

**FILED**  
**IN THE COURT OF COMMON PLEAS**  
**LAKE COUNTY, OHIO**

2016 MAR -7 P 2:20

**BRYAN REO**

Petitioner

vs

**MARTIN LINDSTEDT**

Respondent

CASE NO.: 16CS000102

JUDGE VINCENT A. CULOTTA

MAGISTRATE ADRIENNE S. FOSTER

**Magistrate's Findings of Fact  
and Conclusions of Law**

March 3, 2016

This matter was referred to the Magistrate pursuant to Civ.R. 65.1 to address whether a request for a civil order of protection ought to be granted for the protection of Petitioner Bryan Reo against Respondent Martin Lindstedt.

A full hearing was conducted on February 25, 2016. The Petitioner testified as a witness. The Magistrate makes the following findings of fact and conclusions of law from their testimony, the exhibits admitted into evidence, and the applicable law.

The Respondent was not present for the hearing. He was served with notice of the Petitioner's petition, the ex parte order, and the hearing date through certified mail. The Respondent filed an Answer and Affidavit to Bryan Reo's Fraudulent, Harassing, and Perjurious claim of civil stalking on February 23, 2016. He also contacted the court the morning of the hearing to request to appear at the hearing telephonically, but did not request a continuance, and advised that he would not be traveling to attend the hearing. He was advised that he did not file a motion to appear telephonically, and that the hearing would go forward. Even if he had filed such motion, a full hearing cannot be attended by telephone due to the logistics of questioning witnesses, and exhibits to be admitted.

For an order of protection to be granted under the civil anti-stalking statute, a petitioner is required to prove, by a preponderance of the evidence, that the respondent has engaged in menacing by stalking. *Fortney v. Willhoite*, 11th Dist. No. 2011-L-120, 2012-Ohio-3024, 2012 WL 2522835, ¶42. R.C. 2903.211(A) defines menacing by stalking as, "[n]o person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person."

R.C. 2903.211(D)(1) specifically defines a "pattern of conduct" to mean, "two or more actions or incidents closely related in time..." Furthermore, R.C. 2903.211(D)(2) states that "mental distress" requires either a "temporary substantial incapacity" or a "...condition that would

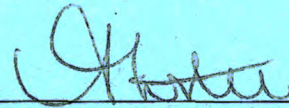
normally require psychiatric treatment, psychological treatment, or other mental health services....”

No pattern of conduct, or any other elements of R.C. 2903.211(A), need to be established when the petition is based upon an allegation of a sexually oriented offense. R.C. 2903.214(C)(1). In such cases, a petitioner must establish, by a preponderance of the evidence, that the respondent committed a “sexually oriented offense” as defined by R.C. 2950.01 against the person to be protected by the order. There is no evidence of a sexually oriented offense in this case. Consequently, the analysis shall proceed solely pursuant to R.C. 2903.211(A).

The parties are involved in a civil case in the Lake County Common Pleas Court, in which the matter seems to have escalated. The Petitioner submitted evidence that the Respondent is inciting others to cause bodily harm to the petitioner via social media. There was also evidence of threats on social media that the Petitioner needs to die. The Magistrate reviewed Respondent’s answer and affidavit and questioned the Petitioner regarding the document. Based on everything submitted to the court, by both parties, it is the Magistrate’s opinion that there is a legitimate threat by the Respondent to the Petitioner.

**Therefore**, it is the recommendation of the magistrate that a civil order of protection ought to be granted for the protection of the Petitioner Bryan Reo, against the Respondent Martin Lindstedt through January 19, 2019.

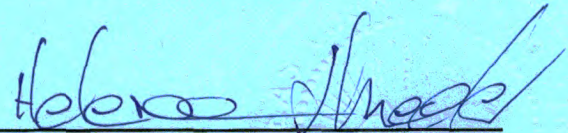
The clerk shall serve a copy of the within magistrate’s findings of fact and conclusions of law upon the interested parties identified below by regular U.S. Mail.



Magistrate Adrienne S. Foster

**Certificate of Mailing**

I hereby certify that a copy of the foregoing magistrate’s findings of fact and conclusions of law was sent by regular mail to the **interested parties** and **attorneys of record** listed below on this 7<sup>th</sup> day of March, 2016.



Lake County Deputy Clerk of Court

Clerk of Courts – Copies to:  
Petitioner Bryan Reo  
Respondent Martin Lindstedt