

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 ANGONES,

Defendants.

**PLAINTIFF'S NEW AND VERIFIED MOTION TO VACATE ORDER ON THE
BASIS OF THE FLORIDA BAR'S PATENT FRAUD AND EMERGENCY
MOTION TO STAY STATE COURT PROCEEDINGS IN LIGHT THEREOF**

COMES NOW petitioner, John B. Thompson, and moves this court, pursuant to Rule 60 (b), Federal Rules of Civil Procedure, to vacate its order dismissing this cause of action because of newly discovered fraud stating:

Fraud is a basis for vacating any judicial order, when a party benefiting from that order has engaged in fraud to procure it. That has happened here on the part of the defendant Florida Bar.

Specifically, the court will recall that The Bar asserted, repeatedly, to this court that it had never brought a disciplinary complaint, as the originating complainant, against Thompson. The Bar went on to assert that since it had never been the complainant it was actually the honest and mandated processor of complaints by others, asserting that once a formal complaint was brought by some third party, it had absolutely no choice but to process and proceed with the complaints.

We now know this was a lie to the court. The attached composite exhibit shows three documents that came to light in The Bar's current trial of Thompson in courtroom 6-3 of the Metro Justice Building before Judge Tunis. These documents were brought to the undersigned's and the court's attention at around 7pm yesterday. Thompson believes he has never seen these documents prior to their production by The Bar, as they were sent to his often inattentive counsel at the time, as one can see by the letters themselves, Ray Reiser. Mr. Reiser sometimes did not send correspondence from The Bar and from others to his client, the undersigned.

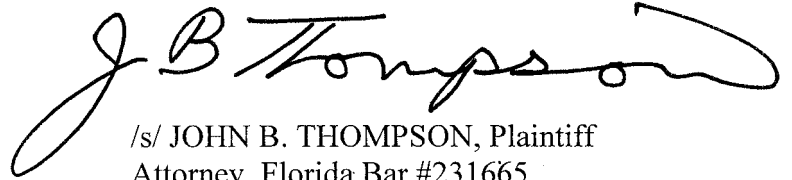
Be that as it may, that is irrelevant to the fraud issue. The Bar's repeated assertion, which is highly significant, which is why The Bar kept making it to this court, that it **NEVER, EVER, EVER** brought a Bar complaint against Thompson is patently false, now that we have these documents in which The Bar asserts that Judge Friedman was not the complainant, but that it is, and thus it must not be sworn.

Thompson, moves for, demands, and deserves an order vacating the dismissal order. It was procured by fraud. Further, as the court knows, the dismissal was based solely upon abstention. Bad faith by the state can defeat and does defeat abstention. There is bad faith not only as shown by the fraud itself but by the practice of The Bar, when it comes to Thompson, of **fabricating complaints as the formal complainant**, and then running with them.

Vacate the order, please.

I hereby affirm, under penalty of perjury, that the foregoing facts are true, correct, and complete, so help me God.

I hereby certify that the foregoing has been provided to opposing counsel through the court's electronic filing system, this December 6, 2007.

A handwritten signature in black ink, reading "J B Thompson". The signature is written in a cursive style with a large, looping initial "J" and a long, sweeping underline.

/s/ JOHN B. THOMPSON, Plaintiff
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