

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

March 11, 2010

VIA EXPRESS MAIL

Mr. Kirby Rainsberger, Police Legal Advisor
Tampa Police Department
One Police Center
411 N. Franklin Street
Tampa, Florida 33602

RE: perjury complaint

Dear Mr. Rainsberger:

Thank you for your letter dated February 22, 2010. You succinctly framed the issues in this difficult matter and I appreciate your effort. You established that Mr. Rodems was not right or accurate in representing to the court as an "exact quote" language that clearly was not an exact quote. You also concluded that his misrepresentation does not, in your judgment, rise to the level of criminal perjury. However current Florida case law supports a finding of criminal perjury against Mr. Rodems.

As you suggested, I considered the definition of "material matter" in Florida Statutes section 837.011(3)(2009). According to the statute "Material matter" means any subject, regardless of its admissibility under the rules of evidence, which could affect the course or outcome of the proceeding. Whether a matter is material in a given factual situation is a question of law.

Placing the name of Judge Nielsen into an "exact quote" attributed to me "could affect the course or outcome of the proceeding" because of the personal nature of one's name, especially the name of the presiding judge. In this case it has affected the proceedings.

You wrote that we "both knew that your meeting on the 25th would be in Judge Nielsen's chambers." This is not true. I am not a lawyer and assumed the hearing would be held in open court. There was only one prior hearing in this case and I attended it telephonically from Ocala. Therefore I did not know the hearing would be "in Judge Nielsen's chambers." As to my "exact quote" - I said "like I did before" - which refers to the September 25th telephonic hearing where I prevailed. So there is no significance to the 25th in my statement because that portion of the quote is not in question or material.

The following Florida case law supports a finding of perjury against Mr. Rodems because it meets the definition of "material matter" in section 837.011(3) Florida Statutes (2009).

1. Materiality is not element of crime of perjury, but rather is a threshold issue that the court must determine prior to trial, as with any other preliminary matter. State v. Ellis, 723 So.2d 187 (1998), rehearing denied.

2. Misrepresentations which tend to bolster credibility of a witness, whether successful or not, are regarded as "material" for purposes of supporting a perjury conviction. *Kline v. State*, App. 1 Dist, 444 So.2d 1102 (1984), petition for review denied 451 So.2d 849
3. Misrepresentations which tend to bolster the credibility of witness, whether they are successful or not, have that potential and are regarded as "material" for purposes of perjury conviction. *Soller v. State*, App. 5 Dist., 666 So.2d 992 (1996).
4. Representation is "material" under perjury statute if it has mere potential to affect resolution of main or secondary issue before court. *Soller v. State*, App. 5 Dist., 666 So.2d 992 (1996).

I learned on February 24, 2010 that Mr. Rodems repeated his perjury in a letter dated December 28, 2009 to Pedro F. Bajo, Chair of the 13th Circuit JNC, and attached a copy of his verified pleading to the letter as "Exhibit 4". (copy enclosed). Mr. Rodems did this to bolster his credibility like in the lawsuit. This is what Mr. Rodems wrote on page 2:

"[Mr. Gillespie] Threatened to "slam" me "against the wall;" as a result, I requested that a bailiff be present at all hearings. (Exhibit "4"). As a precaution, I also scheduled Mr. Gillespie's deposition in a building requiring visitors to pass through a metal detector;"

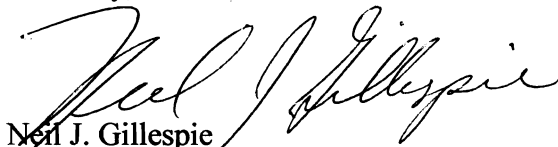
Clearly Mr. Rodems is referring to an actual assault, not a metaphor. Mr. Rodems has perjured himself to Mr. Bajo, the JNC, and ultimately the Governor.

Mr. Rodems' letter is part of the JNC file that was sent to Mr. Robert R. Wheeler, General Counsel to the Executive Office of the Governor. Since the letter may be considered by the Governor in evaluating Mr. Rodems for appointment as judge, I believe this matter now concerns the business and citizens of the State of Florida.

I can appreciate the backlash that could occur if you were to forward a charge of perjury against Mr. Rodems to the state attorney for prosecution. The Tampa legal community very close nit. And I am painfully aware of the repercussions of challenging wrongdoing by this law firm. Perhaps this matter should be referred to an outside authority.

Thank you again for your attention to this very difficult matter.

Sincerely,



Neil J. Gillespie

cc: Mr. Robert R. Wheeler, General Counsel, Executive Office of the Governor
Mr. Pedro F. Bajo, Jr., Chair, Thirteenth Judicial Circuit JNC
The Honorable James M. Barton, II, Circuit Court Judge, Thirteenth Judicial Circuit



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Tampa Police Department
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Pam Iorio, Mayor

POLICE DEPARTMENT

Jane Castor
Chief of Police

February 22, 2010

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

Re: Perjury Complaint

Dear Mr. Gillespie:

I have received the material you sent me relating to your perjury complaint against Ryan C. Rodems. After reviewing the material, it appears that the perjury involves the conflict between two statements; one of which is your own oral statement you recorded electronically, the other is the sworn written motion of Rodems in which he purports to quote your oral statement for the benefit of the court. Your original statement made during a telephone call to Rodems was:

"So listen you little, whatever, you raise anything you want, I will see you on the 25th and I will slam you against the wall like I did before."

The significance of the 25th in this statement is that you and Rodems were scheduled to attend a hearing in Judge Nielsen's chambers on that date. In purporting to quote your above statement in his motion to the court, Rodems wrote:

"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.'"

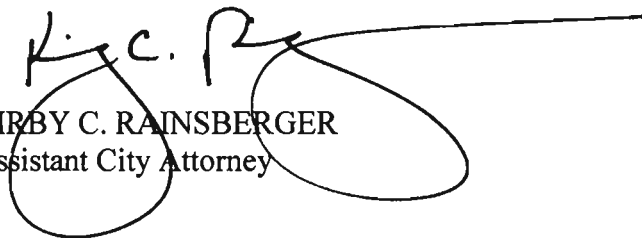
Clearly, the two statements are not identical. I think you will agree that the "slam you against the wall" portions of the respective statements are virtually the same. The difference in the statements lies in the fact that in the original you actually stated "I will see you on the 25th" and in Rodems' rendition he wrote "in Judge Nielsen's chambers." Because you both knew that your meeting on the 25th would be in Judge Nielsen's chambers, the difference in language is

Mr. Neil J. Gillespie
February 22, 2010
Page two

indisputable but not material, that is, it did not substantially change the meaning of the original statement. See the definition of "material matter" in Florida Statute Section 837.011(3)(2009). Additionally, Rodems informed the court in general terms of the portion of your conversation concerning whether you were speaking metaphorically or literally when you indicated you would slam him against the wall at the hearing. This fact further undercuts any finding that Rodems was intentionally misleading the court.

I'm not suggesting that Mr. Rodems was right or accurate in representing to the court as an "exact quote" language that clearly was not an exact quote. I'm only concluding that his misrepresentation does not, in my judgment, rise to the level of criminal perjury. No further action is contemplated by this agency at this time.

Sincerely,



KIRBY C. RAINSBERGER
Assistant City Attorney

KCR/jak

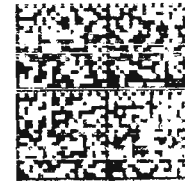
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VIA FAX (813) 276-3711

February 22, 2010

Mr. Kirby Rainsberger, Police Legal Advisor
Tampa Police Department
One Police Center
411 N. Franklin Street
Tampa, Florida 33602

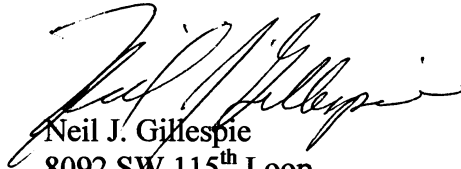
Dear Mr. Rainsberger:

Two weeks ago I provided you proof of Mr. Rodems' perjury requested in your letter of February 4, 2009.

February 17, 2010 I spoke with your assistant Janet Kasper and she acknowledged receiving the information. I asked Ms. Kasper if there was an investigation into my complaint and if the matter is confidential. Ms. Kasper said she would inquire and get back to me. As of today I have not heard from her.

When can I expect a response or information about my complaint to you? Thank you.

Sincerely,


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

Telephone: (352) 854-7807

Fax

From: Neil J. Gillespie
8092 SW 115th Loop
Ocala, FL 34481
Telephone: (352) 854-7807

To: Kirby Rainsberger, Tampa Police Legal Advisor

Fax: (813) 276-3711

Date: February 22, 2010

Pages: two (2), including this page

Re: Perjury of Ryan Rodems

Mr. Rainsberger:

Please see the accompanying letter. Thank you.

Neil Gillespie

enclosure

NOTE: This fax and the accompanying information is privileged and confidential and is intended only for use by the above addressee. If you are not the intended recipient, you are hereby notified that any use, dissemination or copying of this fax and the accompanying communications is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone, collect if necessary, and return the original message to me at the above address via U.S. mail. Thank you for your cooperation.

All calls on home office business telephone extension (352) 854-7807 are recorded for quality assurance purposes pursuant to the business use exemption of Florida Statutes chapter 934, section 934.02(4)(a)(1) and the holding of *Royal Health Care Servs., Inc. v. Jefferson-Pilot Life Ins. Co.*, 924 F.2d 215 (11th Cir. 1991).

VIA FedEx 8715 6872 2720

February 8, 2010

Mr. Kirby Rainsberger, Police Legal Advisor
Tampa Police Department
One Police Center
411 N. Franklin Street
Tampa, Florida 33602

Dear Mr. Rainsberger:

Pursuant to your letter of February 4, 2009 (enclosed) requesting proof of Mr. Rodems' perjury, please find the following enclosed:

1. CD with .wav file of the March 3, 2006 partial phone call and messages between Ryan C. Rodems and Neil J. Gillespie.
2. Transcript of the March 3, 2006 partial phone call and messages between Ryan C. Rodems and Neil J. Gillespie.
3. *Defendants' Verified Request For Bailiff And For Sanctions*, submitted March 6, 2006 by Ryan C. Rodems.
4. *Order of Recusal*, November 22, 2006, by Circuit Court Judge Richard A. Nielsen.
5. *Notice of Mr. Rodems' Written Consent To Record Telephone Conversations With Him*, submitted December 29, 2006 by Neil J. Gillespie.
6. Tampa Police Department incident report no. 00-42020, and request for prosecution, June 5, 2000 coffee throwing incident, Ryan C. Rodems witness.
7. Relevant pages, attorney Robert W. Bauer, transcript, Aug-14-08 emergency hearing before the Honorable Marva Crenshaw, p. 16, line 24.
8. Letter from Attorney General Bill McCollum dated December 7, 2007. I misplaced this letter until recently but it still directs me to the local police or sheriff's department.

On March 6, 2006 Mr. Rodems submitted with malice aforethought *Defendants' Verified Request For Bailiff And For Sanctions*, a pleading that falsely placed Circuit Court Judge Richard A. Nielsen into the dispute between the parties, a perjury in violation of §837.02(1) and §837.06. Mr. Rodems' verified pleading was made during an official proceeding as described in §837.011(1), made under oath as described in §837.011(2) and concerned a material matter as described in §837.011(3).

Mr. Rodems' pleading referenced a March 3, 2006 phone call. During the call Rodems made threats and accusations to Gillespie that caused substantial emotional distress and aggravated Gillespie's disability. Among other things, Rodems threatened to reveal Gillespie's client confidences acquired during prior representation. In response Gillespie told Rodems that he would metaphorically slam him against the wall like he did before, referring to an earlier hearing when Gillespie prevailed. Mr. Gillespie did not mention Circuit Court Judge Richard A. Nielsen in the exchange.

With malice aforethought Mr. Rodems made a verified pleading that falsely put Judge Nielsen in the exchange. Mr. Rodems swore under penalty of perjury that this was the exact quote attributed to Gillespie: "I am going to slam you up against the wall in Judge Nielsen's chambers." Mr. Gillespie did not say "in Judge Nielsen's chambers" but instead Gillespie said "like I did before." Therefore this is not an exact quote but a different statement. Mr. Rodems motive for perjury was to gain advantage in the proceedings.

A recording of the telephone conversation between Mr. Rodems and Gillespie impeaches the exact quote Mr. Rodems attributed to Gillespie. Mr. Gillespie's home office business telephone extension (352) 854-7807 is recorded for quality assurance purposes pursuant to the business use exemption of Florida Statutes chapter 934, section 934.02(4)(a)(1) and the holding of *Royal Health Care Servs., Inc. v. Jefferson-Pilot Life Ins. Co.*, 924 F.2d 215 (11th Cir. 1991). In addition, Mr. Rodems provided written consent to Gillespie to record their telephone calls, *see Notice Of Mr. Rodems' Written Consent To Record Telephone Conversations With Him*, submitted December 29, 2006.

Mr. Rodems' perjury has disrupted the proceedings. Following Mr. Rodems' perjury Judge Nielsen was prejudiced against Gillespie, and Gillespie moved to recuse. Instead Judge Nielsen recused himself November 22, 2006 after learning of the perjury.

I commenced this lawsuit pro se August 11, 2005, and established a cause of action for fraud and breach of contract January 13, 2006. By way of background, I was an existing client of Alpert, Barker, Rodems, Ferrentino & Cook in 2000 when they pressured me to intervene in their already-filed class action lawsuit against Amscot Corporation. Their lead plaintiff Eugene R. Clement was about to be disqualified for cause. The firm cheated me during the settlement and later I realized how their corrupt business model worked:

- A. Usurp the client's fiduciary interest.
- B. Procure a signed agreement from the client by any means, including fraud.
- C. Rely upon the parol evidence rule to enforce the settlement.

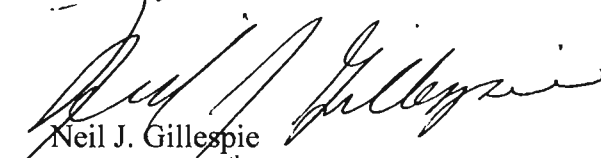
Recently I learned about other clients of this firm who made bar complaints about being overcharged in a contingency case, Rita M. Pesci and Roslyn Vazquez. This information is from Mr. Rodems' JNC application. For more background information also enclosed is a TPD incident report showing an accusation that Mr. Alpert threw coffee on opposing counsel Arnold Levine. The report shows Mr. Rodems was present and a witness.

In April 2007 attorney Robert W. Bauer of Gainesville began to represent me in this case. Mr. Bauer complained in open court about Mr. Rodems: "...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, Aug-14-08 emergency hearing before the Honorable Marva Crenshaw, p. 16, line 24). Mr. Bauer moved to withdrawal from the case October 13, 2008. An Order granting his withdrawal was signed October 9, 2009.

In December 2005 I began recording calls to make accurate notes of medical information needed for the care of my 76 year-old mother. My disability makes this necessary. It worked well and I began recording all calls on my home office business extension. Other extensions in our home are not recorded. When Mr. Rodems called March 3, 2006 I answered on the extension in the kitchen. Then I switched to my home office extension next to my computer. That accounts for a partial recording. I forgot to switch on the recorder until he started insulting me. Later I upgraded to a DynaMetric Call Saver system that records automatically. In either case the home office business telephone extension intercepts the call prior to recording.

Please contact me as needed. I am sorry for the delay in providing this information. Recently my mother died. Thank you.

Sincerely,



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

Telephone: (352) 854-7807
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CITY OF TAMPA

Pam Iorio, Mayor

POLICE DEPARTMENT

Stephen Hogue
Chief of Police

February 4, 2009

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

Re: Perjury Complaint

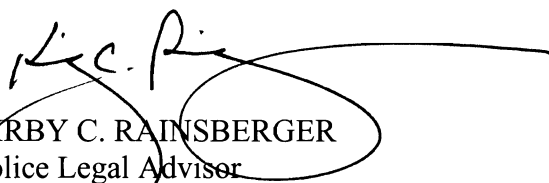
Dear Mr. Gillespie:

Your letter dated January 29, 2009 to the Tampa Police Department has been forwarded to my office for consideration. From the outset you should know that allegations of perjury in the course of litigation are rarely prosecuted. Particularly where the ultimate issue is a credibility battle, the State Attorney is understandably reluctant to devote resources to these allegations. Your case may be different if you lawfully possess irrefutable proof of perjury in an official proceeding.

Before recommending the Tampa Police Department to become involved, I need to see your proof. Specifically, I need a copy of the telephone conversation you mentioned, a copy of the sworn affidavit Mr. Rodems filed with the court and anything else you believe to be relevant. Upon receipt of these items, I will review the matter and advise you accordingly.

You may also wish to consider concurrently advising the Florida Bar which regulates the professional conduct of lawyers.

Sincerely,


KIRBY C. RAINSBERGER
Police Legal Advisor

KCR/jak



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

NEIL J. GILLESPIE,
Plaintiff,

Case No. 05-7205

-vs-

Division: "F"

BARKER, RODEMS & COOK, P.A.
A Florida Corporation,
WILLIAM J. COOK,
Defendants.

-----/

TRANSCRIPT OF TELEPHONE CONVERSATIONS

RECEIVED AT: As Indicated Below

DATE & TIME: 3 March 2006

TRANSCRIBED BY: Michael J. Borseth
Court Reporter
Notary Public

(ORIGINAL ✓)
(COPY)

Michael J. Borseth
Court Reporter/Legal Transcription
(813) 598-2703

1 APPEARANCES:

2 For the Plaintiff:

3 **NEIL J. GILLESPIE**
4 *8092 SW 115th Loop*
5 *Ocala, Florida 34481*
6 *(352) 854-7807*

7 For the Defendants:

8 **RYAN CHRISTOPHER RODEMS, ESQUIRE**
9 *Barker, Rodems & Cook, P.A.*
10 *400 North Ashley Drive*
11 *Suite 2100*
12 *Tampa, Florida 33602*
13 *(813) 489-1001*

14

15

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* * * * *

This transcript was made from a voice recording of the home office business extension telephone of Neil J. Gillespie with attorney Ryan Christopher Rodems.

All calls on the home office business telephone extension of Neil J. Gillespie (352) 854-7807 are recorded for quality assurance purposes pursuant to the business use exemption of Florida Statutes chapter 934, section 934.02(4)(a)(1) and the holding of *Royal Health Care Servs., Inc. v. Jefferson-Pilot Life Ins. Co.*, 924 F.2d 215 (11th Cir. 1991)

* * * * *

MR. GILLESPIE: My name is Neil Gillespie and this is a tape recording of myself leaving a message on the voice mail of Ryan Christopher Rodems, on March 3rd, 2006. As usual, Mr. Rodems' office staff put my call through to his voice mail. Whenever I call Mr. Rodems at his office his staff tell me that he is not available, and then ask if I would like to leave a message on his voice mail. In response I answer, yes, and proceed to leave a

1 recorded message.

2 When Mr. Rodems' staff sends me to his voice
3 mail I'm greeted by Mr. Rodems' own recorded voice
4 message. In turn, I leave a recorded message for
5 Mr. Rodems. As such, tape recording or electronic
6 recording has become our usual and customary mode
7 of communication. Each of us consents to having
8 ourselves recorded and the voluntary act of leaving
9 our voice on the recording device and making it
10 available for others.

11 Here is a tape recording of our first
12 communication on March 3rd, 2006.

13 (Phone ringing.)

14 MR. RODEMS: Hi, this is Chris Rodems. I
15 can't take your call at the moment, but if you will
16 leave me your name and telephone number I'll get
17 back to you as soon as I can. Thank you.

18 (Automated Beep)

19 MR. GILLESPIE: Good morning, Mr. Rodems, Neil
20 Gillespie calling. I'm in receipt of your motion,
21 Defendant's Motion for Sanctions Pursuant to
22 Section 57.051 Florida Statutes. I just received
23 that for the first time. You reference in here
24 something about twenty-one days prior to this you
25 served a copy upon me. I did not receive that and

1 was not aware of it and as such, I think you need
2 to amend this.

3 But anyway, I'm calling to schedule a hearing
4 on my motion to disqualify you as counsel. I have
5 spoken to the Judge's assistant and March 15th is
6 available at 3:45 p.m. I was hoping to confirm
7 this with you, but apparently you're not available
8 right now. So I'm going to go ahead and schedule
9 this March 15th at 3:45 p.m. And I'm not
10 scheduling my motion to dismiss because if this
11 motion to disqualify is granted, as I believe it
12 will be, then your new counsel can take up the
13 other motion.

14 Thank you and my telephone number here is area
15 code 352-854-7807. Thank you, sir. Have a good
16 day.

17 * * * * *

18 MR. RODEMS: This concludes my voice mail to
19 Mr. Rodems from March 3rd, 2006. The duration of
20 the call was approximately one minute and
21 forty-five seconds.

22 * * * * *

23 MR. GILLESPIE: My name is Neil Gillespie and
24 this is a partial recording of my conversation with
25 Mr. Rodems from March 3rd, 2006.

* * * * *

1
2 MR. RODEMS: -- based on the objectivity
3 argument. I like that.

4 MR. GILLESPIE: Now, you call here and just
5 marched into a tirade of insults.

6 MR. RODEMS: No, actually I haven't insulted
7 you at all. I've never said anything about you. I
8 just said that you don't really know the law
9 because you don't know how to practice law. And
10 that's not insulting, that's just actually the
11 facts.

12 I mean, your motion to dismiss our
13 counterclaim demonstrates a fundamental lack of
14 understanding. I mean, how do you plead the
15 Economic Loss Rule to a defamation claim? I mean,
16 that makes no sense.

17 MR. GILLESPIE: First of all, your defamation
18 claim has -- doesn't lie at all.

19 MR. RODEMS: -- the Eighth Amendment or
20 something. I mean, it just -- it really has no
21 basis. It's kind of silly. I mean, it's
22 embarrassing. It's -- it just has no basis at all.

23 MR. GILLESPIE: Actually, you're wrong there.

24 MR. RODEMS: Oh, the Economic Loss Rule
25 applies to a defamation claim?

1 MR. GILLESPIE: First of all, your claim
2 doesn't even lie.

3 MR. RODEMS: And the Economic Loss Rule deals
4 with tort and contract claims. And when -- and
5 when the tort arises out of a contract claim
6 that's -- what you sent to Amscot had nothing to do
7 with the other -- that was a action that you
8 created against yourself. I mean, it was kind of
9 bizarre that you would even send that letter, but
10 you did, so now you will have to pay for that.

11 MR. GILLESPIE: Oh, really?

12 MR. RODEMS: Yeah.

13 MR. GILLESPIE: I'm shaking in my boots.

14 MR. RODEMS: Neil, I mean, I don't understand,
15 you know, what your plans are. You know, instead
16 of just litigating the claims you had to go out
17 there and basically accuse us of doing something
18 wrong on something like that. It's kind of weird,
19 you know. But in any event, I mean, obviously --

20 MR. GILLESPIE: What is weird is you guys
21 lying about the legal fees. Not only is that
22 weird, that's unprofessional. And you will be
23 called to account for that.

24 MR. RODEMS: Didn't you at one time purchase a
25 car so that you could get the cash rebate to get

1 some dental work done? We're going to get to the
2 discovery, anyhow, so just tell me, did that really
3 happen?

4 MR. GILLESPIE: What?

5 MR. RODEMS: Did you purchase a car so that
6 you could get the cash rebate to get some dental
7 work done?

8 MR. GILLESPIE: Listen, this is why you need
9 to be disqualified.

10 MR. RODEMS: No, I mean, that's -- because I
11 know that? Because I know that to be a fact?

12 MR. GILLESPIE: You know it to be a fact from
13 your previous representation of me.

14 MR. RODEMS: Well, you know, see that's --

15 MR. GILLESPIE: If it is -- if it's a fact,
16 anyway.

17 MR. RODEMS: You need to study the rules and
18 regulations of the Florida Bar because when you
19 make --

20 MR. GILLESPIE: I think, I think I bought a
21 car so I would have something to drive. I don't
22 know why you buy cars, but that's why I bought it.

23 MR. RODEMS: Well --

24 MR. GILLESPIE: If it had some other benefits,
25 that's different.

1 MR. RODEMS: I understand that car was
2 repossessed shortly after you bought it so --

3 MR. GILLESPIE: No, it wasn't repossessed.

4 MR. RODEMS: Okay. Well, then you can
5 probably drive that down to the hearing then on the
6 28th.

7 MR. GILLESPIE: No, it was voluntarily turned
8 in because after 911 attack the job that I was in
9 dried up. Okay. So listen you little, whatever,
10 you raise anything you want, I will see you on the
11 25th and I will slam you against the wall like I
12 did before.

13 MR. RODEMS: Are you threatening me?

14 MR. GILLESPIE: Are you threatening me?

15 MR. RODEMS: No, you just said you would --
16 did you mean that physically or did you mean that
17 metaphorically?

18 MR. GILLESPIE: Metaphorically.

19 MR. RODEMS: Okay. Well, I just want to be
20 clear because I understand that in talking with you
21 it's very important to be precise because you don't
22 really have a good command of the language that,
23 you know, lawyers speak. But it did sound to me
24 like you were physically threatening me.

25 MR. GILLESPIE: No, no, it wasn't a physical

1 threat. And by the way, as far as your little
2 nonsense with this saying that you have been a
3 victim of some kind of -- oh, it's so ridiculous I
4 can't even think of the word now. You think
5 that -- I'll see you on the 25th. And I will slam
6 you legally, metaphorically against the wall like I
7 did before.

8 MR. RODEMS: Okay. We will see that, Neil.

9 MR. GILLESPIE: Okay.

10 MR. RODEMS: Okay. Bye-bye.

11 * * * * *

12 MR. GILLESPIE: This concludes my conversation
13 with Mr. Rodems on March 3rd, 2006. The duration
14 of the call, the part that was recorded was
15 approximately five minutes.

16 * * * * *

17
18
19
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25

C-E-R-T-I-F-I-C-A-T-E

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, Michael J. Borseth, Court Reporter
in the Circuit Court of the Thirteenth Judicial
Circuit of the State of Florida, in and for
Hillsborough County, DO HEREBY CERTIFY, that I was
authorized to and did transcribe a tape/CD recording of
the proceedings and evidence in the above-styled cause,
as stated in the caption hereto, and that the foregoing
pages constitute an accurate transcription of the tape
recording of said proceedings and evidence, to the best
of my ability.

IN WITNESS WHEREOF, I have hereunto set my hand
in the City of Tampa, County of Hillsborough, State of
Florida, this 1 February 2010.

MICHAEL J. BORSETH, Court Reporter

A handwritten signature in cursive script, reading "Michael J. Borseth", is written over a horizontal line.

**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.

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.

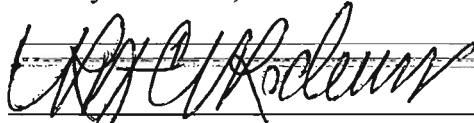
6. I am concerned that Plaintiff may become violent if additional hearings do not resolve favorably for him, and I request that the Court have a bailiff available at any future hearings. In over thirteen years of practicing law, I have had only one other occasion wherein I was threatened in a manner 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 6th 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 6th day of March, 2006.




RYAN CHRISTOPHER RODEMS, ESQUIRE

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

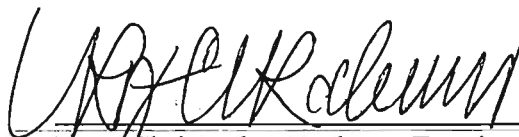
Sworn to or affirmed and signed before me on 3/06/06 by Ryan Christopher Rodems, who is personally known to me.


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 115th Loop, Ocala, Florida 34481, this ^{6th}~~3^d~~ day of March,
2006.



Ryan Christopher Rodems, Esquire

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

NEIL J. GILLESPIE,

PLAINTIFF,

CASE NUMBER: 05-CA-7205

vs.

DIVISION " F "

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

DEFENDANTS.

_____ /

ORDER OF RECUSAL

THIS CAUSE came before the court upon its own motion, and the court being fully advised in this matter, that it is in the best interest of all parties that this case be assigned to another division. It is therefore

ADJUDGED as follows:

1. The court hereby recuses itself from further proceedings in this case.
2. The Clerk's office is directed to immediately reassign this case under the blind rotation system.

ORDERED in Chambers, at Tampa, Hillsborough County, Florida, this _____
day of _____, 20____.

ORIGINAL SIGNED

NOV 22 2006

**RICHARD A. NIELSEN
CIRCUIT COURT JUDGE**

**RICHARD A. NIELSEN
CIRCUIT JUDGE**

Copies furnished to:

Neil J. Gillespie, pro se
8092 SW 115th Loop
Ocala, Florida 33481

Ryan C. Rodems, Esquire
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

**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: H

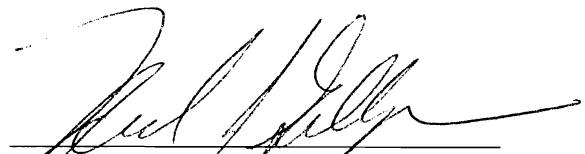
Defendants.

_____ /

**NOTICE OF MR. RODEMS' WRITTEN CONSENT
TO RECORD TELEPHONE CONVERSATIONS WITH HIM**

1. Plaintiff received written consent from Ryan Christopher Rodems to record telephone conversations with him, by his letter dated October 5, 2006. (Exhibit A).
2. This is what Mr. Rodems wrote to Plaintiff: "In the past, you have requested to record telephone conversations with me, and I continue to have no objection to that procedure." (Exhibit A, paragraph 1, last sentence).
3. Plaintiff thanks Mr. Rodems for his ongoing consent to record telephone conversations with him.

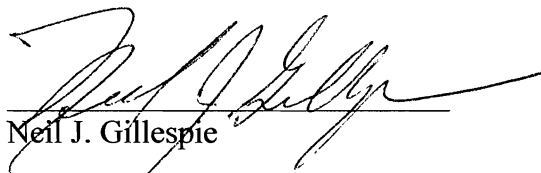
RESPECTFULLY SUBMITTED this 29th day of December, 2006.



Neil J. Gillespie, Plaintiff pro se
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: (352) 502-8409

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by US mail, first class, to Ryan Christopher Rodems, Attorney, Barker, Rodems & Cook, P.A., 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602, this 29th day of December, 2006.



Neil J. Gillespie

BARKER, RODEMS & COOK
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

CHRIS A. BARKER
RYAN CHRISTOPHER RODEMS
WILLIAM J. COOK

400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

Telephone 813/489-1001
Facsimile 813/489-1008

October 5, 2006

Mr. Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481

**Re: Neil J. Gillespie v. Barker, Rodems & Cook, P.A.,
a Florida Corporation; and William J. Cook
Case No.: 05-CA-7205; Division "F"**

Dear Neil:

In response to your letter of October 5, 2006 rejecting our settlement offer, we acknowledge that Mr. Snyder no longer represents you. We have not placed a "block" of your telephone number from our "system" as you put it. I suggest you check with your service provider to see if you have a service problem. We have had no similar difficulties with anyone else trying to reach us by telephone. Perhaps, if your home telephone does not work, you could use a public pay telephone or obtain a prepaid telephone card. In the past, you have requested to record telephone conversations with me, and I continue to have no objection to that procedure.

As for your communication with Ms. Kaufman, we will advise the Court that Travelers agreed to cover your claim, but you instructed Travelers not to do so when you learned that we were negotiating a settlement of the counterclaims. We will also advise the Court that Ms. Kaufman refused your request that Travelers not settle the claim but nevertheless provide you with counsel.

As I mentioned to you in my recent letter, we are reviewing our discovery responses and will respond to you by letter issued on or before October 9, 2006. We will not horse-trade on discovery, so your request that we ask the Court to quash its July 24, 2006 Order is rejected out of hand.

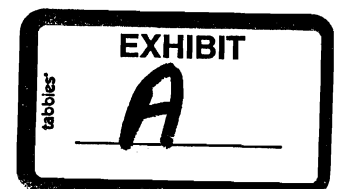
Enclosed is a proposed Order regarding the October 4, 2006 hearing. I will transmit it to Judge Nielsen on October 12, 2006, unless you agree to it and advise me before that date. I trust you will not consider delaying the entry of the Order in hopes of evading yet another deadline in this case.

Sincerely,



Ryan Christopher Rodems

RCR/so
Enclosure



INCIDENT REPORT - TAMPA POLICE DEPARTMENT

Page 1 of 3

Event	1	Offense/Incident		State Statute	Location	Date Reported		Time Reported		Grid	
	2	Offense/Incident		State Statute	Location	Date Reported		Time Reported		Grid	
Victim	3	Name: Last		First	Middle	Race	Sex	D.O.B.	Age	5	8
	4	Name: Last		First	Middle	Race	Sex	D.O.B.	Age	5	8
	5	Home Address		City	County	State	Zip	Home Phone			
	6	Business/School Address		City	County	State	Zip	Business Phone		Hrs.	
	7	Business/School Address		City	County	State	Zip	Business Phone		Hrs.	
Property	8	Code		Item	Description/Serial Number/Identification No., etc.				Value	Rec. Val.	
	9	Code		Item	Description/Serial Number/Identification No., etc.				Value	Rec. Val.	
	10	Code		Item	Description/Serial Number/Identification No., etc.				Value	Rec. Val.	
	11	Code		Item	Description/Serial Number/Identification No., etc.				Value	Rec. Val.	
	12	Code		Item	Description/Serial Number/Identification No., etc.				Value	Rec. Val.	
Vehicle	13	Code		Type	YR	Make	Model/Style	Color	Tag/State/Year	VIN No.	Value
	14	Code		Type	YR	Make	Model/Style	Color	Tag/State/Year	VIN No.	Value
	15	Code		Type	YR	Make	Model/Style	Color	Tag/State/Year	VIN No.	Value
	16	Code		Type	YR	Make	Model/Style	Color	Tag/State/Year	VIN No.	Value
	17	Code		Type	YR	Make	Model/Style	Color	Tag/State/Year	VIN No.	Value
Arrests	18	Name: Last		First	Middle	Race	Sex	D.O.B.	Age	OERS No.	
	19	Name: Last		First	Middle	Race	Sex	D.O.B.	Age	OERS No.	
	20	Name: Last		First	Middle	Race	Sex	D.O.B.	Age	OERS No.	
	21	Name: Last		First	Middle	Race	Sex	D.O.B.	Age	OERS No.	
	22	Name: Last		First	Middle	Race	Sex	D.O.B.	Age	OERS No.	
Reconstruction	23	THE VICTIM & DEFENDANT ARE BOTH ATTORNEYS AND WERE REPRESENTING THEIR CLIENTS IN A MEDIATION HEARING. THE VICTIM ALLEGES THAT THE DEFENDANT BEGAN YELLING AND INTENTIONALLY THREW THE CONTENTS OF A 20 OZ. CUP OF HOT COFFEE WHICH STRUCK HIM IN THE CHEST STRIKING HIS SHIRT. A REQUEST FOR PROSECUTION WAS ISSUED FILE BATTERY.									
	24	Domestic Violence Form Issued <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No									
	25	Assault Victim Form Issued <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
	26	Crime Scene Tech Assigned									
	27	Reporting Officer Div./Sgt. Second Officer Div./Sgt. Retired Reports									
Admin.	28	Retained To By: Inactive/Admin Unbonded Arrest Notice to Appear Adult Juvenile									
	29	Exceptionally Cleared To: Adult Juvenile Prosecution Declined Death of Offender Extrajurisdiction Declined Juvenile No Custody Victim Signed Complaint Withdrawn Arrested Prior Offense									
	30	Edited By Date Referred To Division									
	31	Records Section Only: Copies to									
	32	Reported By Date Entry Pick Up									

Codes		SP-Suspects		W-Witness		JA-Juvenile Arrest		JR-Runaway		M-Missing		Page 2 of 3																
Restricted Persons	Code	3	Name: Last	First	Middle	Race	Sex	DOB/Age	Height	Weight	Hair	Skin	Eyes	Build	Armed													
		SP 01	ALPERT	JOHN	NATHAN L.	W	M	8-4-45	5'6"	150	BRN	LT	BRN	MEA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
	Home Address	902 ANCHORAGE RD					City	TAMPA	County	HILLS	State	FL	Zip	33602	Phone	223-1757												
	Business/School Address	100 S. ASHLEY ST. #2000					City	TAMPA	County	HILLS	State	FL	Zip	33602	Phone	223-4131												
	Occupation	ATTORNEY					Work Hours	0900-1700	Can ID PU	<input checked="" type="checkbox"/> <input type="checkbox"/>	With/Time	Foul Play		<input type="checkbox"/>	Miss Prev	<input type="checkbox"/>												
	Additional Description/Juvenile Charges														12													
Restricted Persons	Code	3	Name: Last	First	Middle	Race	Sex	DOB/Age	Height	Weight	Hair	Skin	Eyes	Build	Armed													
		W 01	BRENNAN	EDWARD	M	W	M	9-5-62							<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
	Home Address	14907 DEVINSHIRE WOODS R					City	TAMPA	County	HILLS	State	FL	Zip	33624	Phone	941-2656												
	Business/School Address	100 S. ASHLEY ST. #1600					City	TAMPA	County	HILLS	State	FL	Zip	33602	Phone	229-6585												
	Occupation	ATTORNEY					Work Hours	0900-1700	Can ID PU	<input checked="" type="checkbox"/> <input type="checkbox"/>	With/Time	Foul Play		<input type="checkbox"/>	Miss Prev	<input type="checkbox"/>												
	Additional Description/Juvenile Charges														12													
Evidence	Item #	Description																										
Dusted		Prints Attached		Photos		Evidence No		How Marked		Prop Clerk		Date		Time														
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																								
<p>If an officer is assaulted or killed, consult the CIS Code Sheet and enter the appropriate codes in the blocks. The incident must be fully explained in the Narrative Section.</p> <p>Officer's Name: _____</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td> </tr> </table> <p>Narrative</p> <p><u>INTERVIEW:</u> THE COMPLAINANT IS AN ATTORNEY. ON SATURDAY 3 JUNIOO AT 1230 HRS HE WAS WITH HIS CLIENTS IN A MEDIATION HEARING ON THE 13 TH FLOOR. THE DEFENDANT IS ALSO AN ATTORNEY AND HAD HIS CLIENTS IN THE MEETING. DURING THE HEARING, NEGOTIATIONS WENT BAD AND THE DEFENDANT BEGAN RANTING AND RAVING. ALL THE CLIENTS LEFT THE ROOM LEAVING HIMSELF, THE DEFENDANT, EDWARD BRENNAN, PETER GRILLI, RICK MCKAY, RYAN ODENS IN THE ROOM. THE DEFENDANT WALKED AROUND THE TABLE AND WAS ABOUT 6 FEET AWAY FROM HIM. THE DEFENDANT TOSSED THE CONTENTS OF A 20 OZ CUP OF HOT COFFEE WHICH STRUCK HIM IN THE CHEST STAINING HIS SHIRT AND CAUSING HIM MUCH EMBARRASSMENT.</p> <p>THE COMPLAINANT SAVED THE COFFEE STAINED SHIRT FOR EVIDENCE. THE FIRST OF THE SHIRT WAS IMMEDIATELY STAINED.</p> <p><u>INTERVIEW:</u> EDWARD BRENNAN WAS IN THE MEETING AND WITNESSED THE EVENT AT 1230 AT 13 TH FLOOR.</p>																13	14	15	16	17	18	19	20	21	22	23	24	25
13	14	15	16	17	18	19	20	21	22	23	24	25																

TAMPA POLICE DEPARTMENT CONTINUATION/LETTER

Page 3 of 3

Offense/Incident

BATTERY

Location

100 S. ASHLEY ST.

Date

5 JAN 00

Victim/Firm

LEVINE, ARNOLD

Address

100 S. ASHLEY ST.

INVESTIGATION:

I RESPONDED TO THE VICTIM'S OFFICE AND INTERVIEWED HIM AND THE WITNESS. I THEN WENT TO SUITE #2000 AND MET WITH THE SUSPECT. HE IDENTIFIED HIMSELF BUT ELECTED TO NOT MAKE ANY STATEMENTS ABOUT THE INCIDENT WITHOUT HIS ATTORNEY PRESENT.

I COMPLETED A REQUEST FOR PROSECUTION FOR BATTERY ON THE DEFENDANT AND GAVE THE ORIGINAL COPY TO THE VICTIM.

Reporting Officer

Div/Sqd

Second Officer

Div/Sqd

Edited By

Date

Records Section Only Copies to

Routed By

Data Entry

Pick Up

Report No.
00-72000

REQUEST FOR PROSECUTION BY COMPLAINANT

IF YOU WISH THIS CASE TO BE CONSIDERED FOR PROSECUTION MAIL THIS FORM TO THE STATE ATTORNEY'S OFFICE: 800 E. TWIGGS ST., TAMPA, FL 33602, ATTENTION: INTAKE AFTER 3 DAYS BUT NO LATER THAN 14 DAYS.

TO BE FILLED IN BY OFFICER:
(FOR USE IN MISDEMEANOR CASES ONLY)

UCR 02902		AGENCY TPD		CASE NO. 00-42020	
DEFENDANT'S LAST NAME ALPERT			FIRST JOHNATHAN		MIDDLE L.
ADDRESS OR PLACE DEFENDANT CAN BE LOCATED (NOT A P.O. BOX) 100 S. ASHLEY SUITE #2000			CITY TAMPA		ZIP 33602
DOB 8-4-45	SEX M	RACE W	HT 5-6	WT 150	PHONE 223-4131
CO-DEFENDANT (S) COMPLETE SEPARATE COMPLAINT FOR EACH NONE				CROSS COMPLAINT ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
CIRCLE ONE <u>WITHIN CITY OF TAMPA</u> PLANT CITY TEMPLE TERRACE			IF UNINCORPORATED AREA CHECK ONE		
LOCATION OF OFFENSE: 100 S. ASHLEY 13TH FLOOR			() W. OF 301 () E. OF 301		
OFFENSE BATTERY			DATE OF OFFENSE 3JUN00		STATUTE 784.03
COMPLAINANT'S LAST NAME LEVINE		FIRST NAME ARNOLD		MIDDLE NAME D.	RACE/SEX W/M
D.O.B. 12-12-31		ADDRESS 100 S. ASHLEY ST. #1600		CITY TAMPA	ZIP 33602
HOME PHONE [REDACTED]		BUSINESS PHONE 229-6585		WORK HOURS 0800-1700	
RELATIONSHIP TO DEFENDANT CIRCLE ONE					
SPOUSE/RELATIVE () NEIGHBOR CO-WORKER ACQUAINTANCE <u>(NONE)</u>					
WITNESS LAST BRENNAN	FIRST EDWARD	MIDDLE M.	D.O.B. 9-5-62	ADDRESS 100 S. ASHLEY #1600	
PHONE 229-6585					
WITNESS LAST RYAN C. RODEMS	FIRST 	MIDDLE 	D.O.B. 	ADDRESS 100 S. ASHLEY #2000	
PHONE 223-4131					

STATE FACTS TO ESTABLISH THAT A CRIME WAS COMMITTED: THE VICTIM AND DEFENDANT ARE BOTH ATTORNEYS AND WERE REPRESENTING THEIR CLIENTS IN A MEDIATION HEARING. DURING THE MEETING THE DEFENDANT BECAME ENRAGED AND BEGAN YELLING. THE DEFENDANT TOSSED THE CONTENTS OF A 20 OZ. CUP OF HOT COFFEE AT THE VICTIM STRIKING HIM IN THE CHEST AND STAINING HIS SHIRT. THE VICTIM AND WITNESS #1 STATED IT WAS AN INTENTIONAL ACT.

STATE FACTS TO ESTABLISH THAT DEFENDANT COMMITTED CRIME: THE VICTIM AND WITNESSES IDENTIFIED THE DEFENDANT BY NAME AND KNEW HIS OFFICE ADDRESS. THE DEFENDANT IDENTIFIED HIMSELF TO THE AFFAIANT BUT DID NOT WISH TO MAKE A STATEMENT WITHOUT HIS ATTORNEY PRESENT. WITNESS #2 WOULD NOT MAKE A STATEMENT.

LAW ENFORCEMENT OFFICER D. MILLER	BADGE NO. 660	DISTRICT 15	SQUAD 80	SIGNATURE <i>[Signature]</i>	DATE 5JUN00
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TO BE FILLED OUT BY COMPLAINANT: I desire prosecution in this case and request the State Attorney's Office to review it for prosecution.

Write a brief statement about what happened and list any additional witnesses not listed above, and their address (use additional paper if necessary).

ADDRESS OR PLACE DEFENDANT CAN BE LOCATED (NOT A P.O. BOX) 100 S. ASHLEY SUITE # 2000					CITY TAMPA	ZIP 33602
DOB 8-4-45	SEX M	RACE W	HT 5-6	WT 150	PHONE 223-4131	
CO-DEFENDANT (S) COMPLETE SEPARATE COMPLAINT FOR EACH NONE					CROSS COMPLAINT ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
CIRCLE ONE <input checked="" type="checkbox"/> WITHIN CITY OF TAMPA PLANT CITY-TEMPLE TERRACE					IF UNINCORPORATED AREA CHECK ONE	
LOCATION OF OFFENSE: 100 S. ASHLEY 13TH FLOOR					() W. OF 301 () E. OF 301	
OFFENSE BATTERY					DATE OF OFFENSE 3 JUN 00	STATUTE 784.03
COMPLAINANT'S LAST NAME LEVINE		FIRST NAME ARNOLD		MIDDLE NAME D.	RACE/SEX W/M	D.O.B. 12-12-31
ADDRESS 100 S. ASHLEY ST. #1600		CITY TAMPA	ZIP 33602	HOME PHONE [REDACTED]	BUSINESS PHONE 229-6585	WORK HOURS 0800-1700
RELATIONSHIP TO DEFENDANT CIRCLE ONE SPOUSE/RELATIVE () NEIGHBOR CO-WORKER ACQUAINTANCE <input checked="" type="checkbox"/> NONE						
WITNESS LAST BRENNAN	FIRST EDWARD	MIDDLE M.	D.O.B. 9-5-62	ADDRESS 100 S ASHLEY #1600		PHONE 229-6585
WITNESS LAST RYAN C. R	FIRST ODEMS	MIDDLE	D.O.B.	ADDRESS 100 S ASHLEY #2000		PHONE 223-4131

STATE FACTS TO ESTABLISH THAT A CRIME WAS COMMITTED: THE VICTIM AND DEFENDANT ARE BOTH ATTORNEYS AND WERE REPRESENTING THEIR CLIENTS IN A MEDIATION HEARING. DURING THE MEETING THE DEFENDANT BECAME ENRAGED AND BEGAN YELLING. THE DEFENDANT TOSSED THE CONTENTS OF A 2.0 OZ CUP OF HOT COFFEE AT THE VICTIM STRIKING HIM IN THE CHEST AND STAINING HIS SHIRT. THE VICTIM AND WITNESS #1 STATED IT WAS AN INTENTIONAL ACT.

STATE FACTS TO ESTABLISH THAT DEFENDANT COMMITTED CRIME: THE VICTIM AND WITNESSES IDENTIFIED THE DEFENDANT BY NAME AND KNEW HIS OFFICE ADDRESS. THE DEFENDANT IDENTIFIED HIMSELF TO THE AFFIANT BUT DID NOT WISH TO MAKE A STATEMENT WITHOUT HIS ATTORNEY PRESENT. WITNESS #2 WISHED NOT MAKE A STATEMENT.

D.W. MILLER	660	D5	80	D.W. MILLER	5 JUN 00
LAW ENFORCEMENT OFFICER	BADGE NO.	DISTRICT	SQUAD	SIGNATURE	DATE

TO BE FILLED OUT BY COMPLAINANT: I desire prosecution in this case and request the State Attorney's Office to review it for prosecution.

Write a brief statement about what happened and list any additional witnesses not listed above, and their address (use additional paper if necessary).

I AFFIRM THESE FACTS ARE TRUE

SIGNATURE

PRINT NAME

CITY OF TAMPA, FLORIDA

Tampa Police Department

One Police Center
411 N. Franklin Street
Tampa, Florida 33602



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

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

4 NEIL J. GILLESPIE,
5 Plaintiff,

Case No. 05-CA-7205

6 -vs-

Division: "F"

7 BARKER, RODEMS & COOK, P.A.
8 a Florida corporation; and
9 WILLIAM J. COOK,
10 Defendants.
11 -----/

12 TRANSCRIPT OF EMERGENCY HEARING

13 BEFORE: HONORABLE MARVA CRENSHAW
14 Circuit Judge

15 TAKEN AT: Courtroom 502
16 George E. Edgecomb Courthouse
17 Tampa, Florida

18 DATE & TIME: 14 August 2008

19 TRANSCRIBED BY: Michael J. Borseth
20 Court Reporter
21 Notary Public

22
23
24 (ORIGINAL ✓)
25 (COPY)

1 APPEARANCES:

2 For the Plaintiff: (Via telephone)

3 **ROBERT W. BAUER, ESQUIRE**

4 *Robert W. Bauer, P.A.*

5 2815 NW 13th Street

6 Gainesville, Florida 32609

7 (352) 375-2518

8 NEIL J. GILLESPIE, PLAINTIFF (Via telephone)

9 For the Defendants:

10 **RYAN C. RODEMS, ESQUIRE**

11 *Barker, Rodems & Cook, P.A.*

12 400 North Ashley Drive

13 Suite 2100

14 Tampa, Florida 33602

15 (813) 489-1001

P R O C E E D I N G S

(This transcript was made from a voice recording of the home office business extension telephone of Neil J. Gillespie with attorney Robert W. Bauer of Gainesville. Mr. Bauer called Mr. Gillespie on August 14, 2008, at 3:51 p.m. to attend the hearing telephonically.)

THE COURT: All right. Counsel on the line, give us your name, please.

MR. BAUER: This is Robert Bauer, Your Honor. And I also have my client, Neil Gillespie, on the line.

THE COURT: You can have a seat.

All right. We're here on your Motion to Stay.

MR. BAUER: Yes, Your Honor.

THE COURT: Go forward on your Motion to Stay.

MR. BAUER: Your Honor, this is an action between the two parties for breach of contract. It arises out of a situation with a attorney/client relationship and a belief that there was not proper execution of that contract. It has survived motions to dismiss and issues and there are still count -- one count out that's staying against the law firm itself and it survived and is ready to move forward with discovery.

1 exempt from this. So it does still make sense to
2 stay the underlying judgment and say, we need to
3 stop at this point.

4 We are willing to take any other possible
5 exceptions that the Court requires to make sure.
6 If the Court wants to impose the requirement that
7 Mr. Gillespie submit to a deposition for the
8 financial purposes, yes. I think that's perfectly
9 reasonable and goes along with the case law. We
10 will do those things. If the Court wants to set a
11 bond amount that is reasonable, we will happily
12 comply with whatever the Court requires.

13 We're simply asking that relief from this
14 point so that we can proceed forward with the case
15 and honestly quit having these distractions from
16 moving forward with the underlying case. There has
17 been a lot of attempts -- there was problems with
18 that when Mr. Gillespie was pro se and I have come
19 on board and attempted to have a more focused
20 approach. Me and Mr. Rodems did initially have
21 that professional discourse and were able to do
22 that. Unfortunately, there has been recently do to
23 apparently some rulings that we have received,
24 Mr. Rodems has, you know, decided to take a full
25 nuclear blast approach instead of us trying to work

1 this out in a professional manner. It is my
2 mistake for sitting back and giving him the
3 opportunity to take this full blast attack.

4 I think it's appropriate for the Court to
5 issue a stay, that any reasonable exceptions that
6 the Court wants we will be happy to comply with and
7 that's what we ask for.

8 THE COURT: What precludes your client from
9 opposing a stay in accordance with the rule in the
10 form of a supersedeas bond?

11 MR. BAUER: We don't have a problem with that,
12 Your Honor. The biggest issue with this is that we
13 were caught unaware in a situation where there
14 wasn't the Court that we could go to dealing with
15 this situation and we needed -- because of what was
16 going on because of the money that he had and was
17 being seized from the bank and everything was being
18 closed up, we needed to take just as quick a return
19 approach; call the Court, get their assistance,
20 have this stopped. Whatever bond that the Court
21 requires we will get posted.

22 THE COURT: My ruling is then that he post a
23 supersedeas bond in accordance with the appellate
24 rules.

25 MR. BAUER: In the --



**BILL MCCOLLUM
ATTORNEY GENERAL
STATE OF FLORIDA**

OFFICE OF THE ATTORNEY GENERAL

**Office of Citizen Services
The Capitol
Tallahassee, Florida 32399-1050**

**Telephone (850) 414-3990 , SunCom 994-3990
Fax (850) 410-1630, SunCom 210-1630**

December 7, 2007

Mr. Neil J. Gillespie
8092 Southwest 115th Loop
Ocala, Florida 34481

Dear Mr. Gillespie:

Thank you for contacting Attorney General Bill McCollum regarding Barker, Rodems & Cook, P.A. and the allegation of perjury by Mr. Ryan Christopher Rodems.

The Attorney General's Office does not have jurisdiction in this matter. By contacting The Florida Bar you have contacted the appropriate agency to review your concerns. The Florida Supreme Court has designated The Florida Bar as the agency responsible for reviewing grievances against lawyers licensed to practice in this state. The Florida Bar's decisions are not subject to the Attorney General's authority.

As the Governor's Office suggested, and as you wish to file a criminal complaint regarding alleged perjury, please contact the local law enforcement agency and state attorney's office where the criminal violation occurred. In Florida, the local police or sheriff's department and the elected state attorney in each judicial circuit are responsible for investigating and prosecuting crime at the local level. Those authorities operate independently and are not a part of the Attorney General's Office. If you have not already done so, you may contact the Hillsborough County Sheriff's Office and Thirteenth Judicial Circuit State Attorney's Office at the following:

Hillsborough County Sheriff's Office
Post Office Box 3371
Tampa, Florida 33601
Phone: (813) 247-8000

Thirteenth Judicial Circuit State Attorney's Office
County Courthouse Annex, Fifth Floor
800 East Kennedy Boulevard
Tampa, Florida 33602
Phone: (813) 272-5400

Otherwise, please continue with your private attorney if you need any legal guidance. An attorney can give you the legal advice which our office is not at liberty to provide to private individuals. We hope this proves helpful to you. Thank you for contacting Attorney General McCollum's Office.

Sincerely,

OFFICE OF CITIZEN SERVICES
Florida Attorney General's Office

OCS/ba