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

BRYAN ANTHONY REO,	)	Case No. 1:19-cv-2103/2589/2615/2786
	)	
Plaintiff,	)	
	)	JUDGE SOLOMON OLIVER, JR.
v.	)	
	)	MAGISTRATE JUDGE
MARTIN LINDSTEDT,	)	THOMAS M. PARKER
	)	
Defendants.	)	
	)	**ORDER**

These consolidated actions were brought by plaintiffs Bryan Anthony Reo, Anthony Domenic Reo, and Stefani Rossi Reo against pro se defendant Martin Lindstedt to seek damages for allegedly defamatory statements Lindstedt published about them on the internet. Although brought separately, the cases share a common trajectory. In each case: (i) Lindstedt failed to timely respond to requests for admissions ("RFAs"); (ii) each plaintiff moved for summary judgment solely on the basis that Lindstedt's failure to respond to the RFAs constituted an admission of the matters inquired about; (iii) each plaintiff claimed to be entitled to judgement as a matter of law based on the admitted matters; (iv) the court declined to construe Lindstedt's various filings as a request to withdraw his admissions; and (v) the court found the matters admitted sufficient to warrant entry of judgment as a matter of law on both liability and damages.

The Sixth Circuit has now reversed and remanded, holding that the court should have construed Lindstedt's filings to be requests to withdraw his admissions and that allowing

withdrawal would impose no significant prejudice on plaintiffs. And the four cases have been consolidated and referred to the undersigned for pretrial management.

I. RFAs

A. Withdrawal of RFAs

As required by the Sixth Circuit's decision, the court now construes Lindstedt's various filings to be motions to withdraw his admissions. This includes Lindstedt's: (i) oppositions to the motions for summary judgment, in which he claimed to have "denied all of [plaintiffs'] allegations propounded in [the] Requests for Admissions," contested the amount of damages claimed and his status as a private figure, and asserted that plaintiffs had lied about what was published; (ii) motions to alter or amend the judgment, in which he "withdraws any 'admissions' made by his silence," claimed to have "Denied all of [plaintiffs'] allegations propounded in [their] Requests for Admission," and asserted that the court could allow him to "withdraw his 'admissions'"; and (iii) untimely responses to Bryan Reo's RFAs in case number 1:19-cv-2103, which Lindstedt filed in all four cases. ECF Doc. 37 at 1–3, 6; ECF Doc. 47 at 2, 8, 11–12; ECF Doc. 50 at 3, 8–16; ECF Doc. 51 at 4; *see also* Case No. 1:19-cv-2589, docs. 69, 74, 75, 83, 100; Case No. 1:19-cv-2615, docs. 25, 27, 40, 46; Case No. 1:19-cv-2786, docs. 34, 35, 44, 45, 52.

Consistent with the Sixth Circuit's analysis, Lindstedt's construed motions to withdraw his admissions in all four cases are GRANTED. *See* Fed. R. Civ. P. 36(b); *Reo v. Lindstedt*, ___ F. App'x ___, 2022 U.S. App. LEXIS 33947, at *2–3 (6th Cir. Dec. 8, 2022).

B. Deadline for Furnishing Responses to RFAs

By virtue of the foregoing ruling, plaintiffs' RFAs are now unanswered. A review of the dockets in case numbers 1:19-cv-2589, 1:19-cv-2615, and 1:19-cv-2786 indicates that Lindstedt never filed responses to plaintiffs' RFAs. Lindstedt instead filed his responses to the RFAs that

were issued in case number 1:19-cv-2103, which would not be responsive to the RFAs that were issued in 19-cv-2589, 1:19-cv-2615, and 1:19-cv-2786. *Compare* ECF Doc. 74, *with* Case No. 1:19-cv-2589, doc. 49-1; Case No. 1:19-cv-2615, doc. 18-1; Case No. 1:19-cv-2786, doc. 26-1. And even the responses Lindstedt did file are deficient, consisting largely of argument, bigoted commentary, and attacks on Bryan Reo's character. *See* ECF Doc. 74 at 8–16

The court ORDERS that Lindstedt shall have until May 15, 2023 to serve plaintiffs with responses to the RFAs in each of the four cases. Further, Lindstedt is hereby ORDERED to file those responses with the court[1].

C. Instructions on RFAs

Lindstedt has demonstrated throughout the course of all four cases a penchant for including in his filings repetitive and irrelevant arguments, race- and gender-based slurs, implied threats, and insulting allegations. Lindstedt is cautioned that the court will not tolerate any such content in future filings, including in his new responses to plaintiffs' RFAs.

Under Rule 36, Fed. R. Civ. P., there are only a handful of acceptable responses to an RFA: (i) "Admit," which indicates that the statement in the RFA is true; (ii) "Deny," which indicates the statement in the RFA is not true; (iii) "Despite reasonable inquiries into matter, I lack the knowledge to answer;" or (iv) "I object to this RFA on the ground that X . . . ." *See* Fed. R. Civ. P. 36(a)(4)-(5). And if the statement in the RFA has parts which the responding party believes are true and parts which are not, it is appropriate to answer: "Admit in part, Deny in part. I admit that X is true, but I deny that Y is true." *See* Fed. R. Civ. P. 36(a)(4).

[1] Normally, responses to discovery requests are *not* filed with the clerk. However, because this matter has been so contentious, the court exercises its discretion to direct defendant to file his responses to plaintiff's RFAs in these actions.

Lindstedt is encouraged to follow these examples when answering plaintiffs' RFAs, bearing in mind that the purpose of answering RFAs is to eliminate "the necessity of proving facts that are not in substantial dispute, to narrow the scope of disputed issues, and to facilitate the presentation of cases to the trier of fact." *T. Rowe Price Small-Cap Fund, Inc. v. Oppenheimer & Co.*, 174 F.R.D. 38, 42 (S.D. N.Y. 1997). The court is mindful that Lindstedt's pro se status entitles his pleadings, including his responses to RFAs, to liberal construction. However, insults, slurs, implied threats, and hateful rhetoric are never acceptable responses. Use of such language will be deemed as non-responsive to the RFA to which it pertains, and such responses will be stricken.

II. Motion for Status Conference

Plaintiffs have moved for either a status conference or an order establishing new briefing schedule for Lindstedt to file a motion to withdraw his admissions. ECF Doc. 87.

Plaintiffs' motion is DENIED. As the court sees it, the Sixth Circuit determined that a motion to withdraw was implicit in Lindstedt's filings and that such a motion should have been granted to promote the presentation of the merits and for lack of significant prejudice to plaintiffs. That is now the law of the case. The court also finds it unnecessary to hold a status conference at this time.

III. Other Matters

A. Pending Claims

The court also finds it appropriate to head-off any doubt as to what claims are pending in light of the Sixth Circuit's decision.

1. Case No. 1:19-cv-2103

The only surviving claims are plaintiff Bryan Reo's claims for: defamation (Count I); false light (Count II); punitive damages (Count IV); and a permanent injunction (Count V).

2. Case No. 1:19-cv-2589

Still pending are Bryan Reo's claims for: defamation (Count I); false light (Count II); and punitive damages (prayer for relief). Also pending is Lindstedt's counterclaim against Bryan Reo.

3. Case No. 1:19-cv-2615

The only surviving claims are plaintiff Anthony Reo's claims for: (i) defamation (Count I); false light (Count II); a permanent injunction (Count IV); and punitive damages (prayer for relief).

4. Case No. 1:19-cv-2786

Still pending are Stefani Reo's claims for: defamation (Count I); false light (Count II); and punitive damages (prayer for relief). Also pending is Lindstedt's counterclaim against Stefani Reo.

B. Discovery

With the exception of Lindstedt's responses to plaintiffs' RFAs, the court finds that discovery in all four cases is complete unless leave of court is granted upon motion of a party to conduct additional discovery.

IT IS SO ORDERED.

Dated: April 11, 2023

Thomas M. Parker
United States Magistrate Judge