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

BRYAN ANTHONY REO,	Case No. 1:19-CV-02103-SO
Plaintiff	Hon. Solomon Oliver, Jr.
v.	Mag. Reuben J. Sheperd
MARTIN LINDSTEDT,	Objections to Defendant's Exhibits in 1:19-cv-2103
Defendant	[1:19-cv-2103] [1:19-cv-2589]

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OBJECTIONS TO DEFENDANT'S EXHIBITS IN 1:19-CV-2103 AND 1:19-CV-2589

NOW COMES Bryan Anthony Reo ("Plaintiff") in 1:19-cv-2103 and 1:19-cv-2589, and hereby propounds upon Martin Lindstedt ("Defendant") and this Honorable Court Plaintiff's Objections to Defendant's Exhibits in 1:19-cv-2103 and 1:19-cv-2589. For the reasons that follow Defendant's offered exhibits should be excluded as they are subject to evidentiary sanctions[1] under

[1] The Court has spent significant time and energy discussing Defendant's seeming inability to comprehend basic orders and deadlines and has written about being fair to litigants such as Defendant who has flagrantly disobeyed the orders issued by this Court. Now some consideration for the rights of the Plaintiff and fairness to the Plaintiff would be appreciated, particularly seeing as how the Plaintiff has obeyed the orders of this Court and have not filed endless rants with threats of mayhem as the Defendant has done. In the zeal to safeguard the rights of Defendant, who behaves in an atrociously poor and outrageous manner, the rights of the Plaintiff are at risk of being trampled upon, something that is fundamentally unfair and unjust. This Court has said Defendant would be sanctioned with evidentiary exclusions, now is the time to follow through.

Fed. R. Civ. P. 37, the defendant failed to provide them in response to court orders to respond to written discovery, they are not relevant to claims or defenses and are subject to exclusion under Fed. R. Evid. 401, or if they are relevant and not subject to exclusion under Fed. R. Civ. P. 37, they are subject to exclusion under Fed. R. Evid. 403.

As a threshold matter, the Plaintiff wishes the Court to note that it was not possible to resolve this matter with Defendant prior to filing these objections. Plaintiff emailed Defendant immediately after receipt of the first exhibits and advised that Plaintiff found the exhibits objectionable and would have to file objections. Defendant never responded to the substance of Plaintiff's concerns or to the matter of objections generally.

On 10/20/2024 Defendant emailed Plaintiff three "exhibits," only one of which is labeled. The exhibits being, "Exhibit A" which consists of a link to a website which he purports and claims is a post made by Plaintiff articulating a desire to prevail in litigation. The next exhibit, unlabeled, is Defendant's own website forum thread post made by Defendant about Plaintiff Bryan Anthony Reo and Stefani Rossi Reo. The next exhibit, unlabeled, is what Defendant purports to be a judgement entry (uncertified) from a Lake County Ohio Civil Stalking Protection Order proceeding. None of the offered exhibits are admissible as they are all irrelevant and subject to exclusion under Fed. R. Evid. 401 as irrelevant, or if relevant, exclusion under 403 due to their probative value being substantially outweighed by the factors enumerated in 403.

Defendant further emailed more unlabeled and unmarked exhibits[2] to Plaintiff on 10/23/2024, with items such as a post/exhibit that somehow "prove" that Plaintiff Bryan Anthony Reo allegedly "interfered" with some third-party John Britton's federal lawsuit against some corporation at some point more than 10 years ago. Defendant also claims to have a post from approximately 17 years ago, allegedly authored by Plaintiff Bryan Anthony Reo, articulating a desire to bankrupt the Ku Klux Klan. These things are not even remotely relevant and are plainly inadmissible per Fed. R. Evid. 401 and 402[3].

General objections on basis of non-response to court ordered discovery.

Plaintiff objects to Defendant's offered exhibits on several ground and all offered exhibits should be excluded. First, Defendant was court ordered to provide written discovery responses in 1:19-cv-2103, he provided no such discovery responses of any sort, not even providing written objections. Defendant provided rambling narrative denials in 1:19-cv-2589 but he provided no responsive documents, did not provide objections, and never made any motions under the rules governing discovery, such as the seeking of a protective order. Now Defendant proposes to offer Exhibit A as "proof of barratry' as well as his other two enumerated exhibits, an (unlabeled exhibit) thread from his website and another unlabeled exhibit showing an order from the Lake County Court denying Plaintiff a Civil Protection Stalking Order in 2020, after this case was originally filed, which is not relevant to claims or defenses and was not disclosed or produced in discovery.

In the case, 1:19-cv-2103, Plaintiff propounded[4] a written discovery request upon Defendant:

[2] To date Defendant has only labeled one proposed exhibit, an exhibit he labeled "Exhibit A." Also none of his exhibits are actual exhibits, they are simply links to website posts in the body of an email sent to Plaintiff.
[3] "Irrelevant evidence is not admissible." Fed. R. Evid. 402.
[4] ECF No. 96-1, PageID # 1015

REQUEST FOR PRODUCTION OF DOCUMENTS #2: Produce true and accurate copies of any and all documents which you believe evince that Plaintiff has engaged in barratry.

ANSWER:

Plaintiff also propounded[5] upon Defendant:

REQUEST FOR PRODUCTION OF DOCUMENTS #12: Produce true and accurate copies of any and all documents which you believe evince that Defendant enjoys one or more affirmative defenses so as to justify or mitigate Defendant's liability to Plaintiff.

ANSWER:

Plaintiff also propounded upon Defendant:

INTERROGATORY NO. 12: State the facts—if any—which support Defendant's contention—if Defendant has one—that Defendant enjoys one or more affirmative defenses so as to justify or mitigate Defendant's liability to Plaintiff.

ANSWER:

Defendant never responded to any written discovery requests in 1:19-cv-2103 and his responses in the other three cases did not involve production of any documents[6], only scribbled rants responding to some interrogatories, some responses to requests for admission, and generally either no responses in writing or abusive one-line vulgar responses to documents requests while refusing to actually produce the requested documents or providing a valid objection as a basis for his non-production. Defendant now seeks to introduce documentary evidence that he believes will provide him with a defense, but instead of producing this in response to discovery requested in

[5] ECF No. 96-1, PageID # 1016

[6] Defendant has never identified, let alone produced, one single document in response to Court ordered discovery responses, let alone documents relevant to defenses, despite being requested and ordered to.

April of 2023 by Plaintiff, and ordered[7] by the Court to respond to in June 2023. For this reason alone, the documents should be excluded as a sanction under Fed. R. Civ. P. 37 as Defendant was explicitly warned he would be sanctioned under this rule for non-production if he did not provide responses to requests for production of documents.

"The court ORDERS that Lindstedt shall have until September 26, 2023 to serve plaintiffs with responses to interrogatories and requests for production in each of the four cases. Failure to comply with this order may result in the imposition of sanctions as authorized by Rule 37, Fed. R. Civ. P." (ECF No. 140, PageID # 1541)

This Court has already granted in part and denied in part Plaintiffs' Motion for Sanctions[8] in an order[9] stating that lesser sanctions, evidentiary sanctions, under Fed. R. Civ. P. 37, would be leveled against Defendant. The most common, appropriate, and fitting "lesser sanction" would be pursuant to Fed. R. Civ. P. 37(b)(2), specifically:

> (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;

In keeping with his pattern of conduct throughout all of these cases over the last five years, Defendant has contrived to cause delay, procedural burdens, hardship, and has made an absolute mockery of these proceedings, and now seeks to engage in what is best termed, "trial by ambush." Rather than disclosing documents he alleges are central to his defense, in his initial disclosures Defendant stated, "Defendant has no secret documentary evidence to provide Plaintiff Bryan Reo

[7] ECF No. 123, PageID# 1229-1230
[8] ECF No. 155
[9] ECF No. 174

and Reo Counter-Defendants, as all of it is public documents revealed over the years." The documents Lindstedt now seeks to offer are not documents from the public domain, one proposed document is from a non-public legal proceeding in Lake County, a matter involving a Civil Protection Stalking Order proceeding. Defendant never disclosed the existence of these documents and more importantly Defendant never produced these documents in response to discovery, even when ordered by this Court to produce documents responsive to the written requests propounded upon him.

Defendant's offered documents are not probative of any fact in consequence.

Secondly, all of the documents Defendant now seeks to introduce are either not relevant and are subject to exclusion for failing the relevancy test under Fed. R. Evid. 401, or they whatever minimal probative value they may have is outweighed by a danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, or wasting time, or a combination of those, per Fed. R. Evid. 403.

It is not relevant to claims or defenses that Plaintiff sought a Civil Protection Stalking Order against Defendant in 2020 and did not succeed in obtaining one. However, Plaintiff did successfully obtain a Civil Protection Stalking Order against Defendant in 2016, which expired in 2019. The non-success on the 2020 CPSO application is irrelevant. The success of the 2016 CPSO application may be relevant to show Defendant's scienter and maliciousness against Plaintiff. However, Plaintiff is not suing Defendant for menacing, stalking, or death threats, thus the failure to be granted the CPSO in 2020 is not probative of any fact in consequence.

Likewise, Defendant purports to offer a website post, approximately ten years old, which he claims[10] was authored by Plaintiff. This is offered to "prove" that Plaintiff is motivated in litigation by a desire to obtain money damages against Defendant. Defendant has not established nor cited to any legal authority the apparent proposition Defendant offers that, "a plaintiff in a defamation action must be motivated by something other than obtaining a money judgment and being able to collect upon said judgment."

Other courts have heard and rejected arguments that plaintiffs cannot be motivated solely or primarily by a desire to collect on money judgments.

See *Mauthe v. Spreemo, Inc.*, et al., No. 18-1902-CFK, slip op. (E.D. Pa. Jan 28, 2019)

> In their briefing, defendants note that plaintiff Robert W. Mauthe, M.D., P.C. is a serial TCPA filer. This Court finds this fact of no import in deciding each case on its individual merits. Indeed, it is expected and anticipated that consumer protection type legislation will be enforced by individuals such as plaintiff, who pursue them at every opportunity.

See also, *Jacovetti Law v. Shelton, et al*. 2:20-cv-00163-JDW (ECF No. 59, file 9/1/2020)

> James Shelton has turned the private right of action under the TCPA into a business. He has filed dozens of cases in this District and in other districts around the country. The Jacovetti Parties claim to have transcripts of Mr. Shelton discussing his approach to TCPA litigation, including (a) the amount that he expects to extract in settlements and (b) his pre-suit research into potential defendants' ability to pay a judgment. According to the Jacovetti Parties, Mr. Shelton talks with other serial TCPA plaintiffs…

Id. At 1 and 2.

In both cases, it was determined that a TCPA plaintiff's motive in seeking to recover money damages was not relevant or probative of any fact in consequence. In Jacovetti Law v. Shelton the Eastern District of Pennsylvania was specifically tasked with addressing the issue of whether

[10] Without any evidence or factual basis.

TCPA litigation, even when alleged[11] to be vexatious, frivolous, or contrived, could serve as a predicate offense for a civil RICO claim.

In *Jacovetti Law v. Shelton* the Court, in granting defendant Shelton's Motion to Dismiss, stated[12]:

> The Amended Complaint also points to transcripts of conversations in which Mr. Shelton discussed his litigation strategy. Those conversations demonstrate that Mr. Shelton investigates potential defendants before he sues them to ensure they can satisfy a judgment. That pecuniary approach to litigation might be unseemly, as the Court has observed before. But it is not illegal. Certainly, it does not demonstrate that Mr. Shelton intends to cheat or defraud anyone. It only shows that he intends to collect if he prevails in litigation.

Id. At 6.

In the instant action, Defendant Lindstedt cites no legal authority for the proposition he appears eager to advance, that a defamation plaintiff's motive of being awarded a judgment of money damages and successfully collecting upon said judgment is somehow a defense to a claim of libel per se.

Defendant is seeking to introduce evidence that "Plaintiff wants to recover money damages and is motivated, at least in part, by a desire to collect upon any judgment he ultimately obtains" in violation of Fed. R. Evid. 401 to the extent it is not probative of any fact in consequence. If not violative of Fed. R. Evid. 401 the offered evidence fails the test provided by Fed. R. Evid. 403 in that whatever (limited) probative value it may have is outweighed by a danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, or wasting time, or a combination of those.

[11] No evidence in support of those allegations was ever provided or offered and no such findings were ever made against Shelton or his counsel.
[12] 2:20-cv-00163-JDW (ECF No. 59, file 9/1/2020) p. 6.

A defendant shouting, "he wants my land and my money!" is not a legally sufficient or relevant defense to a claim of defamation per se, it is simply irrelevant, and is prone to confusing the issues, misleading the jury, causing unfair prejudice, and undue delay. Furthermore, if Lindstedt intends to offer such a thing as a defense, he never provided the responses to discovery that Plaintiff undertook in regards to requesting copies of documents relevant to defenses and interrogatory responses relevant to defenses. Defendant's apparent defense strategy has been to delay, stonewall, obstruct, disclose nothing during the course of litigation, and then swamp his opponents with irrelevant papers and "facts" a week before a scheduled trial, trying to get irrelevant matters entered into the record to confuse the issues, mislead the jury, and bog the proceedings down.

This is a fairly straight-forward defamation case which is being needlessly complicated by Defendant's bad faith conduct throughout the entirety of the proceedings[13] and by Defendant's inability or refusal to focus on what is relevant, stick to what is relevant, and stay on track. Defendant wants to litigate every aspect of his life and his views of Plaintiff and his perspective on Plaintiff. There is a reason Defendant advised the Court he anticipated the trial lasting 10-14 days at the pre-trial conference when the Court inquired of the parties how long they anticipated needing for trial, while Plaintiff said one or two days, three days maximum for the trial of his claims. Defendant intends to engage in endless stonewalling, evasion, and drowning the court and

[13] The Court is in a position to either hold Defendant accountable to the rules he is accountable to, or allow him free reign to make a mockery of the proceedings and the entire legal system for that matter. Defendant has already been adjudicated a vexatious litigator by the South Dakota Supreme Court (see Exhibit 1). This Court may wish to note the irony that Defendant has repeatedly claimed Plaintiff is a vexatious litigator and is engaged in "vexatious barratry" while Defendant has actually been adjudicated a vexatious litigator by the highest court of a state wherein he was litigating pro se.

the jury in endless rhetorical rants of irrelevant nonsense before deluging them with stacks of irrelevant garbage paper, but that can only happen if this Court allows such a farce to occur.

Defendant's offered evidence is violative of Fed. R. Evid. 403.

To the extent any of Defendant's desired evidence might be relevant and meet the threshold for admissibility under Fed. R. Evid. 401, it should be found inadmissible under Fed. R. Evid. 403 on the basis that whatever probative value it may have is incredibly limited and is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

The jury will not be aided in deciding facts in consequence by hearing that Plaintiff applied for, and was denied, a Civil Protection Stalking Order in 2020, rather, that will confuse the issues and mislead the jury, something Defendant is doubtlessly hoping to achieve as Defendant has no actual defenses and never provided documentary responses ordered by the Court about his defenses. Defendant literally has no Defendants and has no basis to mount a defense other than to engage in peppering the jury and court with irrelevant papers and making long-winded rants about his perception of Plaintiff's philosophy and politics. The jury was not involved in that proceeding and would likely not understand the procedural history or the legal standards involved in obtaining said CPSO as they are laymen. Defendant seems to want to jump up and down and shout, "Bryan Reo failed to get a CPSO in 2020, this means he is a lying snake, don't find for him here now today[14]!" None of that irrelevancy should be entertained or allowed.

[14] This would also ignore the fact that Plaintiff did successfully obtain a CPSO against Defendant in 2016 when his death threats against Plaintiff were far more explicit, extreme, and were not cloaked, veiled, or subdued. In 2016 Defendant even outright said he would reward anybody who killed Plaintiff.

Likewise, the jury will not be aided in deciding facts in consequence by having Defendant present a paper, that Defendant claims[15] was authored by Plaintiff and is somehow relevant to the extent that it "proves" that Plaintiff is motivated by a desire to obtain a money judgment and collect upon it. If Defendant wishes to demonstrate Plaintiff has a desire to obtain a money judgment and collect upon it, there are far more appropriate methods to demonstrate this, short of offering a document never provided in response to court ordered discovery that has never been analyzed or authenticated. Defendant may perhaps pursue asking Plaintiff during examination, "are you motivated in whole or in part by a desire to obtain and collect upon a money judgment?" which is far less inflammatory than the unauthenticated, previously unknown, never disclosed, never produced document that Defendant now claims to want to introduce as relevant to claims and defenses.

This Court has already stated that Defendant would be sanctioned pursuant to Fed. R. Civ. P. 37 which would be done on the basis of evidentiary sanctions[16]. The most appropriate sanction in that regard is a complete exclusion of any evidence that Defendant seeks to introduce that he failed to provide in discovery at the time he was court ordered to respond, an exclusion which should also extend to testimony as well as on a documentary basis. The Court may wish to note Defendant had not meaningful opposed either of Plaintiff's motions in limine.

Respectfully submitted,

REO LAW, LLC

[15] Without factual or evidentiary basis, and never furnished to Plaintiff during discovery, thus robbing Plaintiff of the opportunity to analyze or otherwise investigate the document.
[16] ECF No. 174.

/s/ Bryan Anthony Reo

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Dated: October 29, 2024

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

BRYAN ANTHONY REO,	Case No. 1:19-CV-02103-SO
Plaintiff	Hon. Solomon Oliver, Jr.
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MARTIN LINDSTEDT,	
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CERTIFICATE OF SERVICE

I, Bryan Anthony Reo, affirm that I am a party to the above-captioned civil action, and on October 29, 2024, 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.

/s/ Bryan Anthony Reo
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Dated: October 29, 2024