

**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

Case No. 16CV000825

Hon. Richard L. Collins

PLAINTIFF'S PRETRIAL STATEMENT

KLIMKOWSKY LAW, LLC

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Pro se Defendant

PLAINTIFF'S PRETRIAL STATEMENT

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 Pretrial Statement.

Respectfully submitted
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1. STATEMENT OF FACTS AND LAW

The instant action is relatively simple but has been complicated by Defendant's vexatious and frankly absurd conduct. Almost all filings Defendant has made in the instant action have been stricken either sua sponte or via the granting of motions made by Plaintiff. Defendant has engaged in a vicious and virtually ceaseless campaign of defamation, libel, and slander against Plaintiff through use of the Internet by writing on forums, making posts on blogs, maintaining forum websites that Defendant owns and operates, and making voice broadcasts on Youtube, Talkshoe, and other internet sites that allow the live broadcasting of voice or the uploading of video or audio recordings.

a. Statement of Facts.

1. Plaintiff first came into contact with Defendant in early 2010 when Defendant was invited into a lively Internet chatroom discussion in which the topics that were discussed involved hunting, camping, target shooting, outdoor activities, and politics. A dispute arose between Plaintiff and Defendant during the discussion at which time Defendant promised to ascertain the real-life identity of Plaintiff—which was then not known to Defendant—to destroy Plaintiff's reputation. 2. Towards the later part of 2010, Defendant succeeded in ascertaining Plaintiff's identity and began a relentless campaign of harassment that continues to the present day whereby (1) Defendant posted photographs of Plaintiff and Plaintiff's personal phone number onto pornographic websites; (2) Defendant impersonated Plaintiff on the World Wide Web to purport to third-parties that Plaintiff supports child molestation; and (3) Defendant published statements on the World Wide Web that state that Plaintiff is a homosexual, a drug dealer, a con-man, a murderer, a pawn store owner, a "Jewish pimp," engages in insurance fraud, and has syphilis and other venereal diseases. Defendant further defamed Plaintiff by claiming that Plaintiff had threatened to murder an elderly woman and rape another woman.

3. Defendant has continued his campaign of poisonous defamation against Plaintiff by subsequently harassing Plaintiff viz a viz the attorney Plaintiff clerks for ("Attorney") by claiming that Plaintiff and Attorney "go ass to mouth" which upon information and belief Plaintiff believes to be a reference to a generally homosexual sex act involving oral contact of one party upon the anal area of the other party.

4. Plaintiff is not now nor has ever been in any intimate relationship with Attorney and Plaintiff is not now nor ever engaged in any sexual acts of a homosexual nature.

5. Defendant, during a recent internet radio broadcast, bragged [close paraphrase of Defendant] "I don't know if Bryan Reo is a homosexual or if he is a gay prostitute or if he killed a woman in South Carolina, but I'm gonna go ahead and say it anyway, I got a First Amendment right in the Constipation of the Bill of Goods to say what I want."

6. Defendant has reveled in his defamatory conduct and gloats that he hopes to destroy Plaintiff's reputation.

7. Defendant has made communications, that he knows to be false, or where he should know they are false, or where he has a reckless disregard as to the veracity of the claim, about Plaintiff, to incalculable third parties via the Internet, with resulting damage to Plaintiff's reputation.

8. Plaintiff has received harassing phone-calls late at night with callers making reference to remarks Defendant has posted online about Plaintiff [racially charged remarks, sexually charged remarks, remarks about sexually transmitted diseases].

9. Plaintiff has received packages of items Plaintiff did not order such as boxes containing bags of cow manure, packages containing women's clothing such as bras and accessories. Upon information and belief Plaintiff believes that Plaintiff's receipt of these, and other items, is either the direct result of Defendant's own conduct or came about as a result of third parties relying upon statements Defendant has communicated about Plaintiff.

10. Defendant has made a mockery of the proceedings in the instant action and has taken to threatening Plaintiff and has even attempted to solicit the murder of Plaintiff.

11. Plaintiff has obtained a Civil Protection Stalking Order against Defendant due to Defendant's threatening and stalking conduct towards Plaintiff. 16CVCS000102.

12. Defendant has admitted to the truth of all allegations, factual and legal in Plaintiff's Complaint via Requests for Admission which Defendant was ordered, by this Court, to respond to no later than January 6, 2016. Defendant was warned, by this Court, that Requests for Admission were self-effectuating and would be automatically admitted if Defendant did not make timely denials. Defendant failed to make timely responses and has never made a motion to withdraw his Admissions.

13. Defendant has published personal information about Plaintiff including Driver's License number, vehicle registration information, vehicle license plate number, voter registration information, political party affiliation, address, phone number, and Social Security Number, and communicated this information to numerous third parties via the Internet, in addition to notifying Plaintiff of Defendant's communication of this information for the purpose of upsetting and aggravating Plaintiff. The Defendant has invaded the privacy of Plaintiff and intruded upon the seclusion of Plaintiff.

14. Defendant has portrayed Plaintiff's legitimate and meritorious consumer lawsuits in a false light by claiming that Plaintiff engages in wire fraud and perjury. Defendant has communicated these false light statements to third parties.

15. Reasonable individuals would find Defendant's conduct highly offensive to the point of the conduct being beyond the pale and unacceptable in a civilized society.

16. Defendant has admitted that his conduct towards Plaintiff was motivated primarily by a desire to destroy Plaintiff's reputation, to expose Plaintiff to ridicule by third parties, and to cause Plaintiff emotional distress in the hopes that Plaintiff would commit suicide. Defendant's overt and blatant admission as to the motivation behind his campaign of defamation demonstrates that substantial punitive damages are warranted against an individual who behaved through pure malice in the hopes of inducing another human being to commit suicide. Defendant has also bragged that he has contaminated Google in terms of search results for Plaintiff's name and that he hopes the defamatory content he has plastered across the internet will derail Plaintiff's job prospects and business opportunities.

b. Statement of Law.

1. Defendant has committed libel and slander per R.C. § 2739.01 by communicating defamatory remarks about Plaintiff to third parties, both in print form and verbally, particularly that Plaintiff is a murderer, a rapist, a supporter of pedophilia, that Plaintiff has syphilis and other infectious and loathsome sexually transmitted diseases, that Plaintiff is a homosexual, that Plaintiff is a prostitute, that Plaintiff is a bastard, that Plaintiff is a drug-dealer, that Plaintiff engages in perjury, that Plaintiff engages in mail fraud, that Plaintiff engages in wire fraud, that Plaintiff has sexual relations with judges to obtain favorable rulings on motions, that Plaintiff is a pimp, that Plaintiff owns and operates a pawn store, that Plaintiff engages in the manufacture and

sale of pornography, that Plaintiff bribes judges with payments of money to obtain favorable rulings, that Plaintiff engages in conspiracies with judges and attorneys to subvert the justice system, that Plaintiff is associated with or involved with organized criminal activity. It might be no exaggeration to say that it could be easier to come up with a list of defamatory remarks that Defendant has not stated against Plaintiff, because Defendant has engaged in extensive defamation of Plaintiff.

2. Defendant invaded the privacy of Plaintiff. See *Killilea v. Sears, Roebuck & Co.*, 27 Ohio App.3d 163, 499 N.E.2d 1291, 10th Dist (Ohio Ct.App. 1985). “In order for a plaintiff to state a claim for which relief can be granted under the “publicity” tort of invasion of privacy: (1) there must be publicity, i.e., the disclosure must be of a public nature, not private; (2) the facts disclosed must be those concerning the private life of an individual, not his public life; (3) the matter publicized must be one which would be highly offensive and objectionable to a reasonable person of ordinary sensibilities; (4) the publication must have been made intentionally, not negligently; and (5) the matter publicized must not be a legitimate concern to the public.” Plaintiff’s Social Security Number was published in a public manner, on the internet, the matter was publicized, and the publishing of this number was highly offensive and objectionable in that it enables virtually anybody to steal the identity of Plaintiff, the number is solely a matter of private concern for the Plaintiff, the publication was made deliberately by Defendant in a manner calculated to injure Plaintiff and the public has no legitimate concern as to Plaintiff’s social security number.

3. Defendant intruded on the seclusion of Plaintiff. See *Sustin v. Fee*, 69 Ohio St.2d 143, 431 N.E.2d 992 (1982). “One who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person.” Defendant intruded, digitally, into matters that concern Plaintiff’s private affairs and of which there is no legitimate public concern, such as the publishing of the Lexis Nexis Intelligence Report that Defendant obtained on Plaintiff, and the publishing of numerous pictures of Plaintiff.

2. Statements of factual and legal issues in dispute.

1. **Legal Issues:** Defendant appears to believe that he has a First Amendment right to communicate anything he wants about anybody he wants without

regard for the truth of the communication or the damage that it might cause to the reputation of the individual who is the subject of the communication. Plaintiff asserts that defamatory speech is not protected by the First Amendment.

2. **Factual Issues:** Defendant appears to revel in his conduct and makes no attempt to deny any of his conduct aimed at Plaintiff. Rather Defendant appears to be outright proud of his behavior and his campaign of defamation against Plaintiff. Furthermore the Defendant never moved to withdraw his admissions to Plaintiff's Request for Admissions and thus Defendant has admitted to the truth of all allegations, factual and legal, per Plaintiff's Request for Admissions.

3. Stipulations:

Defendant and Plaintiff have not stipulated to anything, except possibly that Defendant is the owner and operator of a number of websites including but not limited to www.christian-identity.net/forum, www.whitenationalist.org and www.pastorlindstedt.org which Defendant owns, operators, and administers as interactive forums where Defendant posts content under various account names. These possible stipulations are based upon the pleadings where Plaintiff and Defendant generally appear to agree that the aforementioned website domain addresses are those of Defendant's and that Defendant operates them and administers them as interactive forums.

4. List of Non-Expert Trial Witnesses:

Bryan Anthony Reo, (Plaintiff and fact witness)
Anthony Reo, (Plaintiff's father and fact witness)
Martin Lindstedt (Defendant and fact witness)
Roxie Fausnaught (fact witness)

5. List of Expert Trial Witnesses: None.

6. Specific Legal Problems Anticipated: None, except possible issues arising from Plaintiff's intention to introduce evidence of Defendant's history of child molestation, in so much as the issue has been put into controversy by Defendant alleging in a counter-claim that Plaintiff has defamed him as a child molester. Plaintiff intends to introduce evidence of Defendant's indictment, trial, and institutionalization on charges of statutory sodomy against a minor, and other evidence that will tend to show that Defendant's counterclaim is without merit because he is indeed in fact a child molester and a pedophile. The relevant documents showing that Defendant was indicted for statutory sodomy on a minor and child molestation in the first degree are attached as Exhibit 1.

7. Estimated Length of Trial: One day. Maximum of two days.

8. Pre-trial Motions Contemplated: Plaintiff will likely orally renew his Motion in Limine to exclude and disqualify Defendant from testifying. Plaintiff may also opt to make an oral motion in limine to exclude evidence of Plaintiff's other civil actions orally prior to voir dire on January 23, 2018. Plaintiff will also make an oral motion to dismiss Defendant's counter-claims at the beginning of trial after Defendant has finished his opening statements on the basis that Defendant's counter-claims were insufficiently pleaded or are otherwise premature. Plaintiff intends to seek a default judgment against Defendant Roxie Fausnaught in the event that she does not appear at the trial on January 23, 2018. Plaintiff will likewise seek a default judgment against Defendant Martin Lindstedt if he does not appear at the trial on January 23, 2018

9. Special Equipment Needed: Overhead projector for exhibits. Projector that is linked to a computer that can be used to show pages from the internet.

10. Settlement Demand: \$100,000.00 [one hundred thousand dollars] and the removal of all defamatory content from the internet were requested by Plaintiff prior to the commencement of this action.

11. Settlement Offer: Defendant's response to Plaintiff's settlement attempt was to state that Plaintiff's father would "one day be found shot in the head" and that Plaintiff's cat

Puffy would be found drowned in a sack. Plaintiff discontinued any further attempts to discuss settlement of Plaintiff's claims against Defendant.

Respectfully submitted
KLIMKOWSKY LAW, LLC

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Certificate of Service

I, Brett Klimkowsky, do hereby certify that a true and genuine copy of Plaintiff's Pretrial Statement 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 _____, 2018

X
