

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.

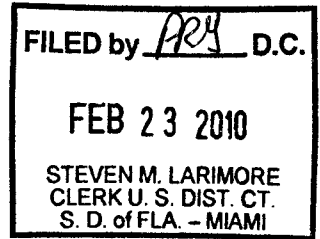
**VERIFIED SUPPLEMENT TO PLAINTIFF'S VERIFIED 60(d)(3) MOTION
FOR RELIEF FROM THIS COURT'S ORDER OF DISMISSAL FOR FRAUD ON
THE COURT**

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, on his own behalf, and supplements his motion filed, January 19, pursuant to Rule 60 (d) (3), Federal Rules of Civil Procedure, for relief from its order of dismissal without prejudice, on the basis of fraud on the court by the defendant Bar, stating:

1. For more than a month this court has had, without ruling thereon, plaintiff's verified Rule 60(d)(3) motion regarding The Florida Bar's fraud by which it secured *Younger* abstention by this court not to interfere in a state bar regulatory matter.

2. It has been beneficial, it turns out, to plaintiff, that this court has not ruled, as Thompson has just received yesterday a document from The Bar that furthers proves its fraud and thus the need to vacate this court's dismissal order. The details:

3. Last autumn, The Florida Bar's President-Elect, Mayanne Downs, publicly stated that an entire group of judges placed on the bench by Florida Governor Crist were and are "political hacks." This is an impugning of these judges' qualifications and integrity in violation of Bar Rule 4-8.2(a):



RULE 4-8.2 JUDICIAL AND LEGAL OFFICIALS

(a) Impugning Qualifications and Integrity of Judges or Other Officers. A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, mediator, arbitrator, adjudicatory officer, public legal officer, juror or member of the venire, or candidate for election or appointment to judicial or legal office. [emphasis added]

4. Plaintiff Thompson, aware of this statement, because Downs made it publicly, filed a sworn bar complaint against Downs, noting that he and other lawyers have been disciplined for saying and writing far less obnoxious things about certain judges, which in Thompson's case happened to be true. In Down's instance, her assertions that these judges are all "political hacks" is demonstrably *false*. But it doesn't matter; Ms. Downs is large and in charge.

5. This court will recall that it denied declaratory relief to Thompson, who asserted in this suit that The Florida Bar's speech codes as to comments about judges were facially unconstitutional or unconstitutional as applied, in the latter regard because these speech codes are so unevenly enforced, on the basis of who one is rather than on the basis of what one has uttered.

6. Now we see, in The Florida Bar's February 18, 2010, letter informing Thompson that Ms. Downs is pure as the driven snow in these regards and that The Bar will not even submit this matter to a grievance committee for a probable cause determination, that Bar Rule 4-8.2(a) is selectively enforced, in deprivation of equal protection of others, and thus it is an unconstitutional Rule as it is applied. Any even

rudimentary evidentiary or other hearing on this issue will make this clear—a hearing this court denied Thompson at the time.

7. This smoking gun proof that The Florida Bar is using its speech codes to protect its own and punish nonconformist, truth-speaking whistle blowers constitutes fraud by The Florida Bar upon this court. It is fraud in two regards:

a) This court will recall that The Bar repeatedly assured this federal court that Thompson would have full opportunity to address the constitutionality of Bar Rule 4-8.2(a), both facially and as applied, before his Bar trial in an appearance before The Bar Governors (see *Mason* case cited by Barry Richard), at his Bar trial, and in a Petition for Review of any Referee's Report. Thompson was denied ALL opportunities at all of these levels to raise the issue of the unconstitutionality of this Rule.

b. This court will further recall that The Florida Bar's lawyers assured this court that The Florida Bar always acts in good faith, that it, like an impartial major league umpire (Thompson's words) simply calls it as it sees them, that it is nothing but an "honest broker" (The Bar's term) in sorting out these speech code and other ethics issues, regardless of who the lawyer in the dock is.

8. Bull.

9. This court relied upon these fraudulent, false, craven assertions, now known to be false, that Thompson would be given a full state-side constitutional issues hearing, and that The Bar is the paragon of "good faith" in all these matters.

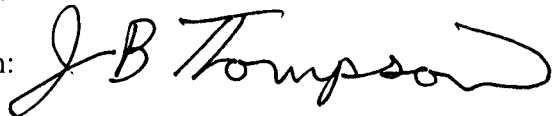
10. As a result of this dual fraud (Thompson does not even address here the fact that the Tew Cardenas sworn assertions to The Bar that Thompson was fabricating the indecent nature of WQAM's broadcasts have been proven to be fraudulent by the FCC's

findings against WQAM one month after Thompson was disbarred), Thompson has been the victim of the hoodwinking of this court by a state regulatory agency whose lawyers are the ones who should be disbarred.

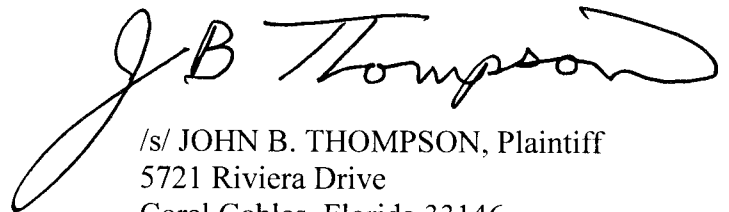
WHEREFORE, Thompson respectfully asks this court to take one-half hour of its understandably taxed resources to consider the above in light of Thompson's Rule 60(d)(3) motion and reinstate this lawsuit by vacating its fraudulently-procured dismissal order. These liars have taken more than five years of Thompson's life from him. That is not too much to ask by a man who has never had his day in court.

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

Signed, February 21, by John B. Thompson:



I HEREBY CERTIFY that this has been served upon record counsel for The Florida Bar, Barry Richard, and for Dava Tunis, Charles Fahlbusch, this February 21, 2010.



/s/ JOHN B. THOMPSON, Plaintiff
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