IN THE DISTRICT COURT OF APPEAL
FOR THE STATE OF FLORIDA
SECOND DISTRICT

BARKER, RODEMS & COOK, P.A., a Florida corporation; and WILLIAM J. COOK,

Appellants/Petitioners,

Case No.:

vs.

L.T. No. 05-CA-007205

NEIL J. GILLESPIE

Appellee/Respondent.

______________________________________/

PETITION FOR WRIT OF CERTIORARI

On Appeal from the Circuit Court of the Thirteenth Judicial Circuit, In and For Hillsborough County, Florida

---

Ryan Christopher Rodems, Esquire
Florida Bar No. 947652
BARKER, RODEMS & COOK, P.A.
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602
813/489-1001 (Telephone)
813/489-1008 (Telecopier)
Counsel for Petitioners

BASIS FOR JURISDICTION

Petitioners Barker, Rodems & Cook, P.A. and William J. Cook seek review of the August 31, 2007 circuit court order reviving Respondent Neil J. Gillespie's dismissed claims against them. (Appendix, 215-216). This Court has jurisdiction pursuant to Rule 9.030(b)(2)(A). *Layne Dredging Co. v. Regus*, 622 So.2d 7 (Fla. 2d DCA 1993); *Federal Insur. Co. v. Fatolitis*, 478 So.2d 106, 107 (Fla. 2d DCA 1985).

STATEMENT OF FACTS

Respondent Neil J. Gillespie, then pro se, filed a complaint in the circuit court of the Thirteenth Judicial Circuit on August 11, 2005 against Petitioners Barker, Rodems & Cook, P.A. and William J. Cook, alleging breach of contract and fraud. (Appendix, 1-24). On August 29, 2005, Petitioners timely moved to dismiss the complaint or strike portions thereof. (Appendix, 25-26). The circuit court entered an order on January 13, 2006 denying the motion to dismiss but granting the motion to strike. (Appendix, 27-28). On January 19, 2006, Petitioners filed their Answer, Affirmative Defenses and Counterclaim. (Appendix, 29-39). The Respondent moved to dismiss the counterclaims. (Appendix, 40-41).

On February 4, 2006, Respondent moved to disqualify Petitioners' counsel,

(appendix, 42-46), which the circuit court denied by order entered May 12, 2006. (Appendix, 320).

On March 28, 2006, Petitioners served discovery on Respondent. (Appendix, 47-64). When he failed to respond, Petitioners moved to compel the discovery responses, which the circuit court granted by order entered July 24, 2006. (Appendix, 65-68). Respondent appealed the July 24, 2006 order to this Court, which declined to hear it on August 22, 2006. (Appendix, 69-74). Respondent also filed a petition for writ of certiorari with this Court, which was dismissed on September 8, 2006. (Appendix, 75-81).

On August 25, 2006, Petitioners filed a motion for an order to show cause as to why Respondent should not be held in contempt for failing to comply with the circuit court's July 24, 2006 order. (Appendix, 82-85). That motion was scheduled for hearing on October 4, 2006. (Appendix, 86-88). On October 3, 2006, Respondent filed a letter with the circuit court, requesting the circuit court appoint him an attorney because of his disabilities, citing the Americans with Disabilities Act as a basis, and advising that he may have counsel appointed by an insurance company to defend the counterclaims. (Appendix, 89-90).

During the October 4, 2006 hearing, the circuit court considered Respondent's October 3, 2006 letter request for a court-appointed attorney and

treated it as a motion. During the hearing, the circuit court orally denied the request for court-appointed counsel. (Appendix, 234-237). During the hearing, Respondent reiterated that his mother's homeowner's insurer may appoint counsel for his defense to the counterclaim. (Appendix, 234, 238-241). Thus, the circuit court continued the hearing on the motion for an order to show cause, directing Respondent to advise the circuit court by October 18, 2006 of, inter alia, his intentions to retain counsel. (Appendix, 91-92).

On October 18, 2006, Respondent filed a document entitled "Plaintiff's October 18, 2006 Letter and Plaintiff's Motion to Stay Proceedings Until a Determination is Made Concerning Representation," consisting of 102 pages of narration and exhibits. (Appendix, 217-319). In addition to advising the circuit court of his intentions to retain counsel, Respondent accused Petitioners' counsel of "extortion," (appendix, 218-220), claimed that Petitioners' counsel's former partner in another law firm "threw a cup of coffee in the face of opposing counsel Arnold Levine during a mediation with the Tampa Bay Buccaneers," (appendix, 222-223, 271-274), asserted that Petitioners' counsel's reputation hindered Respondent from being able to retain counsel, (appendix, 222-223), advised that a lawyer told him that the presiding circuit judge "may not have the temperament for pro se litigants" and that other lawyers "speculate[d]" that the presiding circuit

judge "engaged in some contorted reasoning" to deny Respondent's motion to disqualify Petitioners' counsel. (Appendix, 225).

Following this, on November 6, 2006, Respondent moved to disqualify the circuit judge. (Appendix, 93-145). The motion was denied as legally insufficient. (Appendix, 146). Two days later, the trial judge recused himself on his own volition. (Appendix, 147-148). The case was reassigned.

On December 8, 2006, Respondent filed motions to reconsider the July 24, 2006 discovery order and the May 12, 2006 order denying the motion to disqualify Petitioners' counsel. (Appendix,149-177).

On February 5, 2007, hearing time was scheduled with the new presiding circuit judge to hear several motions, including Respondent's motions to reconsider the July 24, 2006 discovery order and the May 12, 2006 order denying the motion to disqualify Petitioners' counsel. (Appendix, 178-179). The circuit judge denied both motions, at which point Respondent announced that he was moving to disqualify the newly-assigned circuit judge because of his discontent with her rulings. The circuit judge ceased the hearing after advising Respondent to file the motion to disqualify the trial judge in writing.

On February 7, 2007, Respondent served by facsimile a motion to dismiss his claims, but acknowledging the counterclaim could continue to proceed.

(Appendix, 180).

Later that day, Respondent filed a notice of dismissal of his claims, again acknowledging the counterclaim could continue to proceed. The notice of dismissal stated as follows: "YOU ARE NOTIFIED that plaintiff pro se dismisses this action without prejudice pursuant to Rule 1.420(a). Defendants' counterclaim can remain for adjudication." (Appendix, 181).

On February 13, 2007, the Respondent filed a motion to disqualify the circuit judge. (Appendix, 182-190). That day, the circuit judge denied the motion because it was legally insufficient but nevertheless recused herself on her own volition. (Appendix, 191-192). A third circuit judge was assigned to the case.

On February 15, 2007, Respondent filed a Withdrawal Of Plaintiff's Motion For An Order Of Voluntary Dismissal, (appendix, 193), and a Withdrawal Of Plaintiff's Notice Of Voluntary Dismissal. (Appendix, 194). Respondent thereafter hired counsel. Respondent's counsel filed a memorandum supporting the Respondent's efforts to revive his dismissed claims. (Appendix, 195-214).

On August 14, 2007, the circuit court orally granted Respondent's Withdrawal Of Plaintiff's Notice Of Voluntary Dismissal, entering its written order on August 31, 2007. (Appendix, 215-216).

THE NATURE OF THE RELIEF SOUGHT

Because the circuit court lost jurisdiction over the Respondent's claims against Petitioners when Respondent filed his notice of dismissal of his claims against them, Petitioners request that this Court grant the petition for writ of certiorari, and hold that the circuit court has no jurisdiction to reinstate the dismissed claims, and remand the case for proceedings consistent therewith.

ARGUMENT AND AUTHORITIES

I. INTRODUCTION

Respondent filed a notice that he intended to drop his claims against Petitioners, and upon that filing, the trial court lost jurisdiction over the Respondent's claims against Petitioners. By granting Respondent's motion to withdraw his dismissals, the trial court departed from the essential requirements of law.

II. THE RULES ADDRESSING VOLUNTARY DISMISSALS WITHOUT AN ORDER OF THE COURT

For a variety of reasons, perhaps to evade sanctions or an adverse ruling, plaintiffs may wish to dismiss claims quickly and without a court order. Two rules specifically address dismissing claims without a court order, Rule 1.250(b) and Rule 1.420(a)(1).

A. Rule 1.420(a)(1) allows the dismissal of an entire action

Rule 1.420(a)(1) "endow[s] a plaintiff with unilateral authority to block action favorable to a defendant which a trial judge might be disposed to approve. The effect is to remove completely from the court's consideration the power to enter an order, equivalent in all respects to a deprivation of 'jurisdiction'." *Randle-Eastern Ambulance Service v. Vasta*, 360 So. 2d 68, 69 (Fla. 1978). Rule 1.420(a)(1), however, has limitations. It cannot be used if less than the entire action is to be dismissed. *Lauda v. H. F. Mason Equip. Corp.*, 407 So. 2d 392, 394 (Fla. 3d DCA 1981).

When a counterclaim is pending, however, Rule 1.420(a)(2) prohibits dismissals of actions without court approval. The reason for this rule is to protect the counterclaimant, not the plaintiff. "The obvious intent of Florida Rule of Civil Procedure 1.420(a)(2) and the cases cited by Fatolitis is to prevent a plaintiff from unilaterally terminating litigation when his defendant countersues." *Federal Ins. Co. v. Fatolitis*, 478 So. 2d 106, 109 (Fla. 2d DCA 1985).

B. Rule 1.250(b) allows dismissal of parts of an action

If a party desires to dismiss less than the entire action without a court order, Rule 1.250(b) is available. Under Rule 1.250(b), "[p]arties may be dropped by an adverse party in the manner provided for voluntary dismissal in rule 1.420(a)(1)

subject to the exception stated in that rule."[1] As this Court held in *Hinton v. Iowa Nat'l Mut. Ins. Co.*, 317 So. 2d 832, 834 (Fla. 2d DCA 1975), "even though Rule 1.420(a)(1) still only refers to 'actions' rather than 'parties', it now appears settled that the reference in Rule 1.250 to dropping of parties pursuant to the provisions of Rule 1.420(a) is sufficient to authorize a plaintiff to take a voluntary dismissal against less than all of the defendants."

In *Carter v. Lake County*, 840 So. 2d 1153, 1155 (Fla. 5th DCA 2003), the Court compared Rule 1.250(b) and 1.420(a)(1). "An essential distinction between a notice of dropping a party and a voluntary dismissal is that the former concludes the action as to the dropped party while the latter is generally utilized to conclude the action in its entirety." *Id.* Rule 1.420(a)(1) "only permits the dismissal of an action. There can be no dismissal without order of court of less than all the causes contained in the action." *Lauda*, 407 So. 2d at 394.[2]

---

[1] The "exception" in Rule 1.420(a)(1) referenced in rule 1.250(b) is that Rule 1.420(a)(1) cannot be used "in actions in which property has been seized or is in the custody of the court . . .." Fla. R. Civ. P. 1.420(a)(1).

[2] *Lauda* "involved the dismissal of less than all counts in an action." *Freeman v. Mintz*, 523 So. 2d 606, 610 (Fla. 3rd DCA 1988).

1. **Rule 1.250(b) allows the dropping of a defendant who has filed a counterclaim**

Because a Rule 1.250(b) notice of dropping parties does not end the action, there is no concern that the dropped party's counterclaim will be extinguished. *But see Fatolitis*, 478 So. 2d at 109 ("The obvious intent of Florida Rule of Civil Procedure 1.420(a)(2) and the cases cited by Fatolitis is to prevent a plaintiff from unilaterally terminating litigation when his defendant countersues.").

Therefore, the text of Rule 1.250(b) does not prohibit the dropping of a party when a defendant has filed a counterclaim. It allows the dropping of a party "in the manner provided for voluntary dismissal in rule 1.420(a)(1) subject to the exception of that rule." Fla. R. Civ. P. 1.250(b). The "exception" in Rule 1.420(a)(1) is that it cannot be used "in actions in which property has been seized or is in the custody of the court . . .." Fla. R. Civ. P. 1.420(a)(1).

The plain language of Rule 1.250(b) shows the drafters did not intend for a counterclaim to prohibit a plaintiff from dropping a defendant: "Parties may be dropped by an adverse party in the manner provided for voluntary dismissal in rule 1.420(a)(1) subject to the exception stated in that rule." Fla. R. Civ. P. 1.250(b). Had the drafters of Rule 1.250(b) desired for the court to approve the dropping of a party when that party had filed a counterclaim, as required in Rule 1.420(a)(2),

then the rule would have stated that "[p]arties may be dropped by an adverse party in the manner provided for voluntary dismissal in rule 1.420(a)(1) subject to the exception stated in that rule or rule 1.420(a)(2)." The omission of Rule 1.420(a)(2) from Rule 1.250(b) means a party can be dropped, even if a counterclaim has been filed. *Moonlit Waters Apartments v. Cauley*, 666 So. 2d 898, 900 (Fla. 1996)("Under the principle of statutory construction, expressio unius est exclusio alterius, the mention of one thing implies the exclusion of another.").

2. A plaintiff can drop all defendants under Rule 1.250(b), effectively ending its claims against those defendants in that action

Likewise, nothing in Rule 1.250(b) states that a plaintiff, having sued more than one defendant, cannot drop all defendants. While this Court stated that "where a plaintiff intends to dismiss only one of several parties, rule 1.250(b) is the appropriate vehicle for dropping a party . . . [i]f, however, there is only one defendant or if the plaintiff intends to dismiss the action as to all defendants, rule 1.420(a)(1) is the operative rule," *National Bank of Commerce v. Jupiter Mortgage Corporation*, 890 So. 2d 553, 555 (Fla. 2d DCA 2005), that statement was *dicta*, and the Court did not consider the situation where a plaintiff wishes to dismiss his claims without a court order but cannot under Rule 1.420(a)(1).

Thus, if a counterclaim is pending, a plaintiff can use Rule 1.250(b) to drop all parties, effectively ending his litigation against the defendants, but preserving their rights to proceed with their counterclaims.[3]

III. RESPONDENT'S CITATION TO RULE 1.420(a) INSTEAD OF RULE 1.250(b) DOES NOT VOID THE DISMISSAL OF PETITIONERS

Respondent argued in his memorandum of law in support of his motion to withdraw the notice of dismissal that it was ineffective because he cited Rule 1.420(a)(1), when the proper rule to cite was Rule 1.250(b). (Appendix, 197). The incorrect citation does not negate the dismissal of Petitioners. In *Fischer v. Bartberger*, 330 So. 2d 507 (Fla. 4th DCA 1976), the Fourth DCA considered and rejected a similar argument. The Appellant filed a notice of dismissal, citing Rule 1.420, but only naming one of two defendants. The unnamed defendant argued the use of Rule 1.420 instead of Rule 1.250 in the notice should mean it, too, was dismissed. The Fourth DCA rejected such a result:

Appellant has presented on this interlocutory appeal two points, neither of

---

[3] This is not the only dismissal anomaly facing a plaintiff wishing to drop claims. For instance, if a plaintiff wishes to drop one of several counts against a particular defendant, neither Rule 1.250(b) nor Rule 1.420(a)(1) or (a)(2) is proper. "The proper method of deleting less than all counts from a pleading is amendment of the pleading pursuant to Fla. R. Civ. P. 1.190." *Deseret Ranches of Florida, Inc. v. Bowman*, 340 So. 2d 1232, 1233 (Fla. 4th DCA 1976). Yet, this procedure would not work in the present case since Respondent intended to dismiss all of his claims against Petitioners.

> which warrants reversal. Appellant first argues that Plaintiff's filing of a paper entitled "Notice of Voluntary Dismissal," the text of which asserted a ". . . voluntary dismissal . . . as to the Defendant Ohio Casualty Insurance Company . . ..", should be held also to dismiss the Appellant-Defendant Fischer.
>
> The "Notice" made reference to F.R.C.P. 1.420 which relates to dismissal of actions, and provides the "manner" in which actions may be voluntarily dismissed.
>
> It is evident from the record that Plaintiff dropped a party (permitted under F.R.C.P. 1.250) in the manner (by "notice") provided in F.R.C.P. 1.420. F.R.C.P. 1.250 provides that a party Defendant may be dropped in the "manner" of dismissing actions provided for in F.R.C.P. 1.420. That "manner" is by "notice."

Id.

Numerous other cases support that mislabeling or citing the wrong rule does not affect the viability of a notice or motion. *Bettez v. City of Miami*, 510 So.2d 1242, 1243 (Fla. 3rd DCA 1987) ("The fact that the Defendant mislabeled his motion as a motion for rehearing under Fla. R. Civ. P.1.530 cannot change its result that the motion was, in substance, a proper motion for reconsideration."); *Estate of Willis v. Gafney*, 677 So.2d 949, 951 (Fla. 2nd DCA 1996) ("restating the well-settled law of Florida that '[a] pleading will be considered what it is in substance, even though mislabelled.'" (citations omitted)); *McCabe v. Watson*, 225 So.2d 346, 347 (Fla. 3rd DCA 1969) ("Mislabeling does not constitute harmful error where the substance of the motion is in accord with the rules.").

Thus, although Respondent cited Rule 1.420(a)(1) instead of Rule 1.250(b), the notice of dismissal is effective. Respondent acknowledged that the action would continue so that Petitioners' counterclaims could be adjudicated: "YOU ARE NOTIFIED that plaintiff pro se dismisses this action without prejudice pursuant to Rule 1.420(a). Defendants' counterclaim can remain for adjudication." (Appendix, 180). His notice of dismissal complied with Rule 1.250(b).

IV. <u>THE RESPONDENT AND PETITIONERS HAVE INTERESTS IN DISMISSALS WITHOUT COURT ORDERS</u>

Because nothing in Rule 1.250(b) expressly forbids dropping all defendants or prohibits dropping any defendant when a counterclaim is pending, the Respondent had a right to dismiss the Petitioners, and the Petitioners now have a right to be free from Respondent's claims.

> [T]he right to dismiss one's own lawsuit during the course of trial is guaranteed by Rule 1.420(a), endowing a plaintiff with unilateral authority to block action favorable to a defendant which a trial judge might be disposed to approve. The effect is to remove completely from the court's consideration the power to enter an order, equivalent in all respects to a deprivation of 'jurisdiction'. If the trial judge loses the ability to exercise judicial discretion or to adjudicate the cause in any way, it follows that he has no jurisdiction to reinstate a dismissed proceeding."

Randle-Eastern Ambulance Service, 360 So. 2d at 69.

The corollary is that once a voluntary dismissal has been entered, whether

pursuant to Rule 1.250(b) or Rule 1.420(a)(1), "the trial court is divested of in personam jurisdiction," *Fatolitis*, 478 So. 2d at 109, and "has no jurisdiction to reinstate a dismissed proceeding." *Randle-Eastern Ambulance Service*, 360 So. 2d at 69.

> Our rules prevent several filings and dismissals against a defendant for the same claim, and they provide authority for defendants to recoup their court costs when a voluntary dismissal has been taken. There is no recompense, however, for a defendant's inconvenience, his attorney's fees, or the instability to his daily affairs which are caused by a plaintiff's self-aborted lawsuit. Nor is there any recompense for the cost and inconvenience to the general public through the plaintiff's precipitous or improvident use of judicial resources."

Id.

V. CONCLUSION

After a discovery ruling went against him, subjecting Respondent to paying Petitioners' attorneys' fees, and after efforts to overturn that discovery order were denied by this Court, and facing an imminent order to show cause as to why he should not be held in contempt for refusing to comply with the discovery order, Respondent first attempted to stall the proceedings by moving for a court-appointed attorney.

When the circuit judge correctly denied such an appointment, Respondent filed a motion to stay proceedings, filling the court file with invective directed at

the circuit court and Petitioners' counsel, apparently in an effort to create a record to support the disqualification of the presiding judge. Although the ultimate motion to disqualify the first presiding judge was legally insufficient, Respondent's arrow hit the target, and the presiding circuit judge who entered the discovery order recused himself.

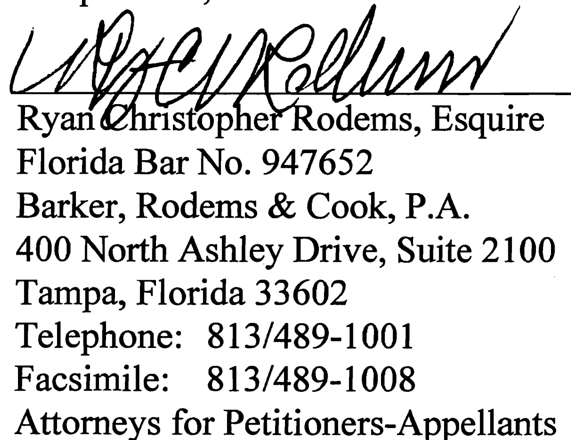
Respondent immediately filed motions to reconsider the recused judge's discovery order -- demonstrating Respondent's true intent was to judge shop. The second presiding circuit judge denied Respondent's motion to reconsider the discovery order, and this time Respondent did not even wait to paper the court file. He announced mid-hearing that he was unhappy with the circuit court's rulings and therefore was moving to disqualify the second presiding judge.

Apparently hoping to avoid the sanctions looming for discovery violations, Respondent decided to dismiss his claims against Petitioners, citing Rule 1.420(a). Although he cited the wrong rule, the dismissal was effective because the substance of the dismissal, not the rule citation, is the important consideration, and Respondent's notice of dismissal contained the proper language and showed his clear intent to dismiss his claims, while allowing the Petitioners' counterclaims to proceed.

Rule 1.250(b) allows a party to drop claims against other parties. Nothing in Rule 1.250(b) forbids a party from dropping a party who has filed a counterclaim. The counterclaim exists independently. Likewise, nothing under Rule 1.250(b) prohibits a party from dropping all parties it has filed claims against.

Continuing to entertain jurisdiction over a party when the claims against it have been dismissed constitutes a departure from the essential requirements of law. *Fatolitis*, 478 So. 2d at 108-109 (a plaintiff's motion to withdraw his voluntary dismissal of and the trial court's orders pertaining thereto are nullities, and the trial court's refusal to dismiss the actions against the dismissed defendant constitutes a departure from the essential requirements of law). This Court should grant the petition and remand the case, advising the circuit court that it has no jurisdiction to reinstate the dismissed claims.

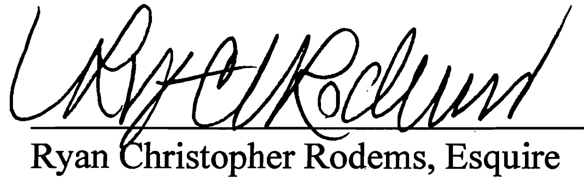
Respectfully submitted this 26th day of September, 2007.



Ryan Christopher Rodems, Esquire
Florida Bar No. 947652
Barker, Rodems & Cook, P.A.
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602
Telephone: 813/489-1001
Facsimile: 813/489-1008
Attorneys for Petitioners-Appellants

CERTIFICATE OF SERVICE

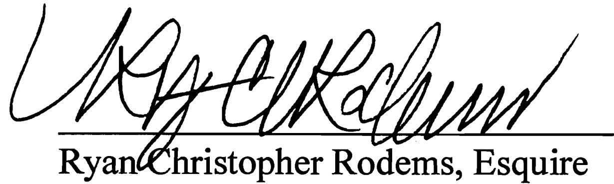
I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail and electronic mail to Robert W. Bauer, Esquire, 2815 N.W. 13th Street, Suite 200E, Gainesville, Florida 32609, rwb@bauerlegal.com, this 26th day of September, 2007.



Ryan Christopher Rodems, Esquire

CERTIFICATE OF COMPLIANCE WITH FONT REQUIREMENTS

I HEREBY CERTIFY that the font of this brief is Times New Roman 14-point.



Ryan Christopher Rodems, Esquire

IN THE DISTRICT COURT OF APPEAL
FOR THE STATE OF FLORIDA
SECOND DISTRICT

BARKER, RODEMS & COOK, P.A., a Florida corporation; and WILLIAM J. COOK,

Appellants/Petitioners,

Case No.:

vs.

L.T. No. 05-CA-007205

NEIL J. GILLESPIE

Appellee/Respondent.
______________________________________/

APPENDIX

Petitioners, BARKER, RODEMS & COOK, P.A. and WILLIAM J. COOK, pursuant to Rules 9.100(g) and 9.220, Fla. R. App. P., hereby submit the following Appendix to their Petition for Writ of Certiorari.

Vol. I

Description	Appendix Pages
Complaint	1-24
Defendants' Motion to Dismiss and Strike	25-26
Order on Defendants' Motion to Dismiss and Strike	27-28
Answer, Affirmative Defenses and Counterclaims	29-39
Plaintiff's Motion to Dismiss and Strike Counterclaim	40-41

Plaintiff's Motion to Disqualify Counsel 42-46

Defendants' Interrogatories and Request for Production 47-64

Order Granting Defendants' Motion to Compel 65-68

Plaintiff's Notice of Appeal and Court's Order 69-74

Petition for Writ of Certiorari
and Court's Dismissal 75-81

Defendants' Motion for an Order to Show Cause 82-85

Notice of Hearing 86-88

Plaintiff's October 3, 2006 letter to Court 89-90

Order entered October 23, 2006. 91-92

Plaintiff's Motion to Disqualify Circuit Judge 93-145

Order Denying Plaintiff's Motion to Disqualify Circuit Judge 146

Order of Recusal 147-148

Plaintiff's Motions for Reconsideration 149-177

Notice of Hearing 178-179

IN THE DISTRICT COURT OF APPEAL
FOR THE STATE OF FLORIDA
SECOND DISTRICT

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and WILLIAM
J. COOK,

Appellants/Petitioners,

Case No.:

vs.

L.T. No. 05-CA-007205

NEIL J. GILLESPIE

Appellee/Respondent.
______________________________/

APPENDIX

Vol. II

Plaintiff's Motion For An Order Of Voluntary Dismissal 180

Plaintiff's Notice of Voluntary Dismissal 181

Plaintiff's Motion to Disqualify Circuit Judge 182-190

Court Order of Recusal 191-192

Withdrawal of Plaintiff's Motion For
An Order Of Voluntary Dismissal 193

Withdrawal Of Plaintiff's Notice Of Voluntary Dismissal. 194

Plaintiff's Memorandum of Law 195-214

Order Granting Withdrawal of
Notice of Voluntary Dismissal 215-216

Plaintiff's October 18, 2006 letter and
Plaintiff's Motion to Stay 217-319

Order Denying Plaintiff's Motion to Disqualify Counsel 320