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. Jonathan D. Greenberg
MARTIN LINDSTEDT,	
Defendant.	

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PLAINTIFF BRYAN ANTHONY REO'S MOTION FOR PARTIAL RECONSIDERATION OF ORDER

(ORAL ARGUMENT REQUESTED)

NOW COMES Bryan Anthony Reo ("Plaintiff"), *pro se*, and hereby propounds upon Martin Lindstedt ("Defendant") and this Honorable Court Plaintiff Bryan Anthony Reo's Motion for Partial Reconsideration of Order:

1. For the reasons set forth in Plaintiff Bryan Anthony Reo's Brief in Support of His Motion for Partial Reconsideration of Order, the Court should reconsider its decision to grant Defendant *sua sponte* leave to withdraw or amend Defendant's admissions with respect to Plaintiff's damages (ECF No. 44, PageID. # 486) and enter summary judgment in favor of Plaintiff and against Defendant in the amount of $250,000.00 as general damages and $750,000.00 as punitive damages

as prayed for within Plaintiff Bryan Anthony Reo's Motion for Summary Judgment (ECF No. 34, PageId. # 14) for the reason that Defendant did not answer Plaintiff's Requests for Admissions concerning the same (ECF No. 34-1, PageID. # 383, Request for Admissions Nos. 34 and 35). This motion is made pursuant to Fed. R. Civ. P. 59(e), Fed. R. Civ. P. 60(b)(2), Fed. R. Civ. P. 60(b)(3), and Fed. R. Civ. P. 60(b)(6) on the basis of newly discovered evidence, misconduct by the other party, and other reasons of equity which so justify the relief sought.

WHEREFORE, Plaintiff pray that this Honorable Court will reconsider its decision to grant Defendant leave to withdraw or amend Defendant's admissions with respect to Plaintiff's damages and enter summary judgment in favor of Plaintiff and against Defendant in the amount of $250,000.00 as general damages and $750,000.00 as punitive damages as prayed for within Plaintiff Bryan Anthony Reo's Motion for Summary Judgment.

Respectfully submitted,

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Dated: March 17, 2021

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PLAINTIFF BRYAN ANTHONY REO'S BRIEF IN SUPPORT OF HIS MOTION FOR PARTIAL RECONSIDERATION OF ORDER

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I. TABLE OF AUTHORITIES

CASE LAW

STATUTORY LAW

None

COURT RULES

II. ISSUE PRESENTED

1. Whether the Court should partially modify its Order Granting Plaintiff Summary Judgment by modifying the same so that Defendant's admissions with respect to Plaintiff's damages are not withdrawn (ECF No. 44, PageID. # 486) and instead enter summary judgment in favor of Plaintiff and against Defendant in the amount of $250,000.00 as general damages and $750,000.00 as punitive damages as prayed for within Plaintiff Bryan Anthony Reo's Motion for Summary Judgment (ECF No. 34, PageId. # 14) for the reason that Defendant did not answer Plaintiff's Requests for Admissions concerning the same (ECF No. 34-1, PageID. # 383, Request for Admissions Nos. 34 and 35).

Plaintiff's Answer:	Yes.
Defendant's Presumed Answer:	No.

III. STATEMENT OF FACTS

Plaintiff has sued Defendant—and not for the first time—for Defendant having engaged in a vile campaign of vexatious disparagement against Plaintiff via the Internet. Despite a jury previously awarding Plaintiff in excess of $100,000.00 against Defendant, Defendant's campaign of harassment continues and Plaintiff has filed a second civil action to seek the redress of Plaintiff's grievances. (ECF No. 1-1; PageID ## 6-18).

On December 19, 2019, Plaintiff served upon Defendant via First Class United States Mail and via electronic mail Plaintiff Bryan Anthony Reo's First Set of Requests for Admissions, Interrogatories, and Requests for Production of Documents to Defendant Martin Lindstedt. (ECF No. 34-1, PageID. ## 376-386; ECF No. 34-2, PageID. # 387). Defendant did not timely serve upon Plaintiff answers to the requests for admissions contained within said discovery requests. (ECF No. 34, PageID. # 365). In fact, Defendant did not serve upon Plaintiff at any time answers to said requests for admissions. *Id*.

Request for Admission Nos. 34 and 35 concern the amount of general and punitive damages which Plaintiff maintains should be awarded to him:

> **REQUEST FOR ADMISSION NO. 34:** Please admit that for the reasons set forth within Plaintiff's Complaint, Plaintiff suffered $250,000.00 in general damages due to Defendant's tortious conduct.
>
> **ANSWER:**
>
> **REQUEST FOR ADMISSION NO. 35:** Please admit that for the reasons set forth within Plaintiff's Complaint, Plaintiff it would be just and proper for Plaintiff to be awarded $750,000.00 in punitive damages against Defendant due to Defendant's willful and malicious misconduct.
>
> **ANSWER:**

(ECF No. 34-1, PageID. # 383, Request for Admissions Nos. 34 and 35).

On January 26, 2020, Plaintiff filed Plaintiff's Motion for Summary Judgment. (ECF No. 34, PageID. ## 358-375). On September 28, 2020, the Court granted Plaintiff's Motion for Summary Judgment in part by pertinently finding that Defendant is liable to Plaintiff for Counts I and II of Plaintiff's Complaint, but denied with respect to damages because Defendant was permitted to withdraw or amend Defendant's non-responses to Plaintiff's Requests for Admissions concerning damages. (ECF No. 44, PageID. ## 477-495).

Plaintiff now seeks reconsideration of the Court's decision to permit Defendant to withdraw or amend Defendant's non-responses to Plaintiff's Requests for Admissions concerning damages.

IV. LAW & ARGUMENT

A. STANDARD OF REVIEW

The Federal Rules of Civil Procedure do not explicitly have a rule which permits motions for reconsideration of previous court rulings to be filed. The United States Court of Appeals for the Sixth Circuit, however, has held that a motion to vacate and reconsider may be treated under Fed. R. Civ. P. 59(e) as a motion to alter or amend a judgment. See *Smith v. Hudson*, 600 F.2d 60, 62 (6th Cir. 1979) ("[A] motion which asks a court to vacate and reconsider, or even to reverse its prior holding, may properly be treated under Rule 59(e) as a motion to alter or amend a judgment."); see also *McConocha v. Blue Cross & Blue Shield Mutual of Ohio*, 930 F. Supp. 1182, 1184 (N.D. Ohio 1996) ("[M]otions to reconsider are not ill-founded step-children of the federal court's procedural arsenal[.] To be sure, a court can always take a second look at a prior decision[.]") (internal citations and quotations omitted).

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).

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.*

B. PRINCIPAL POINT OF ARGUMENT

Plaintiff respectfully submits that the Court should reverse itself in part by ordering that Defendant is not granted leave to withdraw or amend Defendant's non-responses to Plaintiff's Requests for Admissions concerning damages and enter summary judgment in favor of Plaintiff and against Defendant in the amount of $250,000.00 as general damages and $750,000.00 as punitive damages as prayed for within Plaintiff Bryan Anthony Reo's Motion for Summary Judgment (ECF No. 34, PageId. # 14) for the reason that Defendant did not answer Plaintiff's Requests for Admissions concerning the same (ECF No. 34-1, PageID. # 393, Request for Admissions Nos. 34 and 35).

Plaintiff recognizes that Defendant is *pro se* and *pro se* litigants are afforded some leeway—as a matter of equity and decency—when it comes to compliance with the Federal Rules of Civil Procedure and the Local Court Rules, but Defendant has deliberately engaged in malicious conduct which is prejudicial to Plaintiff's due process rights, and Defendant is not entitled as a matter of law to being permitted to withdraw or amend Defendant's non-responses to Plaintiff's Requests for Admissions concerning damages therefor.

Defendant's answers to Plaintiff's Requests for Admissions were due thirty days after they were served upon Defendant. Fed. R. Civ. P. 36(a)(3). Due to Defendant not timely denying the requests for admissions, said requests for admissions are deemed admitted. *Id.* The admissions made by Defendant "conclusively establish[]" factual and legal conclusions which permit the Court to enter a dispositive order at this juncture. Fed. R. Civ. P. 36(b). In the instant case,

Defendant's failure to timely respond to Plaintiff's Requests for Admissions concerning damages "conclusively establish" Plaintiff's damages in the requested amounts.

In a similar controversy involving Plaintiff and Defendant, a civil action being litigated at the United States District Court for the Northern District of Ohio, Defendant ignoring the plaintiff's requests for admissions, and Plaintiff moving for summary judgment, and it was noted by Magistrate Judge Thomas M. Parker that Plaintiff would be prejudiced if Defendant is permitted to withdraw his unanswered admissions:

> Fed. R. Civ. P. 36(b) permits the court, upon motion, to allow the withdrawal or amendment of an admission. "A 'district court has considerable discretion over whether to permit withdrawal or amendment of admissions.'" *Kerry Steel, Inc. v. Paragon Indus.*, 106 F.3d 147, 154 (6th Cir. 1997) (quoting *Am. Auto. Ass'n v. AAA Legal Clinic of Jefferson Crooke,* P.C., 930 F.2d 1117, 1119 (5th Cir. 1991)). In exercising its discretion, however, the Court must follow Rule 36(b)'s instruction that withdrawal or amendment if proper only if (1) "it would promote the presentation of the merits of the action" and (2) it would not cause prejudice to the party who requested the admissions "in maintaining or defending the action on the merits." Fed. R. Civ. P. 36(b). "Prejudice under Rule 36(b) . . . 'relates to special difficulties a party may face caused by a sudden need to obtain evidence upon withdrawal or amendment of an admission.'" *Kerry Steel*, 106 F.3d at 154 (quoting *AAA v. AAA Legal Clinic of Jefferson Crooke, P.C.*, 930 F.2d 1117, 1120 (5th Cir. 1991).
>
> Here, Lindstedt has not moved to withdraw his admissions as required under Fed. R. Civ. P. 36(b); and in *Goodson v. Brennan*, the Sixth Circuit held that the *sua sponte* exercise of the court's discretion under Rule36(b) would "contravene[] the plain language of Rule 36." *Goodson,* 688 F. App'x at 375. The Court could refuse to permit Lindstedt to withdraw his admissions on this basis alone.
>
> Moreover, even if Lindstedt had moved to withdraw his admissions, permitting him to withdraw them at this stage of the case would prejudice Reo's ability to prosecute his action on the merits. Lindstedt continues to file insulting statements against Reo, and he has shown no intention to stop. For example, in his response opposing the motion for summary judgment, Linstedt states that "Reo is a Satanic homosexual mongrel of mixed jew, negro, gook and Indian descent who is working as a fed to insinuate other jews and mongrels and homes into the leadership of the Movement and thus Bryan Reo and anyone who will have anything to do with Bryan Reo is to be kept outside Resistance organizations and operations." ECF Doc. 75 at 3. Lindstedt's defense "strategy" to the Reos' current lawsuits demonstrates that, despite a judgment already having been issued against him in Lake County,

> Lindstedt plans to continue to publish false information about numerous individuals in public forums such as this federal court. Given his continued publication of such statements, allowing withdrawal of admissions would needlessly prolong this lawsuit and give Lindstedt a public platform Lindstedt could use to publish similar defamatory statements.
>
> * * *
>
> Because the requests for admissions here are conclusively admitted under Fed. R. Civ. P. 36(b), it is unnecessary for the Court to require further proof on the issue of damages.

(*Bryan Anthony Reo v. Martin Lindstedt*, Case No. 1:19-cv-02589-CAB, ECF No. 78, PageID. 793-794 (N.D. Ohio December 1, 2020)).

Plaintiff respectfully submits that the Court should reconsider letting Defendant withdraw Defendant's admissions concerning Plaintiff's Requests for Admissions concerning damages.

Plaintiff respectfully submits that the Court should not exercise its discretion by permitting Defendant to withdraw Defendant's admissions, because: (1) Plaintiff would suffer prejudice insofar as Defendant has willfully refused to participate at all with discovery for the instant case—which has offended and continues to adversely offend Plaintiff's due process right to receive evidence to prepare for any evidentiary hearing concerning damages—and (2) Defendant's copious number of court filings contain repugnant slurs and Defendant's unrelenting history of victimizing Plaintiff even after a jury awarded Plaintiff a judgment in excess of $100,000 demonstrates that Defendant has unclean hands and is wholly underserving of being granted *sua sponte* leave to withdraw Defendant's admissions. Per Fed. R. Civ. P 60(b)(6) this constitutes a sufficient basis of "any other reason that justifies relief."

Defendant did not accidentally miss a deadline to respond to Plaintiff's Requests for Admissions; Defendant deliberately ignored Plaintiff's Requests for Admissions, Plaintiff's Interrogatories, and Plaintiff's Requests for Production of Documents. In fact Defendant received

Plaintiff's discovery, acknowledged receipt of the same, and then proceeded to ridicule and mock Plaintiff while boasting that he was "not going to participate in Reo discovery" because he had participated in a jury trial with Plaintiff in 2019 and didn't feel the need to take this case seriously. To quote Defendant in a filing made in a related case, "this is no legitimate reason for respect by Pastor Lindstedt for these lawless proceedings in any case."[1] Furthermore, even after Plaintiff filed Plaintiff's Motion for Summary Judgment on January 26, 2020, Defendant never even submitted untimely answers to Plaintiff's Requests for Admissions or otherwise moved the Court for leave to withdraw Defendant's admissions. Defendant has conducted himself with an attitude of flippant dismissiveness for the Federal Rules of Civil Procedure, the Local Rules of ND Ohio, the standing orders of this Court, and the specific orders issued by this Court such as the injunction granted on 9/28/2020. Defendant has made a mockery of these proceedings and should not be allowed to escape the consequences of Fed. R. Civ. P. 36.

Fed. R. Civ. P. 36(b) states:

> (b) EFFECT OF AN ADMISSION; WITHDRAWING OR AMENDING IT. A matter admitted under this rule is conclusively established unless the court, **on motion**, permits the admission to be withdrawn or amended. Subject to Rule 16(e), **the court may permit withdrawal or amendment if it would promote the presentation of the merits of the action and if the court is not persuaded that it would prejudice the requesting party in maintaining or defending the action on the merits**. An admission under this rule is not an admission for any other purpose and cannot be used against the party in any other proceeding.

(Emphasis.)

Firstly, Fed. R. Civ. P. 36(b) makes it clear that a matter is admitted via Fed. R. Civ. P. 36 unless the Court permits withdrawal or amendment "on motion." No motion was ever filed by Defendant concerning the same, and that ship has sailed a long time ago.

[1] 1:19-cv-02615-JRA, ECF No. 39, PageID. 510

Secondly, Fed. R. Civ. P. 36(b) provides that the Court "may" permit withdrawal or amendment if two elements are established. When it comes to statutory interpretation, "may" is permissive while "shall" or "must" is mandatory. The Court need not permit Defendant to withdraw or amend Defendant's admissions even if the two elements are established by Defendant as required by Fed. R. Civ. P. 36(b) because the Court Rule uses the word "may."

Thirdly, Defendant has not established that permitting Defendant to withdraw or amend Defendant's admissions regarding damages being established in sum certain amounts would "promote the presentation of the merits of the action." Defendant's maliciously vindictive *scienter* is highly relevant for purposes of determining the amount of punitive damages to which Plaintiff is owed, and insofar as Plaintiff was unable to obtain admissible evidence from Defendant via interrogatories and requests for production of documents as to the reasons why Defendant published what he did about Plaintiff, Plaintiff's ability to prepare for an evidentiary hearing concerning damages is adversely impacted by deliberate design of Defendant. Thus, withdrawing the admissions would not promote the presentation of the merits of the action insofar as Defendant did not produce admissible evidence sought by Plaintiff which is, in effect, spoliation of the same. See Fed. R. Civ. P. 37(e) (permitting severe sanctions when evidence is permitted to spoil); *Adkins v. Wolvever*, 554 F.3d 650 (6th Cir. 2009) ("We hold that it is within a district court's inherent power to exercise broad discretion in imposing sanctions based on spoliated evidence."). How can Plaintiff meaningfully prepare for a damages hearing since Defendant has failed to provide to Plaintiff evidence which would assist Plaintiff to show why high punitive damages are appropriate?

Fourthly, with regards to the second prong—i.e., prejudice resulting to the non-moving party—, "prejudice relates to special difficulties a party may face caused by a sudden need to

obtain evidence upon withdrawal or amendment of an admission." *Kerry Steel, Inc. v. Paragon Indus., Inc.*, 106 F.3d 147, 154 (6th Cir. 1997). As set forth *supra*, if the Court permits Defendant to withdraw Defendant's admissions which establish damages in sum certain amounts and in light of Defendant not ever responding to Plaintiff's discovery requests which solicit information and documentary evidence which would aid Plaintiff in presenting Plaintiff's case as it relates to damages, Plaintiff would suffer special difficulties by the sudden need of preparing for a damages hearing.

In order for Plaintiff to offer admissible evidence during a damages hearing that Plaintiff suffered mental anguish due to Defendant's misconduct, Plaintiff would like to retain a clinical psychologist to use as an expert witness to assess Plaintiff's anguish and to testify about the same. However, as set forth within Declaration of Plaintiff Bryan Anthony Reo (ECF No. 67-1, PageID. ## 714-719), no such clinical psychologist is willing to get involved with the instant controversy by serving as such an expert witness because they do not want to be similarly harassed by Defendant. Says said declaration in pertinent part:

> 3. On 11/30/2020 the Court held a conference setting at timeline and procedure for expert reports, specifically clinical psychologists Plaintiff was attempting to retain for purposes of a report and testimony as to Plaintiff's emotional damages, mental anguish, pain and suffering.
>
> 4. On or about 10/29/2020 Plaintiff called Dr. Christopher Amato (Ph.D) a clinical psychologist in Beachwood. Plaintiff had a detailed conversation with Dr. Amato lasting approximately 15 minutes. Dr. Amato listened to the nature of what Defendant was doing to Plaintiff and how Defendant was also cyber-stalking and defaming Plaintiff's relatives, friends, business contacts, affiliates, lawyers Plaintiff had hired over the years, and Dr. Amato flatly said, "I cannot have you as a patient and I cannot get involved in this in any way because I cannot have him doing to me and my practice what he is doing to you and your practice. I cannot be involved in anything remotely related to Mr. Lindstedt." This was a professional that Plaintiff was referred to by a personal injury attorney who stated that Dr. Amato regularly provided expert testimony in his personal injury/negligence tort cases. In this instance Dr. Amato explicitly said he would not have Plaintiff as a patient and

would not be a testifying expert in any proceeding if the proceeding involved Martin Lindstedt.

5. On 10/30/2020 Plaintiff had an exchange of emails with Premier Behavioral Health Services of Mentor, specifically with Aimee Moffat officer manager on behalf of the Clinical Director. This agency likewise declined not only to be a testifying expert but to have Plaintiff as a patient.

6. Throughout November and December Plaintiff contacted several other healthcare professionals in the area of clinical psychology and was likewise unable to find any willing to serve as an expert witness in a proceeding involving Martin Lindstedt.

(ECF No. 67, PageID. # 715).

The Court's attention is directed to the other allegations of fact contained within Declaration of Plaintiff Bryan Anthony Reo (ECF No. 67-1, PageID. ## 714-719), which is incorporated by reference as if fully set forth herein.

Even after Plaintiff filed on January 1, 2021, Plaintiff Bryan Anthony Reo's Verified Motion For Order Compelling Defendant Martin Lindstedt To Show Cause As To Why He Should Not Be Held In Civil Contempt Of Court (ECF No. 60, PageID. 627-633) due to Defendant's ongoing violation of the Court's Injunction which prohibits continued cyber-harassment, Defendant still continues to harass Plaintiff which is causing people—such as prospective expert witnesses whose testimony would be of value to Plaintiff during a damages hearing—to refuse to associate with Plaintiff, and this materially prejudices Plaintiff's ability to prepare for and litigate the issue of damages since the Court permitted Defendant to withdraw his admissions. Per Fed. R. Civ. P. 60(b)(6) this is yet another reason which would so justify the relief that Plaintiff presently seeks. Additionally, per Fed. R. Civ. P. 60(b)(2) the information on the refusal of experts is newly discovered evidence which could not have been discovered with reasonable diligence in time for seeking relief under Rule 59.

On March 16, 2021, at 4:00 p.m.—yesterday—, Defendant sent an email to news outlets[2] throughout Northern Ohio and the United States to disparage Plaintiff yet again. (Exhibit 1 – 3/16/2021 Email). Clinical psychologists understandably do not want to get involved with the instant case as expert witnesses for Plaintiff because they do not want to suffer the same harassment which is being meted out to Plaintiff by Defendant[3]. Defendant's misconduct could serve as a basis to justify the granting of the relief sought by Plaintiff per Fed. R. Civ. P. 60(b)(3) as well as per Fed. R. Civ. P. 60(b)(6). Furthermore, the newly discovered evidence, that being the unwillingness of experts to work with Plaintiff at any proceeding involving Defendant, gives rise to the Court being able to exercise its discretion per Fed. R. Civ. P. 60(b)(2).

Due to Defendant's continued harassment of Plaintiff and the Court permitting Defendant to withdraw Defendant's admissions, Plaintiff suffers significant prejudice in the form of not being able to hire an expert witness to clinically assess Plaintiff's mental anguish—which would be of value during the upcoming hearing to determine damages. This does not promote the presentation of the merits of the action. This severely prejudices Plaintiff. This precludes the Court from granting Defendant leave to withdraw Defendant's admissions pursuant to the prerequisites of Fed. R. Civ. P. 36(b).

It should be pointed out that a "district court has **considerable discretion** over whether to permit withdrawal or amendment of admissions." (Emphasis added.) *Kerry Steel, Inc. v. Paragon*

[2] Including but not limited to New York Times, New York Post, Washington Post, Cleveland Plain Dealer, Columbus Dispatch, etc.

[3] Defendant is also cyber-stalking, defaming, and subjecting to harassment any attorney who gets involved with helping Plaintiff, including but not limited to Robert Konrad in South Dakota, Brett Klimkowsky in Ohio, and Kyle Bristow in Michigan. Defendant is working hard to isolate Plaintiff and violate Plaintiff's due process rights to make it virtually impossible for Plaintiff to retain the services of any professionals in a professional capacity. To date Plaintiff has not been able to retain a single expert for testifying purposes.

Indus., Inc., 106 F.3d 147, 154 (6th Cir. 1997) (quoting *American Auto. Ass'n v. AAA Legal Clinic of Jefferson Crooke, P.C.*, 930 F.2d 1117, 1119 (5th Cir. 1991)). The Court should exercise its "considerable discretion" by not granting Defendant leave to withdraw Defendant's admissions which establish damages in sum certain amounts noting that courts may enter judgment upon the basis of requests for admissions even as they relate to damages[4] with damages in this instance being the certain amounts of $250,000.00 for general damages and $750,000.00 for punitive damages.[5]

C. CONCLUSION

For the reasons set forth herein, the Court should reconsider its decision to grant Defendant leave to withdraw or amend Defendant's admissions with respect to Plaintiff's damages (ECF No. 44, PageID. # 486) and instead enter summary judgment in favor of Plaintiff and against Defendant in the amount of $250,000.00 as general damages and $750,000.00 as punitive damages as prayed for within Plaintiff Bryan Anthony Reo's Motion for Summary Judgment (ECF No. 34, PageId. # 14) for the reason that Defendant did not answer Plaintiff's Requests for Admissions concerning the same (ECF No. 34-1, PageID. # 393, Request for Admissions Nos. 34 and 35).

[4] See also *Shelton v. Fast Advance Funding*, LLC, 378 F. Supp. 3d 356 (E.D. Pa. 2019) where summary judgment was entered for Plaintiff based on the amount of damages requested due to defendant not participating in discovery and not responding to discovery including Requests For Admissions. The trial court's decision was upheld on appeal and held to not constitute an abuse of discretion. *Shelton v. Fast Advance Funding*, No. 19-2265, 2020 U.S. App. LEXIS 6676 (3d Cir. Mar. 3, 2020)

[5] Defendant is already in flagrant non-compliance of the injunction entered by the Court's order from 9/28/2020 and his response to the motion for an order to show cause was itself further non-compliance and now he expands the scope of his libel by emailing the most prominent news outlets in the country after being given an order to show cause as to why he should not be held in contempt for his initial and ongoing non-compliance. Defendant does not deserve the consideration of being allowed to withdraw admissions to the detrimental prejudice of Plaintiff.

V. PRAYER FOR RELIEF

For the reasons set forth herein, the Court should reconsider its decision to grant Defendant leave to withdraw or amend Defendant's admissions with respect to Plaintiff's damages (ECF No. 44, PageID. # 486) and instead enter summary judgment in favor of Plaintiff and against Defendant in the amount of $250,000.00 as general damages and $750,000.00 as punitive damages as prayed for within Plaintiff Bryan Anthony Reo's Motion for Summary Judgment (ECF No. 34, PageId. # 14) for the reason that Defendant did not answer Plaintiff's Requests for Admissions concerning the same (ECF No. 34-1, PageID. # 393, Request for Admissions Nos. 34 and 35).

Respectfully submitted,

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Pro se Plaintiff

Dated: March 17, 2021

VI. CERTIFICATE OF SERVICE

I, Bryan Anthony Reo, affirm that I am a party to the above-captioned civil action, and on March 17, 2021, I served a true and accurate copy of Plaintiff Bryan Anthony Reo's Motion for Partial Reconsideration of Order and Plaintiff Bryan Anthony Reo's Brief in Support of His Motion for Partial Reconsideration of Order 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 Village of Mentor, Lake County, State of Ohio.

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Attorney for Anthony Domenic Reo

Dated: March 17, 2021