

**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-02589-CAB

Hon. Christopher A. Boyko

Mag. Thomas M. Parker

**BRIEF IN OPPOSITION TO DEFENDANT'S
MOTION FOR LEAVE TO FILE AMENDED
COUNTER-CLAIM AND FOR COURT APPOINTED COUNSEL**

NOW COMES Bryan Anthony Reo, Plaintiff Pro Se, and hereby provides the following as his Brief in Opposition to Defendant's Motion for Leave to File Amended Counter-Claim and For Court Appointed Counsel. Plaintiff does not oppose Defendant filing an Amended Answer, as per the Report and Recommendation (Doc. 11) entered by Magistrate Judge Parker, but Plaintiff does oppose Defendant's motion to the extent it asks for leave to file an amended counter-claim because amendment would be futile given what Defendant states he wants to do [implead and join a half-dozen or more irrelevant third parties including government entities], and Plaintiff opposes Defendant's motion for court appointed counsel to the extent Defendant is not indigent and has not submitted any affidavit and schedule of assets per the local rules.

**DEFENDANT SHOULD NOT BE GIVEN LEAVE
TO AMEND HIS COUNTER-CLAIM BECAUSE AMENDMENT WOULD BE FUTILE.**

Defendant has requested leave to amend his answer, counter-claim, and for court-appointed counsel. His request for leave to amend his answer should be granted [Plaintiff concurs with the Magistrate's Report and Recommendation that Defendant's first answer be stricken and he be ordered to file a conforming pleading within 14 days of the date of the entry of the order striking the answer, under penalty of possible default if he fails], but Plaintiff does not believe Defendant should be allowed to file an amended counter-claim because amendment would be futile and the counter-claim would be frivolous.

The decision as to whether the amendment should be ordered is committed to the Court's sound discretion. *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 401 U.S. 321, 330 (1971). Abuse of that discretion occurs only if the Court fails to state the basis for its denial or fails to consider the competing interests of the Parties and the likelihood of prejudice to the party opposing the motion. *Forman v. Davis*, 371 U.S. 178, 182 (1962). In evaluating motions for leave to amend complaints, the Sixth Circuit in *Perkins v. Elec. Power Fuel Supply, Inc.*, 246 F.3d 593, 605 (6th Cir. 2001) listed several factors to consider:

[T]he delay in filing, the lack of notice to the opposing party, bad faith by the moving party, repeated failure to cure deficiencies by previous amendments, undue prejudice to the opposing party, and futility of amendments.

For the case at bar, there is no reasonable basis by which to believe the Defendant will be able to plead a proper, coherent, and rule compliant counter-claim against a half-dozen third parties, ranging from Ohio attorney Brett Klimkowsky [who has absolutely no involvement in the disputes between Plaintiff and Defendant and simply briefly represented Plaintiff as counsel of record during the Lake County Court of Common Pleas case], to Michigan attorney Kyle Bristow [for whom Plaintiff clerked while in law school], to Lake County Court of Common Pleas and

Lake County Court of Common Pleas Judge Patrick Condon [who presided over a jury trial that Lindstedt lost in June of 2019].

Fed. R. Civ. P. 15(a)(2) states regarding amendments of pleadings not made by right, “a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” In the instant case, Lindstedt does not have Reo’s written consent for amendment to occur, and justice does not require Lindstedt to be permitted to file an amended pleading because Lindstedt has stated his intention to amend to implead a dozen or more irrelevant third parties in an effort to bog down the proceedings with his convoluted pleadings and frivolous joinders. Amendment, as proposed by Defendant, is simply futile.

Additionally, and importantly, Defendant Lindstedt proposes to be allowed to amend to drop a corporate entity from the action, yet another act of unauthorized practice of law by a non-attorney on behalf of a corporation. Church of Jesus Christ Christian Aryan Nations of Missouri can only be removed from the case at bar by an order from this Court or by an attorney duly admitted to the Northern District of Ohio filing a proper notice of dismissal or a signed stipulation. Mr. Lindstedt is not an attorney licensed in any jurisdiction, let alone duly admitted to the Northern District of Ohio, he engaged in unauthorized practice of law to file on behalf of a corporate entity the documents necessary to put said entity into the present litigation, he cannot engage in further unauthorized practice of law to remove said entity from the present litigation, only the Court’s intervention can remove the entity, and if the Court adopts the Magistrate’s Report and Recommendation and strikes the Answer and Counter-Claim, then said entity will be so removed.

Additionally, Defendant Lindstedt does not attach the proposed amended complaint and rather than giving assurances it will comply with Fed. R. Civ. P. 8(a)(2), Defendant makes declarations to the contrary by stating intentions to joinder “other Reo defendants, State of Ohio, and federal government” (Doc 12. Pg. 4). In short, the proposed amendment would be futile and fail Fed. R. Civ. P. 15, and it would fail Fed. R. Civ. P. 8(a)(2), as it would not constitute “a short and plain statement of the claim showing that the pleader is entitled to relief[.]”

Lindstedt’s original answer and counter-claim, his first and thus far only responsive pleading [also purportedly filed on behalf of a corporate entity that Lindstedt sought to join as a co-defendant], consisted of no less than 32 pages (Doc. 6). Lindstedt does not propose to be given leave to clean up his pleading and to attempt to comply with Rule 15 and Rule 8, but rather he seeks to bog down these proceedings with endless attempts at frivolous joinder of irrelevant third parties and attempting to add and remove corporate entities through continual acts of unauthorized practice of law.

DEFENDANT SHOULD NOT BE GIVEN COURT APPOINTED COUNSEL BECAUSE HE HAS NOT COMPLIED WITH THE LOCAL RULES.

Defendant has made no attempt to comply with Local Rule 83.10 in that he has not submitted an affidavit of indigency, a disclosure of assets, a schedule of assets, bank statements, tax returns, etc. He has not submitted the proper forms to be considered for court-appointed counsel. He has not even made an attempt to make a procedurally proper request for court-appointed counsel and his request should be denied without review on that basis alone.

DEFENDANT IS NOT ENTITLED TO COURT APPOINTED COUNSEL BECAUSE HE HAS A NET WORTH IN EXCESS OF TWO MILLION DOLLARS AND A MONTHLY INCOME OF APPROXIMATELY FOUR THOUSAND DOLLARS.

Defendant resides in a house in Granby, Missouri, which upon information and belief is owned outright by Defendant without being subjected to a mortgage or any other collateralized loan. Defendant is additionally owner of record of approximately 1,800 [one thousand eight hundred] acres of agricultural land in South Dakota, which is valued between \$1,000,000.00 and \$2,000,000.00 dollars [one and two million dollars] which Defendant refers to as “Pastor Lindstedt’s inheritance.” (Doc. 11, Pg 2.). Upon information and belief, Defendant’s use of the words “Pastor Lindstedt’s inheritance” is a reference to approximately \$2,000,000.00 dollars worth of agricultural land in South Dakota of which Defendant is the sole owner of record.

Defendant is sole owner of record of the following 15 numbered parcels of land in Stanley County, South Dakota.

1. Stanley County APN: 004676 owner: Martin Lindstedt, Lot area: 6,795,360 sq. ft
2. Stanley County APN: 003709 owner: Martin Lindstedt, Lot area: 6,676,920 sq. ft
3. Stanley County APN: 003710 owner: Martin Lindstedt, Lot area: 6,838,920 sq. ft
4. Stanley County APN: 003711 owner: Martin Lindstedt, Lot area: 6,969,600 sq. ft.
5. Stanley County APN: 003712 owner: Martin Lindstedt, Lot area: 6,969,600 sq. ft
6. Stanley County APN: 003749 owner: Martin Lindstedt, Lot area: 6,969,699 sq. ft.
7. Stanley County APN: 003750 owner: Martin Lindstedt, Lot area: 6,969,699 sq. ft.
8. Stanley County APN: 003752 owner: Martin Lindstedt, Lot area: 6,969,699 sq. ft.
9. Stanley County APN: 003761 owner: Martin Lindstedt, Lot area: 6,969,699 sq. ft.
10. Stanley County APN: 004664 owner: Martin Lindstedt, Lot area: 1,306,800 sq. ft.
11. Stanley County APN: 004667 owner: Martin Lindstedt, Lot area: 1,742,400 sq. ft.
12. Stanley County APN: 004670 owner: Martin Lindstedt, Lot area: 1,742,400 sq. ft.
13. Stanley County APN: 004674 owner: Martin Lindstedt, Lot area: 1,829,520 sq. ft.
14. Stanley County APN: 004678 owner: Martin Lindstedt, Lot area: 2,657,160 sq. ft
15. Stanley County APN: 008518 owner: Martin Lindstedt, Lot area: 3,484,800 sq. ft

Upon information and belief, Defendant leases out said land to cattle-grazers and receives approximately \$4,000.00 [four thousand dollars] per month. Defendant has no mortgage, no children, no grandchildren, no dependents, is unmarried, and lives in a house he owns outright in southwestern Missouri with an annual income of approximately \$48,000.00 [forty-eight thousand dollars]. Defendant's unwillingness and hesitancy to hire counsel, or his refusal to sell some of his agricultural parcels and use the funds to hire counsel, should not be taken to mean he is unable to afford counsel. See Exhibit 1, deed of land showing Martin Lindstedt as sole owner of substantial real property in South Dakota.

Since July Defendant has spent approximately \$2,600 dollars to file a notice of appeal in the Ohio 11th Appellate District, order transcripts from a three day jury trial in Lake County Court of Common Pleas, and then spent \$1,600.00 removing four cases from Lake County Court of Common Pleas to Northern District of Ohio, in addition to having purchased a vehicle for several thousand dollars which Defendant said was necessary to get to Lake County for the trial which concluded on June 26, 2019, with Defendant also stating the trip cost him approximately \$1,100.00 in expenses such as gas, lodging, and meals. In short, Defendant has spent between \$8,000.00 and \$10,000.00 in the last six months, related to his disputes with Plaintiff and Plaintiff's family.

Defendant chooses not to hire counsel because Defendant does not want to spend his own resources to continue to litigate when he can instead attempt to spend public resources that he is not entitled to. By no stretch of the imagination is Defendant indigent. It is telling that Defendant did not submit an affidavit of indigency or make any sworn statements under penalty of perjury as

to his income, assets, or net worth, he simply states in a brief that he wants court appointed counsel, which he is simply not entitled to.

Defendant's request for leave to amend a counter-claim should be denied, his request for court-appointed counsel should be similarly denied because it is unsupported by any affidavit or sworn statement, he has not disclosed assets, and he is simply not entitled to said counsel.

Respectfully submitted,

REO LAW, LLC

/s/ Bryan A. Reo
Bryan A. Reo, Esq.
P.O. Box 5100
Mentor, OH 44061
(Business): (216) 505-0811
(Mobile): (440) 313-5893
(Email): reo@reolaw.org
Ohio Law License - #0097470
Attorney and Plaintiff Pro Se

Dated: December 30, 2019

CERTIFICATE OF SERVICE

I, Bryan A. Reo, affirm that I am the Plaintiff in the above-captioned civil action, and on December 30, 2019, I electronically filed this document with the Clerk of the Court by using the Court's Electronic Filing System, which should send notification of said filing to all attorneys of record who are registered to receive such electronic service for the instant civil action.

I further certify that a true and genuine copy of the filing has been dispatched by United States regular mail, postage prepaid to the Defendant at:

Martin Lindstedt
338 Rabbit Track Road
Granby, Missouri 64844

Additionally, an electronic copy has been dispatched to pastorlindstedt@gmail.com which is the defendant's email address.

/s/ Bryan A. Reo
Bryan A. Reo, Esq.
P.O. Box 5100
Mentor, OH 44061
(Business): (216) 505-0811
(Mobile): (440) 313-5893
(Email): reo@reolaw.org
Ohio Law License - #0097470
Attorney and Plaintiff Pro Se

Dated: December 30, 2019

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PERSONAL REPRESENTATIVE'S DEED

Susan Bessman was appointed personal representative by the Judge of the circuit court of Hughes County, South Dakota, on May 18, 1998, and Letters of Personal Representative were issued on May 18, 1998, which Letters are unrevoked and remain in full force and effect; a copy of the Letters certified to the date of this deed or later is attached.

Susan Bessman, as the duly appointed, qualified, and acting personal representative of the estate of Jennie Louise Samuelson, a/k/a Jennie L. Samuelson, a/k/a Jennie Samuelson, grantor, for valuable consideration, sells, conveys, transfers, assigns, and releases to Martin Lindstedt, a single person, grantee, 338 Rabbit Track Rd., Ganby, MO 64844, P.O., all interest of the decedent and the estate of decedent in the following described real estate in Stanley County, South Dakota:

**Township 7 North, Range 26 East of the Black Hills Meridian
Stanley County, South Dakota:**

Section 34: That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South and West of the Highway Right-of-Way;
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 35: That portion of the NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ lying South and West of Highway Right-of-Way; and

**Township 6 North, Range 26, East of the Black Hills Meridian
Stanley County, South Dakota:**

Section 2: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ (a/d/a All);
Section 11: NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Section 14: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

Grantor reserves the following hereunder:

The above conveyance is made subject to a private right of way granted pursuant to SDCL 21-45-18 which is hereby reserved, and as set forth in prior orders of the Court in this estate, hereinafter described, such private way being across the real estate conveyed hereunder granting access to and ingress and egress to the real estate that Martina Lindstedt received a life estate in with the remainder passing to Michael Lindstedt, Kayla Lindstedt and Alex Lindstedt, and to the real estate received by Kayla Lindstedt and Alexander Lindstedt, all of such real estate being described in Exhibit A attached hereto and by this reference incorporated herein. This private right of way shall run with the land and burden the servient tenement described above and benefit the dominant tenement described in Exhibit A.

This conveyance shall be subject to easements, reservations, mineral reservations,

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mineral conveyances, current fence locations, as well as other exceptions of record and statutory easements for road right-of-ways and easements and right-of-ways established by use.

This deed is issued as part of a partition in the Estate of Jennie Louise Samuelson, a/k/a, Jennie L. Samuelson, a/k/a Jennie Samuelson, and the Order partitioning the property is on file in the court proceedings of the Estate of Jennie Louise Samuelson, a/k/a Jennie L. Samuelson, a/k/a Jennie Samuelson, Hughes County, South Dakota, and a copy of said Order, as amended by an Order Nunc Pro Tunc, both of which have been filed with the Court in the probate matter.

Exempt From Transfer Fee

Exempt from transfer fee pursuant to SDCL 43-4-22(10) and SDCL 43-2-44(7).

Dated 12-11-99.

Susan Bessman
Susan Bessman

State of Missouri)
 :ss
County of Newton)

On Dec 11, 1999, before me personally appeared Susan Bessman, known to me or satisfactorily proven to be the person described in the Personal Representative's Deed, and acknowledged that she executed the foregoing Personal Representative's Deed as personal representative of the estate of Jennie Louise Samuelson, a/k/a, Jennie Samuelson, a/k/a Jennie L. Samuelson and for the purposes therein contained.

Dated 12-11-99.

Leyla Whitson
Notary Public, State of Missouri

My commission expires: 10-6-2001
(SEAL)

Prepared by:
Ronald D. Olinger
Olinger Law Firm
P.O. Box 66
Pierre, SD 57501
1-605-224-8851

Leyla Whitson
Notary Public-Notary Seal
STATE OF MISSOURI
Newton County
My Commission Expires 10/6/2001

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Exhibit A

Township 6 North, Range 27, East of the Black Hills Meridian
Stanley County, South Dakota:

Section 7: SE $\frac{1}{4}$;
Section 17: SW $\frac{1}{4}$;
Section 18: NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ of Lot 3, S $\frac{1}{2}$ of Lot 3 and Lot 4;
Section 19: Lots 1, 2, 3, and 4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$; and
Section 20: W $\frac{1}{2}$.

Township 6 North, Range 26, East of the Black Hills Meridian
Stanley County, South Dakota:

Section 13: E $\frac{1}{2}$, SW $\frac{1}{4}$;
Section 14: S $\frac{1}{2}$ SE $\frac{1}{4}$;
Section 23: E $\frac{1}{2}$;
Section 24: All.

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STATE OF SOUTH DAKOTA)
)
COUNTY OF HUGHES)

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

PRO # 98-22

ESTATE OF JENNIE SAMUELSON, also
known as JENNIE L. SAMUELSON,

Deceased.

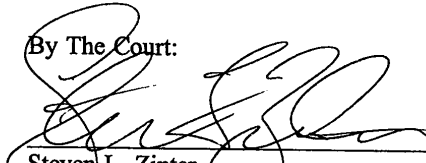
Letters of Personal Representative

On May 18, 1998, Susan Bessman was appointed by this court and qualified as personal representative of the estate of Jennie Samuelson, also known as Jennie L. Samuelson.

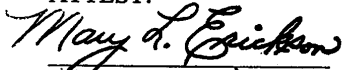
These Letters are issued as evidence of the appointment, qualification, and authority of Susan Bessman to do and perform all acts authorized by law.

Issued May 18, 1998.

By The Court:


Steven L. Zinter
Circuit Court Judge
Sixth Judicial Circuit

ATTEST:


Clerk of Courts *by Marie Derby*
(SEAL) *clerk*

#33699

STATE OF SOUTH DAKOTA, COUNTY OF STANLEY
Filed for record the 5th day of Jan. 2000 at 1:10
P. M. in Book 262 of Deeds on pages 372-375
Beverly Staves
Register of Deeds Deputy
Fee \$16.00

STATE OF SOUTH DAKOTA
CIRCUIT COURT, HUGHES CO.
FILED

MAY 18 1998

Mary L. Erickson CLERK
By *sh* Deputy

State of South Dakota }
County of Hughes }ss

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in my office.

Dated this 4th day of JAN 2000
MARY L. ERICKSON, Clerk of Courts
By *Sharon McCallister*
Clerk of Courts / Deputy