

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

RECEIVED
NOV - 1 2010

Defendants.

CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY, FL

EMERGENCY MOTION TO DISQUALIFY JUDGE MARTHA J. COOK

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.

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

1. 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. This information is attached as Exhibit 1. Gillespie moved to disqualify Judge Cook twice, 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.

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

2. 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.

Judge Cook Not Acting As Judge in this Lawsuit But As Partner with Defendants

3. This lawsuit is in its fifth year which is a clear violation of the time standards established by Fla. R. Jud. Admin., Rule 2.250(a)(1) Trial Court Time Standards. (B) Civil. Jury cases - 18 months (filing to final disposition). This and other unlawful conduct denied Gillespie his rights to lawfully adjudicate this case.

4. On the morning of September 28, 2010 Gillespie commenced a federal lawsuit by filing a Complaint in the US District Court, MD of Florida, Ocala Division where he lives shortly after the Court opened at 8:30 AM. (5:10-cv-503-oc-WTH-DAB). The lawsuit alleges the 13th Judicial Circuit has not lawfully adjudicated this lawsuit. Judge Cook is a Defendant in the federal lawsuit. This is not a case of “judge shopping” - Gillespie believes the 13th Judicial Circuit is completely and utterly corrupt and unable to lawfully adjudicate this lawsuit. Had Gillespie known about the following matters, he would not have brought a case in this court. See Exhibit 2.

5. After filing the Complaint Gillespie immediately drove from the US District Court in Ocala to Tampa for an 11:00 AM hearing before Judge Cook on Defendants’ Motion For Final Summary Judgment Count I.

6. At the hearing Gillespie moved to disqualify Judge Cook on the basis that she is a Defendant in the federal lawsuit. Judge Cook said the motion to disqualify based on a federal lawsuit is legally insufficient and is denied. Judge Cook ordered Gillespie removed¹ from the hearing and he had no representation.

7. After Judge Cook ordered Gillespie removed from the hearing she granted Defendants' Final Summary Judgment as to Count I, and found Gillespie in contempt. Gillespie appealed the rulings to the Second District Court of Appeal October 22, 1010.

Judge Cook Intentionally Inflicting Severe Emotional Distress on Gillespie

8. Dr. Karin Huffer, Gillespie's ADA advocate, wrote a book "Overcoming the Devastation of Legal Abuse Syndrome". Legal Abuse Syndrome is an injury, a sub-category of PTSD, Post Traumatic Stress Disorder.

9. Dr. Huffer says misinformation by the court triggers symptoms of Legal Abuse Syndrome. The psychic injury is a barrier to due process because your body may be present in court but your mind is not, and that is a violation of civil rights and the ADA.

10. Judge Cook is knowingly and willfully harming Gillespie through a confusion technique. Judge Cook is doing this to help Mr. Rodems and Barker, Rodems & Cook prevail over Gillespie in the lawsuit over which she presides. Judge Cook knowingly introduced false information into the court record and other such as a coercive technique used to induce psychological confusion and regression in Gillespie by bringing a superior outside force to bear on his will to resist or to provoke a reaction in Gillespie. The CIA manual on torture techniques, the KUBARK manual, calls this the Alice in Wonderland or confusion technique.

¹ Judge Cook later falsified an order of contempt and said Gillespie voluntarily left the hearing.

11. A letter from Dr. Huffer in support of Gillespie is attached to this motion to disqualify. (Exhibit 3). The letter shows that Gillespie has been subjected to ongoing denial of his accommodations and exploitation of his disabilities. 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)

12. In support of and accompanying this motion is Plaintiff’s Notice of Filing Affidavits, the Affidavits of Neil J. Gillespie showing that Judge Martha J. Cook is prejudiced against Gillespie.

a. Affidavit of Neil J. Gillespie, October 28, 2010, *Judge Martha J. Cook, falsified record of Gillespie’s panic attack; ADA*

b. 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*

c. Affidavit of Neil J. Gillespie, October 28, 2010, *Judge Martha J. Cook ordered Gillespie removed from the hearing of September 28, 2010, and accused Gillespie in open court of feigning illness; ADA*

d. Affidavit of Neil J. Gillespie, November 1, 2010, *Judge Martha J. Cook ordered Gillespie removed from the hearing on Defendants' Final Summary Judgment Count I, proceeded without Gillespie, granted SJ for Defendants on TILA fees previously denied with prejudice and by three different federal courts*

e. Affidavit of Neil J. Gillespie, November 1, 2010, *Judge Martha J. Cook ordered Gillespie removed from the hearing on Defendants' Motion for an Order of Contempt and Writ of Bodily Attachment, then falsified the Order stating Gillespie voluntarily left the hearing and did not return*

Disqualification For Opinion or Personal Conflict

13. Opinion. A judge who renders an opinion on the character or credibility of a litigant should ordinarily be disqualified. So too, a personal conflict that develops during the course of a proceeding may support a motion for disqualification. There are a number of Florida cases involving a trial judge's comments about a litigant. The appellate courts have generally sustained a request for disqualification if the trial judge has expressed a general opinion on the character or credibility of the litigant.

14. Under Florida law, a judge's statement that he feels a party has lied in a case before him, generally indicates bias against the party. In *Brown*, the court held that the judge's remark, "I wouldn't believe him anyway," made in reference to a party, warranted disqualification for prejudice. *Brown v. St. George Island, Ltd.*, 561 So.2d 253. Judge's statement that he feels party has lied in case before him, generally indicates bias against the party, supporting disqualification. *DeMetro v. Barad*, 576 So.2d 1353.

15. Judge Cook accused Gillespie on September 28, 2010 in open court of feigning illness at the previous hearing on July 12, 2010. This is the exchange from the transcript, page 4, beginning at line 12:

THE COURT: Sir, file a written motion. I'm not going to allow you to disrupt these proceedings again. The last proceedings you feigned illness. You left this courtroom

MR. GILLESPIE: No, I did not feign illness.

16. Gillespie received the final transcript of the September 28, 2010 hearing on or about October 22, 2010 and began preparing the accompanying affidavits.

Successor Judge

17. Gillespie does not want another judge of the 13th Judicial Circuit for this case, see exhibit 2.

Section 38.13 Florida Statutes, Judge ad litem

18. Gillespie successfully disqualified Judge Barton in this case for thousands of dollars paid by the Defendants 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. In paragraph 86 of Gillespie's motion to disqualify Judge Barton he requested relief under Section 38.13 Florida Statutes:

86. Because Plaintiff believes the Thirteenth Judicial Circuit is unable to lawfully adjudicate this lawsuit, Plaintiff believes other alternatives must be considered.

Section 38.13 provides for a Judge ad litem.

38.13 Judge ad litem; when may be selected in the circuit or county court.--When, from any cause, the judge of a circuit or county court is disqualified from presiding in any civil case, the parties may agree upon

an attorney at law, which agreement shall be entered upon the record of said cause, who shall be judge ad litem and shall preside over the trial of, and make orders in, said case as if he or she were the judge of the court. Nothing in this section shall prevent the parties from transferring the cause to another circuit or county court, as the case may be.

The operative part of this option is the last sentence: “Nothing in this section shall prevent the parties from transferring the cause to another circuit or county court, as the case may be.” Plaintiff believes this lawsuit should be transferred to another court.

19. Gillespie sought a Judge ad litem through Upchurch Watson White & Max and had email discussion with Ben F. Overton, Esquire, Senior Justice (Retired). Judge Overton said he had other commitments. Gillespie also contacted Pedro F. Bajo, Chair of the 13th Circuit JNC to no avail.

Time to Look Outside the Box - Perhaps Outside Florida

20. Upon information and belief, Mr. Fidel Castro is by profession an attorney at law and currently the First Secretary of the Communist Party of Cuba. Nothing in §38.13 Florida Statutes limits the selection of a Judge ad litem to a Florida licensed attorney or mandates a Florida court. Clearly the Florida courts have not been able to lawfully adjudicate this lawsuit. The Republic of Cuba is the nearest sovereign to the state of Florida. Mr. Castro studied law at the University of Havana and holds a Doctor of Laws degree. The University of Havana, founded in 1728, currently offers a Faculty of Law. Gillespie would accept Mr. Castro or his designee as Judge ad litem.

21. Mr. Castro is a revolutionary leader of Cuba and viewed by many not unlike Americans view its revolutionary leaders such as George Washington. Whatever one may think of Mr. Castro's past, he currently displays integrity. August 2010, Castro called the sending of openly gay men to labor camps without charge or trial "moments of great injustice, great injustice!" saying that "if someone is responsible, it's me."²

22. For the record, Gillespie is a patriotic American, he loves and defends America and the Constitution of The United States, and the Constitution of the State of Florida. Gillespie is law abiding and has no criminal record. Gillespie believes in free market capitalism and is a college graduate and a former business owner. Gillespie volunteered for service in the military of the United States in the months prior to the Persian Gulf War but was ineligible due to disability. Gillespie's family and relatives have served in all branches of the US military and fought in wars from the Spanish-American War through the Iraq War.

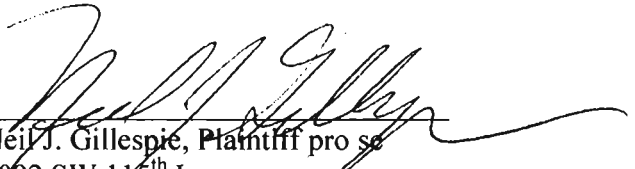
23. On October 21, 2010, David A. Baker, US Magistrate Judge in Gillespie v. Thirteenth Judicial Circuit, Florida, et al. Case No. 5:10-cv-503-Oc-10DAB, denied removal to federal court and held "Second, Plaintiff moves for an Order removing the State Court Action to this Court. This request is also due to be denied because removal of a state court action under 28 U.S.C. §1441 is an option available only to defendants, and not plaintiffs who become counter-defendants. *F.D.I.C. v. S&I 85-1, Ltd.*, 22 F.3d 1070, 1072 (11th Cir. 1994). Moreover, even if there was a basis for removal, Plaintiff has not

² [www.cnn.com/2010/WORLD/americas/08/31/cuba.castro.gays/index.html?hpt=T2 Castro admits 'injustice' for gays and lesbians during revolution], CNN, Shasta Darlington, August 31, 2010

complied with the statutory process for removal, nor has he offered any explanation as to why removal at this stage in the litigation would be timely.”

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

Submitted and Sworn to November 1, 2010.

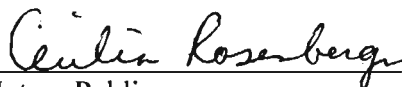

Neil J. Gillespie, Plaintiff pro se
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: (352) 854-7807

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.

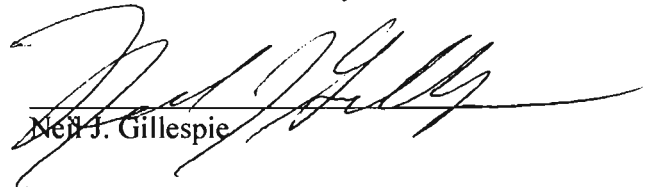
WITNESS my hand and official seal this 1st day of November 2010.




Notary Public
State of Florida

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed November 1, 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.

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.

This is Not a Case of “Judge Shopping”

Gillespie believes the 13th Judicial Circuit is completely and utterly corrupt and unable to lawfully adjudicate this lawsuit. Had Gillespie known about the following matters, he would not have brought a case in this court.

1. June 15, 2010 JNC Interview Process
2. December 8, 2000 Grand Jury Presentment of An Investigation Into Judicial Misconduct In Hillsborough County
3. Inquiry Concerning Judge #00-261, Circuit Judge Robert H. Bonanno
4. Inquiry Concerning Judge #02-33, Circuit Judge Gregory P. Holder
5. Inquiry Concerning Judge #03-1171, Circuit Judge Gregory P. Holder

"Would you like this garbage can moved closer to you in case you have the baby?"

Gillespie witnessed the following while attending a Judicial Nominating Commission (JNC) interview in Tampa June 15, 2010 as a civilian observer. One committee member asked an applicant for judge if the applicant had seen any behavior from a judge in court that was unprofessional. The applicant responded that a 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.

The JNC asked this question of a number of applicants. Some applicants responded with examples of judicial misconduct. Others applicants were evasive or brushed-off the question. My notes show that applicants who described bad behavior by judges to the JNC were nominated at a rate lower than applicants who did not describe

bad behavior by judges to the JNC. Initially I dismissed this as coincidence. But in hindsight with the benefit of my experience with Judge Cook, in my opinion it is possible that this question is used as a screening tool to eliminate applicants critical of sitting judges, to ensure that nominees, if appointed, will be team players and look the other way if they see another judge engage in misconduct.

Email between JNC Chair Pedro Bajo and Neil Gillespie discussing the 'garbage can' comment, July 1, 2010 is attached to this exhibit. Other responses include:

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.

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.

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

An Investigation Into Judicial Misconduct In Hillsborough County

The above documents 2 through 5 show how the unauthorized entry by Circuit Judge Robert Bonanno into the office of Circuit Judge Gregory Holder led to the revelation that Circuit 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 regular business hours while jury trials were conducted in the next room. Grand jury testimony showed Judge

Ficarrotta wanted to install a “stripper pole” in his chambers so Bailiff Pisano could perform for him, that Ficarrotta wore a Pisano’s thong in chambers.

Judge Holder also alerted investigators to an incident in which Tara Pisano accused her husband, sheriff’s Cpl. Carmine Pisano, of threatening to kill Ficarrotta in response to the affair. The Sheriff’s Office made no report of that incident. The grand jury testimony shows that Carmine Pisano’s threat to kill Ficarrotta was made in the presence of other officers when Pisano took his service pistol out of its holster and left the room saying he was going to kill Judge Ficarrotta. "It's not against the law to threaten anybody except the president of the United States, unless there's an overt act to substantiate it," said Sheriff Cal Henderson. "We didn't do an investigation because one was not needed."

The grand jury found evidence of unlawful election campaigning by Hillsborough County Corporal Michael Sheehan, a secret safe deposit box of cash from lawyers and other donors in a bank on Davis Island, a secret Judicial Qualifications Commission investigation, and an illicit courthouse affair between Judge Bonanno and Joan Helms, an employee of the clerk’s office.

On September 15, 2009 the Supreme Court of Florida, Case No. SC03-1171, ordered judgment for Judge Gregory P. Holder for recovery of \$70,000 costs from the Judicial Qualifications Commission for successfully defending Inquiry No. 02-487. On July 25, 2005, Judge Holder filed a motion for costs and award of attorney’s fees and asked for an award of \$1,779,692. The Florida Supreme Court ruled in 2006 that it didn't have authority to award such fees.

The JQC filed Notice of Formal Charges against Judge Holder July 18, 2003 alleging Judge Holder plagiarized 10 pages of a 21 page research report to the Faculty of the Air War College Directorate of Nonresident Studies, Air University. At the time Judge Holder held the rank of Lieutenant Colonel, United States Air Force Reserve.

During the trial, Judge Holder presented compelling evidence that the purported plagiarized Holder paper was fabricated to retaliate against him for participating in the courthouse corruption investigation. On June 23, 2005, the Hearing Panel of the JQC voted unanimously to dismiss the charges against Judge Holder.

In 1999, Judge Holder reported to former Chief Judge Dennis Alvarez that certain judges were engaging in improper conduct. In July of 2000, Judge Holder's bailiff, Sylvia Gay, discovered former Judge Robert Bonanno in Judge Holder's chambers, after normal business hours, while Judge Holder was out of state on Air Force Reserve duty. Judge Holder reported this incident and a law enforcement investigation ensued. Ultimately impeachment proceedings were commenced against Judge Bonanno and he resigned from office. During 2001 and 2002, Judge Holder cooperated with the FBI in the courthouse corruption investigation. Because of Judge Holder's cooperation, the investigation's targets had motive and resources to seek retribution against him. Indeed, these targets faced not just loss of position but potential incarceration.

Detective Bartoszak testified at trial that the courthouse corruption investigation team was concerned that Judge Holder's activities were being monitored by targets of the investigation. Judge Holder was advised by federal law enforcement agents to carry a

weapon, and he was provided with a secure cell phone to communicate with the authorities.

An earlier JQC Inquiry against Judge Holder (Inquiry No. 01-303, Supreme Court Case No.: SC02-33) the Notice of Formal Charges allege Judge Holder failed to disclosed in his application for the position of United States District Judge for the Middle District of Florida a 1998 admonishment by JQC Counsel McDonald and JQC Chairman Judge Goshorn for remarks Holder made to a local newspaper concerning a recent decision of the Second District Court of Appeal which had reversed a ruling by Judge Holder. On other occasions Judge Holder was cautioned by then 13th Circuit Chief Judge Alvarez about the impropriety of certain public remarks Holder made concerning the Thirteenth Circuit Judiciary. Judge Alvarez advised Holder that complaints had been made to him by others concerning Holder's inappropriate public remarks. In February 2001 Judge Holder met with JQC Chairman Judge Wolf in Tampa and advised of a complaint against Holder over an incident during a hearing in chambers where Holder became upset at one or more of the attorneys and threw handcuffs on his desk in a threatening manner. Judge Wolf said such conduct is viewed inappropriate by the JQC and Holder was cautioned against engaging in such conduct in the future. The JQC case was dismissed June 6, 2002 by the Supreme Court of Florida.

Neil Gillespie

From: "Pedro Bajo" <pedro.bajo@bajocuva.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Thursday, July 01, 2010 8:08 PM
Subject: RE: see attached letter to Rick Folio

Dear Mr. Gillespie

I recall the question and the answer, but I do not recall who asked the question or which court was referred to by Ms. Hooper. I am sorry that I cannot be more help in that regard.

Pedro



Pedro F. Bajo, Jr., Esq.
Bajo Cuva, P.A.
100 N. Tampa Street
Suite 1900
Tampa, FL 33602
813-443-2199 (telephone)
813-443-2193 (fax)
813-785-6653 (cell)
pedro.bajo@bajocuva.com

From: Neil Gillespie [mailto:neilgillespie@mfi.net]
Sent: Thursday, July 01, 2010 1:00 PM
To: Pedro Bajo
Subject: Re: see attached letter to Rick Figlio

Dear Mr. Bajo,

Thanks, appreciate your response. I have another question about the interviews on June 15, one committee member asked applicant Carolle Hooper if she had seen any behavior from a judge in court that was unprofessional.

The applicant 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.

I plan to include this in my comments to Gov. Crist (without identifying Ms. Hooper) and want

to know if you recall which committee member asked the question (great question) and if you recall in what kind of court this allegedly occurred, i.e. criminal, family, etc. or any of the circumstances about the matter or statement? Thank you.

Sincerely,

Neil Gillespie

----- Original Message -----

From: [Pedro Bajo](#)

To: [Neil Gillespie](#)

Sent: Wednesday, June 30, 2010 7:19 PM

Subject: RE: see attached letter to Rick Figlio

Mr. Gillespie

You are correct that the three listed members were not able to attend.

Pedro



Pedro F. Bajo, Jr., Esq.

Bajo Cuva, P.A.

100 N. Tampa Street

Suite 1900

Tampa, FL 33602

813-443-2199 (telephone)

813-443-2193 (fax)

813-785-6653 (cell)

pedro.bajo@bajocuva.com

From: Neil Gillespie [mailto:neilgillespie@mfi.net]

Sent: Tuesday, June 29, 2010 6:30 PM

To: Pedro Bajo

Subject: Re: see attached letter to Rick Figlio

Dear Mr. Bajo,

Thank you for the information about the amended press release. Going over my notes from the interviews of June 15, 2010, I show three members missing, Mr. Barker, Mr. Gerecke and Ms. Wilcox, is that right? As noted in my letter to Rick Figlio today, I plan to submit a letter in opposition to Mr. Rodems for judge based on the information learned by my attendance at the interviews. I want the

DR. KARIN HUFFER

Licensed Marriage and Family Therapist #NV0082
ADAAA Titles II and III Specialist
Counseling and Forensic Psychology
3236 Mountain Spring Rd. Las Vegas, NV 89146
702-528-9588 www.lvaallc.com

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 ADA 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 ADA 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 ADA 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.