

IN THE DISTRICT COURT IN AND FOR
THE SOUTHERN DISTRICT OF FLORIDA
PALM BEACH COUNTY

ANTHONY E. RAMOS

Plaintiff,

vs.

JOHN R. TOMASINO, CLERK OF COURT
OFFICE OF THE CLERK OF COURT
OF THE SUPREME COURT OF FLORIDA
KEVIN TYNAN
RICHARD LISS
THOMAS D. HALL
JOHN F. HARKNESS, JR.
BARBARA PARIENTE
THE FLORIDA BAR
THE FLORIDA BOARD
OF BAR EXAMINERS
THE SUPREME COURT
OF FLORIDA

Defendants.

Case number:

**COMPLAINT, MOTION FOR A PERMANENT MANDATORY
INJUNCTION AND MOTION FOR A PERMANENT INJUNCTION**

COMES NOW the Plaintiff, Anthony E. Ramos, pro se, and files this Complaint, Motion for a Permanent Mandatory Injunction and Motion for a Permanent Injunction, against the Defendants, John R. Tomasino, Clerk of Court, Office of the Clerk of Court for The Supreme Court of Florida, Kevin Tynan, Richard Liss, Thomas D. Hall, John F. Harkness, Jr., Barbara Pariente, The Florida Bar, The Florida Board of Bar Examiners, and The Supreme Court of Florida, and states:

I.

JURISDICTION

- 1 . Jurisdiction may be predicated upon the Sherman Act, 15 U.S.C. § 1 (hereinafter, the Act), and by the procedure for injunctive relief, as codified in Rule 65 (d) of the Federal Rules of Civil Procedure.
2. The well-known analysis concerning Act actions concerning the practice of law, addressed and decided in *Goldfarb et al. v. Virginia State Bar et. al.*, 421 U.S. 773, 95 S.Ct. 2004, 44 L.Ed.2d 572 (1975), continues to provide the guiding elements for both jurisdiction and the substantive direction of this matter.

3. Unlike in *Goldfarb, supra*, however, where the Court undertook a reasoned analysis of economic and interstate activity in the presence of codified rules of a local bar agency in order to find jurisdiction, this matter concerns the well-codified, clearly articulated national, interstate commerce rules and regulations that govern questions of both reciprocal admission to practice among the several States and the District of Columbia, and reciprocal discipline, including as such may affect the admissions processes among the several States and the District of Columbia.

4. For example, Florida Rules of Admission provide: “Persons who have been suspended for disciplinary reasons from the practice of law in a foreign jurisdiction shall not be eligible to apply until expiration of the period of suspension.”

5. Further, the monopoly over the practice of law, as identified in *Goldfarb, supra*, subject to the *Parker* immunity analysis, extends to the well-codified and clearly articulated national, interstate commerce rules and regulations that govern both the reciprocal admission to practice among the Federal Districts, and reciprocal discipline, as such may affect the admissions processes among the Federal Districts.

6. For example, this Court's Local Rule 5 of the Rules Governing Attorney

Discipline, provides:

RULE 5. DISCIPLINE IMPOSED BY OTHER COURTS

(a) An attorney admitted to practice before this Court shall, upon being subjected to suspension or disbarment by a court of any state, territory, commonwealth, or possession of the United States, or upon being subject to any form of public discipline, including but not limited to suspension or disbarment, by any other court of the United States or the District of Columbia, promptly inform the Clerk of the Court of such action

7. So as to regulate attorneys in such national system who may come before this

Court, Local Rule 4 provides, in part:

(b) Appearance Pro Hac Vice.

(1) Any attorney who is a member in good standing of the bar of any United States Court, or of the highest Court of any State or Territory or Insular Possession of the United States, but is not admitted to practice in the Southern District of Florida may, upon written application filed by counsel admitted to practice in this District, be permitted to appear and participate in a particular case.

8. Such well-codified and clearly articulated rules and regulations establish a national, interstate market for the practice of law in the United States, a monopoly that is subject to the *Parker* immunity doctrine as recited in *Goldfarb, supra*, and subsequent cases.

9. In such actions, jurisdiction obtains under the current *Parker* doctrine, where

there are allegations and proof of a lack of ‘active supervision.’ *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 135 S.Ct. 1101 (2015).

10. In this matter, filed for relief from the physical destruction of the plaintiff’s disciplinary files by the defendants, plaintiff, as an out-of-state resident of New York, was required by New York’s rules of admission, to file his application in the New York Supreme Court, Appellate Division, Third Department.

11. Upon the plaintiff’s inability to provide the record of his Florida disciplinary proceedings to the New York court, plaintiff had to withdraw his application for fear of sanctions, penalties and punishment in New York. *See*, Exhibit A to this Complaint.

12. The uncontested allegations below, as to the physical destruction of the plaintiff’s files, in addition, trigger this Court’s jurisdiction, under Local Rule 5, to evaluate its own reciprocal discipline order entered against the plaintiff.

13. Specifically, the evidence, the physical destruction of the plaintiff’s original disciplinary files at the office of the defendant, Office of the Clerk of Court, make impossible any showing by the plaintiff to this Court of a ‘suspension or disbarment by a court of any state... or (any ability to provide) (1) a copy of the judgment or order from the other court...” (parenthesis supplied).

14. Thus, the two-part jurisdictional analysis in this particular matter must center on:

a) whether the actions of the defendants operate in restraint of the plaintiff's trade in interstate commerce, and;

b) whether, if so, the institutional defendants failed to provide the active supervision over the individual defendants, necessary so as to avoid *Parker* immunity.

II.

VENUE

15. All or a substantial portion of the original events or omissions giving rise to the original disciplinary action, embezzlement of funds by two former staffers of the Plaintiff's law practice, in league with a team of Haitian personal injury 'case runners,' occurred in Palm Beach County, Florida.

16. A substantial portion of the property that was involved, monies embezzled by those persons, was situated in the Palm Beach County communities of Lake Worth and Jupiter.

17. Thus, venue may be correctly placed by having this matter heard in this Court's

courthouse located in West Palm Beach, Florida. 28 U.S.C. §1391 (b) (2).

III.

THE PARTIES

A.

PLAINTIFF

18. The plaintiff is the founder and president of five companies, which are in the later start up phase.

19. Plaintiff is a well-established third-generation, self-made entrepreneur.

20. All five companies have, as a purpose, national interstate infrastructure expansion throughout rural America.

21. The parent company is organized in the State of Delaware.

22. The headquarters of the parent company is located in Washington, D.C.

23. Three of the subsidiaries are organized in the State of New York, and headquartered in Washington, D.C.

24. The fourth subsidiary is organized in the State of Arizona, and headquartered in Washington, D.C.

25. Plaintiff is a self-taught issuer of certain federally-covered securities.

26. Among such, one set of recently Congressionally-authorized securities under the JOBS Act, has been registered by plaintiff with the Securities and Exchange Commission (hereinafter, the SEC).

27. Certain other sets of JOBS Act-covered transaction applications are pending, same only having been authorized by the SEC in June, 2015.

28. Said securities may be sold, and then issued by plaintiff in all States and the District of Columbia, subject to, and in conformance with both Federal and State (Blue Sky) laws.

29. For certain such federally-covered securities transactions with such regulatory agencies, an attorney letter, signed by an attorney for the company, must be provided.

30. Plaintiff's business in the States consists of state-level government procurement opportunities, and, when necessary, legal challenges.

31. Plaintiff, in addition, could accelerate the process of his business by appearing *pro hac vice* in any state where he would not be admitted, basically all the States except New York, where he sought admission, and then also the District of Columbia.

32. From the original grouping of founders, in March, 2009, until the advent of

JOBS Act legislation, in 2013, the companies progressed upon a pace of solely government procurement opportunities.

33. With the advent and availability of JOBS Act federally-covered securities, plaintiff taught himself how to such securities, and has written same for the four companies for one of the offerings. Plaintiff has written same, for each company, for the second JOBS Act opportunity, which opened in June, 2015.

34. In order to accelerate the ability of the companies to compete, in 2014, plaintiff made application to join the New York Bar.

35. In order to further accelerate the ability of the companies to compete, also in 2014, plaintiff joined the LL.M. program at one of our Nation's top law schools, in Washington, D.C. The school chose to ignore the results of the Florida disciplinary proceedings.

36. By designating the 'business and finance' subprogram, plaintiff began coursework and an outline for one of two thesis topics. Both topics are vital to the plaintiff's business, and thus one will become the thesis, and the other, likely, a law review article.

37. The plaintiff's companies have significant business in the expansive Federal

government procurement sector of grants and bids for his business sector.

38. Any legal challenges to be made by plaintiff, on behalf of his companies, to such government procurement applications, such being at the Federal level, would be made in the exclusive-jurisdiction District Court of Appeals for the District of Columbia, the *Marbury v. Madison* court.

39. In order to accelerate the progress of his companies, the plaintiff would need to be admitted to practice before the District Court of Appeals for the District of Columbia.

40. Upon taking all three bar exams without review courses, for the first time in decades, plaintiff was able to establish a baseline by which to then register for the bar review courses, in order to, then re-take and pass the exams. One of the exam scores missed the New York requirement by two points, but exceeded the amount needed for the District of Columbia.

41. Washington, D.C., has a reciprocal admissions process for attorneys admitted in New York, but both require the presentation of any records of any disciplinary action against an applicant from any State or the District of Columbia.

42. All rules of admission to practice in the Federal Courts are also clearly

articulated, and require the same disclosure.

43. In addition to making challenges to Federal agency action in the District Court of Appeals for the District of Columbia, plaintiff's companies will, undoubtedly, make challenges in the District Courts among the States.

44. Until such time as plaintiff's companies become more advanced, and further, until such time as knowledgeable attorneys may be retained in the specialized area that is the plaintiff's companies, for the foreseeable future, it is plaintiff who would be making argument before the courts.

45. Plaintiff's ability to go forward with his applications for bar admissions were wholly dependant on the entire admissions process, including his ability to produce copies, certified by the defendant, The Supreme Court of Florida, by its agent, defendant, Office of the Clerk of Court, of the entire records of his disciplinary proceedings from Florida.

46. Plaintiff's inability to produce the records, has, likely as the sole factor, proven fatal to his admission.

47. For example, New York bar admission rules provide:

10. Any statute or rule to the contrary notwithstanding,
**all papers, records and documents upon the application
or examination of any person for admission as an attorney
and counsellor at law and upon any complaint, inquiry,
investigation or proceeding relating to the conduct or
discipline of an attorney or attorneys,...**
Judiciary Law §90 (emphasis supplied)

48. Other rules provide for severe penalties:

6000.13 Fraud, Dishonesty and Other Misconduct

(a) If it shall appear to the Board that there is credible
evidence which would establish that an applicant has:...

(20) failed to cooperate in a misconduct
investigation made pursuant to this Section, or made a false
statement in connection with a misconduct investigation...

the applicant may be charged with having engaged in fraud,
dishonesty or other misconduct. *Rules of the Court of Appeals
for the Admission of Attorneys and Counselors at Law*

49. Further, the plaintiff could not comply with New York's ethics rules
concerning admission applications, as follows:

Candor in the Bar Admission Process.

**(a) A lawyer shall be subject to discipline if, in connection
with the lawyer's own application for admission to the bar
previously filed in this state or in any other jurisdiction, or in
connection with the application of another person for admission to
the bar, the lawyer knowingly: (1) has made or failed to correct
a false statement of material fact; or (2) has failed to disclose a
material fact requested in connection with a lawful demand
for information from an admissions authority.**

Maintaining the Integrity of the Profession 22 NYCRR 1200.55 Rule 8.1.

(emphasis supplied)

50. During the course of fulfilling the requirements for his application to the New York Bar, plaintiff requested of defendant, Office of the Clerk of Court of The Supreme Court of Florida, certified copies of his disciplinary records.

51. Defendant, Tomasino, the clerk of the court, advised the Plaintiff, by letter, that the records had been physically destroyed. *See*, Exhibit B, attached.

52. Unable to comply with the requirement of providing any records to any admitting jurisdiction, plaintiff withdrew his application for admission in the State of New York. *See*, Exhibit A, attached.

53. Plaintiff, in addition, cancelled his planned reciprocal admission in the District of Columbia.

54. Plaintiff cancelled these processes because he is in great fear, as a result of the destruction of the records by the defendants, of making any statement, whatsoever, in terms of his admission, status or discipline in Florida, of prosecution for ethics violations in an applications process, including for fraud, and of criminal prosecution, including for fraud in the application process.

55. Plaintiff is also in the same great fear making of any statement to this Court, of

his reciprocal admission status, after this Court's order of reciprocal discipline.

56. The sole purpose of the plaintiff's business concerns the national interstate expansion of infrastructure systems to all rural areas in the United States.

57. In 2013, the current version of the companies were organized so as to be able to participate in sales of JOBS Act federally-covered securities.

58. All of plaintiff's regional companies are designed to operate, with significant numbers of future regional companies, as a part of a national interstate commerce system for the installation, management and operation of said infrastructure systems.

59. Also, in the year, 2013, the Federal Communications Commission (hereinafter, the FCC), an independent Federal agency, made available the application of certain infrastructure technologies for commercial application, with a primary emphasis on unserved rural areas in the United States.

60. Both such actions in the year, 2013, JOBS Act and the FCC action, provided a watershed year of greatly accelerated opportunities for plaintiff's companies.

61. As new creatures of law, plaintiff has made himself an expert in both, and anticipates many years of court action as to both.

62. For example, to remedy what plaintiff and the members of his company group

view as an impediment to progress for rural America, plaintiff has commenced the process of drafting, and seeking passage for, national legislation as to the infrastructure issues that form the subject matter of the companies.

63. Without a bar admission, and therefore the ability to represent the companies at the Federal level, the companies already abandoned a legal challenge to a significant FCC funding opportunity.

64. Upon the opening of the opportunity again, plaintiff anticipates immediately needing to file a court challenge to the rules, or forego making application for the funds.

65. In New York, total funding in the amount of \$500 million became available on March 1, 2016.

66. The funding rules, as written, completely excluded the plaintiff's three New York subsidiaries.

67. Unable to achieve finding counsel to file actions on behalf of the companies, and unable to act as counsel for his companies, and unwilling to forego another challenge to a funding opportunity, plaintiff filed the actions in his own name, pro se.

68. As a direct result, of the physical destruction of the plaintiff's disciplinary files,

the plaintiff, save for the only remaining record of his existence with the defendant, The Supreme Court of Florida, his admission record from April 2, 1981, is unable to certify either his identity or his status with the defendant, The Supreme Court of Florida, to the New York Supreme Court, or to any other State Supreme Courts, or to the District of Columbia, or to any Federal Courts, including this one.

69. As it is the ‘active supervision’ or absence thereof, of the institutional defendants over the individual defendants, that will provide the main evidentiary analysis for this Court, sitting as the trier of fact, and when considering the ‘combination’ and ‘conspiracy’ components of the Act, not to mention the notoriety of the proceedings, more detailed allegations as to the parties becomes necessary.

B.

DEFENDANT, TOMASINO

70. The defendants with the most power and authority to directly circumvent the record-keeping requirements of the Court, avoiding any active supervision, are defendants, Pariente and Harkness.

71. Defendant, Tomasino, provided the method for the circumvention of active supervision, and also for continuing secrecy by continuing to maintain Florida’s

dual system of filing in the Clerk's office.

72. That dual system, to keep exculpatory evidence of record activity from litigants, has continued, and this Court, sitting as trier of fact, will note that Mr. Tomasino's letter omitted to state that the miscellaneous files had, also, been destroyed.

73. Defendant, Tomasino, had motive to circumvent the active supervision that the Rules of Judicial Administration, including clearly articulated rules as to notice and record retention schedules, demand because, by destroying the files, he, in fact, destroyed the evidence of record activity of both plaintiff's exculpatory evidence and of the dual system of filing that plaintiff had meticulously organized.

74. Defendant, Tomasino, is the current Clerk of Court of the defendant, Office of the Clerk of Court of The Supreme Court of Florida.

75. He, most likely, was the implementer of the conspiracy to, and of the execution of, the destruction of the files.

76. Defendant, Tomasino, is the successor to defendant, Hall.

77. It was defendants, Hall, Tynan and Liss who originally created the dual 'miscellaneous' file system, and Hall who maintained it, without active

supervision, at the office of the defendant, Office of the Clerk of Court of The Supreme Court of Florida.

78. As the matter which was contained in the destroyed files reached the point where the institutional defendants could no longer avoid allowing the plaintiff to proceed, defendant, Tomasino, began rejecting plaintiff's pleadings, with the familiar note that such would be deposited into a 'miscellaneous' file.

79. The original, 'miscellaneous' file, maintained by defendant, Hall, contained the secret fax from defendants, Tynan and Liss, that caused the disciplinary sentence.

80. After continued pressure for many years, defendant, Hall, produced the fax to plaintiff.

81. The fax was immediately made a part of the record by plaintiff, as were other subsequent admissions and extremely damaging record activity as to the defendants.

82. The only manner in which to prevent all of the corruption from coming to light, therefore, was to destroy the file.

83. This, defendant, Tomasino, was able to accomplish, unsupervised.

84. When plaintiff protested that the destruction of the files had been in violation of the Florida Rules of Administrative Procedure, defendant, Tomasino, changed his previous position as to the authority for the destruction of the files, to then state

that the files were destroyed pursuant to said rules. *See*, Exhibit C, attached.

C.

DEFENDANT, OFFICE OF THE CLERK OF THE SUPREME COURT OF

FLORIDA

85. Defendant, Office of the Clerk of Court of The Supreme Court of Florida “is responsible for maintaining all case files and tracking the progress of all cases through the Supreme Court.”

<http://www.floridasupremecourt.org/clerk/index.shtml>

86. Florida’s own rules on reinstatement require that the plaintiff, upon motion, at the expiration of the term, produce the ‘disciplinary judgments.’

87. Florida’s Rules of Judicial Administration prohibit the destruction of any record in a matter where an opinion has been rendered by the Supreme Court of Florida.

D.

DEFENDANT, TYNAN

88. Defendant, Tynan, is one of two prosecutors in the original disciplinary action.

89. Defendant, Tynan and defendant, Liss, with defendant, Hall, were the original co-conspirators in the proceedings that resulted in the disciplinary penalty.

90. Defendant, Tynan, with defendant, Liss, coerced plaintiff's counsel, now deceased, to withdraw from the representation of plaintiff, organized a hearing before the referee on the Friday before the Monday of the settlement hearing, faxed the secret fax sheet to the referee only, and not to plaintiff's counsel, or to plaintiff, and conducted the hearing before the referee.

91. Upon plaintiff's counsel appearing for the settlement hearing on the Monday, defendant, Tynan, met plaintiff's counsel at the courtroom door, and stated that 'the motion to withdraw has been granted, so you do not need to appear.'

Whereupon plaintiff's counsel left the courthouse. The original settlement was for a five-year suspension.

92. The secret fax would not be produced by defendant, Hall, until nine years later.

93. Defendant, Tynan, provided it to defendant, Hall, to place in the non-public 'miscellaneous' file.

94. Upon such production, plaintiff immediately made same a part of the record.

95. This document was among those destroyed as a part of the destruction of plaintiff's records.

E.

DEFENDANT, LISS

96. Defendant, Liss, is one of two prosecutors in the original disciplinary action.

97. Defendant, Liss and defendant, Tynan, with defendant, Hall, were the original co-conspirators in the proceedings, that resulted in the disciplinary penalty.

98. Defendant, Liss, with defendant, Tynan, coerced plaintiff's counsel, now deceased, to withdraw from the representation of plaintiff, organized a hearing before the referee on the Friday before the Monday of the settlement hearing, faxed the secret fax sheet to the referee only, and not to plaintiff's counsel, or to plaintiff, and conducted the hearing before the referee.

99. Upon plaintiff's counsel appearing for the hearing on the Monday, defendant, Liss, advised the referee that 'Mr. Kline came in, but he left.'

100. The secret fax would not be produced by defendant, Hall, until nine years later.

101. Defendant, Liss, provided it to defendant, Hall, to place in the non-public 'miscellaneous' file.

102. Upon such production, plaintiff immediately made same a part of the record.

103. This document was among those destroyed as a part of the destruction of plaintiff's records.

E.

DEFENDANT, HALL

104. Defendant, Hall, is the immediate past Clerk of Court of the defendant, Office of the Clerk of Court of The Supreme Court of Florida.

105. Defendant, Hall, appears to be, with defendants, Tynan and Liss, the originator of the dual 'miscellaneous' filing system that permits, to this day, the secret filing of pleadings in matters concerning the plaintiff.

106. Defendant, Hall, after many years of inquiry by plaintiff, produced the secret fax.

107. Plaintiff immediately made same a part of the official record in his disciplinary proceedings, and, with that, as well as other record activity, proceeded to secure a hearing so that he could exonerate himself.

108. The production of the secret fax proved the conspiracy by defendants, Tynan,

Liss, and Hall.

109. This document was among those destroyed as a part of the destruction of plaintiff's records.

G.

DEFENDANT, HARKNESS

110. Defendant, Hall, as an employee, occupies a position of authority with defendants, The Florida Bar and The Florida Board of Bar Examiners.

111. Defendant, Hall, together with defendant, Pariente, both facing significant legal liability as a result of plaintiff's meticulous entry of record items, orchestrated the destruction of plaintiff's files.

112. After defendant, Hall, produced the secret fax to plaintiff, and after plaintiff made it a part of the record, thereby exposing defendants, The Florida Bar and The Florida Board of Bar Examiners, to culpability, plaintiff sought relief from the disciplinary judgments.

113. As a part of the reply of defendants, The Florida Bar and The Florida Board of Bar Examiners, through Bar counsel admitted, twelve years after the disciplinary sentence was imposed, that, in fact, then-Bar counsel, defendants, Tynan and Liss

had, in fact, sent the secret fax and had conducted the secret hearing.

114. This pleading was destroyed as a part of the destruction of plaintiff's records.

115. The record activity by bar counsel, admitting for the first time, the existence of the culpable activity of both defendants, Tynan and Liss, raised, for the first time, the participation in the conspiracy of defendants, The Florida Bar and The Florida Board of Bar Examiners.

116. At the time of the disciplinary sentence, defendant, Harkness, already occupied a position of authority with the said defendants.

117. With the disciplinary period not yet ended, defendant, Harkness, was among the co-conspirators who had the power and authority to cause the circumvention of the 'active supervision' requirement, and to direct defendants, Hall and Tomasino, to destroy the records.

118. Plaintiff requested of defendant, Harkness, as a person in a position of authority with defendants, The Florida Bar and The Florida Board of Bar Examiners, both agencies of defendant, The Supreme Court of Florida, that he obtain certified copies of the disbarment judgments from defendant, Supreme

Court.

119. Defendant, Harkness, responded with a page upon which he affixed his signature in the presence of a notary. To this page were attached what appeared to be illegible copies of the judgments. There was no text entered on the page by defendant, Harkness.

120. Defendant, Harkness, produced no certified copies from the defendant, The Supreme Court of Florida.

H.

DEFENDANT, PARIENTE

121. The defendant, Pariente, is presently a justice on the court of the defendant, The Supreme Court of Florida.

122. Defendant, Pariente, together with defendant, Harkness, both facing significant legal liability as a result of plaintiff's meticulous entry of record items, orchestrated the destruction of plaintiff's files.

123. Multiple motions for recusal by the plaintiff against defendant, Pariente, with detailed, notarized, factual presentations, were denied by defendant, Pariente.

124. Defendant, Pariente, is someone with whom the plaintiff had significant political and legal conflicts and challenges.

125. Defendant, Pariente's husband, now a retired judge, also had multiple political and legal encounters with plaintiff.

126. At the time when plaintiff had overcome the final rebuttable presumption that would have allowed him to proceed *pro se*, the detailed factual recitations against defendant, Pariente, were complete. She stood to lose the most from the continued existence of the files.

127. The verified facts in the motions for recusal against both defendant, Pariente, and her husband were specific and called for recusal, including but not limited to facts showing that:

a) at the time when the Plaintiff was organizing for political changes in the makeup of the judiciary in Palm Beach County, both the defendant, Pariente, and her husband, were amateur political operatives who had aspirations to the bench;

b) because, at that time, they simply lacked the political skills to match those of the Plaintiff, both were held back in their quest to become judges;

c) both the defendant, Pariente and her husband, did take very personally

the Plaintiff's significant success in organizing in Palm Beach County on behalf of a certain group which had been historically disadvantaged, and seen barriers to entry to the bench for the entire history of the county, until Plaintiff's organizing efforts changed that;

d) among other tactics by the defendant, Pariente, and her husband, although such actions were not limited to them, the two of them believed themselves to be threatening the Plaintiff, including the following specific events:

- 1 . twice following the Plaintiff out of attorney, Mark Clark's housewarming party, following just close enough to make themselves known, all the way to the Plaintiff's vehicle;

- 2 . defendant's husband leaving the dinner table at Spoto's Oyster Bar, and positioning himself directly behind the Plaintiff, so as to provoke a confrontation with the Plaintiff, and then being joined by the defendant, Pariente;

- 3 . defendant's husband, upon viewing the Plaintiff seated at the Starbuck's downtown West Palm Beach, with a guest, arriving at the Plaintiff's table, and positioning himself directly at the table in a rigid storm trooper posture, again, so as to provoke a confrontation;

4. the defendant, Pariente's filing of a frivolous wrongful death case in a matter that Plaintiff, while temporarily employed by an insurance defense

firm, was assigned to defend. The Plaintiff had made clear to Pariente all along that the suit was frivolous, and that he intended to take the matter all the way to a jury trial, whereupon Pariente circumvented plaintiff, contacted the owner of the firm, and directly and quickly negotiated a settlement of the case;

5. at a time when the Plaintiff's husband had become a judge, and while the disbursement phase of the disciplinary proceedings was pending before the referee, Plaintiff's husband stating, falsely, in open court, outside the presence of the Plaintiff, but recorded by a court reporter that, as to the settlement proceeds of one claimant, '.... and Mr. Ramos made off with the check...., and,'

6. the continued denial of the Plaintiff's motions for recusal, raising in and of themselves a conflict, and the defendant, Pariente's continued participation in drafting orders and opinions in this matter, the most recent of which is of such a highly inflammatory and self-serving nature, more like a political polemic from a stringer for *Politico*, than a legal opinion, authored by defendant, Pariente.

I.

DEFENDANT, THE FLORIDA BAR

128. Defendant, The Florida Bar, an agency of defendant, The Supreme Court of Florida, is in the same position as the bar association in *Goldfarb, supra*: subject to antitrust liability.

129. By its failure to actively supervise the actions of defendants, Harkness, Tynan, and Liss, in the presence of clearly articulated rules concerning court records and retention, said defendant is made a part of the combination and conspiracy to destroy plaintiff's disciplinary records, and therefore, did destroy said records.

J.

DEFENDANT, THE FLORIDA BOARD OF BAR EXAMINERS

130. Defendant, The Florida Board of Bar Examiners, an agency of defendant, The Supreme Court of Florida, is in the same position as the bar association in *Goldfarb, supra*: subject to antitrust liability.

131. With the physical destruction of the records by the defendants, the said defendant would cause harm to plaintiff in any evaluation of his ability to go forward.

132. Specifically, defendant, The Florida Board of Bar Examiners, could, as can

any other evaluating agency in any State admissions process, in any Federal Court admissions process, or in the District of Columbia, sanction the plaintiff for his failure to produce the records of his disciplinary proceedings.

133. As with plaintiff's predicament with other bar admissions, therefore, plaintiff is in great fear of providing any statement to said defendant.

K.

DEFENDANT, THE SUPREME COURT OF FLORIDA

134. Defendant, The Supreme Court of Florida, is in the same position as the Court in *Goldfarb, supra*: subject to antitrust liability.

135. By its failure to actively supervise the actions of the other defendants, said defendant is made a part of the combination and conspiracy to destroy plaintiff's disciplinary records, and therefore, did destroy said records.

136. Said defendant has a significant record-keeping duty to members of the Florida Bar, because, the failure to actively supervise the keeping and maintaining

of said records can permanently and adversely affect the ability of any of its members to make application to any other bar association, or to regain entry to its own system.

137. In this matter, the clearly articulated Florida Rules of Judicial Administration required that plaintiff receive notice of the anticipated destruction of the files.

138. Further, Florida's own clearly articulated codified rules of scheduling for the destruction of a file specifically prohibit the destruction of any file for which the court wrote an opinion, as was done with respect to the plaintiff's disciplinary cases.

139. Under the nose of this defendant, for many years of failing to supervise the Clerk, a dual system was allowed to exist and continue, one where exculpatory evidence was kept from the plaintiff.

140. When considering the notoriety of plaintiff's discipline, as overly-emphasized by this Court in its opinion, the presumption would be that the file should be maintained, so as to make a showing of deterrence to other attorneys.

141. Such a showing, however, was overwhelmed by the time the plaintiff showed the proof that no other attorney in Florida would proceed with the matter.

142. Such a showing overcame the rebuttable presumption, stated in the court's opinion, that plaintiff refrain from filing any pleadings not signed by a Florida

attorney.

143. Plaintiff began tendering that proof to defendant, Tomasino, who began returning some to plaintiff, and advising that others would be kept in the secret 'miscellaneous' files.

144. Such proof would have allowed for the matter to proceed, with a full showing of the corruption outlined in this complaint by the other defendants.

145. By its failure to actively supervise its own filing system, the Court's agents and employees caused the total destruction of plaintiff's disciplinary identity, and therefore, the permanent inability of plaintiff to represent to any bar admissions authority, any evidence, one way or another, of such.

COUNT I.

VIOLATION OF THE SHERMAN ACT BY THE INDIVIDUAL

DEFENDANTS AS A GROUP OF CONSPIRATORS

146. Plaintiff realleges all allegations in paragraphs 1 through 145, above.

147. The Sherman Act provisions as made applicable to State Supreme Courts, and their agencies and employees, is clearly set forth in *Goldfarb, supra*.

148. With respect to the admissions process for attorneys, a national interstate monopoly market is created and acknowledged, both among the states and by and between the States and the Federal Courts, subject to *Goldfarb, supra*, subject to *Parker* immunity..

149. The individual defendants, Tomasino, Tynan, Liss, Hall, Harkness and Pariente, jointly and severally, combined, and agreed, and therefore acted in a conspiracy to deny to the plaintiff his continuing ability to practice law, to make application among the States, the Federal courts, and the District of Columbia, to provide required notice to him concerning hearings on an alleged motion of plaintiff's counsel to withdraw, and as to the destruction of his disciplinary records, and to circumvent the regular process for filing documents on the record and for the destruction of files.

150. Said defendants acted because, at the time of the destruction of the file, all of the faced prosecution for the corruption that they agreed to proceed with, as concerns the plaintiff's membership with the defendant, The Supreme Court of Florida.

151. In any State, or the District of Columbia, or for the Federal Courts, applicants for admission to practice must produce the records of any disciplinary proceedings, whether from the home state, or from another jurisdiction, in order to be

considered for admission.

152. The failure of an applicant, like plaintiff, to produce records of previous disciplinary measures to any admissions authority is cause for the applicant to be severely sanctioned, to include denial of admission, denial of re-admission, ethics violations for fraud in an application process, and criminal prosecution for fraud.

153. The admissions procedures for the national reciprocal admission rules in the United States are codified, and therefore, clearly articulated.

154. The notice and records retention procedures for the destruction of any judicial records in Florida are codified, and therefore, clearly articulated, and under any circumstances, prohibited the destruction of plaintiff's records.

155. The individual defendants named herein were able to circumvent the active supervision of the institutional defendants.

156. As a direct and proximate result of said acts of violation of the Sherman Act, plaintiff has suffered injuries and damages, including but not limited to:

- a) the inability to proceed in the Florida proceedings in order to exonerate himself;

- b) the inability to provide to the institutional defendants any record materials that would be consistent with any reinstatement;

- c) the inability, for fear of multiple prosecutions by bar organizations of

State, Federal and District of Columbia, and of State's Attorneys and Attorneys General, of making any statement as concerns his past, present or future status of admission with the defendant, The Supreme Court of Florida;

d) the inability, because of the impossibility of compliance, of making application to any bar or State, Federal or District of Columbia courts;

e) the resulting inability to represent his companies, still in their nascent phase, where especially there are complex issues of government procurement and securities regulation, among other legal issues for which only the plaintiff would have the specialty of knowledge to proceed, together with the dramatic losses of income to be derived as a result of said funding opportunities.

COUNT II.

VIOLATION OF THE SHERMAN ACT BY THE INSTITUTIONAL DEFENDANTS

157. Plaintiff realleges all allegations in paragraphs 1 through 145, above.

158. By the failure to actively supervise the actions of the individual defendants, Tomasino, Tynan, Liss, Hall, Harkness and Pariente, the institutional defendants, Office of the Clerk of Court of The Florida Supreme Court, The Florida Bar, The

Florida Board of Bar Examiners, and The Florida Supreme Court, jointly and severally, are made a part of the combination and conspiracy to destroy plaintiff's disciplinary records, and therefore, did destroy said records.

159. The rules, for which this court has made exclusive unto itself, apart from the legislative and executive branches, are of a longstanding, codified, and clearly articulated nature, and include, among others:

a) there can be no withdrawal of counsel without notice to the party, and, upon any such withdrawal, all proceedings must cease, in order to give the party the opportunity to seek counsel. Without the active supervision of the institutional defendants, the defendants, Tynan, Liss and Hall were able to circumvent this rule;

b) there can be no destruction of files without notice and the opportunity to be heard of the party whose records are to be destroyed. Without the active supervision of the institutional defendants, the defendants, Hall, Tomasino, Harkness and Pariente were able to circumvent this rule;

c) there can be no destruction of files, in any event, in any matter where the defendant, The Supreme Court of Florida, has rendered an opinion. Without the active supervision of the institutional defendants, the defendants, Tynan, Liss and Hall were able to circumvent this rule.

160. As a direct and proximate result of said acts of violation of the Sherman Act, plaintiff has suffered injuries and damages, including but not limited to:

a) the inability to proceed in the Florida proceedings in order to exonerate himself;

b) the inability to provide to the institutional defendants any record materials that would be consistent with any reinstatement;

c) the inability, for fear of multiple prosecutions by both bar organizations of State, Federal and District of Columbia, and of State's Attorneys and Attorneys General, of making any statement as concerns his past, present or future status of admission with the defendant, The Supreme Court of Florida;

d) the inability, because of the impossibility of compliance, of making application to any bar or State, Federal or District of Columbia courts;

e) the resulting inability to represent his companies, still in their nascent phase, where especially there are complex issues of government procurement and securities regulation, among other legal issues for which only the plaintiff would have the specialty of knowledge to proceed, together with the dramatic losses of income to be derived as a result of said funding opportunities.

COUNT III.

MOTION FOR MANDATORY INJUNCTION AGAINST THE
INSTITUTIONAL DEFENDANTS

161. Plaintiff realleges all allegations in paragraphs 1 through 145, above.

162. At all times material hereto, defendants, Office of the Clerk of Court, The Florida Bar, The Florida Board of Bar Examiners, and The Supreme Court of Florida, jointly and severally, through their agents and employees, combined, agreed to, acted, and therefore, conspired to cause the destruction of, and did cause the destruction of, and did destroy the plaintiff's disciplinary records.

163. The said destruction, prior to the time of the expiration of the disciplinary sentence and in direct violation of the Florida Rules of Judicial Administration, was and is permanent and irreparable and, without this court's remedial action, will permanently deprive the plaintiff of his opportunities to practice law in the interstate commerce legal systems among both the States and the Federal Courts, and the District of Columbia.

164. The said defendants hold an absolute monopoly, subject to the *Parker* immunity doctrine, over the records, and therefore, controlled the plaintiff's ability to comply with any reciprocal rules and regulations of the State and Federal courts, concerning both admission and discipline in other states, Federal courts and the

District of Columbia.

165. As a direct and proximate result of the said destruction of the records, the plaintiff faces great fear in pursuing his livelihood because:

a) if he does not, because he cannot, produce the records, upon admission to states, including New York, he faces another disbarment for failing to produce records;

b) if he makes any statement, of any nature, concerning the disciplinary proceedings other than 'The Supreme Court of Florida destroyed my files so I can't make any statement,' he faces a denial of his admission for failing to be candid with the bar examiners in other states and in the District of Columbia and in Federal Bar admissions proceedings;

c) if he is charged, as would be likely, with failing to produce records, he faces further charges, ethics and possibly criminal charges for fraud for obstructing an investigation of his background in anticipation of his application for admission.

166. Thus, the said defendants have totally destroyed the plaintiff's identity in interstate commerce, and with it, his ability to seek admission so that he may properly and adequately represent his start up companies in proceedings that are crucial to their success.

167. The only remaining record, therefore, of plaintiff's identity, in fact of his legal

existence in Florida, remains the order of admission of April 2, 1981.

168. This court should, therefore, enter a judgment for mandatory injunction against the institutional defendants, jointly and severally, as follows:

a) which requires defendant, The Supreme Court of Florida, to affirmatively enter an order stating that: “Anthony E. Ramos has been a member in good standing before this Court since April 2, 1981;”

b) which requires defendant, Office of the Clerk of Court to state that: “Upon the request of any persons or entities, the Clerk of Court shall provide a certified of this Court’s Order which states that the plaintiff has been a member in good standing since April 2, 1981;

c) which requires defendant, The Florida Bar, to:

1 . remove from its website and its paper records, all references to the plaintiff’s ‘ineligibility’ as a member, and to replace same with the notation that the plaintiff has been an active member, since April 2, 1981;

2 . remove from the internet, all links currently maintained by it, to the disciplinary proceedings or result, and to replace same with a link to the judgment of mandatory injunction entered by this court;

3 . affirmatively contact any and all persons or entities who maintain any internet links to the plaintiff’s disciplinary action, and provide to said persons a

copy of this court's judgment of mandatory injunction, and provide to the plaintiff, the full contact information of said persons or entities;

4. publish this court's judgment of mandatory injunction, at its own expense, in all publications to which the said defendant provides press information as to attorney discipline, and provide to the plaintiff the full contact information of said persons or entities;

d) require defendant, The Florida Board of Bar Examiners, to make a certified compliance with this court, stating that: "Anthony E. Ramos is hereby declared to be a member in good standing of The Florida Bar since April 2, 1981, and, in view of this Order, the said defendant shall take no affirmative steps to engage in any 'review' or in any other activities, or have contact with any persons or entities, or otherwise interfere with plaintiff's right to enjoyment of his admission to The Florida Bar."

e) allowing for thirty (30) days for the said defendants to show compliance to this Court and to the plaintiff, or show cause why they should not be held in contempt of court for their failure to do so.

COUNT IV

MOTION FOR PERMANENT INJUNCTION AGAINST ALL
DEFENDANTS

169. Plaintiff realleges all allegations in paragraphs 1 through 145, above.

170. At all times material hereto, the individual defendants, Tomasino, Tynan, Liss, Hall, Harkness and Pariente, were and are subject to the active supervision of the institutional defendants, Office of the Clerk of Court, The Florida Bar, The Florida Board of Bar Examiners, and The Supreme Court of Florida as concerns administrative records-keeping by the defendant, The Supreme Court of Florida.

171. As a result of the failure of the said institutional defendants to actively supervise the said persons, said individuals combined, agreed to, acted, and therefore, conspired to cause the destruction of, and did cause the destruction of, and did destroy the plaintiff's disciplinary records.

172. The said destruction, prior to the time of the expiration of the disciplinary sentence, and in direct violation of the Florida Rules of Judicial Administration, was and is permanent and irreparable and, without this court's remedial action, will permanently deprive the plaintiff of his opportunities to practice law in the interstate commerce legal systems among both the States and the Federal Courts, and the District of Columbia.

173. The said defendants hold an absolute monopoly, if such can prove *Parker* immunity, over the records, and therefore, controlled the plaintiff's ability to comply with any reciprocal rules and regulations of the State and Federal courts, concerning both admission and discipline in other states, Federal courts and the District of Columbia.

174. As a direct and proximate result of the said destruction of the records, the plaintiff faces great fear in pursuing his livelihood because:

a) if he does not, because he cannot, produce the records, upon admission to states, including New York, he faces another disbarment for failing to produce records;

b) if he makes any statement, of any nature, concerning the disciplinary proceedings other than 'The Supreme Court of Florida destroyed my files so I can't make any statement,' he faces a denial of his admission for failing to be candid with the bar examiners in other states and in the District of Columbia and in Federal Bar admissions proceedings;

c) if he is charged, as would be likely, with failing to produce records, he faces further charges, ethics and possibly criminal, fraud for obstructing an investigation of his background in anticipation of his application for admission.

175. Thus, the said defendants have totally destroyed the plaintiff's identity in

interstate commerce, and with it, his ability to seek admission so that he may properly and adequately represent his start up companies in proceedings that are crucial to their success.

176. The only remaining record, therefore, of plaintiff's identity, in fact of his legal existence in Florida, remains the order of admission of April 2, 1981.

177. In so destroying the said files, all of the individual defendants knew that, with said destruction went the destruction of evidence of conspiracy in the disciplinary proceedings, evidence that directly implicated each of them.

178. The said individuals were the only persons who had the motive to destroy the files, and who knew that they could undermine the active supervision of the process of destruction of the files.

179. This court should, therefore, enter a judgment for an injunction against the all defendants, jointly and severally as follows:

a) providing an Order to defendant, Tomasino, prohibiting the dissemination of any paper to any persons or entities other than this judgment and the judgement entered herein against defendant, The Supreme Court of Florida;

b) providing an Order to defendant, Office of the Clerk of Court, prohibiting the dissemination of any paper to any persons or entities other than this judgment and the judgement entered herein against defendant, The Supreme Court

of Florida;

c) providing an Order to defendant, Tynan, prohibiting the dissemination of any paper to any persons or entities other than this judgement and the judgment entered herein against defendant, The Supreme Court of Florida;

d) providing an Order to defendant, Liss, prohibiting the dissemination of any paper to any persons or entities other than this judgement and the judgment entered herein against defendant, The Supreme Court of Florida;

e) providing an Order to defendant, Hall, prohibiting the dissemination of any paper to any persons or entities other than this judgement and the judgment entered herein against defendant, The Supreme Court of Florida;

f) providing an Order to defendant, Harkness, prohibiting the dissemination of any paper to any persons or entities other than this judgment and the judgment entered herein against defendant, The Supreme Court of Florida;

g) providing an Order to defendant, Pariente, prohibiting the dissemination of any paper to any persons or entities other than this judgment and the judgment entered herein against defendant, The Supreme Court of Florida;

h) providing an Order to defendant, The Florida Bar, prohibiting it from issuing any paper as to the plaintiff, to anyone, other than the judgment to be

entered pursuant to the relief provided to the plaintiff herein;

i) providing an Order to defendant, The Florida Board of Bar Examiners, prohibiting it from instituting any proceedings of any nature whatsoever, as concerns the plaintiff, and from issuing any paper as to the plaintiff, to anyone, other than the judgment to be entered pursuant to the relief provided to the plaintiff herein;

j) providing an Order to defendant, The Supreme Court of Florida, prohibiting it from issuing any Orders as to the plaintiff, to anyone, other than the Order to be entered pursuant to the relief provided to the plaintiff herein;

k) allowing for thirty (30) days for the said defendants to show compliance to this Court and to the plaintiff, or show cause why they should not be held in contempt of court for their failure to do so.

WHEREFORE, the Plaintiff requests the entry of a Judgment of Mandatory Permanent Injunction and Permanent Injunction, requesting that said Judgment include the items of relief as set forth in this Complaint, making an award of costs, and retaining jurisdiction in this matter to enforce the Judgement, and to allow for the plaintiff to pursue such other remedies as he may have available to him consistent with the findings of fact and conclusions of law made in support of said

Judgment.

RESPECTFULLY SUBMITTED,

Anthony E. Ramos, pro se
1805 Key Blvd.
Apt. 513
Arlington, VA 22201
202-321-7969
00aramos@gmail.com

EXHIBIT A TO THE COMPLAINT

**NEW YORK SUPREME COURT
APPELLATE DIVISION, THIRD DEPARTMENT**

**BOX 7350, CAPITOL STATION
ALBANY, N.Y. 12224-0350**

FORWARDING SERVICE REQUESTED

Anthony E. Ramos
1805 Key Blvd.
Apt 513
Arlington, VA 22201

ANTHONY E. RAMOS

1805 Key Blvd.

Apt. 513

Arlington, VA 22201

202-321-7969

00aramos@gmail.com

RECEIVED
APP. DIV.
3RD DEPT.

2015 FEB 18 AM 10:09

February 12, 2015

Robert D. Mayberger, Clerk of Court

State of New York

Supreme Court, Appellate Division

Third Judicial Department

Attorney Admissions

PO Box 7350

Capitol Station

Albany, NY 12224-1350

Re: Admission application

Name: Anthony E. Ramos

BOLE # B10115848

Dear Clerk Mayberger:

Please know that the Clerk of the Florida Supreme Court has advised me that all of my files have been physically destroyed. This places me in the position of now suffering irreparable harm, because I cannot certify to the State of New York, what my bar status in Florida, thus making me not eligible for admission.

At the same time, The Florida Bar, is unable to provide a certified copy of any document, other than a hearsay document, as to my status, thus causing me further irreparable injury.

In this regard, and unfortunately, therefore, I must cancel my registration for the February, 2015 State and Multistate bar exams. Upon achieving further clarification of this matter, I will report back to you.

Very respectfully,

Anthony E. Ramos

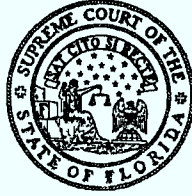
cc:

John A. Tomasino, Clerk of Court
Supreme Court of Florida
Office of the Clerk
500 South Duval Street
Tallahassee, FL 32399

Adria E. Quintela, Esquire
Bar Counsel
The Florida Bar
Fort Lauderdale Branch Office
1300 Concord Terrace
Sunrise, FL 33323

Honorable Howard H. Harrison, Jr., Senior Judge, Retired, Referee - via email only
Paul A. Baltrun, CPA, Florida Supreme Court-Appointed CPA - via email only

EXHIBIT B TO THE COMPLAINT



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1925

JOHN A. TOMASINO
CLERK
MARK CLAYTON
CHIEF DEPUTY CLERK
KRISTINA SAMUELS
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125
www.floridasupremecourt.org

October 7, 2014

Mr. Anthony E. Ramos
1805 Key Boulevard, #513
Arlington, Virginia 22201

Re: Letter received September 29, 2014

Dear Mr. Ramos:

In response to your letter received September 29, 2014, I regret to inform you that cases SC60-91562, SC60-91564, and SC60-89797, have been destroyed in accordance with approved destruction schedules.

Sincerely,

A handwritten signature in black ink, appearing to be "JAT", written over a horizontal line.

John A. Tomasino

JAT/ld

EXHIBIT C TO THE COMPLAINT



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

JOHN A. TOMASINO
CLERK
MARK CLAYTON
CHIEF DEPUTY CLERK
KRISTINA SAMUELS
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125
www.floridasupremecourt.org

December 30, 2014

Mr. Anthony E. Ramos
1805 Key Boulevard, Apartment 513
Arlington, Virginia 22201

Re: Letter received December 17, 2014

Dear Mr. Ramos,

In response to your letter received December 17, 2014, my answers to your questions follow.

1. There is no internal procedure rule that supplants the Fla. R. Jud. Admin. Our office abides by the records retention schedule which permits the destruction of closed cases. All of your cases are closed and fell within the destruction schedule. I disagree with your opinion that all of your cases are "pending" because you can reapply for readmission to the Florida Bar after your 20 year disbarment.
2. There will be a charge of \$1.00/page for a printout of the docket in each of your cases. The dockets contain a docket entry on the date the destruction of your files was authorized. You may look up this information yourself by utilizing the Court's online docket, found at: http://jweb.flcourts.org/pls/docket/ds_docket_search. If you wish us to estimate the cost for you, please let us know.

Mr. Anthony Ramos
December 30, 2014
Page: 2

3. The Clerk of Court is the official custodian of all case related records. Your files were destroyed during the term, and under the authority, of my predecessor, Thomas Hall. His last known address is the address of the Clerk's Office.
4. Your files were all destroyed at the Clerk's direction. Our files are retained offsite, at the Florida Records Center. I have no records in my office showing who, in their employee, actually destroyed your files.

Additionally, in response to your letter dated December 10, 2014, with your enclosed motion, I am under direction from the court to place any filings from you that are not signed by an attorney in good standing in our miscellaneous file. Because your "Respondent's Consolidated Motion for Order Reinstating Respondent, Nunc Pro Tunc, to June 23, 1995" is not signed by an attorney in good standing, it has been placed in our miscellaneous file.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Tomasino", is written over a horizontal line.

John A. Tomasino

JAT/ld