

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 it makes no specific reference 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.

BY THE COURT.

The Honorable Judge Bridget Mayer
Circuit Court Judge

Attest:

By: _____, deputy.

(SEAL)