

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

BRYAN ANTHONY REO,

Plaintiff / Counter-Defendant,

v.

MARTIN LINDSTEDT,

Defendant / Counter-Plaintiff.

Case No. 1:19-CV-02103-SO

Hon. Solomon Oliver, Jr.

Mag. Jonathan D. Greenberg

REO LAW, LLC

Bryan Anthony Reo (#0097470)

P.O. Box 5100

Mentor, OH 44061

(T): (440) 313-5893

(E): reo@reolaw.org

Pro se Plaintiff

MARTIN LINDSTEDT

338 Rabbit Track Road

Granby, MO 64844

(T): (417) 472-6901

(E): pastorlindstedt@gmail.com

Pro se Defendant

**PLAINTIFF BRYAN ANTHONY REO’S BRIEF IN OPPOSITION TO DEFENDANT’S
MOTION TO ALTER, AMEND, OR RECONSIDER THE FEBRUARY 5 ORDER**

NOW COMES Bryan Anthony Reo (“Plaintiff”), *pro se*, and hereby propounds upon Martin Lindstedt (“Defendant”) and this Honorable Court Plaintiff Bryan Anthony Reo’s Brief in Opposition to Defendant’s Motion to Alter, Amend, or Reconsider the February 5, 2020 Order of this Court.

The motion filed by Defendant, Document No. 39, is so completely and totally devoid of any merit that it does not warrant any significant response by Plaintiff.

For the sake of judicial economy Plaintiff will simply state that he opposes every aspect of the motion filed by Defendant, Defendant has failed to provide a sufficient basis, whether legally or factually, for the relief he requests, and Defendant is not entitled to the requested relief.

Defendant's motion is rife with offensive and outrageous language and it should be denied as frivolous and then stricken as abusive and scandalous per F.R.C.P. 12(f). Plaintiff will not waste his time nor the Court's time to repeat and quote the despicable remarks Defendant made in his frivolous motion. The frivolity of the motion speaks for itself and requires no further addressing by Plaintiff.

Fundamentally the motion is frivolous to the extent it requests the alteration, amendment, or reconsideration of a judgment when no judgment was entered. An order was entered on a motion to strike. This is not a judgment for purposes of seeking relief under F.R.C.P. 59 because the order was not a final appealable order and did not adjudicate any claims on the merits. There is no final appealable order disposing of claims or resolving the case on the merits from which the Defendant seeks relief. His requested Rule 59 relief is completely inapplicable to the present situation.

The remedy for the striking of proposed joinder is not a motion for relief under F.R.C.P 59 but rather is properly taken up via a Rule 15 motion for leave to amend which if Defendant filed would likely be denied [rightly] by this Court, on the basis that the proposed amendment would be futile. To date Defendant has not submitted a proposed amended pleading along with an F.R.C.P 15 motion for leave to amend. He is not entitled to Rule 15 relief via a motion brought pursuant to

Rule 59, nor would he be entitled to the Rule 15 relief he seems to be seeking even if he proceeded by invoking Rule 15.

Plaintiff will further brief this issue if the Court so desires/orders or otherwise directs.

The Court should deny Defendant's motion in its entirety.

Respectfully submitted,

REO LAW, LLC

/s/ Bryan Anthony Reo
Bryan Anthony Reo (#0097470)
P.O. Box 5100
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Pro se Plaintiff

Dated: March 19, 2020

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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 March 19, 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.

/s/ Bryan Anthony Reo

Bryan Anthony Reo (#0097470)

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Pro se Plaintiff

Dated: March 19, 2020