

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 VERIFIED MOTION TO RECUSE/DISQUALIFY JUDGE
ADALBERTO JORDAN AND MOTION FOR HEARING THEREON**

COMES NOW plaintiff, John B. Thompson, as an attorney on his own behalf, and moves this court to disqualify himself from further presiding in this cause, stating:

28 USC 455 provides that "(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

Plaintiff is dismayed to find yet another order entered by this court, today's Omnibus Order, which rather remarkably misstates what plaintiff has done. The court has misrepresented the bases for Thompson's prior recusal motions, for example. Possibly the most disturbing and demonstrably false statement in the Omnibus Order of today is as follows:

"The order to show cause and the referral to the Ad Hoc Committee were not based on any personal attacks that Mr. Thompson made against me, and I did not recommend that any particular discipline be imposed on Mr. Thompson. I have not become personally embroiled with Mr. Thompson in this case, and Mr. Thompson's attacks on me cannot be used by him to disqualify me." Methinks the court doth protest too much.

In the interest of candor, let's be really clear, shall we? There were no "attacks upon the court," as this court chooses to call them, until this court turned Thompson over to a disciplinary committee, based upon facts that were shown to be patently false and based upon a case that was not authority for anything.

The court started this; Thompson did not. The court disagreed with the relevance of certain evidence that Thompson felt showed The Bar's selective prosecution. The court, with all respect, needs to *let it go*. It's refusal to let it go is a red flag.

Mr. Kent's methodology is to pick a fight and then become indignant, accusing Thompson of "personal attacks" when Thompson seeks to defend himself. The court's statement that Thompson engaged in "attacks on me," is beneath the dignity of this court. When this court asserts as true "facts" that are inaccurate and attributes the motive to Thompson that he wants this court to be the arbiter of morality, or whatever strange construct the court used, then Thompson is reasonably concerned, as would be any disinterested, lay person, that this is a judge who has gone beyond judging the case and commenced his long-distance psychoanalysis of the plaintiff. Plaintiff gets enough of that stuff from The Bar. That's why we're here.

The court's gross mischaracterization of Thompson's motions to recuse are disturbing. Thompson's least favorite mischaracterization is that pertaining to Mr. Chaykin. Mr. Chaykin, Your Honor, doesn't just "support gay adoption." He has described as "enemies of The Bar" people who oppose him on that and that they are "outside the core values of The Bar." This was in the *Daily Business Review*. This paranoid's partner is on the *Ad Hoc* Committee.

Finally, this court's dismissiveness of the witness tampering intended to extort Mr. Gopman, which constitutes obstruction of justice, is very troubling. What does The Bar have to do? Does it have to break into his home and leave a Guardians of Democracy outfit on his nightstand? Thompson asks, not rhetorically, what is more serious: Placement of evidence of selective prosecution in a court file or threatening a witness? If this court wants more evidence, then it should convene a hearing like the hearing it gave Thompson on its show cause order. Does this court consider absurd the notion that The Bar would extort a witness? It has extorted Thompson serially.

Thompson would be most appreciative if this court could stick with the issues in the case. Every time it enters an order with cheap shots at Thompson, then all it accomplishes thereby is strengthen Thompson's record on appeal.

Plaintiff regrets having to make this motion yet again, but the record for appeal must be protected. The issue is not whether this court thinks it can be fair. It cannot. It has proven it again with today's Omnibus Order, and plaintiff seeks disqualification because of it.

I solemnly affirm, under penalty of perjury, that the foregoing is a true, correct, and complete recitation of the facts, so help me God.

I HEREBY CERTIFY that this has been served upon record counsel this 15th day of October, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
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