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

STEFANI ROSSI REO, Plaintiff / Counter-Defendant, v. **MARTIN LINDSTEDT,** Defendant / Counter-Plaintiff.	Case No. 1:19-CV-02786-CAB Hon. Christopher A. Boyko Mag. Thomas M. Parker

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PLAINTIFF STEFANI ROSSI REO'S
BRIEF IN OPPOSITION TO DEFENDANT'S
MOTION FOR RECONSIDERATION

NOW COMES Stefani Rossi Reo ("Plaintiff"), *by and through the undersigned attorney* and hereby propounds upon Martin Lindstedt ("Defendant") and this Honorable Court Plaintiff Stefani Rossi Reo's Brief in Opposition to Defendant's Motion for Reconsideration. Because Defendant's motion fails to articulate a legally sufficient and procedurally proper basis by which he would be entitled to reconsideration, and Defendant simply attempts to repeat previously rejected arguments, the Court should deny Defendant's motion in the entirety.

On March 30, 2021, this Court issued an opinion and order granting summary judgment in favor of Plaintiff in the amount of $500,000.00 dollars (EFC No. 48)

On April 27, 2021 Defendant filed a Motion for Reconsideration (ECF No. 52).

A court may grant a motion to amend or alter judgment if a clear error of law or newly discovered evidence exists, an intervening change in controlling law occurs, or to prevent manifest injustice. See *Gencorp, Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999). The Court should specifically note the emphasis on "may" which denotes the matter is one of a discretionary nature. Even if Defendant were to somehow meet the procedural burdens of making a showing for reconsideration, such would be completely discretionary and Defendant has never done anything in the instant action to demonstrate himself worthy of being the beneficiary of such discretion.

A motion for reconsideration generally requires a showing of "(1) a clear error of law; (2) newly discovered evidence that was not previously available to the parties; or (3) an intervening change in controlling law." *Owner-Operator Independent Drivers Ass'n, Inc. v. Arctic Exp., Inc.*, 288 F. Supp.2d 895, 900 (S.D. Ohio 2003) (citing *GenCorp., Inc.*, 178 F.3d at 834); see also *Boler Co. v. Watson & Chalin Mfg. Inc.*, 372 F. Supp. 2d 1013, 1025 (N.D. Ohio 2004) (quoting *General Truck Drivers, Local No. 957 v. Dayton Newspaper, Inc.*, 190 F.3d 434, 445 (6th Cir. 1999) (Clay, J. dissenting), *cert. denied*, 528 U.S. 1137 (2000)); *Henderson v. Walled Lake Consol. Sch.*, 469 F.3d 479, 496 (6th Cir. 2006). "Motions for reconsideration do not allow the losing party to 'repeat arguments previously considered and rejected, or to raise new legal theories that should have been raised earlier.'" *Id.*

In the Sixth Circuit, a motion for reconsideration is construed as a motion to alter or amend the judgment pursuant to Federal Rule of Civil Procedure 59(e). See *Moody v. Pepsi-Cola Metro. Bottling Co.*, 915 F.2d 201, 206 (6th Cir. 1990). Under Rule 59(e), a district court may grant a motion to alter or amend the judgment if the movant shows: "(1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice." *Brumley v. United Parcel Serv., Inc.*, 909 F.3d 834, 841 (6th Cir. 2018) (quotation omitted). The purpose of Rule 59(e) is to give district courts an opportunity to fix their mistakes without going through a costly and unnecessary appeals process. See *Howard v. United States*, 533 F.3d 472, 475 (6th Cir. 2008). However, Rule 59 motions "may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment." *Brumley*, 909 F.3d at 841 (quoting *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 486 n.5 (2008)). In general, motions for reconsideration are disfavored. *Davie v. Mitchell*, 291 F. Supp. 2d 573, 634 (N.D. Ohio 2003), aff'd, 547 F.3d 297 (6th Cir. 2008).

What Defendant, the losing party, has taken to doing, is repeating the same arguments which were previously considered and rejected. Defendant seems to believe that a motion for reconsideration rehashing previously rejected arguments is the remedy for every adverse motion ruling. Defendant's motion lacks anything that would be sufficient for Fed R. Civ. P. 59(e) reconsideration and instead consists primarily of repeating previously rejected arguments mixed with thinly veiled threats at the justice system, the court, Plaintiff, rambling rhetoric about civil war, and general threats against society in general. There is nothing remotely meritorious within Defendant's motion, let alone anything rising to the level of a demonstration of a clear error of law, newly discovered evidence, an intervening change in controlling law, or the need to prevent

manifest injustice. Defendant's motion can be summarized as, "I don't like Bryan Reo, I don't like anybody linked to him, I don't like Stefani Rossi Reo, I don't like this Court, I don't like society, I am now willing to lie and claim I answered requests for admissions even though there is no record evidence to support such a statement and the record evidence actually shows that I did not answer said requests for admissions, I demand reconsideration." Assuming arguendo the truth of all of Defendant's random racial and sexual slurs against Plaintiff and Plaintiff's Counsel, none of that would rise to the level of serving as a sufficient basis for reconsideration.

Defendant's assertion that he answered requests for admissions by answering the complaint and pleading a counter-claim is absurd and legally insufficient. Defendant's Answer and Counter-claim was filed 12/10/2019 (ECF No. 6) which was stricken before he filed an Amended Answer with Counter-Claim on 3/3/2020 (ECF No. 13). Requests For Admission, along with other discovery devices, were propounded upon Defendant on 5/15/2020, no responses were ever made by Defendant although he did acknowledge receipt of same by referencing the same in various pleadings and discussing the same on his website. Defendant also moved for an extension of discovery, an extension which was granted, wherein he stated he would fully participate in discovery, cooperate, and respond to all outstanding discovery, with Defendant ultimately not participating, not cooperating, and not responding to any outstanding discovery. Defendant's assertion that he responded to Requests for Admissions which were not propounded until May 15, 2020, by his Answer and Counter-claim filed March 3, 2020, is not only false and erroneous, it is an impossibility. One cannot respond to a document that was created and propounded in May, three months prior to the creation and receipt of said document.

The Court has already ruled that "Nor will the Court search the record to find that any of his filings constitute a request to withdraw the admissions." (ECF No. 48 Page ID #583). Indeed, Defendant never made any such request.

Defendant continues to use these proceedings to file things that demonstrate he would never be entitled to the sort of equity he is not merely requesting, but outright demanding. There is no good reason for this Court to reconsider, alter, or amend its order from 3/30/2021 and Defendant certainly has not come up with any good reason.

Plaintiff respectfully prays that this Court will reject all of Defendant's arguments and deny his motion for reconsideration in toto, provide a formal judgment entry as to the judgment of $500,000.00 in favor of Plaintiff against Defendant, dispose of Defendant's pending counter-claims against Plaintiff, and proceed to expeditiously close this case for good.

Respectfully submitted,

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Dated: April 27, 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 April 27, 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 ANTHONY REO
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Dated: April 27, 2021