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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

CATHERINE M STARK ET AL
Plaintiff

WILLIAM EASTON HORNER ET AL
Defendant

Case No: CV-22-969917

Judge: BRENDAN J SHEEHAN

JOURNAL ENTRY

FINDINGS OF FACT AND CONCLUSIONS OF LAW. O.S.J.

Judge Signature

Date

FILED

2024 FEB 26 2:51

CLERK OF COURTS
CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CATHERINE M. STARK, <i>et al.</i> ,	)	CASE NO. CV 22 969917
	)	
Plaintiffs,	)	JUDGE BRENDAN J. SHEEHAN
	)	
v.	)	
	)	
WILLIAM EASTON HORNER,	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
Defendant.	)	

This case was scheduled for a trial by jury commencing on October 25, 2023. Plaintiffs Catherine M. Stark and Allison Marie Stark waived their request for a jury and Defendant William Easton Horner failed to appear despite notice of the trial date so the matter was heard by the bench pursuant to Civ.R. 39(A).

Plaintiffs presented evidence on damages related to this Court's earlier finding the Defendant Horner had defamed them by publishing false statements that they had engaged in criminal conduct as alleged in Count II of the Complaint and evidence supporting their claims of invasion of privacy, invasion of privacy-false light, and intentional infliction of emotional distress as alleged in Counts III, IV and V of the Complaint.

The Court makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Plaintiff Allison Stark and Defendant William Easton Horner were formerly married to each other. Divorce proceedings were commenced on August 24, 2020 in Case No. DR 20 382383

in the Cuyahoga County Domestic Relations Court. The Judgment Entry of Divorce was issued on November 18, 2021. Plaintiff Allison Stark was awarded sole custody of the minor children. Plaintiffs' Ex. 55-56.

2. Plaintiff Catherine Stark is Plaintiff Allison Stark's mother.
3. During the divorce proceedings and thereafter, Defendant William Easton Horner disseminated written materials through the United States Postal Service and Internet sites including LinkedIn, GoFundMe and his own website stating that Plaintiffs Catherine and Allison Stark had kidnapped his children and engaged in other criminal activities. Plaintiffs' Ex. 1-8, 10-18, 20-43, 58. For example, Mr. Horner mailed a postcard to numerous homes in the neighborhood of Plaintiffs' residence stating, in part: "On August 14th, 2020 my Allison and Cathy Stark of [REDACTED] our children in the middle of the night. For the past 728 days they has been working with corrupted government agents, including Dir. of the FBI Christopher Wray, to fabricate/obfuscate evidence to deny me access to my children in the Courts." Plaintiffs' Ex. 7.
4. Defendant Horner sent emails to individuals stating that Plaintiff Allison Stark kidnapped the children. One recipient notified Plaintiffs of the email noting that Defendant Horner "appears to be quit disturbed...He is extremely unstable." Plaintiffs' Ex. 8.
5. On his own website and on accounts created on YouTube, an online video sharing and social media platform, Defendant William Easton Horner posted in excess of 20 hours of video relating to his divorce and subsequent legal proceedings. Plaintiffs' Ex 43 a-b. While most of the videos present Defendant Horner's unique interpretation of the Ohio Civil Rules and Ohio law, most of the videos contain false statements that Plaintiffs kidnapped his children and

engaged in other criminal activity, threats, or other inflammatory statements directed at or concerning Plaintiffs.

6. For example, in the video called "Assignments of Error Part 3 of 3", Defendant Horner states that Plaintiff Allison Stark has engaged in domestic cyberterrorism. There is no evidence that Ms. Stark has the knowledge and training to engage in domestic cyberterrorism, much less having committed cyberterrorist acts. There is no evidence that Ms. Stark is under investigation for any acts of cyberterrorism. Plaintiffs' Ex. 43a.
7. In the video called "Defamation STILL Requires Falsehood", Defendant Horner again states that Plaintiffs kidnapped children, fabricated evidence, committed perjury, made fraudulent claims to police, colluded to falsify evidence, and committed theft. Defendant Horner made his initial arguments on each of these point during the domestic relations case. The domestic relations court fully and finally determined that Plaintiff Allison Stark was entitled to full custody of the children. Plaintiffs' Ex. 43a.
8. In the video called "Dirty Clerk Part 2 of 2 v. 2", Defendant Horner states that Plaintiff Allison Stark illegally hacked into his cell phone and email. There is no competent evidence of illegal hacking into Defendant Horner's digital devices. Plaintiffs' Ex. 43a.
9. In the video called "Minute Man Address", Defendant Horner states that Plaintiff Allison Stark kidnapped his children and is holding them hostage. Once again, Ms. Stark has custody and control of the children at issue by order of the Cuyahoga County Domestic Relations Court. Plaintiffs' Ex. 43a.

10. Amelia Leonard, Esq. of Seeley, Savage, Ebert & Gourash Co., LPA testified concerning the law firm's efforts removing the defamatory material from public sites on the internet. Plaintiffs' Ex. 51.
11. Plaintiff Allison Stark testified that her reputation in the workplace has been damaged as a result of Defendant Horner's dissemination of false information. She stated that she has been investigated at work as a result of Defendant Horner's false statements.
12. Plaintiff Allison Stark testified that both she and her children have suffered damages in the community as a result of Defendant Horner's conduct. She stated that both she and the children have been excluded from social activities since Defendant Horner's postcards asserting that she had kidnapped the children were sent throughout the community.
13. Plaintiff Allison Stark further testified that she has been receiving mental health counseling to address the stress resulting from Defendant Horner's conduct and has incurred \$7002.13 in medical bills for those services. Plaintiffs' Ex. 48 and 49.
14. Plaintiff Allison Stark further testified that she has missed 48.5 hours of work prior to taking leave under Family and Medical Leave Act. Since 2022, she has used 467.5 hours of her available leave. No other evidence on loss of wages due to work absence was submitted.
15. Plaintiff Allison Stark testified that she has been unable to proceed with a promotion at work due to the stress and harassment from Defendant Horner. The promotion would have resulted in a ten percent (10%) wage increase. No other evidence on lost wages was presented.
16. Kyle Truesdale, a mental health nurse practitioner with the Cleveland Clinic, testified that he has been treating Allison Stark since January 2023 for conditions arising from Defendant Horner's actions. He stated that her treatment is ongoing.

17. Plaintiff Catherine Stark testified about the reputational damage she and her family have suffered in the community as a result of Defendant Horner's statements and actions. She testified that neighbors no longer engage with her, her daughter, or her grandchildren within the community.
18. Plaintiff Catherine Stark presented cancelled checks relating to her payment of attorneys' fees. Plaintiffs' Ex. 50.

CONCLUSIONS OF LAW.

19. Ohio recognizes four distinct torts as invasions of privacy: (1) intrusion upon the plaintiffs seclusion or solitude, or into his private affairs; (2) public disclosure of embarrassing private facts about the plaintiff; (3) publicity that places the plaintiff in a false light in the public eye; and (4) appropriation, for the defendant's advantage, of the plaintiffs name or likeness. *Killilea v. Sears, Roebuck & Co.* (1985), 27 Ohio App. 3d 163, 166, 27 Ohio B. 196, 499 N.E.2d 1291. Plaintiffs have alleged both intrusion upon seclusion and false light claims.
20. In *Lunsford v. Sterilite of Ohio, L.L.C.*, 162 Ohio St.3d 231, 2020-Ohio-4193, 165 N.E.3d 245, ¶ 32-33, the Supreme Court stated that tortious intrusion into one's private activities has been called "intrusion upon seclusion." To succeed on this claim, a plaintiff must prove (1) that there was an intrusion by the defendant into a matter, (2) that plaintiff had a right to keep private, and (3) that the method of the intrusion would be considered highly offensive to a reasonable person. *Id.* at ¶ 34, citing *Sustin v. Fee*, 69 Ohio St.2d 143, 145, 431 N.E.2d 992 (1982).
21. The Court finds that Plaintiffs failed to sufficiently identify any private matter that Defendant intruded upon as is required to succeed on this claim.

22. To succeed on the claim of false light invasion of privacy, a plaintiff must show: (1) the defendant gave publicity to a private matter concerning the plaintiffs; (2) the publicity placed the plaintiff in a false light; (3) the false light would be highly offensive to a reasonable person; and (4) the defendant had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the plaintiff would be placed. *Welling v. Weinfeld*, 113 Ohio St.3d 464, 2007-Ohio-2451, 866 N.E.2d 1051, at syllabus. To be actionable false light, "the statement made must be untrue." *Id.* at ¶ 52; see also *Murray v. Chagrin Valley Publishing Co.*, 2014-Ohio-5442, 25 N.E.3d 1111, ¶ 38 (8th Dist.)
23. The Court finds that Plaintiffs have proven the elements of their claim of false light invasion of privacy by a preponderance of the evidence. Defendant has published statements online and mailed postcards to houses in the area of Plaintiffs' residence stating that Plaintiffs kidnapped children, committed perjury, and are both colluding with the FBI and been found to have engaged in fraud by the FBI.
24. These statements are false. Plaintiff Allison Stark was granted custody of the children by lawful order from the Cuyahoga County Domestic Relations Court while her mother, Plaintiff Catherine Stark, is merely providing living quarters for her daughter and grandchildren. Neither party kidnapped the children by either common usage or legal definition of the term "kidnap". An accusation of kidnapping one's children is highly offensive to a reasonable person and the postcards sent by Defendant Horner were clearly intended to place Plaintiffs in a false light.
25. Similarly, other statements of criminal conduct and wrongdoing have no basis. There is no evidence that Plaintiffs have been charged or investigated by any local, state, or federal agency

for criminal conduct. Accordingly, the Court finds that Plaintiffs have proven their claim of invasion of privacy by a preponderance of the evidence.

26. The Court has previously found that Defendant Horner has defamed Plaintiffs by falsely stating that they have engaged in criminal conduct. "[T]he elements of damages and fault are presumed if the statements in question qualify as defamation *per se*. "[F]or a statement to be defamatory *per se*, it must 'consist of words which import an indictable criminal offense involving moral turpitude or infamous punishment, imputes some loathsome or contagious disease which excludes one from society or tends to injure one in his trade or occupation.'" *Kanjuka v. MetroHealth Med. Ctr.*, 151 Ohio App.3d 183, 2002 Ohio 6803, at P16, 783 N.E.2d 920." *Ratkosky v. CSX Transp., Inc.*, 8th Dist. No. 92061, 2009-Ohio-5690, ¶ 44.

27. The Court finds that Plaintiffs' recovery under the asserted claims is duplicative and that Plaintiffs would be entitled to recover under any of the three asserted torts that were proven at trial by a preponderance of the evidence. Because multiple recoveries arising from the same acts are not permitted by law, the Court finds the following damages are appropriate to compensate for the harm caused.

28. The Court further finds that the claims presented in this matter are civil actions for damages for injury or loss to person pursuant R.C. 2315.18. *Wayt v. DHSC, L.L.C.*, 2018-Ohio-4822, 155 Ohio St. 3d 401, 122 N.E.3d 92.

29. The Court finds that Plaintiff Allison Stark has proven economic damages in the amount of \$7,002.13 in medical bills. The Court finds that the Plaintiffs failed to prove further economic damages by competent, independent testimony and evidence.

30. The Court finds that Plaintiff Allison Stark is entitled to a total \$250,000.00 in noneconomic damages.
31. The Court finds that Plaintiff Catherine Stark is entitled to a total \$200,000.00 in noneconomic damages.
32. The Court finds that Defendant Horner maliciously, intentionally and deliberately engaged in the tortious conduct described above to harass and injure the Plaintiffs and that he continued the conduct with full knowledge that his conduct was tortious. Accordingly, the Court finds that punitive damages are justified. The Court awards Plaintiffs Allison Stark the amount of \$250,000.00 in punitive damages and Plaintiff Catherine Stark the amount of \$200,000.00 in punitive damages.
33. The Court finds that Plaintiffs are entitled to recover their attorneys' fees incurred in prosecuting this action.

VERDICT AND JUDGMENT OF THE COURT

As set forth above the Court finds in favor of Plaintiffs Allison and Catherine Stark and against Defendant Horner on Counts II, IV, and V of Plaintiffs' Complaint. The Court awards judgment to Plaintiff Allison Stark and against Defendant Horner the sum of \$257,002.13 in compensatory damages (economic and noneconomic) and awards judgment to Plaintiff Catherine Stark and against Defendant Horner the sum of \$200,000.00 in compensatory damages (noneconomic).

The Court finds in favor of Plaintiffs Allison and Catherine Stark and against Defendant Horner on Count VII of Plaintiffs' Complaint. The Court awards judgment to Plaintiff Allison

Stark and against Defendant Horner the sum of \$250,000.00 in punitive damages and awards judgment to Plaintiff Catherine Stark and against Defendant Horner the sum of \$200,000.00 in punitive damages.

The Court finds in favor of Defendant Horner and against Plaintiffs Allison and Catherine Stark on Count III of Plaintiffs' Complaint.

Counts I and VI of Plaintiffs' Complaint were determined by earlier ruling of this Court.

The hearing to determine the award of attorneys' fees incurred in this action only shall be held on March 6, 2024 at 8:30 AM in Courtroom 22C.

IT IS SO ORDERED.

Date:

2/26/24

A handwritten signature in black ink, appearing to read "Brendan J. Sheehan", written over a horizontal line.

JUDGE BRENDAN J. SHEEHAN