

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 NOTICE TO COURT WHICH BEARS ON  
MOTIONS TO DISMISS**

COMES NOW plaintiff, John B. Thompson, as an attorney on his own behalf, and provides notice to the court as follows:

1. One of the counts in the “disciplinary” complaint filed by defendant The Florida Bar against plaintiff arises out of his tussle with Miami-Dade Circuit Court Judge Ronald Friedman who presided over a case involving the distribution of a Take-Two Interactive video game, *Bully*, which simulates violence in a school called the Bullworth Academy.

2. Thompson was seeking a judicial review of the game prior to its release given the game industry’s “broken” rating system (Senator Hillary Clinton, July 2005, prepped by plaintiff) and the history of Take-Two’s placement of undisclosed content in its games hidden from the industry’s Entertainment Software Rating Board (see Consent Decree between Federal Trade Commission and Take-Two). Dr. Kimberly Thompson, Harvard University, has testified before Congress that the video game industry’s ESRB Rating System is an utter sham, stating that “Mature” ratings mean next to nothing, as certain “Teen” rated games contain more mature material than some “Mature” games. In fact,

the ESRB does not even play a game to its conclusion before it rates the games. It relies largely on the game companies' representations of what is in the games. The ESRB is wholly funded by the game companies themselves. It is the fox guarding the chickens.

3. The case was assigned to Miami-Dade Circuit Court Judge Ronald Friedman, well known to many lawyers who have come before him to be arbitrary, rude, and capricious. One South Florida lawyer who was recently reported in the *Miami Herald* as one of the state's 100 best lawyers has told his law firm that he will not represent a client in a case before Judge Friedman because he is so dismissive of the ethics required of a judge.

4. Judge Friedman lived up to his deserved reputation in plaintiff's case. Friedman berated Thompson personally in the case before him. He conducted a bizarre *in camera* inspection of the game, taking "testimony" from Take-Two's employees without swearing them and not allowing cross examination. Friedman, who entered an order that he made public, by which he promised to "spend all weekend, if necessary, to review *Bully* from start to finish," in fact allowed Take-Two to guide him through only portions of the game, and the "full weekend's review" was finished after twenty minutes. Take-Two's employees lied to the judge during this review and said that violence by the game's hero, Jimmy Hopkins is always punished.

In fact, we now know, Hopkins must throw explosives at students to get a slingshot. He is then allowed to shoot other students in the face with the slingshot, as well as bash students in the face with fire extinguishers and trash cans. And the game cannot even be completed until Hopkins engages in a school-wide melee. The violence against other students by Hopkins is justified in the game, *Bully*, because the other

students first bully him and he, appropriately, the game teaches, “bullies back.” This was the rationale by Klebold and Harris to “bully back” at Columbine. Thus, in numerous ways, this game is a “Columbine simulator” as Thompson was quoted saying on both sides of the Atlantic.

Indeed, anti-bully experts in the UK and the US heartily endorsed Thompson’s efforts to seek a pre-release review of *Bully* because its danger as a bullying simulator, if sold to grade school kids, was demonstrable, especially in light of Take-Two’s actual prerelease of the game to video game magazines who were allowed to see and then hype the incredible violence in the game.

At the conclusion of the bizarre, *in camera* weekend-long review of *Bully* that Ron Friedman promised could take all weekend and was over in twenty minutes, Judge Friedman did two things: He promised Thompson a hearing on his motion for a TRO to stop release of the game for sale to anyone under 17, and Judge Friedman also informed the parties that there was no way in the world that Thompson would prevail. Judge Friedman said this before hearing any expert testimony at the aforementioned hearing by Thompson’s two experts, former Miami Police Chief Ken Harms and University of Miami Professor Eugene Provenzo, who has testified twice before committees of the US Congress on the tremendous dangers posed by virtual reality violence simulation games.

Friedman convened a “hearing” at which he prevented Thompson from participating in a hearing with his experts, and he ruled *Bully* perfectly appropriate for anyone of any age. Friedman had summoned the local media to his courtroom so that he could, in front of them ridicule Thompson, explain that he had reviewed the game from start to finish, and also crow that if Mr. Thompson took an appeal in this case he would

be disappointed, no doubt, because he, Judge Friedman, enjoys a fabulous reputation out at the Third District Court of Appeals because of his fairness and acumen. Pause.

The following is being reported this very day at the [www.flabar.org](http://www.flabar.org) web site, as it appeared also in the *Daily Business Review*:

### JUDGE REMOVED FROM BITTER TENANT-LANDLORD

FIGHT-- Daily Business Review, <http://www.dailybusinessreview.com>, Oct. 2, 2007.

Veteran Miami Miami-Dade Circuit Judge Ronald M. Friedman has been removed from a bizarre dispute involving an eye doctor and her landlord after the judge publicly predicted the landlord would eventually lose in court. "What transpired here is ridiculous, and you've got a doctor who was arrested for no good reason. God only knows what your damages are going to be there," Friedman said at a March 28 court hearing. In a per curiam opinion by a panel that included Judge Melvia B. Green, Judge Richard J. Suarez and Senior Judge Alan R. Schwartz, the court said Friedman's "expression of displeasure with the case . . .and his prognostication in open court that [NRD] would be faced with liability and large damages in the absence of any pleadings having been filed were sufficient to instill the fear that it would not receive a fair and impartial trial."

<http://www.floridabar.org/DIVCOM/PI/PINewssummary.nsf/469a9f4970ff44178525688c006aaacc/9ad1a3d07b6fba585257368004c58ab?OpenDocument>

Thompson, given the serial misconduct of Judge Friedman had moved for the judge to recuse himself from the case, particularly in light of his violation of his own orders, his announced decision in the case *before* a hearing, and his lie, uttered to the public that “I have reviewed the game in its entirety.” Judge Friedman even entered an order prohibiting the release of the transcript of his bizarre *in camera* inspection of the game, which, of course, would show he had not in fact reviewed the game and that he had taken unsworn, uncrossed testimony from a party.

Judge Friedman refused to disqualify himself from the case and ruled on Thompson’s requested relief, denying it, and then launching into a tirade from the bench, finally announcing that now that he had ruled in the case, he was now going to recuse himself in order to file “a Bar complaint against Mr. Thompson.”

Judge Friedman did so, although it is unsworn and by The Bar’s own Rules null and void by its unsworn nature. The reason, of course, that Judge Friedman has refused to swear to his complaint is that he knows it to contain assertions by him that are both false and demonstrably false, thereby exposing him to a perjury prosecution.

The Bar, knowing that and all of the above facts, *has refused for months to give Thompson a hearing on these issues. Referee Tunis refuses to give Thompson a hearing on these issues.*

The Bar’s continuing refusal to grant Thompson any relief as to any of this, even refusing to allow a hearing on the baselessness of Friedman’s complaint, is yet another stark proof of The Bar’s “bad faith” as well as its “denial of due process” that are at the core of Thompson’s prayer for relief in this case. Thompson must be granted this relief by this court.

One more thing: There is an entity called the National Institute on Media and the Family. It is headed by Dr. David Walsh, a clinical psychologist who is no fan of Thompson, although Thompson respects his work and has repeatedly said so. He and Thompson have appeared on many national television programs together, including the *60 Minutes* piece that is responsible for the vast bulk of the SLAPP Bar complaints against Thompson.

Walsh has repeatedly stood with Senator Joe Lieberman and Senator Clinton to deliver his NIMF Annual Video Game Report Card to Congress. Walsh has written numerous articles and books about the dangers of violent video game play by kids too young to handle certain material in certain games.

Walsh in fact, reviewed the game after its commercial said that *Bully* should not have received a “Teen” rating and deserved a “Mature” rating. The ESRB had blown it again. See the attached and on-line at [http://www.boston.com/news/globe/living/articles/2006/10/21/picking\\_a\\_fight/](http://www.boston.com/news/globe/living/articles/2006/10/21/picking_a_fight/). Note in the attached article that the game takes at least “forty hours” to play. Further proof of Friedman’s lie to the media that he had reviewed the game from start to finish in the 20 minutes he actually took, which the sealed transcript would prove.

The finding by the Third District Court of Appeals on Friedman’s prejudging a case before it was tried, which serves to corroborate what this fellow did not just to Thompson but to the schools upon which he unleashed this Columbine simulation game serves to prove to this court the unmitigated effluent that Thompson has had to put up with for thirty eight months not only from two corrupted judges but by a Florida Bar that

considers protecting such corruption and such mendacity and such imperiousness doing its bit for “judicial independence.

Thompson is not going to allow The Florida Bar, and for that matter *anyone*, to get away with this nonsense.

This court *must* at least order The Florida Bar to start giving him the due process that he deserves and that it has totally denied him. The case authority before this court cries out for it. It is not even a close call.

Further, it is absolutely clear that Thompson has a First Amendment right, under *Fieger* to criticize a judge, especially as Fieger points out, one whose disregard for the law a lawyer has seen up close and firsthand, so as to help the public “improve the administration of justice.”

The Third District Court of Appeals, with all respect, has show this federal judge, Adalberto Jordan, what he must do.

Judge Friedman should be held accountable for his nonsense, not Thompson, and not by, of all people, the prevaricating, politically correct, thuggish Florida Bar.

I HEREBY CERTIFY that this has been served upon record counsel this 6<sup>th</sup> day of October, 2007, electronically.

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