

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

JOHN B. THOMPSON,

Plaintiff,

v.

Case No. 07-21256 (Judge Adalberto Jordan)

THE FLORIDA BAR and
DAVA J. TUNIS,

Defendants.

PLAINTIFF'S MOTION FOR LEAVE TO FILE DOCUMENT

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and moves this court for leave to file the attached document, stating:

1. The attached Exhibit A is additional proof of The Bar's bad faith and its improper, unauthorized, *ultra vires* harassment of Thompson through its "disciplinary" powers. In fact, a reading of this Exhibit should lead any reasonable person to conclude that The Bar prosecutor's attached stunt is, in a word, *bizarre*.

2. The May 2 letter of Ms. Tuma is based upon the notion that Thompson's preparation of an expert witness, Dr. Brad Bushman, a University of Michigan Professor, from Miami via phone and by e-mail is "practicing law in Alabama." Thompson prepped this expert witness in the Alabama case for his *Frye* hearing in which Thompson's co-counsel, still admitted *pro hac vice* in Alabama, represented him. Thompson, of course, is still involved in the case, as a fact witness, and as retained counsel, under contract by the bereaved police families in Alabama. No order revoking Thompson's *pro hac vice*

status in that case could extinguish his contract with these families. Judge Moore's order did not do so and in fact could not do so.

3. Ms. Tuma's weird view also is that Thompson's going to visit a death row inmate in Alabama and reducing what he heard from the killer to a sworn statement filed with the court as a fact witness is "practicing law in Alabama." Note that Thompson states in paragraph #1 in the sworn statement that he is "licensed to practice law by the state of Florida." No pretense is made that he is in any fashion authorized to be practicing law in Alabama. Good grief.

4. Finally, if the court can believe it, Ms. Tuma's and The Bar's position is that the March 16, 2007, letter sent to two attorneys in Ohio offering them information about the role of violent video games in teen criminal activity is "practicing law in Ohio." This assertion by Tuma and The Bar is so outlandish and so indicative of regulatory overreaching that Thompson could not possibly make it up. Thompson has never heard of such a thing, and no has anyone else.

5. Of course, the assertion of "the unauthorized practice of law" must come from the foreign jurisdiction's licensing authorities in which the alleged UPL occurred, and Thompson's has The Florida Bar's written admission of that in another context, but The Bar's contention that a letter sent to two Ohio lawyers about this video game copycat phenomenon is somehow "practicing law in Ohio" raises questions, at the very least, about Ms. Tuma's competence, her motive, or both.

6. The Bar, of course, is straining at gnats, as the attached Exhibit A proves, because it has absolutely nothing valid by way of alleged unethical conduct pertaining to the other "ethics" complaints now pending before Referee Tunis, so it has, in desperation,

come up with these bizarre, idiotic, baseless assertions that Thompson engaged in the “unauthorized practice of law” in Alabama and Ohio.

7. This Bar desperation, as the court has been apprised, is why The Bar came up with the lunacy stunt. Desperate people do desperate things.

LET THE PRELIMINARY INJUNCTION ISSUE.

I HEREBY CERTIFY that this has been served upon record counsel this 16th day of September, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
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