

**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

ORAL ARGUMENT REQUESTED

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Pro se Defendant

**PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE AND
DISQUALIFY DEFENDANT FROM TESTIFYING**

NOW COMES Bryan Anthony Reo ("Plaintiff"), by and through the undersigned attorney, and hereby propounds upon this Honorable Court and Martin Lindstedt ("Defendant") Plaintiff's Motion in Limine to Exclude and Disqualify Defendant From Testifying.

Respectfully submitted,

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Pro se Defendant

**PLAINTIFF'S BRIEF IN SUPPORT OF PLAINTIFF'S
MOTION IN LIMINE TO EXCLUDE AND DISQUALIFY
DEFENDANT FROM TESTIFYING**

NOW COMES Bryan Anthony Reo ("Plaintiff"), by and through the undersigned attorney, and hereby propounds upon this Honorable Court and Martin Lindstedt ("Defendant") Plaintiff's Brief in Support of Plaintiff's Motion in Limine to Exclude and Disqualify Defendant From Testifying. This motion is made pursuant to Rule of Evidence 601(A) on the basis that Defendant is of unsound mind and is therefore not competent to give testimony in the instant action because he lacks an appreciation for the situation and he clearly lacks an ability to testify truthfully and in a serious manner. As such Defendant Martin Lindstedt should be excluded and disqualified from giving any testimony in any evidentiary hearing or trial in the instant action.

I. STATEMENT OF FACTS

Defendant is of an unsound mind and he is not competent to testify because he does not appreciate reality, nor the need to tell the truth, nor the need to comply with the law.

During the phone status conference in the case 16CV000825, held on 3/29/2017, involving Defendant Martin Lindstedt and Plaintiff Bryan Anthony Reo, conducted by Magistrate Kenneth Roll, Defendant Lindstedt claimed that he had previously had an ex parte phone conversation with Judge Collins and that Judge Collins stated his dislike for Plaintiff Reo and his desire to see Lindstedt prevail. When pressed by Magistrate Roll Defendant Lindstedt eventually admitted that no phone conversation had taken place with Judge Collins.

During the status conference Lindstedt also made the highly improbable claim that Mentor Municipal Judge Trebets called him and spoke with him and expressed his dissatisfaction with Plaintiff Reo, with Lindstedt stating that Judge Trebets claimed that Plaintiff Reo had filed “dozens of frivolous lawsuits in Mentor Municipal Court” despite the fact that the only lawsuit ever filed by Plaintiff Reo in Mentor Municipal is the case, 16CV000825, that was transferred from Mentor Municipal to Common Pleas.

Additionally, during the status conference, Lindstedt also made the highly improbable claim that “dozens” of the various telemarketing TCPA defendants from Plaintiff’s Reo’s other lawsuits are in contact with Lindstedt and coordinating with him to “oppose Reo.”

In his “Amended answer and counter-claim” filed on January 6, 2016, Defendant Lindstedt wrote that Plaintiff Reo was having sex with Magistrate Kenneth Roll and that the two were a homosexual couple. (Defendant’s Amended Answer & Counter-Claim filed 1/6/2016)

Either Defendant Lindstedt is operating under delusions and is not able to recognize reality or he is simply not able to appreciate the seriousness of an oath and the requirement of

telling the truth. In either event his inability to communicate objectively true information makes him incompetent to give testimony as a witness.

Lindstedt has filed rambling documents accusing Judge Collins and Magistrate Roll of having sexual relations with Plaintiff because Plaintiff has received favorable rulings on a number of motions to strike. A person able to correctly state matters as they come into his perception would realize the motions to strike were granted because the documents sought to be stricken were frivolous and incoherent. In Lindstedt's mind there is a vast and monolithic conspiracy against him, a conspiracy comprised of judges who have sex with Plaintiff in exchange for making rulings adverse to Defendant, but who then make phone calls to Defendant and have ex parte conversations offering to help him against Plaintiff Reo.

Defendant clearly lacks the ability to form accurate impressions of the truth and to communicate these in a meaningful manner. He does not seem able to grasp the significance of the requirement that he testify truthfully about matters that have come to his knowledge. Lindstedt's apparent view of reality is not in line with reality as it actually is. In the real world Judge Collins did not have an ex parte phone conversation with Defendant Lindstedt. In the real world Judge Trebets did not call Defendant Lindstedt to talk about Plaintiff Reo. Defendant is clearly incapable of correctly perceiving reality and providing meaningful testimony thereto. Lindstedt is not able to correctly state matters which have come within his perception.

It would be prejudicial to the due process rights of Plaintiff to allow an individual whose testimony is inadmissible on the grounds of his being of an unsound mind, to give testimony.

The court need only look to some of Defendant Lindstedt's more colorful rants to immediately realize it is dealing with an insane individual who is clearly of an unsound mind. It is questionable if Defendant Lindstedt is even aware of the reality of his own existence because he frequently claims to be the leader of a movement consisting of tens of thousands of warlords and he variously calls himself an archbishop or a pastor when it appears he is an insignificant transient with neither followers nor a movement and his greatest accomplishment (as a public figure no less) appears to have been somehow getting his name on the ballot for US Senate and

receiving 6,000 votes as a Libertarian candidate before being ejected from the party after the party officials finally met him and realized he was of unsound mind.

From the Answer filed in the case 16CV000825 prior to consolidation-

Defendant oddly writes that Plaintiff “successfully blackmailed other mongrels into either leaving the bowel Movement or submitting to Reo’s homosexual advances[.]” (Defendant Lindstedt’s Answer, pg. 10).

Defendant refers to Plaintiff as a “mamzer faggot[.]” (Defendant Lindstedt’s Answer, pg. 10).

Defendant refers to a Plaintiff as a “mongrel homosexual/mamzer faggot[.]” (Defendant Lindstedt’s Answer, pg. 10).

Defendant writes that Plaintiff goes “ass-to-mouth” with Ohio/Michigan attorney Kyle Bristow (Defendant Lindstedt’s Answer, pg. 10).

Defendant writes that Plaintiff’s Complaint is on “dishonest flatulence [.]” (Defendant Lindstedt’s Answer, pg. 11).

Defendant smears Plaintiff as a “self-loathing homosexual mongrel without a conscience or remorse[.]” (Defendant Lindstedt’s Answer, pg. 12).

Defendant threatens this Court by stating “Does this Mentor Municipal Court want to destroy itself too[?]” (Defendant Lindstedt’s Answer, pg. 12).

In the case 15CV001590, on 3/7/2015 Defendant filed “Defendants’ Answer/More Definite Statement to Bryan Reo’s Latest Vexatious & Frivolous Motion For a More Definite Statement to Bryan Reo’s Frivolous Lawsuit” (“Defendant’s Answer & Statement”) which contained, amongst other things, the following offensive material.

Defendant Lindstedt makes absurd claims that Plaintiff engages in “extortion and mail and wire fraud through this Court.” (Defendant’s Answer & Statement pg. 1).

Defendant monstrously insults this Court by claiming that this “local county court allows fraudsters with no other source of support other than through fraudulent and frivolous litigation and extortion to abuse and harass persons and businesses all across the rest of the nation.” (Defendant’s Defendant’s Answer & Statement

pgs. 1-2). The reference to harassing persons and businesses all across the rest of the nation is particularly ironic coming from a Defendant who has attempted to join several dozen third parties to the instant action.

Defendant apparently believes he can threaten this Court into giving him what he wants, as he writes “The answer, of course, is to file a federal RICO lawsuit against this Lake County Court.” (Defendant’s Answer & Statement pg. 2).

Defendant refers to Plaintiff as a, “notorious mongrel homosexual.” (Defendant’s Answer & Statement pg. 3).

Defendant refers to a third party, whom Plaintiff has never met and does not know, as a “female suspected jewess and former sexual mascot of the Washington State Klan.” (Defendant’s Answer & Statement pg. 3).

Defendant despicably refers to Plaintiff as “another Adam Lanza or crazed mass shooter waiting to happen.” (Defendant’s Answer & Statement pg. 4). By comparison Defendant is a self-described “Archbishop” in “Aryan Nations” and has spent several years in prison/jail for a variety of offenses ranging from (shockingly) contempt of court, to disorderly conduct, disturbing the peace, trespassing, etc., in addition to having been institutionalized in Fulton State Hospital for approximately 3.5 years as a result of his trial for statutory sodomy on a minor.

In Defendant’s Response to Plaintiff’s Motion to Strike, filed on 1-25-2016, Defendant claimed Plaintiff was having a sexual relationship with Magistrate Roll.

Defendant falsely and scandalously claims that “Bryan Reo threatens to use his constantly implied “special relationship” with this Court in general and Magistrate Roll in particular as a club against the interests of Pastor Lindstedt.” (Defendant’s Response to Plaintiff’s Motion to Strike pg. 8). This despite the fact that only in Defendant’s strange mind and bizarre pleadings is there some sort of relationship between Plaintiff and this honorable Court.

In Defendants’ Fourth or Fifth Response to Plaintiff’s Latest Vexatious & Frivolous Motion to Strike Defendant’s Second Or Third Response To Reo’s Fifth Or Sixth Motion To Strike Or Whatever It Is This Week That Requires a Response To Reo (“Defendant’s Fourth Response”) Defendant provided more incoherent ramblings from a clearly unsound mind and threatened to “destroy” this Court.

Defendant Lindstedt refers to Plaintiff as “**Mamzer from Mentor.**”(Emphasis added) (Defendant’s Fourth Response pg. 1).

Defendant improperly threatens this Court with being “**destroyed**” (Emphasis added) in an obvious attempt to coerce this Court into making a ruling favorable to Defendant (Defendant’s Fourth Response pg.2).

Defendant refers to Plaintiff as a “**negro lipped jew-unibrowed mongrel homosexual.**” (Emphasis added)(Defendant’s Fourth Response pg. 2).

Defendant monstrously defames this Court by referring to the judge as a “**man-bitch**” (Emphasis added) and declaring that this court “**ovulates**” (Emphasis added) for Plaintiff. (Defendant’s Fourth Response pg. 2).

Defendant has a history of being indicted for sexual crimes against children, and does not appear to understand that it is improper to sodomize children. This goes to his generally unsound mind. See attached Exhibit 1 [a news article about Defendant being charged with statutory sodomy.

Defendant also has a history of being institutionalized in connection with his crimes against children, he was in Fulton State Hospital for his unsound mind in 2008 [ultimately spending a total of approximately 3.5 years in the state mental hospital in Missouri]. See attached Exhibit 2 [a news article about Defendant’s institutionalization and the hearing on his competency]. Defendant was ultimately found incompetent to proceed as his own counsel in defending himself against the criminal charges.

A picture of the man who styles himself the future leader of the “Aryan master race” is attached as Exhibit 3. This half-bearded disheveled unemployed transient is the man who is going to lead an army of warlords to subjugate Lake County Ohio into 3 generations of slavery. Only in Defendant’s unsound mind is Defendant a man of significance with an army of followers ready to make him the Archbishop of some new “Aryan” feudal utopia. In the real world, where Plaintiff, Plaintiff’s counsel, this court, and almost everybody else, live, work, and operate, Defendant is a mentally unsound cyber-stalking cyber-bully who is always in and out of jail, in and out of the mental hospital, in and out of the psychiatric ward, and is a man who is completely unmemorable except for his innate ramblings, antics and his courtroom outbursts. If pressed

Defendant will admit that “God told him” to maintain half a beard, and that it is a “statement of revolutionary intent” against the corrupt system that his army of “Aryan” followers will soon overthrow. Apparently God speaks to Defendant and has given him the command to shave half of his beard, sadly God has not commanded Defendant to learn the Ohio Rules of Civil Procedure and to abide by them.

It should be obvious that Defendant is a man of unsound mind and that his testimony is inadmissible on the grounds that he is incapable of correctly stating those things which come into his perception.

II. LAW & ARGUMENT

Rule 601 provides that every person is competent to be a witness except: “Those of unsound mind...”

All of the evidence presently before this court, in the form of Defendant’s voluminous ramblings that Defendant has peppered this court with since he first appeared in the action, and Defendant’s assertions that he has ex parte conversations with multiple judges, must lead to the inevitable and reasonable conclusion that Defendant is of an unsound mind.

Lindstedt is insane and an insane person is not necessarily incompetent to give testimony but common law standards for competency must be applied. *State v. Wildman*, 145 Ohio St. 379, 61 N.E. 2d 790 (1945). Lindstedt has been previously institutionalized in Fulton State Mental Hospital for approximately 3.5 years. Lindstedt has insisted in his pleadings that Plaintiff Reo is having a homosexual affair with Judge Collins and Magistrate Roll. Lindstedt then claimed that Judge Collins had an ex parte phone call with him [Lindstedt] and discussed topics adverse to Plaintiff, and then shortly thereafter admitted that the conversation never took place. Lindstedt appears to simultaneously believe that Judge Collins has been seduced by Plaintiff and is in a homosexual affair with Plaintiff, but also does not like Plaintiff and makes ex parte phone calls to Defendant to talk about Plaintiff. This strongly suggests that Defendant is insane.

Lindstedt is not capable of understanding the nature of an oath or giving a coherent statement touching the matter upon which he is examined. See *State v. Wildman*, 145 Ohio St. 379, 61 N.E. 2d 790 (1945). Defendant Lindstedt attempted to grant himself a default judgment and issued “letters of marque and reprisal” against Lake County Court of Common Pleas on 8/15/2016 in his “Notice of Default Judgment & Crusade & Letters of Marque and Reprisal” where he ordered this Court to cease operations and prepare to enter into three generations of slavery. Only an individual of unsound mind would file such nonsense with a court of law.

Lindstedt is not able to correctly state matters which have come within his perception. “A person who is able to correctly state matters which have come within his perception with respect to issues involved and appreciates and understands the nature and obligation of an oath is a competent witness notwithstanding some unsoundness of mind.” See *State v. Wildman*, 145 Ohio St. 379, 61 N.E. 2d 790 (1945). Lindstedt seems to labor under delusions that conversations which never took place, actually took place, before finally admitting [when pressed on the matter] that the conversation never took place. Common law standards of competency must be applied and a determination must be made if Lindstedt is capable or incapable of testifying to matters that come into his senses, that is to say if his testimony is even admissible, or if his testimony is admissible but merely lacks credibility.

Defendant Lindstedt also believes he is the victim of a vast and monolithic conspiracy, but that he has an “army of warlords” who will unleash a campaign of terror against Lake County and destroy Lake County Court of Common Pleas and enslave the residents of Lake County. See “Notice of Default Judgment & Crusade & Letters of Marque and Reprisal” filed 8/15/2016 by Defendant Lindstedt. Such beliefs are not consistent with sanity or soundness of mind.

In *Riverside Methodist Hosp. Ass’n of Ohio v. Guthrie*, 3 Ohio App.3d 308, 444 N.E.2d 1358 (10th App. Dist. 1982) the court stated that a

Motion in limine may be used as equivalent of motion to suppress evidence, which is either not competent or improper because of some unusual circumstances, and as means of raising objection to area of inquiry to prevent

prejudicial questions and statements until admissibility of questionable evidence can be determined during course of trial.

The court went on to detail the two-step procedure or process by which a motion-in-line should be reviewed and considered.

Motion in limine requires two-step procedure: first, pretrial consideration as to whether any reference to area in question should be precluded until admissibility can be ascertained during trial; and, second, during trial when party desires to introduce evidence which is subject of motion in limine, determination by trial court as to admissibility of evidence, which is determined by circumstances and evidence adduced in trial and issues raised by the evidence. Id at 308.

A motion-in-limine is appropriate because there are strong indicators that Defendant's testimony will not be admissible, and his testimony should be precluded until the matter can be definitively resolved [if applicable and necessary] during trial.

III. CONCLUSION

For the reasons set forth herein, this Honorable Court should grant Plaintiff's Motion to Exclude and Disqualify Defendant From Testifying. Plaintiff also prays that this Court will order an evidentiary hearing so that Defendant can be subjected to psychiatric review to determine the full extent and nature of his incompetency.

Respectfully submitted,

KLIMKOWSKY LAW, LLC

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Attorney for Bryan Anthony Reo

Certificate of Service

I, Brett Klimkowsky, do hereby certify that a true and genuine copy of Plaintiff's Motion in Limine to Exclude and Disqualify Defendant From Testifying 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 _____ day of _____, 2017

X

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Pro se Defendant

**ORDER GRANTING PLAINTIFF'S
MOTION IN LIMINE TO EXCLUDE AND DISQUALIFY
DEFENDANT FROM TESTIFYING**

THIS MATTER came to be considered by the Court pursuant to the Plaintiff's Motion in Limine to Exclude and Disqualify Defendant From Testifying filed by Plaintiff in the above-captioned cause. The Court having considered the Motion and being fully advised of the premises, it is, therefore,

ORDERED and ADJUDGED:

1. That Plaintiff's Motion in Limine to Exclude and Disqualify Defendant From Testifying is and the same is hereby granted.
2. Defendant Martin Lindstedt is hereby excluded and disqualified from testifying at any hearing or trial arising in the instant action.
3. Defendant Lindstedt shall have 14 days within which to file a written objection to this order and to request an evidentiary hearing on his competency to testify at

trial.

DONE AND ORDERED in Chambers at Painesville, Lake County, Ohio this ____ day
of _____, 2017.

RICHARD L. COLLINS, JUDGE LAKE COUNTY COMMON PLEAS

Copies to:

Brett Klimkowsky

Martin Lindstedt