

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY
GENERAL CIVIL DIVISION**

**NEIL J. GILLESPIE,
Plaintiff,**

CASE ID: 05-CA-7205

v.

**BARKER, RODEMS & COOK, P.A.,
Defendant.**

DIVISION: G

**ORDER DENYING EMERGENCY MOTION TO DISQUALIFY
JUDGE MARTHA J. COOK**

THIS MATTER is before the Court on Plaintiff's emergency motion to disqualify Judge Martha J. Cook, filed on November 1, 2010. The undersigned judge is a successor judge as defined in Florida Rule of Judicial Administration 2.330(g) because a previous judge has already disqualified himself from these proceedings pursuant to a rule 2.330 motion filed by Plaintiff. This is the third such motion addressed by the undersigned. It is without merit. For the reasons discussed below, the Court denies the motion.

In his motion, Plaintiff alleges that the undersigned is biased against him and requests the appointment of a judge ad litem; he recommends for the purpose Fidel Castro, of Cuba. There is yet no agreement between the parties as to whether such a judge ad litem is satisfactory to them. This is alone sufficient reason to deny the request to appoint Mr. Castro judge ad litem under section 38.13, Florida Statutes.

In support of his motion, Plaintiff reiterates a legally insufficient allegation previously argued, namely, that the judge must disqualify herself because he has brought federal suit against her for civil rights violations. This remains a legally insufficient basis for disqualification. *See Dowda v. Salfi*, 455 So. 2d 604 (Fla. 5th DCA 1984), *5-H Corporation v. Padovana*, 708 So. 2d 244 (Fla. 1994), *May v. South Florida Water Management*, 866 So. 2d 205 (Fla. 4th DCA 2004), and *Bay Bank & Trust v. Lewis*, 634 So. 2d 672 (Fla. 1st DCA 1994). Plaintiff also argues that the undersigned is acting in partnership with Defendant, intentionally inflicts severe emotional

distress on him due to his “legal abuse syndrome,” and has declared that she believes he lies. The Court is entitled to rule on the truth of these assertions and finds that they are inaccurate. The Court is not in fact biased against Plaintiff.

It is therefore **ORDERED AND ADJUDGED** that Plaintiff’s motion is hereby **DENIED**.

DONE AND ORDERED in Chambers in Hillsborough County, Florida, this ____ day of November, 2010.

ORIGINAL SIGNED

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MARTHA J. COOK, Circuit Judge
MARTHA J. COOK
CIRCUIT JUDGE

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