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,

Defendants.

PLAINTIFF'S RULE 60(d)(3) MOTION FOR RELIEF FROM THIS COURT'S ORDER OF DISMISSAL FOR FRAUD ON THE COURT

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and moves this court for an order, pursuant to Rule 60 (d) (3), Federal Rules of Civil Procedure, for reflief from its order of dismissal, on the basis of fraud on the court, stating:

Yesterday, plaintiff received, finally, after multiple public records law requests to the Florida Supreme Court, the attached remarkable document from the Florida Supreme Court. It shows that the Eleventh Circuit Court here in Florida is alone in assigning judges to serve as Bar referees in matter brought against lawyers in this circuit.

The pairing, everywhere else in the state, of different circuits is done to avoid any partiality. The failure of the Eleventh Circuit to do this is prima facie evidence of partiality and an utter lack of concern about it. This raises huge due process and equal protection problems. You can't have a structure to avoid partiality in Bar proceedings in every corner of the state except one. And the very reason it is done elsewhere makes the case on its own that the Eleventh Circuit methodology is fatally flawed.

What the Eleventh Circuit, with the Florida Supreme Court has done here is carve out a disciplinary fiefdom and backwater in which Bar-connected lawyers can get just about any result against any lawyer they want to nail.

But wait, it gets worse. This court will recall that The Bar was asked in open court if possible bad faith—which would have defeated Younger abstention—might be inferred if The Bar had ever brought any complaints on its own initiative against Thompson. Oh, no, The Bar counsel exclaimed. That has *never* happened. We simply are the honest brokers or prosecutors of any bar complaints brought by third parties.

In fact, that was a lie. That was fraud. The Bar has done that numerous times to Thompson, and The Bar knows it. That alone would have provided the basis to defeat abstention.

But wait, it gets worse. The carving out of the Eleventh Circuit's unique fiefdom dovetails wonderfully with the fact that the Eleventh Circuit's Chief Judge Joe Farina was selecting Referees for certain disciplinary cases capriciously, arbitrarily, and not randomly. There is considerable case law throughout the country that this constitutes judge-shopping, and in this case it was judge-shopping by the Chief Judge, the Florida Supreme Court, and most assuredly by The Florida Bar. They wanted a judge with absolutely no experience in any civil law ever, who had absolutely no experience as a referee in any bar matters, and who chose not to have any training as a Bar referee, which responses to public records requests by Thompson now prove. The Bar wanted the anti-Christian incompetent judge it wanted, and she did whatever The Bar wanted her to do. As to the anti-Christian assertion, Judge Tunis never missed an opportunity to denigrate

Thompson's faith-based activism. If Thompson had made similar comments about her faith, he would have been disbarred on those grounds as well, and should have been.

But wait, it gets worse. Not only did The Bar and the Supreme Court create the Eleventh Circuit's unique disciplinary fiefdom in which Eleventh Circuit Bar Governors would sit on Eleventh Circuit grievance committees processing bar complaints brought by powerful Eleventh Circuit law firms (Tew Cardenas) investigated by lawyers from powerful Eleventh Circuit law firms (Stearns Weaver), but the cases would ultimately be tried to an Eleventh Circuit judge in which one of the complaints was brought by The Bar itself (there's the lie as to who has brought these things) on behalf of another Eleventh Circuit Court Judge, Ron Friedman, of whom the Third District Court of Appeal itself has had a belly-full of his unethical nonsense.

But wait, it gets worse. Once all the Eleventh Circuit elements of this insiders' club were in place, Referee Tunis was reminded why she was where she was and what she was supposed to do:

After she was given Bar v. Thompson, all nicely wrapped by the Eleventh Circuit, with a pretty bow on top, the gift card thereon was signed by the three Bar operatives most intent upon an finding adverse to Thompson. Thompson's first designated reviewer, Ben Kuehne, gave a campaign gift to Tunis in the same amount on the same day to Barnaby Min, Thompson's first Bar prosecutor in all this. The estimable Mr. Min, who has since fled to the Miami City Attorney's office, was so intent upon an adverse ruling that he kept showing up in the Tunis courtroom to remind the judge, and further, he took to the Justice Building Blog, run by a sociopath by the fake name of "Rumpole," to libel Thompson with what he said he had seen in the Tunis courtroom.

Then, after the "trial" but before she ruled by means of her fictionalized "Referee's Report," the law firm of Thompson's second designated reviewer Steve Chaykin (the leftwingnut who publicly stated that citizens with Thompson's religious views were unfit to be lawyers in this state) gave a campaign gift to Tunis.

Add to the mix that the law firm of and two name partners in the law firm of Kozyak, Tropin & Throckmorton gave cash gifts to Tunis right before Thompson's trial and immediately thereafter, even though this law firm has absolutely no criminal court business. John Kozyak, one of the Tunis donors, however, pictured smiling below, is a major player in The Florida Bar's drive for its own unique "diversity" efforts that have eliminated "religion" as a diversity identifier and superordinated "sexual orientation" as the chief diversity identifier.

In sum, then, what amounts to a lawyer disciplinary machine which is an insulated law unto itself, the full nature of which has been hidden from this court and from the plaintiff. Thompson had no idea until yesterday that the Florida Supreme Court had actually been so arrogant and so stupid as to set up the Eleventh Circuit as the only

state circuit that did not match up referees from one circuit with respondent lawyers from another.

This court asked for proof of bad faith to defeat abstention. Here it is, in spades, and slathered in fraud upon the court.

This court cannot dispose of this motion on its face, as it did the last time around when the plaintiff was denied by this court even an evidentiary hearing on the bad faith issue.

He hereby demands discovery so that he can prove further the fraud upon this court.

And with all respect, plaintiff would ask that this court not continue to ignore this disturbing situation. This court's personal feelings for Thompson, which hit a nadir when it illegally referred him to the Ad Hoc Committee, should be put aside. If it cannot put them aside, then it needs to step aside.

This court was lied to, and it should be more upset than Thompson, although that is difficult to conceptualize.

WHEREFORE, plaintiff seeks relief from the fraudulently obtained dismissal order. The prima facie case of bad faith and fraud to cover it up has been made. I

I HEREBY CERTIFY that this has been served upon record counsel this September 1, 2009, by the court's electronic system. It was provided to Greenberg Traurig prior to filing, asking that they agree. They didn't respond; they never do.

/s/ JOHN B. THOMPSON, Plaintiff
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