

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

NEIL J. GILLESPIE,

Plaintiff,

CASE NO.: 05-CA-7205

vs.

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

DIVISION: G

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Defendants.

CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY, FL

PLAINTIFF'S 4TH MOTION TO DISQUALIFY JUDGE MARTHA J. COOK

1. Plaintiff pro se Gillespie moves to disqualify Circuit Court Judge Martha J. Cook as trial judge in this action pursuant to chapter 38 Florida Statutes, Rule 2.330, Florida Rules of Judicial Administration, and the Code of Judicial Conduct.

2. This motion is timely and made within ten days of the date Gillespie discovered the grounds for disqualification pursuant to Rule 2.330(e), Fla.R.Jud.Admin.

Disclosure under Rule 2.330(c)(4), Fla.R.Jud.Admin

3. Pursuant to Rule 2.330(c)(4), a motion to disqualify shall include the dates of all previously granted motions to disqualify filed under this rule in the case and the dates of the orders granting those motions. This information is attached. (Exhibit 1)

Disqualification Mandated by Code of Judicial Conduct, Canon 3E(1)

4. Canon 3E(1) provides that a judge has an affirmative duty to enter an order of disqualification in any proceeding "in which the judge's impartiality might reasonably be questioned." The object of this provision of the Code is to ensure the right to fair trials

and hearings, and to promote confidence in a fair and independent judiciary by avoiding even the appearance of partiality.

Introduction

5. On Monday November 1, 2010 Gillespie attempted to close his checking account at the Community Bank of Manatee in Tampa and learned his account had been flagged. William H. Sedgeman, Jr. Chairman & CEO of the bank was present and removed the hold so the account could be closed. Mr. Sedgeman is the husband of Judge Cook. Since the bank apparently had Gillespie under special surveillance he investigated further. On November 4, 2010 the Division of Elections provided Gillespie Judge Cook's Form 6 public disclosure of financial interests for the year 2007 that showed the Judge owned a beneficial interest in Community Bank of Manatee, information the Judge failed to disclose September 28, 2010 when Gillespie moved to disqualify based on a financial relationship with her husband. On November 5, 2010 Gillespie obtained a copy of the bank's Consent Order with the FDIC and OFR. The bank lost millions of dollars and almost failed in 2009. On Monday November 8, 2010 the Florida Commission on Ethics provided Gillespie Judge Cook's Form 6 for the years 2008 and 2009. Since 2007 Judge Cook's net worth has declined by almost half and she is essentially insolvent. In addition the bank has not fully complied with the Consent Order. The bank also sold a majority interest to a foreign entity. All this and more shows Judge Cook must be disqualified for bias and conflict under Canon 3E(1) which provides that a judge has an affirmative duty to enter an order of disqualification in any proceeding "in which the judge's impartiality might reasonably be questioned." Finally, the events described in this motion call into question Judge Cook's fitness to serve as a judge in the State of Florida.

6. The forgoing information in paragraph 5 shows the following facts sufficient to produce a reasonable fear that Gillespie cannot obtain a fair trial or hearing before Judge Cook because the Judge's impartiality might reasonably be questioned:

- a. Gillespie was under special surveillance by Judge Cook's bank and husband.
- b. Judge Cook failed to disclose a conflict with Gillespie September 28, 2010.
- c. Judge Cook's personal and business financial affairs violate the Code of Judicial Conduct for the State of Florida.
- d. Judge Cook has a conflict of interest presiding over matters involving financial institutions and related transactions.

Gillespie's Financial Relationship With Community Bank of Manatee

7. Gillespie banked at the Tampa branch of Community Bank of Manatee located in his old neighborhood. Stephanie Zambrana at the Tampa branch referred Gillespie to the bank's mortgage specialist Christine Palese since Gillespie's family home is facing foreclosure on a reverse mortgage due to the death of his mother last year.

8. Gillespie called Ms. Palese August 20, 2010 but did not qualify for a conventional mortgage. Ms. Palese advised Gillespie about his current situation and they decided his best bet was to enforce the terms of the current reverse mortgage. Ms. Palese also said Gillespie could make a complaint against the bank involved to the Office of the Comptroller of the Currency (OCC). US Senator Bill Nelson previously contacted the OCC on his behalf and Gillespie's discussed the response of the OCC with Ms. Palese.

9. August 23, 2010 Gillespie wrote Ms. Palese and thanked her for speaking with him and provided copies of the reverse mortgage documents. Gillespie asked Ms. Palese if he should appeal to the OCC or make an online complaint.

10. August 31, 2010 Gillespie called Ms. Palese to discuss his letter of August 23rd but she was busy and he unilaterally made an appeal to the OCC.

11. Gillespie had a financial relationship with Community Bank of Manatee and it owed him a fiduciary duty.

Gillespie Under Special Surveillance by Judge Cook's Bank and Husband

12. On Monday November 1, 2010 Gillespie attempted to close his checking account at the Tampa branch of Community Bank of Manatee and learned his account was flagged. Other than his initial \$50 cash deposit to open the checking account there were no other transactions on the account.

13. Bank teller Jennifer informed Gillespie that when she accessed his account on the bank's computer she was puzzled by a note on the account to contact Maria Luna at the bank's headquarters in Lakewood Ranch, Florida. Jennifer telephoned Ms. Luna but was unable to reach her. Meanwhile Gillespie was unable to close his account. Jennifer then left the teller window to speak with William H. Sedgeman, Jr. Chairman & CEO of the bank. Mr. Sedgeman personally authorized Jennifer to close Gillespie's account.

14. After obtaining special authorization to access Gillespie's account Jennifer completed a "closing account worksheet" that Gillespie signed. Jennifer then provided Gillespie the \$50 closing balance in cash. Gillespie thanked Jennifer and left the bank.

15. The next day Gillespie telephoned Ms. Luna to learn why his account was flagged. He spoke with Mary Beth who said Ms. Luna was unavailable. Mary Beth was also puzzled by the note on the account to contact Maria Luna. Mary Beth told Gillespie she "doesn't see what would have triggered that" and would have Ms. Luna call him.

16. Ms. Luna telephoned Gillespie at 3.05 PM November 2, 2010. Ms. Luna said Gillespie's account had a "new account banner" that required a "manager" be contacted prior to closing to check for any "customer service" issues. This explanation conflicted with the statements of both Jennifer and Mary Beth who did not mention a new account banner but a note on the account to contact Maria Luna personally, not a "manager". When pressed on this point Ms. Luna became defensive and said the Tampa branch did not have a manager. Several days later Gillespie learned that Laura Schaefer manages both the Tampa and Riverview office and is the branch contact for consumer issues. Gillespie concluded Ms. Luna was not truthful as to the reason his account was flagged.

17. November 6, 2010 Gillespie consulted an independent banker who reviewed the forgoing and opined that the teller could not complete a transaction on Gillespie's account because it was flagged. The note on Gillespie's account instructed the teller to call Maria Luna before doing something on the account. There was a hold on Gillespie's account, his account was frozen, and the account needed an override for access.

18. Gillespie believes Judge Cook alerted her husband William H. Sedgeman, Jr. Chairman & CEO of the bank about Gillespie's account which resulted in the forgoing. Gillespie believes Judge Cook became aware of Gillespie's financial relationship with her husband during a hearing September 28, 2010 before Judge Cook for Final Summary Judgment when Gillespie made a speaking motion to disqualify Judge Cook. Page 4 of the transcript of the hearing September 28, 2010 shows this exchange:

1 MR. GILLESPIE: I move to disqualify you
2 on the basis that I have a financial
3 relationship with your husband.

4 THE COURT: All right. Your motion to
5 disqualify me on that basis is denied.

Judge Cook made no inquiry into the nature of the financial relationship between Gillespie and her husband before denying his spoken motion to disqualify.

Judge Cook's Relationship With Community Bank of Manatee

19. William H. Sedgeman, Jr. is the Chairman & CEO of Community Bank of Manatee. Mr. Sedgeman is the husband of Judge Martha J. Cook.

20. In Florida the relationship to a party or attorney is computed by using the common law rule rather than the civil law rule. In computing affinity husband and wife are considered as one person and the relatives of one spouse by consanguinity are related to the other by affinity in the same degree. State v. Wall, 41 Fla. 463.

21. On November 4, 2010 the Division of Elections provided Gillespie Judge Cook's Form 6 public disclosure of financial interests for the year 2007 (Exhibit 2) that showed the Judge owned a beneficial interest in Community Bank of Manatee, information the Judge failed to disclose September 28, 2010 when Gillespie moved to disqualify based on a financial relationship with her husband. A judge has a duty to disclose information that the litigants or their counsel might consider pertinent to the issue of disqualification. A judge's obligation to disclose relevant information is broader than the duty to disqualify. Stevens v. Americana Healthcare Corp. of Naples, 919 So.2d 713, Fla. App. 2 Dist., 2006. Recusal is appropriate where one of the parties or their counsel had dealings with a relative of the court. McQueen v. Royce, 785 So.2d 512, Fla. App. 3 Dist., 2000.

22. On Monday November 8, 2010 the Florida Commission on Ethics provided Gillespie Judge Cook's Form 6 for the year 2001 that shows Judge Cook served as a

registered agent for Community Bank of Manatee and she owned more than a 5% beneficial interest in the bank. (Exhibit 3).

23. On Monday November 8, 2010 the Florida Commission on Ethics provided Gillespie Judge Cook's Form 6 for the years 2008 and 2009. (Exhibits 4, 5). Since 2007 Judge Cook's net worth has declined by almost half and she is now likely insolvent.

Judge Martha J. Cook's Insolvency

24. Insolvency. The condition of a person or business that is insolvent; inability or lack of means to pay debts. Such a relative condition of a person's or entity's assets and liabilities that the former, if made immediately available, would not be sufficient to discharge the latter. Financial condition such that businesses' or person's debts are greater than the aggregate of such debtor's property at fair valuation. American Nat. Bank & Trust Co. of Chicago, Ill. v. Bone. C.A.Mo., 333 F.2d 984, 987. (Black's Law Dictionary, Sixth Edition)

25. A spreadsheet prepared by Gillespie using information from Judge Cook's Form 6 for the years 2007-2009 shows her reported net worth declined from \$181,588 in 2007 to \$94,987 in 2009. (Exhibit 6). This is a decline of \$86,601 or 47.69%.

26. A closer look at Judge Cook's self-valuation of her two largest assets casts doubt on the accuracy of amounts reported. Judge Cook reported the value of her home in 2009 at \$300,000. In 2001 she reported the value of the same home at \$190,000. Given the sharp decline in Florida real estate, the \$300,000 value appears inflated. A comparable sale near Judge Cook's home sold February 2010 for \$270,000. From that amount brokerage (\$16,200 @ 6%) and other sale costs must be deducted.

Judge Cook's next largest asset is household goods and personal effects for which she listed at an aggregate value of \$75,000. Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing other household item; and vehicles for personal use. In 2001 Judge Cook reported the aggregate value of household goods and personal effects at \$72,500. For the years 2007-2009 she reported the aggregate value of household goods and personal effects at \$75,000 each year with no change. Judge Cook did not separately list any vehicles for personal use so it is assumed her personal vehicle is included in the aggregate value of household goods and personal effects. Personal vehicles are a depreciating assets but Judge Cook's reported amount does not reflect any depreciation. This is evidence of possible wrongdoing but not conclusive proof that Judge Cook misrepresented the value of her assets to avoid showing insolvency.

Community Bank of Manatee Under Consent Order

27. The Federal Deposit Insurance Corporation (FDIC) reported that Community Bank of Manatee lost \$9.3 million dollars in 2009. This was reported in the press, by John Hielscher, Senior Reporter for the Herald-Tribune and others, and by the FDIC in a "call report". The bank lost another \$1.4 million in 2010 as reported by John Hielscher May 4, 2010 in a story "Millions More Lost By Bank".

28. The bank was on the verge of collapse in 2009. When a bank fails it is known in the industry as "Friday Night Lights Out". After 6 p.m. on Fridays is when officials from the FDIC accompanied by other federal or state regulators walk into an ailing bank and

pull the plug. When this happens the bank's shareholders are wiped out and management is immediately terminated and escorted off the premises. The FDIC then conducts an audit of the failed bank and makes arrangement for an orderly transfer of accounts, often to healthy bank that assumes the failed bank's assets and obligations.

29. Community Bank of Manatee narrowly escaped collapse when a foreign investor agreed to save the bank. Marcelo Faria de Lima, a citizen of Brazil, formed CBM Florida Holdings with Trevor Burgess of Artesia Capital Management USA to invest \$11.5 million for a controlling interest in Community Bank of Manatee. Mr. Lima is Chairman the bank's holding company, CBM Florida Holding Company. Mr. Lima is an international investor with interests in companies located in the United States, Brazil, Mexico, Turkey, Denmark and Russia employing over 6,000 people with sales over \$1 billion. Mr. Lima has served as a director of Community Bank of Manatee since the change of control transaction was completed on December 3, 2009.

30. On November 25, 2009 Community Bank of Manatee signed a consent order with the FDIC and the Florida Office of Financial Regulation (OFR) agreeing to boost capital and improve banking practices. The Consent Order, FDIC-09-569b and OFR 0692-FI-10/09 is attached as Exhibit 7. The Consent Order was executed by the bank's board of directors who consented, without admitting or denying any charges of unsafe or unsound banking practices or violations of law or regulation relating to weaknesses in the bank's capital adequacy, asset quality, management effectiveness, earnings, liquidity and sensitivity to market risk.

31. The FDIC and OFR Ordered, among other things, in 2(a) Management, that
(a) Within 60 days from the effective date of this ORDER, the Bank shall

have and retain qualified management with the qualifications and experience commensurate with assigned duties and responsibilities at the Bank. Each member of management shall be provided appropriate written authority from the Bank's Board to implement the provisions of this ORDER. At a minimum, management shall include the following:

- (i) a chief executive officer with proven ability in managing a bank of comparable size and in effectively implementing lending, investment and operating policies in accordance with sound banking practices;

As of today, almost a year after the FDIC and OFR Ordered the bank to “have and retain qualified management” William H. Sedgeman, Jr. is still the bank’s CEO, even though he was at the wheel and drove the bank into the ditch, lost \$9.3 million in 2009, and \$1.4 million in 2010. In addition, Gillespie observed Mr. Sedgeman November 1, 2010 while closing his account at the Tampa branch. Mr. Sedgeman, purportedly 70 years-old, appears older, frail, and shuffles about, and probably is not competent to run a bank.

Judge Cook A Current Or Former Institution-Related Party

32. The provisions of the Consent Order shall not bar, estop, or otherwise prevent the FDIC, the OFR or any other federal or state agency or department from taking any other action against the Bank or any of the Bank’s current or former institution-affiliated parties, as such term is defined in 12 U.S.C. §1813(u) and Section 655.005(1)(i), Florida Statutes. (page 21, ¶2) Upon information and belief, Judge Cook is a current or former institution-affiliated party.

33. The bank announced it made a \$105,000 profit in the quarter ended September

30, 2010. In June it announced a \$489,000 profit for the quarter ended June 30, 2010. But figures provided by the Investigative Reporting Workshop of the American University School of Communication (Exhibit 8) for the period June 30, 2009 to June 30, 2010 show a decline or worsening of the following key indicators:

Assets fell by \$3,669,000

Deposits fell by \$12,218,000

Loans fell by \$9,072,000

Other real estate owned increased by \$8,911,000

Total troubled assets increased by \$10,014,000

The loan loss provision dropped from \$6.9 million to \$899,000

Attorney Matt Weidner Predicts Collapse of Florida Real Estate Market

34. The bank's future is tied to an improving economy, which in Florida depends on a recovery in the real estate market. St. Petersburg foreclosure attorney Matthew Weidner predicts a collapse of the market. His arguments on YouTube sound plausible.

<http://www.youtube.com/watch?v=dB7ghUzp4As>.

Bauer Rates Community Bank of Manatee at Two Stars - Problematic

35. Florida banking consultant Ken Thomas now estimates 30 Florida banks will go down in 2010, up from his prediction of 20 at the start of the year, reported by John Hielscher, Senior Reporter for the Herald-Tribune, Monday September 20, 2010 in "Are we at the end of local bank failures?" (Exhibit 9)

"Problem banks are all over Florida, although a few regions like yours with many new banks have a disproportionate amount," Thomas said. "Florida is for sure the leader in bank failures this year, but I did not anticipate that literally 10 percent of

our banking industry would disappear this year, but we are on the way to that happening,” he said. So far, 23 Florida banks have failed this year, nine more than in all of 2009 and nearly 20 percent of the U.S. total. Some 286 banks and thrifts were in business at the start of 2010. Horizon Bank of Bradenton was the latest failure, on Sept. 10. It became the fourth Manatee County bank to fall during the recession.... Locally, Bauer rated Community Bank of Manatee, Englewood Bank and Sabal Palm Bank at two stars, or problematic.

The nation's 7,830 banks earned a combined \$21.6 billion in the second quarter, up from a year-ago loss of \$4.4 billion and the best profit in nearly three years. Florida banks, however, lost \$263 million in the recent quarter, a tad higher than the \$257 million loss last year. The FDIC's confidential list of problem U.S. institutions is up to 829, a 17-year high. “Every third bank in Florida is a problem bank, which means there is a big pipeline of potential failures,” Thomas said. “Not all problem banks, however, will fail, and many will be recapitalized by investors or others, and some of the troubled banks may be merged into other banks.”...Thomas still expects 200 U.S. banks will fail in 2010, and “well over” 100 will go down in 2011. “It took many years to get into this mess, and it will take many years to get out of it,” he said.

Judge Cook's Financial Affairs Compromised Her Judicial Independence

36. Judge Cook's poor state of financial affairs suggests why Court Counsel David A. Rowland has been so active in Gillespie's lawsuit since the case was reassigned to Judge Cook May 24, 2010 after Judge Barton was disqualified when it was learned that opposing counsel paid thousands of dollars to the Judge's wife's business.

37. On July 9, 2010 Mr. Rowland seized control of Gillespie's ADA accommodation request from Gonzalo B. Casares, the Court's ADA Coordinator, and issued his own letter denying the request. Likewise there is evidence that Mr. Rowland is controlling Judge Cook in this case from behind the scene.

38. On July 22, 2010 at 12:24 PM Gillespie spoke by phone with Mr. Rowland about his letter of July 9, 2010 denying Gillespie's ADA request. Gillespie and Mr. Rowland discussed the notice of claim made under section 768.28(6)(a) Florida Statutes. They also discussed Mr. Rodems' representation of his firm and Gillespie's emergency motion to disqualify Rodems pending before Judge Cook. Mr. Rowland expresses surprise when Gillespie informed him that the motion, filed July 9th, was still pending. Later that day Judge Cook denied the motion without a hearing. Judge Cook's Order was filed with the Clerk July 22, 2010 at 3.17 PM according to the Clerk's time stamp on the Order.

39. Gillespie believes the timing of events is not circumstantial, and that following the aforementioned phone call Mr. Rowland instructed Judge Cook to deny Gillespie's emergency motion to disqualify Rodems pending before her. The Order itself is unlawful, *see* Affidavit of Neil J. Gillespie, October 28, 2010, *Judge Martha J. Cook falsified an official court record, and unlawfully denied Gillespie due process on the disqualification of Ryan Christopher Rodems as counsel*, filed November 1, 2010.

40. As Court Counsel Mr. Rowland was preemptively defending the Thirteenth Judicial Circuit against Gillespie's lawsuit formally announced July 12, 2010 in the notice of claim made under section 768.28(6)(a) Florida Statutes, but first raised in Gillespie's letter to Rowland of January 4, 2010 requesting information about section 768.28(6)(a) Florida Statutes. (Exhibit 10).

Judge Cook's Financial Affairs And The Code of Judicial Conduct - Canons 2, 3, 5 and 6

41. The Florida Code of Judicial Conduct Canon 6 states "Fiscal Matters of a Judge Shall be Conducted in a Manner That Does Not Give the Appearance of Influence or Impropriety; a Judge Shall Regularly File Public Reports as Required by Article II, Section 8, of the Constitution of Florida, and Shall Publicly Report Gifts; Additional Financial Information Shall be Filed With the Judicial Qualifications Commission to Ensure Full Financial Disclosure" Section D requires disclosure of a judge's income, debts, investments or other assets to the extent provided in Canon 6 and in Sections 3E and 3F or as otherwise required by law. Commentary, Canon 6D, Section 3E requires a judge to disqualify himself or herself in any proceeding in which the judge has an economic interest¹. Section 5D requires a judge to refrain from engaging in business and from financial activities that might interfere with the impartial² performance of judicial duties; Section 6B requires a judge to report all compensation the judge received for activities outside judicial office. A judge has the rights of any other citizen, including the right to privacy of the judge's financial affairs, except to the extent that limitations established by law are required to safeguard the proper performance of the judge's duties.

42. Judge Cook has an "economic interest" in Community Bank of Manatee shown on disclosure documents filed with The Florida Commission on Ethics. Judge Cook formerly served as registered agent for the bank. Judge Cook is married to William H. Sedgeman, Jr. the bank's Chairman & CEO. In Florida the relationship to a party or attorney is computed by using the common law rule rather than the civil law rule. In

¹ "Economic interest" denotes ownership of a more than de minimis legal or equitable interest, or a relationship as officer, director, advisor, or other active participant in the affairs of a party.

computing affinity husband and wife are considered as one person and the relatives of one spouse by consanguinity are related to the other by affinity in the same degree. State v. Wall, 41 Fla. 463. Judge Cook's insolvency is likely related to recapitalization efforts with the bank, which lost \$9.3 million in 2009 and \$1.4 million in 2010. The bank almost failed in 2009 which, had that occurred, would have wiped out the investors. The bank is currently under a Consent Order by the FDIC and OFR. One of the conditions of the Order is retaining qualified management, including a CEO. That condition remains unfilled as long as the current CEO Mr. Sedgeman remains at the helm long past his time. Judge Cook is a current or former institution-affiliated party as defined in 12 U.S.C. §1813(u) and Section 655.005(1)(i), Florida Statutes. A reasonable person would conclude that Judge Cook is up to her neck in the interest and survival of Community Bank of Manatee which in turn is dependent on a recovery in the Florida real estate market. Judge Cook provides legal and other advice to her husband on bank matters, including the Consent Order and his resignation, if not in the boardroom, then unofficially at home. To believe otherwise strains credulity.

43. As defined by the Code of Judicial Conduct "impartiality" or "impartial" denotes absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge. Given Judge Cook's "economic interest" in Community Bank of Manatee, no reasonable person could believe Judge Cook is impartial in matters of banks or financial institutions, or matters involving the real estate market, such as mortgage foreclosure.

² "Impartiality" or "impartial" denotes absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge.

Judge Cook is biased in favor of banks and financial institutions and prejudice against parties suing banks and financial institutions. Judge Cook is also biased in matters involving the real estate market, such as mortgage foreclosure, favoring banks and financial institutions and prejudice against people in foreclosure. It is only natural for Judge Cook to be prejudiced against those in foreclosure. Had clients of Community Bank of Manatee not defaulted on their mortgages the bank would not have lost millions of dollars, risk failure, currently operate under a Consent Order, and put Judge Cook in a position of insolvency.

44. Canon 5, A Judge Shall Regulate Extrajudicial Activities to Minimize the Risk of Conflict With Judicial Duties. 5A. Extrajudicial Activities in General. A judge shall conduct all of the judge's extra-judicial activities so that they do not:

- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;
- (2) undermine the judge's independence, integrity, or impartiality;
- (3) demean the judicial office;

45. Because of the foregoing Judge Cook violates Canon 5A(1), (2) and (3). Judge Cook's extrajudicial activities with the Community Bank of Manatee (1) cast reasonable doubt on the judge's capacity to act impartially as a judge; (2) undermine the judge's independence, integrity, or impartiality; (3) demean the judicial office;

46. Canon 3, A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently. Given Judge Cook's "economic interest" in Community Bank of Manatee, no reasonable person could believe Judge Cook is impartial in matters of banks or financial institutions, or matters involving the real estate market, such as mortgage foreclosure. Judge Cook is biased in favor of banks and financial institutions and prejudice against

parties suing banks and financial institutions. Judge Cook is also biased in matters involving the real estate market, such as mortgage foreclosure, favoring banks and financial institutions and prejudice against people in foreclosure. Canon 3E(1) states that a judge shall disqualify herself in any proceeding "in which the judge's impartiality might reasonably be questioned..." This includes any case in which the judge "has a personal bias or prejudice concerning a party or a party's lawyer..." Canon 3E(1)(a).

47. Canon 2 states "A Judge Shall Avoid Impropriety and the Appearance of Impropriety in all of the Judge's Activities". A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Commentary, Canon 2A. Irresponsible or improper conduct by judges erodes public confidence in the judiciary. A judge must avoid all impropriety and appearance of impropriety. A judge must expect to be the subject of constant public scrutiny. A judge must therefore accept restrictions on the judge's conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. The test for appearance of impropriety is whether the conduct would create in reasonable minds, with knowledge of all the relevant circumstances that a reasonable inquiry would disclose, a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality, and competence is impaired. (relevant portion, underline added for emphasis). Given Judge Cook's "economic interest" in Community Bank of Manatee, no reasonable person could believe Judge Cook is impartial in matters of banks or financial institutions, or matters involving the real estate market, such as mortgage foreclosure. Judge Cook is biased in favor of banks and financial institutions and prejudice against parties suing banks and financial institutions.

Judge Cook is also biased in matters involving the real estate market, such as mortgage foreclosure, favoring banks and financial institutions and prejudice against people in foreclosure.

48. Gillespie's lawsuit before Judge Cook is a dispute with his former lawyers over the settlement of an earlier lawsuit against Amscot Corporation for predatory lending under the guise of check cashing, a.k.a. "payday loans". It was a class action lawsuit that settled for business reasons on appeal. Amscot Corporation is a financial institution and Judge Cook is biased in favor of banks and financial institutions and prejudiced against people who sue them. In addition, Judge Cook appears to be making rulings along a theory of Economic Advantage, favoring the wealthier party instead of relying on the facts and the law. Judge Cook is also prejudiced against Gillespie because of his foreclosure status. It is only natural for Judge Cook to be prejudiced against those in foreclosure. Had clients of Community Bank of Manatee not defaulted on their mortgages the bank would not have lost millions of dollars, risk failure, currently operate under a Consent Order, and put Judge Cook in a position of insolvency.

49. A letter from Dr. Huffer shows that Gillespie has been routinely denied participatory and testimonial access to the court. (Exhibit 11). Dr. Huffer wrote:

"As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving

his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.” (Dr. Huffer, October 28, 2010, paragraph 2)

50. Because Judge Cook is not impartial as set forth herein she must be disqualified because Gillespie fears he cannot have a fair hearing.

Judge Cook’s Financial Affairs And The Code of Judicial Conduct - Canon 1

51. The Florida Code of Judicial Conduct Canon 1 states “A Judge Shall Uphold the Integrity and Independence of the Judiciary”. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary may be preserved ... The Commentary states deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judges...judges should be independent, they must comply with the law, including the provisions of this Code. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violation of this Code diminishes public confidence in the judiciary and thereby does injury to the system of government under law.

52. Public confidence in the impartiality of the judiciary and the courts has been injured due to the mortgage foreclosure crisis. New words such as “robo signer” and “rocket docket” and “foreclosure mills” pejoratively describe the public’s lack of confidence in the impartiality of the judiciary and courts.

53. The Attorney General of Florida has active investigations into foreclosure mills for fabricating and/or presenting false and misleading documents in foreclosure cases. These documents have been presented in court before judges as actual assignments of

mortgages and have later been shown to be legally inadequate and/or insufficient. Judges have been negligent in accepting these bad document.

54. Judge Cook is operating her court against the interest of Gillespie and for the benefit of the Defendants, lawyers who made campaign contributions to Judge Cook. Final Summary Judgment was entered September 28, 2010 which ended the case. The Clerk of the Circuit Court closed the file. Judge Cook reopened the case to proceed as a kleptocracy for the purpose of assessing and collecting excessive fines and sanctions from Gillespie to give to the Defendants and incarcerating Gillespie. This is not a lawful or appropriate function of the court and is a violation of the Florida Constitution, Article 1, Section 9 Due Process, Section 11 Imprisonment for Debt, Section 17 Excessive Fines, and Section 21 Access to Courts, as well as the claims in Gillespie v. Thirteenth Judicial Circuit, Florida, et al., Case No. 5:10-cv-00503, US District Court, Middle District of Florida, Ocala Division.

55. As described in paragraphs 42 and 43, given Judge Cook's "economic interest" in Community Bank of Manatee, no reasonable person could believe Judge Cook is impartial in matters of banks or financial institutions, or matters involving the real estate market such as mortgage foreclosure. Judge Cook is biased in favor of banks and financial institutions and prejudice against parties suing banks and financial institutions. Judge Cook is also biased in matters involving the real estate market, such as mortgage foreclosure, favoring banks and financial institutions and prejudice against people in foreclosure. For this reason Judge Cook must be disqualified in these cases because a reasonable person would not believe she was impartial and therefore would fear

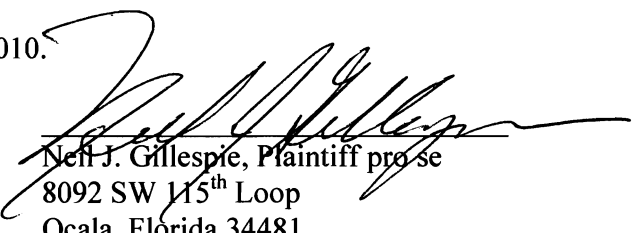
they could not have a fair hearing before Judge Cook. This calls into question Judge Cook's fitness to be a judge in the State of Florida.

Successor Judge

56. Because there is a federal lawsuit against the 13th Judicial Circuit, and not just an individual judge(s), the 13th Judicial Circuit cannot hear this case. A final judgment was rendered September 28, 2010 so this case is over and the file must be closed.

WHEREFORE, the undersigned movant certifies that the motion and the movant's statements are made in good faith.

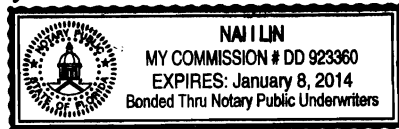
Submitted and Sworn to November 10, 2010.


Neil J. Gillespie, Plaintiff pro se
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: (352) 854-7807

STATE OF FLORIDA
COUNTY OF MARION

BEFORE ME, the undersigned authority authorized to take oaths and acknowledgments in the State of Florida, appeared NEIL J. GILLESPIE, personally known to me, or produced identification, who, after having first been duly sworn, deposes and says that the above matters contained in this Affidavit are true and correct to the best of his knowledge and belief.

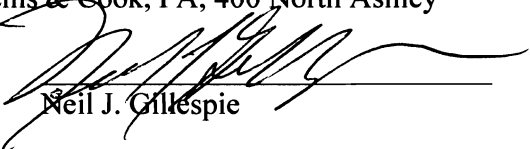
WITNESS my hand and official seal this 10th day of November 2010.




Notary Public, State of Florida

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed November 10, 2010 to Ryan Christopher Rodems, Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602.


Neil J. Gillespie

Disclosure under Rule 2.330(c)(4), Fla.R.Jud.Admin

Pursuant to Rule 2.330(c)(4), a motion to disqualify shall include the dates of all previously granted motions to disqualify filed under this rule in the case and the dates of the orders granting those motions. In this case two judges previously recused themselves and one judge was disqualified. Gillespie moved to disqualify Judge Cook thrice, and she denied each time.

- a. Plaintiff's Motion To Disqualify Circuit Judge Martha J. Cook, filed June 14, 2010; denied by Judge Cook June 16, 2010.
- b. Plaintiff's Motion To Disqualify Judge Martha J. Cook, filed July 23, 2010; denied by Judge Cook July 27, 2010.
- c. Plaintiff's Emergency Motion To Disqualify Judge Martha J. Cook, filed November 1, 2010; denied by Judge Cook November 2, 2010.

Circuit Judge Richard A. Nielsen Recused

1. Plaintiff's motion to disqualify Judge Nielsen was filed November 3, 2006. Judge Nielsen denied the motion November 20, 2006 as legally insufficient because it was not filed in a timely manner. Judge Nielsen recused himself two days later sua sponte stating that it is in the best interest of all parties that this case be assigned to another division.
2. Misconduct by Defendants' counsel Ryan Christopher Rodems is responsible for the recusal of Judge Nielsen. On March 6, 2006 Mr. Rodems made a verified pleading that falsely named Judge Nielsen in an "exact quote" attributed to Plaintiff, putting the trial judge into the controversy. The Tampa Police Department recently determined that the sworn affidavit submitted by Mr. Rodems to the court about an "exact quote" attributed to Plaintiff was not right and not accurate.

3 Initially Plaintiff had a good working relationship with Judge Nielsen and his judicial assistant Myra Gomez. Plaintiff attended the first hearing telephonically September 26, 2005 and prevailed on Defendants' Motion to Dismiss and Strike. After Rodems' strategic disruptive maneuver Judge Nielsen did not manage the case lawfully, favored Defendants in rulings, and responded to Plaintiff sarcastically from the bench.

Circuit Judge Claudia Rickert Isom Recused

4. This lawsuit was reassigned to Judge Isom effective November 22, 2006. A notice on Judge Isom's official judicial web page advised that the judge had a number of relatives practicing law in the Tampa Bar area and "If you feel there might be a conflict in your case based on the above information, please raise the issue so it can be resolved prior to me presiding over any matters concerning your case". One of the relatives listed was husband Mr. A Woodson "Woody" Isom, Jr.

5. Plaintiff found a number of campaign contributions between Defendant Cook and witness Jonathan Alpert to both Judge Isom and Woody Isom. This lawsuit is about a fee dispute. The only signed fee contract is between Plaintiff and the law firm of Alpert, Barker, Rodems, Ferrentino & Cook, P.A. Plaintiff's Motion To Disclose Conflict was submitted December 15, 2006 and heard February 1, 2007. Judge Isom failed to disclose that husband Woody Isom is a former law partner of Jonathan Alpert. Mr. Rodems represented Defendants at the hearing and also failed to disclose the relationship. Plaintiff only recently learned (March 2010) of the relationship in the course of researching accusations contained an offensive letter from Rodems to the Plaintiff.

6. Subsequently Judge Isom did not manage the case lawfully and ignored her own law review on case management and discovery, Professionalism and Litigation Ethics, 28 STETSON L. REV. 323, 324 (1998). Judge Isom's law review shows how she coddles lawyers but slams ordinary people with extreme sanctions. It explains why Judge Isom favored the Defendants in rulings, and was prejudiced against the Plaintiff. A motion to disqualify Judge Isom was submitted February 13, 2007. Judge Isom denied the motion as legally insufficient but recused herself sua sponte.

Circuit Judge James M. Barton, II Disqualified

7. This case was reassigned to Judge Barton February 14, 2007. Plaintiff retained attorney Robert W. Bauer of Gainesville to represent him. Plaintiff could not find an attorney in the Tampa Bay area to litigate against Barker, Rodems & Cook, PA because of their aggressive reputation and the general professional courtesy not to sue another lawyer. Judge Barton was pleased with Mr. Bauer, and stated so on the record:

THE COURT: It is a good thing for Mr. Gillespie that he has retained counsel. The way in which Mr. Gillespie's side has been presented today with - with a high degree of professionalism and confidence reflects the wisdom of that decision. (Transcript, hearing July 3, 2007, p. 21, line 6)

8. Nonetheless, Judge Barton made disparaging comments on the record about the Plaintiff, did not manage the case lawfully, and was prejudiced against the Plaintiff. Judge Barton provided copious hearing time to Defendants to obtain sanctions for a discovery error and a misplaced defense to a counterclaim under §57.105 Florida Statutes. The counterclaim for libel against Plaintiff was an Abuse of Process, a willful and intentional misuse of process

for the collateral purpose of making Plaintiff drop his claims against Defendants and settle this lawsuit on terms dictated by them. Defendants perverted the process of law for a purpose for which it is not by law intended. Defendants used their counterclaim as a form of extortion, as described in Plaintiff's First Amended Complaint. On September 28, 2010 Mr. Rodems filed Defendants' Notice of Voluntary Dismissal of Counterclaims.

9. Judge Barton sanctioned Plaintiff the extreme amount of \$11,550 and allowed Defendants to garnish Plaintiff's bank account and client trust fund with Mr. Bauer.

10. Attorney Bauer complained about Mr. Rodems on the record: "...Mr. Rodems has, you know, decided to take a full nuclear blast approach instead of us trying to work this out in a professional manner. It is my mistake for sitting back and giving him the opportunity to take this full blast attack." (transcript, August 14, 2008, emergency hearing, the Honorable Marva Crenshaw, p. 16, line 24).

11. Mr. Bauer moved to withdrawal October 13, 2008. Judge Barton took no action and allowed the case to languish with no activity for almost one year. Judge Barton failed to fulfill his case management duties imposed by Rule 2.545, Fla.R.Jud.Admin. Plaintiff also notes that Mr. Rodems failed to take any action during that one year time period, undercutting his claim that Defendants' are prejudiced by the length of this lawsuit.

12. One year after Mr. Bauer moved to withdrawal, Judge Barton released him from the case upon Plaintiff's request October 1, 2009. Plaintiff moved to disqualify Judge Barton October 5, 2009, because he feared that he will not receive a fair trial because of specifically described prejudice or bias of the judge. Judge Barton denied Plaintiff's motion for disqualification as legally insufficient by order October 9, 2009.

13. In May 2010 Plaintiff found that the Defendants had paid thousands of dollars to Ms. Chere J. Barton, President of Regency Reporting Service, Inc. of Tampa for her services. Chere Barton is the wife of and married to Judge Barton. Plaintiff's Motion to Disqualify Judge Barton was found lawfully sufficient and Judge Barton entered an Order of disqualification May 24, 2010.

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS FILED 2007

LAST NAME — FIRST NAME — MIDDLE NAME:

Cook - Martha - Jean

MAILING ADDRESS:

Post Office Box 1175

CITY :

Brandon, Florida

ZIP :

33509

COUNTY :

Hillsborough

NAME OF AGENCY :

State of Florida - Thirteenth Judicial Circuit

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

Circuit Court Judge, Group 30, Thirteenth Judicial Circuit, State of Florida

CHECK IF THIS IS A FILING BY A CANDIDATE ☒

FOR OFFICE
USE ONLY:

SECRETARY OF STATE

ID Code

ID No.

Conf. Code

P. Req. Code

45855

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2007, or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3.]

My net worth as of December 31, 20 07 was \$ 181,588

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ 75,000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
Money Market IRA	3,041
373 Common Shares Dupont	16,446
Home - Valrico, FL (Address confidential)	350,000
Checking Account Bank of Tampa	8,836
Community Bank of Manatee Shares (694) IRA	9,369

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF \$1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Chase Home Finance, P. O. Box 24696, Columbus, OH 43224-0696	146,466
Wachovia Bank, P. O. Box 563966, Charlotte, NC 28256-3966	85,230
Bank of Tampa, P. O. Box 1, Tampa, FL 33601-0001	20,879
Honda Financial, P. O. Box 1027, Alpharetta, GA 30009-1027	28,529

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2007 federal income tax return, including all attachments, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000, including secondary sources of income, by completing the remainder of Part D, below.

☐ I elect to file a copy of my 2007 federal income tax return. [If you check this box and attach a copy of your 2007 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
State of Florida - W-2 (Circuit Judge's salary)	Tallahassee, Florida	145,159

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions:]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	Community Bank of Manatee		
ADDRESS OF BUSINESS ENTITY	6000 SR 70 E., Bradenton, FL		
PRINCIPAL BUSINESS ACTIVITY	Commercial Banking		
POSITION HELD WITH ENTITY	None		
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS	Yes		
NATURE OF MY OWNERSHIP INTEREST	Beneficial		

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

STATE OF FLORIDA
COUNTY OF Hillsborough

Sworn to (or affirmed) and subscribed before me this 22nd day of

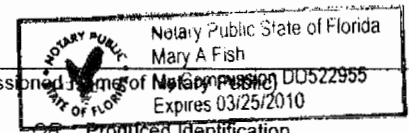
April, 2008 by Martha J. Cook

Mary A. Fish
(Signature of Notary Public--State of Florida)

Martha J. Cook
SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ☒



Type of Identification Produced Produced Identification

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.
OTHER FORMS you may need to file are described on page 6.

Please print or type your name, mailing address, agency name, and position below:

FINANCIAL INTERESTS

LAST NAME — FIRST NAME — MIDDLE NAME:

Cook, MARTHA JEAN

FOR OFFICE
USE ONLY:

MAILING ADDRESS:

P.O. Box 1827

ID Code

Tampa, FL 33601-1827 Hillsborough

CITY:

ZIP:

COUNTY:

ID No.

Judicial Thirteenth Judicial Circuit

NAME OF AGENCY:

Circuit Court Judge

Conf. Code

NAME OF OFFICE OR POSITION HELD OR SOUGHT:

P. Req. Code

CHECK IF THIS IS A FILING BY A CANDIDATE



PART A — NET WORTH

Please enter the value of your net worth as of December 31, 2001, or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3.]

My net worth as of DECEMBER 31, 20 01 was \$ 151,487⁰⁰

PART B — ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ 72,500

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET

VALUE OF ASSET

190 SHARES AOL-TIME WARNER, INC. COMMON STOCK

6,009

373 SHARES DUPONT COMMON STOCK

15,856

HOME-3404 SHADOWOOD DR, VALRICO, FL 33594

190,000

MARTHA J. COOK, P.A.

30,199

MONEY MARKET ACCT. BANK OF TAMPA TAMPA, FL 33601

7,600

PART C — LIABILITIES

LIABILITIES IN EXCESS OF \$1,000:

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

BANK OF AMERICA P.O. BOX 9000 GETZVILLE, NY 14068

135,700

FIRST UNION P.O. BOX 563966, CHARLOTTE, NC 28256

15,000

USAA 9800 FREDERICKSBURG RD. SAN ANTONIO, TX 78288

20,067

BANK OF TAMPA PO BOX ONE, TAMPA, FL 33601

13,653

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

EXHIBIT

3

PART D - INCOME

You may ***EITHER*** (1) file a complete copy of your 2001 federal income tax return, including all attachments, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000, including secondary sources of income, by completing the remainder of Part D, below.

☐ I elect to file a copy of my 2001 federal income tax return. [If you check this box and attach a copy of your 2001 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
MARTHA J. COOK, P.A.	100 N. TAMPA ST. #2100 TAMPA, FL 33602	52,824

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E - INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	MARTHA J. COOK P.A.	COMMUNITY BK.	
ADDRESS OF BUSINESS ENTITY	100 N. TAMPA ST. #2100 TAMPA, FL	6000 3RD ST E BRADENTON, FL	
PRINCIPAL BUSINESS ACTIVITY	ARBITRATION/MEDIATION	COMMERCIAL BK.	
POSITION HELD WITH ENTITY	PRESIDENT	REGISTERED AGENT	
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS	YES	YES	
NATURE OF MY OWNERSHIP INTEREST	100% SHAREHOLDER	BENEFICIAL	

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

Martha J. Cook
SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

Shena M. Violette
MY COMMISSION # CC769073 EXPIRES
August 20, 2002
BONDED THRU TROY FAIR INSURANCE, INC.



STATE OF FLORIDA
COUNTY OF

Hillsborough

Sworn to (or affirmed) and subscribed before me this 13th day of

May, 2002 by Martha J. Cook

Shena M. Violette
(Signature of Notary Public--State of Florida)

Shena M. Violette
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known X OR Produced Identification

Type of Identification Produced

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.
OTHER FORMS you may need to file are described on page 6.

FORM 6 FULL AND PUBLIC DISCLOSURE OF

2008

Please print or type your name, mailing address, agency name, and position below :

FINANCIAL INTEREST

COMMISSION ON ETHICS
DATE RECEIVED
JUN 22 2009

LAST NAME — FIRST NAME — MIDDLE NAME
Cook, Martha Jean

FOR OFFICE
USE ONLY:

MAILING ADDRESS
800 East. Twiggs St., Suite 511

Tampa, Florida 33602-3500

CITY ZIP COUNTY

Circuit Judge - Thirteenth Judicial Circuit

NAME OF AGENCY
Elected Constitutional Officer

NAME OF OFFICE OR POSITION HELD OR SOUGHT
Circuit Judge

PROCESSED

ID Code

ID No

Conf Code

P Req Code

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2008, or a more current date [Note Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3]

My net worth as of Dec. 31, 2008 was \$ 102,402

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry, collections of stamps, guns, and numismatic items, art objects, household equipment and furnishings, clothing; other household items, and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ 75,000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
Money Market Acct.	3,005
Dupont Shares (373)	9,437
Home [REDACTED] confidential address	300,000
Checking acct. - Bank of Tampa	11,001
Community Bank stock IRA	3,817

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF \$1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Chase Home Finance PO Box 24696, Columbus, OH 43224-0696	135,794
Wachovia Bank PO Box 563966, Charlotte, NC 28256-3966	123,290
Bank of Tampa PO Box 1, Tampa, FL 33601-0001	19,350
Honda Financial PO Box 1027, Alpharetta, GA 30009-1027	21,424

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2008 federal income tax return, including all attachments, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000, including secondary sources of income, by completing the remainder of Part D, below

☐ I elect to file a copy of my 2008 federal income tax return [If you check this box and attach a copy of your 2008 tax return, you need not complete the remainder of Part D]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
State of Florida W-2 (circuit judge's salary)	Tallahassee, FL	144,159

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	Community Bank of Manatee		
ADDRESS OF BUSINESS ENTITY	6000 SR 70 East Bradenton, FL		
PRINCIPAL BUSINESS ACTIVITY	Commercial Banking		
POSITION HELD WITH ENTITY	None		
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS	Yes		
NATURE OF MY OWNERSHIP INTEREST	Beneficial		

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete

STATE OF FLORIDA
COUNTY OF Hillsborough

Sworn to (or affirmed) and subscribed before me this 17 day of

June, 2009 by MARTHA J. Cook

Mary A. Fish
(Signature of Notary Public--State of Florida)

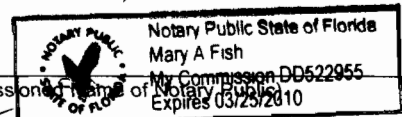
Martina J. Cook
SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

(Print, Type, or Stamp Commission of Notary Public)

Personally Known ☒

OR Produced Identification ☐

Type of Identification Produced



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OTHER FORMS you may need to file are described on page 6.

II

Hon Martha Jean Cook
Circuit Judge

Judicial Circuit (13Th)

Elected Constitutional Officer

800 E TWIGGS ST 511 EDGEComb

TAMPA, FL 33602

CONFIDENTIAL**PROCESSED**FOR OFFICE
USE ONLY:

COMMISSION ON ETHICS

DATE RECEIVED

JUN 29 2010

ID Code



ID No.

69487

Conf. Code

C

P. Req. Code

Cook, Martha Jean

CHECK IF THIS IS A FILING BY A CANDIDATE ☐

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2009, or a more current date. [Note Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3]

My net worth as of Dec. 31, 2009 was \$ 94,987.

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects, household equipment and furnishings; clothing; other household items, and vehicles for personal use

The aggregate value of my household goods and personal effects (described above) is \$ 75,000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
Dupont Common Stock (373 Shares)	12,558
Home - [REDACTED]	300,000
CHECKING ACCT - BANK OF TAMPA	3,000

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF \$1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
CHASE HOME FINANCE, PO BOX 24696, COLUMBUS, OH 43224	124,534
WALHOLIA BANK, BOX 563966, CHARLOTTE, NC 28256-3966	123,213
BANK OF TAMPA, PO BOX 1, TAMPA, FL 33601-0001	34,500
HONDA FINANCIAL, PO BOX 1021, ALPHARETTA, GA 30009-1021	13,324

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

EXHIBIT**5**

PART D -- INCOME

You may ***EITHER*** (1) file a complete copy of your 2009 federal income tax return, including all attachments, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000, including secondary sources of income, by completing the remainder of Part D, below.

☐ I elect to file a copy of my 2009 federal income tax return [If you check this box and attach a copy of your 2009 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
STATE OF FLORIDA (Circuit Judge)	TALLAHASSEE, FL	138,348

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	COMMUNITY BANK OF MANATEE		
ADDRESS OF BUSINESS ENTITY	6000 51ST EAST BRADENTON, FL 34203		
PRINCIPAL BUSINESS ACTIVITY	COMMERCIAL BANKING		
POSITION HELD WITH ENTITY	NONE		
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS	NO		
NATURE OF MY OWNERSHIP INTEREST	BENEFICIAL		

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

STATE OF FLORIDA
COUNTY OF Hillsborough

Sworn to (or affirmed) and subscribed before me this 28 day of

June, 20 10 by Martha J. Cook

Mary A. Fish
(Signature of Notary Public - State of Florida)



Notary Public State of Florida
Mary A. Fish
My Commission DD961932
Expires 03/25/2014

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

Martha J. Cook
SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.
OTHER FORMS you may need to file are described on page 6.

Judge Martha J. Cook										
Financial information obtained from Judge Cook's Form 6, Full and Public Disclosure of Financial Interests										
2009	2008	2007								
\$ 94,987.00	\$ 102,402.00	\$ 181,588.00		Self-Reported Net Worth, December 31						
				Assets						
\$75,000	\$75,000	\$75,000		Household goods and personal effects						
\$ -	\$ 3,005.00	\$ 3,041.00		Money Market IRA						
\$ 12,558.00	\$ 9,437.00	\$ 16,446.00		373 Common Shares Dupont						
\$ 300,000.00	\$ 300,000.00	\$ 350,000.00		Home (Address confidential)						
\$ 3,000.00	\$ 11,001.00	\$ 8,836.00		Checking Account Bank of Tampa						
\$ -	\$ 3,817.00	\$ 9,369.00		Community Bank of Manatee Shares (694) IRA						
\$390,558	\$402,260	\$462,692								
				Liabilities						
\$ 124,534.00	\$ 135,794.00	\$ 146,466.00		Chase Home Finance, P. O. Box 24696, Columbus. OH 43224-0696						
\$ 123,213.00	\$ 123,290.00	\$ 85,230.00		Wachovia Bank, P. O. Box 563966, Charlotte, NC 28256-3966						
\$ 34,500.00	\$ 19,350.00	\$ 20,879.00		Bank of Tampa, P. O. Box 1, Tampa, FL 33601-0001						
\$ 13,324.00	\$ 21,424.00	\$ 28,529.00		Honda Financial, P. O. Box 1027, Alpharetta, GA 30009-1027						
\$ 295,571.00	\$ 299,858.00	\$ 281,104.00								
				Income						
\$ 138,348.00	\$ 144,159.00	\$ 145,159.00		State of Florida -W-2 (circuit judge salary)						
				Part E - Interest in Specified Business (Form 6)						
yes	yes	yes		Community Bank of Manatee, Lakewood Ranch, Florida						
no	yes	yes		ownes more than 5% interest in the business						
yes	yes	yes		ownes a benfical interest						

FEDERAL DEPOSIT INSURANCE CORPORATION
WASHINGTON, D.C.

STATE OF FLORIDA
OFFICE OF FINANCIAL REGULATION
TALLAHASSEE, FLORIDA

_____)	
In the Matter of)	
)	
COMMUNITY BANK OF MANATEE)	CONSENT ORDER
LAKEWOOD RANCH, FLORIDA)	
)	
)	FDIC-09-569b
)	OFR 0692-FI-10/09
(INSURED STATE NONMEMBER BANK))	
)	
_____)	

The Federal Deposit Insurance Corporation (“FDIC”) is the appropriate Federal banking agency for COMMUNITY BANK OF MANATEE, LAKEWOOD RANCH, FLORIDA (“Bank”), under 12 U.S.C. § 1813(q).

The Bank, by and through its duly elected and acting Board of Directors (“Board”), has executed a “STIPULATION TO THE ISSUANCE OF A CONSENT ORDER (“STIPULATION”), dated November 25, 2009 that is accepted by the FDIC and the Florida Office of Financial Regulation (“OFR”). With the STIPULATION, the Bank has consented, without admitting or denying any charges of unsafe or unsound banking practices or violations of law or regulation relating to weaknesses in the Bank’s capital adequacy, asset quality, management effectiveness, earnings, liquidity and sensitivity to market risk, to the issuance of this Consent Order (“ORDER”) by the FDIC and the OFR.

Having determined that the requirements for issuance of an order under 12 U.S.C. § 1818(b) and Chapter 120 and Section 655.033, Florida Statutes, have been satisfied, the FDIC and the OFR hereby order that:

1. BOARD OF DIRECTORS

(a) Beginning on the effective date of this ORDER, the Board of Directors (“Board”) shall increase its participation in the affairs of the Bank, assuming full responsibility for the approval of sound policies and objectives and for the supervision of all of the Bank's activities, consistent with the role and expertise commonly expected for directors of banks of comparable size. The Board shall prepare in advance and follow a detailed written agenda for each meeting, including consideration of the actions of any committees. Nothing in this paragraph shall preclude the Board from considering matters other than those contained in the agenda. This participation shall include meetings to be held no less frequently than monthly at which, at a minimum, the following areas shall be reviewed and approved: reports of income and expenses; new, overdue, renewal, charged-off, and recovered loans; investment activity; operating policies; and individual committee actions. Board minutes shall document these reviews and approvals, including the names of any dissenting directors.

(b) Within 30 days from the effective date of this ORDER, the Board shall establish a Board committee (“Directors’ Committee”), consisting of at least four members, to oversee the Bank’s compliance with the ORDER. Three members of the Directors’ Committee shall not be officers of the Bank. The Directors’ Committee shall receive from Bank management monthly reports detailing the

Bank's actions with respect to compliance with the ORDER. The Directors' Committee shall present a report detailing the Bank's adherence to the ORDER to the Board at each regularly scheduled Board meeting. Such report shall be recorded in the appropriate minutes of the Board's meeting and shall be retained in the Bank's records. Establishment of this committee does not in any way diminish the responsibility of the entire Board to ensure compliance with the provisions of this ORDER.

2. MANAGEMENT

(a) Within 60 days from the effective date of this ORDER, the Bank shall have and retain qualified management with the qualifications and experience commensurate with assigned duties and responsibilities at the Bank. Each member of management shall be provided appropriate written authority from the Bank's Board to implement the provisions of this ORDER. At a minimum, management shall include the following:

- (i) a chief executive officer with proven ability in managing a bank of comparable size and in effectively implementing lending, investment and operating policies in accordance with sound banking practices;
- (ii) a senior lending officer with a significant amount of appropriate lending, collection, and loan supervision experience, and experience in upgrading a low quality loan portfolio;
- (iii) a chief operating officer with a significant amount of appropriate experience in managing the operations of a bank of similar size and complexity in accordance with sound banking practices; and

- (iv) a chief credit officer with significant experience to independently analyze loans and advise the Board regarding credit quality and compliance with proper underwriting standards and processes.
- (b) The qualifications of management shall be assessed on its ability to:
 - (i) comply with the requirements of this ORDER;
 - (ii) operate the Bank in a safe and sound manner;
 - (iii) comply with applicable laws and regulations; and
 - (iv) restore all aspects of the Bank to a safe and sound condition, including, but not limited to, asset quality, capital adequacy, earnings, management effectiveness, risk management, liquidity and sensitivity to market risk.
- (c) During the life of this ORDER, the Bank shall notify the Regional Director of the FDIC's Atlanta Regional Office ("Regional Director") and the OFR (collectively, "Supervisory Authorities"), in writing, of the resignation or termination of any of the Bank's directors or senior executive officers within fifteen (15) days of any such resignation or termination. The Bank shall also provide notification to the Supervisory Authorities prior to the addition of any individual to the Bank's Board or employment of any individual as a senior executive officer as that term is defined in Part 303 of the FDIC Rules and Regulations, 12 C.F.R. § 303.101, or executive officer as that term is defined and applied in Section 655.005(1)(f), Florida Statutes, and Rule 69U-100.03852, Florida Administrative Code. The notification to the Supervisory Authorities shall comply with the requirements set forth in 12 C.F.R. Part 303, Subpart F, and

Rule 69U-100.03852, Florida Administrative Code. The notification should include a description of the background and experience of the individual or individuals to be added or employed and must be received at least 60 days before such addition or employment is intended to become effective. If the Regional Director or OFR issues a notice of disapproval pursuant to section 32 of the Federal Deposit Insurance Act, 12 U.S.C. § 1831i, or Section 655.0385(2) or (3), Florida Statutes, with respect to any proposed individual, then such individual may not be added or employed by the Bank.

(d) Within 60 days from the effective date of this ORDER, the Bank shall develop and approve a written analysis and assessment of the Bank's management and staffing needs ("Management Plan") for the purpose of providing qualified management for the Bank. The Management Plan shall include, at a minimum:

- (i) identification of both the type and number of officer positions needed to properly manage and supervise the affairs of the Bank;
- (ii) identification and establishment of such Bank committees as are needed to provide guidance and oversight to active management;
- (iii) annual written evaluations of all Bank officers and, in particular, the chief executive officer, senior lending officer, and the chief operating officer to determine whether these individuals possess the ability, experience and other qualifications required to perform present and anticipated duties, including, but not limited to, adherence to the Bank's established policies and practices, and restoration and maintenance of the Bank in a safe and sound condition;

- (iv) a plan to recruit and hire any additional or replacement personnel with the requisite ability, experience and other qualifications to fill those officer positions consistent with the needs identified in the Management Plan; and
 - (v) an organizational chart.
- (e) The Management Plan and its implementation shall be satisfactory to the Supervisory Authorities. Within 60 days of the date of this ORDER, the Bank shall submit the proposed Management Plan to the Supervisory Authorities for review and comment. Within 10 days of receipt of comments from the Supervisory Authorities, the Bank shall incorporate those comments, if any, and shall approve and adopt the Management Plan as revised.

3. CAPITAL

- (a) Within 60 days from the effective date of this ORDER, the Bank shall have Tier 1 Capital in such amount as to equal or exceed seven percent (7%) of the Bank's total assets and Total Risk-Based Capital in such an amount as to equal or exceed twelve percent (12%) of the Bank's total risk-weighted assets. Thereafter, during the life of this Order, the Bank shall maintain Tier 1 Capital and Total Risk-Based Capital ratios equal to or exceeding seven percent (7%) and twelve percent (12%), respectively, as those capital ratios are described in the FDIC Statement of Policy on Risk-Based Capital and contained in Appendix A to Part 325 of the FDIC Rules and Regulations, 12 C.F.R. Part 325, Appendix A.
- (b) The level of Tier 1 Capital to be maintained during the life of this ORDER pursuant to this paragraph shall be in addition to a fully funded allowance for loan

and lease losses (“ALLL”), the adequacy of which shall be satisfactory to the Supervisory Authorities as determined at subsequent examinations and/or visitations.

(c) Any increase in Tier 1 Capital necessary to meet the requirements of this paragraph may be accomplished by the following:

- (i) sale of common stock; or
- (ii) sale of noncumulative perpetual preferred stock; or
- (iii) direct contribution of cash by the Board, shareholders, and/or parent holding company; or
- (iv) any other means acceptable to the Supervisory Authorities; or
- (v) any combination of the above means.

Any increase in Tier 1 Capital necessary to meet the requirements of this paragraph may not be accomplished through a deduction from the Bank's ALLL.

(d) If all or part of any increase in Tier 1 Capital required by this paragraph is accomplished by the sale of new securities, the Board shall forthwith take all necessary steps to adopt and implement a plan for the sale of such additional securities, including the voting of any shares owned or proxies held or controlled by them in favor of the plan. Should the implementation of the plan involve a public distribution of the Bank’s securities (including a distribution limited only to the Bank's existing shareholders), the Bank shall prepare offering materials fully describing the securities being offered, including an accurate description of the financial condition of the Bank and the circumstances giving rise to the offering, and any other material disclosures necessary to comply with the Federal

securities laws. Prior to the implementation of the plan and, in any event, not less than fifteen (15) days prior to the dissemination of such materials, the plan and any materials used in the sale of the securities shall be submitted for review to the FDIC, Accounting and Securities Disclosure Section, 550 17th Street, N.W., Room F-6066, Washington, D.C. 20429 and to the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0371. Any changes requested to be made in the plan or materials by the FDIC or the OFR shall be made prior to their dissemination. If the increase in Tier 1 Capital is provided by the sale of noncumulative perpetual preferred stock, then all terms and conditions of the issue, including but not limited to those terms and conditions relative to interest rate and convertibility factor, shall be presented to the Supervisory Authorities for prior approval.

(e) In complying with the provisions of this paragraph, the Bank shall provide to any subscriber and/or purchaser of the Bank's securities, a written notice of any planned or existing development or other changes which are materially different from the information reflected in any offering materials used in connection with the sale of Bank securities. The written notice required by this paragraph shall be furnished within ten (10) days from the date such material development or change was planned or occurred, whichever is earlier, and shall be furnished to every subscriber and/or purchaser of the Bank's securities who received or was tendered the information contained in the Bank's original offering materials.

(f) For the purposes of this ORDER, "Tier 1 Capital," "Total Risk-Based Capital," "total assets," and "total risk-weighted assets" shall have the meanings

ascribed to them in Part 325 of the FDIC Rules and Regulations, 12 C.F.R. Part 325.

4. CHARGE-OFF

(a) Within 30 days from the effective date of this ORDER, the Bank shall eliminate from its books, by charge-off or collection, all assets or portions of assets classified “Loss” in the FDIC Report of Examination dated June 16, 2009 (the “ROE”) that have not been previously collected or charged-off. Elimination of any of these assets through proceeds of other loans made by the Bank is not considered collection for purposes of this paragraph.

(b) Additionally, while this ORDER remains in effect, the Bank shall, within 30 days from the receipt of any official Report of Examination of the Bank from the FDIC or the OFR, eliminate from its books, by collection, charge-off, or other proper entries, the remaining balance of any asset classified “Loss” unless otherwise approved in writing by the Supervisory Authorities.

5. REDUCTION OF ADVERSELY CLASSIFIED ASSETS

(a) Within 90 days from the effective date of this ORDER, the Bank shall formulate and submit to the Supervisory Authorities, for review and comment, a written plan to reduce the Bank’s risk position in each asset or relationship which is in excess of \$1,000,000 and which is classified “Substandard” in the ROE. For purposes of this provision, “reduce” means to collect, charge off, or improve the quality of an asset so as to warrant its removal from adverse classification by the Supervisory Authorities. In developing the plan mandated by this paragraph, the Bank shall, at a minimum, and with respect to each adversely classified loan or

lease, review, analyze and document the financial position of the borrower, including source of repayment, repayment ability, and alternative repayment sources, as well as the value of and accessibility of any pledged or assigned collateral, and any possible actions to improve the Bank's collateral position. Within 10 days from the receipt of any comment from the Supervisory Authorities, and after due consideration of any recommended changes, the Bank shall approve the plan, which approval shall be recorded in the minutes of a Board meeting. Thereafter, the Bank shall implement and follow this plan. The plan shall be monitored and progress reports thereon shall be submitted to the Supervisory Authorities at 90 day intervals concurrent with the other reporting requirements set forth in this ORDER.

(b) The plan mandated by this paragraph shall include, but not be limited to, the following:

- (i) the dollar levels to which risk in each classified asset will be reduced;
- (ii) a description of the risk reduction methodology to be followed;
- (iii) provisions for the submission of monthly written progress reports to the Board;
- (iv) provisions mandating board review of said progress reports; and
- (v) provisions for the mandated review to be recorded by notation in the minutes of the Board meetings.

(c) The written plan mandated by this paragraph shall further require a reduction in the aggregate balance of assets classified "Substandard" in the ROE

in accordance with the following schedule. For purposes of this paragraph, “number of days” means number of days from the effective date of this ORDER.

The reduction schedule is:

- (i) within 90 days, the aggregate balance of assets classified “Substandard” shall not exceed one hundred sixty percent (160%) of the sum of Tier 1 Capital and ALLL;
 - (ii) within 180 days, the aggregate balance of assets classified “Substandard” shall not exceed one hundred twenty-five percent (125%) of the sum of Tier 1 Capital and ALLL;
 - (iii) within 360 days, the aggregate balance of assets classified “Substandard” shall not exceed one hundred percent (100%) of the sum of Tier 1 Capital and ALLL;
 - (iv) within 540 days, the aggregate balance of assets classified “Substandard” shall not exceed seventy-five percent (75%) of the sum of Tier 1 Capital and ALLL; and
 - (v) within 720 days, the aggregate balance of assets classified “Substandard” shall not exceed fifty percent (50%) of the sum of Tier 1 Capital and ALLL
- (d) The requirements of this paragraph are not to be construed as standards for future operations of the Bank. Following compliance with the above reduction schedule, the Bank shall continue to reduce the total volume of adversely classified assets.

6. ADDITIONAL CREDIT TO ADVERSELY CLASSIFIED BORROWERS

(a) As of the effective date of this ORDER, the Bank shall not extend, directly or indirectly, any additional credit to, or for the benefit of, any borrower who has a loan or other extension of credit from the Bank that has been charged off or classified, in whole or in part, "Loss" or "Doubtful" and is uncollected. The requirements of this paragraph shall not prohibit the Bank from renewing (after collection in cash of interest due from the borrower) any credit already extended to any borrower.

(b) Additionally, as of the effective date of this ORDER, the Bank shall not extend, directly or indirectly, any additional credit to, or for the benefit of, any borrower who has a loan or other extension of credit from the Bank that has been classified, in whole or part, "Substandard" or "Special Mention" and is uncollected.

(c) Paragraph (b) of this paragraph shall not apply if the Bank's failure to extend further credit to a particular borrower would be detrimental to the best interests of the Bank. Prior to the extending of any additional credit pursuant to this paragraph, either in the form of a renewal, extension, or further advance of funds, such additional credit shall be approved by a majority of the Board or a designated committee thereof, who shall certify in writing as follows:

- (i) why the failure of the Bank to extend such credit would be detrimental to the best interests of the Bank;
- (ii) that the Bank's position would be improved thereby; and
- (iii) how the Bank's position would be improved.

The signed certification shall be made a part of the minutes of the Board or its designated committee and a copy of the signed certification shall be retained in the borrower's credit file.

7. WRITTEN STRATEGIC/BUSINESS PLAN

(a) Within 90 days from the effective date of this ORDER, the Bank shall prepare and submit to the Supervisory Authorities for review and comment a written business/strategic plan covering the overall operation of the Bank. At a minimum the plan shall establish objectives for the Bank's earnings performance, growth, balance sheet mix, liability structure, capital adequacy, and reduction of nonperforming and underperforming assets, together with strategies for achieving those objectives. The plan shall also identify capital, funding, managerial and other resources needed to accomplish its objectives. Such plan shall specifically provide for the following:

- (i) goals for the composition of the loan portfolio by loan type including strategies to diversify the type and improve the quality of loans held;
- (ii) goals for the composition of the deposit base including strategies to reduce reliance on volatile and costly deposits; and
- (iii) plans for effective risk management and collection practices.

(b) Within 10 days from the receipt of any comments from the Supervisory Authorities, and after due consideration of any recommended changes, the Board shall approve the business/strategic plan, which approval shall be recorded in the minutes of the appropriate Board meeting.

8. INTERNAL LOAN REVIEW

Within 90 days from the effective date of this ORDER, the Bank shall adopt an effective internal loan review and grading system to provide for the periodic review of the Bank's loan portfolio in order to identify and categorize the Bank's loans, and other extensions of credit which are carried on the Bank's books as loans, on the basis of credit quality. Such system and its implementation shall be satisfactory to the Supervisory Authorities as determined at their initial review and at subsequent examinations and/or visitations.

9. LENDING AND COLLECTION POLICIES

Within 90 days from the effective date of this ORDER, the Bank shall revise, adopt and implement its written lending and collection policy to provide effective guidance and control over the Bank's lending function. That implementation shall include the resolution of those exceptions, problems and deficiencies described in the ROE, including those described on pages 11-13 thereof. In addition, the Bank shall obtain adequate and current documentation for all loans in the Bank's loan portfolio. Such policy and its implementation shall be in a form and manner acceptable to the Supervisory Authorities.

10. CONCENTRATIONS OF CREDIT

Within 45 days from the effective date of this ORDER, the Bank shall perform a risk segmentation analysis with respect to the Concentrations of Credit listed on page 37 of the ROE. Concentrations should be identified by product type, geographic distribution, underlying collateral or other asset groups, which are considered economically related and in the aggregate represent a large portion of the Bank's Tier 1 Capital. A copy of this analysis shall be provided to the Supervisory Authorities and the Board shall develop a

plan to reduce any segment of the portfolio which the Supervisory Authorities deem to be an undue concentration of credit in relation to the Bank's Tier 1 Capital. The plan and its implementation shall be in a form and manner acceptable to the Supervisory Authorities.

11. ALLOWANCE FOR LOAN AND LEASE LOSSES

Within 30 days from the effective date of this ORDER, the Board shall review the adequacy of the ALLL and, within 90 days from the effective date of this ORDER, the Board shall establish a comprehensive policy for determining the adequacy of the ALLL. For the purpose of this determination, the adequacy of the ALLL shall be determined after the charge-off of all loans or other items classified "Loss." The policy shall provide for a review of the ALLL at least once each calendar quarter. Said review shall be completed in time to properly report the ALLL in the quarterly Reports of Condition and Income. The review shall focus on the results of the Bank's internal loan review, loan and lease loss experience, trends of delinquent and non-accrual loans, an estimate of potential loss exposure on significant credits, concentrations of credit, and present and prospective economic conditions. A deficiency in the ALLL shall be remedied in the calendar quarter it is discovered, prior to submitting the Reports of Condition and Income, by a charge to current operating earnings. The minutes of the Board meeting at which such review is undertaken shall indicate the results of the review. The Bank's policy for determining the adequacy of the ALLL and its implementation shall be satisfactory to the Supervisory Authorities.

12. BUDGET

- (a) Within 60 days from the effective date of this ORDER, the Bank shall formulate and fully implement a written plan and a comprehensive budget for all

categories of income and expense for the calendar year ending December 31, 2010. The plan and budget required by this paragraph shall include formal goals and strategies, consistent with sound banking practices and taking into account the Bank's other written policies, to improve the Bank's net interest margin, increase interest income, reduce discretionary expenses, and improve and sustain earnings of the Bank. The plan shall include a description of the operating assumptions that form the basis for, and adequately support, major projected income and expense components. Thereafter, the Bank shall formulate such a plan and budget by November 30 of each subsequent year and submit the plan and budget to the Supervisory Authorities for review and comment by December 15 of each subsequent year.

(b) The plans and budgets required by this paragraph shall be acceptable to the Supervisory Authorities.

(c) Following the end of each calendar quarter, the Board shall evaluate the Bank's actual performance in relation to the plans and budgets required by this paragraph and shall record the results of the evaluation, and any actions taken by the Bank, in the minutes of the Board meeting at which such evaluation is undertaken.

13. LIQUIDITY CONTINGENCY PLAN

(a) Within 90 days from the effective date of this Order, the Bank shall revise its Liquidity Contingency Plan to ensure the Bank has sufficient access to alternative funding sources. The Liquidity Contingency Plan should include

actions management will employ to improve liquidity levels and should address the items described on pages 13 and 14 of the ROE.

(b) The plan shall incorporate the guidance contained in Financial Bank Letter (FIL) 84-2008, dated August 26, 2008, entitled *Liquidity Risk Management*.

(c) A copy of the plan shall be submitted to the Supervisory Authorities upon its completion for review and comment. Within 10 days from the receipt of any comments from the Supervisory Authorities, the Bank shall incorporate those recommended changes. Thereafter, the Bank shall implement and follow the plan, and implementation shall be in a form and manner acceptable to the Supervisory Authorities as determined at subsequent examinations and/or visitations.

14. INTEREST RATE RISK MANAGEMENT

Within 90 days from the effective date of this ORDER, the Bank shall develop and implement a written policy for managing interest rate risk in a manner that is appropriate to the size of the Bank and the complexity of its assets. The policy shall comply with the Joint Agency Policy Statement on Interest Rate Risk, 61 Fed. Reg. 33169 (June 26, 1996), shall be consistent with the comments and recommendations detailed in the ROE, and shall include, at a minimum, the means by which the interest rate risk position will be monitored, the establishment of risk parameters, and provision for periodic reporting to management and the Board regarding interest rate risk with adequate information provided to assess the level of risk. Such policy and its implementation shall be satisfactory to the Supervisory Authorities.

15. POLICY FOR INTERNAL ROUTINE AND CONTROL

Within 90 days from the effective date of this ORDER, the Bank shall adopt and implement a policy for the operation of the Bank in such a manner as to provide adequate internal routine and controls within the Bank consistent with safe and sound banking practices. Such policy and its implementation shall, at a minimum, eliminate and/or correct all internal routine and control deficiencies as more fully set forth on pages 14 and 15 of the ROE and shall be satisfactory to the Supervisory Authorities.

16. AUDITS

Within 90 days from the effective date of this ORDER, the Bank shall adopt and implement a comprehensive written audit program which shall be satisfactory to the Supervisory Authorities. A copy of the audit program shall be submitted to the Supervisory Authorities upon its completion for review and comment. Within 10 days from the receipt of any comments from the Supervisory Authorities, the Bank shall incorporate those recommended changes. The Bank shall thereafter implement and enforce an effective system of internal and external audits. The internal auditor shall make written monthly reports of audit findings directly to the Board. The minutes of the meetings of the Board shall reflect consideration of these reports and describe any action taken as a result thereof.

17. VIOLATIONS OF LAW, REGULATION AND POLICY

Within 30 days from the effective date of this ORDER, the Bank shall eliminate and/or correct all violations of law and regulation, and all contraventions of statements of policy, which are more fully set out on pages 16-19 of the ROE. In addition, the Bank shall take all necessary steps to ensure future compliance with all applicable laws, regulations, and applicable statements of policy.

18. CALL REPORTS

Within 30 days after eliminating from its books any asset in compliance with the “Charge-Off” paragraph of this ORDER and establishing an adequate ALLL in compliance with the Allowance For Loan and Lease Losses paragraph of this ORDER, the Bank shall file with the FDIC amended Reports of Condition and Income which shall accurately reflect the financial condition of the Bank as of June 30, 2009. Thereafter, during the life of this ORDER, the Bank shall file with the FDIC Reports of Condition and Income which accurately reflect the financial condition of the Bank as of the end of the period for which the Reports are filed, including any adjustment in the Bank’s books made necessary or appropriate as a consequence of any official Report of Examination of the Bank from the FDIC or the OFR during that reporting period.

19. CASH DIVIDENDS

The Bank shall not pay cash dividends without the prior written consent of the Supervisory Authorities.

20. BROKERED DEPOSITS

Throughout the effective life of this ORDER, the Bank shall not accept, renew, rollover any brokered deposit, as defined by 12 C.F.R. § 337.6(a)(2), unless it is in compliance with the requirements of 12 C.F.R. § 337.6(b), governing solicitation and acceptance of brokered deposits by insured depository institutions. In addition, the Bank shall comply with the restrictions on the effective yields on deposits as described in 12 C.F.R. § 337.6.

21. NO MATERIAL GROWTH WITHOUT PRIOR NOTICE

While this ORDER is in effect, the Bank must notify the Supervisory Authorities at least 60 days prior to undertaking asset growth of 10% or more per annum or initiating

material changes in asset or liability composition. In no event shall asset growth result in non-compliance with the capital maintenance provisions of this ORDER unless the Bank receives prior written approval from the Supervisory Authorities.

22. PROGRESS REPORTS

Within 30 days from the end of the first quarter following the effective date of this ORDER, and within 30 days of the end of each quarter thereafter, the Bank shall furnish written progress reports to the Supervisory Authorities detailing the form and manner of any actions taken to secure compliance with this ORDER and the results thereof. Such reports shall include a copy of the Bank's Reports of Condition and Income. Such reports may be discontinued when the corrections required by this ORDER have been accomplished and the Supervisory Authorities have released the Bank in writing from making further reports. All progress reports and other written responses to this ORDER shall be reviewed by the Board and made a part of the minutes of the appropriate Board meeting.

23. DISCLOSURE

Following the effective date of this ORDER, the Bank shall send or otherwise furnish to its shareholders a description of this ORDER in conjunction with the Bank's next shareholder communication and also in conjunction with its notice or proxy statement preceding the Bank's next shareholder meeting. The description shall fully describe the ORDER in all material respects. The description and any accompanying communication, statement, or notice shall be sent to the FDIC, Accounting and Securities Disclosure Section, 550 17th Street, N.W., Room F-6066, Washington, D.C. 20429 and to the Director of DFI of the OFR, 200 East Gaines Street, Tallahassee, FL 32399-0371 at least

fifteen (15) days prior to dissemination to shareholders. Any changes requested to be made by the FDIC or the OFR shall be made prior to dissemination of the description, communication, notice, or statement.

The provisions of this ORDER shall not bar, estop, or otherwise prevent the FDIC, the OFR or any other federal or state agency or department from taking any other action against the Bank or any of the Bank's current or former institution-affiliated parties, as such term is defined in 12 U.S.C. §1813(u) and Section 655.005(1)(i), Florida Statutes.

This ORDER shall be effective on the date of issuance.

The provisions of this ORDER shall be binding upon the Bank, its institution-affiliated parties, and any successors and assigns thereof.

The provisions of this ORDER shall remain effective and enforceable except to the extent that and until such time as any provision has been modified, terminated, suspended, or set aside by the Supervisory Authorities.

Issued Pursuant to Delegated Authority

Dated this 25th day of November, 2009

/s/

Doreen R. Eberley
Acting Regional Director
Division of Supervision and Consumer Protection
Atlanta Region
Federal Deposit Insurance Corporation

The Commissioner of the Florida Office of Financial Regulation, having duly approved the foregoing ORDER, and the Bank, through its Board, having agreed that the issuance of said ORDER by the FDIC shall be binding as between the Bank and the OFR to the same degree and legal effect that such ORDER would be binding upon the Bank if the OFR had issued a separate order that included and incorporated all of the provisions of the foregoing ORDER pursuant to Chapters 120, 655, and 658, Florida Statutes, including specifically Sections 655.033 and 655.041, Florida Statutes (2009).

Dated this 25th day of November, 2009.

/s/

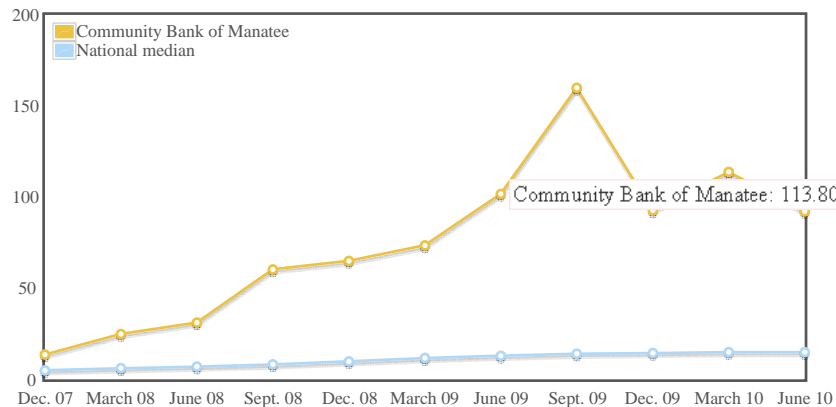
Linda B. Charity
Director
Division of Financial Institutions
Office of Financial Regulation
By Delegated Authority for the Commissioner,
Office of Financial Regulation

HOW HEALTHY IS THIS BANK?

Community Bank of Manatee

HEADQUARTERED IN LAKEWOOD RANCH, FL

THE TROUBLED ASSET RATIO



1. A "troubled asset ratio" compares the sum of troubled assets with the sum of Tier 1 Capital plus Loan Loss Reserves. Generally speaking, higher values in this ratio indicate that a bank is under more stress caused by loans that are not paying as scheduled. Each bank graphic is on its own scale: use caution when comparing two banks.

2. The graphs are for comparing this bank to the national median troubled asset ratio. Because the ratio varies so widely among the 7,900 banks across the nation, the scale is not consistent from bank to bank and the graphs should not be used to compare banks to one another.

FINANCIAL DETAILS FOR COMMUNITY BANK OF MANATEE

Line item	June 30, 2009	June 30, 2010
Assets	\$253,240,000	\$249,571,000
Deposits	\$217,126,000	\$204,908,000
Loans	\$187,176,000	\$178,104,000
Loan loss provision	\$6,935,000	\$899,000
Profit	\$-5,686,000	\$-1,725,000
Capital	\$10,131,000	\$22,480,000
Reserves	\$4,920,000	\$4,968,000
Loans 90 days or more past due	\$0	\$0
Non-accruing loans	\$12,899,000	\$14,002,000
Other real estate owned	\$2,430,000	\$11,341,000
Capital plus reserves	\$15,051,000	\$27,448,000
Total troubled assets	\$15,329,000	\$25,343,000

Note: The [Federal Deposit Insurance Corp.](#) insures deposit accounts up to \$250,000. The "troubled asset ratio" is not an FDIC statistic. It is derived by adding the amounts of loans past due 90 days or more, loans in non-accrual status and other real estate owned (primarily properties obtained through foreclosure) and dividing that amount by the bank's capital and loan loss reserves. It is reported as a percentage. For example, a bank with \$100,000 in "troubled assets" and \$1,000,000 in capital would have a "troubled asset ratio" of 10 percent. For a fuller explanation, see our methodology.



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Are we at the end of local bank failures?

By [John Hielscher](#)

Published: Monday, September 20, 2010 at 1:00 a.m.

To some in the banking industry, the end of the work week has become known as "Friday Night Lights Out."

After 6 p.m. on Fridays is when officials from the Federal Deposit Insurance Corp., accompanied by other federal or state regulators, walk into an ailing bank and pull the plug.

It has become an all-too-common event in Manatee, Sarasota and Charlotte counties, where eight community banks have failed in the past 25 months.

Thirteen community banks remain standing in the three counties, and — at this point — all appear able to survive in a still-struggling economy.

But Florida banking consultant Ken Thomas is not so sure. He now estimates 30 Florida banks will go down in 2010, up from his prediction of 20 at the start of the year.

"Problem banks are all over Florida, although a few regions like yours with many new banks have a disproportionate amount," Thomas said.

"Florida is for sure the leader in bank failures this year, but I did not anticipate that literally 10 percent of our banking industry would disappear this year, but we are on the way to that happening," he said.

So far, 23 Florida banks have failed this year, nine more than in all of 2009 and nearly 20 percent of the U.S. total. Some 286 banks and thrifts were in business at the start of 2010.

Horizon Bank of Bradenton was the latest failure, on Sept. 10. It became the fourth Manatee County bank to fall during the recession.

The region's weakest banks, according to analyst BauerFinancial Inc., are The Bank of Commerce and LandMark Bank of Florida, both based in Sarasota. Bauer gave each bank the lowest grade of zero stars in its report card based on June 30 data.

Both banks have uncomfortable levels of nonperforming assets to total assets, but neither are near the crippling levels that hastened the demise of Horizon or Peninsula Bank of Englewood, the region's other 2010 failure.

LandMark is considered undercapitalized because its total risk-based capital ratio has dipped to 7.75 percent, under the 8 percent needed to be adequately capitalized. Its other two key capital ratios are at the adequate level.

Bank of Commerce remains adequately capitalized. It has lost \$1.8 million through the first half of 2010, the largest loss among the region's community banks.



HERALD-TRIBUNE ARCHIVE

Two Florida Highway Patrol Officers enter the downtown Sarasota branch of Flagship National Bank as federal regulators seized and closed the bank on Friday evening, Oct. 23, 2009.

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Both banks are trying to raise fresh capital to strengthen their financial conditions.

Frank Knautz, a Sarasota consultant who works with banks throughout Florida, including LandMark, thinks the weakest local players have been weeded out.

"I think that it's over in this area," Knautz said. "I don't believe we have any banks that are at a point of weakness that will cause the kind of concerns that we have experienced over the past 2 1/2 years."

Plenty of Florida banks still have loan problems to work out in a weak economy, but Knautz said some bankers may not be as pessimistic as they were last year.

"The common response I'm getting to 'How's business?' is 'Not worse.' Nobody's willing to say 'It's getting better,' but they aren't saying it's getting worse," he said.

Other zero-star players

TIB Bank of Naples, which has branches in Venice and Nokomis, also was rated zero stars. But that will likely improve after an investor group pumps a promised \$175 million into TIB later this year.

Southern Commerce Bank of Tampa, with branches in Bradenton and Punta Gorda, was rated zero stars. So was Superior Bank of Birmingham, Ala., which has offices in Sarasota and Bradenton.

Locally, Bauer rated Community Bank of Manatee, Englewood Bank and Sabal Palm Bank at two stars, or problematic.

1st Manatee Bank, Calusa National Bank, Charlotte State Bank and Insignia Bank graded at three stars, or adequate. National Bank of Southwest Florida was a 3 1/2-star bank, or good.

First America Bank, Florida Shores Bank-Southwest and Gateway Bank of Southwest Florida were the region's top rated at four stars, or excellent. It was Gateway's first rating after two years as a start-up.

No locally based bank earned Bauer's highest five-star superior grade.

The big picture

The nation's 7,830 banks earned a combined \$21.6 billion in the second quarter, up from a year-ago loss of \$4.4 billion and the best profit in nearly three years.

Florida banks, however, lost \$263 million in the recent quarter, a tad higher than the \$257 million loss last year.

The FDIC's confidential list of problem U.S. institutions is up to 829, a 17-year high.

"Every third bank in Florida is a problem bank, which means there is a big pipeline of potential failures," Thomas said. "Not all problem banks, however, will fail, and many will be recapitalized by investors or others, and some of the troubled banks may be merged into other banks."

Some bankers — former Horizon CEO Charles Conoley is one — believe federal regulators are closing community banks to deliberately shrink the industry's size to benefit the giant bank companies.

That also would concentrate power among federal regulators, such as FDIC Chairman Sheila Bair, those bankers say.

Thomas scoffs at what he calls a "Mel Gibson conspiracy theory."

"Look at the financials of the failed Horizon and ask yourself, who put them in that position, Sheila Bair or the bank's board and senior management? Why was this the only bank she took over in a few weeks?" he said.

On the bright side, most experts, including Bair, believe bank failures will peak this year.

Thomas still expects 200 U.S. banks will fail in 2010, and "well over" 100 will go down in 2011.

"It took many years to get into this mess, and it will take many years to get out of it," he said.

Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481

VIA US CERTIFIED MAIL, RETURN RECEIPT
Article No.: 7009 1410 0001 5637 1467

January 4, 2010

David A. Rowland, Court Counsel
Administrative Offices Of The Courts
Thirteenth Judicial Circuit Of Florida
Legal Department
800 E. Twiggs Street, Suite 603
Tampa, Florida 33602

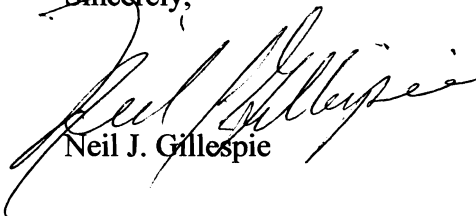
Dear Mr. Rowland:

This is a request for information and any related public records.

1. Please advise the undersigned if notice is required by Florida Statutes section 768.28(6)(a) prior to instituting an action on a claim against Thirteenth Judicial Circuit of Florida. If yes, kindly identify who is authorized to accept notice or service on behalf of the Thirteenth Judicial Circuit.
2. If notice is required by Florida Statutes section 768.28(6)(a), is one notice sufficient for the entire court, or are separate notices required for the HCSO for claims pertaining to security matters, or to the Clerk of Court for claims pertaining to the duties of the clerk? Is a separate notice required for claims pertaining to the ADA (Americans with Disabilities Act) office or coordinator?
3. Please advise the undersigned what effect a notice under Florida Statutes section 768.28(6)(a) would have on any litigation currently on the docket in the Thirteenth Judicial Circuit involving litigants now making a claim against the court pursuant to Florida Statutes section 768.28(6)(a)? What would happen to the existing litigation? Would that create a conflict of interest?

Thank you in advance for your cooperation.

Sincerely,



Neil J. Gillespie

EXHIBIT

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DR. KARIN HUFFER

Licensed Marriage and Family Therapist #NV0082
ADAAA Titles II and III Specialist
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October 28, 2010

To Whom It May Concern:

I created the first request for reasonable ADA Accommodations for Neil Gillespie. The document was properly and timely filed. As his ADA advocate, it appeared that his right to accommodations offsetting his functional impairments were in tact and he was being afforded full and equal access to the Court. Ever since this time, Mr. Gillespie has been subjected to ongoing denial of his accommodations and exploitation of his disabilities

As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.

While my work is as a disinterested third party in terms of the legal particulars of a case, I am charged with assuring that the client has equal access to the court physically, psychologically, and emotionally. Critical to each case is that the disabled litigant is able to communicate and concentrate on equal footing to present and participate in their cases and protect themselves.

Unfortunately, there are cases that, due to the newness of the ADAAA, lack of training of judicial personnel, and entrenched patterns of litigating without being mandated to accommodate the disabled, that persons with disabilities become underserved and are too often ignored or summarily dismissed. Power differential becomes an abusive and oppressive issue between a person with disabilities and the opposition and/or court personnel. The litigant with disabilities progressively cannot overcome the stigma and bureaucratic barriers. Decisions are made by medically unqualified personnel causing them to be reckless in the endangering of the health and well being of the client. This creates a severe justice gap that prevents the ADAAA from being effectively applied. In our adversarial system, the situation can devolve into a war of attrition. For an unrepresented litigant with a disability to have a team of lawyers as adversaries, the demand of litigation exceeds the unrepresented, disabled litigant's ability to maintain health while pursuing justice in our courts. Neil Gillespie's case is one of those. At this juncture the harm to Neil Gillespie's health, economic situation, and general diminishment of him in terms of his legal case cannot be overestimated and this bell

cannot be unrung. He is left with permanent secondary wounds.

Additionally, Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates. It seems that the ADA Administrative offices that I have appealed to ignore his requests for reasonable accommodations, including a response in writing. It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.

I am accustomed to working nationally with courts of law as a public service. I agree that our courts must adhere to strict rules. However, they must be flexible when it comes to ADAAA Accommodations preserving the mandates of this federal law Under Title II of the ADA. While public entities are not required to create new programs that provide heretofore unprovided services to assist disabled persons. (Townsend v. Quasim (9th Cir. 2003) 328 F.3d 511, 518) they are bound under ADAAA as a ministerial/administrative duty to approve any reasonable accommodation even in cases merely regarded as having a disability with no formal diagnosis.

The United States Department of Justice Technical Assistance Manual adopted by Florida also provides instructive guidance: "The ADA provides for equality of opportunity, but does not guarantee equality of results. The foundation of many of the specific requirements in the Department's regulations is the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services. (U.S. Dept. of Justice, Title II, *Technical Assistance Manual* (1993) § II-3.3000.) A successful ADA claim does not require excruciating details as to how the plaintiff's capabilities have been affected by the impairment, even at the summary judgment stage. *Gillen v. Fallon Ambulance Serv., Inc.*, 283 F.3d. My organization follows these guidelines maintaining a firm, focused and limited stance for equality of participatory and testimonial access. That is what has been denied Neil Gillespie.

The record of his ADAAA accommodations requests clearly shows that his well-documented disabilities are now becoming more stress-related and marked by depression and other serious symptoms that affect what he can do and how he can do it particularly under stress. Purposeful exacerbation of his symptoms and the resulting harm is, without a doubt, a strategy of attrition mixed with incompetence at the ADA Administrative level of these courts. I am prepared to stand by that statement as an observer for more than two years.