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 *VERIFIED* SUPPLEMENT TO HIS *VERIFIED* MOTION FOR RECONSIDERATION FOR RELIEF FROM ORDER

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, on his own behalf, and supplements his motion for reconsideration of his Rule 60 motion for relief from its order dismissing this action without prejudice on the basis of fraud, stating:

Rule 60(d)(3), Federal Rules of civil procedure, authorizes this court to set aside a judgment when it is shown that one of the parties has perpetrated "fraud on the court."

This court dismissed this case in October 2007 on abstention grounds, stating that plaintiff had "an adequate state remedy" within the state's regulatory process to have all of his defenses heard, including his constitutional defenses.

On August 27, 2007, in order to persuade this court that Thompson did have an "adequate state remedy" by which to have his constitutional defenses heard, the law firm for the defendant Florida Bar, Greenberg Traurig, filed with this court "Document 69," styled by its Greenberg Traurig record counsel Barry Richard and Karusha Sharpe as "The Florida Bar's Notice of Filing Supplemental Authority."

Surely this court and/or its law clerks can take the time, using this court's CM/ECF PACER system to review this document that The Bar felt was so crucial that it

augmented its oral arguments and its already hefty filings in order to bring the "Supplemental Authority" found therein to this court's attention.

The case authority that Greenberg and its two inventive lawyers brought to this court's attention, as even a quick look at "Document 69" shows, is the case of *Mason v. The Florida Bar* . Greenberg felt so strongly about the significance of this case that it didn't just cite it to the court. It provided the entire texts of all of the *Mason v. Bar* holdings in the federal court for the Middle District of Florida.

And surely Greenberg's Richard and Sharpe cannot be said not to have understand the precedent of *Mason,* as they were record counsel in that case as well.

Let's see how Greenberg persuaded the Middle District to federally abstain from interfering in The Bar's regulatory process in *Mason,* shall we? If this court's bevy of law clerks can't find the following quotation from *Mason* in Document 69, then Thompson will walk it down to the Ferguson Federal Courthouse and, with US Deputy Marshals at his dangerous side, hand-deliver it to Judge Jordan personally, as he did in another instance without an escort and without incident. From the court's ruling, found in Document 69:

"Mason may assert his constitutional claims before the grievance committee, or possibly even prior to that. See Rule 3-7.3(d) and Rule 3-7.4(h). Even after the Chief Justice assigns the complaint to a referee for trial, the Board of Governors may terminate the proceedings before any evidence is received under Rule 3-7.5(e). Nothing prohibits Mason from petitioning the Board of Governors to dismiss the disciplinary action on constitutional grounds, and there is no reason to find that the grievance committee or the Board, both of which are

composed primarily of lawyers, would refuse to consider such claims. The referee may grant a motion to dismiss the complaint as insufficient in light of Mason's First Amendment and any state constitutional claims under Rule 3-7.6(h). FN6 The Florida Bar introduced into evidence two orders of referees in other disciplinary proceedings in which the referees held that the advertising rules as applied to the attorneys at issue were unconstitutional. If the referee were to rule against Mason's constitutional claims, Mason may object to the report and recommendation, and seek review by the Florida Supreme Court. See Rule 3-7.7(a)(1) and (c)(5). The third prong of *Middlesex* is satisfied because Mason has an adequate opportunity to raise federal and state constitutional challenges in the state Bar proceeding."

Under oath, plaintiff informs this court that his grievance committee as well as Bar Referee Tunis, who is a named defendant herein, NEVER considered Thompson's asserted "First Amendment and any state constitutional claims under Rule 3-7.6." NEVER.

Take a look at the pertinent and crucial portion of Rule 3-7.6(h) cited by the *Mason* court, found in subsection (4) of Rule 3-7.6(h):

"(4) *Disposition of Motions.* Hearings upon motions may be deferred until the final hearing, and, whenever heard, rulings thereon may be reserved until termination of the final hearing."

In other words, a bar referee, in this instance Tunis, may defer rulings on motions until the final hearing, but there must be rulings on those motions.

Take a look at Referee Tunis' "Corrected Final Report of Referee" found on-line for all the world, even this court, to see at http://www.floridabar.org/DIVADM/ME/MPDisAct.nsf/DisActFS?OpenFrameSet&Frame=DisActToC&Src=%2FDIVADM%2FME%2FMPDisAct.nsf%2FdaToc!OpenForm%26AutoFramed%26MFL%3DJohn%2520Bruce%2520Thompson%26ICN%3D200570305%26DAD%3DDisbarment%2520-%2520Permanent.

There is in that lengthy "Report" not a single ruling on any of Thompson's defenses. There is not any discussion of or dispensing with any of Thompson's constitutional, including his "First Amendment" defenses. Why? Because Referee Tunis never considered them. You can't announce a ruling on a matter never considered.

Yet, here we have The Bar's counsel, Greenberg Traurig, citing to this court in the person of Adalberto Jordan, the *Mason* case, in which it served as record counsel, to say to Judge Jordan, in effect: "Don't worry, Judge Jordan. In his upcoming bar trial (which commenced on November 26, 2007, three months after *Mason* was cited), Jack Thompson will have addressed his constitutional defenses. There is thus an adequate state remedy, as Mason assures us and you and Mr. Thompson."

It was a lie.

Neither Tunis nor the grievance committee ever considered Thompson's constitutional defenses.

But now we go from a lie to a damned lie:

After this court received the supplemental filing by Greenberg of the *Mason* case, Thompson served upon then Bar President Frank Angones, a formal written demand to The Bar's Board of Governors for the purpose of **"petitioning the Board of Governors**

to dismiss the disciplinary action on constitutional grounds." See this precise language in *Mason*, supra.

Frank Angones wrote Thompson back, facilely telling him, curtly, that Thompson had no right to petition the Board of Governors.

When Thompson got this remarkable letter from Angones, he called Barry Richard. Barry Richard had the time to take the call, because he had not yet begun his national speaking tour apologizing for having represented George W. Bush in *Bush v. Gore*.

When Thompson asked Mr. Richard why the Board of Governors would not consider Thompson's petition as to his constitutional defenses, Mr. Richard, so help me God, said: "The court in *Mason* was wrong. You have no right to do so."

Responded Thompson: "Then why did you cite the case, Barry?" Answer: Click.

This is fraud. It is, within the clear meaning of Rule 60(d)(3), a fraud upon this court by the defendant Florida Bar in collaboration with defendant Tunis.

They, together, denied Thompson any consideration of his constitutional defenses.

We don't even need to reach the fact and the argument based thereon that once Tunis issued her Final Report, Thompson was not allowed to present his constitutional defenses to the Florida Supreme Court by way of a Petition for Review, as Mason further asserts. The Supreme Court, cleverly and fatally, ruled that Thompson could not proceed pro se with his Petition for Review, *after* The Bar extorted his three counsel from representing him and *before* the Supreme Court, a year later, enacted its brand new Rule 3-7.17, which prohibits lawyer respondents from proceeding *pro se*.

That is more fraud, but we don't even need to reach that final stage of fraud by which the Florida Supreme Court entered its permanent disbarment order because this case was "uncontested." The fraud upon this court occurred way prior to that, on August 27, 2007, when The Bar's permanently retained outside counsel, Greenberg Traurig, told this court that Thompson would have his constitutional defenses heard all along the way and that he thus had an "adequate state remedy" that mandated abstention by this federal court from messing with a state regulatory proceeding.

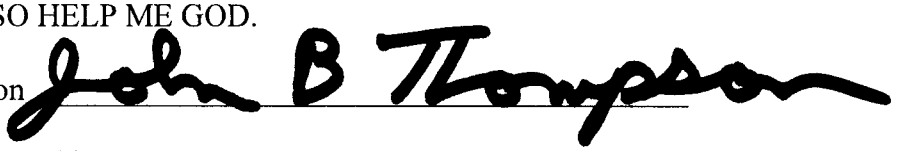
This court, if it is to aspire to any semblance of fairness, can do nothing other than grant plaintiff's Rule 60 motion to set aside its dismissal order.

If it does not do so, then it is beyond absurdity for this court, in the person of Adalberto Jordan, to attend the seminary in the swanky Banker's Club in a matter of days to hold forth about "Ethics and Professionalism." Judge Jordan will be asked, from the audience, which is not limited just to lawyers: "What do you do, Judge Jordan, when a law firm is found to have lied to you about case authority it cites to you?" Further, "Then, since you take that seriously, why have you looked the other way when you have learned that the powerful law firm of Greenberg Traurig lied to you on August 27, 2007?"

Further, the Eleventh Circuit and then the United States Supreme Court will be shown, should this Motion for Reconsideration not be granted, that the Southern District of Florida's Adalberto Jordan welcomes fraud upon the court when the purveyor of that fraud is a law firm with strong influence in Miami, Tallahassee, and Washington, D.C.

Grant the motion.

I SOLEMNLY SWEAR, UNDER PENALTY OF PERJURY, THAT THE FOREGOING FACTS ARE TRUE, CORRECT, AND COMPLETE, TO THE VERY BEST OF MY KNOWLEDGE, SO HELP ME GOD.

Signed, John B. Thompson 

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 12, 2010. Thompson has also provided it, as a courtesy, to the above via e-mail on this date.

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