

**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; and WILLIAM
J. COOK,

DIVISION: J

Defendants.

_____ /

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. At all times pertinent I am a disabled adult as defined by, but not limited to, section 825.101(4), Florida Statutes, and as further described in documents in this lawsuit.
2. The Thirteenth Judicial Circuit (“Court”) has jurisdiction of this lawsuit and responsibility under federal and state law for compliance with the Americans with Disabilities Act (“ADA”).
3. Plaintiff retained at his own expense Dr. Karin Huffer as his ADA program designer and advocate. Plaintiff applied to the Court February 19, 2010 for reasonable accommodation under the ADA. An ADA disability report was submitted by Dr. Huffer. Court Counsel David Rowland denied Plaintiff’s ADA accommodation request.
4. Attorney Ryan Christopher Rodems is unlawfully representing his firm against Plaintiff, a former client, on a matter that is the same or substantially similar to the prior

representation, specifically their litigation with AMSCOT Corporation. (“AMSCOT”). Mr. Rodems knows about Plaintiff’s disability from his firm’s other representation of him on disability matters. Mr. Rodems separately commenced a counterclaim against Plaintiff for libel over his letter to AMSCOT about the prior litigation. AMSCOT’s attorney Charles L. Stutts of Holland & Knight, LLP wrote Plaintiff February 13, 2007 that “This former action is, of course, at the heart of your pending action against Barker, Rodems & Cook, P.A.” A copy of Mr. Stutts’ letter is attached as Exhibit A.

5. Since March 3, 2006 Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward Plaintiff that has aggravated his disability, caused substantial emotional distress, and serves no legitimate purpose, in violation of § 784.048, Florida Statutes. Mr. Rodems engaged in other abuse calculated to harm Plaintiff in violation of chapter 825, Florida Statutes, Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults. Plaintiff was formerly represented by attorney Robert Bauer in this case. Mr. Bauer complained on the record about Mr. Rodems unprofessional behavior: “...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.” (Aug-14-08, transcript page 16, line 24).

6. This case was commenced August 11, 2005. There have been five trial court judges, four appeals to the 2dDCA, and a Petition for Writ of Prohibition. The problems in this case are due to Mr. Rodems unprofessional behavior. Rodems’ independent professional judgment is materially limited by his own interest and conflict, as further

described in Emergency Motion to Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, PA filed July 9, 2010.

7. Judge Martha Cook presided over this lawsuit from May 24, 2010 through November 18, 2010. While presiding over this case Judge Cook misused and denied the Plaintiff judicial process under the color of law. Plaintiff moved to disqualify Judge Cook five times, all of which were all denied. Plaintiff filed a Petition for Writ of Prohibition to remove Judge Cook November 18, 2010, Case No. 2D10-5529, Second District Court of Appeal. Judge Cook recused herself from the case the same day.

8. Because of the forgoing Plaintiff concluded that he could not obtain justice in this Court and commenced a Federal Civil Rights lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida et. al, Case No. 5:10-cv-503-oc-10-DAB, US District Court, Middle District of Florida, Ocala Division. Plaintiff lives in Ocala. The complaint was stamped FILED at 7:47 AM September 28, 2010 by the US District Court Clerk. Plaintiff planned to file the suit weeks earlier by was delayed by his worsening disability. A copy of the Clerk-stamped cover page of the complaint is attached as Exhibit B. Judge Cook is named as a Defendant in the lawsuit in her capacity as a judge and personally.

9. After filing the federal lawsuit described in the preceding paragraph, Plaintiff drove to the Court in Tampa for a 11:00 AM hearing before Judge Cook for a "Court-Ordered Hearing On Defendants' Motion For Final Summary Judgment". A second matter heard was a contempt on an alleged violation of the "Notice of Case Management Status and Orders on Outstanding Res Judicata Motions entered July 29, 2010.

10. When Plaintiff arrived in Tampa for the hearing before Judge Cook at 11:00 AM she was unaware of the Federal Civil Rights lawsuit against the Court and herself.

Plaintiff had a duty to inform Judge Cook of the lawsuit prior to the hearing, and did so by handing a copy of the complaint to Deputy Henderson prior to the hearing and asked him to give it to the judge 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.

11. Deputy Henderson refused to take the complaint from Plaintiff, and he refused to hand it to Judge Cook in chambers. As such Plaintiff had no choice but to address the issue in open court as shown in the record. A transcript of the hearing shows the following: (Exhibit C, Transcript, Sep-28-10, pages 1-5; 19)

(Transcript, Sep-28-10, Defendants' Motion For Final Summary Judgment, Page 3)

16 MR. GILLESPIE: Your Honor, this morning I
17 filed a federal lawsuit against you. I have a
18 complaint here if you would like to read it. I
19 move to disqualify you.

20 THE COURT: Your motion to disqualify
21 based on a federal lawsuit is legally
22 insufficient and is denied.

23 Please continue with your Motion for
24 Summary Judgment.

25 MR. RODEMS: Thank you, Your Honor.

(Transcript, Sep-28-10, Defendants' Motion For Final Summary Judgment, Page 4)

1 MR. GILLESPIE: I move to disqualify you
2 on the basis that I have a financial
3 relationship with your husband.

4 THE COURT: All right. Your motion to
5 disqualify me on that basis is denied.

6 MR. GILLESPIE: I move to disqualify
7 you --

8 THE COURT: Sir --

9 MR. GILLESPIE: -- on the basis of an
10 affidavit that you made misrepresentations at
11 the last hearing about whether or not I was --

12 THE COURT: Sir, file a written motion.

13 I'm not going to allow you to disrupt these
14 proceedings again. The last proceedings you
15 feigned illness. You left this courtroom --

16 MR. GILLESPIE: No, I did not feign
17 illness.

18 THE COURT: Sir, if you interrupt me you
19 will be escorted out.

20 MR. GILLESPIE: Well, I'm leaving.

21 THE COURT: This is your last warning,
22 sir.

23 MR. GILLESPIE: I'm leaving.

24 THE COURT: All right, sir. Escort the
25 gentleman out. He's leaving. All right.

(Transcript, Sep-28-10, Defendants' Motion For Final Summary Judgment, Page 5)

1 Continue with your motion, please. The hearing
2 will continue.

3 MR. GILLESPIE: For the record, I'm
4 leaving because I didn't get my ADA
5 accommodation.

6 THE COURT: That's not true, sir.

7 MR. GILLESPIE: I'm leaving the federal
8 lawsuit on this table for you.

9 THE COURT: You must go, sir. It's not
10 proper service. Leave.

11 (THEREUPON, Mr. Gillespie exited the courtroom)

12 THE COURT: Go ahead.

13 MR. RODEMS: Thank you, Your Honor.

12. The transcript of the hearing shows Judge Cook ordered Plaintiff removed prior to any discussion of Defendants' Motion For Final Summary Judgment. Plaintiff was escorted out of the courthouse by the bailiff, Deputy Christopher E. Brown, of the Hillsborough County Sheriff's Office (HCSO). The transcript shows Judge Cook cut Plaintiff the first two times he attempted to say "I'm leaving the federal lawsuit on the table for you" (page 4, lines 20 and 23; Page 5 lines 7 and 8). The hearing continued without Plaintiff and he had no representation.

13. Later during the hearing September 28, 2010 Judge Cook announced on the record that Plaintiff "elected" to leave the hearing voluntarily:

(Transcript, Sep-28-10, Defendants' Motion For Final Summary Judgment, Page 19)

6 [THE COURT]...[A]s you know,
7 this is a Motion for an Order of Contempt and
8 Writ of Bodily Attachment. And let the record

9 reflect that Mr. Gillespie elected to leave
10 even though he was advised that the hearing
11 would continue in his absence...

14. Judge Cook signed "Order Adjudging Plaintiff Neil J. Gillespie In Contempt" September 30, 2010. On page 1, footnote 1, Judge Cook wrote "Prior to this motion being heard, the Court heard Defendants' motion for summary judgment. During that hearing, Plaintiff Neil J. Gillespie voluntarily left the hearing and did not return." (Exhibit D). This statement is false. Judge Cook ordered Plaintiff removed from the courtroom prior to Defendants' motion for summary judgment. The rest of the order is equally bogus and is currently on appeal to the Second District Court of Appeal, Case No. 2D10-5197.

15. Major James Livingston, HCSO, is Commander of the Court Operations Division for the Court. Major Livingston provided Plaintiff a letter dated January 12, 2011 that impeaches Judge Cook's assertion the Plaintiff left the hearing voluntarily September 28, 2010. Major Livingston wrote: "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." (Exhibit E).

16. Dr. Huffer assessed the foregoing in a letter dated October 28, 2010. (Exhibit F).

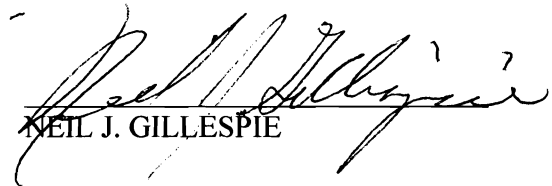
Dr. Huffer wrote in part:

"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.” (p1, ¶2). “He [Gillespie] is left with permanent secondary wounds” (p2, top). “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.” (p2, ¶1). “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.” (p2, ¶1).

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 25th day of April 2011.

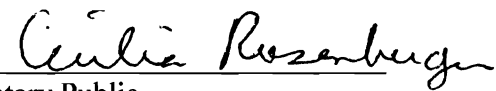

NEIL J. GILLESPIE

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 25th day of April 2011.




Notary Public
State of Florida

Charles L. Stutts
813 227 6466
charles.stutts@hklaw.com

February 13, 2007

VIA FEDEX

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

Re: Gillespie v. Barker, Rodems & Cook, P.A., et al.; Case No. 05-CA-7205

Dear Mr. Gillespie:

Amscot Corporation has asked me to respond to your letter of February 10, 2007 in which you request that Mr. Ian MacKechnie, President of Amscot, agree to his deposition in the above-referenced matter.

The U.S. District Court for the Middle District of Florida in 2001 dismissed all claims brought by you, Eugene R. Clement and Gay Ann Blomefield, individually and on behalf of others, against Amscot in connection with its deferred deposit transactions. This former action is, of course, at the heart of your pending action against Barker, Rodems & Cook, P.A.

Mr. MacKechnie views the prior litigation as closed, and neither he nor others at Amscot have any interest in voluntarily submitting to deposition or otherwise participating in the pending matter. Accordingly, Mr. MacKechnie must decline your request.

Please contact me if you have questions or care to discuss the matter.

Sincerely yours,

HOLLAND & KNIGHT LLP



Charles L. Stutts

cc: Ian MacKechnie

FILED

2010 SEP 28 AM 7:47

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

CLERK, U.S. DISTRICT COURT
OCALA, FLORIDA

NEIL J. GILLESPIE,

CASE NO.: 5:10-CV-503-OC-10-DAB

Plaintiff,

vs.

DEMAND FOR JURY TRIAL

THIRTEENTH JUDICIAL CIRCUIT, FLORIDA,
GONZALO B. CASARES, ADA Coordinator, and individually,
DAVID A. ROWLAND, Court Counsel, and individually,
CLAUDIA RICKERT ISOM, Circuit Court Judge, and individually,
JAMES M. BARTON, II, Circuit Court Judge, and individually,
MARTHA J. COOK, Circuit Court Judge, and individually,

BARKER, RODEMS & COOK, P.A.,
RYAN CHRISTOPHER RODEMS,

THE LAW OFFICE OF ROBERT W. BAUER, P.A.,
ROBERT W. BAUER,

Defendants.

_____ /

COMPLAINT FOR VIOLATION OF THE AMERICANS WITH
DISABILITIES ACT (ADA), AND CIVIL RIGHTS VIOLATIONS

Plaintiff pro se NEIL J. GILLESPIE sues the Defendants and alleges as follows:

JURISDICTION AND VENUE

1. This lawsuit arises under the Americans With Disabilities Act ("ADA"), 42 U.S.C., Chapter 126, Equal Opportunities for Individuals with Disabilities, Subchapter II, Public Services, Part A, §§ 12131 - 12134, Subchapter III, Public Accommodations and Services Operated by Private Entities, §§ 12181 - 12189, Subchapter IV, §§ 12201 - 12213, including the ADA Amendments Act of 2008 (ADAAA) updates. Plaintiff also

C-8835
#350-



IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
CIRCUIT IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL LAW DIVISION
CASE NO. 05-CA-007205

-----X
NEIL J. GILLESPIE, :

Plaintiff, :

and :

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

Defendants. :
-----X

Division:

FILED
CLERK CIRCUIT COURT
2010 OCT 22 PM 1:42
HILLSBOROUGH COUNTY, FL
CIRCUIT CIVIL

BEFORE: THE HONORABLE MARTHA J. COOK

PLACE: Hillsborough County Courthouse
800 East Twiggs Street
Tampa, Florida 33602

DATE: September 28, 2010

TIME: 11:04 a.m. - 11:28 a.m.

REPORTED BY: Robbie E. Darling
Court Reporter

DEFENDANTS' MOTION FOR FINAL SUMMARY JUDGMENT;
CORRECTED TRANSCRIPT

Pages 1 - 26

DEMPSTER, BERRYHILL & ASSOCIATES
1875 NORTH BELCHER ROAD, SUITE 102
CLEARWATER, FLORIDA 33765
(727) 725-9157

ORIGINAL

EXHIBIT

C

APPEARANCES

RYAN CHRISTOPHER RODEMS, ESQUIRE

Barker, Rodems & Cook, P.A.

400 North Ashley Drive, Suite 2100

Tampa, Florida 33602

Attorney for Defendants

NEIL GILLESPIE

Pro Se

1 PROCEEDINGS

2 THE COURT: Good morning, folks. All
3 right. I believe we're here today on a Motion
4 for Final Summary Judgment -- or, Motion for
5 Summary Judgment filed by the defendant; is
6 that correct?

7 MR. RODEMS: Yes, Your Honor. There is
8 two other matters as well.

9 THE COURT: Well, let's address the one
10 that has been scheduled first, which is the
11 Motion for Summary Judgment.

12 MR. GILLESPIE: Your Honor --

13 THE COURT: Please be seated. Folks, you
14 don't need to stand to argue. Both of you.
15 Please be seated.

16 MR. GILLESPIE: Your Honor, this morning I
17 filed a federal lawsuit against you. I have a
18 complaint here if you would like to read it. I
19 move to disqualify you.

20 THE COURT: Your motion to disqualify
21 based on a federal lawsuit is legally
22 insufficient and is denied.

23 Please continue with your Motion for
24 Summary Judgment.

25 MR. RODEMS: Thank you, Your Honor.

1 MR. GILLESPIE: I move to disqualify you
2 on the basis that I have a financial
3 relationship with your husband.

4 THE COURT: All right. Your motion to
5 disqualify me on that basis is denied.

6 MR. GILLESPIE: I move to disqualify
7 you --

8 THE COURT: Sir --

9 MR. GILLESPIE: -- on the basis of an
10 affidavit that you made misrepresentations at
11 the last hearing about whether or not I was --

12 THE COURT: Sir, file a written motion.
13 I'm not going to allow you to disrupt these
14 proceedings again. The last proceedings you
15 feigned illness. You left this courtroom --

16 MR. GILLESPIE: No, I did not feign
17 illness.

18 THE COURT: Sir, if you interrupt me you
19 will be escorted out.

20 MR. GILLESPIE: Well, I'm leaving.

21 THE COURT: This is your last warning,
22 sir.

23 MR. GILLESPIE: I'm leaving.

24 THE COURT: All right, sir. Escort the
25 gentleman out. He's leaving. All right.

1 Continue with your motion, please. The hearing
2 will continue.

3 MR. GILLESPIE: For the record, I'm
4 leaving because I didn't get my ADA
5 accommodation.

6 THE COURT: That's not true, sir.

7 MR. GILLESPIE: I'm leaving the federal
8 lawsuit on this table for you.

9 THE COURT: You must go, sir. It's not
10 proper service. Leave.

11 (THEREUPON, Mr. Gillespie exited the courtroom)

12 THE COURT: Go ahead.

13 MR. RODEMS: Thank you, Your Honor.

14 The plaintiff filed a two-count complaint
15 against the two defendants; Barker, Rodems and
16 Cook and Cook. Count One alleged breach of
17 contract, Count Two alleged fraud.

18 By orders dated November 28th, 2007 and
19 July 7th, 2008 the Court granted judgment in
20 favor of Cook on both counts and for Defendant
21 BRC on the fraud count. The only count
22 remaining by plaintiff against Defendant BRC is
23 for Breach of Contract against BRC, and we're
24 moving for Summary Judgment.

25 The following facts that are in my motion

1 THE COURT: This can be mailed, and I
2 believe you can give this back to counsel.
3 There were only two conformed copies, one for
4 Mr. Gillespie -- all right.

5 You can make a record. I did have your
6 motion, it was noticed for today. As you know,
7 this is a Motion for an Order of Contempt and
8 Writ of Bodily Attachment. And let the record
9 reflect that Mr. Gillespie elected to leave
10 even though he was advised that the hearing
11 would continue in his absence. You have
12 noticed him for deposition, you indicate,
13 several times?

14 MR. RODEMS: Yes, Your Honor. Prior to
15 the order of July 29th, 2010 we noticed
16 Mr. Gillespie twice for deposition, and both
17 times he failed to appear.

18 The second-- and this is all reflected in
19 the motion. On the second occasion he did file
20 some sort of motion for protection, but he
21 never made any effort to have it heard or
22 anything.

23 So, when the Court entered the order on
24 July 29th, 2010 denying his Motion for Order of
25 Protection the Court was fairly clear that

**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: G**

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

Defendants.

HILLSBOROUGH COUNTY, FL.
2010 OCT -1 AM 2:09
GENERAL CIVIL

ORDER ADJUDGING PLAINTIFF NEIL J. GILLESPIE IN CONTEMPT

THIS CAUSE came before the Court on Tuesday, September 28, 2010, on Defendants' Motion for an Order of Contempt and Writ of Bodily Attachment,¹ and the proceedings having been read and considered and counsel having been heard, and the Court being otherwise fully advised in the premises, the Court finds and concludes that Plaintiff Neil J. Gillespie has wilfully and with contumacious disregard violated the Court's Notice of Case Management Status and Orders on Outstanding Res Judicata Motions entered July 29, 2010 by refusing to appear for a duly noticed deposition on September 3, 2010.

On July 29, 2010, the Court entered the Notice of Case Management Status and Orders on Outstanding Res Judicata Motions, which stated: "The Plaintiff's 'Motion for Order of Protection,' (no date provided in Judge Barton's order) renewed in his 'Motion to Cancel Deposition' (6-16-10) is DENIED. The Plaintiff has repeatedly been the subject of Motions to

¹ Prior to this motion being heard, the Court heard Defendants' motion for summary judgment. During that hearing, Plaintiff Neil J. Gillespie voluntarily left the hearing and did not return.



Compel by the Defendants during the course of these proceedings, and has ignored Court orders requiring his participation. The Court will not accept these or any further attempts by the Plaintiff to avoid the Defendant's right to discovery in this case and to bring this matter to a close.

Non-compliance with the Court's orders is grounds for dismissal of the Plaintiff's remaining count with prejudice.” (Notice of Case Management Status and Orders on Outstanding Res Judicata Motions, ¶8).

The record shows that Plaintiff previously failed to appear for two properly noticed depositions. Defendants served a notice of deposition on October 13, 2009, scheduling Plaintiff's deposition on December 15, 2009. On June 1, 2010, Defendants served another notice of deposition, scheduling Plaintiff's deposition on June 18, 2010. While Plaintiff served “Plaintiff's Motion to Cancel Deposition Duces Tecum June 18, 2010 and for an Order of Protection” on June 14, 2010, he did not attempt to have it heard before the deposition, and did not appear at the deposition.²

After the Court's Order entered July 29, 2010, Defendants served a notice of deposition on August 17, 2010, scheduling the deposition for September 3, 2010. Plaintiff did not respond until September 3, 2010, asserting that he would not be attending the deposition for three reasons: First, Plaintiff asserted that “[t]he court has not responded to nor provided accommodations requested under the Americans with disabilities Act” Second, he asserted that “the Oath of Office for judges in this matter [] are not legally sufficient, calling into question rulings in this matter.” Finally, Plaintiff again asserted that Defendants' counsel's

² As stated above, on July 29, 2010, this Court entered the Notice of Case Management Status and Orders on Outstanding Res Judicata Motions, denying the Plaintiff's motions for protection from being deposed.

representation of Defendants is "unlawful." Defendants contend that each of these reasons is either specious or has been expressly rejected by the Court. The Court agrees. Based on these findings

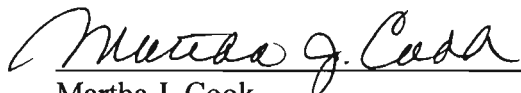
IT IS ORDERED AND ADJUDGED that the Plaintiff Neil J. Gillespie is guilty of contempt of this Court for failing to appear for deposition on September 3, 2010 and he will continue to be guilty of contempt unless and until the Plaintiff is deposed in this matter.

IT IS FURTHER ORDERED that Plaintiff shall submit to a deposition in Tampa, Florida, within 45 days. Plaintiff is directed to propose to Defendants' counsel, in writing, three dates on which his deposition may be taken on or before November 12, 2010.

IT IS FURTHER ORDERED that, if Plaintiff violates this Order by failing to submit to a deposition on or before November 12, 2010, then the Court will enter an Order to Show Cause requiring Plaintiff's appearance before the Court, and the Court will consider appropriate sanctions.

The Court retains jurisdiction to impose additional sanctions, as necessary, and to tax attorneys' fees and costs.

DONE AND ORDERED in Chambers this 30 day of September, 2010.



Martha J. Cook
Circuit Judge

Copies to:

Mr. Neil J. Gillespie, pro se
Ryan Christopher Rodems, Esquire (Counsel for Defendants)

3

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE
AND CORRECT COPY OF THE DOCUMENT ON FILE IN
MY OFFICE. WITNESS MY HAND AND OFFICIAL SEAL
THIS 22nd DAY OF October 2010



PAT FRANK
CLERK OF CIRCUIT COURT
BY Joseph L. ... D.C.



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 blue ink that reads "James P. Livingston".

James P. Livingston, Major
Court Operations Division

EXHIBIT
E

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.