



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.

**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:

Below is a letter sent this day which further outlines the fraud engaged in by the defendant Florida Bar. The letter is irrefutable proof of the bad faith which The Bar solemnly assured this court did not exist. This court must vacate its order of dismissal.

John B. Thompson, J.D.
5721 Riviera Drive
Coral Gables, Florida 33146
305-666-4366
amendmentone@comcast.net

February 26, 2010

Sheila Tuma
Bar Prosecutor, The Florida Bar
Orlando Office
Orlando, Florida Via Fax 407-841-5403

Re: Duty to Inform the Florida Supreme Court of False Testimony Upon Which It Relied

Dear Ms. Tuma:

You have an ethical obligation, under Florida Bar Rule 4-3.3(a)(1) and other legal strictures, to inform the Florida Supreme Court that false testimony was provided to Bar Referee Dava J. Tunis upon which she based her Referee's Report and upon which the High Court then based its disbarment of me.

Specifically, both Larry Kellogg and Al Cardenas asserted in their Bar complaints and at my Bar "trial" that there was absolutely nothing to my allegations that WQAM had broadcast indecent, pornographic material.

Further, These two men were your witnesses at trial. At the time that you put them on the stand, you knew that their firm's client, Beasley/WQAM, had pending before the Federal Communications Commission certain FCC decency complaints I had filed regarding that client's airing of indecent material. Thus, by putting them on the stand and allowing and actually encouraging them to testify in a fashion that you knew to be untrue—that there was no basis whatsoever for my assertions as to the distribution/broadcast of sexual materials harmful to minors, you knowingly suborned perjury, which violates not only Bar Rules 4-3.3 and 4-3.4 but also state subornation of perjury laws.

As a result of this perjury and the subornation of it, I stand convicted by the Florida Supreme Court of the following, which is taken from the disbarment order:

“respondent falsely and publicly accused various attorneys and their clients of engaging in a conspiracy/enterprise involving "the criminal distribution of sexual materials to minors"”

As a lawyer, you are further charged with knowing that 18 USC 1464, which is a criminal statute, which is an Act of Congress prohibiting the airing of pornographic, indecent material, is to protect minors in the audience from it. Read FCC v. Pacifica, 438 U.S. 726 (1978), which I cited to you more than five years ago.

One month after I was disbarred, the Beasley/WQAM entered into a formal consent decree under which it agreed to pay fines to the FCC pursuant to decency complaints filed by “Jack Thompson” pursuant to criminal statute 18 USC 1464.

Thus, my assertions regarding the broadcasting of pornographic material by Beasley/WQAM were vindicated and the testimony by Kellogg and Cardenas to the contrary are perjured.

The entire effort against Beasley/WQAM and its attorneys was to hold accountable, under federal law, the criminal acts of this scofflaw radio station. The station and its lawyers responded with threats of forced mental health exams, lawsuits, more bar complaints, and all other forms of legal mayhem in order to protect this illegal activity. You willingly and knowingly and illegally made yourself part of this extortionate assault

upon my First Amendment petition speech and activity, and now we know, from the federal government itself, that I was right all along and that you acted illegally in trying to persuade a Bar Referee, and then the highest court in this state, that I was making this all up.

Further compounding your illegal conduct, is the fact that you *knew* WQAM had been fined previously by the FCC for airing indecent material. Thus, the charade which you orchestrated for the benefit of Referee Tunis was presenting to her the notion that I had fabricated these allegations that WQAM/Beasley were engaged in this illegal activity and that their Bar complaints were filed in order to protect that activity.

You have a clear duty, right now, to go to the Florida Supreme Court and inform the court that its order is based upon a lie, and that the action of federal government proves it.

I give you until five o'clock pm this day, Eastern time, to inform me that you are going to do just that.

A copy of this letter is being hand-delivered to Judge Dava Tunis today, who also has a duty to inform the Florida Supreme Court of the perjury that occurred in her courtroom and upon which she based her fatally flawed Referee's Report. She can run but she can't hide from her duty, as a jurist, to uphold the rule of law.

Warm personal regards, Jack Thompson

Copy: Florida Bar Governors
Dava J. Tunis
Joe Rebak of Tew Cardenas, Joyce Fitch of Beasley Broadcast Group, Inc.

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 26, 2010.



/s/ JOHN B. THOMPSON, Plaintiff
5721 Riviera Drive
Coral Gables, Florida 33146
Phone: 305-666-4366
amendmentone@comcast.net