

**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: G

Defendants.

_____ /

AFFIDAVIT OF NEIL J. GILLESPIE

Judge Martha J. Cook ordered Gillespie removed from the hearing of September 28, 2010,

and accused Gillespie in open court of feigning illness; ADA

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

1. My name is Neil J. Gillespie, and I am over eighteen years of age. I reside in Ocala, Marion County, Florida. This Affidavit is given on personal knowledge unless otherwise expressly stated.
2. I am suing my former lawyers. The case is Gillespie v. Barker, Rodems & Cook, P.A. et al., Case No.: 05-CA-7205, Circuit Civil, 13th Judicial Circuit, Judge Martha J. Cook presiding. The lawsuit has not been lawfully adjudicated by the 13th Circuit.
3. At all times pertinent I have been disabled as described in an assessment and report dated February 17, 2010 by Karin Huffer, my Americans With Disabilities Act (ADA) advocate. The report was to obtain accommodations under the ADA from the 13th Circuit which has jurisdiction over Gillespie v. Barker, Rodems & Cook.



4. On September 28, 2010 I commenced a federal lawsuit by filing a Complaint in the United States District Court, Middle District of Florida, Ocala Division shortly after the Court opened at 8:30 AM. (5:10-cv-503-oc-WTH-DAB). The lawsuit alleges the 13th Judicial Circuit has not lawfully adjudicated Gillespie v. Barker, Rodems & Cook.

5. After filing the Complaint I immediately drove from the US District Court in Ocala to Tampa for an 11:00 AM hearing before Judge Cook in Gillespie v. Barker, Rodems & Cook on Defendants' Motion For Final Summary Judgment.

6. At the hearing I moved to disqualify Judge Cook on the basis that she is a Defendant in the federal lawsuit. Judge Cook said my motion to disqualify based on a federal lawsuit is legally insufficient and is denied. I moved to disqualify Judge Cook on the basis that I have a financial relationship with her husband. Judge Cook said my motion to disqualify her on that basis is denied. I moved to disqualify Judge Cook on the basis of an affidavit that showed she made misrepresentations at the last hearing and Judge Cook cut me off and said "Sir, file a written motion". Judge Cook then accused me in open court of feigning illness at the last hearing. I responded no, I did not feign illness.

7. Judge Cook then threatened to have me removed from the courtroom. When I attempted to tell Judge Cook that I was leaving a copy of the Complaint on the table, she cut me off each time. Then Judge Cook said to the bailiff "Escort the gentleman out." Judge Cook then said the hearing will continue. I responded that I didn't get my ADA accommodation. Judge Cook said "That's not true, sir". I responded that "I'm leaving the federal lawsuit on this table for you." Judge Cook said "You must go, sir. It's not proper

service. Leave.” After Judge Cook ordered me removed from the hearing, I was escorted out of the courtroom by the bailiff, HCSO Deputy C.E. Brown.

8. After Judge Cook ordered me removed from the hearing, Deputy Brown escorted me to the elevator, accompanied me to the lobby, and escorted me out of the courthouse.

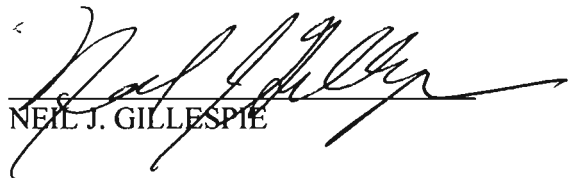
9. The hearing was transcribed. Attached as Exhibit “A” are pages 3, 4 and 5 of the transcript showing the exchange described in paragraphs 6 and 7.

10. Judge Cook continued the hearing without me and I had no representation. Later I learned that Judge Cook ruled against me and in favor of the Defendants. I appealed Judge Cook’s rulings to the Second District Court of Appeal on October 22, 1010.

11. Judge Cook falsely accused me in open court of feigning illness at the last hearing which was on July 12, 2010. I did not receive accommodation under the ADA.

FURTHER AFFIANT SAYETH NAUGHT.

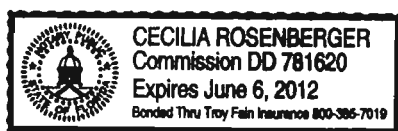
Dated this 28th day of October 2010.



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, appeared NEIL J. GILLESPIE, personally known to me, or produced identification, 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 28th day of October 2010.




Notary Public
State of Florida

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

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NEIL J. GILLESPIE,
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Plaintiff,
:
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and
: Division: G
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BARKER, RODEMS & COOK, P.A.
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A Florida Corporation, and
:
WILLIAM J. COOK,
:
:
Defendants.
:
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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

Pages 1 - 26

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



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

PROCEEDINGS

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

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

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

MR. GILLESPIE: Your Honor --

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

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

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

Please continue with your Motion for Summary Judgment.

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