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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
OF FLORIDA**

MICHAEL J. HASON,

Plaintiff,

Vs.

**THE FLORIDA BOARD OF
BAR EXAMINERS, et al.,**

Defendants.

Case No. 4:06cv105-RH/WCS

**INTERVENOR'S COMPLAINT FOR
DAMAGES AND INJUNCTIVE
RELIEF**

JURY TRIAL DEMANDED

COMPLAINT IN INTERVENTION

PHILIP J. STODDARD files this complaint in intervention as a party plaintiff as permitted by Fed. R. Civ. P. 24(B).

INTRODUCTION - JURISDICTION

1. Plaintiff, MICHAEL J. HASON, pro se, sued THE FLORIDA BOARD OF BAR EXAMINERS (FBBE) which is an administrative agency of the judicial branch of Florida and ELEANOR MITCHELL HUNTER, FBBE Executive Director, in her personal and official capacity for damages and for injunctive relief to redress injuries arising out of alleged violations of Title II of the Americans with Disabilities Act (Title II) 42 U.S.C 12131, et.seq. and 42 U.S.C., § 1983.

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2. The Defendants have filed a Motion to Dismiss claiming judicial immunity, lack of standing, "Rooker-Feldman" lack of jurisdiction, failure to identify or properly join necessary defendants, failure to state a cause of action and "Younger vs. Harris" abstention grounds. The plaintiff, as of May 26, 2006, has not yet filed a response to the motion.

PARTIES

3. Plaintiff, MICHAEL J. HASON, is a person who sued the defendants while his application for admission to the Florida Bar was pending, but who has apparently abandoned his application rather than endure continuing abuse by FBBE and its staff. Plaintiff will be served with a copy of this complaint at his address of record which is 11815 Mayfield Ave., #103 Brentwood, CA 90049. Plaintiff is a person who is protected from discrimination on account of real or perceived disability under Title II of the Americans with Disabilities Act because he disclosed a history of treatment for a mental illness in his bar application materials.

4. Intervenor, PHILIP J. STODDARD, is a present applicant for a license to practice law, who originally applied in November, 2000, whose application was, sua sponte, "deemed withdrawn" and inactivated by FBBE in April 2002, and whose "renewed" application has been pending since July 7, 2004. Intervenor is a person who is protected from discrimination by reason of real or perceived disability by Title II of the Americans with disabilities act because he disclosed a history of treatment for a mental illness in his bar application materials.

5. Defendant, FLORIDA BOARD OF BAR EXAMINERS (FBBE), is a state governmental agency, sued pursuant to the abrogation of immunity provisions of Title II. This defendant will be served with a copy of this complaint through its attorney of record, James

Joseph Dean, Esq., whose address is James J. Dean, Esq. Messer Caparello & Self, P.A., 215 S. Monroe Street, Suite 701, P.O. Box 1876, Tallahassee, FL 32302-1876

6. Defendant, THOMAS ARTHUR POBJECKY, is an FBBE staff employee who is the agency's chief investigator and agency general counsel identified in the original case style as a party defendant by the term "FBOM's Chief Attorney" (apparently a typographical error). In the capacity of general counsel, the defendant, POBJECKY, developed or assisted in developing all of the allegedly unlawful policies, procedures and "processing protocols" by which the defendants have caused the harm to the Plaintiff and the Intervenor. In his capacities as advisor to the FBBE and as chief investigator, Mr. POBJECKY has no colorable claim to absolute immunity from suit for constitutional torts. Defendant, POBJECKY, is sued in his personal and in his official capacity. This defendant will be served with a copy of this complaint pursuant to Fed. R. Civ. P. 4(d) through his attorney of record, James Joseph Dean, Esq., address as above.

7. Defendant, ELEANOR MITCHELL HUNTER, is the Executive Director of FBBE. Ms. Hunter is responsible for enforcing rules, procedures and policies related to processing attorney license applications in Florida. At all relevant times hereto, defendant Hunter was acting under color of state law. Defendant Hunter is sued in her personal and in her official capacity. This defendant will be served with a copy of this complaint through her attorney of record, James Joseph Dean, Esq., address as above.

COMMON ISSUES OF FACT OR LAW

8. The Intervenor's action addresses the same species of violations as specifically pled by the plaintiff in this case or which are readily inferred from the allegations of fact set out

therein - lengthy investigations and the imposition of costly and burdensome proceedings relating to "trumped-up" or otherwise frivolous matters to embarrass bar applicants and delay and defeat the professional aspirations of those applicants deemed subjectively undesirable by the defendants. The original complaint and the allegations below show violations of the First and Fourteenth Amendments of the Constitution of the United States, other constitutional provisions including the "Ex-post Facto" and "Bill of Attainder" clauses, and violations of Title II of the Americans with Disabilities Act by officials of the Florida Board of Bar Examiners (FBBE), all acting under color of state law. Pursuant to the defendants' unlawful non-rule policies and irregular procedures FBBE officials, with ratification by the FBBE board members, routinely and arbitrarily deprive specially targetted bar applicants of constitutionally guaranteed procedural safeguards by unreasonably delaying or denying their licensing applications.

9. FBBE officials have deprived the plaintiff and the intervenor of constitutionally protected property interests in their passing bar examination scores, and constitutionally protected entitlement interests in their right to pursue the occupation of their choice.

10. In both cases, by harrassment and dilatory investigative tactics, the defendants delayed licensing the aggrieved parties for more than five years, thereby causing damage to the parties earnings and future earning potential while inflicting extreme emotional and mental distress upon the parties.

11. The Intervenor seeks damages for violations of the First, Fifth and Fourteenth Amendments of the United States Constitution, enforceable under 42 U.S.C. § 1983, and violations of Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131, et. seq. (Supp.

II 1990) and the Rules promulgated pursuant thereto and for general injunctive relief. The Court has federal question jurisdiction of all claims pursuant to 28 U.S.C. § 1343(3).

12. Unless relief is granted, the defendant officials will continue their policies and practices of unlawful discrimination, free speech and due process violations with impunity. No State court has ruled on either the plaintiff's or the intervenor's applications. In the event the intervenor is denied a license to practice, he will have leave to reapply after two to five years, at which time, unless the defendants are deterred from constitutionally abusive future conduct, he will face the same unconstitutional procedures.

FACTS COMMON TO ALL OF INTERVENOR'S CAUSES OF
ACTION

13. Intervenor filed his original bar application in November, 1999. The application disclosed that the intervenor was seriously injured and permanently disabled in a motor vehicle accident in 1979 and that he had been treated briefly for acute mental illness symptoms three times during the period 1978-1980. Intervenor completed a nine-month paralegal certification program under a federally funded vocational rehabilitation grant in 1986, was admitted to an ABA accredited law school in 1995, financed his education by part time work and student loans, and was awarded his Juris Doctorate in May, 1999. The Intervenor passed all parts of the Florida Bar Examination as of February, 2000.

14. In September, 2001, almost 2 years after the original application, the Board examined the Intervenor at an investigative hearing. At this hearing, without prior notice to the Intervenor, the defendants, none of whom were qualified mental health professionals, placed the Intervenor's mental health in issue and examined him for signs of a mental illness.

15. In November, 2001, the Board served a list of nine conclusory opinion statements characterized as "specifications" substantially accusing the Intervenor of "disrespect for the law" and other "thought crimes" as evidenced by conduct that the Board found merely subjectively objectionable or socially unacceptable. For example, it was alleged that that the Intervenor committed disqualifying "unprofessional conduct" when he wrote a letter to the Executive Director of the Florida Board of Bar Examiners complaining about bias and delay in the proceedings.

16. While the application was pending, the Intervenor filed suit for injunctive relief and damages in the U.S. District Court alleging board misconduct in violation of Title II of the Americans with Disabilities Act in the processing of his application. The suit was ultimately dismissed on appeal because the 11th Circuit Court determined that the declaratory and injunctive relief claims were not ripe because the Intervenor did not then have an application pending.

17. In April 2002, pursuant to the Intervenor's refusal to participate in the admissions process while the federal suit was pending, the Board, sua sponte, dismissed the Intervenor's application without prejudice (deemed the application withdrawn) in plain violation of Rule 3-23.4 of the Rules of the Supreme Court Relating to Admissions to the Bar which requires that where specifications have been filed, the Board must hold a formal hearing, make a record and issue judicially reviewable findings of fact and conclusions of law - the applicant has the option of waiving his presence.

18. On July 7, 2004, the Intervenor paid a \$425.00 stale file fee and submitted a renewed application.

19. In January 2005, the Board's Executive Director notified the applicant that he would be required to take the Bar Examination again if the Board did not admit him before February 25, 2005.

20. On January 17, 2005, the Intervenor filed a timely motion to dismiss the three year old specifications for failure to prosecute in a timely manner and to waive the re-examination requirement and paid the applicable filing fee. The Board has refused to rule on the motions claiming that it "lost" the paperwork.

21. On April 9, 2005, fully nine months after Intervenor filed his renewed application, the Board summoned him to a second investigative hearing.

22. The second investigative hearing was held on May 20, 2005. At the hearing, defendant POBJECKY, acting without authority and under color of law, was not only present, but controlled the investigative questioning of the applicant. Again, an investigative panel of the Board investigated the Intervenor's mental health without the presence of a qualified professional. For example, POBJECKY inquired as to a diagnosis the Intervenor's physician made in 2001 and what the Intervenor was doing about the diagnosis. No one on the hearing panel was competent to evaluate the Intervenor's response to the inquiry.

23. After the second investigative hearing the Board informed the Intervenor that it would suspend further action on the application until 45 days after the Board received the hearing transcript.

24. On July 26, 2005, the Board served supplemental specifications on the Intervenor, by his attorney, incorporating by reference, the earlier set served in November 2001 and adding additional allegations involving the Intervenor's lawful exercise of his free speech rights.

25. On August 8, 2005, Intervenor's attorney resubmitted the motions to dismiss the stale specifications and for waiver of the bar examination to defendant Hunter. Defendant Hunter refused to submit the motions for adjudication by the Board.

26. Intervenor's bar application remains pending before FBBE for more than six years and the Intervenor reasonably believes that the defendants decided to exclude him from the practice of law prior to the 2001 hearing.

27. Intervenor has established a prima facie case for good moral character because the defendants' record shows that he is responsibly employed, holds two duly issued state licenses that required proof of good moral character, and that he is highly regarded in his community as evidenced by positive recommendations from long standing acquaintances including several current Florida Bar members. The Intervenor is in full compliance with all of the laws of Florida and of the United States, including all tax laws. The Intervenor has never been convicted of any crime or committed any acts of moral turpitude.

28. The defendants unlawfully, arbitrarily and capriciously targeted the INTERVENOR for exclusion from the Florida Bar because FBBE discovered, in the course of its investigation, that the Intervenor had been diagnosed with and received treatment for a mental illness and that he is unpopular with certain incumbent bar members in his home county on account of his litigation and political activities. As in the Plaintiff's case, the defendants "trumped up" a set of specifications against the intervenor concerning matters that relate to lawful free speech or expression and matters so remote in time that none of the specifications purporting "disqualifying conduct" are rationally related to present fitness for the practice of law.

29. In furtherance of their unlawful exclusionary scheme the defendants violated their own rules, unlawfully harassed the Intervenor with “heightened scrutiny” of his entire life and unreasonably intruded into the Intervenor’s most private matters without regard as to whether the matters were rationally related to present fitness for law practice.

30. The above allegations show a pattern of harassment, deceit, violation of Title II of the Americans with Disabilities Act, retaliation for Intervenor’s protected exercise of First Amendment Rights, unreasonable intrusion into protected areas of the Intervenor’s personal life and deprivation of Intervenor’s constitutionally protected entitlement to a fair bar application proceeding, all purposed in arbitrarily excluding the Intervenor from the practice of his chosen occupation. At all times relevant to these allegations, the defendants were operating under color of the Constitution and laws of Florida and the Rules promulgated thereunder.

31. Applicants for a law license possess a federally secured liberty/property interest, even before a finding of entitlement. Mallette v. Arlington County Employees' Supplemental Ret. Sys. II, 91 F.3d 630, 638 (4th Cir. 1996) (finding that a statute created an expectation of a benefit, and thus procedural due process was needed to protect the property interest in the application); Nat'l Ass'n of Radiation Survivors v. Derwinski, 994 F.2d 583, 588 n.7 (9th Cir. 1992); Haitian Refugee Ctr., Inc. v. Nelson, 872 F.2d 1555, 1562 (11th Cir. 1989); Raper v. Lucey, 488 F.2d 748, 752 (1st Cir. 1973); Nat'l Ass'n of Radiation Survivors v. Walters, 589 F. Supp. 1302, 1312 (N.D. Cal. 1984) rev'd on other grounds, 473 U.S. 305 (1985). By investing more than \$80,000 in the cost of a legal education, three years of his life, passing the Florida Bar Examination, and presenting a prima facie case establishing moral fitness, the Intervenor has acquired a constitutionally protected entitlement interest in license to practice law. The

allegations of the complaint establish that the Intervenor has been denied constitutionally due procedural safeguards in FBBE proceedings for adjudicating its objections to his moral fitness and that the defendants have flagrantly disregarded their own rules in their exclusionary zeal.

FIRST CAUSE OF ACTION

Intervenor sues defendants THOMAS A. POBJECKY and ELEANOR MITCHELL HUNTER, each in his or her personal and official capacity, and shows the court:

32. This is an action for damages and for appropriate injunctive relief for constitutional rights deprivations pursuant to 42 U.S.C. § 1983 for ongoing violations of the First and Fourteenth amendments of the United States Constitution. Intervenor realleges and incorporates the common allegations and further alleges:

33. After the Board determined that the Intervenor had passed the bar examination in 2000, FBBE's staff investigators, under the direction of defendants POBJECKY and HUNTER, pursuant to an unpublished policy, personally solicited each and every Florida Bar member in the vicinity of the Intervenor's home for any derogatory information such attorney might have concerning the Intervenor.

34. The substance of such solicitation was a question as to "whether the attorney would welcome the Intervenor as a competitor in the attorney's market." The defendants gave "great weight" to the responses it received, which were generally, and predictively, negative. Because the responses, by rule, are privileged communications, the applicant has no opportunity to review the material or cross-examine any accusers. Because of the subjective nature of FBBE's decision-making, this opinion material was a major factor in determining the length and the outcome of the proceeding on the Intervenor's application.

35. By acting as agent for the Florida Bar and for attorneys who are former adversaries and future business competitors all of whom have pecuniary interests in excluding the Intervenor from law practice, POBJECKY and HUNTER, as a matter of practice and policy, violated the First, Fifth and Fourteenth Amendments of the United States Constitution by punishing the Intervenor for exercising his First Amendment Rights, chilling the Intervenor's First Amendment rights and injecting an unlawful bias into its admissions process.

36. In 1998, the Intervenor filed a grievance against a St. Augustine police officer who issued the Intervenor an allegedly fraudulent traffic ticket, arrested him for "resisting without violence" and then inflicted unreasonable force on him. In retaliation for a perceived threat of a civil rights suit, the Attorney for the City of St. Augustine and the State Attorney both submitted letters to the Board purporting that, in their opinion, the Intervenor is "unfit for law practice." Despite the clear bias, FBBE filed a specification against the Intervenor claiming that the Intervenor is disqualified from law practice because he filed the grievance which FBBE subjectively deemed "vexatious."

37. The Intervenor was politically active in St. Johns County Florida over a period spanning several years. During that time, the Intervenor publicly advocated action that was adverse to the financial interests of several St. Johns County attorneys, their clients, and a Circuit Judge. In 1997, only two years prior to his Bar Application, Intervenor filed a civil rights suit naming several prominent St. Johns County attorneys as defendants.

38. In 1990, the Intervenor, appearing pro-se in an appeal in the Fifth District Court of Appeals in Florida, prevailed against a prominent Saint Johns County lawyer.

39. These grudge-carrying lawyers have retaliated through the Florida Board of Bar Examiners which seeks to exclude the Intervenor from licensing because he is controversial and antagonistic to the established Bar in St. Johns County. Their submissions relating a significant dislike for the Intervenor and his views greatly influenced the scope of the investigation in the Intervenor's case.

40. During the course of its exhaustive investigation into the Intervenor's life, FBBE's investigators, directed by defendant POBJECKY and urged on by the Intervenor's private adversaries, accumulated a huge file documenting the Intervenor's political views, his associations, domestic relations and litigation activities.

41. As a result of the opinions the defendants gathered from the Intervenor's former legal and political adversaries and future business competitors, POBJECKY and HUNTER imposed unreasonable investigatory burdens and expense on the Intervenor, unreasonably delayed processing his application and deprived the Intervenor of his right to fair consideration of his licensing application.

42. Because of the unreasonable financial burdens, denial of constitutionally mandated procedural due process, undue intrusion into private areas of the Intervenor's life, unreasonable delay, emotional distress, mental anguish, and damage to the Intervenor's reputation caused by the defendants' retaliation against the Intervenor for exercising his First Amendment rights, the Intervenor is entitled to an award of damages and an appropriate injunction against these defendants.

SECOND CAUSE OF ACTION

Intervenor sues defendants, THE FLORIDA BOARD OF BAR EXAMINERS and shows the Court:

43. This is an action for damages and for appropriate injunctive relief for violations of Title II of the Americans with Disabilities Act. Intervenor hereby incorporates by reference and realleges all prior allegations.

44. Intervenor is a “qualified person with a disability” who is protected from discrimination by state licensing authorities pursuant to Title II of the Americans with Disabilities Act because he has acquired the requisite education for law practice and has passed all parts of the Florida Bar Examination and presented a prima facie case of good moral character. Intervenor has a history of treatment for a specific ADA listed mental illness and is regarded, by the defendants as having a disability. Title II, and the Rules promulgated pursuant thereto expressly prohibit state licensing boards from imposing additional burdens on protected individuals and blanket exclusionary policies based in stereotypes.

45. The Florida Board of Bar Examiners is an Agency of the State of Florida that is supported by dues and fees collected from bar applicants. A damage judgment against FBBE will not be paid out of public funds and, therefore, FBBE is not entitled to immunity from damage suits for civil rights violations and can be held liable for punitive damages to deter future willful and malicious unlawful misconduct.

46. FBBE specifically targets certain bar applicants for exclusion where the agency suspects that the applicant has a “mental illness” listed in Question 26(b) of the Application for Admission to the Florida Bar. The listed illnesses are: (a) schizophrenia; (b) bi-polar disorder; (c) kleptomania; and, (d) pedophilia.

47. FBBE's exclusionary targeting policies violate Title II of the Americans with Disabilities Act. From the text of Question 26(b) it readily appears that FBBE is targeting only persons whom they suspect of having "bi-polar illness." Kleptomania and Pedophilia are generally regarded as untreatable "mental defects" and involve moral issues. Those suffering from these disorders are not protected by Title II and are subject to civil and/or criminal commitment. The chance that FBBE might review the application of an admitted schizophrenic is extremely remote. By including morally innocent bipolar and schizophrenia sufferers in the same sentence with persons generally considered "moral degenerates" FBBE exhibits a malicious intent to stigmatize the unfortunately handicapped.

48. There is no statistical or historical basis for FBBE's "blanket labeling" practice or for FBBE's secret protocol, by which it harasses and stonewalls anyone who fits FBBE's secret "bipolar profile." FBBE is unlawfully diagnosing mental illness, in star-chamber type proceedings, by comparing the data it collects on applicants to its preconceived notion of what a person's life history has been where the person has been suffering from an undiagnosed mood disorder or other form of mental illness.

49. FBBE has absolutely no statistical or other evidentiary support for its theory that a bar applicant who discloses that he has received a prior diagnosis or treatment of mental illness presents a danger to the public. The discrimination evident in FBBE's practices and policies is nothing more than the stone-age prejudicial stereotyping expressly prohibited by Title II where professional licensing is concerned.

50. As a result of the information FBBE gathered from the Intervenor's physician and the Intervenor's truthful disclosures, FBBE has imposed discriminatory investigatory burdens and expense on the Intervenor and has unreasonably delayed processing his application.

51. Because of the invidious discrimination, unreasonable financial burdens, denial of constitutionally mandated procedural due process, undue intrusion into private areas of the Intervenor's life, unreasonable delay, emotional distress, mental anguish, and damage to the Intervenor's reputation caused by FBBE's violations of Title II of the Americans with Disabilities Act, the Intervenor is entitled to an award of damages and an appropriate injunction against these defendants.

THIRD CAUSE OF ACTION

Intervenor sues the defendant, Thomas A. POBJECKY, in his personal and in his official capacity and shows the court:

52. This is an action for damages and for appropriate injunctive relief pursuant to 42 U.S.C. § 1983 for a violation of the First and Fourteenth Amendments of the Constitution of the United States. Intervenor realleges and incorporates by reference, all prior allegations.

53. Defendant, POBJECKY, has been pursuing a personal vendetta against the Intervenor under color of his authority as General Counsel for the Board. In this capacity, POBJECKY has been investigating the Intervenor's thoughts, beliefs, personality and lifestyle for more than five years as evidenced by the "large file" he has accumulated regarding the Intervenor's protected expression. POBJECKY's investigative efforts far exceeded the permissible scope of a bar application character and fitness inquiry. POBJECKY is not entitled to absolute immunity in his investigative role, and in his advisory/administrative role

related to development and implementation of Board policies and procedures. Kalina vs. Fletcher, 522 U.S. 118 (1997).

54. An applicant's views, thoughts, beliefs and lifestyle are not relevant to fitness for the practice of law. Consideration of these personal attributes in an attorney licensing proceeding is expressly prohibited by the First Amendment of the Constitution of the United States as interpreted by the Supreme Court of the United States.

55. Defendant, POBJECKY, in his role as advisor to the Board, has been primarily responsible for developing the Board's unconstitutional processing procedures and policies. These procedures and policies are specifically and wilfully intended to violate the Americans with Disabilities Act and the First Amendment, all of which are clearly established law of which a reasonable attorney is aware.

56. Defendant, POBJECKY, by appearing in his investigative capacity for purposes of interrogating the Intervenor at the investigative hearing on May 20, 2005, violated the Rules Relating to admissions to the Bar, injected an unlawful bias into the proceeding and deprived the Intervenor of his interest in a fair opportunity to respond to the Board's objections to his application.

57. Because of the unlawful investigation, unreasonable financial burdens, denial of constitutionally mandated procedural due process, undue intrusion into private areas of the Intervenor's life, unreasonable delay, emotional distress, mental anguish, and damage to the Intervenor's reputation caused by the defendant's First and Fourteenth Amendment violations, the Intervenor is entitled to judgment for damages and an appropriate injunction against this defendant.

FOURTH CAUSE OF ACTION

Intervenor sues defendant, THOMAS A. POBJECKY in his personal and in his official capacity, and shows the court:

58. This is an action for damages and an appropriate injunction pursuant to 42 U.S.C. § 1983 for imposing punishment by "Bill of Pains and Penalties" as prohibited by Art I, Sec. 10, Par. 1 of the Constitution of the United States. Intervenor re-alleges and incorporates the common allegations and further alleges:

59. Because of the importance of a license to practice law, denial of certification of good moral character to a person who has met the educational qualifications and who has passed the bar examination is punishment and any proceeding in furtherance of such denial must conform to the strictest demands of procedural due process including fair notice of what conduct is considered disqualifying for admission to the Bar before the person engages in the conduct.

60. The document the defendant prepared for the Board and served upon the Intervenor is a constitutionally prohibited "Bill of Pains and Penalties" because:

(a) The Supreme Court's governance of the bar admission process is pursuant to a claim of inherent legislative authority;

(b) The Florida Board of Bar Examiners conducts its affairs pursuant to a delegation of legislative authority;

(c) The document titled "Specifications" served on the Intervenor originally in November, 1971, as supplemented and revived in August, 2005, is a legislative act and notice of a prior adjudication of guilt by the Board of Bar Examiners and notice that the

punishment imposed pursuant thereto will continue indefinitely unless the Intervenor appears before a panel of the Board and proves present "good moral character" or "rehabilitation" by clear and convincing evidence;

(d) The document titled "Specifications" served on the Intervenor originally in November, 1971, as supplemented and revived in August, 2005, does not allege a even a single judicial finding of guilt for any crime or public offense;

(e) The document titled "Specifications," served on the Intervenor originally in November, 2001, as supplemented and revived in August, 2005, does not allege any recent facts showing criminal conduct or any ongoing pattern of chargeable criminal conduct;

(f) The document titled "Specifications," served on the Intervenor originally in November, 2001, as supplemented and revived in August, 2005, by the nature and seriousness of the punishment imposed, operates as a declaration that the Board has defined as "punishable" certain conduct of the Intervenor that was not "punishable" under any stretch of law at the relevant time;

(g) The document titled "Specifications," served on the Intervenor originally in November, 2001, as supplemented and revived in August, 2005, by the nature and seriousness of the punishment imposed, operates as a declaration that the Board has defined as "disqualifying and punishable," conduct of the Intervenor that was plainly protected free speech or other expression within the meaning of the First Amendment of the Constitution of the United States; and,

(h) The document titled "Specifications" served on the Intervenor originally in November, 2001, as supplemented and revived in August, 2005, is a manifest showing of punitive vindictiveness because it purports to attach a "note of infamy" to the Intervenor for non-criminal non-punishable and entirely lawful conduct in the distant past.

61. Defendant, POBJECKY, is an expert on the law applicable to bar applicants in admission cases and is charged with special knowledge of that law. Defendant, POBJECKY'S preparation of the unlawful instrument alleged herein and his persecution of the Intervenor pursuant thereto was and is vindictive, willful and malicious.

62. As a result of defendant, POBJECKY'S, personal involvement in the preparation and prosecution of the above described unconstitutional "bill of attainder" the Intervenor has suffered punishment by denial of certification of moral character and fitness for more than five years, damage to his reputation, damage to his earning capacity, and mental suffering and anguish. The Intervenor is entitled to an award of damages and an appropriate injunction against this defendant.

RELIEF DEMANDED

WHEREFORE, Intervenor demands relief as follows:

A. Damages in an amount not less than Ten Million Dollars (\$10,000,000.00 against all of the defendants, jointly and severally, as compensation for the emotional distress, mental anguish and damage to the Intervenor's reputation and professional standing.

B. Damages in an amount not less than Five Hundred Thousand (\$500,000) against all of the defendants, jointly and severally, to compensate the Intervenor for past lost earnings while his application for licensing has been unreasonably delayed.

C. Damages in an amount not less than Five Hundred Thousand (\$500,000) against all of the defendants, jointly and severally, to compensate the Intervenor for future lost earnings arising out of lost time as a practicing attorney as it has affected future opportunities.

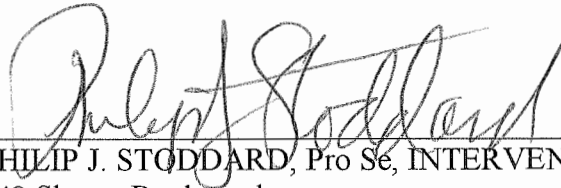
D. Damages against all of the defendants, jointly and severally, in an amount equal to the costs and fees imposed on the applicant in excess of the customary and usual filing fees.

E. Reasonable attorney fees pursuant to 42 U.S.C. § 1988 and 42 U.S.C. 12205 should the Intervenor secure representation for the trial of this case..

F. Such further legal and equitable relief as the Court shall find appropriate in this case.

JURY TRIAL DEMAND

INTERVENOR demands a jury trial on all issues properly triable before a jury.



PHILIP J. STODDARD, Pro Se, INTERVENOR
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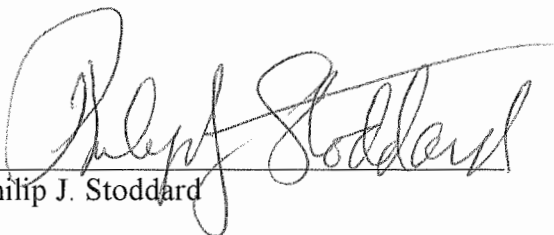
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail to:

Michael J. Hason, M.D.
11815 Mayfield Ave., #103
Brentwood, CA 90049

James J. Dean, Esq.
Messer Caparello & Self, P.A.
P.O. Box 1876
Tallahassee, FL 32302-1876

on this 30th day of May, 2006.


Philip J. Stoddard