

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21256-CIV-JORDAN

JOHN B. THOMPSON,)
vs.)
The FLORIDA BAR, et.al.,)
Defendants.)
_____ /

Proposed Intervenor's Motion for Reconsideration
Under Local Rule 5 and F.R.Civ.P Rule 11

Comes now the undersigned, *Norman Elliott Kent*, an Attorney at Law admitted to practice in the Southern District, and represents to this Court as follows:

1. The undersigned has previously filed a request for limited intervention based on three grounds, at document 181.

2. This Honorable Court denied the request but provided the necessary relief so as to render such intervention moot and unnecessary. First, the court denied the Plaintiff's attempt to amend his complaint to include the undersigned. Second, this court provided for the undersigned to receive a copy of certain of the Plaintiff's filings, which were placed under judicial seal.

3. However, this court did not rule on the proposed Intervenor's **third related request** not to intervene, but

asking for an opportunity to present grievances against the Plaintiff to the Ad Hoc Committee for Peer Review under Rule 5 of our Local Rules, which evaluate "whether attorneys are failing to perform at an adequate level of competence."

4. Further, the proposed Intervenor, in his last pleading, document number 215, requested that this court reserve for reconsideration that option if so warranted. The undersigned noted that within hours of the Court's Omnibus order denying intervention, at Document 212, the Plaintiff savaged counsel viciously with pleadings of an inappropriate nature. Many of these pleadings appeared on their face to violate Rule 11 of the Federal Rules of Civil Procedure, and invite Rule 5 relief. The Plaintiff has now done so again today.

5. The proposed Intervenor has bowed out of this case at the court's instruction, and filed no further pleadings. The undersigned recognizes and respects the dicta within the court's omnibus orders that this cause is not the place for Mr. Thompson to sue Mr. Kent or visa versa; that other forums are suited for the same. But the question raised by Mr. Thompson's latest pleading, filed on November 13, 2007, document number **322-1**, is just how much abuse should an attorney, and NON PARTY to this proceeding, take before seeking some judicial relief?

6. Consequently, the undersigned does not seek to intervene but does ask that this court entertain for reconsideration its third related request for judicial

relief, to wit, that the Plaintiff's pleadings be referred to the appropriate committee of this court.

This court has already more than once cautioned Mr. Thompson about using this litigation and this forum to unveil his social manifesto rather than legal arguments. Now that conduct has become venal, calculated, and consummately unprofessional.

7. As a consequence thereof, the undersigned today thus respectfully resubmits, **for good cause shown**, judicial reconsideration for an order which allows the *Ad Hoc Committee on Peer Review* to review the Plaintiff's pleadings in this cause, so as to make a determination if they are in good faith and have a legal foundation.

8. The undersigned necessarily seeks and requests this very limited and collateral relief only because the local rules provide that **only** this court can even refer such matters to the committee for its review. The undersigned has no independent authority to do so.

9. If this court feels that this pleading is an unnecessary distraction and does not warrant further consideration, I respectfully accept that adjudication. This petition asks this court to use its inherent judicial authority to permit the very panel enacted within this Southern District, under our local rules, to evaluate this kind of alleged misconduct.

A recent pleading, Document 251, for example, entitled by the Plaintiff as a request for judicial notice, questions

the undersigned's religious faith. It bears no nexus to this litigation whatsoever and is simply scurrilous.

10. It is respectfully submitted that the Plaintiff is using the sanctity of a judicial proceeding to wage a social war and political campaign against the undersigned, by proffering matters, materials, and arguments so far beyond the purview of this court they stampede on local rules of conduct, thus warranting peer review.

11. Three particular specific pleadings warrant judicial review and scrutiny. In document 251, the Plaintiff denigrates a number of parties in this cause, comparing them to Hitler's extermination of the Jews in the Holocaust. But within said pleading, the Plaintiff clearly refers to the undersigned as a "legal terrorist"... "who claims to be a Jew." The document goes on, equating the undersigned and parties in interest with the actions and conduct of Adolph Hitler, a genocidal killer who engineered a Holocaust.

In document 281, the Plaintiff goes further, referring to the undersigned as a "Christian hating attorney."

12. Today, in document 322-1, the Plaintiff opines in a legal pleading that:

a) "Mr. Kent will continue to disseminate obscenity to minors";

b) "that the Norm Kents of the world are the ones who should be disbarred or incarcerated for his relentless assault upon the law, common decency, and other people's children;"

c) "Norm Kent never had a child, so we can possibly forgive this bitter man..."

d) that a person named Nathaniel Brazill, a convicted murderer, is "rotting in jail because of scoundrels like Mr. Kent."

13. It is respectfully submitted while many of the allegations of the Plaintiff may have trespassed upon the decency of professionals litigating this cause, these particular recitations should shock the conscience of this court. They violate all professional standards inherently articulated in Florida Rules of Professional Conduct 4-8.4, a rule which speaks against unnecessarily disparaging litigants.

14. The Florida Rules of Professional Conduct at 4-8.4 provides that a lawyer shall not *"engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers..."*

Few matters are as personal, private, and sacrosanct as religion, and it can be most assuredly argued that whatever claims Mr. Thompson has against the Florida Bar, the religion of this undersigned non-party is not an issue. Nor are my parenting abilities an issue in this cause, so the Plaintiff's diatribe within document 322 that "Norm Kent has never had a child" can reasonably be deemed to be a suspect

pleading in this cause, without material value or guidance to this court in fashioning a final order on the merits.

15. The Florida Rules of Professional Conduct at 4-3.3, outlining the guidelines of candor before a tribunal, hold that "a lawyer shall not knowingly make a false statement of a material fact or law to a tribunal."

16. As noted, the Plaintiff has, during the course of this litigation, referenced the undersigned or his business or his conduct as a

- a) 'cesspool'
- b) 'nonsensical'
- c) 'baseless'
- d) 'mendacious'
- e) 'slithering around'
- f) 'illegal stunts'
- g) 'interloper'
- h) 'insinuator'
- i) 'prevaricator'
- j) 'pornographer'
- k) 'trafficker in obscenity'
- l) 'bizarre'
- m) 'legal terrorist'
- n) 'claims to be a Jew'
- o) 'racketeer'

17. These comments were not comments made on television, in a newspaper, or as a commentator. They were not made in e-mails or letters or settlement negotiations

They are all statements filed in this cause of action as part and parcel of the Plaintiff's pleading practice.

18. Our United States District Court deserves better, and the undersigned submits good cause has been shown to refer this matter to the appropriate screening committee for review. These comments arguably represent more than zealous advocacy or gentle hyperbole. The court has already said the undersigned should not be the issue in this cause, but the Plaintiff has disregarded the court's admonition. The only question now is whether he will avoid the consequences of that disrespect.

19. Recognizing this Court has already ruled on my motion for intervention, the undersigned apologizes to this court for this subsequent intrusion into this litigation. The petitioner seeks only the relief provided under our Local Rules of Court. The plaintiff is not an uneducated pro se litigant. He is a member of the Bar and should be held to a higher standard.

Wherefore, the undersigned respectfully requests this Court enter an order allowing the Ad Hoc Committee on Peer Review to examine the pleading practice of the Plaintiff in the above styled cause, particularly in light of certain documents, numbered 251, 281, and 322, in this court's PUBLIC file.

As an alternative, the undersigned respectfully asks this court to consider whether any actions ought to be taken independent of this request, solely by judicial initiative,

under Rule 11 (c)(1)(B) of the Federal Rules of Civil Procedure.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically with the Clerk of the Court, to all parties in this cause utilizing the CM/ECF Pacer System of the United States District Court, including Barry Richard, Katrina Sharpe, of Greenberg, Trauring, Charles Fahlbusch at the Attorney General's Office of the State of Florida, and to John B. Thompson of Coral Gables, Florida.

**By Norman Elliott Kent
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