

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 MOTION FOR CLARIFICATION

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and respectfully seeks clarification from the court, by way of this motion, as to the status of this proceeding, stating:

1. Plaintiff apologizes for inconveniencing the court with this query, but he is unclear as to where we all are in these proceedings. Plaintiff, for example, has moved for leave to amend his complaint, with the current defendants having giving their permission to do so. The two new defendants have accepted service of the amended complaint, so service has been effected. It does not appear, however, that the court has granted leave to amend, so it is unclear as to what complaint we are all traveling under.

2. This case is set for trial, as plaintiff has notified the court, in November, and yet necessary discovery in the run-up to that trial date is being blocked by both The Bar and the referee, the latter of whom refuses to recuse herself despite the US Supreme Court's unanimous holding in *Johnson v. Mississippi* that a defendant in a federal civil rights action, which referee Tunis is, must recuse himself/herself from the state proceedings that gave rise to that federal civil rights action.

3. The recent filing by defendant Tunis of the two Bar complaints under which it is proceeding seek to punish him even for letters to Governor Bush and President Bush. The purpose of these Bar complaints toward the end of punishing Thompson for his First Amendment-protected “petition speech” could not be clearer.

WHEREFORE, plaintiff respectfully seeks clarification from the court as to whether and when he can anticipate a hearing on his motion for a preliminary injunction as sought by his third amended complaint herein, as The Bar is churning away, unimpeded, with its continuing bad faith denials of due process in pursuit of a result it set out to achieve more than three years ago. **Plaintiff continues to maintain that this matter is ripe for real mediation, for which plaintiff moved this court weeks ago.**

I HEREBY CERTIFY that this has been served upon record counsel this 7th day of September, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
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