments; threats of violence; intimation or harassment;

comments regarding death, disease, plague, or other death or destruction; or any other argument that is not directly relevant to the legal arguments and factual allegations in this matter. It is also;

ORDERED, ADJUDGED AND DECREED, that this Court now requires that any and all written correspondence and arguments to this Court shall be made in pleadings and filed with this Court as set forth in the South Dakota Rules of Civil Procedure. This order is made to ensure that all arguments made by the parties are properly heard and the record is preserved. Minor scheduling and minor routine emails may still be sent to the court, however emails containing argument or facts outside the record will be disregarded. The parties are directed to minimize and consolidate all emails to the court and refrain from copying persons other than the parties to this action. It is also;

ORDERED, ADJUDGED AND DECREED, that the Stanley County Clerk of Courts is hereby directed to file into the court file a true and correct copy of all emails sent to the clerk and this Court by either party since November 1, 2020. The purpose of this order is to keep a record of the communications as these emails were reviewed and considered as part of Defendant Lindstedt's motion.

Dated this ___ day of November, 2020. Signed: 11/24/2020 4:27:16 PM

BY THE COURT:

The Honorable Judge Bridget Mayer

Circuit Court Judge

Attest:
Kilian, Julie
Clerk/Deputy

Attest: _____

By:_____, deputy. (SEAL)

EXHIBIT
B

IN THE SUPREME COURT OF THE STATE OF SOUTH DAKOTA

STATE OF SOUTH DAKOTA	)	**IN CIRCUIT COURT**
	) **SS**	
COUNTY OF STANLEY	)	**SIXTH JUDICIAL CIRCUIT**

BRYAN ANTHONY REO,	)	**58CIV 20-07**
Plaintiff,	)	
vs.	)	PASTOR LINDSTEDT'S DOCKETING STATEMENT
MARTIN LINDSTEDT, PASTOR , THE CHURCH OF JESUS CHRIST CHRISTIAN / ARYAN NATIONS OF MISSOURI,	)	In Substantial Compliance with Form 5&6 **SDCL 15-26A**
Defendant(s) / Appellant(s).	)	

COMES NOW the current Defendant Pastor Martin Lindstedt (hereafter in person described as "Pastor Lindstedt) OF THE Church of Jesus Christ Christian / Aryan Nations of Missouri (hereafter described as Pastor Lindstedt's Church) to file this Docketing Statement before this South Dakota State Supreme Court in substantial compliance with Forms 5 & 6

https://sdlegislature.gov/#/Statutes/Codified_Laws/2044285

SECTION A. TRIAL COURT

1. The circuit court from which the appeal is taken: Stanley County Circuit Court, 6th Judicial District.

2. The county in which the action is venued at the time of appeal: Stanley County

3. The name of the trial judge who entered the decision appealed: Judge Bridget Mayer

PARTIES AND ATTORNEYS

4. Identify each party presently of record and the name, address, and phone number of the

STATE OF SOUTH DAKOTA
CIRCUIT COURT, STANLEY CO.
FILED
DEC 03 2020
Brooke Cronin Clerk
By_____ Deputy

attorney for each party. For Pastor Lindstedt and The Church of Jesus Christ Christian / Aryan Nations of Missouri pro se, 338 Rabbit Track Road, Granby Missouri 64844, (417) 472-6901

For Bryan Reo Attorney Robert Konrad, Attorney Konrad, 1110 E. Souix Ave. Pierre South Dakota 57501 605-494-3004.

For Pastor Lindstedt's sister Susan Bessman, who is NOT a party to this appeal, is represented by Attorney Kody Kyriss of Pierre SD, , whose address is unknown to Pastor Lindstedt.

E-mail to Kody Kyriss, Susan Bessman's lawyer: k.kyriss@riterlaw.com

SECTION B. TIMELINESS OF APPEAL

(If section B is completed by an appellee filing a notice of review pursuant to SDCL 15-26A-22, the following questions are to be answered as they may apply to the decision the appellee is seeking to have reviewed.)

1. The date the judgment or order appealed from was signed and filed by the trial court: 2 Nov. 2020 Exhibit #1 Order Granting Preliminary Judgment, Exhibit #2 Findings of Fact and Conclusions of Law signed by Judge Mayer on 23 Oct. 2020 as drafted up by Attorney Konrad

2. The date notice of entry of the judgment or order was served on each party: Via e-mail around 2 Nov. 2020, probably not via actual postal service

3. State whether either of the following motions was made:

a. Motion for judgment n.o.v., SDCL 15-6-50(b): __X__ Yes E-mails asking for Dismissal of Bryan Reo / Robert Konrad antifa lawfare actions were filed and denied on 24 Nov. 2020 Exhibit #3. ORDER denying Lindstedt's Motions.

b. Motion for new trial, SDCL 15-6-59: __X__ Yes

Motion was made and filed 19 Nov. 2020, and denied on filed and denied on 24 Nov. 2020 Exhibit #3. ORDER denying Lindstedt's Motions under SDCL 15-6-59.

c. Motion to reconsider Preliminary Injunction SDCL 15-6-60:

Motion was made and filed 19 Nov. 2020, and denied on filed and denied on 24 Nov. 2020 Exhibit #3. ORDER denying Lindstedt's Motions under SDCL 15-6-59.

(Confine responses to questions 4 through 6 to the space provided).

---

4. State the nature of each party's separate claims, counterclaims or cross-claims and the trial court's disposition of each claim (e.g., court trial, jury verdict, summary judgment, default judgment, agency decision, affirmed/reversed, etc.).

Pastor Lindstedt is challenging Bryan Reo's litigation trying to steal Pastor Lindstedt's inheritance which Attorney Konrad is working to get as well and the ORDER appealed from is Judge Meyer's Preliminary Injunction signed 2 Nov. 2020. Exhibit #1

5. Appeals of right may be taken only from final, appealable orders. See SDCL 15-26A-3 and 4.

a. Did the trial court enter a final judgment or order that resolves all of each party's individual claims, counterclaims, or cross-claims? __X__ Yes

b. If the trial court did not enter a final judgment or order as to each party's individual claims, counterclaims, or cross-claims, did the trial court make a determination and direct entry of judgment pursuant to SDCL 15-6-54(b)? ____ Yes ____ No

6. State each issue intended to be presented for review. (Parties will not be bound by these statements).

Pastor Lindstedt and Pastor Lindstedt's Aryan Nations Church is being "lawfared" by one Bryan Reo and Reo wants Pastor Lindstedt's South Dakota inheritance, so giving up on getting any justice decided to deed his inheritance back to Pastor Lindstedt's sister Susan Bessman.

Bryan Reo and Attorney Konrad want to destroy Pastor Lindstedt and Lindstedt's Church and thus are lawfaring to force Pastor Lindstedt to get it back so they can steal it under color of law. Pastor Lindstedt thus is fighting both Bryan Reo, Attorney Konrad and the crooked South Dakota courts and thus is filing this appeal in forma pauperis.

Hail Victory!!!

Martin Lindstedt Pastor CJCC/ANP 27 Nov 2020

/S/. Pastor Martin Lindstedt
Defendant/Appellant, First Servant of YHWH's Servant Nation of Aryan Christian Israel
Pastor, Church of Jesus Christ Christian/Aryan Nations of Missouri
338 Rabbit Track Road
Granby Missouri 64844
(P): (417) 472-6901, (E): pastorlindstedt@gmail.com
Pro se Defendant

Exhibit #1 Order Granting Preliminary Judgment, **Exhibit #2** Findings of Fact and Conclusions of Law, Exhibit #3. ORDER denying Lindstedt's Motions under SDCL 15-6-59& 60.

Certificate of Service

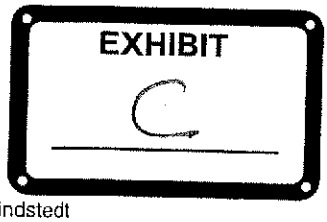
I, Pastor Martin Lindstedt do hereby certify that a true and genuine copy of the foregoing Pastor Lindstedt's Docketing Statement with Exhibits was e-mailed and mailed to Plaintiff Bryan Reo lawyer rob@xtremejustice.com on 27 Nov. 2020 to Attorney Konrad, 1110 E. Souix Ave. Pierre South Dakota 57501.

A copy & Original of the foregoing Docketing Statement with Exhibits will be mailed (and e-mailed) 27 Nov. 2020 to the Clerk of Courts, Stanley County, Stanley County Courthouse, 08 East 2d Avenue, P.O. Box 758, Ft. Pierre, South Dakota 57532

E-mail to Kody Kyriss, Susan Bessman's lawyer: k.kyriss@riterlaw.com

A copy along with a complaint shall be sent to the Disciplinary Board, The State Bar of South Dakota, 111 W, Capitol Avenue #1, Pierre South Dakota 57501.

A copy of the foregoing shall be displayed at:
http://www.whitenationalist.org/forum/showthread.php?2178



Martin Lindstedt
Reo v. Lindstedt/Bessman - Stanley County 58CIV20-07
April 16, 2021 at 11:47 AM
Cronin, Brooke (UJS) , Weiger, Mona , pastorlindstedt , Judge Bridget Mayer , Kody Kyriss , Robert Thomas Konrad , Bryan Reo ,

My sister has been extorted by Bryan Reo, Attorney Robert Konrad, her former Attorney Kody Kyriss to sign over her property that I gave back to her directly over to Bryan Reo in violation of Judge Bridget Mayer's ORDER saying that she cannot transfer it to anyone short of a illegal transfer court proceeding which will be public.

I on my own part never mentioned in Oct. 2019 to my sister or anyone Bryan Reo or thinking of shooting the Granby City criminals and employees bulldozing my and Roxie's property which was the main thing on my mind at the time, because I didn't want to be "red flagged". I have not been thinking seriously of shooting anyone seriously since Jan or Feb 2020 thanks to the ZOG-virus getting out of the Wuhan lab as planned and devastating the ZOGland, especially the non-whites. Everything has been breaking towards the Second Civil War and the destruction of these state and federal criminal regimes and around 300 million ZOGlings paving the way for The Ten Thousand Warlords ruling over 10-30 million ex-whigger ZOGlings.

So at the time when I gave back my inheritance it was mainly to keep the Granby assholes' survivors from making a claim. Roxie was really really sick and dying. My brother Mike killed our mother and stole $250-300,000 of my mother's estate leaving nothing else left so while he read in the Neosho Daily News the standard Bryan Reo propaganda I wasn't going to give it back to him even though he is a strong-minded thief and murderer. I have thrown it back to Susan that at least Pighook the Mother-Killer would have fought it out in the korts rather than submit to Bryan Reo and ZOGbot extortion and hurt her feelings. But on March 1 Susan decided to find a new lawyer since Kody Kyriss was running off since she wouldn't sign off her properties to Bryan Reo and his extortionary threats to take ALL of her properties.

It is in vain that I tell Susan to proceed in open kort with a jury of Stanley County ranchers all vulnerable to state corruption. Today (15 Apr 2021) I got a call from her new lawyer named Mitchell to my house asking for Susan and then giving when pressed his name and hanging up without saying anything more. Susan when called said that her lawyer was working on a quitclaim for her to sign taking it back to myself. That Bryan Reo was suing her in Ohio or South Dakota to take all of her property by claiming falsely that we were in co.lusion and that she dares not keep the inheritance that I gave her back because of the courts. In Oct. 2019 there was no need to know that I was thinking of killing the Granby assholes or about Bryan Reo. Susan isn't very racist at all, doesn't want to hear about chernobyling the North Perry Nuclear Power Plant in Northeastern Ohio or skinning out regime criminals and their families or developing Dylann Storm Coof variant to especially kill vaccinated non-whites. And she gets hurt when I say that I should have given back my inheritance to Pighook the Mother-Killer because at least he is not a pussy. If I has told Susan about Bryan Reo and the plot by ZOG to destroy White Supremacist leaders and organizations then she probably wouldn't have accepted the gift at all because she wants to work with this Satanic System and not have her family destroyed. It is in vain that I tell her and everyone else that there are no innocents in a racial and religious civil war and that the only solution is the final one of destroying Satan's regime and all those who serve it proactively rather than wait in cowardice while the jack-booted piglice are kicking in your door or the negroes are on the property waiting to rob, rape, kill and eat you and your family.

Bryan Reo who in addition to being a homosexual mongrel has been in the "white supremacy" Movement since 2003 and pretending to be Christian Identity since 2009. Thus Bryan Reo is simply a state-sponsored domestic terrorist working for the Ohio and Federal Regimes, along with his lawyers who founded a "white supremacist" lawfare group called the Foundation for the MarketPlace of Ideas consisting of old and new fellow agents provacateurs in the [bowel] Movement who brought about Charlottesville 1.0 in August 2017 and the Glorious & Pathetic 6th of January 2021.

http://bryanreo-lawsuits.xyz/Reo_19CV001530_[2589/2020/Mar20/14Mar20_ML/Doc%2026-1%20501c3%20Tax%20Form.pdf

At the end of last month the corrupt federal judge decided to do away with the 7th Amendment of a jury trial and summarily awarded $750,000 for Reo and $500,000 for Reo's wife. Another negro federal judge decided to do away with the First Amendment by making an unlawful gag order on publication of Bryan Reo and his antifa ZOGbot allies' antics This federal judge has also dismissed counter-litigation against Reo co-defendants like Reo's wife, father, lawyers, State of Ohio & federal government. Thus even the pretense of "rule of law" has been entirely absent between Pastor Lindstedt and Lindstedt's Church and the sundry criminal regimes and actors working with Bryan Reo on the other part. Doing away with this pretense and igniting this Second Civil War to its inevitable destruction is what Pastor Lindstedt was born to do.

Bryan Reo and Attorney Konrad deliberately lied to this Stanley County Court as they have planned to do this since Konrad stole confidential files belonging to Susan Bessman from the Ollinger Law Firm. However, it is the entire legal system which is corrupt and outside any law and a matter of who is in power and their plan to destroy the Aryan Christian Israelite People. This will not end until this System is destroyed.

This letter will of course be on my Aryan Nations Church web page and available for public scrutiny.

What I want is all filings on this case and any other case by Bryan Reo since the start of this year 2021 so as to put on the web page. The droppings of Susan Bessman's first corrupt lawyer and her new corrupt lawyer. I have asked my sister for the extortionary communications between Bryan Reo, his lawyers, and her lawyers and she has refused to do so even though she has agonized between her fear and terror for herself and her family and for myself. She has told me that she fears that I'll be jailed on some pretext for being a domestic terrorist and sent to the Nuthouse again and this time murdered through psycotropic doping just like in 2005-2008 but now that I'm older killed by medical malpractice this time. Or that I'll try to gun it out like a hero.

I tell her that I think it is far better to be judicially murdered as a domestic terrorist and be guilty of that rather than jailed in a psychiatric prison while innocent of child molestation.

This is to notify Judge Bridget Meyer and the South Dakota judicial system that its judicial officers are disobeying her fraudulent injunction that she knowingly granted by making extortionary threats of destroying my sister's entire estate and family if she doesn't give it to Bryan Reo. Thus this legal system makes the conclusion that since entire families need be destroyed given this civil war and the killing cannot stop until either or both sides are destroyed.

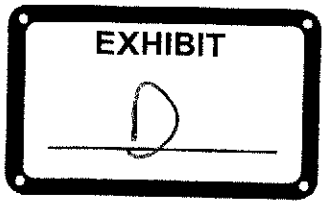
In any case, again I want all the papers before this court and also want the massive conspiratorial correspondence between Susan Bessman and her lawyers and Bryan Reo and his lawyers. I'm not going to sue my sister just because she is weak and scared but I intend to go about exposing the truth and let the People decide to do with the predators and parasites who live off of them under color of their "law."

Again, I want all the court filings since the first of this year (2021) and news of any other litigation concerning Bryan Reo before this court. I would like process to find out the full extent of Bryan Reo / Robert Konrad and Kody Kyriss extortion of my sister as well.

Happy Insurrection Day -- 19 April 2021.

Hail Victory !!!

Pastor Martin Lindstedt
1st Servant of YHWH's Servant Nation of Aryan Christian Israel
Church of Jesus Christ Christian / Aryan Nations of Missouri



THE UNITED STATES DISTRICT COURT
NORTHER DISTRICT OF OHIO
EASTERN DIVISION

Anthony Domenic Reo,	)	CASE NO.: 1:19CV2615
	)	
Plaintiff,	)	JUDGE JOHN ADAMS
	)	
v.	)	**ORDER**
	)	
Martin Lindstedt,	)	
	)	
	)	
	)	
	)	
Defendant.	)	

On March 3, 2021, the Magistrate Judge in this matter issued her Report and Recommendation ("R&R"). Doc. 37. The R&R recommended granting partial summary judgment in favor of Plaintiff Anthony Domenic Reo while leaving open the issue of his damages. Both parties have filed objections to the R&R. The Court now resolves those objections through its *de novo* review.

Initially, the Court notes that neither party has objected to the factual conclusions reached by the R&R. Accordingly, those factual conclusions are adopted in whole herein. Moreover, while Defendant Martin Lindstedt has filed what he styles objections, his filing highlights no alleged factual or legal error. Instead, he has utilized his objections to once again spew hate-filled statements directed at both the plaintiff and the magistrate

judge. As his objections contain no proper argument, they leave nothing for the Court to analyze.

Plaintiff Reo, on the other hand, raises a specific objection to allowing Defendant Lindstedt to withdraw his admissions with respect to damages. A colleague on this Court was recently faced with this precise argument involving these very same parties. In resolving the issue on objections to an R&R, the colleague noted:

> The Court does not believe that Rule 36 or subsequent caselaw interpreting the same allows the Court to pick and choose which admissions will be withdrawn and which will be enforced when Defendant has not moved to withdraw any admissions. Because Defendant has not requested that only certain admissions be withdrawn, the Court must either withdraw all his admissions or none of them. The plain language of Rule 36 requires the withdrawal be "on motion" and, as the Magistrate Judge correctly determined, the Court may not withdraw admissions sua sponte. Defendant's filings make clear he wants all his admissions withdrawn but he has never formally moved to do so and has never submitted his responses to the Requests.

Case No. 1:19CV2589, Doc. 92 at 11. The Court also recited Defendant Lindstedt's lengthy litigation history to provide a foundation for determining that he was well aware of the risks and consequences related to failing to respond to admissions. The Court then concluded:

> However, the fact that Defendant failed to provide evidence during discovery and has issued many threatening responses in his Court filings is particularly troubling to the Court and has clearly prejudiced Plaintiff's ability to marshal evidence in his case.
>
> Based upon Defendant's continued scandalous, scurrilous and vitriol-laced filings, the Court will not show him the leniency usually afforded pro se litigants. Holding him to the standards of practice required of counsel, the Court will not tolerate Defendant's language in his filings and his misuse of the judicial process. Nor will the Court search the record to find that any of his filings constitute a request to withdraw the admissions.

> By Rule, the admissions are deemed admitted and these admissions conclusively support Plaintiff's claims for Defamation and False Light as found by the Magistrate Judge.

Id. at 13.

This Court agrees with the logic espoused in the related case discussed above. Defendant Lindstedt has continued, despite a warning from the Magistrate Judge, to file his hate-filled, vitriol-laced briefs that contain no legal or factual arguments. Instead, they serve no purpose other than to harass those he chooses to address within them. Accordingly, the Court finds no basis to allow for the withdrawal of the admissions.

The conclusion of the R&R with respect to damages, therefore, is REJECTED. As the admissions conclusively establish all of the elements of Counts I and II, Plaintiff Reo is entitled to judgment on those claims including $250,000 in general damages and $250,000 in special damages.[1] Moreover, a permanent injunction shall issue to prevent Defendant Lindstedt's continued defamation of Plaintiff.

Plaintiff Reo shall file a proposed judgment entry reflecting this Court's conclusions as well as those adopted from the R&R herein.

In closing, the Court notes that despite warnings, Defendant Lindstedt has not only continued to use improper language in his filings, but he has now expanded that commentary and directed it at the Magistrate Judge. Within his objections, Defendant Lindstedt includes: "This magistrate judge's Talmudic rationalizations & monkey-talk regarding..." This Court will not tolerate such hateful and bigoted comments to be directed at a colleague on this bench. Defendant Martin Lindstedt is hereby ORDERED TO SHOW CAUSE why he should not be held in contempt of Court for continuing to

[1] The R&R recommended denying summary judgment on Count III of the complaint, intention infliction of emotional distress. Plaintiff Reo has not objected to this conclusion. Accordingly, absent dismissal by Plaintiff, this claim remains outstanding.

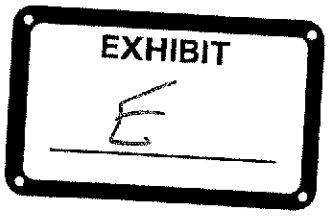
include such commentary in his filings despite express admonitions by the Court. Defendant Lindstedt shall file his show cause response by no later than May 12, 2021.

Based upon the above, the R&R is ADOPTED IN PART AND REJECTED IN PART. The R&R's factual recitation and legal findings with respect to all aspects of this matter other than damages are hereby ADOPTED. The R&R's conclusion with respect to damages is hereby REJECTED, and the Court finds that Defendant Lindstedt has admitted to the damages in this matter. Accordingly, Plaintiff Reo's motion for summary judgment (Doc. 18) is GRANTED IN PART AND DENIED IN PART as detailed herein. Defendant Lindstedt's counter motion for summary judgment (Doc. 19) is DENIED. Plaintiff Reo's motions for a scheduling hearing are DENIED AS MOOT. Docs. 21 and 31. Finally, based upon the Court's independent order to show, Plaintiff's motion to show cause (Doc. 34) is DENIED AS MOOT.

IT IS SO ORDERED.

April 16, 2021

/s/ Judge John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT COURT



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRYAN ANTHONY REO,	)	CASE NO.1:19CV2589
	)	
Plaintiff,	)	SENIOR JUDGE
	)	CHRISTOPHER A. BOYKO
	)	
Vs.	)	
	)	
MARTIN LINDSTEDT,	)	OPINION AND ORDER
	)	
Defendant.	)	

CHRISTOPHER A. BOYKO, SR. J:

This matter is before the Court upon Plaintiff Bryan Anthony Reo's Motion for Summary Judgment. (ECF# 49). The Magistrate Judge issued his Report and Recommendation on December 1, 2020, recommending the Court grant summary judgment for Plaintiff on the liability portion of his Complaint at Counts I and II; deny summary judgment for Plaintiff on damages for Counts I and II and deny summary judgment for Plaintiff on Count III of his Complaint, or alternatively, grant summary judgment for Plaintiff on Counts I and II and on his damages claims. For the following reasons, the Court adopts the Magistrate Judge's recommendation and grants summary judgment for Plaintiff on Counts I and II of his Complaint on liability and on damages in the amount of $250,000 in compensatory damages and $500,000 in punitive damages.

Plaintiff is a Lake County, Ohio resident and is married to Stefani Reo. Defendant

Martin Lindstedt is a resident of Missouri and is Pastor of the Church of Jesus Christ Christian/Aryan Nations of Missouri. Plaintiff previously sued Defendant and his church in the Lake County Court of Common Pleas for Libel and False Light. Plaintiff obtained a jury award against Lindstedt for $105,000. That case is presently on appeal.

The present suit alleges Defendant made several defamatory statements against Plaintiff following the Lake County suit, including: that Plaintiff engaged in an extramarital affair; Plaintiff engaged in a sex act with a judge in order to obtain a favorable court ruling; and that Plaintiff engaged in an incestuous relationship with his own father. The Reos have filed multiple suits against Lindstedt in Lake County court. Defendant removed these suits to federal district court on diversity and federal question jurisdiction.

Plaintiff's Complaint alleges four claims: Defamation (Count I), Invasion of Privacy /False Light (Count II), Intentional Infliction of Emotional Distress (Count III) and Permanent Injunctive Relief (Count IV).[1]

The Magistrate Judge recommends summary judgment for Plaintiff on Counts I and II of his Complaint because Defendant failed to timely respond to Requests for Admission propounded to him on May 15, 2020. By rule, Defendant was to respond to the Requests by June 15, 2020. Defendant failed to respond until November 9, 2020, when he filed his Opposition to Summary Judgment and disclaimed any "silent admissions." Defendant's failures appear to stem largely from his pro se status which the Magistrate Judge has repeatedly cautioned him against. Defendant continues to represent himself and submits filings filed with

[1] Subsequent to the Magistrate Judge's Report and Recommendation, Plaintiff moved to dismiss Counts III and IV of his Complaint which the Court granted. Therefore, the Court finds the Magistrate Judge's recommendation on these claims moot.

racial and sex-based slurs and insults largely directed at the Plaintiff.

Relying on Fed R. Civ. P 36, the Magistrate Judge recommends that the Court grant summary judgment for Plaintiff on Counts I and II of his Complaint as to liability only. The Magistrate Judge examined the elements of Defamation and False Light claims in light of the express Requests for Admissions propounded to Defendant by Plaintiff and found that they satisfied all the elements. These admissions include the following:

> REQUEST FOR ADMISSION NO. 3: Please admit that at all times relevant to the controversy described within Plaintiff's Complaint, Defendant purposefully acted in a tortious manner so as to cause Plaintiff to suffer damages in the State of Ohio.
>
> REQUEST FOR ADMISSION NO. 4: Please admit that on August 9, 2019, Defendant published on the worldwide web a false and defamatory statement alleging that Plaintiff had engaged in homosexual oral sex with Missouri State trial court Judge Gregory Stremel for the purpose of obtaining a favorable ruling in a litigation matter against Defendant.
>
> REQUEST FOR ADMISSION NO. 22: Please admit that Defendant is liable to Plaintiff for invasion of privacy—false light—for the reasons articulated in Paragraphs 45 through 51 of Plaintiff's Complaint.
>
> REQUEST FOR ADMISSION NO. 29: Please admit that for purposes of First Amendment jurisprudence, Plaintiff is a non-public figure.
>
> REQUEST FOR ADMISSION NO. 30: Please admit that for the reasons set forth within Plaintiff's Complaint, Plaintiff suffered $250,000.00 in general damages due to Defendant's tortious conduct.
>
> REQUEST FOR ADMISSION NO. 31: Please admit that for the reasons set forth within Plaintiff's Complaint, [] it would be just and proper for Plaintiff to be awarded $500,000.00 in punitive damages against Defendant's willful and malicious conduct.

The Magistrate Judge further found that Defendant had never moved to withdraw his admissions such that the Court could disregard them and proceed to analyze the claims strictly on the merits. Moreover, the Magistrate Judge cites to Sixth Circuit precedent holding that sua

sponte withdrawal of admissions would contravene the purposes of Rule 36. Consequently, the Magistrate Judge recommends summary judgment be granted for Plaintiff on liability on his Defamation and False Light claims. The Magistrate Judge further recommends that withdrawing the admissions now would be prejudicial to Plaintiff since Defendant continues to file insulting and degrading responses that would only continue to inflame Plaintiff and needlessly prolong the litigation. However, the Magistrate Judge recommends denying summary judgment for Plaintiff on the damages portion of his Defamation and False Light claim, as these are matters within the purview of the jury and Plaintiff has provided little evidence of damages in his filings. As a result, the Magistrate Judge recommends that the Court exercise its discretion and permit Defendant to withdraw his admissions on damages.

In the alternative, the Magistrate Judge recommends summary judgment for Plaintiff on his Defamation and False Light claims on both liability and damages given that the admissions would satisfy all the elements of his Defamation and False Light claims, including the amount of damages suffered by Plaintiff.

Defendant's Objections

Though difficult to decipher due to the stream of vitriol spewed by Defendant throughout his filings, a few points are made clear in his Objections. First, he asserts that he has repeatedly denied the admissions the Magistrate Judge recommends be deemed admitted and which provide the basis for his recommendation that Defendant be found liable on Counts I and II of Plaintiff's Complaint. Defendant alleges he overtly requested the Court withdraw the admissions in his November 9, 2020 filing. Lastly, he objects to "everything" in the Magistrate Judge's Report and Recommendation.

Plaintiff's Objections

Plaintiff offers only a limited Objection to the Magistrate Judge's Report and Recommendation, objecting to the recommendation that his damages be denied on summary judgment. According to Plaintiff, Defendant's failure to respond to the Request for Admissions means they are deemed admitted by operation of law. These deemed admissions include admissions that Plaintiff was injured by Defendant's alleged defamatory and false light statements and that the amount of his damages equals $250,000 in compensatory damages and $500,000 in punitive damages. These admissions are as follows:

> REQUEST FOR ADMISSION NO. 30: Please admit that for the reasons set forth within Plaintiff's Complaint, Plaintiff suffered $250,000.00 in general damages due to Defendant's tortious conduct.
>
> REQUEST FOR ADMISSION NO. 31: Please admit that for the reasons set forth within Plaintiff's Complaint, [] it would be just and proper for Plaintiff to be awarded $500,000.00 in punitive damages against Defendant due to Defendant's willful and malicious misconduct.

Consequently, the above admissions conclusively demonstrate Plaintiff's damages such that further proof is unnecessary. Also, allowing some admissions to be withdrawn while enforcing others, when Defendant has not moved to withdraw them, amounts to a sua sponte withdrawal which the law prohibits.

Plaintiff also objects to permitting Defendant to withdraw his admissions, contending it would prejudice his case because Defendant continues to insult and demean the Reos in his filings with the Court. In addition, his case would further be prejudiced because Defendant has refused to provide any discovery in the case. Moreover, when Plaintiff attempted to obtain expert witnesses to testify on his psychological damages he was refused for fear of Defendant. Thus, should the Court permit withdrawal of his admissions it would only needlessly prolong the

litigation and continue to provide Defendant a public forum to further demean and degrade Plaintiff.

LAW AND ANALYSIS

Standard of Review

Pursuant to Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(c), the District Court shall review *de novo* any finding or recommendation of the Magistrate's Report and Recommendation to which specific objection is made. A party who fails to file an objection waives the right to appeal. *U.S. v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981). In *Thomas v. Arn*, 474 U.S. 140, 150 (1985), the Supreme Court held: "[i]t does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."

Local Rule 72.3(b) recites in pertinent part:

> The District Judge to whom the case was assigned shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge.

Put another way, 28 U.S.C. § 636(b) and Local Rule 72.3 authorize the District Court Judge to address objections by conducting a *de novo* review of relevant evidence in the record before the Magistrate Judge. Parties are not permitted at the district court stage to raise new arguments or issues that were not presented to the magistrate. *Murr v. United States*, 200 F.3d 895, 902 n.1 (6th Cir. 2000), citing *United States v. Waters*, 158 F.3d 933 (6th Cir. 1998).

Requests for Admission

Pursuant to Fed R. Civ. P. 36(a)(3), a failure to timely respond to a Request for

Admission is deemed an admission as the Rule reads:

> A matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney.

However, a party against whom unresponded-to admissions are deemed admitted may move to withdraw the admission pursuant to Rule 36(b) which reads:

Effect of an Admission; Withdrawing or Amending.

> A matter admitted under this rule is conclusively established unless the court, on motion, permits the admission to be withdrawn or amended. Subject to Rule 16(e), the court may permit withdrawal or amendment if it would promote the presentation of the merits of the action and if the court is not persuaded that it would prejudice the requesting party in maintaining or defending the action on the merits. An admission under this rule is not an admission for any other purpose and cannot be used against the party in any other proceeding.

While the plain language of Rule 36(b) requires that a request to withdraw or amend admissions be "on motion," the Sixth Circuit has held that a formal, written motion is not required. See *Kerry Steel, Inc. v. Paragon Indus., Inc.*, 106 F.3d 147, 153–54 (6th Cir. 1997), ("although the defendant did not file a formal motion to withdraw, the defendant's attorney did argue at the hearing on the motion to dismiss that the plaintiff's requests for admission should not be deemed admitted...we are reluctant to assign talismanic significance to the attorney's failure to use the phrase "I move."). See also *United States v. Petroff-Kline*, 557 F.3d 285, 293–94 (6th Cir. 2009) ("the failure to respond in a timely fashion does not require the court automatically to deem all matters admitted."). "[W]e have held that a formal motion is not always required. (Internal citation omitted). Instead, a withdrawal 'may be imputed from a party's actions,' including the filing of a belated denial." *Id.* Quoting *Chancellor v. City of Detroit*, 454 F. Supp. 2d 645, 666 (E.D. Mich.2006).

District courts have "considerable discretion" regarding whether to permit withdrawal or amendment under Rule 36(b), *Kerry Steel*, 106 F.3d at 154. The court's discretion must be exercised in light of Rule 36(b), which permits withdrawal (1) "when the presentation of the merits of the action will be subserved thereby," and (2) "when the party who obtained the admission fails to satisfy the court that withdrawal or amendment will prejudice that party in maintaining the action or defense on the merits." However, there must first be a motion upon which the Court may consider withdrawal as it is not permitted to act sua sponte. In regard to prejudice, "[t]he prejudice contemplated by [Rule 36(b)] is not simply that the party who initially obtained the admission will now have to convince the fact finder of its truth." *Brook Village North Assoc. v. General Elec. Co.*, 686 F.2d 66, 70 (1st Cir.1982). Prejudice under Rule 36(b), rather, "relates to special difficulties a party may face caused by a sudden need to obtain evidence upon withdrawal or amendment of an admission." *Kerry Steel*, 106 F.3d at 154.

A number of courts within this circuit have held that requests for admission which are deemed admitted by the default of a pro se litigant generally "cannot be the sole basis for granting summary judgment if Plaintiff was not warned in the requests for admissions of the consequence of failing to respond timely." *Gordon v. Jones*, No. 3:08CV-P460-S, 2011 WL 847926, at *6, 2011 U.S. Dist. LEXIS 23320, at *14 (W.D. Ky. Mar. 8, 2011) (citing *Harris v. Callwood*, 844 F.2d 1254, 1256 (6th Cir. 1988)); see also *Gilliam v. Ordiway*, No. 15-cv-11833, 2016 WL 6803135, at *1, 2016 U.S. Dist. LEXIS 157801, at *8 (E.D. Mich. Oct. 20, 2016); *Morris v. Christian Cty. Sheriff's Dept.*, No. 5:12-CV-00156-TBR, 2013 WL 5934151, at *5, 2013 U.S. Dist. LEXIS 158240, at *5 (W.D. Ky. Nov. 5, 2013); *Jones-Bey v. Conrad*, No. 3:16-CV-723-DJH, 2020 WL 2736436, at *4 (W.D. Ky. May 26, 2020).

There was no warning given to Defendant in the Requests for Admission propounded on him by Plaintiff. However, from his filings, Defendant appears familiar with the consequences of failing to timely respond to such requests. (See ECF # 27 at 5). (In the Lake County litigation, Plaintiff alleged Defendant's admissions proved his case. The Lake County Court allowed Defendant to rescind his admissions on the eve of trial due to Plaintiff's own discovery failures.) Furthermore, Plaintiff's summary judgment motion requests the use of such admissions as the primary basis for judgment; and the Magistrate Judge gave Defendant additional time for discovery to respond to the summary judgment, presumably including an opportunity to move to withdraw his admissions. Defendant never formally or informally moved to withdraw, instead he appears to have unilaterally "withdrawn" his admissions without leave of court. Nor has Defendant submitted his responses to the Requests for Admissions to Plaintiff in the form and manner described in the Rule, if at all. Thus, this is not the case of a party inadvertently missing the deadline to submit responses or not fully understanding the ramifications of missing the response time due to his pro se status.

The Sixth Circuit has held, "the lenient treatment generally accorded to pro se litigants has limits." *Pilgrim v. Littlefield,* 92 F.3d 413, 416 (6th Cir. 1996). Moreover, "pro se parties must follow the same rules of procedure that govern other litigants." *Barry Wilson v. Middle Tennessee State Univ. & The State of Tennessee,* No. 3:19-0798, 2021 WL 694181, at *5 (M.D. Tenn. Feb. 23, 2021); see also *Fields v. County of Lapeera*, 2000 WL 1720727 at *2 (6th Cir. Nov. 8, 2000). "Ordinary civil litigants that proceed pro se are not entitled to special treatment, including assistance with responding to dispositive motions." *Wilson* at *5, citing *Brock v. Hendershott,* 840 F.2d 339, 343 (6th Cir.1988). The Sixth Circuit has further held: "[W]hile pro

se litigants may be entitled to some latitude when dealing with sophisticated legal issues, acknowledging their lack of formal training, there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend as easily as a lawyer." *Jourdan v. Jabe,* 951 F.2d 108, 109 (6th Cir. 1991). "Pro se litigants are not to be accorded any special consideration when they fail to adhere to readily-comprehended court deadlines." *Id.* at 110.

Plaintiff filed his summary judgment motion on July 23, 2020, based on Defendant's admissions. In a Declaration in Response to Motion for Summary Judgment, Asking for Discovery to be Extended to Cover All Parties Once Established (ECF # 58), Defendant requested an extension of discovery due to the sheer number of suits the Reos have filed against him and the passing of his domestic partner in August 2020. Defendant asked in his Declaration at ECF # 58 that discovery be extended because Plaintiff has refused to provide any discovery on his damages. Defendant further represented he will "answer" Plaintiff's discovery requests including his Requests for Admissions on Defendant's Church website.

In response to Defendant's Declaration, the Magistrate Judge held a telephone status conference with the parties in September 2020. The Magistrate Judge granted Defendant's Motion to Extend Discovery, ordering Defendant to file his Opposition to Plaintiff's summary judgment motion by November 9, 2020 and permitting the parties to engage in further discovery, up to the response date, necessary to oppose or reply to the pending dispositive motion.

On November 9, 2020, Defendant filed his Consolidated Opposition Reply Brief to Plaintiff's Motion for Summary Judgment. In the caption it further states, "Withdrawal of Silent "Admissions." In his Opposition Brief, Defendant states he is submitting all his consolidated

answers to Plaintiff and is "withdrawing all silent admissions yet again." (Consolidated Brief in Opposition at 3). He continues: "Thus, since the admissions are withdrawn, then this Court can proceed to trial on the merits before a jury..." (*Id* at 3-4). Defendant later asserts, "since the admissions have been withdrawn in the time frame of further discovery set by Magistrate Parker on September 8, 2020," the Reos have "no claim to summary judgment..." (*Id* at 5). Defendant also continues to assert that Plaintiff has failed to provide any basis for his damages. In his Objections at ECF# 83 to the Magistrate Judge's R & R, Defendant claims that he has "overtly asked to withdraw the implied Rule 36 admissions" in his filing of November 9, 2020.

The Magistrate Judge determined that Defendant never moved to have his admissions withdrawn prior to the Report and Recommendation and the Court agrees. Instead, Defendant unilaterally withdrew his admissions because he did not want them used against him. However, he never provided direct answers to the Requests for Admission in the form required by Rule 36; and, insofar as this Court is aware, has still not done so, despite knowing that failure to do so may subject him to summary judgment.

The Court does not believe that Rule 36 or subsequent caselaw interpreting the same allows the Court to pick and choose which admissions will be withdrawn and which will be enforced when Defendant has not moved to withdraw any admissions. Because Defendant has not requested that only certain admissions be withdrawn, the Court must either withdraw all his admissions or none of them. The plain language of Rule 36 requires the withdrawal be "on motion" and, as the Magistrate Judge correctly determined, the Court may not withdraw admissions sua sponte. Defendant's filings make clear he wants all his admissions withdrawn but he has never formally moved to do so and has never submitted his responses to the Requests.

Rule 36 is "intended to facilitate proof at trials by obviating the need to adduce testimony or documents as to matters that are really not in controversy. Thus, Fed. R. Civ. P. 36(a)(1)(A) permits requests for admissions as to 'facts, the application of law to fact, or opinions about either.'" *Petroff-Kline*, 557 F.3d at 293, quoting Rule 36.

On consideration of Defendant's and Plaintiff's Objections, the Court agrees with the Magistrate Judge's recommendation finding that Defendant admitted the requests for admission and that these support the elements of Defamation and False Light. The Court will not construe the statement in his Objection that he overtly asked the Magistrate to withdraw his requests as a request for withdrawal because the docket demonstrates Lindstedt never moved to withdraw, despite knowing the consequences for failure to do so, and because Lindstedt has not provided responses even more than eight months after they were propounded on him.

Rule 36(b) also requires that the Court consider what prejudice, if any, Plaintiff will face should the Court grant withdrawal. Again, the prejudice the Court must guard against is that which "relates to special difficulties a party may face caused by a sudden need to obtain evidence upon withdrawal or amendment of an admission." *Kerry Steel*, 106 F.3d at 154. The Magistrate Judge found Plaintiff would be prejudiced by the continued scandalous and insulting filings of Defendant and by the needless prolonging of the litigation. In his Objection, Plaintiff argues against withdrawal, contending that not only would he suffer the prejudice described by the Magistrate Judge, but would also have to present his claims in the absence of any discovery from Defendant, who failed to provide him discovery as requested and continues to submit slanderous filings at every opportunity. Moreover, Plaintiff asserts that expert witnesses have declined to testify on his behalf for fear of Defendant.

The Court finds that much of the purported prejudice Plaintiff complains of is not the sort that would militate against withdrawal. Continued slanderous filings by Defendant do not relate to the special difficulties Plaintiff will face with the sudden need to obtain evidence. However, the fact that Defendant failed to provide evidence during discovery and has issued many threatening responses in his Court filings is particularly troubling to the Court and has clearly prejudiced Plaintiff's ability to marshal evidence in his case.

Based upon Defendant's continued scandalous, scurrilous and vitriol-laced filings, the Court will not show him the leniency usually afforded pro se litigants. Holding him to the standards of practice required of counsel, the Court will not tolerate Defendant's language in his filings and his misuse of the judicial process. Nor will the Court search the record to find that any of his filings constitute a request to withdraw the admissions.

By Rule, the admissions are deemed admitted and these admissions conclusively support Plaintiff's claims for Defamation and False Light as found by the Magistrate Judge. "Rule 36(a) allows a party to request an admission even where the request seeks admission of 'ultimate facts' or 'is dispositive of the entire case.'" *Turk v. Citimortgage,* No. 05--70386, 2005 WL 2090888, at *3 (E.D.Mich.2005) (citing *Campbell v. Spectrum Automation Co.*, 601 F.2d 246, 253 (6th Cir.1979)). "Thus matters deemed admitted can serve as a basis for the granting of a motion for summary judgment." *Id.* (citing Fed. R. Civ. P. 56(c); *First Nat'l Bank Co. of Clinton, Ill. v. Ins. Co. of N. Am.*, 606 F.2d 760, 766 (7th Cir.1979); *Dukes v. South Carolina Ins. Co.*, 770 F.2d 545, 548–49 (5th Cir.1985)). Rule 56 itself allows the use of admissions as a basis for granting summary judgment wherein it reads:

> Supporting Factual Positions. A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

> (A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), **admissions,** interrogatory answers, or other materials.

See also *Jasar Recycling, Inc. v. Major Max Mgmt. Corp.*, No. 4:08CV2830, 2010 WL 395212, at *3 (N.D. Ohio Jan. 22, 2010) (holding that deemed admissions supported damage amounts claimed by plaintiff and granting summary judgment on the same.).

Therefore, because Defendant has not responded to Plaintiff's Requests for Admission, nor moved to withdraw them, the Court adopts the Magistrate Judge's recommendation that they be deemed admitted; and that these deemed admissions demonstrate there are no genuine issues of fact and Plaintiff is entitled to summary judgment on his Defamation and False Light claims against Defendant. Moreover, the Court adopts the Magistrate Judge's recommendation in the alternative that Plaintiff be granted summary judgment on these claims in the amount of $250,000 in compensatory damages and $500,000 in punitive damages against Defendant based on the same admissions.

The case shall proceed on Defendant's remaining claims.

IT IS SO ORDERED.

DATE: March 29, 2021

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
Senior United States District Judge