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Appendix A
(Court Orders)

March 6, 2023. District Court Orders

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO WESTERN
DIVISION

DAVID ANDREW BARDES, Plaintiff, v.
GEORGE WALKER BUSH, et al., Defendant.

Case No. 1:22-cv-290 JUDGE DOUGLAS R.
COLE Magistrate Judge Bowman

OPINION AND ORDER

“Extraordinary claims require extraordinary evidence.” *Savage v. Warden, Pickaway Corr. Inst.*, No. 1:21-cv-33, 2022 WL 4357465, at *14 (S.D. Ohio Sept. 20, 2022) (“borrow[ing] a phrase from Carl Sagan”). David Bardes tells a truly extraordinary story—one that could be ripped from the pages of a political thriller. He has long researched and published his claim that President George W. Bush, Vice President Dick Cheney, and others have used hypothermic torture on their enemies, indirectly leading to its use on him, as well. (R&R, Doc. 28, #326). Now, though, he claims the pair are in cahoots with Microsoft, Google, Apple, and the current or former CEOs of those companies “to silence his research and writings, including through attempts to kill him.” (Id.).

The Court does not question the sincerity of Bardes’s beliefs. But courts do not accept “allegations that are sufficiently fantastic to defy reality as we know it,” like “claims about little green men, or the plaintiff’s recent trip to Pluto, or experiences in time travel.” *Courie v. Alcoa Wheel & Forged Prods.*, 577

F.3d 625, 629 (6th Cir. 2009) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 696 (2009) (Souter, J., dissenting)). After Case: 1:22-cv-00290-DRC-SKB Doc #: 33 Filed: 03/06/23 Page: 1 of 19 PAGEID #: 783 2 reviewing the Magistrate Judge's Report and Recommendation (Doc. 28), the Court agrees with her that Bardes's story has no legal merit and no plausible basis in reality. So the Court ADOPTS the R&R's (Doc. 28) conclusions, although for slightly different reasons. Thus, the Court DISMISSES Bardes's Complaint (Doc. 1) WITH PREJUDICE. And the Court DENIES all pending motions (Docs. 5, 8-13, 15, and 25) as MOOT and OVERRULES Bardes's Objections (Doc. 31). Finally, the Court notifies Bardes that, should he file any more frivolous complaints, the Court will declare him a vexatious litigator.

BACKGROUND

A. Bardes's Complaint

After paying his filing fee, Bardes filed his Complaint. In her R&R, the Magistrate Judge extensively describes the factual basis of Bardes's Complaint. The Court will quote her liberally. Bardes's Complaint names "eight individual and corporate defendants." (Doc. 28, #325). These are former President George W. Bush, former Vice President Dick Cheney, Bill Gates, Microsoft, Alphabet (Google's parent company), Larry Page (Google's co-founder and Alphabet's former CEO), Apple, and Tim Cook (Apple's current CEO). "In addition, [Bardes] includes two individual defendants identified only as John and Jane Doe." (Doc. 28, #326).

Apparently, after he was falsely accused of failing to pay child support, he was jailed, though he doesn't say where. While incarcerated, he endured hypothermic torture, which he also calls Cold Cell torture. (Id.). After his release from a Cold Cell, he says he "began researching punishment holding cells" and apparently learned that President Bush and others regularly used Cold Cell torture. (Id.). "He alleges that he blew the whistle by publishing a book and operating a website that chronicled all of [his] research on Cold Cell torture and associated murders." (Id. at #326) (citations and internal quotation marks omitted).

Now, Bardes thinks "former President George W. Bush and other former or current government officials, along with three large corporations and their current or former CEOs, are trying to silence his research and writings, including through attempts to kill him." (Id.). He has sued various parties on similar grounds before, (id. at #327–31), but thinks that the defendants colluded to get those suits dismissed, (id. at #326). He also accuses them of retaliating against him using "clandestine efforts by CIA or other government agents to befriend him, to pay him off, to dig up dirt on him, to prosecute him, and/or to physically harm and murder him." (Id.).

In terms of relief, Bardes "seeks \$17 billion dollars [sic] in compensatory damages, and triple that amount in extraordinary damages from all defendants for the reckless infliction of emotional distress, among other things." (Id. at #326–27 (citations and internal quotation marks omitted))

B. Pending motions After Bardes filed the Complaint, Bardes and several defendants filed a flurry of motions, several of which are pending. The

pending motions include the following. First, Bardes moved for default judgment against President Bush, who has yet to appear. (Doc. 5). Next, he moved for default judgment against Gates and Microsoft, who had also failed to appear at the time. (Doc. 8). Microsoft has since appeared. (Doc. Case: 1:22-cv-00290-DRC-SKB Doc #: 33 Filed: 03/06/23 Page: 3 of 19 PAGEID #: 785 4 23). He also moved for default judgment against Vice President Cheney, who has yet to appear. (Doc. 10). And he moved for default judgment against Apple (Doc. 15) and seemingly against Cook as well (Doc. 13). But by the time he did so, they had appeared. (Doc. 7). Finally, he moved to compel the Court to process his default judgment motions. (Doc. 9, #90).

There are also three pending motions to dismiss on the docket. Alphabet and Larry Page move to dismiss the case. (Doc. 11). Their motion “seeks dismissal under Rule 12(b)(6) based upon Plaintiff’s failure to state any claim.” (Doc. 28, #327). They also argue that “this Court lacks personal jurisdiction over the Alphabet defendants, and that venue does not lie in the Southern District of Ohio.” (Id.).

Apple also moves to dismiss. (Doc. 12). “Apple’s motion points out that [Bardes] filed a prior lawsuit in this Court on September 20, 2021 that contained substantially identical allegations.” (Doc. 28, #327 (citation omitted)). So the motion “seeks dismissal with prejudice under Rule 12(b)(6) based upon the doctrine of claim preclusion, as well as for failure to state a claim.” (Id.). Apple also “seeks dismissal for lack of personal jurisdiction, for improper venue, and for insufficient service of process.” (Id.).

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