

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 RE FAILURE OF REFEREE TUNIS TO  
PERFORM THE CLERICAL, MINISTERIAL, NONDISCRETIONARY TASK  
OF ISSUING SUBPEONEAS IN STATE BAR PROCEEDINGS**

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, and provides notice to the court of a fact material to denial of due process in state disciplinary proceedings, stating:

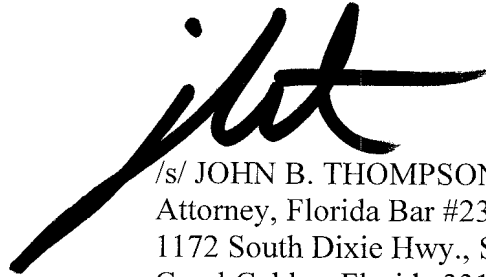
Counsel for defendant referee Tunis has told this court that all plaintiff has is mere allegations of a denial of due process by his client and no proof thereof. Yesterday plaintiff provided his client with a number of subpoenas for witnesses whose testimony is essential to Thompson's defense and without which his "trial," set to commence on November 26, will be a sham, as it is intended by the defendants to be.

Plaintiff has provided the defendants this court with the clear legal authority that issuance of subpoenas is not done in this state by judges, and in fact it is a purely clerical function. There is no allowable discretion in issuing or not issuing subpoenas. All the defendants know that. Any assertion to the contrary is absurd.

WHEREFORE, since this court is allowing, improperly, representations by defendants as to what facts Thompson can ultimately prove or not prove, thereby opening

the door, necessarily, to Thompson's record showing as to what he can prove and the likelihood that he will prevail on the merits at least as to the propriety of injunctive relief against a referee who is not acting in her purely judicial function but in fact, when it comes to subpoena issuance is nothing but a clerk, this court must enter an order directing her to perform her clerical function.

I HEREBY CERTIFY that this has been served upon record counsel this 18<sup>th</sup> day of October, 2007, electronically.

A handwritten signature in black ink, appearing to read 'jbt', written in a cursive style.

/s/ JOHN B. THOMPSON, Plaintiff  
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