

VIA FAX (850) 488-9810
Email and First Class Mail

July 22, 2010

Mr. Erik M. Figlio, General Counsel
Executive Office of the Governor
The Capitol, Suite 209
Tallahassee, Florida 32399

RE: Your letter of July 12, 2010

Dear Mr. Figlio:

Thank you for your letter of July 12, 2010. Your analysis of the Uniform Rules of Procedure for Circuit Judicial Nominating Commissions (the "Uniform Rules") is correct but for the circumstances relative my complaint and addendum made in January 2010. This is an interim response; I hope to have a full response by early next week, and will serve it upon you, Mr. Bajo, Mr. Barker, all members of the 13th Circuit JNC, and perhaps others.

Please forgive my delay in responding. It is due to ongoing misconduct by Mr. Rodems in our lawsuit, specifically his unlawful representation of his firm against a former client in a matter that is the same or substantially related to the former client's representation.

I regret to inform you that on July 12, 2010 I provided Chief Judge Menendez notice of claim against the 13th Judicial Circuit pursuant to § 768.28(6)(a), Florida Statutes.

Within hours of my filing the notice of claim Mr. Rodems filed "Defendants Motion For Proceedings Supplementary For Execution". Mr. Rodems claims my choses in action belonging to the judgment debtor are property rights reachable by a judgment creditor in proceedings supplementary. A copy of Mr. Rodems' motion accompanies this letter. It is one of eight documents Mr. Rodems sent me July 12, 2010. That should give you an idea of the level of animosity in this matter.

What happens to a litigant's action in state court when he sues the court prior to the adjudication of the lawsuit?

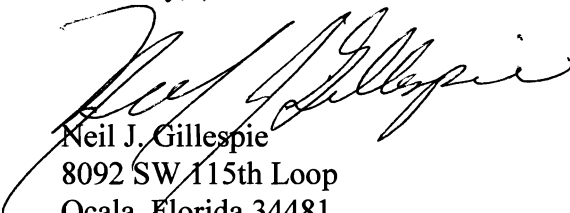
My claim against the 13th Judicial Circuit is for the misuse and denial of judicial process and related civil rights violations. It involves two main issues:

- a. Mr. Rodems' unlawfully representation of his firm against a former client in a matter that is the same or substantially related to the former representation, and Judge Nielsen's failure to disqualify Mr. Rodems upon a hearing on the matter April 25, 2006;

b. Judge Isom's failure to disclose conflict with husband Woody Isom and Mr. Alpert, and the prima facie case of discrimination set forth in her law review, Professionalism and Litigation Ethics, 28 STETSON L. REV. 323, which argues for intensive case management for lawyers rather than sanctions, but is silent on the same issue regarding pro se litigants. Judge Isom set the stage to slam me with \$11,550 in sanctions for a missed discovery deadline and a misplaced defense to Rodems' abuse of process counterclaim.

Thank you and the Governor for your patience and assistance with this matter. You, your predecessor Mr. Wheeler, and your entire staff have been great. I appreciate your efforts.

Sincerely, \



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

Telephone: (352) 854-7807
Email: neilgillespie@mfi.net

cc. Mr. Pedro F. Bajo, Jr., Chairman, 13th Circuit JNC

Enclosure

Fax

From: Neil J. Gillespie
8092 SW 115th Loop
Ocala, FL 34481
Telephone: (352) 854-7807

To: Mr. Rick Figlio, General Counsel, Governor Crist

Fax: (850) 488-9810

Date: July 22, 2010

Pages: twenty two (22), including this cover page

Re: Interim reply to your letter dated July 12, 2010

Please see the accompanying letter and enclosure. Thank you.

Neil J. Gillespie

NOTE: This fax and the accompanying information is privileged and confidential and is intended only for use by the above addressee. If you are not the intended recipient, you are hereby notified that any use, dissemination or copying of this fax and the accompanying communications is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone, collect if necessary, and return the original message to me at the above address via U.S. mail. Thank you for your cooperation.

All calls on home office business telephone extension (352) 854-7807 are recorded for quality assurance purposes pursuant to the business use exemption of Florida Statutes chapter 934, section 934.02(4)(a)(1) and the holding of *Royal Health Care Servs., Inc. v. Jefferson-Pilot Life Ins. Co.*, 924 F.2d 215 (11th Cir. 1991).

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

NEIL J. GILLESPIE,

Plaintiff,

vs.

Case No.: 05CA7205

Division: G

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

Defendants.

**DEFENDANTS' MOTION FOR PROCEEDINGS SUPPLEMENTARY
FOR EXECUTION**

Judgment Creditors Barker, Rodems & Cook, P.A. and William J. Cook, pursuant to section 56.29(5), Florida Statutes, move the Court for an Order directing the Clerk of Court to issue a writ of execution commanding the Sheriff to levy upon Judgment Debtor and Defendant-in-Execution Neil J. Gillespie's choses in action, and as grounds therefor would state:

1. A Final Judgment was entered in this action on March 27, 2008, in favor of the Judgment Creditors and it is unsatisfied.
2. Under section 56.29(5), Florida Statutes, "[t]he judge may order any property of the judgment debtor, not exempt from execution, in the hands of any person or due to the judgment debtor to be applied toward the satisfaction of the judgment debt." Choses in action belonging to the judgment debtor are property rights reachable by a judgment creditor in proceedings supplementary. Puzzo v. Ray, 386 So.2d 49, 49 (Fla. 4th DCA 1980); Gen. Guar. Ins. Co. of Fla. v. DaCosta, 190 So.2d 211, 213-14 (Fla. 3d DCA 1966).

3. In a notice of filing, entitled "Notice of Claim Against the Thirteenth Judicial

Circuit Pursuant to Section 768.28(6)(A), Florida Statutes,” served July 12, 2010, Gillespie has identified several choses in action. Specifically, Gillespie identified having choses in action against the following:

- a. “Thirteenth Judicial Circuit;”
- b. “The Honorable Manuel Menendez, Jr., Chief Judge;”
- c. “Mr. David A. Rowland, Court Counsel;”
- d. “Mr. K. Christopher Nauman, Assistant Court Counsel;”
- e. “The Honorable Richard A. Nielsen, Circuit Court Judge;”
- f. “The Honorable Claudia Rickert Isom, Circuit Court Judge;”
- g. “The Honorable James M. Barton, 11, Circuit Court Judge;”
- h. “The Honorable Martha J. Cook, Circuit Court Judge;”
- i. “Ms. Mary A. Fish, Judicial Assistant;”
- j. “Mr. Gonzalo B. Casares, ADA Coordinator;”
- k. “Mr. Ryan C. Rodems, Officer of the Court;”
- l. “Barker, Rodems & Cook, PA, (hereinafter "BRC") a three attorney firm

consisting of Messrs. Barker, Rodems and Cook and support staff. Formerly represented Gillespie.”

A true and correct copy of the notice of filing is attached hereto as Exhibit 1.

4. Additionally, Plaintiff has claimed he has choses in action against Ryan Christopher Rodems, Chris A. Barker, William J. Cook, and Barker, Rodems & Cook, P.A..

5. Judgment Creditors believe the value of these choses in action is less than FIVE DOLLARS (\$5.00), and the Judgment Creditors’ Final Judgment exceeds \$11,500.00, with interest. Nevertheless, the choses in action should be levied and sold pursuant to the procedure

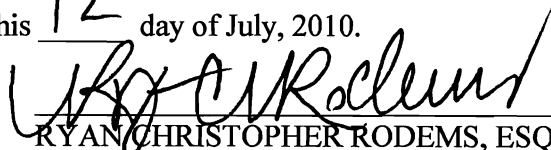
outlined in sections 56.021-56.028, Florida Statutes.

6. In Donan v. Dolce Vita Sa, Inc., 992 So.2d 859, 860 (Fla. 4th DCA 2008), the judgment creditor moved for an Order directing the clerk of court to issue a writ of execution commanding the sheriff to levy a certain chose in action. “The trial court granted Donan's Motion for Proceedings Supplementary for Execution. The order specifically stated that ‘[b]ecause Dolce Vita's claim is a property right subject to execution in proceedings supplementary, Mr. Donan is entitled to have the chose in action seized, executed upon, and sold to the highest bidder at a local sheriff's sale.’” Id.

7. Judgment Debtors Cook and Barker, Rodems & Cook, P.A., request that the Court enter an Order directing the clerk of court to issue a writ of execution the commanding the sheriff to levy the Judgment Debtor Gillespie's choses in action against the persons identified above.

WHEREFORE, Judgment Debtors Cook and Barker, Rodems & Cook, P.A., request that the Court enter an Order directing the clerk of court to issue a writ of execution commanding the Sheriff to levy the Judgment Debtor Gillespie's choses in action against the persons and entities identified herein, and for such other and further relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED this 12 day of July, 2010.



RYAN CHRISTOPHER RODEMS, ESQUIRE
Florida Bar No. 947652
Barker, Rodems & Cook, P.A.
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602
813/489-1001
813/489-1008 (facsimile)
Attorney for the Judgment Creditors

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail to Neil J. Gillespie, 8092 SW 115th Loop, Ocala, Florida 34481, this 12 day of July, 2010.



Ryan Christopher Rodems, Esquire

COPY

**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

Defendants.

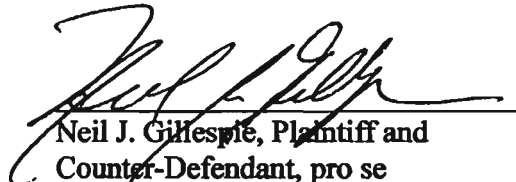
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NOTICE OF FILING

**NOTICE OF CLAIM AGAINST THE THIRTEENTH JUDICIAL CIRCUIT
PURSUANT TO SECTION 768.28(6)(a), FLORIDA STATUTES**

Plaintiff and Counter-Defendant Neil J. Gillespie pro se submits Notice of Filing of his Notice of Claim against the Thirteenth Judicial Circuit in compliance with section 768.28(6)(a), Florida Statutes, which requires that prior to instituting any action on a tort claim against the state or one of its agencies or subdivisions, the claimant must present the claim in writing to the appropriate agency and the Department of Financial Services. The Notice of Claim is attached hereto.

RESPECTFULLY SUBMITTED July 12, 2010.


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



Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed July 12, 2010 to
Ryan Christopher Rodems, attorney for the Defendants and Counter-Plaintiffs, at Barker,
Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602.



Neil J. Gillespie

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

Telephone: (352) 854-7807
neilgillespie@mfi.net

VIA HAND DELIVERY

July 12, 2010

The Honorable Manuel Menendez, Jr.
Chief Judge Thirteenth Judicial Circuit
800 E. Twiggs Street, Room 602
Tampa, Florida 33602

Dear Chief Judge Menendez:

This is my notice in compliance with the requirements of section 768.28(6)(a), Florida Statutes, which requires that prior to instituting any action on a tort claim against the state or one of its agencies or subdivisions, the claimant must present the claim in writing to the appropriate agency and the Department of Financial Services.

1. Claimant:

Neil J. Gillespie (Hereinafter "Gillespie")
8092 SW 115th Loop
Ocala, FL 34481
Telephone: (352) 854-7807

2. Thirteenth Judicial Circuit parties:

Thirteenth Judicial Circuit (Hereinafter the "Court")
The Honorable Manuel Menendez, Jr., Chief Judge
Mr. David A. Rowland, Court Counsel
Mr. K. Christopher Nauman, Assistant Court Counsel
The Honorable Richard A. Nielsen, Circuit Court Judge
The Honorable Claudia Rickert Isom, Circuit Court Judge
The Honorable James M. Barton, II, Circuit Court Judge
The Honorable Martha J. Cook, Circuit Court Judge
Ms. Mary A. Fish, Judicial Assistant
Mr. Gonzalo B. Casares, ADA Coordinator
Mr. Ryan C. Rodems, Officer of the Court

3. Third persons:

Barker, Rodems & Cook, PA, (hereinafter "BRC") a three attorney firm consisting of Messrs. Barker, Rodems and Cook and support staff. Formerly represented Gillespie.

4. Witnesses:

People mentioned in this notice and others to be determined.

5. Overview:

Claimant Gillespie sued his former lawyers in civil court for money the lawyers unlawfully took from Gillespie's settlement. The Court 'home-towned' and retaliated against Gillespie for suing his former lawyers by misusing and denying him judicial process. Gillespie suffered injury. The Court was the proximate cause of the injury. During the litigation Gillespie uncovered that the Court has an unlawful scheme of justice further described in a law review by Judge Isom, 28 Stetson L. Rev 323, Professionalism and Litigation Ethics. The Court also violated the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 with regard to Gillespie.

6. Background:

The history of the Court shows ten years of scandal, including:

a. The Attorney General of Florida has an active public consumer-related investigation into Florida Default Law Group of Tampa 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. (Exhibit 1). The Court's judges have been negligent in accepting these bad document. Gillespie has the same problem with the judges in his case accepting false and misleading evidence from attorney Rodems.

b. Some judges of the Court appear to be working part-time while collecting full-time salary and benefits at a time when the Court is overwhelmed with foreclosure cases. Dramatic evidence of this was presented June 15, 2010 by Mr. Rodems during the 13th Circuit JNC interviews to fill the vacancy of Judge Black.

(i) Applicant Rodems described criticism he heard about judges leaving work early on Fridays, a situation so pervasive that one could "fire a bullet" in the courthouse it was so empty he said. It was a response to a question about what kind of hours he would keep.

(ii) Another applicant wants to work Fridays if appointed, said the courthouse is "desolate" on Friday, said some judges do not arrive for work until 10:00AM, and given the backlog of cases, judges leaving work at 5:00PM is "wrong".

c. A number of the judges of the Court have engaged in various forms of misconduct as reported in the press, and as described June 15, 2010 during the 13th Circuit JNC interviews to fill the vacancy of Judge Black. A question by the JNC asked some applicants if they had seen any behavior from a judge in court that was unprofessional. The following responses were provided. I am keeping the names of the applicants confidential at this time to protect them from retaliation since some of the misconduct shows the sadistic qualities of the judge(s) involved.

(i) Applicant "A" responded that one judge said to a woman who was obviously pregnant and about to give birth, words to the effect "would you like this garbage can moved closer to you in case you have the baby?" The judge was referring to a trash can in the courtroom.

(ii) Applicant "B" noted an instance in traffic court where a pro se litigant was "destroyed" by clearly inadmissible evidence from law enforcement, and that a judge should step in for pro se litigants where appropriate.

(iii) Applicant "C" noted some judges willfully embarrass lawyers in open court, ask to see their bar card, or inquire where they went to law school.

(iv) Applicant "D" complained about angry judges "yelling" at participants during litigation.

d. Other scandals include an award of \$70,000 September 15, 2009 by the FL Supreme Court (Exhibit 2) to Circuit Judge Gregory Holder for expenses in defending charges of plagiarism. Holder attempted to recover \$1.77 million in legal fees according to Tom Brennan of the Tampa Tribune. (Exhibit 3).

e. A grand jury presentment of An Investigation Into Judicial Misconduct In Hillsborough County (Exhibit 4) showed how the unauthorized entry by Judge Robert Bonanno into the office of Judge Holder led to the revelation that Judge Gasper Ficarrotta conducted an extramarital affair with Hillsborough County Bailiff Tara Pisano which lasted for more than a year, and that sexual relations occurred between them in the courthouse during normal business hours. This was reported in the St. Petersburg Times by Christopher Goffard and Jeff Testerman. (Exhibit 5). The grand jury found evidence of unlawful election campaigning, a secret Judicial Qualifications Commission investigation, and an illicit courthouse affair between Judge Bonanno and an employee of the clerk's office.

f. The suicide of State Attorney Harry Lee Coe over dog-track gambling debts and misconduct. Coe was a former judge of the Court. (Exhibit 6).

g. The Honorable Richard A. Nielsen was criticized in an editorial by the St. Petersburg Times and two news stories by Kathryn Wexler for misconduct by the judge toward a

minor in a restitution hearing who did not have an attorney and needed a Spanish translator. Judge Nielsen was later assigned to Gillespie's case.

(i) May 28, 2002, news story by Kathryn Wexler, published in the St. Petersburg Times about Judge Nielsen "Without an attorney, boy falters before judge" (Exhibit 7)

(ii) May 29, 2002, St. Petersburg Times editorial about Judge Nielsen, "Judge should have known better" (Exhibit 8)

(iii) May 31, 2002, news story by Kathryn Wexler published in the St. Petersburg Times about Judge Nielsen "Teen who defended self gets attorney" (Exhibit 9)

7. The Claim Against The Court:

Claimant Gillespie commenced a civil lawsuit against his former lawyers August 11, 2005, case style Neil J. Gillespie v Barker, Rodems & Cook, PA and William J. Cook, Circuit Civil Court case number 05-CA-007205, in the Thirteenth Judicial Circuit Hillsborough County, Florida. Gillespie originally sought 6,224.78 that his former lawyers stole from a settlement. (Exhibit 10). Plaintiff's First Amended Complaint was filed May 5, 2010. (Exhibit 11).

Mr. Rodems is unlawfully representing his firm against a former client on a matter that is the same or substantially related the former representation. An Emergency Motion To Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, PA was filed July 9, 2010. (Exhibit 12). Rodems filed a frivolous libel counterclaim against Gillespie. (Exhibit 13).

Gillespie tried to resolve this dispute without litigation through The Florida Bar Attorney Consumer Assistance Program (ACAP), reference #03-18867. The Bar tells complainants to attempt to resolve their matter by writing to the subject attorney before contacting ACAP or filing a complaint. Even if this is unsuccessful, it is important to do so in order to have documentation of good-faith efforts to resolve the matter. Gillespie made a good-faith effort June 13, 2003, wrote to Mr. Cook, noted ACAP reference #03-18867, provided an explanation with spreadsheet, and offered to settle for \$4,523.93.

Mr. Barker responded and accused Gillespie of criminal felony extortion pursuant to §836.05 Fla. Statutes and the holding of Carricarte v. State, 384 So.2d 1261 (Fla. 1980); Cooper v. Austin, 750 So.2d 711 (Fla. 5th DCA 2000); Gordon v. Gordon, 625 So.2d 59 (Fla. 4th DCA 1993); Berger v. Berger, 466 So.2d 1149 (Fla. 4th DCA 1985). Rodems repeated the accusation in his counterclaim against Gillespie, paragraphs 57 and 67.

The lawsuit is entering its fifth year. The Court is misusing and denying Gillespie judicial process. The Court abandoned its case management duties under Rule 2.545, Florida Rules of Judicial Administration. Instead the Court turned that function over to Rodems

so he could rack up \$11,550 in sanctions against Gillespie. The Court has also allowed Rodems to harass Gillespie and aggravate his disability, know to Rodems from his firm's former representation.

From 2007 through 2009 Gillespie was represented by Gainesville attorney Robert W. Bauer. Mr. Bauer complained on the record about Mr. Rodems' unprofessional tactics: "...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/Judge Crenshaw, p. 16, line 24). (Exhibit 14).

Gillespie's complaint shows two other clients were also defrauded by BRC, Eugene Clement and Gay Ann Blomefield. Earlier this year Gillespie learned of other clients of Rodems who made bar complaints against him, Rita M. Pesci and Roslyn Vazquez. The full extent of this firm's fraud is not known because Rodems has not provided most of the discovery due in this lawsuit and is being protected by the Court from doing so.

Gillespie hired Dr. Karin Huffer as his ADA advocate and accommodations designer. An ADA report and ADA accommodation request was submitted February 19, 2010. The notice of the ADA report and ADA request was filed the same day. (Exhibit 15).

Mr. Casares notified Gillespie by email April 14, 2010 (relevant portion) "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 Plaintiff 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." The Court responded July 9, 2010 by letter from Court Counsel David Rowland. (Exhibit 16). The response of Mr. Rowland was only a partial response and failed to address a number of issues. Rowland referred Gillespie to Judge Cook to make motions where she "may consider your disability, along with other relevant factors, in ruling upon your motion." Gillespie views the response of Mr. Rowland as a denial of his ADA accommodation request.

Gillespie commenced two lawsuits in August 2005, the instant case and one in federal court over a credit card dispute, Gillespie v. HSBC Bank, et al, case no. 5:05-cv-362-Oc-WTH-GRJ, US District Court, Middle District of FL, Ocala. The lawsuit was resolved 15 months later. This contrasts the competence of federal court to the 13th Judicial Circuit.

The Court has assigned four judges to this lawsuit.

a. The Honorable Richard A. Nielsen, Circuit Court Judge
August 11, 2005 through November 22, 2006.

Gillespie initially had a good working relationship with Judge Nielsen and his judicial assistant Myra Gomez. Gillespie attended the first hearing telephonically September 26, 2005 and prevailed on Defendants' Motion to Dismiss and Strike.

Mr. Rodems intentionally disrupted the tribunal with a strategic maneuver to gain an unfair advantage in the litigation. During the scheduling a hearing, Rodems telephoned Gillespie at home March 3, 2006 and an argument ensued. Rodems threatened to reveal Gillespie's confidential client information which inflicted severe emotional distress.

On March 6, 2006 Rodems made a sworn affidavit under the penalty of perjury falsely placing the name of the trial judge in the affidavit and therefore into the controversy. Rodems submitted Defendants' Verified Request For Bailiff And For Sanctions that falsely placed the name of the Judge Nielsen into an "exact quote" attributed to Gillespie¹ about a violent physical attack in Judge Nielsen's chambers.

Kirby Rainsberger, Police Legal Advisor, Tampa Police Department, reviewed the matter and established by letter February 22, 2010 that Mr. Rodems was not right and not accurate in representing to the Court as an "exact quote" language that clearly was not an exact quote. But it was too late. After Rodems' perjury of March 6, 2006 Judge Nielsen did not manage the case lawfully, favored Defendants in rulings, and responded to Gillespie sarcastically from the bench.

Rodems strategic maneuver inflicted severe emotional distress on Gillespie and he sought protection under the ADA but none was provided.

The Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 are administrative functions not judicial acts with judicial immunity.

b. The Honorable Claudia Rickert Isom, Circuit Court Judge
November 22, 2006 through February 13, 2007

Judge Isom's web page advised that the judge had a number of relatives practicing law 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 relative listed was husband A. Woodson "Woody" Isom, Jr.

Gillespie 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 Gillespie and the Alpert firm. Plaintiff's Amended Motion To Disclose Conflict was heard February 1, 2007. The hearing was reported and transcribed by Mary Elizabeth Blazer, Notary Public, of Berryhill and Associates, Inc. court reporters. The transcript of the proceedings was filed with the clerk

¹ The portion of Gillespie's "exact quote" in dispute is "like I did before" which refers to a September 25, 2005 telephonic hearing where he prevailed. It is a self-proving metaphor. Instead Rodems swore in an affidavit that Gillespie said "in Judge Nielsen's chambers" which is false. Rodems could have used Gillespie's exact quote but he did not. Rodems added the name of Judge Nielsen with malice aforethought and did so in a sworn statement under the penalty of perjury.

of court. The transcript also shows that both Judge Isom and Mr. Rodems denied that the campaign contributions were a reason for disqualification.

The transcript shows that Judge Isom failed to disclose that her 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. Mr. Rodems and Judge Isom engaged in a conspiracy of silence to suppress highly relevant information.

Subsequently Judge Isom did not manage the case lawfully. Judge Isom failed to follow her own law review on case management and discovery, Professionalism and Litigation Ethics, 28 STETSON L. REV. 323. (Exhibit 17). Judge Isom's law review shows that she provides intensive case management to lawyers rather than impose sanctions for discovery problems. Judge Isom was prejudiced against Gillespie, a pro se litigant suing lawyers with a former business relationship to her husband. As a result Judge Isom did not provide intensive case management to Gillespie but paved the way with her rulings to impose an extreme sanction of \$11,550 against him. Judge Isom also knowingly denied Gillespie the benefits of the services, programs, or activities of the court, specifically mediation services:

THE COURT: And you guys have already gone to mediation and tried to resolve this without litigation?

MR. GILLESPIE: No, Your Honor.

Judge Isom conducted an unlawful ADA assessment of Mr. Gillespie during the February 5, 2007 hearing with a complete lack of confidentiality.

(transcript, February 5, 2007, beginning page 45, line 6)

MR. GILLESPIE: Right now, Judge, my head is swimming to the point where I'm having a hard time even hearing you. But it sounded all right.

THE COURT: What's is the nature of your disability?

MR. GILLESPIE: It's depression and post-traumatic stress disorder.

THE COURT: Are you under the care of a doctor?

MR. GILLESPIE: Yes, Judge.

THE COURT: And do you have a disability rating with the Social Security Administration?

MR. GILLESPIE: Yes, Judge. In the early '90s, I'm going to say '93 or '94, I was judged disabled by Social Security. And I applied for vocational rehabilitation. And to make a long story short, I guess it was in about '98 or '99 I received a determination from vocational rehabilitation that my disability was so severe that I could not benefit from rehabilitation. I would say in the interim that they had prepared a rehabilitation plan for me and they didn't want to implement it. And that's the reason that they gave for not implementing it. I brought that cause of action to the Barker, Rodems and Cook law firm and they reviewed that. And apparently they were in agreement with it because they decided not to represent me on that claim. And a copy of their letter denying that is part of my motion for punitive damages. You can read that letter. I think I have it here.

(transcript, February 5, 2007, ending page 46, line 9)

After taking testimony about Mr. Gillespie's disability, Judge Isom offered to abate the matter for three months so Mr. Gillespie could find counsel, but Mr. Rodems objected. Mr. Gillespie retained attorney Robert W. Bauer a month later.

(transcript, February 5, 2007, beginning at page 46, line 10)

THE COURT: Okay. But in terms of direction today, do you want to just stop everything and abate this proceeding for three months so that you can go out and try to find substitute counsel or --you know, I realize there's a counterclaim.

MR. GILLESPIE: Yes, Judge.

THE COURT: But originally, at least, it was your lawsuit. So if you feel that you're at a disadvantage because of your lack of counsel, I guess I could abate it and give you additional time to try to find an attorney.

MR. RODEMS: Your Honor, we would oppose that. And let me tell you why.

(transcript, February 5, 2007, beginning at page 46, line 21)

Mr. Rodems continued with a self serving diatribe and accused Mr. Gillespie of criminal extortion for trying to resolve this matter through the Florida Bar ACAP Program, and other such. Then Mr. Rodems made this accusation in open court:

MR: RODEMS: In any event, at every stage of the proceedings when Mr. Gillespie is about to be held accountable for his actions he cries that he's got a disability or he complains about the fact that he can't get a lawyer. The reason he can't get a lawyer is because he's not willing to pay a lawyer by the hour for the services he wants. (transcript, February 5, 2007, page 49, line 12).

And Mr. Gillespie responded:

MR. GILLESPIE: I am willing to pay an attorney by the hour. I have sent a payment of \$350 an hour to an attorney with the promise of a retainer if they would take the case. So Mr. Rodems calling me cheap and all of this name-calling and not willing to pay, that's not true. In fact, I offered Rick Mitzel who said the cost would be \$200 an hour, I gladly offered to pay him \$200 an hour. He wouldn't take the case. These lawyers don't want to litigate against this firm because they're aware of what this firm does and what they're capable of. (transcript, February 5, 2007, page 50, line 14).

Unable to find counsel in the Tampa Bay area, Mr. Gillespie sought an out-of-town referral from The Florida Bar Lawyer Referral Service. (LRS). The LRS provided a referral to attorney Robert W. Bauer, 2815 NW 13th Street, Suite 200E, Gainesville, FL. Mr. Bauer entered his notice of appearance April 2, 2007 on behalf of Mr. Gillespie. This was just 56 days after Judge Isom considered allowing three months for Mr. Gillespie to obtain counsel, until Mr. Rodems objected and Judge Isom capitulated. Mr. Gillespie paid Mr. Bauer \$250 per hour for representation. Because of the need to hire an out-of-town attorney to litigate against Mr. Rodems, Mr. Gillespie incurred an additional cost for counsel to travel from Gainesville that added \$5,700 to the cost of representation.

The Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 are administrative functions not judicial acts with judicial immunity.

c. The Honorable James M. Barton, II, Circuit Court Judge
February 14, 2007 through May 24, 2010

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)

A year and a half later Mr. Bauer complained on the record, just like Gillespie before him. Attorney Robert W. Bauer 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).

On March 20, 2008 Judge Barton awarded Rodems \$11,550 in sanctions for discovery errors and a misplaced defense of economic loss to a motion to dismiss and strike.

Mr. Rodems mislead the Court during hearings on October 30, 2007, and July 1, 2008 for the purpose of obtaining a dismissal of claims against BRC and Mr. Cook. Rodems misrepresented to Judge Barton that there was a signed written fee agreement between Plaintiff Neil Gillespie and Defendant Barker, Rodems & Cook, PA. In fact there is no signed written fee agreement between Gillespie and Barker, Rodems & Cook. No such agreement was signed, none exists, and Mr. Rodems has not produced one. The lack of a signed written fee agreement between the parties is also a violation of Bar Rule 4-1.5(f)(2). Because Mr. Rodems mislead the Court, Plaintiff's Motion For Rehearing was submitted July 16, 2008 by attorney Robert W. Bauer. (Exhibit 23).

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.

Judge Barton failed to provide Gillespie the ADA and the ADA Amendments Act of 2008 accommodations requested.

On May 5, 2010 Gillespie arrived for the hearing set by Judge Barton. The Order Scheduling Hearing set the hearing for one hour, beginning at 3:00 PM, and listed 12 items. This is contrary to Gillespie's ADA request. Judge Barton sandbagged Gillespie at the hearing with a new "plan" that would extend the hearing to 8:00 PM.

(Transcript, May 5, 2010, page 18, line 15)

15 THE COURT: Well, I am going to give you -- as
16 I have indicated, I am going to give you -- we can
17 be here until 7:00 or 8:00 o'clock tonight.
18 MR. GILLESPIE: Well, that is nice of you,
19 Judge, but I can't be here that long. I have
20 diabetes.

Judge Barton's "plan" was to set a hearing for one hour, beginning at 3:00 PM, and when Gillespie arrived, sandbag him and announce the hearing would continue until "7:00 to 8:00 o'clock tonight." This would amount to a 4 or 5 hour hearing, and is contrary to Gillespie's ADA request for hearings limited to 1 hour or so. On May 20, 2010 Gillespie filed Plaintiff's Motion to Disqualify Judge Barton (Exhibit 18) and the judge was disqualified May 24, 2010.

The Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 are administrative functions not judicial acts with judicial immunity.

d. The Honorable Martha J. Cook, Circuit Court Judge
May 24, 2010 through July 12, 2010.

Soon after Judge Cook assumed the case defense counsel Ryan Christopher Rodems embarked on a course of unethical conduct to disrupt the proceedings. Rodems unilaterally scheduled hearings for June 9, 2010 at 9:00 AM, and July 12, 2010 at 10:30 AM, without coordinating the time and date with the Gillespie. Mr. Rodems knowingly scheduled the hearings at an inconvenient time for Gillespie who must travel 100 miles from Ocala to Tampa. Rodems contrived a phony story about making a good-faith effort to contact Gillespie, see Notice of Fraud on the Court by Ryan Christopher Rodems submitted June 17, 2010. (Exhibit 19). Gillespie called Judge Cook's judicial assistant Mary Fish about the matter and she refused to get involved. On other occasions she hung up the phone. There is an outstanding issue about recorded phone lines.

Gillespie submitted a Motion For Reconsideration (Exhibit 20) of Judge Barton's prior rulings and Judge Cook denied the motion without a hearing. One issue in the motion, a contempt ruling by Judge Barton, Mr. Bauer has admitted responsibility for error so it would be unjust to hold Gillespie responsible. Judge Cook's failure to even hear the matter shows bias against Gillespie.

Judge Cook kept case files in this matter locked in her office and denied Gillespie access to public records, specifically a motion for writ of garnishment May 24, 2010. Judge Cook responded to Gillespie's concern with a non sequitur about other matters. Judge Cook granted the motion ex parte on a void affidavit, see Motion To Strike Affidavit of William J. Cook, Esquire, Quash PayPal Garnishment, etc. submitted June 28, 2010. That is a denial of Gillespie's due process.

Gillespie submitted Plaintiff's Motion to Declare Complex Litigation April 28, 2010. (Exhibit 21). On June 16, 2010 Judge Cook mischaracterized the motion as wanting to "transfer" the case to a "complex" litigation section. The motion is clearly marked to "declare" not "transfer". In any event, Judge Cook essentially denied the motion and wrote "The instant cause of action between the Plaintiff and Defendants does not meet the definition of a complex business litigation matter as set forth under AO S-2008-105". There is a difference between complex business litigation as set forth under AO S-2008-105 and Rule 1.201(a) complex litigation (not business litigation).

The Court does not allow nonlawyer litigants to schedule hearings with JAWS, The Judicial Automated Workflow System. This puts Gillespie at a significant disadvantage.

On June 16, 2010 Judge Cook provided the following information concerning ADA:

"The ADA request made by the Plaintiff: Because the only hearing heretofore scheduled before the undersigned was canceled, the Court had no cause to review the Plaintiffs ADA request, which was rendered moot by the cancellation. Furthermore, the judge is not the person designated by Court Operations to review and implement said procedures; rather, that duty falls to the "ADA Coordinator" who thereafter makes any necessary planning known to the judge. The ADA policy of the Thirteenth Judicial Circuit is outlined at <http://www.fljud13.org/ada.htm>. and in AO S-29-93-08. In future, if the

Plaintiff is directed to make any request for ADA accommodations to Court Administration at least seven (7) days before the scheduled hearing, in keeping with the rules published on the court website. Per the AO and Courthouse guidelines, the Plaintiff must complete a Request for Accommodations Form and submit it to 800 E. Twiggs Street, Room 604, Tampa, FL 33602, in order for his request to be processed.”

The above ADA instructions are in conflict with the ADA, the letter of David Rowland of July 9, 2010 (Exhibit 16) and the Title II Guidelines for the State Court System of Florida. ADA requests are not “rendered moot” by the cancellation of a hearing, and the Request for Accommodations Form was submitted February 19, 2010.

The Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 are administrative functions not judicial acts with judicial immunity.

8. Causes of Action

Fifth and Fourteenth Amendments to the Constitution of the United States, Due Process
Eight Amendment to the Constitution of the United States, Cruel & Unusual Punishment
Fourteenth Amendment to the Constitution of the United States, Equal Protection
42 U.S.C. § 1983 Civil Rights
Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008
Florida Civil Rights Act (FCRA)
Article 1, Section 21 of the Constitution of the State of Florida, Access to Courts
Article 1, Section 17 of the Constitution of the State of Florida, Excessive Punishments
Misusing and Denying Judicial Process
Misrepresentation and Non-Disclosure
Negligence
Breach of Contract
Intentional Infliction of Severe Emotional Distress
Breach of Fiduciary Duty
Civil Conspiracy
Fraud
Invasion of Privacy
Florida Deceptive and Unfair Trade Practice Act (FDUTPA)

9. Damages

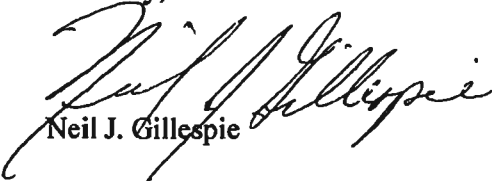
An review of this lawsuit by attorney Seldon J. Childers produced *An Economic Analysis Spreadsheet draft* dated September 17, 2009 that states the following:

“Non-Pecuniary Cost of Litigation. Plaintiff is likely suffering from physical and emotional ill effects resulting from the litigation, as described in Legal Abuse Syndrome, the book provided to me by Plaintiff. It is always difficult to put a dollar figure on the non-pecuniary costs of any case, and this case is no different. In attempting to evaluate the

physical and emotional costs of going forward with the litigation, I considered both short and long-term effects, and the opportunity cost caused not just by direct time invested in the case but also by loss of energy related to physical and emotional side-effects. My estimate was \$100,000, but this figure is subjective and the Plaintiff may wish to adjust this figure upwards or downwards. There is 100% probability these costs will be incurred regardless of the outcome of the litigation.” (p.4, ¶4).

Gillespie’s estimated expenses in this lawsuit exceed \$75,000, including about \$33,000 in hourly attorney’s fees.

Sincerely,



Neil J. Gillespie

cc: Mr. Mark Stemley, Division of Risk Management
Florida Department of Financial Services
200 East Gaines Street
Tallahassee, FL 32399-0336

cc: Mr. David A. Rowland, Court Counsel
Administrative Offices Of The Courts
Thirteenth Judicial Circuit, Florida
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Note: All enclosures are provided in PDF on accompanying CD