

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT

NEIL J. GILLESPIE
Appellant,

Case No.: 2D10-5197
Lower Court Case No. 05-CA-007205

vs.

BARKER, RODEMS & COOK, PA
a Florida Corporation; and WILLIAM J. COOK,
Appellees.

**APPELLANT'S MOTION FOR EXTENSION
OF TIME TO FILE INITIAL BRIEF**

Appellant pro se Neil J. Gillespie hereby files this Motion for Extension of Time to File Initial Brief and in support thereof states:

1. On October 22, 2010, the Appellant filed a Notice of Appeal with the Hillsborough County Circuit Court.
2. Pursuant to Fla. R. App. P. 9.110(f), the initial brief of the appellant is to be served within 70 days of filing of the Notice of Appeal, which is December 31, 2010, a court holiday. Pursuant to Fla. R. App. P. 9.420(f), in computing any period of time prescribed or allowed by these rules the last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a holiday in which event, the period shall run until the end of the next day that is neither a Saturday, Sunday, nor holiday, in this case that day is January 3, 2011.
3. In order to draft the Appellant's initial brief, Appellant must receive the record to be compiled by the clerk of the lower court in order to properly cite to the record in the brief in compliance with Fla. R. App. P. 9.200. However Appellant has been prevented

from communicating with the clerk of the lower court. On July 26, 2010 Appellee's counsel Ryan C. Rodems filed Defendants' "Motion For An Order To Show Cause As To Why Plaintiff Should Not Be Prohibited From Henceforth Appearing Pro Se." On November 4, 2010 Circuit Court Judge Martha J. Cook signed an Order To Show Cause Why Plaintiff Should Not Be Prohibited From Appearing Pro Se and ORDERED that Plaintiff SHALL RESPOND to the motion, in writing, within twenty days of the date of this order and SHOW CAUSE, if any, why the Clerk of Court should not be instructed to reject for filing any future pleadings, petitions, motions or other documents which he submits for filing unless they are signed by a member of The Florida Bar.

4. On November 15, 2010 Judge Cook issued an Order Prohibiting Plaintiff From Appearing Pro Se. (Exhibit A). In doing so Judge Cook failed to give Appellant an opportunity to provide a response, which was due November 24, 2010. In essence Judge Cook contradicted and/or violated her own order. This is one more example of Judge Cook's prejudice toward Appellant by denying him due process.

5. Judge Cook's Order Prohibiting Plaintiff From Appearing Pro Se of November 15, 2010 (Exhibit A) states "Plaintiff is hereby PROHIBITED from filing any paper with this court which is not signed by an attorney duly licensed to practice law in the State of Florida." and "The Court therefore ORDERS as follows:

1. Plaintiff SHALL CEASE filing any pleading, correspondence, or other document in this case unless the document is signed by an attorney who is duly licensed to practice law in the State of Florida.

2. The Clerk of Court SHALL REJECT for filing any document received from Plaintiff which does not bear the clear and conspicuous signature of an attorney duly licensed to practice law in this state.

3. The Clerk of Court SHALL NOT DOCKET any pleading, correspondence or other document received from Plaintiff which is prohibited by this order.

DONE AND ORDERED in Chambers in Hillsborough County, Florida, this 15th day of November, 2010.”

6. Appellant has not been able to find an attorney who is duly licensed to practice law in the State of Florida to sign documents on his behalf. As set forth in his Verified Emergency Petition for Writ of Prohibition to disqualify, Judge Cook’s unlawful, outrageous and discriminatory behavior toward Appellant is calculated to discourage counsel from representing him. This is in addition to the conduct of Appellees’ counsel Ryan C. Rodems whose unprofessional behavior in part caused Appellant’s former counsel Robert W. Bauer to withdrawal from the case. (See paragraph 11).

7. Without the record compiled by the clerk of the lower court in order to properly cite to the record in the brief in compliance with Fla. R. App. P. 9.200, the Appellant will be unable to file the initial brief in accordance with the deadlines prescribed by the Florida Rules of Appellate Procedure.

8. Appellant requests an extension of time for filing the initial brief for thirty (30) days after the clerk provides the index of the record. Given the unusual circumstances, Appellant suggests that the Court could Order the clerk of the court to provide the record and the index of the record.

9. Appellant did not contact opposing counsel and assumes he will object to this motion. In the past when Appellant contacted opposing counsel Ryan C. Rodems about a motion, Rodems used the opportunity to intentionally disrupted the tribunal with a strategic maneuver to gain an unfair advantage, and to inflict emotional distress on Appellant. Mr. Rodems even repeated his stunt in the aforementioned "Motion For An Order To Show Cause As To Why Plaintiff Should Not Be Prohibited From Henceforth Appearing Pro Se" filed July 26, 2010. This is what Rodems wrote, paragraph 6d: "On March 3, 2006, during a telephone conversation regarding the case, Gillespie threatened to "slam" the undersigned "against the wall;" as a result, I filed a verified request that a bailiff be present at all hearings. Subsequently, Judge Nielsen advised that a bailiff is present at all matters involving pro se litigants." Rodems' verified request about an "exact quote" of alleged violence attributed Appellant was investigated Mr. Kirby Rainesberger of the Tampa Police Department. Mr. Rainesberger concluded in a letter February 22, 2010 that Rodems was not right and not accurate in representing to the court as an "exact quote" language that clearly was not an exact quote. Mr. Rainesberger declined to prosecute Rodems for perjury, apparently concluding this was just another dirty trick by a desperate lawyer. The problem in this case is that Appellees are lawyers who defrauded a former client and now have a conflict of interest litigating against the former client on a matter that is the same or substantially similar to the former representation.

10. In addition to the forgoing, Appellant has spent considerable time and effort since filing the Notice of Appeal October 22, 2010 with a "Verified Emergency Petition For Writ of Prohibition and Motion For Order of Protection" filed November 18, 2010 that totaled over 700 pages with exhibits. The Petition moved for the disqualification of

Judge Cook. There was a supplemental pleading November 20, 2010 and a responsive pleading December 8, 2010. Judge Cook recused sua sponte November 18, 2010. The Petition began with a quote from Dr. Karin Huffer, Appellant's disability advocate who wrote "...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." (October 28, 2010). A copy of Dr. Huffer's letter accompanied the Petition as Exhibit 1. In addition Dr. Huffer wrote the following:

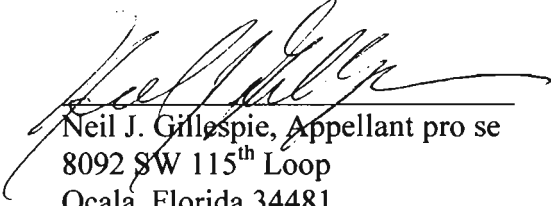
"As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, 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." (Page 1, ¶2, October 28, 2010).

11. In addition to the forgoing Appellant has been cooperating with Mr. Brian Kramer, Office of the State Attorney, assigned to investigate Appellant's bar complaint against Robert W. Bauer, The Florida Bar File No. 2011-00,073(8B). Appellant was notified of the assignment November 15, 2010 (Exhibit B) and has spent time and effort speaking with Mr. Kramer and providing documentary evidence. This Court should note that Mr. Bauer formerly represented Appellant in this matter and was a referral from the Florida Bar Lawyer Referral Service on the libel counterclaim commenced by Appellees'

counsel Ryan C. Rodems against Appellant. Upon review of the matter in 2007 Mr. Bauer agreed that Appellees' law firm defrauded Appellant and advised Appellant that "...the jury would love to punish a slimy attorney" (Transcript, March 29, 2007, page 28, line 9) referring to Rodems' law partner William J. Cook. Appellant paid¹ Mr. Bauer almost Twenty Thousand Dollars (\$20,000) to represent him in this matter, with another Twelve Thousand Dollars (\$12,000) in fees outstanding. Mr. Bauer litigated against Mr. Rodems in this matter, both in the lower tribunal and in this Court, see 2D08-2224. Mr. Bauer complained on the record about Mr. Rodems' antics August 14, 2008 during an Emergency Hearing on a garnishment before the Honorable Marva Crenshaw (Transcript page 16, line 24) "...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."

WHEREFORE, Appellant, NEIL J. GILLESPIE, respectfully requests this Court grant this Motion for Extension of Time and grant the Appellant an extension of thirty days from the receipt of the record index to file his initial brief. Given the unusual circumstances, Appellant suggests that the Court could Order the clerk of the court to provide the record and the index of the record.

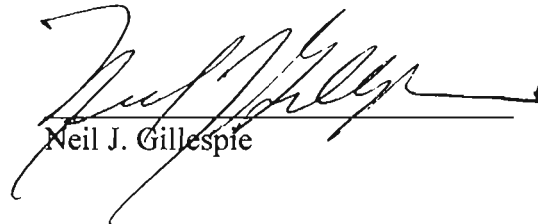
RESPECTFULLY SUBMITTED December 31, 2010.


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

¹ Appellant mentions this because throughout the litigation Rodems repeatedly insulted Appellant calling him "cheap" and not willing to pay an attorney by the hour. Rodems made his insults by letter and phone.

Certificate of Service

I certify that a copy hereof has been furnished to Ryan Christopher Rodems,
Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida
33602 by mail on December 31, 2010.



Neil J. Gillespie

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

NEIL J. GILLESPIE,
Plaintiff,

CASE ID: 05-CA-7205

v.

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

DIVISION: G

ORDER PROHIBITING PLAINTIFF FROM APPEARING PRO SE

THIS MATTER is before the Court on Defendants' "motion for an order to show cause as to why Plaintiff should not be prohibited from henceforth appearing *pro se*," filed on July 29, 2010. It is alleged that Plaintiff is an abusive litigant who should not be permitted to file further pleadings in this cause unless they are first reviewed and signed by an attorney licensed to practice law in this state. Defendants allege that Plaintiff's prosecution is an affront to the dignity of the judicial system and an unacceptable burden on its resources. On November 4, 2010, this court issued the order to show cause why Plaintiff should not be prohibited from appearing *pro se*.

Among Plaintiff's response were his fourth and fifth attempts to disqualify this court. This response is typical of Plaintiff's litigation style. And his continuing course of conduct in this case is all the more troublesome because this case is presently pending appellate review of a final summary judgment order. There is nothing left to litigate at this time. Yet Plaintiff continues to file spurious pleadings with this court, each of which must be reviewed and evaluated by members of the court staff. For these reasons and the reasons enumerated in the motion, the Court hereby finds that Plaintiff is an abusive litigant and, in order to preserve both the dignity and the efficient operation of the judicial system, his right to full access to the court should be curtailed to the extent described in this order. Plaintiff is hereby **PROHIBITED** from filing any paper with this court which is not signed by an attorney duly licensed to practice law in the State of Florida.



The Court therefore **ORDERS** as follows:

1. Plaintiff **SHALL CEASE** filing any pleading, correspondence, or other document in this case unless the document is signed by an attorney who is duly licensed to practice law in the State of Florida.
2. The Clerk of Court **SHALL REJECT** for filing any document received from Plaintiff which does not bear the clear and conspicuous signature of an attorney duly licensed to practice law in this state.
3. The Clerk of Court **SHALL NOT DOCKET** any pleading, correspondence or other document received from Plaintiff which is prohibited by this order.

DONE AND ORDERED in Chambers in Hillsborough County, Florida, this 15th day of November, 2010.

ORIGINAL SIGNED

NOV 15 2010

MARTHA J. COOK, Circuit Judge

MARTHA J. COOK
CIRCUIT JUDGE

Send copies to:

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

Ryan Christopher Rodems, Esquire
Attorney for Defendant
400 N Ashley Drive
Suite 2100
Tampa, FL 33602

COPY

IN THE SUPREME COURT OF FLORIDA
(Before a Grievance Committee)

IN RE: Complaint by Neil Gillespie
Against Robert W. Bauer
The Florida Bar File No. 2011-00,073(8B)

NOTICE OF ASSIGNMENT OF INVESTIGATING MEMBER AND/OR PANEL

✓To:

Neil Gillespie
8092 SW 115th Loop
Ocala, FL 34481

Robert W. Bauer
2815 NW 13th Street, Suite 200E
Gainesville, FL 32609-2865
Tele: 352/375-5960

Receipt of a complaint on July 29, 2010, against respondent from the complainant is acknowledged. The complaint has been given the above file number and is hereby assigned to the following member of the committee for investigation:

Brian Kramer
Office of the State Attorney
120 W. University Ave
Gainesville FL 32601 352-491-4419

Notice is given that this case will be considered by the committee.

Respondent and complainant shall contact the investigating member within ten (10) days from the date of this notice to discuss the investigation and disposition of this complaint.

DATED this 15 day of November, 2010.

Melissa Jay Murphy
Melissa Jay Murphy, Chair
Eighth Judicial Circuit Grievance Committee "B"

Copies furnished to:

1. James A G Davey Jr., Bar Counsel
2. Brian Kramer, Investigating Member (with file)

