

**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.

**RECEIVED**

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

DIVISION: J

**MAY 27 2011**

Defendants.

**CLERK OF CIRCUIT COURT  
HILLSBOROUGH COUNTY, FL**

**VERIFIED NOTICE OF FILING DISABILITY INFORMATION  
OF NEIL J. GILLESPIE**

Plaintiff pro se Neil J. Gillespie (“Gillespie”) gives *Notice Of Filing Disability Information of Neil J. Gillespie* and states as follows:

**Introduction**

1. Since March 3, 2006, Ryan Christopher Rodems, counsel for the Defendants, has directed, with malice aforethought, a course of harassing conduct toward Gillespie that has aggravated his disability, caused substantial emotional distress and serves no legitimate purpose. This is a violation of section 784.048, Florida Statutes (Stalking), and chapter 825 et seq., Florida Statutes (Abuse, Neglect, and Exploitation or Elderly Persons and Disabled Adults). Gillespie is disabled, and Mr. Rodems knows of Gillespie’s disability from Defendants’ prior representation of him.

2. This six year-long lawsuit is to recover \$7,143 stolen<sup>1</sup> by Barker, Rodems & Cook, PA and William J. Cook from Gillespie during prior representation. The Defendants also countersued Gillespie for libel. See Plaintiff’s First Amended Complaint

filed May 5, 2010. Mr. Rodems is unethically representing his law firm, the Defendants, against former client Gillespie on matters that are the same or substantially similar to the prior representation. Mr. Rodems' independent professional judgment is materially limited by his own interest and conflict. See *Emergency Motion to Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, PA* filed July 9, 2010.

3. Mr. Rodems has set a level of animosity in this lawsuit best described by Gillespie's former attorney Robert W. Bauer<sup>2</sup> August 14, 2008 during an Emergency Hearing on garnishment before Judge Marva Crenshaw (p16, line 24):

24 Mr. Rodems has, you know, decided to take a full  
25 nuclear blast approach instead of us trying to work  
1 this out in a professional manner. It is my  
2 mistake for sitting back and giving him the  
3 opportunity to take this full blast attack.

Mr. Rodems' "full nuclear blast approach" has aggravated Gillespie's disability to the point where Gillespie can no longer represent himself at hearings. Gillespie becomes easily distracted and confused, and can no longer speak coherently enough during a hearing to represent himself. See *Plaintiff's Motion For Appointment Of Counsel, ADA Accommodation Request, and Memorandum of Law* filed May 24, 2011.

4. Gillespie's former lawyer Robert W. Bauer believed Mr. Rodems so volatile that Bauer prohibited Gillespie from appearing as a witness in his own case. Mr. Bauer sent Gillespie an email July 8, 2008 at 6.05PM stating in part:

"No - I do not wish for you to attend hearings. I am concerned that you will not be able to properly deal with any of Mr. Rodems comments and you will enflame the

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<sup>1</sup> And other offenses, see Plaintiff's First Amended Complaint, filed May 5, 2010.

<sup>2</sup> Gillespie incurred \$33,000 in legal fees by Mr. Bauer in this matter.

situation. I am sure that he makes them for no better purpose than to anger you. I believe it is best to keep you away from him and not allow him to prod you. You have had a very adversarial relationship with him and it has made it much more difficult to deal with your case. I don't not wish to add to the problems if it can be avoided.:

See Plaintiff's Notice of Filing Affidavit of Neil J. Gillespie filed September 18, 2010.

This is evidence that Gillespie was denied access to court in his own case.

### **Circuit Judge James D. Arnold Is Uninformed About Gillespie's Disability**

5. During a hearing May 3, 2011 the record shows Judge Arnold is uninformed about Gillespie's disability. (Transcript, p7, line 7). Judge Arnold held the hearing ex parte. Gillespie was not present at the hearing and he was not represented by counsel at the hearing. Opposing counsel Mr. Rodems mislead the court about Gillespie's disability. In order to end the ignorance and misrepresentation and about Gillespie's disability and request for accommodation under the Americans With Disabilities Act (ADA), he decided to make this information public. Gillespie desires to bring this matter out of the closet and into the public domain for the benefit of future litigants. Perhaps this information will someday help the courts function better.

### **Dr. Karin Huffer is Gillespie's ADA Advocate**

6. Because of Mr. Rodems' unethical and unlawful conduct<sup>3</sup> that aggravated his disability and disrupted the proceedings, Gillespie sought accommodation under Title II of the Americans With Disabilities Act (ADA). Gillespie retained Dr. Karin Huffer as his ADA advocate at his own expense.

Dr. Karen Huffer  
Legal Victim Assistance Advocates (LVAA)

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<sup>3</sup> Gillespie was able to work amicably with counsel Traci H. Rollins and David J. D'Agata, of Squire, Sanders & Dempsey, LLP in another lawsuit, see Gillespie v. HSBC Bank, et al, case no. 5:05-cv-362, US District Court, Middle District of Florida, Ocala Division. The HSBC lawsuit was resolved in fifteen (15) months with a good result.

http://www.lvaallc.com/  
3236 Mountain Spring Road  
Las Vegas, NV 89146  
Tel. 702.528.9588  
Email: legalabuse@gmail.com

Dr. Huffer consulted with Gillespie and prepared a medical report of his disability.

**Gillespie Filed ADA Accommodation Request February 19, 2010**

7. Gillespie filed *Notice of Americans With Disabilities Act (ADA) Accommodation Request of Neil J. Gillespie* February 19, 2010. The Notice shows Gillespie provided his ADA Request, and ADA Report by Karin Huffer to Gonzalo Casares, ADA Coordinator for the 13th Circuit, with a copy to Judge Barton. The Notice states:

“The ADA Request and ADA Report are to be kept under ADA Administrative confidential management except for use by the ADA Administrator revealing functional impairments and needed accommodations communicated to the Trier of Fact to implement administration of accommodations. This information is NOT to become part of the adversarial process. Revealing any part of this report may result in a violation of HIPAA and ADAAA Federal Law.”

8. Gillespie’s completed and signed ADA form for the 13th Circuit is attached to his *Notice Of Americans With Disability Act (ADA) Accommodation Request Of Neil J. Gillespie*. (Exhibit 1). The ADA form specifies that Mr. Rodems is the problem relative to Gillespie’s disability, see item 6, Special requests or anticipated problems (specify): “I am harassed by Mr. Rodems in violation of Fla. Stat. section 784.048.” Mr. Rodems withheld this information from Judge Arnold during the ex parte hearing May 3, 2011.

9. A person’s ADA information is confidential and protected from public disclosure like any other private medical information. Gillespie finds the public disclosure of his private information contained in Dr. Huffer’s report and his ADA request objectionable just as any reasonable person would find it objectionable. In Gillespie’s view this is a

wrongful intrusion into his private life, in such manner as to outrage or cause mental suffering, shame, or humiliation to a person of ordinary sensibilities. Gillespie made the information public to stop the ongoing damage to his case, as well as for the benefit of others who are either in a similar situation, or may encounter one in the future. Just like Brian Sterner, a disabled quadriplegic man, made a public disclosure about being dumped from a wheelchair by the Hillsborough County Sheriff's Office, perhaps Gillespie's public disclosure can move the court system to improvement for the greater good. Below is a link to the CNN YouTube video about the incident with Brian Sterner.

[http://www.youtube.com/watch?v=huRYZAJ8wzA&feature=player\\_embedded](http://www.youtube.com/watch?v=huRYZAJ8wzA&feature=player_embedded)

10. A copy of Dr. Huffer's ADA report is submitted as Exhibit 1. The report is addressed as follows:

Mr. Gonzalo B. Casares  
Americans with Disabilities Act (ADA)  
Coordinator for the 13th Judicial Circuit  
800 E. Twiggs Street, Room 604  
Tampa, Florida 33602  
(813) 272-7040 - (813) 272-6169  
email: ada@fliud13.org

11. A copy of Gillespie's ADA Accommodation Request is submitted as Exhibit 2.

**Gonzalo B. Casares Unqualified As ADA Coordinator**

12. Gonzalo B. Casares serves as the ADA Coordinator for the Thirteenth Judicial Circuit but there is substantial evidence that he is unqualified for this position in terms of his education, training, experience and authority. Mr. Casares is a building repair and maintenance person with no qualifications to review Gillespie's ADA medical report, or authority to grant or implement ADA accommodations based upon the ADA medical report. In an email to Gillespie April 14, 2010, Mr. Casares wrote: (relevant portion)

“Court Facilities Management is the point of contact for all facilities related issues such as repairs and/or maintenance work. As such, we can determine if an ADA function is at issue in our set of buildings and track requests for accommodations. Your request is not within our means to resolve and was referred to the Legal Department for the appropriate course of action.”

In an email to Gillespie May 4, 2010, Mr. Casares wrote: (relevant portion)

“The medical file was never within our department’s means to help and was handed over to Legal.”

13. In a letter to Gillespie dated July 9, 2010 from David A. Rowland, Counsel to the Thirteenth Judicial Circuit, Mr. Rowland denied Gillespie’s request for accommodation under Title II of the ADA. (Exhibit 3). Upon information and belief, Mr. Rowland is a lawyer, not a medical doctor, and therefore he is unqualified in terms of his education, training, experience and authority to review Gillespie’s ADA medical report, or grant or implement ADA accommodations based upon the ADA medical report.

14. As of today, Gillespie is unaware of any qualified person who has reviewed the ADA Report by Dr. Karin Huffer (exhibit 1) and evaluated Gillespie’s ADA Request (Exhibit 2) as it related to Dr. Huffer’s report and Title II of the ADA.

**Defendants Published Gillespie’s Privileged Medical Information**

15. The Defendants published Gillespie’s privileged medical information during a deposition with AMSCOT Corporation. (Eugene R. Clement v. AMSCOT Corporation, case no. 99-2795-CIV-T-26C, US District Court, MD Fla., Tampa). Gillespie was deposed May 14, 2001 by John A. Anthony, attorney for AMSCOT. Approximately twenty pages of the 122 page transcript concerned Gillespie’s disability, treatment and rehabilitation. Defendants failed to object to interrogatories about Gillespie’s privileged medical information. The transcript is submitted as Exhibit 4. The deposition was transcribed by, and a transcript produced by, Chere J. Barton, the wife of Judge James M.

Barton II who presided over this case from February 2007 through May 2010, and who sanctioned Gillespie \$11,550 for discovery errors and a misplaced defense to a motion to dismiss. Judge Barton was disqualified May 24, 2010 due to a long-standing business relationship with his wife and the Defendants.

16. I Neil J. Gillespie hereby waive my confidentiality of Exhibits 1 through 4 to this verified notice, including the ADA report prepared by Dr. Karin Huffer.

RESPECTULLY SUBMITTED AND SWORN TO May 27, 2011.

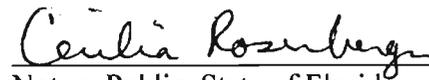
  
Neil J. Gillespie, Plaintiff pro se  
8092 SW 115<sup>th</sup> Loop  
Ocala, Florida 34481  
Telephone: (352) 854-7807

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 May 27, 2011.



  
Notary Public, State of Florida

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was provided May 27, 2011 to Ryan C. Rodems, Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602 by CD delivered to the security desk.

  
Neil J. Gillespie