

MICHAEL J. HASON
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CIV. MIDDLEBROOKS

UNITED STATES DISTRICT COURT
SOUTHERN FLORIDA, FT. LAUDERDALE

05-61332

MICHAEL J. HASON,

Plaintiff,

COMPLAINT

v

FLORIDA BOARD OF BAR EXAMINERS (FBBE),
FBOM'S CHIEF ATTORNEY AND FBOM ATTORNEY
SIGNING CHARGES AGAINST DR. HASON,
ELEANORE HUNTER, in her official capacity as FBOM
Executive Director and her private and/or individual
capacities.

Defendants.
-----X

FILED BY: [Signature]
2005 AUG - 8 AM 11:17
D.C.
U.S. DIST. CT.
OF FL.-FTL.

ORIGINAL [Signature]

[Signature]

COMPLAINT

1. This Court has jurisdiction on the basis of federal issues diversity of citizenship of the parties, 28 U.S.C. 1331 and 1332. Dr. Hason's citizenship is California and that of the Defendants is Florida. The causes of action arose in the venue of Ft. Lauderdale where Dr. Hason resided at relevant times during 2001-2004.

FIRST CAUSE OF ACTION

2. The Florida Board of Bar Examiners is a covered entity under the Americans with Disabilities Act (ADA) and guilty of violating that act by discriminating against Dr. Michael J. Hason during its handling of his application for admission to the Bar. Its various acts were not only discriminatory, but calculated to exclude Dr. Hason from the practice of law in Florida and/or make it more difficult for him to succeed in obtaining a license to practice law in Florida..

3. Dr. Michael J. Hason is disabled in accord with the definitions of that term under the ADA and the Dept. of Justice's promulgated rules: 1) he has a history of recurrent depression that has interfered with work and his career in medicine and/or 2) he has been treated as disable by numerous govt. agencies, including the Medical Board of California and/or the N. Y. Office of Professional Medical Conduct and/or the Florida Board of Medicine and/or the Florida Board of Bar Examiners.

4. The Florida Board of Bar Examiners (FBBE) have discriminated against and have violated Dr. Hason's rights under the ADA in several ways.

5. Dr. Hason applied to the Florida Bar for admission in about August of 2001. The FBOM application and/or follow letters from the FBBE demanded that he report any

history of psychological and/or psychiatric treatment and demanded that Dr. Hason forward true copies of all records of such therapy to the FBBE. After protest, the FBBE indicated that they would only require records from ten years prior. The FBBE demanded actual session records, in several cases, and refused to accept summaries or reports of the treating practitioners in lieu of those session records (at least with regards to the Jewish Family Services and the Institute of the Pennsylvania Hospital). Even the ten year period request violated the ADA's mandate for an evaluation based on best current medical information concerning the applicant.

6. The FBBE acted in a manner such as to delay Dr. Hason's ability to complete his application in a timely fashion and also failed to inform him that after three years his application would be deemed stale.

7. The FBBE, also as part of the delay, trumped up two charges against Dr. Hason, 1) concerning the quality of his civil rights litigation and 2) concerning his disputes with several creditors. Dr. Hason appropriately maintained that his litigation was not a proper subject for extensive Board inquiry as no professional representation was involved, that his litigation was of good quality and that so complained of errors in the litigation were easily explained, if any explanation was necessary. With respect to the trumping up of this charge, the prosecuting FBBE attorney also included two grossly trumped up counts, One of which was some kind of accusation that Dr. Hason was asking for too much in damages in his suits and the other that he could not possibly believe that the a federal judge would intervene against the Florida Board of Medicine which was grossly violating his rights under the ADA. With respect to the charge regarding the creditors, Dr. Hason repeatedly asked the FBBE for advice as to what they should do concerning these

conflicts, including paying them outright and was repeatedly met with silence. In addition, Dr. Hason was continually making progress towards settling and resolving these disputes and several times asked the FBBE to issue his license with conditions concerning how he was to deal with the alleged debts. Furthermore, the amounts of the debts were less than the amount of the application to the Bar, \$5000.00 and it was made clear to the FBBE that Dr. Hason could have paid the creditors, but was holding out based on principles that needed to be vindicated, the side of consumer rights, which the FBBE apparently did not support. The FBBE sided with the creditors, even when the law and facts were on Dr. Hason's side on all or several of the debt claims.

8. By the above acts the FBBE interfered with and delayed Dr. Hason's right to licensure as a Florida attorney in a timely fashion and contributed to Dr. Hason's need to leave the State of Florida where he had resided for seven years and leave his elderly parents behind in Ft. Lauderdale. Further, the FBBE's behavior interfered Dr. Hason's motivation and desire to practice law in Florida and exposed him to sanctions of other govt. licensing agencies who would review the FBBE's reluctance to license Dr. Hason and go slow in licensing him elsewhere.

9. All of the FBBE's acts caused Dr. Hason great and persisting distress, loss of hope for fair play and honesty in government, emotional suffering, great loss of income and contributed greatly to decrease Dr. Hason's chances to live a normal and happy life, fulfill his potential as an attorney and contribute to society.

FOR A SECOND CAUSE OF ACTION

10. Plaintiff, Dr. Hason, repeats and re-alleges each allegation numbered 2-9, as if

more fully set forth here.

11. The FBBE acted in a discriminatory manner as explained in the first cause of action, in part, in order to retaliate against Dr. Hason for suing the FBOM under the ADA and in order to continue and support the discrimination of the FBOM.

FOR A THIRD CAUSE OF ACTION

12. Plaintiff, Dr. Hason, repeats and realleges each allegation numbered 2-9 and 11, as if more fully set forth here.

13. The FBBE acted in a discriminatory manner as explained in the first cause of action, in part, in order to retaliate against Dr. Hason for suing the Medical Board of California (MBC) and to continue and support the MBC's discrimination against Dr. Hason and to continue and support the FBOM's continuation and support of the MBC's discrimination against Dr. Hason.

FOR A FOURTH CAUSE OF ACTION

14. Plaintiff, Dr. Hason, repeats and re-alleges each allegation numbered 2-9, 11 and 13, as if more fully set forth here.

15. The prosecuting FBBE attorney who apparently prepared and who did sign the charges promulgated by the FBBE against Dr. Hason, as a purported part of his application process before the FBBE, acted under color of (state) law in a manner intentionally and/or recklessly and with bad faith, causing, in fact, a deprivation of Dr. Hason's protected federal rights, which violated 42 U.S. Code 1983. The FBOM's Chief Attorney permitted these charges to issue from his office.

FOR A FIFTH CAUSE OF ACTION

16. The FBOM acts complained about in the first three causes of action of this complaint were approved of and/or supported by and/or coordinated by the FBOM'S executive director, Ms. HUNTER, so that she personally under color of state law violated Dr. Hason's federally protected rights and is liable under 42 U.S.C. 1983. On information and belief, other disabled individuals have been treated in a similar and/or otherwise discriminatory manner and so Ms. HUNTER should be enjoined from any further discriminatory behavior, as otherwise this behavior is likely to continue and recur.

JURY TRIAL

16B. Dr. Hason requests a jury trial of each cause of action.

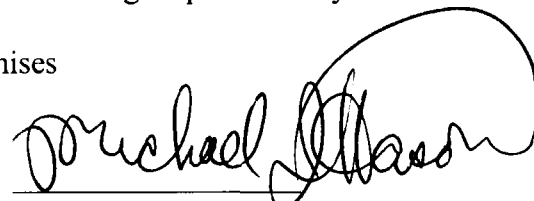
DAMAGES

17. Dr. Hason repeats and re-alleges allegation number 9 here, as if more fully set forth.

18. The FBBE has continued and intensified the tragic and great suffering that has been inflicted on Dr. Hason in a discriminatory manner and ruining his life. Dr. Hason has suffered great emotional injury and great pecuniary loss due to the acts of the FBBE and its prosecuting attorney mentioned in the fourth cause of action. Dr. Hason's reputation has also been damaged. The violations also inhibit, impair and interfere with Dr. Hason's ability to obtain future licensures in medicine and law in other jurisdictions. The violations, furthermore, are egregious, reckless and/or calculated and support an additional award for punitive damages.

WHEREFORE, Dr. Hason requests that this Court adjudge that the Defendants jointly and severally are liable to Dr. Hason in the amount of \$10, 000,000.00 and an additional \$10, 000,000.00 in punitive damages, plus costs, expenses, consequential and Litigation related, compensation for Dr. Hason's time expended in bringing this case and attorney's fees, grant injunctive releif, all only to the degree permitted by law, and grant any further or different relief just in the premises

Dated: August 5th, 2005


MICHAEL J. HASON

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

MICHAEL J. HASON
PRO SE

DEFENDANTS

FLORIDA BOARD OF BAR EXAMINERS
ELINORE HUNTER

(b) County of Residence of First Listed Plaintiff LOS ANGELES

County of Residence of First Listed Defendant LEON

(EXCEPT IN U.S. PLAINTIFF CASES)

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number) NA

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

CIV-MIDDLEBROOK 05-61332

LED BY: [Signature]
 2005 AUG - 8 AM : 19
 S.D. OF FLA. 13th J.D.C.

(d) Check County Where Action Arose: DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One for Defendant)

- | | | | | | |
|-----------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY - Med. Malpractice <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	PROPERTY RIGHTS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
			SOCIAL SECURITY	FEDERAL TAX SUITS
			<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

42 USC 12101 et seq.

LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 10,000,000 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 8/06/05 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY

RECEIPT # 332050 AMOUNT 2500 APPLYING IFP _____