

Fax

From: Neil J. Gillespie
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Telephone: (352) 854-7807

To: Mr. William Gautier Kitchen, Bar Counsel

Fax: (850) 561-5665

Date: August 26, 2010

Pages: four (4), including this cover page

Re: Request for additional 20 days to reply

Please see accompanying letter and enclosures. Thank you.

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VIA FAX (850) 561-5665

August 26, 2010

Mr. William Gautier Kitchen, Bar Counsel
Attorney Consumer Assistance Program, ACAP
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300
ACAP Hotline (866) 352-0707

RE: Robert W. Bauer; The Florida Bar File No. 2011-00,073 (8B)

Dear Mr. Kitchen:

This is a request for a 20 day extension to respond to Mr. Bauer's answer of August 18, 2010 to my bar complaint. For computation of time I am relying on Rule 1.090(a), Fla.R.Civ.P. I received Mr. Bauer's answer August 19, 2010. Under Rule 1.090(a) the 10 days to respond would end August 29, 2010. I am requesting an additional 20 days from August 29, 2010. That would be September 18, 2010. Since September 18, 2010 falls on a Saturday, the due date for my rebuttal would be Monday September 20, 2010.

This is also a public records request for a "thirteen page letter" by Mr. Rodems in support of Mr. Bauer as described on page 5 of Mr. Bauer's letter to you of August 18, 2010. A copy of the page is enclosed and marked as to the document requested. I attempted to discuss this with you by phone yesterday and you rudely cut me off.

During our phone call yesterday you accused me of threatening a lawsuit against the Florida Bar during our phone call of August 17, 2010. A recording of that call shows you are mistaken. I did not mention anything about a lawsuit against the Florida Bar during my call with you. I posted the August 17, 2010 phone call with you on my website, <http://YouSue.org/>, along with our phone call from yesterday August 25, 2010. The public can hear your comments and draw their own conclusion.

Because you misrepresented my phone call of August 17, 2010 I ask that you remove yourself from involvement with my bar complaints. Thank you.


Sincerely,


Neil J. Gillespie

Enclosure

important to strive to complete the discovery process and disposition of pretrial motions in a way that did not require the court's involvement any more than was necessary.

4. Failure to zealously pursue discovery:

As explained above, Mr. Gillespie had voluntarily dismissed his claims against BRC prior to my representation of him in this matter. Because of this, much of the discovery he sought prior to the dismissal was moot. The few items that still existed from his discovery requests had either been properly objected to by Mr. Rodems, or produced within the appropriate time limits. Because the discovery requests had been appropriately complied with by Mr. Rodems, the motions that Mr. Gillespie filed to compel discovery were improper. I conducted discovery during my time as Mr. Gillespie's legal counsel in an ethical and amicable manner as I am sure Mr. Rodems will attest. In fact, upon learning of this grievance, Mr. Rodems wrote a thirteen page letter in support of my representation of my conduct during the course of my representation of Mr. Gillespie. In his letter, which is available upon request, Mr. Rodems wrote: "I found Mr. Bauer to be competent, bright, hardworking, and very conscientious of his client's interests." 

Mr. Gillespie was under the false understanding that the order of entitlement of attorneys' fees against Mr. Gillespie could somehow be "mitigated" by my filing of burdensome and frivolous discovery requests. Despite my explanations to him as to the origin of the entitlement, he continued to implore me to undertake these dilatory tactics and became upset when I explained that I could not do so in good legal or ethical conscience.

5. Failure to seek disqualification of BRC's counsel Ryan Christopher Rodems:

This issue is another where Mr. Gillespie demanded that I take a position that was not procedurally available. My repeated attempts to explain the Rules of Civil Procedure in this regard were fruitless and led to my belief that our relationship had deteriorated to the point that we could no longer effectively communicate. Mr. Gillespie originally filed a Motion to Disqualify Counsel in February of 2006. The motion was heard and an order denying the motion was entered on May 12, 2006. Mr. Gillespie made a motion for rehearing in December of 2006 which was also denied. From that time forward, Mr. Gillespie wanted me to continue to present the same arguments that had already been denied by the court.

Throughout my representation of Mr. Gillespie, he suggested that I attempt to get Mr. Rodems disqualified as counsel for Defendants. It became apparent that Mr. Gillespie had a severe dislike of Mr. Rodems and was upset that the Court had denied his original motion in this regard. This is further evidenced by Mr. Gillespie's extensively explained arguments for disqualification of Mr. Rodems that are contained in his grievance against me. These are the same arguments that were made in support of the February 2006 motion and denied. Since then, there have been no novel arguments to support Mr. Rodems disqualification. When I attempted to explain this to Mr. Gillespie, he became enraged and insisted that his legal analysis of the issue was sacrosanct.

6. Failure to zealously defend against sanctions: