

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.)
_____)

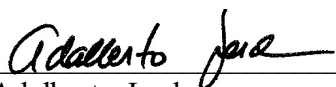
ORDER DENYING EMERGENCY MOTION FOR STAY

Mr. Thompson’s emergency motion for stay of the state disciplinary proceedings pending appeal [D.E. 350] is DENIED. Motions to stay pending appeal are disfavored and are granted only in exceptional circumstances. To obtain a stay pending appeal, Mr. Thompson is required to establish that (1) he is likely to prevail on the merits of the appeal; (2) he will suffer irreparable injury absent a stay; (3) the opposing parties will suffer no substantial injury from issuance of the stay; and (4) that issuance of the stay will serve the public interest. *See Garcia-Mir v. Meese*, 781 F.2d 1450, 1453 (11th Cir.1986). *See also F.T.C. v. Jordan Ashley, Inc.*, 1994 WL 485793, *1(S.D.Fla. July 29, 1994).

In his motion, Mr. Thompson does not even attempt to satisfy this high standard. Mr. Thompson complains that the disciplinary trial is set to commence within two business days of this court’s order of dismissal. However, this does not warrant a stay as Mr. Thompson has had sufficient notice of the trial date.

As for Mr. Thompson’s complaint that I ruled before the Eleventh Circuit denied his mandamus petition [D.E. 348], Mr. Thompson never obtained a stay of proceedings. Therefore, there was no legal impediment to ruling on the motions to dismiss.

DONE and ORDERED in chambers in Miami, Florida, this 21st day of November, 2007.



 Adalberto Jordan
 United States District Judge

Copy to: All counsel of record

