

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

BRYAN ANTHONY REO

P.O. Box 5100
Mentor, OH 44061

Plaintiff,

v.

MARTIN LINDSTEDT

9710 Reindeer Drive
Granby, MO 64844

Defendant.

Case No:

Hon.

BRYAN ANTHONY REO

7143 Rippling Brook Lane
Mentor, OH 44060
(P): (440) 313-5893
(E) Reo@ReoLaw.org
Pro se Plaintiff

PLAINTIFF'S COMPLAINT

BRYAN ANTHONY REO (Plaintiff), alleges the following against MARTIN LINDSTEDT (Defendant):

I. INTRODUCTION

1. Plaintiff sues Defendant in the instant civil action for fraud, civil conspiracy, and other related torts arising from Defendant having fraudulently conveyed real property in an effort to hinder, delay, or otherwise defraud Plaintiff who was and is a judgment creditor of Defendant.

II. PARTIES

2. Plaintiff is a natural person who resides in Mentor, Lake County, Ohio. At all relevant times Plaintiff has been a resident of Ohio, was and is a judgment lien creditor of Defendant at the time Defendant fraudulently conveyed the Real Property in question and remained a resident of Ohio at the time a competent court held that the conveyance of Defendant's Real Property was fraudulent.

3. Defendant is a natural person of the State of Missouri who resides at 9710 Reindeer Drive, Granby, MO 64844.

III. JURISDICTION AND VENUE

4. This Court enjoys subject matter jurisdiction over the instant civil action because the amount in controversy exceeds five hundred dollars (\$500.00). R.C. § 2305.01.

5. This Court enjoys personal jurisdiction over Defendant because Defendant caused tortious injury to Plaintiff in the State of Ohio by an act outside of the State of Ohio that was committed by Defendant with the purpose of injuring Plaintiff when Defendant might reasonably have expected that Plaintiff would be injured in the State of Ohio. R.C. § 2307.382(A)(6); Civ.R. 4.3(A)(9); *Kauffman Racing Equip., L.L.C., v. Roberts*, 126 Ohio St.3d 81, (Ohio 2010). Defendant was subject to a judgment duly issued by the Lake County Court of Common Pleas in Lake County Ohio which resulted from a jury trial conducted in Lake County in June 2019. Defendant was under an order to submit to post-judgment discovery in aid of execution. Defendant instead conveyed all of his real property (variously valued at approximately \$1,000,000 to \$2,000,000) situated in South Dakota to his sister, for no consideration, in a move calculated to hinder, delay, or defraud Plaintiff while stating that the primary reason for the transfer was to prevent Plaintiff from collecting upon a duly rendered judgment. At all relevant

times Defendant knew he was hindering the rights of an Ohio judgment creditor and would be causing injury to Plaintiff in Ohio by hindering an Ohio judgment creditor from enforcing his rights arising under a judgment issued by an Ohio court.

6. Venue is proper with this Court because Plaintiff resides in Lake County, State of Ohio, and the Court's personal jurisdiction over Defendant exists via Civ.R. 4.3. Civ.R. 3(B)(7).

IV. STATEMENT OF FACTS

7. On 26 June 2019 Plaintiff obtained a judgment as the result of a jury verdict (for libel and related torts) in the consolidated Lake County Ohio Court of Common Pleas cases 16CV000825 and 15CV001590 for libel that occurred throughout 2015 and 2016. The jury awarded Plaintiff \$105,000.00 against Defendant Martin Lindstedt.

8. On or about 19 August 2019 Plaintiff docketed the valid judgment duly issued by Lake County Ohio Court of Common Pleas, with the Clerk of the Court in Stanley County South Dakota, which became effective as a lien against Martin Lindstedt's real property situated in Stanley County South Dakota.

9. At some time after receiving notice of the docketing of the judgment in South Dakota, being ordered to respond to post-judgment interrogatories in aid of execution in Ohio, and accepting service of several additional tort lawsuits filed in Ohio seeking \$2,000,000.00 in damages, Martin Lindstedt entered into a malicious combination (conspired) with his sister Susan Bessman to convey all of his Stanley County South Dakota real property to her.

10. On or about 25 October 2019, Martin Lindstedt conveyed all of his real property in Stanley County South Dakota to his sister, ("Susan Bessman" hereinafter "Bessman"), for no consideration, despite the deed stating that the conveyance was for good and valuable consideration.

11. Defendant conspired with persons known and unknown for the purpose of perpetrating fraud upon Plaintiff.

12. Defendant engaged in a malicious combination with persons known and unknown for the purpose of perpetrating fraud upon Plaintiff.

13. Defendant conspired with persons known and unknown with the intent to hinder, delay, or defraud a creditor, specifically Plaintiff.

14. Defendant engaged in a malicious combination with persons known and unknown with the intent to hinder, delay, or defraud a creditor, specifically Plaintiff.

15. On or about 14 February 2020, Plaintiff, through Counsel in South Dakota, initiated an action to set aside the fraudulent conveyance of the real property in Stanley County South Dakota, seeking a court order to void the conveyance from Lindstedt to Bessman so that Plaintiff could thereafter engage in collection activity. This action was initiated with a summons and verified complaint.

16. On 31 December 2021, after a long-drawn-out legal process, the Court in Stanley County South Dakota granted (in the entirety) summary judgment in favor of Plaintiff Bryan Anthony Reo, against Martin Lindstedt, Susan Bessman, and the Susan April Bessman Revocable Living Trust.

17. The Stanley County Court found that there was constructive fraud and actual fraud on the part of Lindstedt and the other defendants and that the conveyance had occurred for the primary purpose of hindering Judgment Creditor Reo. Actual fraud was found based on clear and convincing evidence.

18. The warranty deed that purported to transfer Real Property from Lindstedt to Bessman was “invalidated, voided, canceled, or otherwise extinguished.”

19. Defendant Lindstedt unnecessarily dragged out the proceedings by filing frivolous motions which consisted of bizarre rants, threats, and demands for relief that the South Dakota Court was obviously not in a position to grant (i.e. disbarment of Plaintiff, disbarment of Plaintiff's Counsel, etc.) while also threatening Plaintiff, Plaintiff's Counsel, and the court. The conduct of Lindstedt in the South Dakota case caused excessive motion practice, travel, hearings, replies, briefing, and addressing Lindstedt's endless barrage of (frivolous) motion and his inevitable motions for reconsideration once his primary motions were denied.

20. Defendant Lindstedt filed numerous frivolous appeals with the South Dakota Supreme Court throughout the entirety of the case, and after the case, and was ultimately adjudicated a vexatious litigator by the South Dakota Supreme Court based on the frivolous and abusive nature of his appeals and his filings. The matter of Plaintiff enforcing his rights was further complicated and expenses increased because of how Lindstedt conducted himself at the Appellate Level.

21. After being adjudicated vexatious by the South Dakota Supreme Court, Lindstedt began to file threatening documents at the trial court level, demanding post-judgment relief while bizarrely threatening to sodomize the wife and the children of Plaintiff's Counsel and additionally threatening to explode or otherwise cause to collapse a dam situated in Stanley County which overlooks the courthouse and the city where the courthouse is situated. Such filings, while arguably bizarre and strange, still sought relief and had to be addressed and responded to. Ultimately all filings by Lindstedt were either stricken or the relief sought by Lindstedt was denied.

22. Defendant was found, by a South Dakota Court, to have acted in concert with at least two other individuals (Bessman and the Bessman Revocable Living Trust) for the purpose of perpetrating a fraud upon Plaintiff Bryan Anthony Reo. A fraudulent conveyance was found to

have occurred from Lindstedt to his sister, for the purpose of constructive and actual fraud as to Judgment Creditor Reo. Due to the doctrine of collateral estoppel (issue preclusion) these matters need not be litigated anew, a fraudulent conveyance was found by a court sitting in review of all relevant evidence.

23. Defendant set in motion legal process, by which he conveyed Real Property to his sister, and then improperly abused this process, with a malicious motive, for the sake of attempting to hinder and defeat a judgment creditor.

24. Plaintiff incurred attorney's fees in South Dakota, due proximately and directly to Lindstedt's fraudulent conveyance and vexatious conduct within the relevant case(s) of \$129,795.55 with Plaintiff's Counsel billing \$205.00 [two hundred and five dollars] per hour. Plaintiff's attorney in South Dakota expended at least 630 hours of work on the matter of the fraudulent conveyance from February 2020 to the present, due to Defendant Lindstedt's endless frivolous and vexatious motion practice that came about after Lindstedt's fraudulent conveyance and during the process of getting said conveyance set aside and voided, and the aftermath of the voiding of the conveyance when Lindstedt took to engaging in multiple numerous appeals, which culminated in Lindstedt being adjudicated vexatious by the highest court in South Dakota (South Dakota Supreme Court).

25. Based on Lindstedt's conduct being malicious, willful, and motivated out of a vexatious spite against Plaintiff (and a desire to deliberately increase Plaintiff's attorney's fees and costs), Plaintiff is entitled to punitive damages, and respectfully requests punitive damages in the amount of twice actual compensable economic/general damages, thus \$259,591.11 in punitive damages.

26. Defendant has caused injury to Plaintiff in excess of three hundred and fifty thousand dollars (\$350,000.00), with such amount including the sum certain of compensable economic/general damages amounting to \$129,795.11 dollars.

V. CAUSES OF ACTION

COUNT I CIVIL CONSPIRACY [UNDERLYING ACT- FRAUD]

27. The foregoing paragraphs of this Complaint are incorporated by reference as if fully set forth herein.

28. Defendant Lindstedt participated in a malicious combination (with Susan April Bessman, the Susan April Bessman Revocable Living Trust, and other persons known or unknown). The existence of fraud as between Bessman and Lindstedt was established and found to have occurred by the Stanley County Court in South Dakota based on clear and convincing evidence.

29. There were two or more persons participating in the conspiracy (malicious combination).

30. Defendant Lindstedt participated in the malicious combination for the purpose of causing injury to Plaintiff's person, property, rights, or interests.

31. Defendant Lindstedt's malicious combination involved the unlawful act of fraud as to a judgment creditor, for the purpose of hindering or delaying the judgment creditor.

32. Plaintiff suffered injuries in the form of his rights as a judgment creditor being compromised, hindered, delayed, and the incurring of significant economic damages associated with having to seek to set aside the fraudulent conveyance.

33. Defendant is liable to Plaintiff for Count I, Civil Conspiracy [underlying act- fraud]

COUNT II CIVIL CONSPIRACY [UNDERLYING ACT- FRAUDULENT CONVEYANCE]

34. The foregoing paragraphs of this Complaint are incorporated by reference as if fully set forth herein.

35. Defendant Lindstedt participated in a malicious combination (with Susan April Bessman, the Susan April Bessman Revocable Living Trust, and other persons known or unknown). The existence of fraud as between Bessman and Lindstedt was established and found to have occurred by the Stanley County Court in South Dakota based on clear and convincing evidence.

36. There were two or more persons participating in the conspiracy (malicious combination).

37. Defendant Lindstedt participated in the malicious combination for the purpose of causing injury to Plaintiff's person, property, rights, or interests.

38. Defendant Lindstedt's malicious combination involved the unlawful act of fraud as to a judgment creditor, for the purpose of hindering or delaying the judgment creditor.

39. The conveyance of land in South Dakota from Lindstedt to Bessman was ultimately canceled, voided, and the conveying deed extinguished when the trial court in South Dakota found constructive and actual fraud.

40. Plaintiff suffered injuries in the form of his rights as a judgment creditor being compromised, hindered, delayed, and the incurring of significant economic damages associated with having to seek to set aside the fraudulent conveyance (a conveyance which was indeed ultimately set aside).

41. Defendant is liable to Plaintiff for Count II, Civil Conspiracy [underlying act- fraudulent conveyance]

COUNT III
OHIO UNIFORM FRAUDULENT TRANSFER ACT [R.C. 1336.01]

42. The foregoing paragraphs of this Complaint are incorporated by reference as if fully set forth herein.

43. Lindstedt was found to have perpetrated a fraudulent conveyance in South Dakota. This matter need not be litigated again. A court, sitting in Stanley County South Dakota, found that Lindstedt made a transfer of all or substantially all of his real property, to an insider, for no consideration, after having received notice that a judgment lien had been recorded in Stanley County against him, and after Lindstedt had accepted service of several additional tort lawsuits pleading claims for libel and seeking damages in excess of \$2,000,000.00 from Lindstedt, and that the transfer had the result of rendering Lindstedt insolvent, the transfer was constructively fraudulently and actually fraudulent.

44. Lindstedt is liable to Plaintiff for having perpetrated a fraudulent conveyance, noting that R.C. 1336.07(A)(3) provides for Plaintiff to recover “pursuant to the principles of equity and in accordance with the Rules of Civil Procedure” R.C. 1336.07(A)(3)(c) “any other relief that the circumstances may require” noting that Lindstedt was ultimately adjudicated vexatious in South Dakota based on his conduct to hinder an Ohio judgment creditor such that Lindstedt dragged out the collections process for more than three years, filed numerous (frivolous) appeals, and greatly increased the costs associated with the collections, costs that constitute a damage inflicted by Lindstedt upon Plaintiff.

COUNT IV ABUSE OF PROCESS

45. The foregoing paragraphs of this Complaint are incorporated by reference as if fully set forth herein.

46. Lindstedt formally transferred Real Property to his sister in what was a cosmetically and superficially legal and valid manner but what was clearly undertaken as a means to pursue a malicious motive, specifically the hindering of a duly arisen judgment lien creditor whose lien had already been recorded.

47. During the time Lindstedt was abusing legal process in South Dakota to hinder execution, he was engaged in further abuse of legal process in the state of Ohio by filing frivolous appeals that consisted of “assignment of errors” including “negro African female forced on jury against Lindstedt’s desire” along with repetitive motions for appellate reconsideration and appeals to the Ohio State Supreme Court and United States Supreme Court, all of which were denied.

48. The underlying legal matter in South Dakota was resolved in Plaintiff Reo’s favor. All underlying legal matters in Ohio were also resolved in Plaintiff’s favor.

49. Lindstedt is liable to Plaintiff for having abused legal process, with such abuses rising to the level that Lindstedt was adjudicated vexatious.

COUNT V PUNITIVE DAMAGES

50. The foregoing paragraphs of this Complaint are incorporated by reference as if fully set forth herein.

51. Defendant’s conduct was conscious, deliberate, intentional, and/or reckless in nature.

52. Defendant’s conduct was undertaken with hatred, ill will, and/or vexation.

53. Defendant further acted with malice, aggravated or egregious fraud.

54. Defendant’s conduct was done with a conscious disregard for the rights of Plaintiff and was found to have been “constructive fraud” as well as “actual fraud” based on findings of the South Dakota Circuit Court which were not overturned on any of Lindstedt’s appeals to the South Dakota Supreme Court.

55. Defendant’s conduct was so outrageous he was ultimately adjudicated vexatious in South Dakota based on the absolute lack of any merit to his (voluminous) filings and (numerous) appeals.

56. Defendant did everything possible to cause as much delay as possible, as much motion practice as possible, and to trigger as many motion hearings as possible, while bragging to locals in Southwestern Missouri that he intended to do as much as possible to drive up Plaintiff's attorney's fees hoping Plaintiff would either go broke or just get tired and go away. Defendant further bragged to the court in South Dakota and a newspaper in South Dakota that he had "never paid a dime" on the \$105,00.00 dollar Lake County judgment and would "do everything possible to make sure Plaintiff never collects a dime on that judgment."

57. Plaintiff is entitled to punitive damages from Defendant and should recover punitive damages from Defendant.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court will enter judgment against Defendant Martin Lindstedt in Plaintiff's favor in an amount of money in the sum certain of \$129,795.55 dollars for general and economic damages, and further award Plaintiff punitive damages against Defendant in an amount determined appropriate (not to exceed \$259,591.11), award Plaintiff all costs associated with maintaining the instant civil action, award Plaintiff all pretrial and post-trial interest on any and all monetary relief awarded to Plaintiff, and also will award Plaintiff all other relief to which Plaintiff is entitled as a matter of law or equity.

Respectfully submitted,

/s/ BRYAN ANTHONY REO

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