

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,
JOHN HARKNESS, AND FRANK ANGONES,

Defendants.

**PLAINTIFF'S MOTION TO AMEND COMPLAINT WITH AMENDMENT
TENDERED**

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and hereby moves this court to enter an order allowing him to amend his complaint herein. The proposed amendment, which would be incorporated into the existing complaint, is as follows, commencing with the new parties to be added:

ADDITIONAL PARTIES

Defendant Barry Richard (hereinafter Richard) is a partner in the Tallahassee, Florida, law office of Greenberg Traurig. He is a citizen of the United States, a resident of Leon County, Florida, and more than eighteen years of age.

Defendant Greenberg Traurig is a law firm headquartered in Miami, Florida, with offices around this country and around the world.

VERIFIED FACTS

In addition to the facts already alleged, Richard has been lead litigation and trial attorney for The Bar for many years. This retention of a private sector attorney and law firm is despite the fact that The Bar claims to be a state agency. Referee Tunis, for example, is represented in this action by the Attorney General of Florida.

Richard has placed his name on all pleadings in this cause, on his own behalf and on behalf of Greenberg Traurig. He has a duty, under the law and under Florida Bar Rules to supervise any and all lawyers under him who are participating in this case, as indicated by the placement of his name on those pleadings and his senior status in his law firm. One of these lawyers whom he has an absolute duty, under Florida Bar Rule 4-5.1, to supervise is Ms. Sharpe, who has also signed her name to various pleadings and who has personally attended, alone, the two hearings that have occurred before this court.

Richard on his own behalf, and Ms. Sharpe, both on her own behalf and while under the supervision of Richard, have repeatedly misrepresented the law as well as the facts in this case. For example, Ms. Sharpe has falsely told this court that The Bar has never brought Bar complaints against Thompson as the complainant. This is false. When confronted with the proof of that falsehood, both Richard and Ms. Sharpe have refused to correct this consequential falsehood told to the court.

Relatedly, when these two Greenberg Traurig lawyers misrepresented to the court Thompson's disciplinary history, they failed to correct their "error," which actual misrepresentation was highly prejudicial.

Similarly, both of these lawyers have represented to the court that Thompson is being prosecuted for making misrepresentations about judges. This is false. The Alabama State Bar itself has sworn that that is not the case. Still, these lawyers will not come to this court and correct this falsehood.

But now these two lawyers have been caught in the most significant, consequential, and fraudulent act of all. After the August 23, 2007, hearing, Ms. Sharpe filed with this court, as supplemental authority, the *Mason v. Florida Bar* case decided by

a federal court in the Middle District. These two lawyers cited this case in order to try to secure abstention by this court on the basis of *Mason's* assurance that Thompson has certain rights to argue his constitutional defenses to both his grievance committee and the Board of Governors.

Thompson on October 25, 2007, spoke on the telephone with Richard sitting in his Tallahassee office. Thompson called him to ask why, yet again, he and his associate, Ms. Sharpe, were citing to the court, this week cases as if they were supplemental authority for their motion to dismiss when these cases are clearly inapposite to the case before this court. The cases which Richard and Ms. Sharpe are stating are powerful authority for abstention are precisely the opposite of that. They are being used, however, in conjunction with the known misstatement (see above) as to what the facts are of this case. In pointing this out to Richard, Thompson mentioned the *Mason* case. "If I have a right to appear before the Governors, Barry, to make my constitutional defense arguments, before trial as the *Mason* case states, which you cited to the court, then why have all of my dozen or so requests been ignored." Richard, in anger, blurted out the truth: ***"You weren't there. I argued the case. There is no right to appear before anybody to argue constitutional defenses until the trial is all over!"***

There it is. Greenberg Traurig and its two lawyers cite *Mason* and other cases to this court, asserting that Thompson has all of these "adequate state remedies" prior to trial to assure due process and the like all the way through the 39 month nightmare that this has become for Thompson. These two lawyers cite *Mason*, with all of its lofty language about adequate and contemporaneous state remedies, and these two lawyers know it is all a lie. They know that The Bar's real position is that lawyers have no

constitutional rights—due process, equal protection and even First Amendment rights—at any stage of the entire disciplinary process. This law firm apparently hoodwinked the *Mason* court into thinking that respondents did have contemporaneous constitutional remedies so these Greenberg Traurig lawyers could trot out *Mason* as their silver bullet with which to proclaim “You see, The Florida Bar does afford the venues in which to assert constitutional defenses every step of the way, there are thus adequate state remedies, and this federal court must abstain.” It is all a lie, and Greenberg Traurig has been caught in that lie from the angry lips of Barry Richard, who in fit of rage, admitted that *Mason*, which this same lawyer cited to this court as authority, is in effect authority for nothing. It is just useful to use as a means of securing abstention, by fraud.

The above conduct, as well as other unethical, illegal, and deceptive behavior by Richard, by Ms. Sharpe, and by Greenberg Traurig, constitutes fraud at the expense not only of the judicial process but also at the expense of Thompson’s rights as a citizen.

This conduct has been engaged in by these two lawyers as agents of Greenberg Traurig, and Richard and his law firm are both responsible, by *respondeat superior*, for anything he has done in this regard.

This conduct also constitutes a collaboration between The Bar and its record counsel in order to further violate Thompson’s rights as secured and guaranteed by 42 USC 1983, 1985, 1988 and other related federal civil rights remedies. Since neither Richard nor Greenberg Traurig are agents of the state but are rather conspirators with the state, Thompson is entitled, under the foregoing federal statutes, as interpreted by *real* case authority, to money damages, attorneys’ fees, and possibly punitive damages.

WHEREFORE, plaintiff seeks monetary damages in excess of the minimum jurisdictional limits of this court.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues so triable.

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 25th day of October, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
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