

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

BRYAN ANTHONY REO,	)	Case No. 1:19-cv-2589
	)	
Plaintiff,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
v.	)	MAGISTRATE JUDGE
	)	THOMAS M. PARKER
MARTIN LINDSTEDT,	)	
	)	
Defendant.	)	<b><u>ORDER</u></b>
	)	

The Court previously granted plaintiff's motion to strike and required Defendant Lindstedt to file an amended answer. [ECF Doc. 16](#). In response to that order, on February 2, 2020, Lindstedt filed an amended answer and "counterclaims." [ECF Doc. 17](#). Several of the parties named as third-party defendants in Lindstedt's "Counter-claims" have now filed motions to dismiss the claims Lindstedt attempts to assert against them. [ECF Doc. 21](#), [ECF Doc. 31](#), and [ECF Doc. 35](#). Plaintiff has taken a different approach; he has filed several more motions to strike. [ECF Doc. 15](#), [ECF Doc. 18](#), [ECF Doc. 20](#). Defendant Lindstedt, in turn, has also filed motions to strike, resulting in motions to strike upon motions to strike being filed in this case. [ECF Doc. 19](#), [ECF Doc. 26](#).

On May 15, 2020, the court conducted a case management conference and established a case management schedule. [ECF Doc. 37](#). The court stated that it would be issuing orders on the pending motions to strike. The court has given due consideration to the five pending motions to strike and finds that, even if Lindstedt's filings continue to contain redundant, immaterial and

impertinent or scandalous statements, several of the third-party defendants have decided to overlook such statements and have filed motions to dismiss based on lack of jurisdiction or failure to state claims. This is likely the best and most expedient course. Lindstedt's amended pleading ([ECF Doc. 17](#)) has adequately addressed each of plaintiff's allegations and has attempted to assert claims against plaintiff and the third-parties. Lindstedt is permitted to represent himself (only) in these proceedings and the court applies a certain amount of leniency to his pro se filings.

Fed. R. Civ. P. 12(f) states that the court "may" strike from a pleading an insufficient defense or any redundant, material, impertinent or scandalous matter. The word "may" indicates that the court is not required to strike such matters – and, in this case, plaintiff's claims are actually premised on allegations that Lindstedt has made such statements about plaintiff in the past. Further, the court finds that the case will not proceed if the parties continue to file motions to strike upon motions to strike. For these reasons, the court ORDERS, as follows:

- 1) Lindstedt's motion for leave to file amended answer and counterclaims and motion for appointment of counsel ([ECF Doc. 12](#)) are DENIED. Lindstedt's motion for leave to file amended answer is moot; he filed his amended answer and counterclaims on February 3, 2020 following Judge Boyko's adoption of the court's report and recommendation and order that he filed an amended pleading. Lindstedt's motion for appointment of counsel is denied, without prejudice to refiling. As stated during the case management conference, if Lindstedt wants the court to consider appointing pro bono counsel in this case, he must file the required affidavit of need.
- 2) Consistent with the reasons stated above, plaintiff's motion to strike defendant's docket entry 14 is DENIED. [ECF Doc. 15](#). Plaintiff's motion for more definite statement is also DENIED, as moot. Lindstedt's amended answer and counterclaims ([ECF Doc. 17](#)) superseded his previous attempted pleading. All parties have recourse through Fed. R. Civ. P. 8 should they have a belief that pleadings inadequately respond to allegations.
- 3) Consistent with the reasons stated above, plaintiff's motion to strike defendant's docket entry 17 is DENIED. Plaintiff's motion for more definite statement is also DENIED. [ECF Doc. 18](#). If plaintiff cannot discern the


nature of Lindstedt's claims, he may move for dismissal as have several of the third-party defendants or take other recourse authorized under the Rules.

- 4) Lindstedt's motion to strike Reo's incessant motion to strike is DENIED, as moot. [ECF Doc. 19](#).
- 5) Plaintiff's motion to strike Lindstedt's motion to strike ([ECF Doc. 19](#)) is DENIED, as moot. [ECF Doc. 20](#).
- 6) Lindstedt's motion to strike and request for Fed. R. Civ. P. 11 sanctions is DENIED. [ECF Doc. 26](#). Both parties filed motions to strike, which have now been disposed.

The parties should not interpret the foregoing rulings as the court's approval of the filing of pleadings that are replete with name-calling and the use of pejorative terms to describe other parties. The court encourages the parties to avoid further rhetoric and immaterial commentary in their filings, and to attempt to show courtesy and respect, despite their differences. The court also encourages the parties to avoid filing unnecessary motions to strike. Even if motions to strike would be appropriate, there may be better ways to proceed that would also advance the court's goal of resolving the parties' disputes.

IT IS SO ORDERED.

Dated: May 22, 2020

  
Thomas M. Parker  
United States Magistrate Judge