

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21256-CIV-JORDAN

JOHN B. THOMPSON)
)
Plaintiff)
)
vs.)
)
THE FLORIDA BAR, et al)
)
Defendants)
)

ORDER ON PENDING MOTIONS

This order addresses most of the pending non-dispositive motions.

- Mr. Thompson's motions to appoint a mediator, including the emergency motion filed on November 19, 2007 [D.E. 172, 330, 338] are denied in light of the order of dismissal on *Younger/Middlesex* abstention grounds, which is being issued simultaneously.

- Mr. Thompson's motion for summary judgment [D.E. 223] is denied as moot.
- Mr. Thompson's motion for leave to file [D.E. 219] is granted.
- Mr. Thompson's motion to continue/delay ruling [D.E. 224] is denied as moot.
- Mr. Thompson's motion to amend the complaint to add a claim under the Americans With Disabilities Act against the Florida Bar [D.E. 299] is denied. Mr. Thompson has known about the facts underlying this proposed claim when he filed his amended complaint in late May of 2007 [D.E. 2], and there is no explanation as to why he has waited this long to try to add this claim. Mr. Thompson's motion is therefore untimely. If Mr. Thompson wishes to file a new complaint with an ADA claim against the Florida Bar that does not seek to enjoin the disciplinary proceedings, he is free to do so.

- Mr. Thompson's motions to amend the complaint to add a claim under 42 U.S.C. § 1983 against Dennis McCauley [D.E. 328, 332] are denied without prejudice. Mr. Thompson may file a separate action against Mr. McCauley if he wishes.

- Mr. Thompson's motion for leave to amend the complaint to add a claim against Barry Richard, Esq., of Greenberg Traurig [D.E. 269] is denied. Mr. Thompson has already amended his complaint three times, and was told he would not be allowed any further amendments. Furthermore,

Mr. Thompson's allegation of a civil rights conspiracy between Mr. Richard and the Florida Bar is conclusory.

- Mr. Thompson's motion to strike Mr. Kent from the court's email listing [D.E. 214] is denied.

- Mr. Thompson's motions to strike [D.E. 216, 227] are denied.

- Mr. Thompson's numerous motions for an order to show cause [D.E. 246, 248, 266, 268, 276, 283] are denied.

- Mr. Kent's motion for reconsideration [D.E. 323] is denied.

- The following motions filed by Mr. Thompson for judicial notice are denied, as the subject matter is not appropriate for judicial notice under Federal Rule of Evidence 201(b) and *Shahar v. Bowers*, 120 F.3d 211, 214 (11th Cir. 1997) (*en banc*), and/or the subject matter is irrelevant to the issues in this case: motion for judicial notice of his own letters to the U.S. Attorney General and to others [D.E. 317, 285]; motion for judicial notice of a newspaper article concerning comments by Mr. Richard [D.E. 316]; judicial notice of a newspaper article concerning a whistleblower complaint against the video game industry [D.E. 315]; motion for judicial notice of a newspaper article concerning the arrest of five teenagers who were found trespassing inside a high school after playing a video game [D.E. 311]; motion for judicial notice of Mr. Thompson's own press release concerning Target's decision to pull Take Two's video game *Manhunt 2* [D.E. 310]; motion for judicial notice of Mr. Thompson's own letter to Mr. Chaykin [D.E. 309]; motion for judicial notice of internet coverage of a debate Mr. Thompson participated in concerning violence in video games [D.E. 308]; motion for judicial notice concerning misconduct charges filed against a state judge [D.E. 306]; motion for judicial notice of internet postings falsely indicating that they come from Mr. Thompson [D.E. 305]; judicial notice of an internet article concerning matters taking place in Pennsylvania [D.E. 302]; motion for judicial notice of a newspaper article concerning hackers unlocking violence in the *Manhunt 2* video game [D.E. 301]; motions for judicial notice of Mr. Thompson's editing of published comments by Mr. Angones as President of the Florida Bar and of the Florida Bar's reaction to Mr. Thompson's proposed ad [D.E. 294, 295]; motion for judicial notice of newspaper articles [D.E. 272, 292]; motion for judicial notice of Adolf Hitler's revocation of the licenses of lawyers in 1938 [D.E. 251]; motion for judicial notice of a newspaper article quoting Mr. Chaykin [D.E. 252]; motion for judicial notice of Mr. Thompson's own letters to the Florida Bar [D.E. 265, 278]; motion for judicial notice of Senator Grassley's statements about

whistleblowers [D.E. 275]; and motion for judicial notice of the nature of Take Two's *Manhunt 2* video game [D.E. 277].

- Mr. Thompson's motion for judicial notice of the Florida Supreme Court's denial of his petition for a writ of mandamus [D.E. 280] and of the filing of a disciplinary complaint against Mr. Thompson by Alvin Entin, Esq. [D.E. 281] are granted.

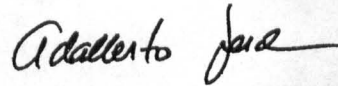
- Mr. Thompon's motion for judicial notice of the fact that he asked Referee Tunis to issue a subpoena to a person named Strauss Zelnick [D.E. 312] is granted, but only insofar as Mr. Thompson wants me to judicial notice his request. I am not judicially noticing the facts set forth in Mr. Thompson's letter to Referee Tunis.

- Mr. Thompson's motion for judicial notice of his request to appear before the Board of Governors of the Florida Bar [D.E. 307] is granted.

- Mr. Thompson's motion for stay [D.E. 256] is denied.

- Mr. Thompson's motion for clarification [D.E. 260] is denied.

DONE and ORDERED in chambers in Miami, Florida, this 20th day of November, 2007.



Adalberto Jordan
United States District Judge

cc: All counsel of record