

**IN THE SUPREME COURT
FOR THE STATE OF OHIO**

BRYAN ANTHONY REO	:	
Appellee,	:	Supreme Court Case- 2021-0313
vs.	:	
MARTIN LINDSTEDT et al.	:	11th Appellate District Court- Case #- 2019-L-073 Case #- 2019-L-074
Appellant.	:	
	:	Lake County Common Pleas- Case #- 15CV001590 Case #- 16CV000825

**APPELLEE’S MOTION TO
DISMISS APPEAL**

APPELLEE’S MOTION TO DISMISS APPEAL

REO LAW LLC

By: Bryan Anthony Reo (#0097470)
P.O. Box 5100
Mentor, OH 44061
(P): (440) 313-5893
(E): Reo@ReoLaw.org
Pro Se Appellee & Attorney

MARTIN LINDSTEDT

338 Rabbit Track Road
Granby, MO 64844
(P): (417) 472-6901
(E): pastorlindstedt@gmail.com
Pro se Appellant

NOW COMES Bryan Anthony Reo, Appellee-Plaintiff Pro Se and hereby moves this Honorable State of Ohio Supreme Court for an order dismissing Appellant's Appeal. For reasons that are self-evident from a cursory glance at Appellant's Appeal, the appeal should be dismissed in its entirety.

Furthermore, Appellant has made no attempt to comply with procedure. In the consolidated appeal of Case #- 2019-L-073 and Case #- 2019-L-074 an opinion was issued on 12/14/2020 and mailed that same day by the clerk. Appellant moved for reconsideration 14 days later on 12/28/2020. Ohio App. R. 26(A)(1)(a) provides that a motion for appellate reconsideration must be filed no later than 10 days from the date of the entry and mailing of the order from which reconsideration is sought. "Application for reconsideration of any cause or motion submitted on appeal shall be made in writing no later than ten days after the clerk has both mailed to the parties the judgment or order in question and made a note on the docket of the mailing as required by App. R. 30(A)." His motion for reconsideration was due on or by 12/24/2020, which was not a legal court holiday.

In short, Appellant's motion for reconsideration was [aside from being frivolous] simply untimely. Appellant's untimely motion for reconsideration was denied on 1/25/2021. The issue remaining is whether or not an untimely motion for reconsideration tolls the time to file a notice of appeal to the State Supreme Court, noting that a notice of appeal must be filed within 45 days of the date of the appellate opinion/order from which the appeal is being taken. In any event, from 1/25/2021 to 3/11/2021 [when Appellant filed his notice of appeal] was 46 days, which would still make the notice untimely even if this appeal had been properly taken from a timely and valid motion for reconsideration. Appellant's motion for reconsideration was untimely and

thus invalid and it did not have the effect of tolling or stopping the counting down of his 45-day clock, which began to run on 12/14/2020, within which to file a timely notice of appeal.

Appellant's notice of appeal was due on or by 1/28/2021 in order to be timely. On this basis alone Appellant's appeal should be dismissed because it is significantly late and the notice for the instant appeal is simply untimely.

RESPECTFULLY SUBMITTED,

/S/ BRYAN ANTHONY REO
REO LAW LLC

By: Bryan Anthony Reo (#0097470)

P.O. Box 5100

Mentor, OH 44061

(Business): (216) 505-0811

(Mobile): (440) 313-5893

(E): Reo@ReoLaw.org

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 15 day of MARCH 2021

/S/ BRYAN ANTHONY REO
