

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21256-CIV-JORDAN

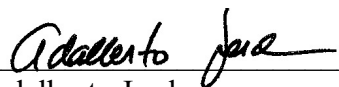
JOHN B. THOMPSON,)
)
Plaintiff,)
)
vs.)
)
THE FLORIDA BAR, et al.,)
)
Defendants.)
_____)

ORDER

Mr. Thompson’s new motion to vacate and emergency motion to stay for fraud on the court [D.E. 365], treated as a motion under Rule 60(b) of the Federal Rules of Civil Procedure, is DENIED. The fact that the Florida Bar is relying on the current version of Florida Bar Rule 3-4.6 in the ongoing disciplinary proceeding does not establish fraud on the court in this case. I did not rely on the former or current version of Rule 3-4.6 in dismissing Mr. Thompson’s case on *Younger/Middlesex* abstention grounds, so there was no fraud on the court warranting vacatur. *See, e.g., Zakrzewski v. McDonough*, 490 F.3d 1264, 1267 (11th Cir. 2007) (*citing Travelers Indem. Co. v. Gore*, 761 F.2d 1549, 1551 (11th Cir. 1985)).

I express no opinion, of course, on whether the Florida Bar may use the current version of Rule 3-4.6 against Mr. Thompson.

DONE and ORDERED in chambers in Miami, Florida, this 5th day of December, 2007.



 Adalberto Jordan
 United States District Judge

Copy to: All counsel of record