

**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: F**

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

**Defendants.**

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**DEFENDANTS' VERIFIED REQUEST FOR BAILIFF AND FOR SANCTIONS**

Defendants Barker, Rodems & Cook, P.A., and William J. Cook, Esquire request a bailiff at the hearings on Tuesday, April 25, 2006 at 2:15 p.m. and move for sanctions against Plaintiff Neil J. Gillespie, and as grounds therefor state:

1. On March 3, 2006, I, Ryan Christopher Rodems, received a voice mail from Plaintiff. Plaintiff stated that he wished to set a motion for hearing on March 15, 2006, and since I was not in, he would not wait for me to contact him and would set the hearing.
2. I then contacted the Court's Judicial Assistant to explain that I was on a trial docket before Judge Charlene Honeywell on March 13, 2006, and I would not be available for hearings on March 15, 2006, but that if the Court would provide some alternative dates, I would coordinate a hearing with Plaintiff and advise the Court of the agreed upon date. The Judicial Assistant gave me several dates and I told her I would send a copy of the notice of hearing.
3. After speaking with the Judicial Assistant, I immediately called Plaintiff, and we discussed his motion for disqualification of counsel. He told me that because it was a "no-

brainer” that the Court would grant his motion to disqualify me from representing the Defendants, he saw no point in scheduling his motion to dismiss Defendants counterclaims for hearing until after “your new counsel takes over.”

4. He then began speaking very loudly that he had received the motion for sanctions I had “filed” and that it was only received yesterday, not 21 days earlier as stated in the motion. I advised that the motion had not been filed yet, but would be filed if he did not take curative action within 21 days. We then discussed the motion for sanctions and I explained to him that, as one example, the economic loss rule, which Plaintiff raised as a defense to the counterclaims, was not a proper defense to a defamation action. Plaintiff began to speak louder and louder, and made statements about his beliefs about the viability of the motion for sanctions. I advised Plaintiff that we wished to schedule all hearings at the same time and that the Court could decide the protocol, but that it did not make sense to have him travel to Tampa from Ocala twice.

5. At this point in the conversation, Plaintiff stated -- and this is an exact quote -- “I am going to slam you up against the wall in Judge Nielsen's chambers.” Quite alarmed, I paused and said “are you threatening me physically or did you mean that metaphorically?” Plaintiff said “metaphorically,” but his voice was full of anger.

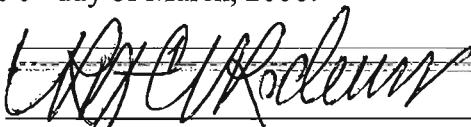
6. I am concerned that Plaintiff may become violent if additional hearings do not resolve favorably for him, and I request that the Court have a bailiff available at any future hearings. In over thirteen years of practicing law, I have had only one other occasion wherein I was threatened in a manner that made me fear for my physical safety, and that case also involved a pro se party.

7. Defendants request that the Court enter an Order sanctioning Plaintiff for the

threatening comment, as detailed above, and Order Plaintiff to refrain from threatening acts of violence.

WHEREFORE, Defendants request a bailiff at all future hearings and that Plaintiff be sanctioned appropriately.

RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of March, 2006.



Ryan Christopher Rodems, Esquire  
Florida Bar No. 947652  
Barker, Rodems & Cook, P.A.  
400 North Ashley Drive, Suite 2100  
Tampa, Florida 33602  
Telephone: 813/489-1001  
Facsimile: 813/489-1008  
Attorneys for Defendants

**VERIFICATION**


I swear under penalty of perjury that the statements made in this motion are true and accurate and that the quotes attributed to Neil J. Gillespie are true and accurate.


RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of March, 2006.

  
RYAN CHRISTOPHER RODEMS, ESQUIRE

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

Sworn to or affirmed and signed before me on 3/06/06 by Ryan Christopher Rodems, who is personally known to me.

  
NOTARY PUBLIC

NOTARY PUBLIC-STATE OF FLORIDA  
 Lynne Anne Spina  
Commission # DD490021  
Expires: DEC. 26, 2009  
Bonded Thru Atlantic Bonding Co., Inc.

**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 115<sup>th</sup> Loop, Ocala, Florida 34481, this <sup>6<sup>th</sup></sup>~~3<sup>d</sup>~~ day of March,  
2006.

  
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Ryan Christopher Rodems, Esquire

Gillespie - 05.5422

08 MAR 2006



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