

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,
DAVA J. TUNIS, and
ADALBERTO JORDAN, IN HIS
INDIVIDUAL CAPACITY,

Defendants.

**[TENDERED] FOURTH AMENDED COMPLAINT FOR DAMAGES, FOR
INJUNCTIVE RELIEF, AND FOR DECLARATORY RELIEF**

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and files his proposed fourth amended complaint herein, having yesterday filed for leave to amend his complaint in light of the startling, improper, illegal, and unconstitutional acts of proposed new defendant Adalberto Jordan, stating:

PREFACE

The judge currently presiding over this case has previously ordered that no further amendments to the complaint will be allowed, unless circumstances change. Unfortunately, that same judge, by his improper conduct, has necessitated the filing of this proposed and tendered fourth amended complaint adding him as a defendant.

Because of this court's stated concern that plaintiff has filed too many documents in this case in pursuit of affirming his and others' constitutional rights, plaintiff is not, in filing this proposed amended complaint, including herein the text of the already filed third amended complaint, which remains and will remain unchanged. Upon the granting

of leave to amend, plaintiff will file the fourth amended complaint as a whole, consolidated document.

THE PARTIES

Plaintiff Thompson is a natural born citizen of the United States, more than eighteen years of age, a resident of Miami-Dade County, Florida, and a lawyer licensed to practice law in 1977 by the State of Florida, and in continuous good standing as an attorney with The Florida Bar, hereinafter The Bar, during all of that time, despite the efforts of The Bar and others, most notably the entertainment industry sectors that illegally distribute adult material to children.

Defendant Adalberto Jordan, hereinafter Jordan, was born in Havana, Cuba, is a citizen of the United States, more than eighteen years of age, a resident of some Florida county, a lawyer licensed by the State of Florida, and a federal district court judge.

VENUE

This is the appropriate venue for this action, as the facts giving rise to it occurred and are occurring in a geographic area contained within the “Southern District of Florida” federal court system.

JURISDICTION

In addition to the grounds already set forth in the complaint, this court has jurisdiction over this cause by virtue of 28 USC 1331. Also, see *Bivens v. Six Unknown Narcotics Agents*, 403 U.S. 388 (1971).

INTRODUCTION

The defendants herein either never learned or have forgotten the truths contained within the following words of Supreme Court Justice Louis Brandeis in *United States v. Olmstead*, 277 U.S. 438 (1928):

"Decency, security and liberty alike demand that government officials shall be subjected to the rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for the law, it invites every man to come a law unto himself. It invites anarchy."

The Founders of this nation who crafted our remarkable federal Constitution understood far better than do many within our generation that government, historically, has more often been the enemy of liberty rather than its guarantor. Liberals, for example, have faith in government; the Founders had faith in public virtue, limitations on government, and not, unimportantly, God, who is credited in the Declaration of Independence with giving us the rights that we have and that government often seeks to take away.

Ronald Reagan, considered by many historians of all ideological stripes to be a fine President of the United States, swept to electoral office against an incumbent Democratic President stating what a majority of American voters, apparently, wanted to hear: "Government is not a solution to our problem, government is the problem." This man who wielded governmental power wisely to help "tear down this wall" which was a

stark symbol of the most enduring of modern day governmental tyrannies, stated the issue in a lighter way: “The nine most terrifying words in the English language are, 'I'm from the government and I'm here to help.'”

Plaintiff has his own ten most terrifying words: I'm a Bar Governor and I'm your Guardian of Democracy.”

Plaintiff, at the end of President Reagan's second term, was the Republican nominee for the office of Dade County State Attorney against the incumbent, Janet Reno. Reno went on to become the Attorney General of the United States under Bill Clinton, nominated to that office, said Clinton political advisor Dick Morris, “Because Bill Clinton has always appointed to key government posts, especially law enforcement positions, individuals over whom he had blackmail power.”

Former FBI Agent Gary Aldrich and the author of the bestselling *Unlimited Access*, who was in charge of security in the early days of the Clinton White House, has written that Janet Reno was the only modern Attorney General confirmed without a traditional background check.

Plaintiff as well as former Miami Police Chief Kenneth Harms, a dear friend of Thompson, sought to testify at Janet Reno's Senate Judiciary confirmation hearings in 1993, and both were told, along with all others who had something negative to say about Ms. Reno's tenure as Dade County's State Attorney, that they were not welcome. Reno's supporters trotted out a number of law enforcement bureaucrats to sing Reno's praises, but excluded from the hearings the one law enforcement official who could have told the truth and scuttled Clinton's third choice to be AG. Said one Democrat on the Senate Judiciary Committee: “This hasn't been a confirmation hearing; it's been a love-in.”

The exclusion of all witnesses who might have provided balance to those Reno confirmation hearings stands in stark contrast with the confirmation hearings of Edwin Meese and more recently John Ashcroft. U.S. Supreme Court Justice Clarence Thomas, who has just published his autobiography, described at the time his Senate Judiciary Committee confirmation hearings as “a high-tech lynching for uppity blacks.” The ideological bent of Ms. Reno and the conservatism of men like Meese, Ashcroft, Thomas, and let’s not forget Bork, whose last name was turned into a verb to explain the liberal penchant for character assassination, explain why entities like the liberal Florida Bar tolerate unethical and illegal acts by their fellow liberal lawyers while fabricating nonexistent ethical lapses by conservatives.

Harms and Thompson both would have testified that Reno, as a prosecutor, had a chronic disregard for the rights of citizens and could be counted upon to abuse governmental power as Attorney General. For many, the defining moment of Reno’s tenure as the longest-serving Attorney General in U.S. history was “Waco.” Reno appeared the night of the incineration of women and children on CNN’s *Larry King Live* not to apologize but to take credit for pumping into the Branch Davidian compound a flammable, blinding gas banned for use in warfare by international treaty. Reno had to kill the children to save them, to borrow and paraphrase a saying re Viet Nam.

The Wall Street Journal’s Dorothy Rabinowitz won the Pulitzer Prize for exposing the illegal, unconstitutional tactics of Reno and others in prosecuting child sex abuse cases. Thompson personally knows something about Reno’s excesses in the Country Walk Day Care Case which put Reno on the map nationally. Thompson represented Ileana Fuster in her divorce from Frank.

Indeed, the first time The Florida Bar tried to destroy Thompson and his career through ethics “discipline” at the request of the porn industry, Thompson secured formal discovery of Bar documents which contained “smoking guns” that proved Reno and her political supporters were working within The Bar to pursue the “ethics” complaint against Thompson. Sworn testimony was taken from an enthusiast *for* Reno that Reno surveilled, illegally, Thompson during his 1988 campaign against her.

The finding of “smoking guns” within The Bar’s own files ended that initial hijacking of The Bar to use “discipline” to attack Thompson. That is precisely *why* The Florida Bar, this time around, illegally refuses to produce the discovery documents that Thompson has repeatedly sought through formal discovery and for which The Bar even refuses to produce a “privilege log” to identify what it says he cannot have. This outrageous denial to Thompson of his right to discovery is not only by The Bar but by the astoundingly pliant referee in the matter, Circuit Court Judge Dava Tunis.

Reno certainly had and has her enthusiasts. One of them is Florida lawyer Talbot “Sandy” D’Alemberte. He was Reno’s mentor at the heavily Democratic, politically-wired Miami law firm of Steel Hector & Davis. Defendant Adalberto Jordan commenced the practice of law at Steel Hector in 1989. He was nominated to the federal bench by Democratic President Bill Clinton in 1999.

D’Alemberte, while President of the American Bar Association, championed and secured the ABA’s official endorsement of “abortion rights” and in doing so drove out of the ABA a number of Christians who had been members of the ABA. They had screwed up. They thought the ABA was a nonpartisan, ideologically neutral trade organization, rather than the legal arm of the National Organization for Women.

One of D'Alemberte's more memorable achievements as a partner at defendant Jordan's firm was his rendering unconscious Steel Hector's managing partner, Joe Klock, with a blow to the face while the latter sat at his desk, which was known in legal circles as the "Punching the Klock" incident. No Florida Bar charges were filed it seems.

However, the possible residual effects of that blow may explain Mr. Klock's unfortunate addressing of one U.S. Supreme Court Justice as another Justice in *Bush v. Gore* on behalf of "the former next President of the United States."

The Steel Hector & Davis law firm, until it was subsumed by the national and international Squire Sanders & Dempsey law firm, was arguably the single most powerful law firm in Democratic circles in the State of Florida. From Steel Hector came Florida Bar President Patricia Seitz, who now sits on the U.S. District Court, Southern District of Florida, with her colleague, defendant Jordan. Other luminaries of the state's legal "elite" circles sprang from that powerful firm. It surely helps to get on the federal bench and in other lofty positions of governmental power by knowing "the right people."

Seitz, Jordan, and defendant herein, Frank Angones, now President of The Florida Bar, are all graduates of the University of Miami School of Law. Defendant Angones and defendant Jordan were both born in Cuba. Angones came to the United States in 1961 via Operation *Pedro Pan*, the year that Jordan was born in Havana. Angones arranged to be sworn in as President of the Florida Bar under Cuba's flag.

Plaintiff received some national attention in 2000 as a frequent guest on the Fox News Channel in the midst of the Elian Gonzalez controversy, predicting that Reno would take the boy by force. During that controversy, plaintiff Thompson fell in love with the Cuban American community and wrote about it at www.NewsMax.com. He

also learned of the remarkable split within the Cuban American community in South Florida between the common folks who insisted up Elian's right at least to an asylum hearing and other Cuban Americans, persons of power and privilege, the elitists, often within the Democratic Party, who wanted and applauded the taking of the boy by Reno by force. Sometimes power trumps ethnic loyalties. Such was the case in the Elian Affair.

Any sentient being who has practiced law in Miami for thirty-one years knows this: The Miami legal community, especially at its highest levels, is a tightly-knit Club which promotes its own, protects its own, and does so in furtherance not only of one another but of invariably liberal ideologies and pet projects. One need not be a "black helicopter" conspiracy nut with a tinfoil hat to know that the old saying "birds of a feather flock together" can have consequences for careers as well as opponents who get in the way of wherever the elite birds want to fly. In fact, one would have to be a moron not to recognize and be wary of the propensity of people with common interests and attitudes and agendas to try to oppose those who oppose their agendas. Those who go along, get along, as any person of average intelligence knows. This is not unique to Miami, but when one lives in a part of the country whose tourist industry was promoted with "Come to Miami, the Rules Are Different Here," one learns that common decency, which can sometimes restrain people full of themselves, is in short supply here.

It is no coincidence that the Miami legal community is known around the country for its "sharp" practice, and that is not a compliment.

Thompson has related the above for one reason only, and it is not to lay out "wild accusations of a vast conspiracy" with which U.S. District Court Judge Paul Huck, a

friend of defendant Jordan, falsely smeared plaintiff. Thompson does not use the word “conspiracy” in part because there are people like Judge Huck who attribute to others a fixation upon a “conspiracy” they do not have. This “shoot the messenger” conspiracy tactic is made easier in the aftermath of Hillary Clinton’s famous “vast rightwing conspiracy” gaffe. Judge Huck and others apparently do not know the Latin roots of the word “conspiracy. To “conspire” means, in the Latin, to “breathe together.” Thus, when Thompson, or anyone else who has two neurons to rub together, notes that people who share interests and power together tend to try to pursue those interests and preserve that power *together*, then they are indeed involved in a “conspiracy,” but only in the strict sense that they breathe the same air together. People rowing a boat can be in a conspiracy. That does not make someone who notes that the boat is going somewhere a conspiracy nut.

Indeed, there are concentric circles of the legal community that embrace Miami, then South Florida, and finally the entire state of Florida. Call it *The Club* of the legal profession whose powerful people, at its highest levels, breathe together the *rarefied air* of privilege, influence, and often contempt for those outside The Club. They are to be found in both political parties, but they share a faith in government and the “right” of government to harass and even silence conservatives.

When someone outside The Club says things and does things that challenge the sacred cows of political correctness of The Club, including the belief that the First Amendment protects porn sold to children but not Christian who oppose that illegal act, then the knee-jerk reaction of these reactionary liberals, with their faith in government, kicks in to stigmatize and even pathologize those with whom they disagree. In forty

years of being a public person, Thompson has never known any group of people to be more intolerant, more illiberal, than liberals. It is these people who run The Club of which defendant Jordan is an esteemed and fortunate member.

As Ronald Reagan once noted, “Politics is supposed to be the second oldest profession. I have come to realize that it bears a very close resemblance to the first.” The Club in Miami, in South Florida, and in the state will even prostitute itself in pursuit of its narrow agenda at the expense of the United States Constitution. People convinced of their own infallibility, people who call themselves “Guardians of Democracy” do such things, for themselves and *to* others.

Within the concentric circles of the Miami, South Florida, and Florida legal community Club one finds The Florida Bar’s fifty-two Governors. Human hubris being what it is, these Governors actually have called themselves, on Florida Bar brochures, the “Guardians of Democracy.” The notion that “lawyers,” as a class of people, would consider themselves the ultimate protectors of our liberties would have prompted a guffaw from all of the Founders. Indeed, in the movie *1776*, a fistfight erupts during debate over the Declaration of Independence when one of the drafters hurls the ultimate insult at another: “Lawyer!”

For twenty years, as the complaint previously filed herein recounts, plaintiff Thompson has been targeted by The Bar for vocational and personal harm, repeatedly seeking to have Thompson declared mentally ill, for example, by virtue of his “obsessive efforts against pornography.” These are the *gulag* tactics of Stalin’s Russia and Cuba’s Castro.

When The Bar tried that “Christianity is mental illness stunt” for the first time in 1990, the happy result was the fact that Thompson became what he now still is—the only officially Bar-certified sane lawyer in Florida. The Bar’s insurance carrier had to pay Thompson damages for the honor.

For the sake of brevity, plaintiff relates one of the more remarkable examples of the extent to which the “important people” within The Club of the Miami, South Florida, and Florida legal communities will go to a) protect their own and b) harm those who oppose their liberal agenda. This examples name is Ben Kuehne. Kuehne is one of the 52 “Guardians of Democracy” also known to rational people as Bar Governors.

If the reader of this complaint reads and grasps nothing else, he/she should understand that in Ben Kuehne we have the proof that The Bar’s pursuit of Thompson has absolutely *nothing* to do with ethics and has everything to do with protecting The Club.

Ben Kuehne was Thompson’s “designated reviewer” for three years while The Bar used its “discipline” to harass Thompson at the behest of the entertainment industry entities that filed and inspired the SLAPP (strategic litigation against public participation) Bar complaints. Kuehne is the darling of the People for the American Way and the ACLU, having received awards from both. He is a partisan Democrat who was one of the lead lawyers for Al Gore in the Presidential vote scandal litigation in Florida. He is the go-to-guy for the radical gay rights lobby here in South Florida, which Thompson has opposed. He is the ideological opponent of all that the plaintiff stands for and has stood for in the public square for twenty years. Kuehne has a constitutional right to be just that. Thompson has a constitutional right not to have a leftwing extremist like this as his

“designated reviewer”—the most important position in any Bar disciplinary matter—sitting in judgment of Thompson and guaranteeing the “fairness” of the proceedings against Thompson regarding the distribution of entertainment materials to children that Kuehne’s ACLU says, falsely, are protected by the First Amendment! How can any lawyer, how can any judge for that matter, not “get” that? The answer is: If you’re in The Club, you don’t want to “get it.”

No Bar in its right mind, if it cared about “fairness,” the denial of which is at the core of this case, would make Ben Kuehne, of all of the 52 Bar Governors, the “designated reviewer” overseeing the due process, the selective prosecution, and the “fairness” of The Bar’s proceedings against the porn-again Christian lawyer, Jack Thompson. But The Bar, in its eagerness to get Thompson, to pay him back for his past victory over The Bar, to silence him in his criticism of The Bar, to further pursue its political agenda, and when you get right down to it, in order to satisfy its paranoia that invariably comes with its endemic political correctness, has used its clearly unconstitutional speech codes and more importantly *Ben Kuehne* to assure the result it wants against Thompson. The Bar doesn’t want fairness. It wants Jack Thompson. Because of The Bar’s self-righteousness, however, it is blinded, it seems, to its own excesses, as many people unbalanced by grace and mercy, and the Constitution, can be.

And here’s the additional proof that in Ben Kuehne we find both The Bar’s methods and its madness: Ben Kuehne, during the time that he presided over the “fairness” of Thompson’s disciplinary proceedings, in which he recommended formally (we have it in writing) that Thompson once again be psychoanalyzed to determine if his faith-based activism is pathological, received a target letter from the Bush Administration

Justice Department. The target letter alleges Kuehne has laundered Medellin cocaine cartel money in the Ochoa case tried by nationally renowned lawyer Roy Black. The Florida Bar Governors, knowing of this grave ethical cloud over Kuehene, nevertheless has not only kept Kuehne on as a Bar Governor but also as a “designated reviewer” over other disciplinary matters, *except* Thompson’s. Now that the harm has been done to Thompson by Kuehne, Kuehne has recently recused himself from Thompson’s case. He has been replaced by gay rights zealot Steve Chaykin. The Bar refuses to tell Thompson why Kuehne has recused himself, and it and referee Tunis have blocked all discovery in that regard, even prohibiting the deposition of Kuehne. This is beyond outrageous. This is sick.

The local US Attorney who is in the local The Club was so flummoxed by having to investigate another member of The Club, Kuehne, that he sent the matter up to Main Justice, unable and unwilling to pull the trigger himself. This is not surmise. Thompson has met with Justice Department officials from Washington about all of this. They told him.

When Kuehne was served with the target letter, as reported by ABC News, he should have given Thompson the equivalent of a McLain hearing to disclose the fact that a guy accused of taking money from a drug cartel was serving on a disciplinary committee as “designated reviewer” no less, presiding over cases brought by two entertainment industry companies that have more money than Medellin.

But then we come to defendant Adalberto Jordan. If ever there were someone who is within the concentric circle of The Club, it is this sitting U.S. District Court Judge. At the only hearing in this case, the court asked the parties to explain their positions.

Thompson, in response to the court's query, set forth his allegations that The Bar has denied Thompson basic due process, procedural and substantive. He explained that The Bar's selective prosecution of Thompson is proven by its protection of lawyers who have clearly violated specific Bar Rules who have brought these SLAPP complaints against him. Thompson spoke of The Bar's "fairness" and its "bad faith" and gave examples. He was allowed to talk. When Thompson mentioned the name of Ben Kuehne, as the single worst example of The Bar's bad faith (which is important under the *Ex Parte Young* and *Middlesex* line of cases) Judge Jordan, to quote hopefully precisely said, with a dramatic, dismissive waiving of his hand, "I don't want to hear about Ben Kuehne." And that was that. The Bar's counsel was standing there saying and in its pleadings alleging that there are no *facts* to support his allegations of bad faith, etc., and when Thompson responds by simply saying the name of the one person who is the locus of The Bar's flight from sanity, Adalberto Jordan says he wants to hear *absolutely nothing* about Ben Kuehne. Kuehne is the Achilles heel of this Bar and what it is doing to Thompson. And any federal judge who graduated second in his class at the University of Miami School of Law knows it.

Putting Kuehne in charge of being "fair" to Jack Thompson is akin to putting David Duke in charge of discipline within the NAACP.

For a federal judge who is presiding over a *hearing* to tell party that there is one "whose name must not be spoken" is akin to telling Dr. Jonas Salk that he can talk about penicillin but not about the mold it comes from.

In Miami, in South Florida, in Florida, as elsewhere, given human nature, The Club trumps fairness. The Club trumps the First Amendment, due process, and equal

protection. The Club can even trump ethnic loyalties. The insiders know how to wash one another's hands. They know how to scratch one another's backs. They know how to breathe together, even if they kid themselves into thinking they are breathing separately. The Club that breathes together stays together, and more importantly, they have the position and the power and the arrogance to lord it over those who are not in The Club, most importantly if someone dares suggest their orthodoxy is a false orthodoxy and that the Guardians of Democracy are not spandex-clad Super Heroes. Lord Acton figured it out and the Founders did as well, knowing that the sovereign is not above the law.

Meld The Club to governmental power, and you have an amalgam that is toxic to liberty.

That ultimately is why a lawyer, who has taken an oath to uphold the laws and the constitutions of this state and nation has been driven, reluctantly, to sue not only The Club that thinks it *owns* the profession we love, but also a federal judge who somewhere along the way from Havana to here forgot that the tactics and the methods of Fidel Castro have no business flourishing in America.

THE FACTS PECULIAR TO DEFENDANT ADALBERTO JORDAN

Jordan has entered three orders in this case by which he improperly and illegally attacks Thompson's person and more importantly, with an act and acts that are not *judicial* in nature(in the relevant meaning of the term). In fact, what Jordan has done is *ultra vires* and in exercise of a ministerial power that does not enjoy judicial immunity. Specifically, Judge Jordan threatened and then turned Thompson over to the "Ad Hoc Committee" for the purpose of "discipline" because he provided evidence to him, a sitting U.S. District Court Judge.

Thompson need not attach those orders to this complaint, as they are in the court file and they speak, disturbingly, for themselves. An analysis of these orders, in light of facts demonstrably true independent of any characterization of them by plaintiff, proves that Jordan has fabricated “facts” and legal case “authority” not in discharge of his judicial duties, for which he enjoys immunity, absolute or qualified, but rather for the purpose of being another active participant in the desired illegal Bar assault upon Thompson.

It is hugely telling that this defendant has absurdly and baselessly seized upon “discipline” to silence and harm Thompson, just as has The Florida Bar, in a case about “discipline!” The facts show that Thompson did absolutely nothing wrong, and even if he did, what this judge did he did in his “individual capacity,” according to this established body of law under which Thompson travels, that holds federal government persons accountable for their *ultra vires*, illegal, ministerial acts. Jordan decided no issue in this case. He set the disciplinary dogs on Thompson having seen how The Bar does it so well.

Further, no judge desiring to be fair and desiring to appear to be fair would have entered these three orders. They are trading in falsehoods on their face and patently so. The orders in fact contradict one another, and in doing so they betray both the agenda of this judge and the panic that seems to have set in.

In first threatening Thompson and then turning him over to the “*Ad Hoc* Committee,” the authority of which committee is itself questionable at best and non-existent at worst, Jordan has not only adopted the methods of The Bar in using “discipline” to punish Thompson for his pure First Amendment speech, but he has gone

The Bar one better. He threatens Thompson with sanctions, in his second order, if he files pleadings to defend himself from this extra-judicial assault. This judge has actually ordered Thompson not to respond further to a show cause order, saying on the one hand that Thompson must show cause and on the other hand that he had better not.

This is beyond Kafka. It has taken this federal district court down the tube into Alice's Wonderland. This judge has managed to eclipse with his illegal acts anything that The Bar even alleges Thompson has done.

Jordan even went so far as to violate his own order, which gave Thompson until October 5 to show cause why he should not turn him over to the *Ad Hoc* Committee by turn him over to the Committee on October 2, thereby denying Thompson the opportunity, either at a hearing or in pleadings, to fully prove why there was no cause to do so. Plaintiff submits that a judge, acting ministerially as to "discipline" and doing so in violation of his own orders, deserves both judicial scrutiny and a free calendar to be able to differentiate between October 2 and October 5.

Upon Jordan's making himself, by his own hand and words, a participant and collaborator with the other defendants herein, in the assault upon Thompson's First Amendment and other constitutional rights, Thompson moved for this judge to disqualify himself. In denying Thompson's verified motion for recusal/disqualification Jordan went after Thompson with more vitriol, proving the soundness and legitimacy of the recusal motion. This judge, when it comes to Thompson, doesn't issue orders. He engages in personal attacks, demonstrably false, that embarrass the federal bench on which he sits. One cannot respect that bench and at the same time abide what this person is doing to it.

Plaintiff has no problem whatsoever with judges and their exercise of their *judicial* duties. Being a judge is an awesome responsibility and burden. But that fact cuts two ways. Anyone who has practiced law, as Thompson has, for 31 years has been on the receiving end of adverse judicial rulings quite a bit, and he/she learns how to deal with it. The undersigned has won some he should not have, probably, and lost some, most certainly, he should not have. Man's justice is imperfect, and there are few Solomons among us. That's fine.

What no judge, however, has a legal right to do, is exercise power for an illegal purpose, *ultra vires*, and/or in a fashion so arbitrary and so contrary to any judicial purpose that the exercise of that power in that fashion constitutes a legal wrong. The law must fashion a means to remedy wrongs. No judge has the right to thwart justice and subvert the constitution by abusing his office for an illegal end.

RELIEF SOUGHT

Plaintiff seeks relief in one or more forms. He seeks an award of money damages against this defendant for the demonstrable and compensable harm caused him by virtue of his illegal threat, made for an improper purpose, to turn plaintiff over to the so-called *Ad Hoc* Committee, and then making good on that threat not only for an improper, illegal, and unconstitutional purpose, but in violation of his own orders.

Further, plaintiff seeks a declaratory judgment, under the statutory authority already provided in the existing complaint, declaring as a matter of law, that what this defendant has done infringes upon his First Amendment rights of speech and religion, denies him procedural and substantive due process, and constitutes a denial of equal protection, as well as possibly other constitutional rights. Plaintiff also seeks a

declaratory judgment that the “*Ad Hoc* Committee” has no actual, legal, and/or constitutional authority to perform *any* government function, as there is no legal or constitutional enabling of this Committee to do anything, and certainly nothing to this plaintiff, other than to have lunch together and talk about what a jerk plaintiff is. This Committee is nothing but an rogue extension of The Bar and The Club of which it functioning, at the behest of this judge, to pull the disciplinary trigger that he is afraid to pull. Proof that this Committee enjoys no real official, legal, and constitutional status is the fact that it is called an “*Ad Hoc* Committee.” It’s not a standing Committee. It makes its duties and power up on the fly, it seems. Its very name betrays its lack of official, formal, authorized, and legal status.

Finally, as to relief sought, plaintiff seeks injunctive relief a) removing this defendant from presiding over this case, and b) prohibiting “disciplinary” or any other proceedings against Thompson by this “*Ad Hoc* Committee” other than possibly making a recommendation to the Eleventh Circuit Court of Appeals that we have a judge down here who thinks he can use his office to shred the constitutional rights of lawyers.

CONSPIRACY

The word “conspiracy” must be used to seek relief herein not in repudiation of the correct analysis of the term, *supra*, which is used by Thompson’s antagonists in order to falsely ridicule him, but because federal law calls “conspiracy” precisely what this defendant, along with the other defendants, have engaged in, in a *legal sense*, and in violation of Thompson’s legal and constitutional rights. It is a term of art and statutory construction that must be used.

This defendant has in fact collaborated and “conspired” with the other defendants to illegally and unconstitutionally deny him his First Amendment rights and his due process and equal protection rights by adopting the other defendants methods and goals, and by acting, *ultra vires* and extrajudicially. When this judge in effect functionally took off the robes of judicial immunity that protect his pure judicial decision-making and decided to be a SLAPP disciplinary complainant in his individual capacity, then he lost his judicial immunity. This is not some theory of Thompson. This is the law.

Case law in 42 USC 1983, 1985 “civil rights” actions against state officials provides that there can indeed be a conspiracy, remediable by an action such as this, against federal official in any of the three branches of government, who *conspire* or collaborate to deny a plaintiff his constitutional rights. There are indeed remedies, as set forth above, against not only state officials but federal officials acting in their individual capacities. See, for example, *Fonda v. Gray*, 1983 (CA9) CAL 707 F.2d 435). This “judge” opened himself up to just that when he went from judicial decision maker to disciplinary complainant. The law is clear.

Therefore, plaintiff seeks all forms of relief set forth above to remedy the ongoing collaboration by this defendant with the others defendants.

I HEREBY CERTIFY that this has been served upon record counsel this 3rd day of October, 2007, electronically.

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