

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 NOTICE TO THE COURT RE THE ERRONEOUS FILING BY
DEFENDANT FLORIDA BAR OF THOMPSON'S DISCIPLINARY HISTORY
AND MOTION TO STRIKE BAR'S FILING IN THAT REGARD**

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and hereby provides notice to the court of the grossly erroneous filing by the defendant The Florida Bar in its filing today with the court of what purports to be his *entire* disciplinary history with The Florida Bar, stating:

1. Plaintiff Thompson is grown used to the carelessness, the mendacity, the viciousness, and the unethical conduct of The Florida Bar's staff attorney with which he has had to put up for twenty years. It is just that recklessness which has made this federal civil rights action necessary.

2. What surprises and disappoints, however, is that lawyers with as well-respected a law firm as Greenberg Traurig would do what they did today, in this court's file.

3. The issue was raised last week at this court's hearing on defendant's motions to dismiss that the bar disciplinary history of someone situated as is Thompson can be

probative, but not necessarily conclusive, of bad faith by a bar. The court suggested, plaintiff recalls, that it suggested it would like to know Thompson's history in this regard. Thompson has been busy fighting the battle in the state disciplinary proceeding this week and had not gotten around to that filing yet.

4. The Bar, however, has filed this day what it represents to be Thompson's disciplinary history. It is a false filing. Missing, for example, is the history, which The Bar has in its records, of its unsuccessful attempt in the early 1990s to suspend Thompson from the practice of law on the basis of his alleged mental incapacity. Where is that record?

5. Where also is dismissal of all but one count of the Tew Cardenas blunderbuss SLAPP Bar complaint arising out of illegal airing of the *Howard Stern Show* filed in 2005 that The Bar kept on life support for nearly two years in order to harass Thompson? The Bar has that exoneration of Thompson at odds with The Bar's staff and did not provide that favorable adjudication to the court.

6. Where is the complete exoneration of Thompson of any wrongdoing in the Norm Kent SLAPP Bar complaint that was filed in August 2004, which The Bar's outside investigator David Pollack, a fine lawyer and partner at Stearns Weaver, found to be utterly baseless and yet was brought back from the dead by The Bar's compromised designated reviewer, Ben Kuehne? If The Bar has filed that exoneration of Thompson with this court, the findings in that regard would have shown the harassment of Thompson for more than two years, over the objection of the investigator outside the bias of The Bar's hierarchy. This was an acquittal of great significance. It is missing from The Bar's filing today with this court.

7. Where, too, is the acquittal of Thompson for the unlicensed practiced of law in Ohio that the bar in Ohio looked at and found utterly absurd?

8. Where is The Bar's record of Thompson's exoneration as to a Florida Bar complaint brought by a video gamer in some trailer park in the Midwest who didn't like Thompson's spirited activism against the sale of adult, violent games like *Grand Theft Auto* to children. The Bar enthusiastically took that seriously for months, when it should have been thrown in the trash the afternoon The Bar got it.

9. Where is The Bar's record of Thompson's complete exoneration in a decidedly SLAPP Bar complaint filed by Dennis McCauley, the owner and operator of GamePolitics at www.gamepolitics.com, who is a lobbyist for the video game industry who also collaborates with Norm Kent. The Bar kept that monstrously ridiculous complaint going for months until Thompson shamed The Bar (a difficult task) into dismissing it with prejudice.

10. Apparently The Bar and its record counsel "forgot" that this issue of a lawyer's disciplinary history as to the issue of bad faith, turn on the history of his acquittals. Thompson is shocked that The Bar and its counsel would file such a deceptive pleading with this court, knowing what they know. Some of these acquittals are mentioned right in Thompson's complaint.

WHEREFORE, plaintiff moves this court to strike The Bar's notice/filing in this regard, given its grossly incomplete, deceptive, and hurtful nature. Should the court not strike this filing, it should, with all respect, require defendant The Bar to correct its filing post haste, as this type of studied "harassment by falsehood" of Thompson must stop.

I HEREBY CERTIFY that this has been served upon record counsel this 31st
day of August, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
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