

**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.

Mag. Reuben J. Sheperd

[ALL CASES]

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Pro se Defendant

PLAINTIFFS' MOTION FOR SEVERANCE FOR SEPARATE TRIALS

(ORAL ARGUMENT NOT REQUESTED)

NOW COMES Plaintiff Bryan Anthony Reo, in propria persona—for Case Nos. 1:19-cv-2589 and 1:19-cv-2103—, Stefani Rossi Reo, by and through Attorney Bryan Anthony Reo—for Case No. 1:19-cv-2786—, and Anthony Domenic Reo, by and through Attorney Bryan Anthony Reo—for Case No. 1:19-cv-2615—(Bryan Anthony Reo, Stefani Rossi Reo, and Anthony Domenic Reo collectively “Plaintiffs”), and hereby propounds upon Martin Lindstedt (“Defendant”) and this Honorable Court Plaintiffs’ Motion for Severance for Separate Trials:

1. For the reasons set forth within Plaintiffs' Brief in Support of Plaintiffs' Motion for Severance for Separate Trials, the Court can and should order that the consolidated civil actions be severed for purposes of trial.

WHEREFORE, Plaintiffs pray that this Honorable Court will issue an order which severs the consolidated civil actions for purposes of trial.

Respectfully submitted,

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Rossi Reo and Anthony Domenic Reo*

Dated: September 23, 2024

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**PLAINTIFFS' BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR SEVERANCE
FOR SEPARATE TRIALS**

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II. ISSUE PRESENTED

1. Whether the Trial Court should issue an Order which severs the consolidated civil actions so that they are tried separately.

Plaintiffs' Answer: Yes.

Defendant's Presumed Answer: No.

III. STATEMENT OF FACTS

On September 9, 2019, Stefani Rossi Reo filed suit against Martin Lindstedt ("Defendant") at the State of Ohio's Lake County Court of Common Pleas, which was removed to this Court and assigned the Case Number of 1:19-cv-02786. (Case No. 1:19-cv-02786, ECF No. 1-2, Page ID. 8-15). For said civil action, Stefani Rossi Reo is suing Defendant for common law defamation, common law invasion of privacy (false light), common law intentional infliction of emotional distress, and injunctive relief due to Defendant having victimized Stefani Rossi Reo. (Case No. 1:19-cv-02786, ECF No. 1-2, Page ID. 8-15). Stefani Rossi Reo is represented by Attorney Bryan Anthony Reo for purposes of said civil action.

On September 19, 2019, Anthony Domenic Reo filed suit against Defendant at the State of Ohio's Lake County Court of Common Pleas, which was removed to this Court and assigned the Case Number of 1:19-cv-02615. (Case No. 1:19-cv-02615, ECF No. 1-1, PageID 7-17). For said civil action, Anthony Domenic Reo is suing Defendant for common law defamation, common law invasion of privacy (false light), common law intentional infliction of emotional distress, and injunctive relief due to Defendant having victimized Anthony Domenic Reo. (Case No. 1:19-cv-02615, ECF No. 1-1, PageID 7-17). Anthony Domenic Reo is represented by Attorney Bryan Anthony Reo for purposes of said civil action.

On August 12, 2019, Bryan Anthony Reo filed suit against Defendant at the State of Ohio's Lake County Court of Common Pleas, which was removed to this Court and assigned the Case Number of 1:19-cv-02103. (Case No. 1:19-cv-02103, ECF No. 1-1, PageID. 6-18). For said civil action, Bryan Anthony Reo is suing Defendant for common law defamation, common law invasion of privacy (false light), common law intentional infliction of emotional distress, punitive damages, and injunctive relief due to Defendant having victimized Bryan Anthony Reo. (Case No. 1:19-cv-02103, ECF No. 1-1, PageID. 6-18). For said civil action, Bryan Anthony Reo is appearing in propria persona.

On September 18, 2019, Bryan Anthony Reo filed suit against Defendant at the State of Ohio's Lake County Court of Common Pleas, which was removed to this Court and assigned the Case Number of 1:19-cv-02589. (Case No. 1:19-cv-02589, ECF No. 1-3, PageID. 8-20). For said civil action, Bryan Anthony Reo is suing Defendant for common law defamation, common law invasion of privacy (false light), common law intentional infliction of emotional distress, and injunctive relief due to Defendant having victimized Bryan Anthony Reo. (Case No. 1:19-cv-02589, ECF No. 1-1, PageID. 8-20). For said civil action, Bryan Anthony Reo is appearing in propria persona.

Although the civil actions involve the same defendant, the operative facts of each are different and the tort claims are personal to the associated plaintiff of each case—i.e., what Stefani Rossi Reo is suing Defendant for having done to her has nothing to do with what Defendant did to Bryan Anthony Reo or Anthony Domenic Reo, what Anthony Domenic Reo is suing Defendant for having done to him has nothing to do with what Defendant did to Bryan Anthony Reo or Stefani Rossi Reo, and what Bryan Anthony Reo is suing Defendant for having done to Bryan Anthony Reo has nothing to do with what Defendant did to Stefani Rossi Reo or Anthony Domenic Reo.

(Case No. 1:19-cv-02786, ECF No. 1-2, Page ID. 8-15; Case No. 1:19-cv-02615, ECF No. 1-1, PageID 7-17; Case No. 1:19-cv-02103, ECF No. 1-1, PageID. 6-18; Case No. 1:19-cv-02589, ECF No. 1-1, PageID. 8-20).

The pending civil actions involve a significantly convoluted procedural history—involving motion practice and an appeal to the United States Court of Appeals for the Sixth Circuit—, and the Sixth Circuit recommended in passing in its Opinion, “we strongly suggest that the lower courts consolidate these cases before a single judge on remand.” (Case No. 21-3633, ECF No. 29-2, p. 3).

Although it promoted judicial economy and Plaintiffs’ economies for the civil actions to be consolidated for purposes of pre-trial litigation, Plaintiffs now seek for the civil actions to be severed for purposes of trial. Plaintiffs are each entitled to their day in court, and it would be unfairly prejudicial for the Plaintiffs to be required to have a factfinder consider their individual tort claims against Defendant in the context of the tort claims of entirely legally and factually unrelated plaintiffs.

IV. LAW & ARGUMENT

A. THE COURT SHOULD ORDER THAT THE CONSOLIDATED CIVIL ACTIONS BE SEVERED AND TRIED SEPARATELY

1. Standard of Review

Should an interlocutory appeal be filed regarding the Court’s forthcoming ruling for the instant Motion, it would be reviewed for abuse of discretion. *Parchman v. SLMC Corp.*, 896 F.3d 728, 733 (6th Cir. 2018):

“We review the severance of joined claims for an abuse of discretion.” *Payne v. Corr. Corp. of Am.*, 194 F.3d 1313 (6th Cir. 1999) (unpublished table decision) (citing *Michaels Bldg. Co. v. Ameritrust Co., N.A.*, 848 F.2d 674, 682 (6th Cir. 1988)). “The permissive language of Rule 21 permits the district court broad discretion in determining whether or not actions should be severed.” *Johnson v.*

Advanced Bionics, LLC, No. 2:08-CV-02376-JPM, 2011 WL 1323883, at *6 (W.D. Tenn. Apr. 4, 2011) (alteration omitted) (quoting *Alvion Properties, Inc. v. Weber*, No. 3:08-0866, 2009 WL 3060419, at *8 (M.D. Tenn. Sept. 23, 2009)).

2. Principal Point of Argument

The Court should issue an Order which severs the consolidated four civil actions insofar as neither permissive nor mandatory joinder allow for the consolidation of the same.

Fed. R. Civ. P. 19 concerns the mandatory joinder of parties to a civil action, which says in pertinent part:

(a) PERSONS REQUIRED TO BE JOINED IF FEASIBLE.

(1) *Required Party*. A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if:

(A) in that person's absence, the court cannot accord complete relief among existing parties; or

(B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:

(i) as a practical matter impair or impede the person's ability to protect the interest; or

(ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.

For purposes of the four consolidated civil actions, Fed. R. Civ. P. 19 is not applicable insofar as the fact-patterns of the tort claims of the individual Plaintiffs are entirely unique to each plaintiff. What Defendant published to third-parties about Bryan Anthony Reo only concerns Bryan Anthony Reo, what Defendant published to third-parties about Stefani Rossi Reo only concerns Stefani Rossi Reo, and what Defendant published to third-parties about Dominic A. Reo only concerns Dominic A. Reo.

Fed. R. Civ. P. 20 concerns the permissive joinder of parties to a civil action, which says in pertinent part:

(a) PERSONS WHO MAY JOIN OR BE JOINED.

(1) *Plaintiffs*. Persons may join in one action as plaintiffs if:

- (A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and
- (B) any question of law or fact common to all plaintiffs will arise in the action.

For purposes of the four consolidated civil actions, Fed. R. Civ. P. 20 is not applicable insofar as Plaintiffs do not assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or serious of transactions or occurrence, and there is no question of law or fact which is overwhelmingly common to all plaintiffs. The only common thread is that the cases involve the same category of intentional tort, that being defamation, perpetrated by the same defendant, although against different plaintiffs and in different occurrences and over a differing period of time, with different statements and different damages. There is no controlling fact or law that will be determinative or dispositive¹ of two or more plaintiffs' claims, such that joinder would make sense.

As mentioned in *Parchman*, trial courts consider a number of factors when determining whether to sever claims under Fed. R. Civ. P. 21, including:

- (1) whether the claims arise out of the same transaction or occurrence;
- (2) whether the claims present some common questions of law or fact;
- (3) whether settlement of the claims or judicial economy would be facilitated;

¹ Whether Bryan Reo was defamed will not determine whether Stefani Rossi Reo was defamed. Whether Anthony Reo was defamed will not determine whether Bryan Reo was defamed. The claims are unique and specific to each plaintiff and arose from separate transactions and occurrences.

- (4) whether prejudice would be avoided if severance were granted; and
- (5) whether different witnesses and documentary proof are required for separate claims.

Parchman v. SLM Corp., 896 F.3d 728, 733 (6th Cir. 2018) (citing *Productive MD, LLC v. Aetna Health Inc.*, 969 F.Supp.2d 901, 940 (M.D. Tenn. 2013)).

For the instant controversy, the claims of the individual Plaintiffs do not arise out of the same specific transaction or occurrence, the claims do not present a common question of law or fact, the claims will not settle because Defendant refuses to engage in meaningful settlement negotiation, judicial economy was only facilitated in the limited context of Bryan Anthony Reo being involved for all four civil actions as either a named plaintiff or an attorney of record for a named plaintiff, prejudice will be avoided if severance is granted insofar as Defendant is assuredly going to humiliate, mock, and ridicule the individual plaintiffs when presenting proofs to the factfinder insofar as this is par for the course with Defendant based upon Defendant's conduct to date and Bryan Anthony Reo's constitutional right to represent himself for purposes of his own civil action conflicts with Bryan Anthony Reo's ethical obligation to not serve as a lawyer for a party to a civil action when Bryan Anthony Reo also has to be a witness for the same, and different witnesses and documentary proofs are required for the Plaintiffs' individual tort claims against Defendant.

Consolidating the four civil actions because the same tortfeasor engaged in the same type of misconduct against each aggrieved party is analogous to consolidating four separate dog-bite cases because a dog-owner's dog bit different victims on different occasions, or it is analogous to consolidating four separate car accident cases because the same tortfeasor drove negligently four separate times and ran into different victims. The factual and legal commonality between the four separate civil actions is tenuous.

Pursuant to Fed. R. Civ. P. 20(b), even for consolidated cases, “The court may issue orders—including an order for separate trials—to protect a party against embarrassment, delay, expense, or other prejudice[.]”

Based upon Defendant’s wildly offensive court filings—for which the Court can take judicial notice—, Plaintiffs fully expect Defendant to slur each of the individual Plaintiffs to the jury, and it will directly and proximately cause embarrassment and prejudice for the individual Plaintiffs to be mocked, ridiculed, insulted, and harangued by Defendant when proofs are being submitted to the factfinder which are completely unrelated to the Plaintiffs’ individual-specific tort claims against Defendant².

Bryan Anthony Reo—a licensed Ohio attorney—is acting in propria persona for his own civil actions, but representing Stefani Rossi Reo and Anthony Domenic Reo as their attorney of record for their respective civil actions, and the Ohio Rules of Professional Conduct forbid Bryan Anthony Reo from being a witness at a trial and a lawyer for a party at a trial. See Ohio Prof. Cond. R. 3.7(a). Bryan Anthony Reo, however, arguably has a constitutional right to represent himself for his own civil actions pursuant to the Fourteenth Amendment to the United States Constitution.

Although consolidation of the civil actions promoted judicial economy and Plaintiffs economies insofar as Bryan Anthony Reo is a pro se party to two of the cases and Bryan Anthony Reo is an attorney of record for two of the cases, having all four civil actions tried by the same factfinder and at the same time creates an ethical conflict while offending Bryan Anthony Reo’s constitutional rights insofar as Bryan Anthony Reo cannot be a witness at trial while also being an

² Defendant Lindstedt has already said he intends to make issue out of Bryan Anthony Reo’s supposed political beliefs or Defendant’s perception of said beliefs. What possible relevance could this have in regards to the claims of Anthony Domenic Reo and Stefani Rossi Reo? Why should two different plaintiffs, Anthony and Stefani, be required to try their claims alongside their own attorney who is simultaneously trying his own pro se claims?

attorney of record for a party at the same time. Further, the Plaintiffs have a right to their day in court, and it would be improper for a factfinder to consider proofs which are unrelated to the individual tort claims of the respective Plaintiffs: when proofs are being submitted which exclusively concern Bryan Anthony Reo's tort claims against Defendant, said proofs would not whatsoever concern the tort claims of Stefani Rossi Reo and Dominic A. Reo and should not be allowed under Fed. R. Evid. 401(b).

3. Conclusion

For the reasons set forth herein, the Court should issue an Order which severs the consolidated civil actions so that they can be separately tried.

V. PRAYER FOR RELIEF

Plaintiffs pray that the Court issue an Order to sever the consolidated civil actions so that they are separately tried. Alternatively to ordering that all four civil actions be severed for trial, the Court can instead order that Bryan Anthony Reo's two civil actions be tried before the same jury, while Anthony Domenic Reo's claims be tried to a different jury, and Stefani Rossi Reo's claims be tried to a third jury.

Respectfully submitted,

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Pro se Plaintiff and Counsel for Plaintiffs Stefani Rossi Reo and Anthony Domenic Reo

Dated: September 23, 2024

CERTIFICATE OF SERVICE

I, Bryan Anthony Reo, affirm that I am a party to two of the consolidated civil actions and an attorney of record for a party to two of the consolidated civil actions, and on September 23, 2024, I served a true and accurate copy of this Plaintiffs' Motion for Severance for Separate Trials and Plaintiffs' Brief in Support of Plaintiffs' Motion for Severance for Separate Trials 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.

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