

VIA US Certified Mail, RRR
Article No.: 7010 0780 0000 8981 6450

April 20, 2011

Major James Livingston, Commander
Court Operations Division
Hillsborough County Sheriff's Office (HCSO)
PO Box 3371
Tampa, Florida 33601

RE: Request for criminal prosecution of Judge Martha J. Cook and Attorney Ryan Christopher Rodems, chapter 825, Florida Statutes

Dear Major Livingston:

This is a request for prosecution of Judge Martha J. Cook and Attorney Ryan Christopher Rodems under chapter 825, Florida Statutes, Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults. My affidavit of November 1, 2010 shows Judge Cook ordered me removed from the hearing on Defendants' Motion for an Order of Contempt and Writ of Bodily Attachment, and that Judge Cook falsified the Order in stating that I voluntarily left the hearing and did not return. Your letter of January 12, 2011 shows that I did not leave the hearing voluntarily but was ordered removed by Judge Cook.

Judge Cook's order is currently in appeal in the Second District Court of Appeal, Case No. 2D10-5197. While preparing the Index and Record for appeal, the Clerk could not locate two other affidavits submitted during the time Judge Cook presided over the case¹. A copy of the Clerk's Certificate dated March 22, 2011 is enclosed.

The Clerk's case docket shows that Donna Healy, Associate Courts Director, docketed my HIPAA protected ADA confidential medical information June 21, 2010. On April 4, 2011 I asked Ms. Healy how she obtained the confidential information and who provided the file. My follow-up email April 8th concluded that Judge Cook was responsible the disclosure. Ms. Healy received both emails and did not respond to either. See enclosed.

Violations of §§ 825.102(1)(b)(c) and (2)(c), Florida Statutes

Judge Cook falsified an Order of Contempt with a provision for incarceration, illegally removed files from the case, and unlawfully published a confidential medical report in violation of 825.102(1) Florida Statutes, abuse of a disabled adult, (b) an intentional act that could reasonably be expected to result in psychological injury to a disabled adult;

¹ A pleading in a cause after filing becomes a part of the record and should not be altered, amended, or destroyed without permission of the court, on due notice to the opposite party, and should be kept by the clerk in files of his office. Gracy v. Fielding, 83 Fla. 388, 91 So. 373. The Clerk of the Circuit Court has a legal duty to maintain and to provide access to the records contained in its files unless the records are legally exempt from disclosure. Radford v. Brock, App. 2 Dist., 914 So.2d 1066 (2005).

and (c) active encouragement of Mr. Rodems by Judge Cook to commit an act that results or could reasonably be expected to result in psychological injury to a disabled adult. I am an adult and disabled as defined by the ADA and § 825.101(4), Fla. Stat., and as shown in other filings. Mr. Rodems is seeking to have me incarcerated on the bogus Order.

Judge Cook violated section 825.102(2) Florida Statutes, aggravated abuse of a disabled adult (c) by knowingly or willfully abusing a disabled adult, and in so doing caused permanent disability. Dr. Karen Huffer determined that the abuse caused permanent disability and wrote "He [Gillespie] is left with permanent secondary wounds" in her letter of October 28, 2010. (copy enclosed). Dr. Huffer also wrote:

"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." (Dr. Huffer, Oct-28-10, p1, ¶2)

The threat of wrongful incarceration is an intentional act by a judge that could reasonably be expected to result in psychological injury to a disabled adult.
--

An review of this lawsuit by attorney Seldon J. Childers produced *An Economic Analysis Spreadsheet* draft dated September 17, 2009 that states the following:

"Non-Pecuniary Cost of Litigation. Plaintiff is likely suffering from physical and emotional ill effects resulting from the litigation, as described in Legal Abuse Syndrome, the book provided to me by Plaintiff. It is always difficult to put a dollar figure on the non-pecuniary costs of any case, and this case is no different. In attempting to evaluate the physical and emotional costs of going forward with the litigation, I considered both short and long-term effects, and the opportunity cost caused not just by direct time invested in the case but also by loss of energy related to physical and emotional side-effects. My estimate was \$100,000, but this figure is subjective and the Plaintiff may wish to adjust this figure upwards or downwards. There is 100% probability these costs will be incurred regardless of the outcome of the litigation." (p.4, ¶4). (available on request)

More Unlawful Abuse by Judge Cook in violation of ch. 825 Fla. Stat.

Verified Emergency Petition For Writ of Prohibition, Case No. 2D10-5529, 2dDCA

More evidence of Judge Cook's abuse that could reasonably be expected to result in psychological injury to a disabled adult is described in Verified Emergency Petition For Writ of Prohibition and Motion For Order of Protection, Case No. 2D10-5529, Second District Court of Appeal, filed November 18, 2010. Judge Cook recused herself sua sponte the same date the Petition was filed. The Petition is on the enclosed CD in PDF and is 763 pages with exhibits.

Unlawful Abuse by Mr. Rodems in violation of ch. 825 Fla. Stat.

Mr. Rodems is unlawfully defending his firm and law partner, Barker, Rodems & Cook, P.A. and William J. Cook, against claims by me, a former client, on a matter that is substantially the same as the prior representation². During the representation Mr. Rodems violated § 825.102(1) Florida Statutes, abuse of a disabled adult, (b) an intentional act that could reasonably be expected to result in psychological injury to a disabled adult.

Barker, Rodems & Cook, P.A. knows my disability from prior representation, see:

1. Plaintiff's Accommodation Request Americans with Disabilities Act (ADA), February 18, 2007; and
2. Plaintiff's Amended Accommodation Request Americans with Disabilities Act (ADA), March 5, 2007

On March 3, 2006 Rodems telephoned me at home and threatened to use information learned during his firm's prior representation against me in the instant lawsuit. Rodems' threats were twofold; to intimidate me into dropping this lawsuit by threatening to disclose confidential client information, and to inflict emotional distress, to aggravate my disability, and inflict injury upon me for his advantage in this lawsuit. This was an intentional act that could reasonably be expected to result in psychological injury to a disabled adult in violation of chapter 825 Florida Statutes.

On March 6, 2006, Mr. Rodems made a false verification the Court about the March 3, 2006 telephone call. Mr. Rodems submitted Defendants' Verified Request For Bailiff And For Sanctions, and told the Court under oath that I threatened acts of violence in Judge Nielsen's chambers. It was a stunt that backfired when a recording of the phone call showed that Mr. Rodems lied. This was an intentional act that could reasonably be expected to result in psychological injury to a disabled adult in violation of chapter 825 Florida Statutes.

My 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.*

² See Emergency Motion To Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, P.A. submitted July 9, 2010. (Writ of Prohibition, Exhibit 19)

Jefferson-Pilot Life Ins. Co., 924 F.2d 215 (11th Cir. 1991). In addition, Mr. Rodems provided written consent to record telephone calls, see *Notice Of Mr. Rodems' Written Consent To Record Telephone Conversations With Him*, submitted December 29, 2006.

Mr. Rodems unlawfully disrupted the proceedings. Initially I had a good working relationship with Judge Nielsen and his judicial assistant Myra Gomez. After Rodems' stunt Judge Nielsen did not manage the case lawfully, favored Defendants in rulings, and responded to me sarcastically.

Following the hearing of April 25, 2006 Mr. Rodems waited outside Judge Nielsen's chambers to taunt me and provoke a fight. At the next hearing June 28, 2006 I requested protection from the Court to prevent a reoccurrence.

MR. GILLESPIE: Thank you, Judge. And, Your Honor, would you ask that Mr. Rodems leave the area. The last time he left, he was taunting me in the hallway and I don't want that to happen today.

THE COURT: Well, you can stay next to my bailiff until he goes home and then you can decide what you want to do, sir.

(Transcript, June 28, 2006, beginning on page 21, at line 20)

It was clear that the Court was hostile and prejudiced against me, and after denying a motion to disqualify that was untimely, Judge Nielsen recused himself sua sponte.

During a hearing February 5, 2007, Judge Isom referred me to law enforcement, and Kirby Rainsberger, Legal Advisor to the Tampa Police Department, reviewed the matter and wrote February 22, 2010 that Mr. Rodems was not right and not accurate in representing to the Court as an "exact quote" language that clearly was not an exact quote.

My communication with Mr. Rainsberger is enclosed in PDF on CD, 119 pages.

The delay in contacting Mr. Rainsberger was due to hiring counsel following Judge Isom's hearing. In April 2007 attorney Robert W. Bauer of Gainesville began to represent me. 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, and the withdrawal Order was signed October 9, 2009.

Mr. Rodems' violation of § 784.048, Florida Statutes

Since March 3, 2006, Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward me that has aggravated my disability, caused substantial

emotional distress and serves no legitimate purpose. This is a violation of Florida Statutes, §784.048. As used in section 784.048(1)(a) "Harass" means to engage in a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose. As used in section 784.048(1)(b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. (relevant portion). As used in section 784.048(2) Any person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Mr. Rodems has harassed me throughout this lawsuit. Mr. Rodems telephoned me and threatened to reveal client confidences from prior representation³ and taunted me about my vehicle. Mr. Rodems submitted a perjured pleading to the Court falsely naming Judge Nielsen in an "exact quote" attributed to me⁴. Mr. Rodems has engaged in name-calling by phone and by letter. Mr. Rodems has called me "cheap" and a "pro se litigant of dubious distinction"⁵. Mr. Rodems has written me that "you are a bitter man who has apparently been victimized by your own poor choices in life" and "you are cheap and not willing to pay the required hourly rates for representation."⁶ Mr. Rodems has set hearings without consulting me⁷. On one occasion Mr. Rodems waited outside chambers to harass me following a hearing⁸. Mr. Rodems has accused me of felony criminal extortion for trying to resolve this matter through the Florida Bar Attorney Consumer Assistance Program. This list of Mr. Rodems' harassing behavior is representative but not exhaustive. For more examples, see Emergency Motion To Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, P.A. submitted July 9, 2010. These are examples of intentional acts that could reasonably be expected to result in psychological injury to a disabled adult in violation of chapter 825 Florida Statutes.

Mr. Rodems' harassing conduct also prevented me from appearing in court when I was represented by counsel, see Affidavit of Neil J. Gillespie September 17, 2010, filed with the Court September 18, 2010. Mr. Bauer sent me an email July 8, 2008. Mr. Bauer wrote he does not wish for me to attend hearings because he is concerned that Mr. Rodems' comments to me will enflame the situation. Mr. Bauer wrote "I am sure that he makes them for no better purpose than to anger you. I believe it is best to keep you away from him and not allow him to prod you." Upon information and belief, the behavior Mr. Bauer has attributed to Mr. Rodems, comments made "for no better purposes than to anger you", is unlawful harassment and a violation of section 784.048, Florida Statutes. A copy of my affidavit is enclosed.

³ March 3, 2006 telephone call, Mr. Rodems to Gillespie

⁴ March 6, 2006, *Defendants' Verified Request For Bailiff And For Sanctions*

⁵ December 13, 2006 voice mail by Mr. Rodems to Gillespie

⁶ December 13, 2006, letter by Mr. Rodems to Gillespie

⁷ The most recent was Dec-16-09, when Mr. Rodems set a hearing for Jan-19-10 for *Defendants' Motion for an Order Compelling Plaintiff to respond to the Defendants' Request for Production and Attend Deposition*

⁸ Following the hearing of April 25, 2006

History of the Case

The case is in its 6th year. The case is on its 5th trial judge. There have been 4 appeals to the 2dDCA and a Petition for Writ of Prohibition to remove Judge Cool. Previously I was represented by attorney Robert W. Bauer of Gainesville, but he dropped the case due to its extremely contentious nature. Attorney Sheldon J. Childers subsequently reviewed the case and determined Barker, Rodems & Cook actually defrauded me of \$7,143, not \$6,224.78 claimed in the original pro se complaint. Plaintiff's First Amended Complaint was filed May 5, 2010 (Writ of Prohibition, Exhibit 18) but the court refused to consider even one amended complaint. This case shows that the Thirteenth Judicial Circuit obstructed justice to help Barker, Rodems & Cook avoid paying a disabled adult \$7,143 lawfully owed him. Therefore a federal Civil Rights and ADA lawsuit was commenced, Gillespie v. Thirteenth Judicial Circuit, Florida, et al., case no.: 5:10cv-00503, US District Court, Middle District of Florida, Ocala Division, September 28, 2010.

As a result of my accusations of wrongdoing against the Thirteenth Judicial Circuit, I find myself in a position not unlike Judge Gregory P. Holder who during 2001 and 2002 cooperated with the FBI in the courthouse corruption investigation. According to testimony by Detective Bartoszak, the courthouse corruption investigation team was concerned that Judge Holder's activities were being monitored by targets of the investigation. Judge Holder was advised by federal law enforcement agents to carry a weapon, and he was provided with a secure cell phone to communicate with the authorities. [Bartoszak Tr. pp. 7-8, at App. 3.]. Detective Bartoszak testified that because of Judge Holder's cooperation, the investigation's targets had motive and resources to seek retribution against him. [Id. at pp. 7-8] Indeed, these targets faced not just loss of position but potential incarceration. [Id.]. At this time I fear retribution from judges, employees, and third party supporters of the Thirteenth Judicial Circuit as a result of my accusations of wrongdoing.

Dr. Huffer documented in her letter of October 28, 2010 how the Court and Mr. Rodems have discriminated against me in this case. Dr. Huffer showed that I sustained permanent secondary wounds, and face ongoing risk to life, health and exhaustion of the ability to continue to pursue justice. Dr. Huffer also noted that the power differential becomes an abusive and oppressive issue between a person with disabilities and the opposition and/or court personnel, and the litigant with disabilities cannot overcome the stigma and bureaucratic barriers. This is a historic problem in the Thirteenth Judicial Circuit and with the Hillsborough County Sheriff's Office.

Discrimination by HCSO

The St. Petersburg Times reported February 13, 2008 about quadriplegic Brian Sterner who was dumped out of a wheelchair and onto a jail floor by HCSO Deputy Charlette Marshall-Jones. The Sheriff's Office video shows Deputy Marshall-Jones dumping

Sterner from his wheelchair like cargo from a wheelbarrow, pushing up the handles as he fell to the ground. The other deputies in the video do not intervene. One walked away smiling. A CNN video about the incident is posted on YouTube at http://www.youtube.com/watch?v=huRYZAJ8wzA&feature=player_embedded

The Times reported that at a news conference, Sheriff's Office Chief Deputy Jose Docobo said he was troubled not only by what happened to Sterner but by the lack of response from experienced supervisors. "The fact that none of the supervisors acted upon what they saw or had knowledge of is of grave concern to us," he said. "The fact that no reports were written further concerns us." A copy of Times story is on the CD in PDF, and posted online at http://www.sptimes.com/2008/02/13/Hillsborough/Treatment_of_disabled.shtml

I am outraged in how the HCSO treated quadriplegic Brian Sterner. I believe Deputy Marshall-Jones put Mr. Sterner's life and health at risk. As such, would Mr. Sterner have been justified to act in self-defense under section 782.02 Florida Statutes?

I believe certain HCSO deputies are prejudiced in my case, including Deputy Henderson and possibly Deputy Christopher E. Brown, and perhaps others.

When I arrived in Tampa September 28, 2010 for the hearing before Judge Cook at 11:00am she was unaware of the federal lawsuit where she was a defendant. I had a duty to inform her prior to the hearing, and did so by handing a copy of the complaint to Deputy Henderson and asked him to give it to Judge Cook while she was still in chambers. This was not for service of process, but to inform Judge Cook that she was a defendant in a lawsuit. Rule 3, FRCP, Commencement of Action, a civil action is commenced by filing a complaint with the court.

Deputy Henderson refused to take the complaint from me, and he refused to hand it to Judge Cook in chambers. Instead Deputy Henderson went back to Judge Cook's chambers where I assume he said something to the judge. Deputy Henderson left me no choice but to address the issue in open court as shown in the record. Deputy Henderson also acted hostile toward me in his manner and expressions.

Your letter of January 12, 2011 confirmed my assertion that Judge Cook ordered me removed from the courtroom September 28, 2010, and that I did not leave voluntarily. Your letter is evidence that Judge Cook falsified a record, as shown in my affidavit of November 1, 2010.

As for the timing and circumstances under which Judge Cook ordered me removed, I take issue with the following. You wrote that "[I] made contact with Deputy Christopher E. Brown concerning your request for an explanation regarding why he escorted you out of the courthouse on September 28, 2010 after a hearing with Judge Martha Cook." Please be advised that Judge Cook ordered me removed at the beginning of the hearing, not

"after" as inferred by your letter. The hearing was transcribed and the relevant pages are part of my affidavit dated November 1, 2010.

As for the circumstances of the removal, you wrote that "Deputy Brown advised that the Judge ordered you to leave after a disruption in the courtroom." I take issue with the "disruption" characterization. The record shows I made appropriate speaking motions for the circumstances given Deputy Henderson's failure to cooperate.

I notified you by email January 31, 2011 that I do not believe it is safe for me to enter the Edgecomb Courthouse or attend hearings in the Thirteenth Judicial Circuit. My concerns extend beyond Mr. Rodems' stunts. I am concerned with judges acting unlawfully under the color of law and worse. I am also disappointed by the behavior of Deputy Henderson as described above. And you have my concerns about statements attributed to Deputy Brown. You did not respond to my communication.

Since then other issues have arisen. Pleadings have been unlawfully removed from the case file and are missing. Judge Cook unlawfully disclosed confidential information by instructing Donna Healy, Associate Courts Director, to docket my HIPAA protected ADA confidential medical information June 21, 2010.

Mr. Rodems unilaterally set a hearing in this case for May 3, 2011 at 11:30am. Rodems set the hearing without coordinating the date and time with me. I wrote him and Judge Arnold April 16, 2011 to cancel the hearing, see Plaintiff's Notice of Filing Letters with The Honorable James D. Arnold and Mr. Rodems. Also find enclosed Plaintiff's Notice of Unavailability submitted April 16, 2011.

You did not respond to my emails dated January 31, 2011 or February 2, 2011. This is a violation of the public trust, reflects discredit upon you and the HCSO, suggests partiality in the way the HCSO operates, and undermines my confidence in government.

This case is currently on appeal in the 2dDCA, Case No. 2D10-5197. Because of the foregoing I do not believe Thirteenth Judicial Circuit can safely or lawfully adjudicate this matter. I request that you recommend this case be transferred to another circuit.

Sincerely,



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

cc: Dr. Karin Huffer

Enclosures in paper format, and PDF on the enclosed CD:

1. Affidavit of Neil J. Gillespie, November 1, 2010, *Judge Martha J. Cook ordered Gillespie removed from the hearing on Defendants' Motion for an Order of Contempt and Writ of Bodily Attachment, then falsified the Order stating Gillespie voluntarily left the hearing and did not return*
2. Plaintiff's Notice of Filing Communication with Major James Livingston, Commander of the Court Operations Division, Hillsborough County Sheriff's Office, January 19, 2011
3. Clerk's Certificate dated March 22, 2011
4. Emails with Donna Healy, Associate Courts Director, docket entry June 21, 2010
5. Dr. Huffer's letter, October 28, 2010
6. Affidavit of Neil J. Gillespie September 17, 2010, filed with the Court September 18, 2010
7. St. Petersburg Times, Feb-13-08, Treatment of disabled man attracts national spotlight
8. Plaintiff's Notice of Filing Letters with The Honorable James D. Arnold and Mr. Rodems
9. Plaintiff's Notice of Unavailability, April 16, 2011

Enclosures only in PDF on enclosed CD

10. Verified Emergency Petition For Writ of Prohibition and Motion For Order of Protection, Case No. 2D10-5529, November 18, 2010
11. Plaintiff's Accommodation Request ADA, February 20, 2007
12. Plaintiff's Amended Accommodation Request ADA, March 5, 2007
13. Communication with Mr. Rainsberger, Tampa Police Department

**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-007205

vs.

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

DIVISION: J

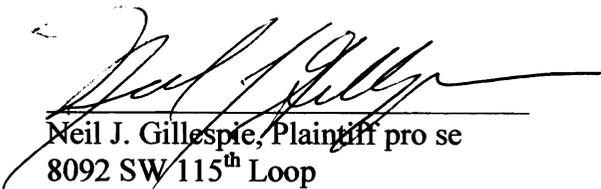
Defendants.

**PLAINTIFF'S NOTICE OF FILING COMMUNICATION WITH
MAJOR JAMES LIVINGSTON, COMMANDER OF THE COURT
OPERATIONS DIVISION, HILLSBOROUGH COUNTY SHERIFF'S OFFICE**

Plaintiff Neil J. Gillespie hereby notices filing of the following:

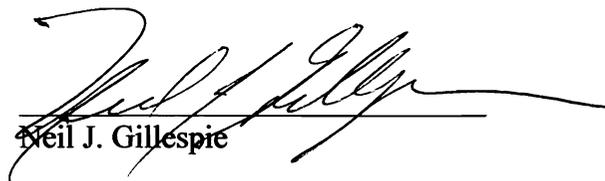
1. A January 12, 2011 email and letters attached from Major James Livingston, Commander of the Court Operations Division, Hillsborough County Sheriff's Office, received by Neil J. Gillespie, in response to Gillespie's assertion that Circuit Court Judge Martha J. Cook falsified a record that Gillespie voluntarily left a hearing September 28, 2010 when in fact Judge Cook ordered Gillespie removed by HCSO Deputy C.E. Brown.

RESPECTFULLY SUBMITTED January 19, 2011.


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

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed January 19, 2011
to Mr. Ryan C. Rodems at Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite
2100, Tampa, Florida 33602.


Neil J. Gillespie

Neil Gillespie

From: "LIVINGSTON, JAMES P" <jlivings@hcsco.tampa.fl.us>
To: <neilgillespie@mfi.net>
Sent: Wednesday, January 12, 2011 10:25 AM
Attach: Ltr to Mr. Neil Gillespie 011211.pdf
Subject: Response Letter
Mr. Gillespie,

Attached is a copy of your letter dated 11/13/2010, along with my response letter dated today. The original reponse letter will go out today via U.S. Mail.

Thank you,

James P. Livingston
Major - Court Operations Division
Hillsborough County Sheriff's Office
Office: 813-242-5061
Fax: 813-242-1834
jlivings@hcsco.tampa.fl.us

1/12/2011



David Gee, Sheriff
Jose Docobo, Chief Deputy

P.O. Box 3371
Phone (813)247-8000
www.hcso.tampa.fl.us

Hillsborough County
Tampa, Florida 33601

January 12, 2011

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

Dear Mr. Gillespie:

In response to your letter dated November 13, 2010, I made contact with Deputy Christopher E. Brown concerning your request for an explanation regarding why he escorted you out of the courthouse on September 28, 2010 after a hearing with Judge Martha Cook. Deputy Brown advised that the Judge ordered you to leave after a disruption in the courtroom. He stated that he followed you to the front door as you exited the building without assistance. Other than the official records maintained by the Court, I am not aware of any other records related to the hearing before Judge Cook.

As we discussed on the telephone today, you expressed some concern over your personal safety while in the courthouse due to a disability and due to a potential threat from opposing counsel. Please let me know the date and time of your next visit to the courthouse and we will take action to help ensure a safe and orderly visit. Please feel free to contact me with any additional questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "James P. Livingston".

James P. Livingston, Major
Court Operations Division

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

Telephone: (352) 854-7807
email: neilgillespie@mfi.net

VIA US Certified Mail, RRR
Article No.: 7010 0780 0000 8981 6351

November 13, 2010

Major James Livingston
Court Operations Division
Hillsborough County Sheriff's Office (HCSO)
PO Box 3371
Tampa, Florida 33601

RE: Hearing 11:00 AM September 28, 2010, Circuit Court Judge Martha J. Cook
Edgecomb Courthouse, 800 E. Twiggs Street, Tampa
Gillespie v. Barker, Rodems & Cook, P.A., case no.: 05-CA-007205

Dear Major Livingston:

Previously I contacted Col. Previterra about this matter and did not receive a response so I am directing the matter to your attention. Enclosed you will find copies of my correspondence to Col. Previterra.

At a hearing 11:00 AM September 28, 2010 Judge Cook had me removed from the courtroom and HCSO Deputy C.E. Brown escorted me out of the courthouse. Judge Cook now claims I voluntarily left the hearing and did not return. In my view Judge Cook knowingly and willfully falsified a record in a judicial proceeding contrary to law.

For the record please explain why HCSO Deputy C.E. Brown escorted me out of the courthouse September 28, 2010. This is also public request for any records relating to the hearing before Circuit Court Judge Martha J. Cook on September 28, 2010. Thank you.

Sincerely,


Neil J. Gillespie

Enclosures

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

NEIL J. GILLESPIE,
Plaintiff/Appellant

VS

Case No: 05-CA-007205

BARKER, RODEMS & COOK, P.A.,
A Florida Corporation; and
WILLIAM J. COOK,
Defendants/Appellees

CLERK'S CERTIFICATE

I, Pat Frank, Clerk of the Circuit Court for the County Of Hillsborough, State
Of Florida having by law the custody of the seal and all records, books, documents and
Papers of or pertaining to the Circuit Court do hereby certify that, **After a Diligent Search,**

The two documents listed below could not be located:

- 1. 7/20/10, Plaintiff's Notice of Filing Affidavit, Neil J. Gillespie, no Signed Contract. The Document Appears to be the Affidavit Docketed on 7/23/10 as Affidavit of Neil J. Gillespie.**
- 2. Notice of Filing Affidavit of William J. Cook, Esquire Filed 6/3/10, However a Copy of This Appears to be Attached to Plaintiff's Motion to Strike Affidavit of William J. Cook, Esquire, Motion to Quash Order Granting Defendant's Motion for Writ of Garnishment After Judgment, Filed 6/30/10.**

In Witness Whereof, I have hereunto set my hand and the seal of said Circuit Court
This 22ND day of March, 2011.

PAT FRANK
CLERK OF CIRCUIT COURT

By  _____
DEPUTY CLERK

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "Donna Healy" <healy@hillsclerk.com>
Cc: "Pat Frank" <frankp@hillsclerk.com>; "Dale Kent Bohner" <bohnerd@hillsclerk.com>; "Mark Ware" <warem@hillsclerk.com>; "Lisa Mann" <mann@hillsclerk.com>
Sent: Friday, April 08, 2011 3:27 PM
Attach: 2010, 06-21-10, docket page, D Healy, confidential info entry.pdf
Subject: Fw: docket entry June 21, 2010
 Ms. Donna Healy, Associate Courts Director
 Office of the Clerk of the Circuit Court
 Hillsborough County, Florida

Dear Ms. Healy:

On April 5, 2011 I sent you the email forwarded below. A read-receipt shows you received the email. The read-receipt states: "Your message was read on Tuesday, April 05, 2011 8:26:50 AM (GMT-05:00) Eastern Time (US & Canada)."

As of the time and date of this communication you have not responded to my email. Therefore I take that to mean that you docketed and filed "ENVELOPE FILED W/DOCUMENTS - CONFIDENTIAL ENVELOPE ADDRESSED TO JUDGE BARTON WI" at the direction of the presiding judge in the case on June 21, 2010, Martha J. Cook, or her designee. I will proceed on that basis. Thank you.

Sincerely,

Neil J. Gillespie
 8092 SW 115th Loop
 Ocala, Florida 34481
 (352) 854-7807
neilgillespie@mfi.net

----- Original Message -----

From: [Neil Gillespie](mailto:neilgillespie@mfi.net)
To: [Donna Healy](mailto:healy@hillsclerk.com)
Sent: Monday, April 04, 2011 10:16 PM
Subject: docket entry June 21, 2010

Ms. Donna Healy, Associate Courts Director
 Office of the Clerk of the Circuit Court
 Hillsborough County, Florida

Dear Ms. Healy:

Attached you will find a page of the Clerk's civil on demand case docket showing the following entry you made June 21, 2010:

06/21/2010 ***** ONLY ATTACHED TO CASE ***** HEALY C603 ENVELOPE FILED W/DOCUMENTS - CONFIDENTIAL ENVELOPE ADDRESSED TO JUDGE BARTON WI

Kindly describe how you came in possession of this confidential information addressed to Judge

Barton. Please identify the person who provided this file to you. Also, what does "only attach to case" mean? Thank you.

Sincerely,

Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
(352) 854-7807
neilgillespie@mfi.net

DATE: 03/21/2011
TIME: 1:59 PM

CLERK OF THE CIRCUIT COURT
CIVIL ON DEMAND CASE PROGRESS

PAGE: 3
PROGRAM: HCCC2090
DATABASE: CPROD

CASE ID FILE DATE CASE STATUS

05-CA-007205 ACTIVE

DATE	PARTY NAME	USER	TEXT
09/08/2010	***** ONLY ATTACHED TO CASE *****	SOMERSEL C174	- LETTER TO CLERK FROM - NEIL GILLESPIE..NOTICE OF FILING FAX LETTER, 9-3-10 AND
09/08/2010	***** ONLY ATTACHED TO CASE *****	SOMERSEL C271	- NOTICE OF FILING - FAX LETTER FROM NEIL J GILLESPIE TO RYAN CHRISTOPHER RODEMS.
09/08/2010	***** ONLY ATTACHED TO CASE *****	SOMERSEL C271	- NOTICE OF FILING - PLAINTIFF'S NOTICE OF FILING AFF OF NEIL J GILLESPIE...ATTCH
09/08/2010	***** ONLY ATTACHED TO CASE *****	SOMERSEL C16	- AFFIDAVIT OF - NEIL J GILLESPIE
09/08/2010	BARKER RODEMS & COOK PA	STMARIAM C275	- NOTICE OF HEARING - ON 09/28/10 AT 11:00 AM
08/23/2010	BARKER RODEMS & COOK PA	VIRGILS C271	- NOTICE OF FILING - AFFIDAVIT OF WILLIAM J. COOK IN SUPPORT OF DEFT'S MOTION FOR
08/23/2010	BARKER RODEMS & COOK PA	VIRGILS C16	- AFFIDAVIT OF - WILLIAM J. COOK, ESQ
08/18/2010	***** ONLY ATTACHED TO CASE *****	MALLARDJ C292	- NOTICE OF TAKING DEPOSITION
08/10/2010	***** ONLY ATTACHED TO CASE *****	MALLARDJ C477	- TRANSCRIPT OF PROCEEDINGS - MARTHA J COOK 07/12/2010
08/02/2010	BARKER RODEMS & COOK PA	VIRGILS C271	- NOTICE OF FILING - AFFIDAVIT AND INVENTORY OF PERSONAL PROPERTY PF NEIL J. GILL
07/30/2010	***** ONLY ATTACHED TO CASE *****	MARTNEZ C659	- NOT OF CASE MGMT CONFERENCE - AND ORDERS ON OUTSTANDING JURDICATA MOTIONS
07/29/2010	***** ONLY ATTACHED TO CASE *****	GRAHAMD C271	- NOTICE OF FILING - LETTER TO JOHN WILLIAM CARDENER AND DAVID A ROWLAND/COPY ATT
07/29/2010	BARKER RODEMS & COOK PA	KANTAKDE C711	- MOT FOR ORD TO SHOW CAUSE - AS TO WHY PLAINTIFF SHOULD NOT BE PROHIBITED FROM A
07/28/2010	***** ONLY ATTACHED TO CASE *****	MCKENZIE C319	- ORDER DENYING MOTION - TO DISQUALIFY CIRCUIT COURT JUDGE MARTHA J COOK 7/27/
07/27/2010	***** ONLY ATTACHED TO CASE *****	MALLARDJ C260	- NOTICE - OF FRAUD ON THE COURT BY RYAN CHRISTOPHER RODEMS DISCOVERY
07/23/2010	***** ONLY ATTACHED TO CASE *****	DIGGSL C16	- AFFIDAVIT OF - NEIL J GILLESPIE
07/23/2010	***** ONLY ATTACHED TO CASE *****	MALLARDJ C271	- NOTICE OF FILING - COPY OF LETTER FROM NEIL J GILLESPIE TO MR RODEMS FAXED 07/
07/23/2010	GILLESPIE,NEIL J	DIGGSL C271	- NOTICE OF FILING - AFF OF NEIL J GILLESPIE ATTCHD
07/23/2010	GILLESPIE,NEIL J	SOMERSEL C594	- MOT FOR DISQUAL OF JUDGE - MARTHA J COOK
07/22/2010	***** ONLY ATTACHED TO CASE *****	MCKENZIE C319	- ORDER DENYING MOTION - EMERGENCY MOTION TO DISQUALIFY DEFENDANTS COUNSEL 7/2
07/15/2010	BARKER, RODEMS & COOK PA	DIGGSL C189	- MOTION FOR - PROCEEDINGS SUPPLEMENTARY FOR EXECUTION
07/12/2010	***** ONLY ATTACHED TO CASE *****	MALLARDJ C271	- NOTICE OF FILING - NOTICE OF CLAIM AGAINST THE THIRTHEENTH JUDICIAL CIRCUIT PUR
07/09/2010	***** ONLY ATTACHED TO CASE *****	MCKENZIE C271	- NOTICE OF FILING - LETTER AND ENCLOSURES OF NEIL J GILLESPIE TO MR WARREN A LEE
07/09/2010	GILLESPIE,NEIL J	HEALY C2011	- EMERGENCY MOTION TO - DISQUALIFY DEFENDANT'S COUNSEL, RYAN CHRISTOPHER RODEMS &
06/30/2010	GILLESPIE,NEIL J	WARRENB C255	- MOTION TO STRIKE - AFFIDAVIT/MOTION TO QUASH ORDER FOR WRIT OF GARNISHMENT/MOTI
06/29/2010	GILLESPIE,NEIL J	VIRGILS C271	- NOTICE OF FILING - DEFTS' /ATTACHED
06/28/2010	GILLESPIE,NEIL J	VIRGILS C987	- MOTION FOR RECONSIDERATION - DEFT'S RESPONSE TO PLAINTIFF'S
06/23/2010	***** ONLY ATTACHED TO CASE *****	MCKENZIE C319	- ORDER DENYING MOTION - FOR RECONSIDERATION 6/22/10 MJC
06/23/2010	BARKER RODEMS & COOK PA	DIGGSL C491	- AMENDED NOTICE OF HEARING - SECOND 7/12/10 @ 10:30AM
06/23/2010	BARKER RODEMS & COOK PA	MANNTI C514	- AMENDED MOTION FOR - ORDER COMPELLING PLAINTIFF TO RESPOND TO REQUEST FOR PRODU
06/23/2010	GILLESPIE,NEIL J	WARRENB C987	- MOTION FOR RECONSIDERATION - AND MOTION TO CORRECT CLERICAL ERROR
06/23/2010	GILLESPIE,NEIL J	WARRENB C254	- MOTION TO STAY - FJ
06/23/2010	GILLESPIE,NEIL J	VIRGILS C271	- NOTICE OF FILING - LETTERS DISCOVERY
06/21/2010	***** ONLY ATTACHED TO CASE *****	HEALY C603	- ENVELOPE FILED W/DOCUMENTS - CONFIDENTIAL ENVELOPE ADDRESSED TO JUDGE BARTON WI
06/19/2010	***** ONLY ATTACHED TO CASE *****	LOPEZSO C1111	- NEW VOLUME MADE - VOLUME 10 MADE 6/19/10 DATE OF FIRST PLEADING 5/24/10
06/18/2010	GILLESPIE,NEIL J	ANDERSOD C987	- MOTION FOR RECONSIDERATION
06/17/2010	***** ONLY ATTACHED TO CASE *****	MCKENZIE C319	- ORDER DENYING MOTION - TO DISQUALIFY CIRCUIT COURT JUDGE MARTHA J COOK 6/16/1
06/17/2010	GILLESPIE,NEIL J	VIRGILS C594	- MOT FOR DISQUAL OF JUDGE - MARTHA J. COOK
06/17/2010	GILLESPIE,NEIL J	VIRGILS C260	- NOTICE - OF FRAUD ON THE COURT BY RYAN CHRISTOPHER RODEMS (COPY)

Neil Gillespie

From: "Healy, Donna" <Healy@hillsclerk.com>

To: "Neil Gillespie" <neilgillespie@mfi.net>

Sent: Tuesday, April 05, 2011 8:26 AM

Attach: ATT00034.txt

Subject: Read: docket entry June 21, 2010

Your message was read on Tuesday, April 05, 2011 8:26:50 AM (GMT-05:00) Eastern Time (US & Canada).

Neil Gillespie

From: "Healy, Donna" <Healy@hillsclerk.com>

To: "Neil Gillespie" <neilgillespie@mfi.net>

Sent: Monday, April 11, 2011 8:35 AM

Attach: ATT00059.txt

Subject: Read: docket entry June 21, 2010

Your message was read on Monday, April 11, 2011 8:35:30 AM (GMT-05:00) Eastern Time (US & Canada).

DR. KARIN HUFFER

Licensed Marriage and Family Therapist #NV0082
ADAAA Titles II and III Specialist
Counseling and Forensic Psychology
3236 Mountain Spring Rd. Las Vegas, NV 89146
702-528-9588 www.lvaallc.com

October 28, 2010

To Whom It May Concern:

I created the first request for reasonable ADA Accommodations for Neil Gillespie. The document was properly and timely filed. As his ADA advocate, it appeared that his right to accommodations offsetting his functional impairments were in tact and he was being afforded full and equal access to the Court. Ever since this time, Mr. Gillespie has been subjected to ongoing denial of his accommodations and exploitation of his disabilities

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.

While my work is as a disinterested third party in terms of the legal particulars of a case, I am charged with assuring that the client has equal access to the court physically, psychologically, and emotionally. Critical to each case is that the disabled litigant is able to communicate and concentrate on equal footing to present and participate in their cases and protect themselves.

Unfortunately, there are cases that, due to the newness of the ADAAA, lack of training of judicial personnel, and entrenched patterns of litigating without being mandated to accommodate the disabled, that persons with disabilities become underserved and are too often ignored or summarily dismissed. Power differential becomes an abusive and oppressive issue between a person with disabilities and the opposition and/or court personnel. The litigant with disabilities progressively cannot overcome the stigma and bureaucratic barriers. Decisions are made by medically unqualified personnel causing them to be reckless in the endangering of the health and well being of the client. This creates a severe justice gap that prevents the ADAAA from being effectively applied. In our adversarial system, the situation can devolve into a war of attrition. For an unrepresented litigant with a disability to have a team of lawyers as adversaries, the demand of litigation exceeds the unrepresented, disabled litigant's ability to maintain health while pursuing justice in our courts. Neil Gillespie's case is one of those. At this juncture the harm to Neil Gillespie's health, economic situation, and general diminishment of him in terms of his legal case cannot be overestimated and this bell

cannot be unrung. He is left with permanent secondary wounds.

Additionally, 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. It seems that the ADA Administrative offices that I have appealed to ignore his requests for reasonable accommodations, including a response in writing. It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.

I am accustomed to working nationally with courts of law as a public service. I agree that our courts must adhere to strict rules. However, they must be flexible when it comes to ADA Accommodations preserving the mandates of this federal law Under Title II of the ADA. While public entities are not required to create new programs that provide heretofore unprovided services to assist disabled persons. (*Townsend v. Quasim* (9th Cir. 2003) 328 F.3d 511, 518) they are bound under ADA as a ministerial/administrative duty to approve any reasonable accommodation even in cases merely regarded as having a disability with no formal diagnosis.

The United States Department of Justice Technical Assistance Manual adopted by Florida also provides instructive guidance: "The ADA provides for equality of opportunity, but does not guarantee equality of results. The foundation of many of the specific requirements in the Department's regulations is the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services." (U.S. Dept. of Justice, Title II, *Technical Assistance Manual* (1993) § II-3.3000.) A successful ADA claim does not require excruciating details as to how the plaintiff's capabilities have been affected by the impairment, even at the summary judgment stage. *Gillen v. Fallon Ambulance Serv., Inc.*, 283 F.3d. My organization follows these guidelines maintaining a firm, focused and limited stance for equality of participatory and testimonial access. That is what has been denied Neil Gillespie.

The record of his ADA accommodations requests clearly shows that his well-documented disabilities are now becoming more stress-related and marked by depression and other serious symptoms that affect what he can do and how he can do it particularly under stress. Purposeful exacerbation of his symptoms and the resulting harm is, without a doubt, a strategy of attrition mixed with incompetence at the ADA Administrative level of these courts. I am prepared to stand by that statement as an observer for more than two years.

**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.

COPY

PLAINTIFF'S ACCOMODATION REQUEST
AMERICANS WITH DISABILITIES ACT (ADA)

Plaintiff requests an accommodation under the Americans With Disabilities Act (ADA) and states:

1. Plaintiff was determined totally disabled by Social Security in 1994.
2. Defendants are familiar with Plaintiff's disability from their prior representation of him. Defendants investigated his eligibility to receive services from the Florida Department of Vocational Rehabilitation (DVR). DVR determined that Plaintiff was too severely disabled to benefit from services. Defendants concurred, and notified Plaintiff of their decision in a letter to him dated March 27, 2001. (Exhibit A).
3. Plaintiff has the following medical conditions which are disabling and prevent him from effectively participating in court proceedings, including:
 - a. Depression and related mood disorder. This medical condition prevents Plaintiff from working, meeting deadlines, and concentrating. The inability to concentrate at times affects Plaintiff's ability to hear and comprehend.

b. Post Traumatic Stress Disorder (PTSD), makes Plaintiff susceptible to stress, such as the ongoing harassment by Defendants' lawyer, Mr. Rodems.

c. Velopharyngeal Incompetence (VPI) is a speech impairment that affects Plaintiff's ability to communicate.

d. The medical treatment for depression includes prescription medication that further disables Plaintiff's ability to do the work of this lawsuit, and further prevents him from effectively participating in the proceedings.

4. Prior to the onset of the most disabling aspects Plaintiff's medical condition(s), he was a productive member of society, a business owner for 12 years, and a graduate of both the University of Pennsylvania and The Evergreen State College.

5. On March 3, 2006, Ryan Christopher Rodems telephoned Plaintiff at his home and threatened to use information learned during Defendants prior representation against him in the instant lawsuit. Mr. Rodems' threats were twofold; to intimidate Plaintiff into dropping this lawsuit by threatening to disclose confidential client information, and to inflict emotional distress, to trigger Plaintiff's Post Traumatic Stress Disorder, and inflict injury upon Plaintiff for Defendants' advantage in this lawsuit.

6. On March 6, 2006, Mr. Rodems made a false verification the Court about the March 3, 2006 telephone call. Mr. Rodems submitted Defendants' Verified Request For Bailiff And For Sanctions, and told the Court under oath that Plaintiff threatened acts of violence in Judge Nielsen's chambers. It was a stunt that backfired when a tape recording of the phone call showed that Mr. Rodems lied. Plaintiff notified the Court about Mr. Rodems' perjury in Plaintiff's Motion With Affidavit To Show Cause Why Ryan Christopher Rodems Should not Be Held In Criminal Contempt Of Court and Incorporated Memorandum Of Law submitted January 29, 2007.

7. Mr. Rodems' harassing phone call to Plaintiff of March 3, 2006, was a tort, the *Intentional Infliction of Emotional Distress*. Mr. Rodems' tort injured Plaintiff by aggravating his existing medical condition. From the time of the call on March 3, 2006, Plaintiff suffered worsening depression for which he was treated by his doctors.

a. On May 1, 2006 Plaintiff's doctor prescribed Effexor XR, a serotonin-norepinephrine reuptake inhibitor (SNRI), to the maximum dosage.

b. Plaintiff's worsening depression, and the side affects of the medication, lessened Plaintiff's already diminished ability to represent himself in this lawsuit.

c. On October 4, 2006 Plaintiff began the process of discontinuing his medication so that he could improve is ability to represent himself in this lawsuit.

d. On or about November 18, 2006, Plaintiff discontinued the use of anti-depression medication, to improve his ability to represent himself in this lawsuit.

8. Mr. Rodems continued to harass Plaintiff during the course of this lawsuit in the following manner:

a. Mr. Rodems lay-in-wait for Plaintiff outside Judge Nielsen's chambers on April 25, 2006, following a hearing, to taunt him and provoke an altercation.

b. Mr. Rodems refused to address Plaintiff as "Mr. Gillespie" but used his first name, and disrespectful derivatives, against Plaintiff's expressed wishes.

c. Mr. Rodems left insulting, harassing comments on Plaintiff's voice mail during his ranting message of December 13, 2006.

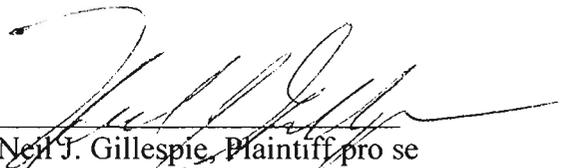
d. Mr. Rodems wrote Plaintiff a five-page diatribe of insults and ad hominem abusive attacks on December 13, 2006.

9. Plaintiff notified the Court of his inability to obtain counsel in *Plaintiff's Notice of Inability to obtain Counsel* submitted February 13, 2007.

10. Plaintiff acknowledges that this ADA accommodation request is unusual, but so are the circumstances. Defendants in this lawsuit are Plaintiff's former lawyers, who are using Plaintiff's client confidences against him, while contemporaneously inflicting new injuries upon their former client based on his disability.

WHEREFORE, Plaintiff requests additional time to obtain counsel, a stay in the proceedings for 90 days. Plaintiff also requests accommodation in the form of additional time to meet deadlines when needed due to his disability.

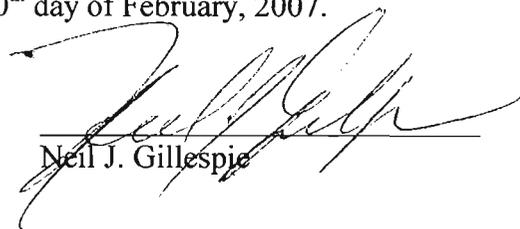
RESPECTFULLY SUBMITTED this 20th day of February, 2007.



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 true and correct copy of the foregoing has been furnished via US Mail to Ryan C. Rodems, attorney, Barker, Rodems & Cook, P.A., 400 N Ashley Dr., Suite 2100, Tampa, FL 33602, this 20th day of February, 2007.



Neil J. Gillespie

BARKER, RODEMS & COOK
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

CHRIS A. BARKER
RYAN CHRISTOPHER RODEMS
WILLIAM J. COOK

300 West Platt Street, Suite 150
Tampa, Florida 33606

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

March 27, 2001

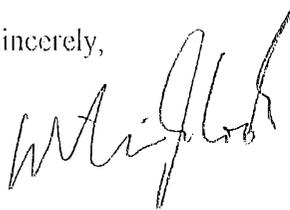
Neil J. Gillespie
Apartment C-2
1121 Beach Drive NE
St. Petersburg, Florida 33701-1434

Re: Vocational Rehabilitation

Dear Neil:

I am enclosing the material you provided to us. We have reviewed them and, unfortunately, we are not in a position to represent you for any claims you may have. Please understand that our decision does not mean that your claims lack merit, and another attorney might wish to represent you. If you wish to consult with another attorney, we recommend that you do so immediately as a statute of limitations will apply to any claims you may have. As you know, a statute of limitations is a legal deadline for filing a lawsuit. Thank you for the opportunity to review your materials.

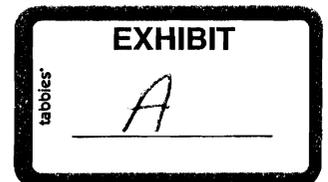
Sincerely,



William J. Cook

WJC/mss

Enclosures



**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: C

Defendants.

_____ /

PLAINTIFF'S AMENDED ACCOMODATION REQUEST
AMERICANS WITH DISABILITIES ACT (ADA)

Plaintiff requests an accommodation under the Americans With Disabilities Act (ADA) and states:

1. Plaintiff was determined totally disabled by Social Security in 1994.
2. Defendants are familiar with Plaintiff's disability from their prior representation of him. Defendants investigated his eligibility to receive services from the Florida Department of Vocational Rehabilitation (DVR). DVR determined that Plaintiff was too severely disabled to benefit from services. Defendants concurred, and notified Plaintiff of their decision in a letter to him dated March 27, 2001. (Exhibit A). Defendants were also informed of Plaintiff's medication for depression by fax dated October 6, 2000, Effexor XR 150mg. (Exhibit B).
3. Plaintiff has the following medical conditions which are disabling and prevent him from effectively participating in court proceedings, including:
 - a. Depression and related mood disorder. This medical condition prevents Plaintiff from working, meeting deadlines, and concentrating. The inability to

concentrate at times affects Plaintiff's ability to hear and comprehend. The medical treatment for depression includes prescription medication that further disables Plaintiff's ability to do the work of this lawsuit, and further prevents him from effectively participating in the proceedings.

b. Post Traumatic Stress Disorder (PTSD), makes Plaintiff susceptible to stress, such as the ongoing harassment by Defendants' lawyer, Mr. Rodems.

c. Velopharyngeal Incompetence (VPI) is a speech impairment that affects Plaintiff's ability to communicate.

d. Type 2 diabetes. This was diagnosed in 2006 after Defendants' representation.

4. Prior to the onset of the most disabling aspects Plaintiff's medical condition(s), he was a productive member of society, a business owner for 12 years, and a graduate of both the University of Pennsylvania and The Evergreen State College.

5. On March 3, 2006, Ryan Christopher Rodems telephoned Plaintiff at his home and threatened to use information learned during Defendants prior representation against him in the instant lawsuit. Mr. Rodems' threats were twofold; to intimidate Plaintiff into dropping this lawsuit by threatening to disclose confidential client information, and to inflict emotional distress, to trigger Plaintiff's Post Traumatic Stress Disorder, and inflict injury upon Plaintiff for Defendants' advantage in this lawsuit.

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about Mr. Rodems' perjury in Plaintiff's Motion With Affidavit To Show Cause Why Ryan Christopher Rodems Should not Be Held In Criminal Contempt Of Court and Incorporated Memorandum Of Law submitted January 29, 2007.

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10. Plaintiff acknowledges that this ADA accommodation request is unusual, but so are the circumstances. Defendants in this lawsuit are Plaintiff's former lawyers, who are using Plaintiff's client confidences against him, while contemporaneously inflicting new injuries upon their former client based on his disability.

WHEREFORE, Plaintiff requests additional time to obtain counsel, a stay in the proceedings for 90 days. Plaintiff also requests accommodation in the form of additional time to meet deadlines when needed due to his disability.

RESPECTFULLY SUBMITTED this 5th day of March, 2007.


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 true and correct copy of the foregoing has been furnished via US Mail to Ryan C. Rodems, attorney, Barker, Rodems & Cook, P.A., 400 N Ashley Dr., Suite 2100, Tampa, FL 33602, this 5th day of March, 2007.


Neil J. Gillespie

BARKER, RODEMS & COOK
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

CHRIS A. BARKER
RYAN CHRISTOPHER RODEMS
WILLIAM L. COOK

300 West Platt Street, Suite 150
Tampa, Florida 33606

Telephone 813/489-1001
Facsimile 813/489-1005

March 27, 2001

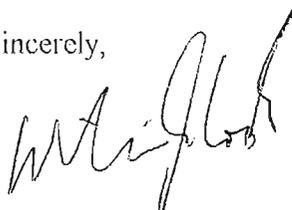
Neil J. Gillespie
Apartment C-2
1121 Beach Drive NE
St. Petersburg, Florida 33701-1434

Re: Vocational Rehabilitation

Dear Neil:

I am enclosing the material you provided to us. We have reviewed them and, unfortunately, we are not in a position to represent you for any claims you may have. Please understand that our decision does not mean that your claims lack merit, and another attorney might wish to represent you. If you wish to consult with another attorney, we recommend that you do so immediately as a statute of limitations will apply to any claims you may have. As you know, a statute of limitations is a legal deadline for filing a lawsuit. Thank you for the opportunity to review your materials.

Sincerely,



William J. Cook

WJC/mss

Enclosures



Fax

From: Neil J. Gillespie

1121 Beach Drive NE, Apt C-2

St. Petersburg, FL 33701

Phone/Fax: (727) 823-2390

To: William J. Cook, Attorney at Law

Fax: (813) 228-9612

Date: October 6, 2000

Pages: just this page

Re: ACE Check Cashing deposition

Urgent **Please Reply** **For Your Review**

● **Comments:**

RE: Current medications

Effexor XR 150 mg (depression)

Levoxyl 0.075 mg (hormone)



Treatment of disabled man attracts national spotlight

Sheriff's Office apology doesn't quell outrage.

By Casey Cora and Rodney Thrash, Times Staff Writers

Published February 13, 2008

TAMPA - Hardly anyone noticed last month when a Hillsborough County detention deputy unceremoniously dumped quadriplegic Brian Sterner out of a wheelchair and onto a jail floor.

Tuesday, everyone noticed.

Sterner's lawyer pushed for criminal charges and Florida's attorney general called for a civil rights review. The Sheriff's Office apologized, labeled the incident "indefensible," and sent four deputies home pending an investigation. The Today show booked Sterner; readers expressed outrage on newspaper Web sites; and a video of the jailhouse encounter landed on YouTube.

"It's a start," said Sterner, 32, whose ouster from the wheelchair was caught on surveillance cameras at the Orient Road Jail. He expressed dismay that the deputies had not lost their jobs.

"I don't think the question of them being fired should be asked," he said. "It should already be done."

The Sheriff's Office video shows Deputy Charlette Marshall-Jones dislodging Sterner from his wheelchair like cargo from a wheelbarrow, pushing up the handles as he falls forward. The other deputies in the video do not intervene. One walks away smiling.

Marshall-Jones, a 22-year veteran of the Sheriff's Office, was suspended without pay. A woman who answered the telephone at her Tampa house said the deputy had no comment. A note left at her door went unanswered.

Three others - Sgt. Gary Hinson, 51, Cpl. Steven Dickey, 45, and Cpl. Deondra Williams, 36 - were placed on administrative leave with pay. Hinson has been with the agency since 1984; Dickey, 1982; and Williams, 1994. None of the three could be reached.

- - -

Sterner, injured while wrestling 13 years ago, is paralyzed from the chest down and has limited use of his arms. He was laid off in January from a job selling wheelchair vans.

His Jan. 29 arrest was on a charge of fleeing and attempting to elude law enforcement officers, which apparently stemmed from a traffic stop three months earlier.

Sterner was driving a 2005 silver Mini Cooper fitted with hand pedals Oct. 25 when Tampa police officers on patrol in Ybor City saw him waving his arms and shaking his head from side to side as if dancing, police say.

He had been driving 5 mph in a 30 mph zone. But police lost sight of him until another officer spotted him at Florida Avenue and Columbus Drive. Their reports noted that he made "foolish" statements.

"Although I did not detect an odor of an alcoholic beverage emitting from Sterner's breath, based on his irrational behavior, I suspected the possibility he was under the influence of some type of illegal substance," wrote Tampa police Officer Peter Charbonneau.

Sterner allowed police to take a blood sample. No illegal drugs were found, police reported. But he was still arrested on a charge of fleeing law enforcement officers.

As he was booked, Sterner said he told Marshall-Jones several times that he couldn't stand up to be searched. She ultimately searched him as he lay on the floor.

"There's no reason why that deputy should not be charged with battery on a disabled person," said Sterner's attorney, John Trevena.

- - -

Twice before, in 1988 and 1990, the Sheriff's Office suspended Marshall-Jones without pay. Her personnel file documents those disciplinary problems and others.

In the first incident, she improperly conducted an inmate head count and was suspended for six days. In the later incident, she disobeyed a boss' order to complete a fire safety and sanitation inspection. The consequence: a one-day suspension.

Superiors have criticized her use of sick leave. Her record contains a few letters of reprimand for violations of Sheriff's Office procedure.

But most of the 345-page file offers no hint of the woman seen in the video. Year after year, supervisors recommended Marshall-Jones for promotions and boosted her pay. In page after page of annual reviews, they used words such as "dedicated" and "knowledgeable."

There are 22 pages of commendations, certificates and flattering letters from supervisors and Hillsborough residents. In 2003, the Sheriff's Office named Marshall-Jones one of the November "Employees of the Month."

Just nine days before the Sterner arrest, Marshall-Jones' supervisor praised her "excellent searches, handling of inmates and communication skills."

The supervisor was Sgt. Hinson, who was suspended with her Tuesday.

- - -

After he was booked, Sterner said, sheriff's officials placed him on his side in the back of a prisoner transportation van bound for the infirmary at the Falkenburg Road Jail, the site of one of two jail infirmaries in the county.

Sterner said he grimaced in pain on the nearly 4-mile drive to the facility.

On Tuesday, he showed reporters scrape marks on his knees that he said came from the fall out of the wheelchair.

"I don't know what's going on inside me, but my body hasn't been right since," he said.

Sterner and Trevena said they hope the incident forces the spotlight on the issue of jailhouse treatment of the disabled, a message Sterner plans to carry to the Today show this morning.

"I want a lot of exposure to what's been going on for probably a very long time in the jail system," he said.

Newspaper Web sites have already been flooded with reaction. On tampabay.com, more than 100 comments were posted about the day's stories on Sterner. Just hours after the video clip appeared on YouTube, more than 350 people had viewed it.

State Attorney General Bill McCollum also saw the video and was "very, very concerned," said his spokeswoman, Sandi Copes.

McCollum asked the state's Office of Civil Rights to review Sterner's treatment at the jail, an action Copes said could lead to a formal investigation of the Sheriff's Office.

"We're certainly going to try to identify exactly what happened and exactly who was at fault," Copes said.

At a Tuesday morning news conference, Sheriff's Office Chief Deputy Jose Docobo said he was troubled not only by what happened to Sterner but by the lack of response from experienced supervisors.

"The fact that none of the supervisors acted upon what they saw or had knowledge of is of grave concern to us," he said. "The fact that no reports were written further concerns us.

"This is not how we do business here at the Hillsborough County Sheriff's Office."

Docobo also offered a public apology to Sterner.

"There is no excuse," Docobo said. "This is indefensible. And to the extent that we can make it right for this gentleman, we will do so."

Staff writers Rebecca Catalanello and Jonathan Milton contributed to this report. Casey Cora can be reached at 813 226-3386 or at ccora@sptimes.com Rodney Thrash can be reached at (813) 269-5303 or rthrash@sptimes.com.

What is quadriplegia?

Quadriplegia is paralysis affecting all four limbs, often due to a spinal cord injury at the neck level. The paralysis does not have to be total. Depending on the severity of the injury, some function or feeling can remain in one or more limbs.

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

NEIL J. GILLESPIE,

Plaintiff and Counter-Defendant,
vs.

CASE NO.: 05-CA-007205

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

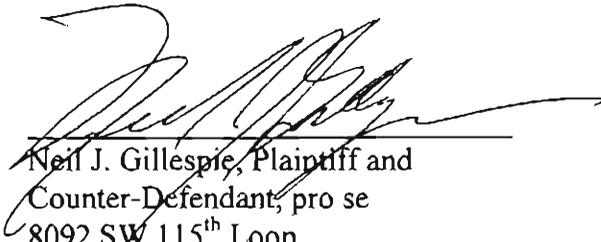
DIVISION: G

Defendants and Counter-Plaintiffs.

PLAINTIFF'S NOTICE OF FILING AFFIDAVIT OF NEIL J. GILLESPIE

Plaintiff and Counter-Defendant pro se Gillespie hereby notice the filing of the
Affidavit of Neil J. Gillespie.

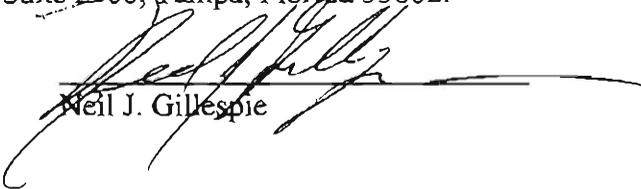
RESPECTFULLY SUBMITTED September 18, 2010.



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

Certificate of Service

I HEREBY CERTIFY that copy of the foregoing was mailed September 18, 2010
to Mr. Ryan C. Rodems, attorney for the Defendants and Counter-Plaintiffs, at Barker,
Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602.



Neil J. Gillespie

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

NEIL J. GILLESPIE,

Plaintiff and Counter-Defendant,
vs.

CASE NO.: 05-CA-7205

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

DIVISION: G

Defendants and Counter-Plaintiffs.

AFFIDAVIT OF NEIL J. GILLESPIE

Neil J. Gillespie, under oath, testifies as follows:

1. My name is Neil J. Gillespie, and I am over eighteen years of age. This affidavit is given on personal knowledge unless otherwise expressly stated.
2. Attorney Robert W. Bauer, Florida Bar ID No. 11058, formerly represented me in the above captioned lawsuit. While representing me, Mr. Bauer sent me an email on July 8, 2008, a paper copy of which is attached as Exhibit A.
3. In his email Mr. Bauer wrote he does not wish for me to attend hearings because he is concerned that Mr. Rodems' comments to me will enflame the situation. Mr. Bauer wrote the following about Mr. Rodems' comments: "I am sure that he makes them for no better purpose than to anger you. I believe it is best to keep you away from him and not allow him to prod you."
4. Upon information and belief, the behavior Mr. Bauer has attributed to Defendants counsel Mr. Rodems, comments made "for no better purposes than to anger

you”, is unlawful harassment and a violation of section 784.048, Florida Statutes. As used in section 784.048(1)(a) "Harass" means to engage in a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose. As used in section 784.048(1)(b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. (relevant portion). As used in section 784.048(2) Any person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

5. Since March 3, 2006, Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward me that has aggravated my disability, caused substantial emotional distress, and serves no legitimate purpose, as further described in the following pleadings and documents:

- a. Plaintiff's Accommodation Request Americans with Disabilities Act (ADA), February 20, 2007
- b. Plaintiff's Amended Accommodation Request Americans with Disabilities Act (ADA), March 5, 2007
- c. ADA Assessment and Report by Ms. Karin Huffer, MS, MFT, February 17, 2010.
- d. Americans With Disabilities Act (ADA) Accommodation Request of Neil J. Gillespie, February 19, 2010
- e. Notice of Americans with Disability Act (ADA) Accommodation Request of Neil J. Gillespie, February 19, 2010

f. Request For Accommodations By Persons With Disabilities And Order, 13th Judicial Circuit, February 18, 2010. Note item 6, Special requests or anticipated problems (specify): "I am harassed by Mr. Rodems in violation of Fla. Stat. section 784.048". Copy attached to this Affidavit as Exhibit B

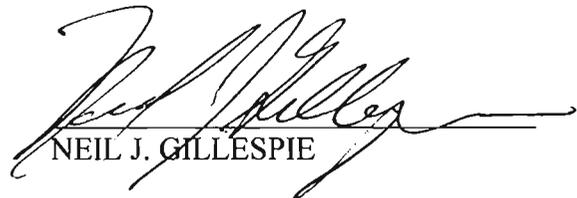
g. Emergency Motion To Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, PA July 9, 2010

h. Numerous other pleadings and documents, see the case file.

6. Mr. Rodems set a level of animosity in this lawsuit described by Mr. Bauer on the record: "...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, August 14, 2008, Emergency Hearing, the Honorable Marva Crenshaw, p. 16, line 24).

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 17th day of September 2010.


NEIL J. GILLESPIE

STATE OF FLORIDA
COUNTY OF MARION

BEFORE ME, the undersigned authority authorized to take oaths and acknowledgments in the State of Florida, personally appeared NEIL J. GILLESPIE, known to me, who, after having first been duly sworn, deposes and says that the above matters contained in this Affidavit are true and correct to the best of his knowledge and belief.

WITNESS my hand and official seal this 17th day of September 2010.




Notary Public
State of Florida

Neil Gillespie

From: "Robert W. Bauer, Esq." <rwb@bauerlegal.com>**To:** "Neil Gillespie" <neilgillespie@mfi.net>**Sent:** Tuesday, July 08, 2008 6:05 PM**Subject:** RE: attached, Notice of Filing Fact Information Sheet

It was my understanding that my office did contact you. I have already apologized and have stated that I will correct the error with the court. I can do nothing more.

No – I do not wish for you to attend hearings. I am concerned that you will not be able to properly deal with any of Mr. Rodems comments and you will enflame the situation. I am sure that he makes them for no better purpose than to anger you. I believe it is best to keep you away from him and not allow him to prod you. You have had a very adversarial relationship with him and it has made it much more difficult to deal with your case. I don't not wish to add to the problems if it can be avoided.

I agree that there are personal exemptions – but as you may note I have already filled a stay which we are scheduling for hearing at this time.

Robert W. Bauer, Esq.
Law Office of Robert W. Bauer, P.A
2815 NW 13th St. Suite 200E
Gainesville, FL 32609
352.375.5960
352.337.2518 - Facsimile
Bauerlegal.com

From: Neil Gillespie [mailto:neilgillespie@mfi.net]**Sent:** Tuesday, July 08, 2008 1:20 PM**To:** Robert W. Bauer, Esq.**Subject:** attached, Notice of Filing Fact Information Sheet**Importance:** High

July 8, 2008

Mr. Bauer,

Attached is my Notice of Filing Fact Inforamtion Sheet, which includes the Fact Information Sheet and attachments. You know, it is pretty outrageous that you would attend the contempt hearing without calling me beforehand to find out why the Fact Information Sheet was not filed. I could have done it then and you could have presented it to the court, without risking my incarceration, posting a bond, or angering the judge. Should I attend future hearings, to be available for questions like this? Please contact me if you have any questions.

A local attorney I spoke with said there is a \$1,000.00 personal exemption that could act to protect my vehicle. He also advised me to consult with an asset protection specialist lawyer, because he warned Mr. Rodems will likely try and go after the assets in my family's trust. I wanted the opportunity to do that before filing the Fact Information Sheet, but there is no time.

Neil Gillespie



9/13/2010

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.138 / Virus Database: 270.4.6/1540 - Release Date: 7/8/2008 6:33 AM

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.138 / Virus Database: 270.4.6/1540 - Release Date: 7/8/2008 6:33 AM



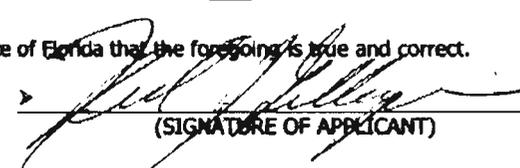
REQUEST FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES AND ORDER

Administrative Office of the Courts

APPLICANT (name): Neil J. Gillespie APPLICANT IS: <input type="checkbox"/> Witness <input type="checkbox"/> Juror <input type="checkbox"/> Attorney <input checked="" type="checkbox"/> Party <input type="checkbox"/> Other Person submitting request (name): Neil J. Gillespie APPLICANT'S ADDRESS: 8092 SW 115th Loop, Ocala, FL 34481 TELEPHONE NO: (352) 854-7807 LOCATION: STREET ADDRESS: 8092 SW 115th Loop, Ocala, FL 34481 MAILING ADDRESS: 8092 SW 115th Loop, Ocala, FL 34481 CITY AND ZIP CODE: Ocala, FL 34481 E-MAIL ADDRESS: neilgillespie@mfi.net BRANCH NAME: Circuit Civil Court DIVISION: C NAME OF JUDGE: Circuit Court Judge James M. Barton, II CASE NAME: Gillespie v. Barker, Rodems & Cook, P.A., and William J. Cook, 05-CA-7205 NAME OF ATTORNEY (if applicable): none, pro se	FOR COURT USE ONLY <input type="checkbox"/> Web (Date OPI received): <input type="checkbox"/> Facsimile <input type="checkbox"/> Written notice Date ADA Coordinator received: Case number:
--	---

Applicant requests accommodations under Florida Rules of Court, Rule 2.065, as follows:

- Division of Court: Criminal Civil Juvenile
- Type of proceeding to be covered (specify: hearing, trial):
All meetings, procedures, hearings, discovery process, trials, appeals, and any other court-related activity.
- Dates accommodations needed (specify):
All dates and times from the commencement of this action until its final conclusion including any appeal.
- Impairment necessitating accommodations (specify):
Please see the ADA Assessment and Report prepared by Karin Huffer, MS, MFT
- Type of accommodations (specify):
Please see the ADA Accommodation Request of Neil J. Gillespie submitted February 19, 2010
- Special requests or anticipated problems (specify): I am harassed by Mr. Rodems in violation of Fla. Stat. section 784.048
- I request that my identity be kept CONFIDENTIAL NOT be kept CONFIDENTIAL

I declare under penalty of perjury under the laws of the State of Florida that the foregoing is true and correct.
 Date: February 18, 2010
 Neil J. Gillespie
 (TYPE OR PRINT NAME) 
(SIGNATURE OF APPLICANT)

ADMINISTRATIVE OFFICE OF THE COURT USE ONLY

<input type="checkbox"/> request for accommodations is GRANTED because	<input type="checkbox"/> the request for accommodations is DENIED because
<input type="checkbox"/> the applicant satisfies the requirements of the rule.	<input type="checkbox"/> the applicant does not satisfy the requirements of the rule.
<input type="checkbox"/> it does not create an undue burden on the court.	<input type="checkbox"/> It creates an undue burden on the court.
<input type="checkbox"/> It does not fundamentally alter the nature of the service, program, or activity.	<input type="checkbox"/> it fundamentally alters the nature of the service, program, or activity (specify):
<input type="checkbox"/> alternate accommodations granted (specify):	

ROUTE TO:
 Court Facilities Court Interpreter Center
 Date: _____

 ADA COORDINATOR

REQUEST FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES AND ORDER



COPY



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-007205

vs.

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

DIVISION: J

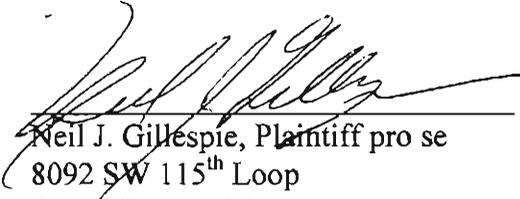
Defendants.

**PLAINTIFF'S NOTICE OF FILING LETTERS WITH
THE HONORABLE JAMES D. ARNOLD AND MR. RODEMS**

Plaintiff Neil J. Gillespie hereby notices filing of the following letters:

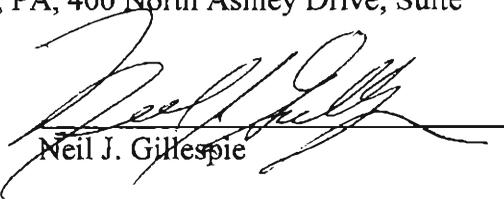
1. Copy of letter (only) to the Hon. James D. Arnold dated April 16, 2011 (Exhibit A)
2. Copy of letter (only) to Mr. Rodems dated April 16, 2011 (Exhibit B)

RESPECTFULLY SUBMITTED April 16, 2011.


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

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed April 16, 2011 to Mr. Ryan C. Rodems at Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602.


Neil J. Gillespie

April 16, 2011

The Honorable James D. Arnold
Circuit Court Judge
Circuit Civil Division J
800 E. Twiggs Street, Room 514
Tampa, Florida 33602

RE: Gillespie v Barker, Rodems & Cook, PA, Case No. 05-CA-7205, Circuit Civil
Division J, Hillsborough County, Florida

Dear Judge Arnold:

Please find enclosed courtesy copies of Plaintiff's Notice of Unavailability. As described in the notice, I am unavailable through June 20, 2011 relative to the appeal in 2D10-5197.

Opposing counsel Mr. Rodems unilaterally set Defendants' Evidentiary Hearing for hearing before you May 3, 2011 at 11:30am. Mr. Rodems set the hearing without coordinating the time and date with me. Since I am not available during that time, I requested he cancel the hearing immediately. A copy of my letter to Mr. Rodems is enclosed.

Should Mr. Rodems fail to cancel the hearing, I request the Count cancel it sua sponte.

Thank you for your consideration.

Sincerely,



Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
(352) 854-7807

cc: Mr. Rodems

Enclosures



April 16, 2011

Mr. Ryan C. Rodems
Barker Rodems & Cook, PA
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

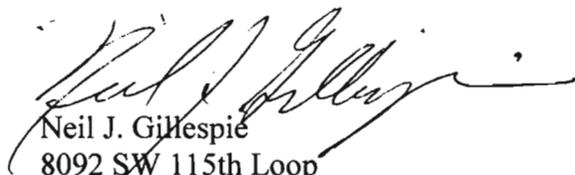
Dear Mr. Rodems:

Please find enclosed Plaintiff's Notice of Unavailability. As described in the notice, I am unavailable through June 20, 2011 relative to the appeal in 2D10-5197.

As for Defendants' Evidentiary Hearing unilaterally set for May 3, 2011 at 11:30am, you set the hearing without coordinating the time and date with me. Since I am not available during that time, kindly cancel the hearing immediately. In the future, please refrain from setting hearings without coordinating the time and date with me.

Thank you for your cooperation.

Sincerely,


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

cc: The Honorable James D. Arnold

Enclosure



**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: J

Defendants.

PLAINTIFF'S NOTICE OF UNAVAILABILITY

Plaintiff pro se, Neil J. Gillespie, files this Notice of Unavailability and states:

1. Plaintiff is unavailable during the time set by the Second District Court of Appeal, and the Florida Rules of Appellate Procedure, to file Petitioner's Amended Initial Brief in Appeal No. 2D10-5197. The Appellate Court, in an Order dated April 8, 2011, Granted Appellant's (Plaintiff's) motion for leave to file an amended initial brief. The amended brief shall be served within 30 days of the order. That date is May 8, 2011. Within 20 days of the service of the amended initial brief, the appellee may file an amended answer brief. That day is May 28, 2011. Pursuant to Rule 9.210(f), Fla. R. App. P., Plaintiff will file a Reply Brief 20 days after service of the answer brief, or June 17, 2011. A copy of the Appellate Court Order of April 8, 2011 is attached as Exhibit A.
2. The undersigned requests that no appointments, mediations, conferences, hearings, depositions, depositions duces tecum, or other legal proceedings be scheduled during that time, or prior to June 20, 2011.

3. Defendants' counsel Ryan Christopher Rodems unilaterally set for hearing without coordinating the time and date with Plaintiff, "Defendants' Verified Motion for An Order to Show Cause Why Plaintiff Should Not Be Held In Contempt of Court and Writ of Bodily Attachment Should Not Be Issued" for May 3, 2011 at 11:30am. Setting hearings without coordinating the time and date with Plaintiff is an ongoing problem with Mr. Rodems and wastes valuable court time and resources. Furthermore, the order that gives rise to the motion, Order Adjudging Plaintiff Neil J. Gillespie In Contempt, date September 30, 2010 by Judge Cook, is currently on appeal in Appeal No. 2D10-5197.

RESPECTFULLY SUBMITTED April 16, 2011


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

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed April 16, 2011 to Ryan C. Rodems, at Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602.


Neil J. Gillespie

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

April 8, 2011

CASE NO.: 2D10-5197
L.T. No. : 05-CA-7205

Neil J. Gillespie

v.

Barker, Rodems & Cook,
P. A. & William J. Cook

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

The appellant's motion for leave to file an amended initial brief is granted. The initial brief already filed and its appendix are stricken. The amended brief shall be served within 30 days of this order.

The request for limitations on the initial brief found in the appellees' response is denied. However, the amended initial brief must not exceed 50 pages. See Fla. R. App. P. 9.210(a)(5).

Within 20 days of the service of the amended initial brief, the appellee may file an amended answer brief.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

Neil J. Gillespie

Ryan Christopher Rodems, Esq.

Pat Frank, Clerk

dm


James Birkhold
Clerk



EXHIBIT

A