

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 LEAVE TO FILE DOCUMENT**

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and moves this court for leave to file the attached document/exhibit, stating:

1. Thompson has filed with the court the remarkably useful federal District Court ruling, which came down this last week, in *Fieger v. Michigan Supreme Court*. Thompson will present to this court his analysis that *Fieger*, if applied to The Florida Bar's two complaints against Thompson, entitles him to similar relief, which quite literally eviscerates The Florida Bar's entire disciplinary effort against Thompson.

2. Pending that analysis of *Fieger* by Thompson, plaintiff moves this court for leave to file the attached composite document/exhibit, which proves to this federal court that Thompson has repeatedly moved defendant referee Tunis to grant him a hearing on his First Amendment defenses. Further, this composite exhibit proves that Thompson has also repeatedly requested, as far back as three years ago, of The Florida Bar's Board of Governors that he be allowed to make his case to them directly as to the *unconstitutionality of The Bar's disciplinary efforts against him*. Greenberg Traurig

helpfully provided this court and Thompson with the *Mason v. Florida Bar* federal case in which, at footnote 6 therein, the court writes that a Bar disciplinary respondent has a state remedy of going before the Board of Governors to make his constitutional arguments. Nevertheless, The Bar's Board of Governors has not only denied Thompson this opportunity; they haven't even responded to Thompson's three years of requests for that audience. Does Thompson have a state remedy as set forth in the very case that The Bar has cited to this court? Apparently not.

3. So, it is made clear by the attached composite document/exhibit, and also by plaintiff's un rebutted record showing that this court already has, that referee Tunis, the Florida Supreme Court (in its ignoring of Thompson's writ of mandamus actions), and in the Governors' refusal to condescend to allow him to make his *Fieger* constitutional arguments before them, have all denied him an adequate state remedy as to these constitutional issues.

That denial having been proven, Thompson is not barred by any theory of abstention, *Younger* or otherwise, as The Bar's own cited case of *Mason v. Bar* holds, for if there is no adequate state remedy, *Younger* does not apply. *Mason* says so, and so does *Fieger*.

I HEREBY CERTIFY that this has been served upon record counsel this 9<sup>th</sup> day of September, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff  
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