

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 NOTICE OF FILING IN SUPPORT OF MOTION TO STAY

COMES NOW plaintiff, John B. Thompson, and provides notice to the court of his filing of the below in support of his motion to stay the state disciplinary proceedings, given the ongoing criminal activity of the SLAPP Bar complainants, and this court's remarkable decision to encourage it. Enjoy:

John B. Thompson, Attorney at Law
1172 S. Dixie Hwy., Suite 111
Coral Gables, Florida 33146
305-666-4366
amendmentone@comcast.net

November 21, 2007

The Honorable Michael B. Mukasey
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C 20530

Re: Criminal Activity by Bush-Cheney Campaign Contributors

Dear Attorney General Mukasey:

Since appearing on CBS' *60 Minutes* in March 2005, I have been the target of criminal harassment, including criminal violations of federal civil rights laws and RICO statutes,

orchestrated by the large Philadelphia law firm of Blank Rome on behalf of a client that has repeatedly been caught by the federal government engaging in improper activities.

This criminal activity, designed to intimidate me, followed my whistle-blowing appearance on *60 Minutes* because I told Ed Bradley about our wrongful death lawsuit in Alabama on behalf of three police officers' families whose loved ones were slain by a teen who trained to kill them on Blank Rome client, Take-Two Interactive Software, Inc's, *Grand Theft Auto: Vice City* cop-killing simulator video game. Four renowned experts who have testified before the US Congress on this video game copycatting phenomenon have now told the court in Alabama, under oath, that but for this teen's training on this cop-killing simulator, he would not have killed.

Blank Rome, besides representing Take-Two in that lawsuit, which is set for trial in Alabama in 2008 (the Alabama Supreme Court having agreed with my argument to the trial court that the First Amendment does not protect the marketing and sale of adult video games to minors), is also the registered lobbyist in the US House and Senate for Take-Two.

When I first complained about Blank Rome's criminal activity aimed at me on behalf of Take-Two, the Miami FBI office opened an investigation, at the request of US Attorney Alex Acosta. Then the investigation was shut down, it appears because of the fact that Blank Rome is the single largest bundler of campaign cash to the two Bush-Cheney campaigns among all lobbyist/law firms. David Girard-diCarlo, Blank Rome's Chairman, is an RNC "Super Ranger."

In the middle of this ongoing criminal activity is a Miami lawyer by the name of Ben Kuehne, who has himself received a "target letter" from Main Justice for having allegedly laundered Medellin cocaine cartel money, as reported by ABC News. I have met with Justice Department officials who have confirmed this about Kuehne.

Two days ago, U.S. Senators Lieberman, Clinton, Bayh, and Brownback went public with their concern that this same Blank Rome client, Take-Two Interactive Software, Inc., was marketing and selling an adult video game, *Manhunt 2*, to minors in this country, even though it has been banned for sale to adults in the United Kingdom and other EU countries! I enclose these four US Senators' public statement in this regard.

I have been targeted criminally by Blank Rome and Take-Two because of my very visible and at times successful efforts against their distribution of violent and sexual material harmful to minors. Not only did the most watched news program in the US, *60 Minutes*, air my concerns about Take-Two, but the most read magazine in the world, *Reader's Digest*, published an original article that sets forth my concerns. Blank Rome's and Take-Two's criminal acts have been in retaliation for my truthful statements.

In July 2005, I prepared Senator Clinton for her "Hot Coffee" news conference that exposed the scandalous, criminal distribution of sexual material harmful to minors by Take-Two. This resulted in the recall of millions of units of a Take-Two game. It is

outrageous that the Justice Department did absolutely nothing in response to that criminal distribution of sexual material harmful to minors, particularly since the US House of Representatives passed a Resolution 355-21 condemning what Take-Two had done.

Earlier this year, I met privately, face-to-face with Take-Two's Chairman Strauss Zelnick, who informed me that a) nothing would stop his company from selling adult products to minors, and b) his company "will do anything to win our war with you, Jack."

"Anything" has included extortion, perjury, fraudulent Bar complaints, death threats, falsely branding me a bisexual pedophile at its corporate web site, criminal harassment at our home of me and my wife, while she was fighting ovarian cancer, and so on. The criminal activity by Blank Rome on behalf of Take-Two continues even today.

Yesterday I wrote Senator Lieberman about all this, as I have worked with his office for years regarding the excesses of the violent video game industry. I now copy him and the other three Senators with this letter and attachments.

Attorney General Mukasey, my view as a lawyer of thirty-one years, as a life-long Republican, and as someone who began my public life thirty-nine years ago in the civil rights movement, is that no one, and certainly no enterprise, should be treated as if they are above the law simply because they have bundled campaign cash to the President and the Vice President. Blank Rome and Take-Two have paid their "protection money," and the obstructed investigation of them by the FBI is proof. This must stop.

I respectfully demand that you direct the Federal Bureau of Investigation to re-open its investigation of the criminal extortion and other harassment of me by these Bush Administration insiders.

If you will not order this, then I will do what I need to do to secure a special prosecutor to get this job done.

Regards, Jack Thompson

Copies: Senators Lieberman, Clinton, Bayh, and Brownback
U.S. Attorney Alex Acosta, Southern District of Florida
Case No. 07-21256, U.S. District Court, Southern District of Florida

Enclosures

John B. Thompson, Attorney at Law
1172 S. Dixie Hwy., Suite 111
Coral Gables, Florida 33146
305-666-4366
amendmentone@comcast.net

November 20, 2007

The Honorable Joseph Lieberman
United States Senator
706 Hart Office Building
Washington, D.C. 20510 Via Fax to 202-224-9750

Re: *Manhunt 2*, the ESRB, and Take-Two Interactive Software, Inc.,

Dear Senator Lieberman:

I thank you and fellow Senators Bayh, Clinton, and Brownback for your letter and news release yesterday regarding the ESRB's clearly improper re-rating of Take-Two's *Manhunt 2* from "Adults Only" to "Mature." I have spoken with your Chief of Staff and a legislative aide on this matter today because of your and my longstanding cooperative efforts on this issue. This letter is in furtherance of that collaboration and conversation.

You and the other Senators may not be aware of the following: The ESRB allowed Take-Two to leave certain "adult" material in store shelf copies of *Manhunt 2* which was unlocked within 24 hours of the game's commercial release. This is worse than the "Hot Coffee" scandal of 2005, on which I was happy to work with Senator Clinton, because in this instance the ESRB, which promised never to let something like "Hot Coffee" happen again, actually conspired with Take-Two to leave the adult material in *Manhunt 2*!

Further, you need to know that in early 2007 I met with Take-Two Chairman Strauss Zelnick in New York to discuss a number of matters face-to-face, as I have been that company's most abiding and most visible critic for five years, having granted hundreds of major media interviews as to how Take-Two has single-handedly sabotaged the video game rating system.

At this two-hour meeting, I urged Mr. Zelnick not to *Manhunt 2*, that it would be a terrible mistake and that the game would fall into the hands of kids. Mr. Zelnick responded: ***No one will stop his company from selling his mature products to minor, and he warned that his company would wage a "war" (his word) against me.***

True to Zelnick's word, Take-Two has done to me what Big Tobacco did to Jeffrey Wiegand for his "Insider" whistle-blowing. Take-Two and its lawyers a) have filed fraudulent, perjury-based bar complaints against me, b) corrupted a judge in Alabama who presides over our wrongful death case against Take-Two as seen on *60 Minutes*, c)

branded me a bisexual pedophile on its corporate web site, d) orchestrated the sending of sex aid products to my wife at our home while she was battling ovarian cancer, e) threatened my incarceration, f) extorted me in violation of state and federal criminal laws, and g) incited repeated death threats against me from video gamers and at video game industry web sites.

Take-Two has done all of this because I have four Congressional experts, one of whom is Lt. Col. Dave Grossman, who have now testified in our Alabama cop-killing case, cleared for trial in 2008 by the Alabama Supreme Court, that Take-Two's *Grand Theft Auto: Vice City* trained an Alabama teen to kill three policemen. Take-Two's decision to "shoot the messenger," figuratively or literally, began the instant I appeared on *60 Minutes* at the request of the great and now late Ed Bradley. Mr. Bradley had asked me to appear again on *60 Minutes* because I had appeared six years earlier with Col. Grossman the Sunday after "Columbine," as the two of us proved the link between *Doom* and the school massacres not only in Littleton but in Paducah, Kentucky.

The law firm involved in this ongoing criminal extortion of me is the giant Philadelphia-based Blank Rome, which serves Take-Two as its registered lobbyist in both the U.S. House and Senate.

If there is to be a federal investigation of the failure of the ESRB's video game rating system, then it must include a hard look at what this one company, Take-Two Interactive Software, Inc., has done to possibly violate federal laws prohibiting the distribution of "sexual material harmful to minors" and to extort its most abiding critic, the undersigned, the minute he appeared on *60 Minutes*. As to the former, it is a mistake to focus only on the violence in *Manhunt 2*. The ESRB "descriptor" thereon states that it contains "Strong Sexual Content," and yet this game is being sold to minors.

There are many responsible companies within the video game industry. Take-Two is not one of them, as it has single-handedly managed to paint a bulls eye on the back of the pliant ESRB and gut, by its corporate practices, the usefulness of the ESRB rating system.

Finally, I can provide you a man who has now come forward from within the video game industry and who can blow the whistle not only on Take-Two but on others as to how certain sectors of this industry design, market, and sell adult video games to children.

I look forward to working with you and other Members of Congress on all of this, assuming Take-Two doesn't manage to incite my murder in the meantime.

Regards, Jack Thompson

Copy: Congressman Fred Upton
Case No. 07-21256, U.S. District Court, Southern District of Florida



FOR IMMEDIATE RELEASE
November 19, 2007

Contact: Rob Sawicki
Phone: 202.224.4041

Lieberman, Brownback, Bayh, Clinton Call for Review of Video Game Ratings Process and Standards

ESRB rating opens door to widespread sales of "Manhunt 2"

WASHINGTON, D.C. - Senators Joe Lieberman (ID-CT), Sam Brownback (R-KS), Evan Bayh (D-IN), and Hillary Rodham Clinton (D-NY) called for a thorough review of the video game ratings process in the wake of "Manhunt 2" receiving a "Mature" rating. In a letter to the Entertainment Software Ratings Board (ESRB), the Senators detailed how the change in rating opened the door to widespread release of the game, which depicts acts of horrific violence. The Senators underscored that a review would continue the industry's commitment to enforcing their ratings system and providing parents with the information they need to choose games for their children that are age appropriate.

"In October 2007 the BBFC again refused to rate a revised Manhunt 2 stating that '[t]he impact of the revisions on the bleakness and callousness of tone, or the essential nature of the gameplay, is clearly insufficient. There has been a reduction in the visual detail in some of the 'execution kills', but in others they retain their original visceral and casually sadistic nature,'" the letter said. "Other countries agreed and have also banned the game. Unlike the British Board, the ESRB reduced the revised version's rating to 'Mature' (M) effectively opening the door to its widespread distribution and its licensing approval by game system manufacturers Sony and Nintendo. And, while significant progress has been made, the FTC reports that 42 percent of unaccompanied children 13 to 16 years of age can still successfully purchase M-rated games meaning that the practical difference between an AO and M rating affects more than simply 17-year-olds."

The full text of the letter is below:

November 19, 2007

Patricia Vance
President Entertainment Software Rating Board
Entertainment Software Rating Board
317 Madison Avenue, 22nd Floor
New York, NY 10017

Dear Ms. Vance,

We are writing to suggest that it may be desirable to revise or enhance the current ESRB rating system. We continue to believe that the ESRB takes seriously its responsibility with respect to the ratings and their enforcement. However, we believe that a number of issues have been raised regarding the release of Manhunt 2.

As you know, in June 2007 the British Board of Film Classification (BBFC) refused to rate Rockstar's Manhunt 2 video game, effectively banning its sale in British stores, stating that it contains "unremitting bleakness and callousness of tone... which constantly encourages visceral killing with exceptionally little alleviation or distancing." The BBFC Director concluded that any other action "would involve a range of unjustifiable harm risks, to both adults and minors." Consistent with your British counterpart, this version received an "Adults Only" (AO) rating from your Entertainment Software Ratings Board (ESRB).

In October 2007 the BBFC again refused to rate a revised Manhunt 2 stating that "[t]he impact of the revisions on the bleakness and callousness of tone, or the essential nature of the gameplay, is clearly insufficient. There has been a reduction in the visual detail in some of the 'execution kills', but in others they retain their original visceral and casually sadistic nature." Other countries agreed and have also banned the game.

Unlike the British Board, the ESRB reduced the revised version's rating to "Mature" (M) effectively opening the door to its widespread distribution and its licensing approval by game system manufacturers Sony and Nintendo. And, while significant progress has been made, the FTC reports that 42 percent of unaccompanied children 13 to 16 years of age can still successfully purchase M-rated games meaning that the practical difference between an AO and M rating affects more than simply 17-year-olds.

Manhunt 2 was sanctioned by Nintendo for its Wii system. That system permits children to act out each of the many graphic torture scenes and murders in Manhunt 2 rather than simply manipulating a game pad. This led one clinical psychologist to state that the realistic motions used with the Wii mean that "you're basically teaching a child the behavioral sequencing of killing." While this was not cited as the reason for the BBFC decision, we do believe that the ESRB should take the Wii remote controller, and future advances in game controllers, which create more realistic gaming

environments, into consideration.

Another disturbing aspect of this saga is that the AO version ended up being leaked on the Internet thereby circumventing the rating restrictions. News reports state that the leak came from a Sony employee, who was reportedly fired, rather than the game manufacturer. Nevertheless, the possible use of the internet to circumvent the ESRB and permit broad access to kids is another concern.

There are many questions that are raised because of the above cited issues regarding the process, robustness and repeatability of the ratings provided by the ESRB system. First, there appears to be a lack of information, to the public and developers, regarding why a particular rating is given or changed. What information is provided back to developers after receiving a rating? Why is information regarding rating changes or reasons for decisions unavailable, except for content descriptors, to the public? We understand to some extent the concerns regarding the confidentiality of pre-released materials however that argument is no longer compelling after the product is released. Some speculate that the ESRB could be used to provide attention to increase sales of future games. Under this scenario, a game like Manhunt 2 would first be produced to ensure receipt of an AO rating and thereafter tweaked to get the reduced M rating. A more transparent process might protect the ESRB from being used in this manner.

Further, do the same reviewers view the original and the revised version of a game after an AO rating is received? How frequently do you use more than your minimum of three reviewers when evaluating a game? Are three reviewers adequate for the more violent games? How often do your reviewers disagree in their initial ratings and how frequently is the final rating a majority opinion rather than a consensus?

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" video games and the advances in game controllers. We have consistently urged parents to pay attention to the ESRB rating system. We must ensure that parents can rely on the consistency and accuracy of those ratings.

Thank you for your attention to this matter.

Sincerely,

Joseph I. Lieberman
United States Senator

Sam Brownback
United States Senator

Evan Bayh
United States Senator

Hillary Rodham Clinton
United States Senator

I hereby certify that the foregoing has been provided to opposing counsel through the court's electronic filing system, this November 21, 2007.

/s/ JOHN B. THOMPSON, Plaintiff
Attorney, Florida Bar #231665
1172 South Dixie Hwy., Suite 111
Coral Gables, Florida 33146
Phone: 305-666-4366
amendmentone@comcast.net