

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 ANTONES,

Defendants.

**PLAINTIFF'S EMERGENCY MOTION FOR STAY OF
STATE DISCIPLINARY PROCEEDINGS**

COMES NOW plaintiff, John B. Thompson, and moves this court for a stay, on an emergency basis, of the state disciplinary trial, scheduled to commence on November 26, 2007, stating:

Thompson has filed a notice of appeal of the court's order of today dismissing Thompson's federal civil rights and declaratory judgment action because of the numerous reversible errors to be found in the trial court's order of dismissal.

One of the consequences of the dismissal, by which the trial court has denied plaintiff even a simple evidentiary hearing at which he would have been able to prove The Florida Bar's bad faith, denial of due process, denial of equal protection, and the "extraordinary circumstances" of these "disciplinary" proceedings, is that Thompson will proceed to trial in two business days having had absolutely no hearing either in the federal court or in the state disciplinary proceedings of his various constitutional defenses. This flies in the face of the guarantee of such a right to be heard on those constitutional defenses as set forth in *Mason v. Florida Bar*, repeatedly cited by The

Bar's record counsel for the proposition that Thompson has such a right. This federal trial court has completely ignored the fact that The Bar's counsel said that Thompson had such a right prior to trial while at the same time denying him his right, for example, to appear before the referee and the Board of Governors to argue those defenses. This is just one of the remarkable reversible errors to be found in this court's order of today.

The very least this trial court can do, since it is convinced of its own impartiality, is grant a stay of the state disciplinary proceedings pending the appeal to the Eleventh Circuit Court of Appeals of this court's order of dismissal. Any fair court would do just that, especially one that is so obviously concerned about perceptions of its fairness. To do otherwise is to deny Thompson a full and fair means of litigating his federal civil rights prior to his trial, at which more harm will be done to him, for what this court has held, remarkably, is that Thompson can have no federal relief and not even a hearing as to possible federal relief prior to his disbarment. This is not due process; this is the federal system participating in the grand Southern tradition of lynching.

And let it be very clear that this trial court entered this order *after* a respected African American lawyer with great friendships within The Bar's hierarchy offered in writing to mediate and try to resolve this dispute. This court quite effectively thumbed its nose at this kind offer from this respected man and lawyer—a certified mediator expert in resolving disputes between citizens and governmental entities. The notion that a federal court cannot order mediation of a civil rights case is patently absurd.

All that this court will accomplish in denying Thompson this requested stay is pave the way for additional harm to Thompson, which will result, ultimately, in a larger verdict against The Florida Bar in the federal civil rights, anti-SLAPP, RFRA, ADA, and

other claims Thompson will indeed bring against The Bar on the various grounds that this court itself has noted exist.

Just one of the many errors this court has committed is its utter refusal to allow argument as to the declaratory relief Thompson sought, so eager has this court been to dispose of a case that reveals the arbitrariness and illegality of the court's lawyer disciplinary system.

This court is hereby welcomed to prove plaintiff wrong. Enter the stay, Your Honor, since this court is so confident it could not possibly have made any error herein.

WHEREFORE, Thompson moves for a stay of the state disciplinary trial pending appeal of its order of dismissal herein.

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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