



scathing rebuke, plaintiff must be punished. I paid for this? I object to this abuse.

2. I believe this magistrate turned psychiatrist making vindictive medical diagnoses without any facts, then publishing this defamatory slander into the public record has broken several laws. From what I can tell, the proper way to get redress, and report law breaking, is to petition the very court where the wrongdoing took place. Therefore, I am now petitioning the court to make a criminal referral to the authorities to investigate law breaking by this malpractice magistrate, and then allow me to file civil charges and claims against her. I object to being victimized by a magistrate who admitted my story may be “possible,” meaning she “willingly” chose not to believe any of it, putting the full weight of her authority behind declaring me insane. If I am insane, and the whole story a fabrication, then the magistrate is on safe ground. However, if I am sane, and the story true, then her actions become criminal and civilly liable.

3. Therefore, I start off proving I am sane and the story true. I do not have to prove my allegations of the two periods my defendants tried to kill me, as that is the subject of this lawsuit, and I need discovery to prove those facts. I have provided a complete and detailed explanation of what happened during those two fateful periods in Exhibit 4 “The Exile.” This exhibit is part of a new book I am writing, so just ignore the religious parts. Just focus on the facts.

4. I am the HR Director for the tri-state’s largest gunite swimming pool builder with fifty employees. I am finally back into my profession of thirty years. I interact with employees, company owners, insurance companies, vendors, and governmental entities. I do not come off as “delusional,” or “fabricate” “irrational” and “wholly incredible” things to the people I associate all day long. I obtained this position only after filing my two lawsuits regarding George Walker Bush, as that is when the CIA interference ended. After a year of service, I was just given a large bonus, I have my own apartment, I pay rent and utilities. I am obviously sane.

## **Establishing Credibility**

5. I was born in Cincinnati, Ohio in April 25, 1963. I was raised at 2484 Grandin Road in Hyde Park, near the Hyde Park Square. In my tenth-grade year, I transferred to a prestigious Eastern prep school, The Lawrenceville School, in Lawrenceville, New Jersey. I was the layout editor of our school newspaper, the president of our school radio station, and an avid outdoorsman specifically in teaching white water kayaking and rock climbing.
6. In 1981, I attended The University of Denver in Denver, Colorado, majoring in Geology. During my freshman year, I was elected the vice president of the largest fraternity on campus, and by the end of my freshman year was elected the president.
7. I had a 4.0 GPA in my major, and by the start of my sophomore year, at age 19, my father had me take the three-day aptitude testing at the Johnson O'Conner Foundation. Designed to help people decide what career paths to pursue based on natural aptitudes, below are the transcript excerpts from the evaluator's summary discussion which was recorded on tape to allow review later. The percentile scoring is based on the entire age-based population of their testing.

### **Johnson O'Conner Foundation Transcript Denver, Colorado November 18, 1982**

**This will be the summary discussion for David Bardes. Bar graph #23917. Today is the 18<sup>th</sup> of November 1982, and we're in Denver at the Johnson O'Conner Foundation. Okay, David, what we're going to be doing is talking about that bar graph...**

**...Percentiles, I'm sure your familiar with running from zero to 100 and what we look at really is the scores of 70 and above being considered very high scores – strong indication of natural ability in those areas...**

**...In fact, your biggest problem is going to be – not that you have some low scores, but that you have so many high scores. This is not just what I would call the many aptitude person, but the “too” many aptitude person...**

**...The Wiggly Block – I knew you’d done real well with that – 99 percentile – a really high score. It doesn’t happen very often that a person does that well with the Wiggly Block. There’s a very strong indication here that you have the need to be working in three dimensions...engineer, mechanic, the surgeon...**

**...Motor skills – Well you’ve got all of these too. Finger dexterity – very high score. ...Tweezer Dexterity is even higher – another 100<sup>th</sup> percentile.**

**...Foresight – 85<sup>th</sup> percentile. Now this one is another super high score, one that definitely needs to be used.**

**...Inductive Reasoning - ...(90% percentile) ...What this tells me is that you have a natural ability to look at the facts quickly and this is a factual based problem solving – not imaginative as much as looking at what you’ve got, figuring out what it means. This is the trouble shooter...Find out what’s relevant – the quicker you can do that, the better time you’re going to have – especially something like courtroom law. A lot of times you get a new fact presented and quickly you have to figure out what that means and what you’re going to do with it...**

**...Law is another area that I think we ought to cover because you’re strong in inductive reasoning. It’s the primary aptitude we look for in law. You’re highly objective, which means to me more of the business side of law, that is the corporate lawyer, rather than the criminal lawyer...**

**...Memory for Design – This was excellent – 88<sup>th</sup> percentile. ...Very good visual memory here – looking at a picture of something, whether it’s a painting in a museum or an architect’s blueprint, or floor plan of something, a flow chart, graphs, maps, anything that’s visual material then kind of remembering the picture you see. ...Probably not quite photographic memory, but as far as the picture of the notes on that page – that’s what you’ve got in your head.**

**...Object Observation – Big problem here – 100<sup>th</sup> percentile – In this one we had you look at a card that had 20 different objects on it and then tried to tell us all the little changes we made when we moved things around and took them away – and you did a very good job at it. What that gives you is a very good sense of the details.**

**(I can provide the full transcript as a PDF file if anyone requests.)**

8. In the above “Object Observation” tests, I was shown a large card with 20 different objects on it. Given mere seconds to look at the card, before another card was shown with one object

missing or moved. I then had seconds to name the objects missing or moved. I do not have a photographic memory, but I am close.

9. It ends up my ability to remember every single detail of what my eyes witness, and my natural ability to objectively induce reasoning as to meaning of facts, would prove useful in establishing credibility in what would become a complex and hard to believe story.

10. From the University of Denver, I transferred to Northwestern University in Evanston, Illinois, and graduated in 1986 with a degree in Economics. In 1990, I married my high school sweetheart, and we had two children together. Both Betsy and I became youth pastors at our church for four years, growing to hosting 300 teenagers twice a week.

11. In 1997, by age 34, I was commuting five hours a day to the 101<sup>st</sup> floor of 2 World Trade on the tip of Manhattan. As a highly paid insurance consultant for Aon Consulting, my job was to canvas and decide which insurance company would receive the business from a competitive bidding process for our large corporate clients. Who hired us to objectively find the best insurance company for their employee benefit plans.

12. I had developed our consulting practice by always telling the client the brutal truth, even if it came back against an insurance company or even us. I submitted request for proposals to dozens of insurance companies, and then tallied the best final five. These five finalist insurance firms would then come in person and pitch our clients directly. Then our client would decide which to place their business, not my decision to make. This avoided typical insurance corruption where insurance companies always bribed consultants with free gifts, vacations, and jet skis.

13. I required each insurance company to sign forms saying they provided nothing in value or kind to us as consultants for their bids. I also required consultants to refuse and report any gifts of \$25 or more in value per year. While the consultants complained, our corporate clients liked

and trusted the process. So did our corporation, as it produced consistent seven figure incomes.

14. But then our parent corporation, Aon Corporation, called us to the Chicago home office for an important planning meeting. Flying us to Chicago in the corporate jet, I had a suspicion my efforts in telling the truth in the insurance business were ending.

15. During the meeting a vote took place. To purposely place in the final five finalists on every case we worked on, one of our own 100% wholly owned insurance companies that had noncompetitive products. I was the only one in the meeting that voted “no” to committing the crime called bid rigging. Henceforth, I was ordered to commit the crime of bid rigging on every case.

16. When I flew home, I typed up my resignation letter giving four weeks’ notice. They asked for six, and I said no. I was not happy having to leave a high paying job that I loved, and that did well for all parties.

**Elliot Spitzer, the Attorney General of New York, sent the CEO of Aon a subpoena ordering him to stop committing the crime of bid rigging and other offenses, and pay the enclosed fine of one hundred ninety million dollars. Which he denied but paid anyway. So, did the CEO of Marsh, our largest competitor, who committed the same bid rigging crimes.**

**Associated Press: Mar 5, 2005, 6:41 AM EST**

**Aon agrees to pay \$190 million, adopt reforms to settle 3-state insurance investigation**

**BY MICHAEL GORMLEY**

**Associated Press Writer**

**ALBANY, N.Y. (AP) -- Companies that bought property and casualty insurance through Aon Corp. will receive \$190 million in restitution under a settlement announced Friday that ended an investigation into anticompetitive business practices...**

**...The agreement, announced by New York Attorney General Eliot Spitzer, was similar to one reported Jan. 31 with Marsh & McLennan Companies Inc., the nation's largest broker. Marsh & McLennan, which is headquartered in New York, agreed to pay \$850 million in restitution to end Spitzer's investigation into bid-rigging, price-fixing and the use of hidden**

**incentive fees.**

17. From Aon, I started my own consulting firm, Bardes Consulting, Inc. I quickly had six figure billings and two employees. I ended up focusing on ending the abusive process of using split dollar life insurance plans at public companies. At one point, Senator Chuck Grassley called me on the telephone and asked me to tell him the truth about split dollar life insurance plans at public companies, as laws were being developed and then were passed to close these tax and shareholder abuses.

18. So, as a young man in business and in life, I was uniquely skilled with many aptitudes, such as keenly remembering fine details of everything I see and processing facts logically. I had a proven track record of tight ethics, and of telling the truth even if it hurt me.

19. There were no signs of mental illness, no delusions, no propensity to even misconstrue facts. I was obviously very much sane, logical, objective, ethical, and truthful. When a federal magistrate now purposely destroys a *Pro Se* litigant claiming they are insane, just to toss the case, and their whole life's story a fabricated irrational delusion, a mere presentation of the facts refutes their lies. Something other than truth occupies this magistrate.

**My Hard to Believe Story - "Fantastical Delusion."**

20. Telling my hard to believe story event by event makes sense event by event. But when you summarize my story in few words, does it become hard to believe. I have divided my story into four (4) parts, as four (4) Exhibits, with supporting documents. These have been written to focus only on the facts, so much of the story has been abbreviated. Exhibit 4 focuses on events which are the subject of this lawsuit, and I cannot prove until discovery, certainly not today. The first three Exhibits are the focus of my sanity today.

**Exhibit 1 - The Bullet Proved the Cold Cell Torture**

This describes my cold cell torture in jail, gunshot, and medical evidence.

### **Exhibit 2 - TortureGate Scandal Timeline**

This focuses on the time period when I ran into George Walker Bush and the CIA protecting themselves from the death penalty. Covers my second supreme court petition that ended the TortureGate Corruption Scandal.

### **Exhibit 3 - Post TortureGate Period**

I thought after my petition was denied, that George Walker Bush and the CIA would leave me alone. It only got worse after I published my book about TortureGate. They eventually decided to just outright kill me.

### **Exhibit 4 - The Exile**

A detailed description of the two periods when my defendants tried to kill me. I do not have to prove this now, as this is the subject of this lawsuit and I need discovery to prove. This is part of a new book I am writing, so ignore the religious parts, just focus on the facts.

### **Start by Reading Exhibit 2 – The TortureGate Scandal Timeline first**

21. I suggest you start reading Exhibit 2 first, on the TortureGate Scandal Timeline. You only need to read Exhibit 1, on my cold cell torture and gunshot, when you need to confirm it is true.

The third Exhibit covers the lead up to the events of this present case, the events that precipitated the need to kill me. Then lastly Exhibit 4 “The Exile” is a description of the two periods my defendants tried to kill me.

22. After you have read all four (4) Exhibits, come back to this page and pick up here.

### **Wrap Up My Hard to Believe Story**

23. My story when told event by event, makes sense event by event. Only when you summarize in few words does it become hard to believe. At no point did I fabricate anything, no delusions.

When two emergency room x-ray doctors told me I was shot with a gun, I was not having a delusion. There was nothing “irrational.” I did not create anything. No one can disprove any part of my story. And as to being “wholly incredible” this becomes subjective ignorance from a life of



privilege. Proving Magistrate Stephanie K. Bowman's instant diagnosis of "insanity" without facts is vindictive malpractice without a license. Lock her up.

24. As I said in Exhibit 1, and I repeat here, when the two x-ray doctors in the emergency room after an auto accident asked me when was I shot with a gun, I answered never, not that I was aware. So, my testimony here today saying I was shot with a gun, does not come from me. At no time did I claim to be shot. That fact came 100% from two medical doctors examining medical evidence. I specifically mention this now, as I do not want you to respond to my words saying "Plaintiff claims he was shot with a gun..." rather "Plaintiff was told by two doctors he was shot with a gun..."

25. For Magistrate Stephanie K. Bowman to take a risk making far reaching hardline medical diagnoses without facts, just to toss the case, is evidence of influence. Either generated internally out of fear of players involved, or externally by direct contact via threats or payment of hush money. Something has motivated this magistrate to commit these crimes. Which I object to, and demand civil recompense, a retraction in the record, an apology, and a criminal referral to the authorities.

### **Addressing Magistrate's Points for Dismissal Other Than Insanity**

#### **Claims Could Have and Should Have Been Brought Up in Previous Lawsuits**

25. Since there is no way being *Pro Se*, that I could have learned about this requirement in case law in advance, how then can I be tossed due to its failure? I would never stand even a chance of fairness in any proceeding in that case, and accepting my filing fee giving me falsehood expectations of fairness becomes fraud. You cannot do this to *Pro Se* people.

26. As I have previously claimed, from what I can tell being *Pro Se*, a mandamus lawsuit is only meant for the authorities to enforce existing laws. It is not a venue for personal injury claims

against individually named defendants. At no time did I purposely decide to forgo my claims against any defendant, just to focus on a singular claim, forfeiting my rights to all other claims. Making such a dismissal is just another *Pro Se* inducement trap to defraud.

### **Res Judicata**

27. Magistrate Stephanie K. Bowman now wants to bar all my claims in this present lawsuit, as having already been decided in previous lawsuits. The last previous lawsuit ended in 2017, so how can two events that occurred in 2019 and 2021 perpetrated by defendants never involved in any previous lawsuits, be now somehow barred from the courts as already having been decided prior to 2017? This is asinine. This is just further evidence Magistrate Stephanie K. Bowman is bought and paid for. I object to being a victim of Magistrate Stephanie K. Bowman crimes.

### **I did not properly serve my defendants**

28. This is just another “hang the *Pro Se* litigant” with another pleb mistake trap never even having a chance at fairness problem. I am not a lawyer; I am not to be held to the same standards as a lawyer. It is expected for me to make mistakes due to not having a way of learning how to do it correctly beforehand. It is against the law for someone to publish instructions on how the federal courts actually work. If you do, you go to prison for the illegal practice of law. The fact is my defendants were served in a timely fashion perhaps not correctly, but served nonetheless. Enough so for half to ask for extensions and answered with something. Each of my defendants was served. But if it pleases the court, I motion to allow me to refile an amended complaint and properly serve my defendants according to what has been revealed as the proper pleasing way.

### **Failure to state a claim**

29. I claim I stated a claim, but if it pleases the court, I motion to allow me to refile an amended complaint and restate my claim using more words, to please the court more.

### **Cincinnati Being the Proper Venue**

30. As Exhibit 4 “The Exile” attests, the most egregious efforts to kill me, as far as coming close, occurred in Cincinnati. These are the events that caused the injuries. I live and work across the Ohio River in Kentucky, but so does half the population of the greater Cincinnati area. I am here today because my defendants forced me here. There is no other venue that would work.

### **Conclusion**

31. I request the court ignore the clearly erroneous, vindictive, and likely criminal Report and Recommendation by Magistrate Stephanie K. Bowman. I request the court grant my above petitioned requests. I request the court move the case into discovery, and process the default judgements.

Respectfully submitted this day \_\_21\_\_ of December, 2022, by

x \_\_\_\_\_

David Andrew Bardes, *Pro Se*

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## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above motion was deposited in the United States Postal Service and/or email via the court's list of parties, to:

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By,

x \_\_\_\_\_  
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