

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 COURT AND A REQUEST

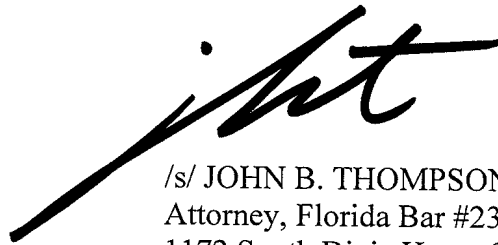
COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and provides notice to the court as follows:

1. This court had inquired at a recent hearing as to whether there is a scheduled trial date in the state "disciplinary" proceedings. Now there is: November 26-30.
2. Despite that trial date, the referee, a defendant herein, has failed to execute subpoenas for discovery, most notably one for Bar complainant Al Cardenas, even though a September 14, 2 pm date and time was preapproved with opposing counsel and the witness. Referee Tunis had promised to execute subpoenas the same day they were provided to her.
3. Referee Tunis has been moved by plaintiff to recuse herself, in light of the US Supreme Court case of *Johnson v. Mississippi*, 403 U.S. 212 (1971), which makes it clear that a state court judge can't preside over a state proceeding while his/her impartiality is compromised by his/her defendant status in a federal civil rights action.

4. Referee Tunis herself admitted the bias problem, while denying the solution, when she stated in open court last week that she has isolated herself from seeing any pleadings in this federal case!

5. Referee Tunis, having received the recusal motion and the USSC authority for it (*Johnson, supra*), has failed to recuse herself. Plaintiff would respectfully suggest that this federal court, given the prayer for injunctive relief herein, should order her to remove herself, as certainly one of the requisites for a “fair,” due process-laden state proceeding, is a reasonable assurance that the person presiding over the proceedings is unbiased. Referee Tunis cannot be fair; she has a vested interest now in the outcome.

I HEREBY CERTIFY that this has been served upon record counsel this 4th day of September, 2007, electronically.



/s/ JOHN B. THOMPSON, Plaintiff
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