

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

CASE NO. 07-21256-CIV-JORDAN

JOHN B. THOMPSON,

Plaintiff,

vs.

THE FLORIDA BAR and DAVA J. TUNIS,

Defendants.

**DEFENDANT JUDGE TUNIS' MEMORANDUM IN OPPOSITION TO PLAINTIFF'S
MOTION TO AMEND COMPLAINT**

Pursuant to Fed. R. Civ. P. 15 and L.R. 15.1, Defendant Judge Dava J. Tunis (hereafter, "Judge Tunis"), through her undersigned attorneys, for her memorandum in opposition to Plaintiff's Motion to Amend Complaint and Memorandum of Law in Support Thereof (hereafter, "Motion to Amend"), hereby submits:

PROCEDURAL AND FACTUAL SUMMARY

Plaintiff is currently proceeding on his Amended Complaint for Declaratory Judgment, For Injunctive Relief and For Attorney's Fees (hereafter "Amended Complaint"). Motions to Dismiss are pending from both defendants on numerous grounds. Plaintiff has now moved to file a second amended complaint, "for a number of reasons," only two of which are set forth in the motion. (Motion to Amend, ¶¶ 3-7). The reasons given are that the Plaintiff can better plead in such a complaint to provide a stronger

case (Motion to Amend, ¶ 4) and that he wishes to add a new defendant, Norm Kent, who is allegedly harassing the Plaintiff, allegedly in collaboration with The Florida Bar. (Motion to Amend, ¶¶ 6-7). He, therefore, alleges that the number of defendants should be increased, “by at least one” (Motion to Amend, ¶ 7), but it is unknown how many defendants or causes of action the Plaintiff actually wishes to add in his second amended complaint.

MEMORANDUM

Local Rule 15.1 of the United States District Court of the Southern District of Florida requires that:

A party who moves to amend a pleading shall attach the original of the amendment to the motion in the manner prescribed by Section 3H(1) of the CM/ECF Administrative Procedures. Any amendment to a pleading, whether filed as a matter of course or upon a successful motion to amend, must, except by leave of Court, reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference.

The Plaintiff has failed to comply with this rule and, as a result, neither this Court nor Judge Tunis can determine what the third amended complaint would allege or how many new defendants would be added.

Therefore, the Motion to Amend should be denied at this time.

Dated: August 6, 2007
Fort Lauderdale, FL

Respectfully submitted,

BILL McCOLLUM
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of August, 2007, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Charles M. Fahlbusch
Charles M. Fahlbusch
Senior Assistant Attorney General

SERVICE LIST

Thompson v. The Florida Bar
Case No.: 07-21256-CIV-JORDAN
United States District Court, Southern District of Florida

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