

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>REPORT &amp; RECOMMENDATION</u></b> <sup>1</sup>
	)	

On November 14, 2019, Plaintiff Bryan Anthony Reo (“Reo”) filed a motion for more definite answer ([ECF Doc. 7](#)) and a motion to strike Defendant Martin Lindstedt’s (“Lindstedt”) answer and counterclaim. [ECF Doc. 8](#). Reo claims that he is unable to properly respond to Lindstedt’s counterclaim and that Lindstedt’s filing is abusive, scandalous, irrelevant and immaterial. Lindstedt has not responded to Reo’s motion to strike and his time to file an opposition memorandum has now expired under Local Rule 7.1(d). Because Lindstedt’s answer and counterclaim do not comply with Fed. R. Civ. P. 8 and because they contain insufficient defenses and redundant, immaterial, impertinent and scandalous matter, the undersigned hereby recommends that the court GRANT plaintiff’s unopposed motion to strike ([ECF Doc. 8](#)), require

---

<sup>1</sup> I submit this report and recommendation because Reo’s motion to strike is dispositive of Lindstedt’s attempted answer and counterclaim. *Ruffin v. Frito-Lay, Inc.*, no. 09-cv-14664, 2010 U.S. Dist. LEXIS 66268, 2010 WL 2663185, at \*1 (E.D. Mich. June 10, 2010); *Del-Nat Tire Corp. v. A to Z Tire & Battery, Inc.*, no. 09-2457, 2009 U.S. Dist. LEXIS 114337, 2009 WL 4884435, at \*2 (W.D. Tenn. Dec. 8, 2009); *Specialty Minerals, Inc. v. Pluess-Stauffer AG*, 395 F. Supp. 2d 109, 111 (S.D.N.Y. 2005) (“motion to strike an affirmative defense is clearly ‘dispositive of a ... defense of a party.’”); *United States v. Davis*, 794 F. Supp. 67, 68 (D.R.I.1992) (“[a]n order striking affirmative defenses is dispositive of those defenses ...”).

defendant to file his pleading in accordance with the Federal Rules of Civil Procedure, and to DENY, as moot, plaintiff's motion for a more definite statement. [ECF Doc. 7](#).


This case was removed from Lake County Court of Common Pleas to this court on November 5, 2019. On November 14, 2019, Lindstedt filed an "answer, counterclaim" against Brian Reo. [ECF Doc. 6](#). Lindstedt's lengthy filing contains many derogatory terms and insults directed at plaintiff, his family and other unrelated individuals. This matter was referred to the undersigned for pretrial supervision on November 26, 2019. [ECF Doc. 10](#).

Reo argues that he is unable to determine what claims, if any, Lindstedt's purported counterclaim attempts to assert against him. [ECF Doc. 7](#). He also argues that Lindstedt's answer and counterclaim contain scandalous and immaterial material. Fed. R. Civ. P. 12(f) permits the court to strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The majority of Lindstedt's answer and counterclaim contain the very type of material described in Fed. R. Civ. P. 12(f). And, as stated in Reo's supplemental authority ([ECF Doc. 9](#)), Judge Oliver also recently struck a similar answer and counterclaim filed by Lindstedt in case 1:19 cv 2103. Upon due consideration of Reo's unopposed motion to strike, I find that it is well taken and should be granted.

I recommend that the Court GRANT Reo's motion to strike ([ECF Doc. 8](#)) and require Lindstedt to file an answer that complies with Fed. R. Civ. P. 8 containing a short and plain statement of his grounds for relief and his defenses to Reo's claims, minus the redundant, immaterial, impertinent and scandalous statements asserted in his original pleading. Should Lindstedt not file a proper answer within 14 days of the court's order, an award of default judgment against Lindstedt may be warranted. Finally, I recommend that the Court DENY, as moot, plaintiff's motion for a more definite statement. [ECF Doc. 7](#).

IT IS SO ORDERED.

Dated: December 10, 2019

  
Thomas M. Parker  
United States Magistrate Judge

---

### **OBJECTIONS**

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days after being served with a copy of this document. Failure to file objections within the specified time may waive the right to appeal the District Court's order. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).