

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 NOTICE OF SUPPLEMENTAL AUTHORITY

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and hereby provides notice, by this verified pleading, to the court of supplemental legal authority in opposition to the defendants' motions to dismiss, stating:

Attached hereto and submitted to the court is a decision by the Florida Supreme Court styled *The Florida Bar v. Brake*, 583 So 2d 307, (Fla. 1989), attached hereto in its entirety. The Florida Bar doesn't like U.S. Supreme Court cases and ignores them; let's see if they can ignore a ruling from the body to which they are attached as an "arm."

The Court in *Brake* held that The Florida Bar cannot discipline a lawyer under Rule 4-8.4 (d) only "for conduct in the practice of law." See pages 10 and 11 in the attached *Brake* opinion.

When Ms. Sharpe stood in front of this court on August 23, 2007, representing The Florida Bar, she was asked by this court, in effect, what "Rules has Mr. Thompson violated?" Ms. Sharpe correctly answered "Rule 4-8.4 (d)."

The entire Tew Cardenas/Beasley/Howard Stern set of Florida Bar complaints that have been used to harass Thompson for two and one-half years are for conduct Thompson engaged in as a citizen, with absolutely no client whatsoever.

Thus, under *Brake*, The Bar had absolutely no legal basis even to go to a grievance committee about these SLAPP complaints from the Tew Cardenas firm. None. The Bar, apparently nervous about this, at one point offered to dismiss all of the Tew Cardenas/Beasley/Howard Stern complaints, if Thompson would plead guilty to the “Alabama” complaints.

Thompson further asserts, under oath, that as soon as these “disciplinary” matters were assigned to Referee Tunis, Thompson and his lawyer pointed out to her, repeatedly, that Thompson had no client in the Tew Cardenas/ Beasley/Howard Stern matters, was not acting as an attorney when he went to the FCC, to Governor Bush, and to others, but was in fact engaged in activities in which any citizen could engage. Referee Tunis looked at Thompson as if she had been hit between the eyes with a ball pein hammer. Thompson is submitting this point, again today, to Referee Tunis, by providing her with a copy of this federal pleading as, in effect, a pleading in the state disciplinary action, in hopes that she will read the *Brake* decision and finally grasp that The Florida Bar doesn’t get to discipline the undersigned for what he says to the FCC anymore than it gets to discipline him for what he says in an adult Sunday School class, although it surely would like to.

If this court is to give Thompson any federal relief, it should at least give him this—that The Bar’s putting Thompson through the ringer for things he did not do “in the practice of law” shows, about as dramatically as it can be shown, that this Bar is acting in

bad faith in selectively prosecuting Thompson because it disagrees with his social agenda. Plaintiff asks, not rhetorically, how this court cannot see this?

Similarly, everything that Thompson did that so exercised the obscenity trafficker, Norm Kent, he did not “in the practice of law” but *pro bono, pro se* with absolutely no client on behalf of whom he was doing these things. What he was doing is squarely within the exception set out in *Brake*. Yet here is Thompson, nearly 39 months after Kent illegally, unethically threatened Thompson with Bar complaints if he did not apologize for writing a letter to the FCC on his own behalf, with The Bar still not having dismissed Kent’s SLAPP complaints. Referee Tunis, once again, is not interested in that. She is not interested in *Brake*. She is too busy throwing Thompson’s subpoenas into her wastebasket, in violation of state laws that say she has no choice but to issue them.

Finally, the entire set of Alabama/Take-Two/Blank Rome/Jude Moore SLAPP complaints crash to the ground under the Florida Supreme Court’s ruling in *Blake*. How so? Here’s how so:

The only thing that Thompson did that was “in connection with the practice of law” was apply for *pro hac vice* status in Alabama. Judge Moore entered an order revoking Thompson’s *phv* status, claiming in his order that Thompson had withheld information about his colorful disciplinary history, authored by the always reliable Mr. Kent, by the way. Judge Moore, in his order, was simply parroting the fraudulent filing of Blank Rome. Thompson then took Judge Moore’s depo, and then, with this jurist finally under oath, Judge Moore admitted recently that Thompson “provided more about your disciplinary history than you had to.” Thus, that foundational cornerstone of the

enter SLAPP assault upon Thompson by Blank Rome and Take-Two has been pulverized.

Judge Moore, however, was upset about what Thompson said about Blank Rome in defending himself in the face of their attack upon him. The Bar's attempt to discipline Thompson for that falls on at least two bases: 1) we now know that Thompson's descriptions of Blank Rome's tactics were truthful (see above), and 2) Thompson was not representing the Alabama clients. He was representing himself and defending himself! This too brings his conduct within the ruling in *Brake*.

The Florida Bar is so utterly out of its mind in a rage against Jack Thompson that it even seeks to discipline Thompson for a passing reference that lasted two seconds the Alabama case while a guest on Nancy Grace's Court TV program. Thompson was in Columbus, Ohio, with the family of the woman slain on Interstate 270 by a young man (Charles McCoy, the serial highway shooter) who trained on *Grand Theft Auto: Vice City* to kill her. The Florida Bar is so bent on this ridiculous vendetta that it either fraudulently seeks to ignore the clear holding in *Brake* or Steve Chaykin and Ben Kuehne are so mentally impaired by their rage that they think appearing on television constitutes "the practice of law."

I solemnly swear, under penalty of perjury, that the foregoing facts are true, correct, and complete, so help me God.

I HEREBY CERTIFY that this has been served upon record counsel this 23rd day of October, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
Attorney, Florida Bar #231665
1172 South Dixie Hwy., Suite 111
Coral Gables, Florida 33146
Phone: 305-666-4366