



disputing his liability, his decision not to offer to settle would be rational. *Pruszyński v. Reeves*, 11<sup>th</sup> dist. Geauga No. 2009-G-2908, 2010-Ohio-3677, ¶ 26.

During the hearing, Reo testified that he offered to settle the cases in return for \$100,000 in damages from Lindstedt along with Lindstedt agreeing to turn over all firearms he may have, attend psychological counseling, remove all of his material on the internet and abstain from using the internet in the future. Lindstedt disputed liability arguing that this court had no jurisdiction over a Missouri resident, that his statements on the internet were protected by the First Amendment and that his statements on the internet were about nine years old and thus were beyond the one year statute of limitations. Lindstedt further claimed he was relentlessly pursued by Reo.

The court cannot conclude that Lindstedt failed to have a rational basis for not settling. He legitimately disputed his liability as to Reo's claims. Lindstedt reasonably responded to discovery and did not seek to unnecessarily delay the case. While there was considerable motion practice in both cases, Lindstedt did not initiate the lawsuits and his filings were reactive in nature. In Case No. 15 CV 001590, nine dates for trial were set. In Case No. 16 CV 000825, seven dates were set which were the same dates as in the earlier case after the two cases were consolidated on April 21, 2017 at Lindstedt's request. None of the requests for continuances were made by Lindstedt although he agreed to several. One continuance was granted the day before trial (set for August 7, 2018) after Lindstedt had traveled to Ohio from Missouri. On November 17, 2018, Reo requested a continuance of the trial set for January 29, 2019 due to his vacation travel in Europe and South America, the bad weather in January and February and the fact that he should be granted summary motion that would render moot most of the planned trial. On December 26, 2018, he filed a notice of appeal to the Eleventh District Court of Appeals claiming this court improperly denied his motion for summary judgment including his claim for injunctive relief. He also claimed his motion to amend his complaint was improperly denied along with this court's refusal to dismiss Lindstedt's counterclaim. None of the court's decisions were a final appealable order. On the same day, he filed a motion to stay proceedings pending appeal. The trial was continued. On February 20, 2019, Reo filed a motion to dismiss the appeal which was granted. The trial was reset to June 24, 2019. On May 28, 2019, Reo filed another motion to continue the trial one or two days due to a scheduling conflict in another court. This motion was withdrawn three days later. On June 18, 2019, Reo again requested a continuance to some time after July 7, 2019 due to a schedule conflict with another court. On June 20, 2019, this court denied the motion and trial commenced as scheduled on June 24, 2019.

The court notes that while the jury rendered a verdict in favor of Reo, Lindstedt appeared pro se, did not present any evidence and did not properly present his case or defend himself due to his inexperience.

The court finds that Reo failed to meet his burden of proof justifying an award of prejudgment interest. Accordingly, the motion of plaintiff Bryan Reo's motion for prejudgment interest pursuant to R.C. 1343.03(C) is denied.

**IT IS SO ORDERED.**

  
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PATRICK J. CONDON  
Judge of the Court of Common Pleas

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