

IN THE UNITED STATES DISTRICT COURT IN AND FOR  
THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 07-21256 CIV JUDGE JORDAN

JOHN B. THOMPSON,

Plaintiff,

v.

THE FLORIDA BAR, *et alia*,

Defendants .

VERIFIED MOTION TO SET ASIDE ORDER OF DISMISSAL FOR FRAUD

COMES NOW plaintiff Thompson, under oath, and moves this court to set aside its order dismissing this cause, pursuant to Rule 60(b), Federal Rules of Civil Procedure, on the basis of fraud, stating,

A former Florida Bar prosecutor has this past week informed Thompson that The Florida Bar maintains what it internally calls “Black Files” on targets The Bar wants to discipline before disciplinary complaints are even filed. The Bar has a Black File on this Bar prosecutor. This Bar prosecutor compared these “Black Files” to Richard Nixon’s notorious “Enemies List.” But the “Black Files” are worse, as they invariably lead to demonstrable retributive governmental action.

During the discovery phase of Thompson’s disciplinary process, he asked to review Bar files to discover any documents that would show possible bad faith in the prosecution by The Bar of him. Thompson did this because he found such documents 17 years ago when The Bar launched and pursued a politically-motivated “discipline” of Thompson. When The Bar was caught by virtue of the production of these smoking gun documents, the bad faith harassment of Thompson by The Bar stopped.

The Bar's response to Thompson's repeated requests to see these files led to the remarkable enunciation that Thompson could see such files if he paid \$4000 up front to see his own files, but The Bar, even more remarkably, asserted that it could and would purloin from the files any damaging documents and also redact passages from documents. The Bar asserted that it could do so and would do so without generating a Privilege Log. Thus, Thompson was being told he would have to pay \$4000 to see files he already had and that he would never know what had been removed from those files. He had an absolute right through the discovery process to see these files or to be told what had been removed from them. Referee Tunis, who has never practiced an civil law a day in her life, allowed no discovery.

Referring again to Nixon, this is the functional equivalent of the 8.5-minute Rosemary Woods taping gap but without the admission that there was even a gap.

What Thompson wanted, then, were the contents of his "Black File" that he now knows exists, per The Bar's own former prosecutor who himself has been similarly targeted.

This court will remember that dismissal of this case turned in large part upon whether there was possibly bad faith by The Bar in prosecuting Thompson. The court never gave Thompson an evidentiary hearing on that issue and instead concluded that Thompson could not prove such bad faith and prosecutorial misconduct. Now he can, and fraud is at the middle of The Bar's assertion that he could not. The Thompson Black File exists, and Thompson has a right to see it.

The court will also recall that The Bar asserted that it NEVER had opened disciplinary complaints against Thompson on its own initiative but was a mere honest

broker of complaints brought by others. We know, and the court now knows, that this is an utter lie, and it is a fraud perpetrated upon this court by The Bar's outside counsel, Barry Richard of Greenberg Traurig, as Thompson now has evidence of three separate complaints *brought by The Bar itself* which were used by the now departed Steve Chaykin to scuttle a settlement of this entire dispute.

WHEREFORE, Thompson moves this court to set aside its order of dismissal so that Thompson can prove, via formal discovery, that indeed The Bar maintains a "Black File" on Thompson and that its closely-guarded contents prove not only the bad faith and prosecutorial misconduct of The Bar but also its criminal use of "discipline" to destroy the legal career of a lawyer about whom not a single member of the public—not a single client—has complained. This entire "disciplinary" assault by The Bar, at the behest of the pornography industry, is nothing but Justice Douglas' "goosestepping brigade" documented in its "Black Files."

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

I certify that the foregoing has been sent to record counsel electronically by the court's system and to the Miami office of the ACLU.

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