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

BRYAN ANTHONY REO, Plaintiff, v. **MARTIN LINDSTEDT,** Defendant.	Case No. 1:19-cv-02103-SO Hon. Solomon Oliver, Jr.

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PLAINTIFF BRYAN ANTHONY REO'S
BRIEF IN OPPOSITION TO DEFENDANT'S
MOTION FOR RECONSIDERATION

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 for Reconsideration. Because Defendant's motion fails to articulate a legally sufficient and procedurally proper basis[1] 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.

[1] Defendant's filing is comprised mostly of abusive trash, rubbish, and nonsensical rambling which does not merit an extensive analysis or response. Defendant has already taken enough judicial resources and enough of the Court's time and Plaintiff's time.

On April 23, 2021, this Court issued an opinion and order granting partial reconsideration for plaintiff and granting summary judgment in favor of Plaintiff in the amount of $1,000,000.00 dollars (EFC No. 72)

On May 21, 2021 Defendant filed a Motion for Reconsideration (ECF No. 76). Defendant is not entitled to the reconsideration he seeks, he fails to articulate a legally sufficient basis by which the court could consider exercising discretion to grant the same, and he is simply not entitled to the same nor should the Court give him the same. Even if the Defendant articulated a legally sufficient basis for reconsideration, the matter would be within the discretion of the court.

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 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 that Plaintiff is indeed a "crazed delusional homosexual mongrel blah blah blah," none of that is a basis for reconsideration, let alone the reconsideration that Defendant seeks.

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 10/17/2019 (ECF No. 15) which was stricken before he filed an Amended Answer with Counter-Claim on 11/27/2019 (ECF No. 29). Requests For Admission, along with other discovery devices, were propounded upon Defendant on 12/19/2019, 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's assertion that he responded to Requests for Admissions which were not propounded until December 19, 2019, by his Answer and Counter-claim filed October 17, 2019 or November 27, 2019, is not only false and erroneous, it is an impossibility. One cannot respond to a document that was created and propounded on December 19, 4-6 weeks prior to the creation and receipt of said document.

Defendant's so-called "evidence" in the form of unauthenticated screenshots which he purports to have been made by Plaintiff and which Defendant claims to be relevant are time-stamped from more than 12 years ago. Assuming arguendo that said documents were genuine, could be authenticated, and had some relevance or bearing on claims or defenses, Defendant fails to articulate how this could possibly constitute "newly discovered evidence" in so much that the documents purport to be more than 12 years old and Defendant would surely have been in possession of said documents prior to the initiation of the instant action. By definition 12+ year old documents that were already in Defendant's possession or that Defendant could have discovered with reasonable diligence, does not meet the criteria of newly discovered evidence for Fed. Rule. Civ. P. 60(b) purposes nor 59(e) purposes.

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 4/23/2021 and Defendant certainly has not come up with any good reason, let alone a reason which is both legally sufficient and good.

Plaintiff respectfully prays that this Court will reject all of Defendant's arguments, deny Defendant's motion for reconsideration, and additionally hold Defendant in contempt for his outrageously offensive language and his flagrant disregard for the permanent injunction entered by this Court on 9/28/2021. Finally, the Court should consider requiring Defendant to post security for costs or post a contempt bond in the amount of $1,000.00 [or some other amount deemed fair and reasonable] that Defendant would be required to post prior to his filings being accepted. Defendant continues to use the emergency e-filing email service to effectively e-file and circumvent this Court's earlier order denying Defendant electronic filing privileges. Defendant's filings are as abusive as they are voluminous and it is unlikely he will be deterred unless he is required to post a contempt bond that would be forfeited in the event he files anything that is ultimately stricken or found to be abusive or frivolous. This case has already gone to a final judgment, been marked as closed, and the Defendant should not be allowed to freely file an endless stream of vexatious and abusive post-judgment motions, certainly not without having to pay the consequences associated with his contemptuous and outrageous behavior.

Respectfully submitted,

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Dated: May 24, 2021

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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 May 24, 2021, I served a true and accurate copy of Plaintiff Bryan Anthony Reo's Brief in Opposition to Defendant's Motion for Reconsideration and this Certificate of Service 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.

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Dated: May 24, 2021