

**IN THE CIRCUIT COURT OF FAYETTE COUNTY, ALABAMA****CASE NO. CV 2005-19, JUDGE JAMES MOORE**

Strickland, *et alia*,

Plaintiffs,

v.

Sony, *et alia*,

Defendants.

**VERIFIED MOTION TO VACATE ORDER BECAUSE OF FRAUD, MOTION  
FOR HEARING, AND MOTION TO RECUSE**

COMES NOW John B. Thompson (Thompson), an attorney on his own behalf, and moves this court for the entry of an order vacating its order of November 2005 revoking his *pro hac vice* admission in this case, stating:

1. The law is well established in this state, as in every other jurisdiction in this nation, that an order procured by fraud or mistake can and should be vacated.
2. Thompson, of course, has standing to file these three motions because the motion to vacate his *pro hac vice* affected him personally, and he does not now move the court for relief on behalf of the plaintiffs herein.
3. This court's November 2005 order revoking Thompson's *pro hac vice* admission in this case was obtained by means of a) the fraud upon the court by defendant Take-Two Interactive Software, Inc., and its record counsel herein, Blank Rome attorneys Rebecca Ward and James Smith, and b) the fraud and/or mistake of this court.
4. Recent events suggest that both defendant Take-Two and their counsel Blank Rome may have been actively involved in criminal conspiracy to a) distribute pornography to minors, b) extort the undersigned, and c) engage in other criminal and/or

racketeering activities to protect the illicit commercial activities of defendant herein, Take-Two. What is clear to the undersigned and others is that the fraud these two commercial entities perpetrated upon this court in fabricating allegations about Thompson can now be proven to be fraudulent, and the more far-flung possible fraud of these two parties, some of which has caused a national and international news sensation this very day, corroborates further Thompson's allegations as to the Take-Two/Blank Rome fraud that improperly and demonstrably harmed him within this case. Take-Two, in a phrase, now appears to be a one-company crime wave, having previously been caught by the federal government engaging in other illegal acts. This wave of fraud swept through the Fayette County Courthouse as well and can be proven.

5. The fraud/mistake in this case has now in fact been proven by the sworn testimony of Judge James Moore himself, who admitted, under oath in a deposition taken by Thompson that in fact Thompson provided even *more information* to him about Thompson's "colorful disciplinary history" than he was required to do. Judge Moore had no rational explanation for why he then revoked Thompson's *pro hac vice* application in this case. Moore said, under oath, incoherently, that Thompson was "failing to see the big picture."

6. Judge Moore even went so far as to suggest that The Florida Bar's mere reprimand of Thompson fifteen years ago, in 1992, did not satisfy Judge Moore as to the punishment (!), the circumstances of which Thompson had fully disclosed to this court. In making such a remarkable statement, Judge Moore in effect substituted his judgment for The Florida Bar's which had handled that disciplinary matter a decade and a half earlier. Judge Moore's *post facto* imposition of his judgment for that of The Florida Bar,

and then nonsensically claiming that The Florida Bar's failure to discipline Thompson more severely was somehow proof that Thompson had not told him how "serious" the matter was reads like a judge trying to talk his way out of a corner he himself painted himself into. Not only is this court's attempt to augment Thompson's disciplinary punishment, *post facto*, clearly unconstitutional but it also raises *grave* doubts as to what the real reason is that Judge Moore claims in his November 2005 that Thompson hid "material facts" from the court when Judge Moore subsequently testified that Thompson did not do that.

7. The reasonable belief, then, is that Judge Moore in fact entered his November 2005 order for the purpose of punishing Thompson for bringing to light what local attorney Clatus Junkin claimed to be his ability to fix this case before Judge Moore. A more benign explanation is that Judge Moore was lied to by Blank Rome and didn't know it. Either way, the order must be vacated because of the fraud of Take-Two/Blank Rome and the mistake/fraud of the court.

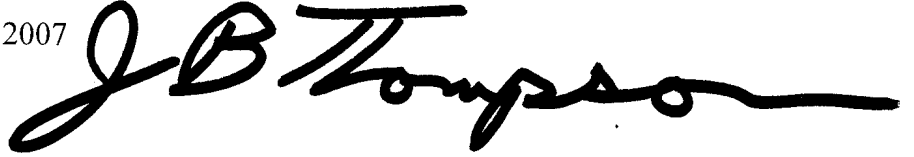
8. Because Judge Moore finds himself in the middle of this fraud, Judge Moore must recuse himself from hearing this particular motion to vacate the order.

WHEREFORE, Thompson moves this court for a) an order recusing Judge Moore from hearing this particular relief now sought, b) a hearing on the motion to vacate to be before whichever judge gets this matter assigned to him/her , and c) then an order vacating the November 2005 fraudulently obtained order.

If all of the relief is not given, Thompson will apply to and secure a writ of mandamus/prohibition from the appropriate Alabama court.

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

John B. Thompson, November 2, 2007

A large, stylized handwritten signature in black ink that reads "JB Thompson". The signature is written in a cursive style with a long horizontal line extending from the end.

I hereby certify that a copy hereof has been served upon Robert Baugh as contact counsel for all defendants herein, by fax and mail to Sirote and Permutt, 2311 Highland Avenue South, Birmingham, Alabama 35205, Fax #205-930-5101.

A copy hereof is also provided to The Florida Bar, the Alabama State Bar, and US District Court Judge Adalberto Jordan, Case No. 07-21256, US District Court, Southern District of Florida (as well as to the parties therein).

A smaller, stylized handwritten signature in black ink that reads "JB Thompson". It is written in a cursive style with a long horizontal line extending from the end.

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