

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

GEORGE VIDA, ROBERT VIDA,  
MARGARET VIDA

Case No. 3:17-cv-1547-AC

Plaintiffs,

FINDINGS AND  
RECOMMENDATION

v.

CONRAD FORNIA & COMPANY,

Defendants.

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ACOSTA, Magistrate Judge:

Plaintiffs George Vida, Robert Vida, and Margaret Vida (collectively “Plaintiffs”), appearing *pro se*, filed this action on September 29, 2017. George Vida (“Vida”) has applied to proceed *in forma pauperis*. An examination of the application reveals Vida is unable to afford the fees of this

action. Accordingly, his application is granted and no filing fee should be assessed against him.<sup>1</sup> However, for the reasons set forth below, Plaintiffs' complaint should be dismissed with prejudice as frivolous.

### *Legal Standards*

When a party seeks to proceed *in forma pauperis*, “the court shall dismiss the case at any time if the court determines that . . . the action . . . (i) is frivolous or malicious; (ii) fails to state a claim upon which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B) (2017). “[A] complaint, containing as it does both factual allegations and legal conclusions, is frivolous where it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). The term “frivolous,” when applied to a complaint, “embraces not only the inarguable legal conclusion, but also the fanciful factual allegation.” *Id.* A pleading is “factual[ly] frivolous” under § 1915(e)(2) if “the facts alleged rise to the level of the irrational or wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). When determining whether a complaint is frivolous, the courts need to accept the allegations as true, but have the power to “pierce the veil of the complaint’s factual allegations” to determine whether they describe “fantastic or delusional scenarios.” *Neitzke*, 490 U.S. at 327-28. If the court dismisses a complaint for failure to state a claim, the court should grant leave to amend “unless the court determines that the allegation of other facts consistent with the challenged pleading could not possibly surmount the deficiency.” *DeSoto v. Yellow Freight Sys., Inc.*, 957 F.2d 655, 658 (9th Cir. 1992)(quotation marks

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<sup>1</sup>Neither Robert Vida nor Margaret Vida filed applications to proceed *in forma pauperis*. Should the lawsuit continue, Robert and Margaret should be directed to file their own applications, which would need to be granted prior to the continuation of this action in the absence of a filing fee.

and citation omitted).

### *Discussion*

While Plaintiffs identify only Conrad Fornia & Company as defendant in the caption of their complaint, Plaintiffs list Judith L. Fornia, Bill Gates, Trish Lampkin, Erik Lampkin, John L. Collins, Kayla Kayden, Conrad L. Fornia, Ancer L. Haggerdy, Leland Stice, Cynthia Easterday, Irene Gergen, Summer Brielle, Dr. Martin Klaus, Madison Ivy, Keri Ludahl, Franklin Collins or Easterday or Gates, Former President Barrack Obama & Family, Charisma Shock Fornia, Steve Lauseng, Lisa Cox, Tom Gergen, and Brian Gergen as defendants in the body of their complaint. (Compl. ECF No. 1, at 2.) Plaintiffs allege a claim for invasion of privacy based on allegations “Dr. Martin Klaus put something in me to track me and take pictures of me.” (Compl. at 4.) Plaintiffs seek as damages “[e]verything that you can award me.” (Compl. at 4.)

Plaintiffs’ claim lacks any arguable basis in fact. Vida previously filed lawsuits against Barrack Obama, Bill Gates,<sup>2</sup> Ancer Haggerdy, Dr. Martin Klaus, and Franklin Easterday based on the same factual allegations, which this court found to be “factual frivolous under § 1915(e)(2)” and “irrational or . . . wholly incredible.” *See Vida v. Obama*, CV No. 3:17-cv-1196-AC, Findings and Recommendation dated August 28, 2017, ECF No. 6, at 2; *Vida v. Klaus*, CV No. 3:17-cv-1201-AC, Findings and Recommendation dated August 28, 2017, ECF No. 6, at 2; *Vida v. Gates*, CV No. 3:17-cv-1202-AC, Findings and Recommendation dated August 28, 2017, ECF No. 5, at 3. The court again finds Plaintiffs’ allegation that Dr. Klaus put something in Vida to allow him to be tracked describes a fantastical or delusional scenario. Plaintiffs may not cure the deficiencies in their

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<sup>2</sup>This is the third lawsuit asserting the same claim against Bill Gates. *See Vida v. Gates*, No. 3:17-cv-847-AC.

complaint by alleging facts consistent with the complaint. Accordingly, any amendment would be futile.

*Conclusion*

Vida's application to proceed *in forma pauperis* (ECF No. 4) is GRANTED. However, Plaintiffs' complaint (ECF No. 1) should be dismissed *sua sponte* as frivolous and, as Plaintiffs are unable to cure the deficiencies in the complaint, such dismissal should be with prejudice.

*Scheduling Order*

The Findings and Recommendation will be referred to a district judge for review. Objections, if any, are due **November 6, 2017**. If no objections are filed, then the Findings and Recommendation will go under advisement on that date.

If objections are filed, then a response is due within fourteen (14) days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement.

DATED this 18<sup>th</sup> day of October, 2017.

/s/ John V. Acosta  
JOHN V. ACOSTA  
United States Magistrate Judge