

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANTHONY DOMENIC REO,

Plaintiff,

v.

MARTIN LINDSTEDT.,

Defendant.

Case No. 1:19-cv-02615-JRA

Hon. John R. Adams

Mag. George J. Limbert

**PLAINTIFF’S ANSWER TO DEFENDANT’S MOTION FOR STAY OF
PROCEEDINGS AND/OR CONSOLIDATION OF CASES**

NOW COMES Anthony Domenic Reo (“Plaintiff”) by and through the undersigned attorney Bryan Anthony Reo, and hereby propounds upon Martin Lindstedt (“Defendant”) and this Honorable Court Plaintiff’s Answer to Defendant’s Motion for Stay of Proceedings and/or Consolidation of Cases:

There are currently pending before the United States District Court for the Eastern District of Ohio four cases involving Martin Lindstedt:

Anthony Domenic Reo v. Martin Lindstedt, Case No. 1:19-cv-02615-JRA (“Case No. 1”)

Bryan Anthony Reo v. Martin Lindstedt, Case No. 1:19-cv-02589-CAB (“Case No. 2”)

Stefani Rossi Reo v. Martin Lindstedt, Case No. 1:19-cv-02786-CAB (“Case No. 3”)

Bryan Anthony Reo v. Martin Lindstedt, Case No. 1:19-cv-02103-SO (“Case No. 4”)

For Case No. 1, Anthony Domenic Reo is suing Defendant for defamation, invasion of privacy, intentional infliction of emotional distress, and injunctive relief in relation to actionable statements Defendant published online about the plaintiff. Said tort claims are personal to the plaintiff of that case and do not concern Defendant's misconduct as it relates to Bryan Anthony Reo or Stefani Rossi Reo. See *Anthony Domenic Reo v. Martin Lindstedt*, Case No. 1:19-cv-02615-JRA, ECF No. 1-1, PageID. ## 7-17.

For Case No. 2, Bryan Anthony Reo is suing Defendant for defamation, invasion of privacy, intentional infliction of emotional distress, and injunctive relief in relation to actionable statements Defendant published online about the plaintiff. Said tort claims are personal to Bryan Anthony Reo and do not concern Defendant's misconduct as it relates to Anthony Domenic Reo or Stefani Rossi Reo. See *Bryan Anthony Reo v. Martin Lindstedt*, Case No. 1:19-cv-02589-CAB, ECF No. 1-3, PageID. ## 8-20.

For Case No. 3, Stefani Rossi Reo is suing Defendant for defamation, invasion of privacy, intentional infliction of emotional distress, and injunctive relief in relation to actionable statements Defendant published online about the plaintiff. Said tort claims are personal to the plaintiff of that case and do not concern Defendant's misconduct as it relates to Bryan Anthony Reo or Anthony Domenic Reo. See *Stefani Rossi Reo v. Martin Lindstedt*, Case No. 1:19-cv-02786-CAB, ECF No. 1-2, PageID. ## 8-15.

For Case No. 4, Bryan Anthony Reo is suing Defendant for defamation, invasion of privacy, intentional infliction of emotional distress, punitive damages, and injunctive relief in relation to actionable statements Defendant published online about the plaintiff. Said tort claims are personal to Bryan Anthony Reo and do not concern Defendant's misconduct as it relates to

Anthony Domenic Reo or Stefani Rossi Reo. See *Bryan Anthony Reo v. Martin Lindstedt*, Case No. 1:19-cv-02103-SO, ECF No. 1-1, PageID. ## 6-18.

Defendant now seeks for Case Nos. 1 through 4 to be consolidated and/or for proceedings to be stayed. Plaintiff opposes the same.

Defendant has publicly vowed to try to prevent Bryan Anthony Reo, Anthony Domenic Reo, and Stefani Rossi Reo from efficiently litigating their respective civil actions against Defendant, and Defendant's instant ploy of trying to seek the consolidation of the civil actions which do not concern one another—and/or to stay the proceedings for the same—is frivolous. See Fed. R. Civ. P. 11(b)(1) (“By presenting to the court a * * * written motion[,], * * * an * * * unrepresented party certifies that * * * (1) it is not being presented for any improper purpose, such as to * * * cause unnecessary delay[.]”)

When Defendant was interviewed by a journalist, Defendant was “pretty open about selling his 1,800 acres of range land in Stanley County last fall to his sister, Susan Bessman, for a pittance mostly to keep [Bryan] Reo from collecting any of the \$105,000 judgment [Ohio's Lake County Court of Common Pleas previously awarded said plaintiff]. * * * “Lindstedt openly acknowledges he handed over the land to his sister so that [Bryan] Reo could not collect on the judgment.” Lee, Stephen. “White supremacist fighting over Stanley County land.” *Capital Journal*. 2 September 2020. <https://www.capjournal.com/news/white-supremacist-fighting-over-stanley-county-land/article_ce58d398-ed83-11ea-9bdf-63e60471b3ce.html>. Accessed 25 September 2020.

Based upon Defendant engaging in fraudulent conveyances to try to render himself non-collectable, staying proceedings would be prejudicial to the rights of Plaintiff: Defendant should not be afforded a stay of proceedings so that Defendant can conspire with third-parties—like

Defendant's sister—in order to fraudulently convey assets. There is no lawful or reasonable basis for the Court's proceedings to be stayed, and Defendant's request for the same should be denied.

Defendant's request that the separate and distinct civil actions should be consolidated is not meritorious. Presumably, Defendant relies upon Fed. R. Civ. P. 19 (required joinder of parties), Fed. R. Civ. P. 20 (permissive joinder of parties), and Fed. R. Civ. P. 42 (consolidation of cases).

With regards to Fed. R. Civ. P. 19, it states in pertinent part:

(a) PERSONS REQUIRED TO BE JOINED IF FEASIBLE.

(1) *Required Party*. A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if:

(A) in that person's absence, the court cannot accord complete relief among existing parties; or

(B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:

(i) as a practical matter impair or impede the person's ability to protect the interest; or

(ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.

(2) *Joinder by Court Order*. If a person has not been joined as required, the court must order that the person be made a party. A person who refuses to join as a plaintiff may be made either a defendant or, in a proper case, an involuntary plaintiff.

In the instant case, the Court can accord complete relief to Plaintiff and Defendant without involving the plaintiffs of the other pending civil actions. As such, Fed. R. Civ. P. 19(a)(1)(A) is not triggered for joinder to be required. Furthermore, the plaintiffs of the other pending civil actions have unique tort claims against Defendant which are personal to them and do not concern

Plaintiff; there is no interest relating to the subject of the action. As such, Fed. R. Civ. P. 19(a)(1)(B) is not triggered for joinder to be required.

Fed. R. Civ. P. 20 provides in pertinent part:

(a) PERSONS WHO MAY JOIN OR BE JOINED.

(1) *Plaintiffs*. Persons may join in one action as plaintiffs if:

(A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and

(B) any question of law or fact common to all plaintiffs will arise in the action.

In the instant case, Bryan Anthony Reo, Stefani Rossi Reo, and Anthony Domenic Reo are not asserting a right to relief jointly, severally, or in the alternative with respect to the same transaction, occurrence, or series of transactions or occurrences. As such, Fed. R. Civ. P. 20(a)(1)(A) is not triggered. Furthermore, there is no question of law or fact which is common to all plaintiffs which warrants the cases being consolidated; as such, Fed. R. Civ. P. 20(a)(1)(B) is not triggered. Each and every time Defendant published actionable content online about Defendant's victims, those publications concerned the subject of the same and not third-parties.

Imagine if Defendant had a dog and over the course of a month, that dog bit three different people who decided to sue Defendant for the same. The operative set of facts for each victim of a dog-bite does not concern what happened to the dog's other victims, and joinder of the cases would be improper. Likewise, Defendant publishing actionable content online about three different victims—Bryan Anthony Reo, Stefani Rossi Reo, and Anthony Domenic Reo—is unique to each aggrieved plaintiff and consolidating their cases is similarly improper. That the plaintiffs for these cases happen to know one another is irrelevant for purposes of Fed. R. Civ. P. 19 and 20.

Fed. R. Civ. P. 42 states in pertinent part,

(a) CONSOLIDATION. If actions before the court involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay.

For the instant case, Plaintiff respectfully submits that insofar as there is no common question of law or fact for the pending civil actions, consolidating the cases in any manner is not permitted.

The decision of whether or not to consolidate cases for trial lies within the sound discretion of the trial judge and will not be overturned unless an abuse of discretion is shown. *Cantrell v. GAF Corp.*, 999 F.2d 1007, 1011 (6th Cir. 1993).

In *Cantrell*, the Sixth Circuit identified several factors that a trial court should consider in deciding whether or not to consolidate separate lawsuits for trial, including: (1) whether the specific risks of prejudice and possible confusion are overborne by the risk of inconsistent adjudication of common factual and legal issues; (2) the burden on the parties, witnesses and available judicial resources posed by multiple lawsuits; (3) the length of time required to conclude multiple suits as against a single one; and (4) the relative expense to all concerned of the single-trial, multiple trial alternatives. *Id.*, at 1011.

For the reasons set forth herein, Plaintiff prays that this Honorable Court will deny Defendant's instant motion to stay proceedings and/or to consolidate the cases.

RESPECTFULLY SUBMITTED,

/S/ BRYAN ANTHONY REO

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Attorney for Anthony Domenic Reo

Dated: September 25, 2020

CERTIFICATE OF SERVICE

I, Bryan Anthony Reo, affirm that I am Counsel of Record for a party to the above-captioned civil action, and on September 25, 2020, I served a true and accurate copy the foregoing document upon Martin Lindstedt, 338 Rabbit Track Road, Granby, MO 64844, by placing the same in a First Class postage-prepaid, properly addressed, and sealed envelope and in the United States Mail located in City of Mentor, Lake County, State of Ohio.

RESPECTFULLY SUBMITTED,

/S/ BRYAN ANTHONY REO

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Attorney for Anthony Domenic Reo

Dated: September 25, 2020