

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, JOHN HARKNESS,  
AND FRANK ANGONES,

Defendants.

**SUPPLEMENT TO PLAINTIFF'S MOTION  
FOR LEAVE TO AMEND COMPLAINT**

COMES NOW petitioner, John B. Thompson, and provides notice to the court as follows:

Last week, plaintiff herein moved this court for leave to amend his complaint to add SLAPP Bar complainant Dennis McCauley and his web site's parent company, ECA, because McCauley has gone from filing SLAPP Bar complaints against Thompson to now encouraging and then allowing the posting of death threats against him.

Mr. McCauley's solution to the posting of death threats, rather than warning posters that doing so will result in turning their identities over to Thompson, has instead banned Thompson from accessing the GamePolitics.com site! Note the following message that occurs when Thompson types gamepolitics.com in his web browser:

**Forbidden**

You don't have permission to access / on this server.

Additionally, a 403 Forbidden error was encountered while trying to use an ErrorDocument to handle the request.

*Apache/1.3.39 Server at www.gamepolitics.com Port 80*

This is hypocrisy from a video gaming site that surprises even Thompson: A video game industry vigilante, Dennis McCauley, in the name of “freedom of expression” has banned an industry critic from even accessing his site. How quaint.

If this court doesn’t yet understand what the nature of the assault, via The Bar, is upon Thompson’s constitutional rights, by miscreants such as McCauley, then it won’t be for lack of information.

Fortunately, Thompson has been able to access the gamepolitics site this morning by what is called a proxy server, and lo and behold, here is an article there that corroborates everything Thompson has been saying about The Bar’s best buddies--the criminals at Blank Rome and Take-Two:

## [U.S. Senators Call for Review of ESRB in Wake of Manhunt 2](#)

November 20th, 2007



In what appears to be looming political trouble for the video game industry, four United States senators have signed a letter calling for a “thorough review” of the ESRB rating system.

As reported by [Video Business](#), Senators Hillary Clinton (D-NY), Joe Lieberman (ID-CT), Evan Bayh (D-IN) and Sam Brownback (R-KS) sent the letter to ESRB president Patricia Vance yesterday. The move was prompted by the furor surrounding the M rating assigned by the ESRB to a revised version of Manhunt 2.

All four senators have been critics of the video game industry in the past. Lieberman is generally credited with pressuring the industry to create a rating system in the mid-1990’s. Clinton was the most prominent political voice heard during the 2005 Hot Coffee scandal.

Brownback has [legislation pending](#) in the Senate which would mandate that the ESRB play games to their entirety before assigning a rating. Bayh was a co-sponsor, along with Lieberman and Clinton, of the unsuccessful Family Entertainment Protection Act.

Clinton, of course, is the front-runner for the Democratic presidential nomination. From the letter:

As you know, in June 2007, the British Board of Film Classification refused to rate Rockstar's Manhunt 2 videogame ... stating that it contains 'unremitting bleakness and callousness of tone. In October 2007, the BBFC again refused to rate a revised Manhunt 2 stating that 'the impact of the revisions on the bleakness and callousness of tone ... is clearly insufficient.

[The ESRB, however,] reduced the revised version's rating to "Mature," effectively opening the door to its widespread distribution and its licensing approval by game system manufacturers Sony and Nintendo.

The senators also expressed concern over the game's appearance on Nintendo's Wii, intimating that the system's motion-sensitive controller "permits children to act out each of the many graphic torture scenes and murders." They suggested that the Wii controller be considered as a factor in future rating assignments:

In sum, we ask your consideration of whether it is time to review the robustness, reliability and repeatability of your ratings process, particularly for this genre of 'ultra-violent' videogames and advances in game controllers.

**GP:** Particularity in regard to Clinton and Lieberman (pictured at left), the letter represents a setback for the ESRB and the video game industry. As recently as December of 2006, the pair had [publicly praised the ESRB](#).

WHEREFORE, Thompson moves this court to stop its self-serving dilly-dallying and grant his motion for leave to amend his complaint.

I hereby certify that the foregoing has been provided to opposing counsel through the court's electronic filing system, this November 20, 2007.

/s/ JOHN B. THOMPSON, Plaintiff  
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