

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. Carmen E. Henderson

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Pro se Defendant

PLAINTIFF ANTHONY DOMENIC REO'S
SUR REPLY IN SUPPORT OF PLAINTIFF'S
PARTIAL OBJECTIONS TO MAGISTRATE'S
REPORT AND RECOMMENDATION

NOW COMES Anthony Domenic Reo ("Plaintiff"), *by and through the undersigned attorney*, and hereby propounds upon Martin Lindstedt ("Defendant") and this Honorable Court Plaintiff Anthony Domenic Reo's Sur Reply in Support of Plaintiff's Partial Objections to Magistrate's Report and Recommendation.

1. On or about September 18, 2019, Plaintiff filed against Defendant Plaintiff's Complaint, which included Count I (Defamation), Count II (Invasion of Privacy – False Light), Count III (Intentional Infliction of Emotional Distress), and Count IV (Permanent Injunction). (ECF No. 1-1, PageID. ## 4-7).

2. On March 3, 2021, Magistrate Judge Carmen E. Henderson issued her Report & Recommendation which pertinently recommends that summary judgment be granted in Plaintiff's favor and against Defendant as to Count I (Defamation) and Count II (Invasion of Privacy – False Light), but denied as to Count III (Intentional Infliction of Emotional Distress) with the partial granting of Count IV (in the form of a limited Permanent Injunction). (ECF No. 37, PageID. ## 450-469). Most importantly the Magistrate's primary recommendation regards the withdrawal of admissions as they relate to damages.

3. On March 9, 2021, Plaintiff filed Plaintiff Anthony Domenic Reo's Partial Objection to Magistrate Judge Carmen E. Henderson's Report and Recommendation Dated March 3, 2021 (Magistrate's Report ECF No. 37) (Reo's Partial Objections ECF No. 38, PageID. ## 470-494).

4. Consistent with the recommendation, Plaintiff should receive summary judgment as to liability on Count I and Count II (ECF No. 37, PageID. ## 461). However, Defendant should not be allowed to withdraw any admissions as they relate to damages.

5. For reasons that are now becoming even clearer, Plaintiff will likewise be prejudiced if Defendant is allowed to withdraw admissions as they relate to damages. The Court noted that, "Plaintiff controls the evidence concerning his injuries" (ECF No. 37, PageID #458). But this is inaccurate and incorrect¹. Defendant is in sole control of information regarding how widely he

¹ The Magistrate's assertion is simply incorrect. Plaintiff would want [and sought] evidence that is solely in control of Defendant, specifically, documentary records concerning to whom Defendant specifically communicated or published the defamatory material, website analytics to show website traffic on Defendant's website to help determine how many people saw the publications on Defendant's website, whether Defendant did any fact checking or attempted to determine the veracity of his statements before he made them as this is relevant to common law malice for punitive damages, Defendant's net worth as this is relevant for punitive damages calculations. Defendant never produced anything and never disclosed anything. Plaintiff has already been prejudiced and permitting Defendant any sort of withdrawal will cause detrimental prejudice. Plaintiff would have also wanted a clinical psychologist to prepare an expert report and provide

disseminated the material about Plaintiff, Defendant never produced anything in discovery and never disclosed anything. Defendant has likewise made it impossible, through his misconduct, for Plaintiff to retain the services of a clinical psychologist, an expert whose testimony might very well be crucial, or even necessary, for Plaintiff to properly conduct a damages hearing. Plaintiff was never afforded any meaningful opportunity to obtain information from Defendant regarding the nature, scope, motive, basis, and relevant scienter in regards to Defendant's actions against Plaintiff. Defendant never participated in discovery and this has been to Plaintiff's detriment².

6. Defendant recently contacted almost every major national media outlet in the country in an attempt to defame Plaintiff's Counsel³, an act which violated the injunction granted by Judge Oliver on September 28, 2020. Plaintiff's Counsel only knows about this because Defendant copied him on the email chain. Because Defendant never responded to *any* of Plaintiff Anthony Domenic Reo's discovery requests, Plaintiff has absolutely no idea with whom Defendant has conversed, with whom Defendant has spoken. Defendant has made sly innuendo and remarks⁴ that suggest he has contacted Plaintiff's employer about him⁵, but Defendant has never participated in

testimony regarding Plaintiff's mental anguish, emotional distress, and the humiliation Plaintiff has endured over Defendant's defamation campaign.

² From Defendant's conduct thus far it was likely Defendant's intent to cause prejudice to Plaintiff's case by not participating in discovery.

³ See attached Exhibit 4- Email of Defendant to major media outlets to defame Plaintiff's Counsel.

⁴ Defendant previously made an oral statement during one of his online podcasts wherein he stated that Anthony Domenic Reo worked for General Electric [which is true] and that Defendant would strive to see him reduced to the status of a janitor. Plaintiff works in quality control in engineering but within the last 18 months Plaintiff lost his recently attained salaried status and was put back on an hourly pay scheme with reduced health benefits. Whether that employment decision by Plaintiff's employer was owed primarily or in part due to content or communication by Defendant is unknown because Defendant never participated in discovery.

⁵ Defendant has already publicly boasted that he contacts people involved with Plaintiff's Counsel whether party opponents or counsel for party opponents, and attempts to influence the outcomes of Plaintiff's Counsel's cases. See exhibits 1, 2, and 3 attached to the Declaration of Counsel.

discovery or responded to discovery and Plaintiff has no ability to obtain discovery from Defendant because of Defendant's behavior and Defendant has made it impossible for Plaintiff to retain an expert to testify about Plaintiff's emotional damages. Defendant could have possibly had contact with Plaintiff's employer or produced content that Plaintiff's employer came across.

7. The Magistrate's Report and Recommendation suggests that the Court treat Defendant's recent rants and ramblings as what is essentially a motion under Fed. R. Civ. P. 36(b) and use discretion⁶ to permit Defendant to withdraw admissions as to damages on the basis this will allegedly not prejudice Plaintiff Anthony Domenic Reo (ECF No. 37 PageID. ## 420). However, Plaintiff wishes to again call the Court's attention to the fact that the Defendant not only did not participate in discovery in any context, neither replying to discovery propounded upon him nor serving his own discovery requests, he worked to stymie the ability of Plaintiff to obtain third party discovery in the form of expert reports or expert testimony.

⁶ Plaintiff respectfully notes that the Magistrate's Report does not provide a basis for why the Defendant, in light of his conduct to date, deserves to be given the benefit of any such discretion. If ever there were a man who deserved to be given the benefit of a Court's discretion, it is certainly not Martin Lindstedt and certainly not in this case. Just because a Court could exercise discretion for the benefit of a party does not mean that it must exercise the discretion. Why, in light of everything that has transpired to date, from Defendant's non-participation in discovery, stonewalling the proceedings, causing delays, abusive language, unnecessary filings, late filings, violation of standing orders against abusive language, and hindering Plaintiff's ability to retain experts, would the Defendant ever deserve the consideration the Magistrate suggests that this Court extend to him? The Defendant has unclean hands and does not deserve to be the benefit of the sort of equitable treatment the Magistrate suggests. The scales of equity must be seen to tip in favor of Plaintiff given the night and day difference with how Plaintiff and Defendant have conducted themselves in this case and the differences with how the respective parties have participated in the proceedings and respected the Rules and Orders of this Court. Furthermore, Plaintiff has not defamed nor wronged Defendant, while Defendant has grievously defamed and wronged Plaintiff. Equity not only does not require that Defendant be given sua sponte withdrawal of admissions, equity actually requires that he not be given such leave because he has not done equity and is thus undeserving of receiving equity. Plaintiff has done equity and should receive equity.

8. The Magistrate's Report and Recommendation in regards to the possibility of withdrawal of damages relies heavily upon Judge Oliver's order in 1:19-cv-2103 in terms of questions remaining as to damages. However, when Plaintiff's Counsel from the instant action, who is a pro se plaintiff in 1:19-cv-2103 attempted to retain a clinical psychologist to serve as a testifying expert in the eventual damages hearing in the case pending before Judge Oliver, he was met with explicit refusal. This Plaintiff in this case will likewise be unable to retain any testifying expert because of what Defendant has done to Plaintiff, his Counsel, and what Defendant does to those linked to or involved with Plaintiff and his Counsel. See Declaration of Counsel Regarding Experts.

9. Plaintiff will be extremely prejudiced and hindered in presenting proofs of damages at a damages hearing if Defendant is allowed to make withdrawals of admissions to as damages in light of the fact that Defendant never produced anything in response to Plaintiff's discovery and Defendant's conduct has assured Plaintiff will not be able to retain a testifying expert to speak to his emotional and psychological damages. Not only did Defendant not participate in discovery, but he conducts himself online in such a way as to bring about circumstances that make it virtually impossible for Plaintiff to enlist the aid of third parties to participate in discovery as retained and testifying experts. From the tone and tenor of Defendant's comments and the content of his pleadings it is clear Defendant knows exactly what he is doing.

10. Plaintiff prayerfully requests that the Court not allow Defendant to withdraw any admissions, least of all as they to relate to damages, and instead adopt the Magistrate's Recommendation and Report (ECF No. 37) while sustaining Plaintiff's Partial Objections ECF No. 38) to the report and thus entering judgment in favor of Plaintiff against Defendant in the amount of \$250,000.00 for general damages and \$250,000.00 for punitive damages for an aggregate amount of \$500,000.00 and finally putting this entire matter fully to rest. Defendant

never participated in discovery, never produced anything in response to Plaintiff's discovery, filed offensive and irrelevant gibberish, caused as much delay as possible, and not only has Defendant not participated in discovery, he has stymied and hindered Plaintiff's ability to get discovery from third parties as it would relate to damages via the retaining of experts to testify at a damages hearing. Allowing Defendant to withdraw admissions as to damages will necessitate a damages hearing at which Plaintiff will be prejudiced based on Defendant's conduct to date. Defendant should not be allowed to viciously defame Plaintiff, not participate in discovery, not respond to discovery, cause delays, and bring about circumstances where Plaintiff cannot obtain expert reports or elicit expert testimony, and be allowed to withdraw admissions as they relate to damages and thus force Plaintiff to be hamstrung and neutered at a damages hearing which would take place without the benefit of experts. The Court should enter judgment in favor of Plaintiff against Defendant in the amount of \$500,000.00 and dismiss with prejudice all of Defendant's counter-claims against Plaintiff and finally resolve this entire matter.

Respectfully submitted,

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/s/ Bryan A. Reo
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Attorney for Plaintiff Anthony Domenic Reo

Dated: March 22, 2021

CERTIFICATE OF SERVICE

I, Bryan Anthony Reo, affirm that I am counsel of record to a party to the above-captioned civil action, and on March 22, 2021, 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.

I have also electronically filed the foregoing document which should serve notice of the filing of the same upon each party who has appeared through counsel, via the court's electronic filing notification system.

/s/ Bryan A. Reo
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Dated: March 22, 2021