

**STATE OF FLORIDA
DISTRICT COURT OF APPEAL
SECOND DISTRICT**

NEIL J. GILLESPIE

Appellant,

**Case No.: 2D10-5197
L.T. NO.: 05-CA-007205**

vs.

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

Appellees.

**APPELLEES' RESPONSE TO APPELLANT'S MOTION
FOR LEAVE TO FILE AN AMENDED INITIAL BRIEF**

Appellant Neil J. Gillespie moves for leave to file an Amended Initial Brief. Gillespie asserts that now that the Index from the Clerk has been amended, both parties need to amend their briefs because of the "old page numbers" in the previous Index. (Appellant's motion for leave ¶ 4). Appellees concur and request an opportunity to amend the Answer Brief to correct the record citations.

Although Gillespie does not state that he intends to do so, it would be wholly inappropriate for Gillespie to use the correction of the record as an opportunity to try to raise new issues for the first time in the Amended Initial Brief. Gillespie admits he submitted an "incomplete Initial Brief," but, as his motion shows, what made it incomplete was his inability to cite to all of the items he believed should have been in the record.

Therefore, to the extent the absence of items in the record prevented Gillespie from properly citing the record in his Initial Brief, Appellees do not oppose Gillespie's motion to the

extent he requests an opportunity to insert proper record citations only. Appellees do oppose any attempt by Gillespie to raise new issues or to bolster his arguments.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this 5th day of April, 2011 by U.S. Mail to Neil J. Gillespie, 8092 SW 115th Loop, Ocala, Florida 34481.



RYAN CHRISTOPHER RODEMS, ESQUIRE