

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,

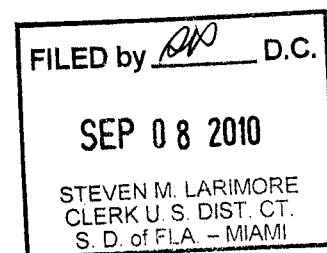
Defendants.

**SUPPLEMENT TO PLAINTIFF'S MOTION FOR RELIEF FROM ORDER
DISMISSING THIS ACTION AND MEMORANDUM OF LAW**

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, on his own behalf, and supplements his motion to this court for relief from its order dismissing this action without prejudice, pursuant to Rule 60, stating:

1. During the pendency of The Florida Bar's proceedings against Thompson, Thompson formally filed with and served upon Bar Referee Dava Tunis a request, as allowed by the Florida Rules of Judicial Administration, for a full disclosure by her of any personal and professional relationships or activities that might give rise to concerns about her impartiality.

2. This court will well remember that at the core of Thompson's concerns about the bad faith nature of the Bar's proceedings against him was the possible lack of impartiality of the Bar Referee, Dava J. Tunis. Dava Tunis knew that as well, as she facilely denied motions to disqualify her, which were legally sufficient on their face, and under Florida law, disqualification was *mandatory*. Under Florida law, only a second, subsequent motion for disqualification can be disposed of by the subsequent tribunal's addressing the facts underlying the motion.



3. Judge/Referee Tunis refused to respond to the formal request about her past—er past affiliations and relationships--despite the legal requirement that she do so. As is often the case with The Florida Bar, rules are for others, not for The Bar. But now we know at least one reason why Dava Tunis refused to disclose, as the law required, her past.

4. Thompson last Friday received in the mail a large packet of documents from the Office of Governor of the State of Florida, pursuant to his public records request. One of the documents is Dava J. Tunis' formal application for appointment to the Circuit Court bench, filled out and submitted on July 1, 2005. One branch of government in this state at least *tries* to comply with the law.

5. On page 29 of this lengthy application, Ms. Tunis reveals that from 1991 through 1994 she served as "vice-chair and then chair of The Florida Bar Grievance Committee 11P." During that time, The Florida Bar's Chief Branch Discipline Counsel in the Miami Office was, as she still is, Arlene K. Sankel.

5. Ms. Sankel is the person who led the drive within that Miami office to disbar Thompson. Thus, Dava Tunis enjoyed a working relationship, for four years, with the very person who led, internally within The Bar's staff, to disbar Thompson.

6. It now also appears that Dava Tunis, while she was in the Public Defender's Office, worked under Ken Marvin, the Director of Lawyer Regulation for The Florida Bar. Tunis refused to disclose this fact as well. Weirdly, or maybe not so weirdly, Dava Tunis in this same circuit court judgeship application, refused to provide the Governor the name of her husband, even though she is provided a space for same. She said she was

married, gave the date of the marriage, but refused to give the name of her spouse. See the first page of her application.

7. The incestuous nature of The Bar has compelled the Florida Supreme Court to mandate that any lawyer in a judicial circuit must be tried, in a Bar proceeding, *before a judge from another circuit*. This is true of every circuit but the Eleventh Circuit, where here we try Eleventh Circuit lawyers before Eleventh Circuit judges. This is an equal protection and due process flaw that screams out in a case in which Dava Tunis, an Eleventh Circuit judge, who a) served on the very Bar grievance structure and b) worked with the very Bar staff (Sankel) that targeted Jack Thompson, c) worked with the Director of Lawyer Regulation (Marvin) in the same Miami office, and d) did so at the behest of another Eleventh Circuit judge, Ron Friedman, about whom Thompson said what the Third District Court of Appeals said about his lack of impartiality.

8. There is so much incest within The Bar disciplinary machinery in the Eleventh Circuit that the Miami Bar Office on 444 Brickell Avenue should have outside its offices a statue of the boy playing the dueling banjos theme from the movie *Deliverance*:



9. So what we now know, which this court did not know because Thompson did not know it when this court dismissed this action, is that Tunis labored within the belly of The Bar beast for years, developing the relationships and the biases that help explain her demeanor and her rulings that made it clear that her mind was made up before she even met Thompson.

10. This federal District Court was told by counsel for The Florida Bar, Karusha Sharpe, who reports to Barry Richard, that there was absolutely no basis whatsoever for any assertion, by Thompson or anyone else, that Dava Tunis was anything other than impartial. When a judge, with The Bar's help, hides her past, then that is a facile statement to the court. It constitutes fraud upon the court, as Rule 60 defines it.

11. Ah, but there is more. We now find, upon the disgorgement of Tunis' judgeship application, that a criminal defendant she represented filed a bar complaint against her alleging that she "acted in collusion with the Assistant State Attorney to get a conviction against him." See page 5.

12. The defendants in this federal civil rights action moved to dismiss this case. A motion to dismiss must take all reasonable inferences in favor of the non-moving party, in this case, Thompson. Thompson told this court the bar referee was biased. It was one of the bases for his complaint. Review, by this district court, of such a motion is limited to the four corners of the complaint. When a party, in this case Tunis, has obstructed discovery of materials and then, subsequent to dismissal, those materials have been discovered which raise grave doubts about not only the fairness of Tunis but also point to her cover-up of them, then fraud upon this court and upon this plaintiff are shown.

WHEREFORE, plaintiff moves this court to vacate its dismissal order so that he might have the opportunity, deprived him prematurely by this court, to prove that The Bar proceedings against him were rigged by the cherry-picking of Dava Tunis to be the Bar Referee, and that she hid her past so that she could do what she was improperly hand-selected to do: deliver Thompson's head on a silver platter paid for by the porn industry. Rule 60 provides that an order can be vacate for "any other reason that justifies relief." Finding that a party, in this case a judge, hid her past in order to defeat a motion to recuse cries out for relief from this federal court.

This court dismissed plaintiff's civil rights lawsuit "without prejudice." That presumes it can be resuscitated. Fraud would seem to resuscitate it. This court should be more upset about this than plaintiff. Two parties hid facts from this court that bore upon the bad faith of both of them.

I HEREBY CERTIFY that this has been served upon record counsel for The Florida Bar and Dava Tunis by mailing it to the clerk of this court, who will then provide it via the court's CM/ECF electronic system from which plaintiff is banned, this September 7, 2010. Thompson has also provided it, as a courtesy, to the above via e-mail on this date.

A handwritten signature in black ink, appearing to read 'J.B. Thompson', is written over a diagonal line that extends from the bottom left towards the center of the signature.

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