

**STATE OF OHIO
IN THE COURT OF COMMON PLEAS OF LAKE COUNTY
CIVIL DIVISION**

BRYAN ANTHONY REO,

Plaintiff,

v.

MARTIN LINDSTEDT,

Defendant.

Case No. 15CV001590

Hon. Richard L. Collins

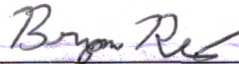
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MARTIN LINDSTEDT
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Pro se Defendant

**PLAINTIFF'S MOTION TO REMAND CONSOLIDATED CLAIMS TO MENTOR
MUNICIPAL COURT**

NOW COMES Bryan Anthony Reo ("Plaintiff"), pro se, and hereby propounds upon this Honorable Court and Martin Lindstedt ("Defendant") Plaintiff's Motion to Remand Consolidated Claims to Mentor Municipal Court.

Respectfully submitted,



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FILED

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**MAUREEN S. KELLY
LAKE CO. CLERK OF COURT**

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**PLAINTIFF'S BRIEF IN SUPPORT OF
PLAINTIFF'S MOTION TO REMAND CONSOLIDATED CLAIMS TO MENTOR
MUNICIPAL COURT**

NOW COMES Bryan Anthony Reo ("Plaintiff"), pro se, and hereby propounds upon this Honorable Court and Martin Lindstedt ("Defendant") Plaintiff's Brief in Support of Plaintiff's Motion to Remand Consolidated Claims to Mentor Municipal Court.

I. STATEMENT OF FACTS

Due to recent and ongoing tortious acts as well as the acts of new parties [i.e. Roxie Fausnaught and Church of Jesus Christ Christians/Aryan Nations of Missouri] Plaintiff filed a complaint with the Mentor Municipal Court, 16CVE00245 naming Martin Lindstedt [in his individual and church/corporate capacity], Roxie Fausnaught [in her individual and church/corporate capacity], and the Church of Jesus Christ Christian/Aryan Nations of Missouri, as defendants. For a number of reasons to be detailed in this brief, the facts arising from the occurrences and transactions that resulted in claims that were filed in Mentor Municipal Court

against those three defendants are separate and distinct from the facts arising from the occurrences and transactions that resulted in claims that are already ongoing in Lake County Common Pleas against Defendant Martin Lindstedt in his individual capacity only.

On May 12, 2016 the Mentor Municipal Court issued an order to consolidate Mentor Municipal case 16CVE00245 with Lake County Common Pleas case 15CV001590 based on an erroneous application of the rules for joinder.

The facts giving rise to the claims in 15CV001590 are completely different and arose from different circumstances, occurrences, succession or series of transactions than those of the facts giving rise to the claims in 16CVE00245. Furthermore, none of the facts giving rise to the claims in 15CV001590 involve the two additional parties [Fausnaught and Church of Jesus Christ Christian/Aryan Nations of Missouri] that were named in 16CVE00245.

It is highly prejudicial to the rights of all those involved to consolidate a case into an ongoing case, four months after Plaintiff has already moved for summary judgment in 15CV001590, and less than twelve weeks before trial is scheduled in 15CV001590.

There is neither a legal nor procedural basis that provides for the consolidation of a newly filed case, 16CVE00245, into an ongoing case that is less than ninety days away from a scheduled trial [trial is set for August 2, 2016]. The consolidation of the cases was procedurally and legally improper and the joinder of two new parties [Fausnaught and Church of Jesus Christ Christian Aryan Nations of Missouri] into the instant action, 15CV001590, was improper.

II. LAW AND ARGUMENT

Nothing in Civ. R. 18, Civ. R. 19, Civ. R. 19.1, nor Civ. R. 20 provides that a court may sua sponte join parties to a lawsuit, let alone consolidate a case sua sponte, particularly in an instance where the only common thread between the two actions is that one individual is a defendant in both actions. This is not a sufficient basis to provide for a transfer and consolidation of the cases.

Indeed Civ. R. 20 has a specific provision for separate trials for the sake of preventing prejudice, delay, or increased expenses. Civ. R. 20(b) provides, in pertinent part, "The court may make such orders as will prevent a party from being prejudiced, delayed, or put to expense by the inclusion of a party against whom he asserts no claim and who asserts no claim against him, and may order separate trials or make other orders to prevent prejudice or delay." There is no provision for joining trials while allowing for prejudice, delay, and increased expenses.

THE MUNICIPAL COURT ERRED BY ORDERING THE JOINDER OF THE CASES IN LIGHT OF THE PARTIES AND OPERATIVE FACTS BEING DIFFERENT.

Martin Lindstedt is being sued in Lake County Court of Common Pleas for actions committed in 2012, 2013, 2014, and 2015 involving his engaging in defamation against Plaintiff in Lindstedt's individual capacity.

Roxie Fausnaught, Martin Lindstedt, and their corporate entity incorporated as Church of Jesus Christ Christian/Aryan Nations of Missouri are being sued for actions committed in 2016 involving the two natural persons acting in conspiracy with each other and acting individually and on behalf of their corporate entity, and the corporate entity itself. This case rightly belongs in Mentor Municipal Court and the. The operative facts are different and the parties are substantially different. The only common thread between the two cases, Martin Lindstedt, is a thread that is insufficient to provide a legally sufficient or procedurally proper basis for consolidation of the two cases. The case that was consolidated from Mentor Municipal will involve issues of conspiracy and laws concerning corporations, while the instant action that pertains solely to Martin Lindstedt will involve no such issues.

PLAINTIFF'S RIGHTS WILL BE PREJUDICED IF THESE CASES ARE CONSOLIDATED. EQUITY REQUIRES THAT THE CLAIMS FROM MENTOR MUNICIPAL BE REMANDED.

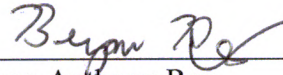
In the instant action, 15CV001590, discovery is over, Plaintiff's dispositive motion for summary judgment has been pending since January, and trial is set for August 2, 2016. By no means could joining additional parties and consolidating new and different claims, specifically those from Mentor Municipal Court case 16CVE00245, into the instant action 15CV001590, do

anything other than prejudice the Plaintiff, needlessly delay the proceedings, increase the Plaintiff's cost, and jeopardize the Plaintiff's rights to due process. There is absolutely no mechanism by which to allow for the consolidation of the two cases without causing at least a six month delay to the instant action, a delay that is needless and would violate Plaintiff's rights.

III. CONCLUSION

For the reasons set forth herein, this Honorable Court should grant Plaintiff's Motion to Remand Consolidated Claims to Mentor Municipal Court. Furthermore, instead of consolidating the cases as provided in the order from Mentor Municipal Court, the clerk at Lake County Court of Common Pleas apparently erred and opened a new case, case #16CV000825 which should be terminated when the case from Mentor Municipal Court, 16CVE00245, is remanded.

Respectfully submitted,



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Certificate of Service

I, Bryan Anthony Reo, do hereby certify that a true and genuine copy of this motion/brief/filing has been dispatched by United States regular mail, postage prepaid to the Defendant at:

Martin Lindstedt
338 Rabbit Track Road
Granby, Missouri 64844

On this 16 day of May, 2016

X

