

May 27, 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 the following:

1. PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL, ADA
ACCOMODATION REQUEST, and MEMORANDUM OF LAW
2. VERIFIED NOTICE OF FILING DISABILITY INFORMATION
OF NEIL J. GILLESPIE

Please note that Mr. Rodems mislead you during the hearing about my attempts to resolve this matter. Please read the motion for appoint of counsel, and my letter to Mr. Rodems dated November 8, 2010, copy attached with notice of filing. Mr. Rodems also mislead you about my disability and ADA requests. Please see the notice of filing disability information.

I cannot appear at any contempt hearing without counsel. I cannot have unmoderated contact with Mr. Rodems, his partners or employees. I may file an emergency stay with the US Supreme Court. If the hearing is not canceled or I do not obtain counsel I may file chapter 7 bankruptcy which will dispose of defendants' judgment.

Thank you for your consideration.

Sincerely,



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

cc: Mr. Rodems, letter only

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-007205

vs.

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

DIVISION: G


Defendants.

PLAINTIFF'S NOTICE OF FILING LETTERS, MR. RODEMS & GILLESPIE

Plaintiff pro se Gillespie hereby notice the filing of the following letters:

1. October 26, 2010 letter from Mr. Rodems to Plaintiff pro se Gillespie.
2. November 8, 2010 letter from Plaintiff pro se Gillespie responsive to Mr. Rodems.

RESPECTFULLY SUBMITTED November 8, 2010.


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 November 8, 2010 to Mr. Ryan C. Rodems at Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602.


Neil J. Gillespie

BARKER, RODEMS & COOK

PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

CHRIS A. BARKER
RYAN CHRISTOPHER RODEMS
WILLIAM J. COOK

400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

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

October 26, 2010

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

**Re: Gillespie v. Barker, Rodems & Cook, P.A.,
Case No.: 05-CA-7205; Division "G"**

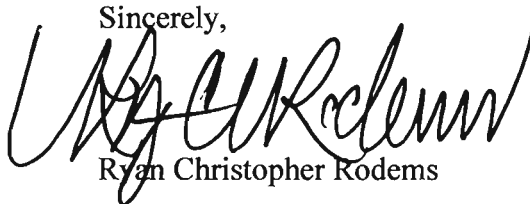
Dear Neil:

I am in receipt of your notice of appeal of your adjudication of contempt of court for refusing to attend deposition. As you know from the finality of the judgment on the sanctions for your frivolous pleading and previous discovery violations, a notice of appeal does not operate as a stay of judgment.

As Florida Rule of Appellate Procedure 9.310(a) provides, "[e]xcept as provided by general law and in subdivision (b) of this rule, a party seeking to stay a final or non-final order pending review shall file a motion in the lower tribunal, which shall have continuing jurisdiction, in its discretion, to grant, modify, or deny such relief. A stay pending review may be conditioned on the posting of a good and sufficient bond, other conditions, or both."

Should you fail to comply with the Order adjudging you in contempt, we will seek further relief.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Christopher Rodems". The signature is fluid and cursive, with the first name "Ryan" being the most prominent.

Ryan Christopher Rodems

RCR/so

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

November 8, 2010

Mr. Ryan Christopher Rodems, Attorney at Law
Barker Rodems & Cook, PA
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

RE: Court-ordered deposition by Judge Cook, Gillespie v. Barker, Rodems & Cook, PA, et al, case no. 05-CA-007205, Circuit Civil, 13th Judicial Circuit

Dear Mr. Rodems:

This is in response to your letter dated October 26, 2010. Dr. Karin Huffer has advised me not to attend a deposition with you unrepresented and without ADA accommodation. Dr. Huffer's letter of October 28, 2010 is enclosed. Dr. Huffer wrote this about attending the deposition without ADA accommodation: (page 1, paragraph 2)

“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.”

I am actively seeking counsel for the court-ordered deposition and have provided you copies of correspondence thereto. I will continue to do so and file same with the court.

You did not provide any details about the deposition. Who will conduct the deposition? After five years of your lies and harassment toward me I cannot be in your presence, you make me ill. Previously I provided you my tax returns and other documents so that is done. Since you did not specify the amount of time needed I assume one hour is enough.

I am available for deposition at the following dates and times provided that I am represented by counsel, have ADA accommodations in place, and the deposition is conducted by a third party:

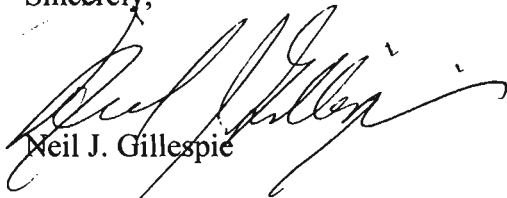
Wednesday November 10, 2010 noon to 1:00 PM
Thursday November 11, 2010 noon to 1:00 PM
Friday November 12, 2010 noon to 1:00 PM

I reiterate my offer to submit to a deposition in Ocala at the law office of Robert Stermer subject to the conditions described above. Another option is a telephonic deposition.

Please be advised that I will likely request a stay of Judge Cook's order under Florida Rule of Appellate Procedure 9.310(a) and will advise you thereupon. In any event I don't see the need for a writ of bodily attachment. If it comes to that point I would voluntarily appear at the appropriate law enforcement office and submit to a deposition under duress. At least then I would have some protection from your stunts, like throwing coffee on a deponent, or your wont of making false affidavits that you were threatened.

In the past I have requested that you address me as "Mr. Gillespie" in this matter. Your letter of October 26, 2010 addressed "Dear Neil" violates my request. Judge Isom also requested you address me as "Mr. Gillespie" on February 5, 2007. A copy of my letter to you of December 22, 2006 requesting you address me as "Mr. Gillespie" is enclosed, along with the transcript pages of Judge Isom instructing you in civility.

Sincerely,



Neil J. Gillespie

Enclosures

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.

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

Telephone: (352) 502-8409

US CERTIFIED MAIL, RETURN RECEIPT
Article No. 7005 3110 0003 7395 1887

December 22, 2006

Ryan Christopher Rodems, Attorney at Law
Barker, Rodems & Cook, P.A.
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

RE: Gillespie v. Barker, Rodems & Cook, P.A., case no.: 05-CA-7205, Div. H

Dear Mr. Rodems,

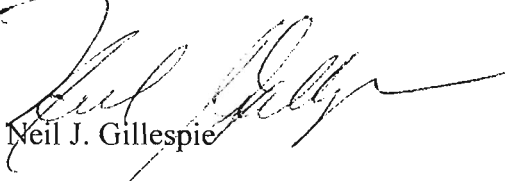
Kindly take notice that we are not on a first name basis, and I request that you address me as "Mr. Gillespie". I have made this request to you several times, in writing, and still you refuse to comply. I address you as "Mr. Rodems", so I do not understand the problem. Mature adults in civilized society do this as a matter of course, so again, I do not understand your difficulty. Let me remind you that I am ten years your senior, which only reinforces the social protocol that you address me as "Mr. Gillespie".

As for your immature, childish remark left on my voice mail, your statement that because the greeting on my voice mail says "Hi, this is Neil, leave a message and I'll get back to you", that you somehow construe this as giving you permission to use my first name, this is further evidence that you are unfit to serve as counsel in this lawsuit. It also calls into question your mental fitness to be a lawyer, in my view. (Exhibit A).

I am providing a copy of this letter to the Court, and I am including it in the record. At trial, with you on the witness stand, I will question you about this matter, to give the Court and the jury some idea about how unprofessional you are, and to provide a glimpse into the nightmare of being your client at Barker, Rodems & Cook, P.A.

Please address me as "Mr. Gillespie" at all times and govern yourself accordingly.

Sincerely,


Neil J. Gillespie

cc: The Honorable Claudia R. Isom
enclosure, page 5, transcript of Mr. Rodems' phone message of Dec-13-06

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

4 NEIL J. GILLESPIE,

5 Plaintiff,

Case No.: 05-7205

6 -vs-

Division: H

7 BARKER, RODEMS & COOK, P.A.,
8 A Florida Corporation

9 Defendant.

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12 TRANSCRIPT OF PROCEEDINGS

13
14 BEFORE: HONORABLE CLAUDIA R. ISOM
15 Circuit Judge
16 TAKEN AT: In Chambers
17 Hillsborough County Courthouse
Tampa, Florida
18 DATE & TIME: February 5, 2007
Commencing at 1:30 p.m.
19 REPORTED BY: Denise L. Bradley, RPR
20 Notary Public
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23

24 **ORIGINAL**

25 STENOGRAPHICALLY RECORDED
COMPUTER-AIDED TRANSCRIPTION

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APPEARANCES:

On behalf of the Plaintiff:

NEIL J. GILLESPIE
(Pro se litigant)
8092 115th Loop
Ocala, Florida 34481

On behalf of the Defendant:

RYAN CHRISTOPHER RODEMS, ESQUIRE
Barker, Rodems & Cook, P.A.
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

1 disposed of.

2 MR. GILLESPIE: Judge, is there a reason why Mr.
3 Rodems can't address me as Mr. Gillespie? Do we have
4 to go through an entire hearing for that?

5 THE COURT: I'm sorry. How were you addressing
6 Mr. Gillespie?

7 MR. RODEMS: In the chambers of course I would
8 address him as Mr. Gillespie. I haven't addressed him
9 at all today. I've addressed all of my comments to
10 you.

11 THE COURT: Okay, fine.

12 MR. GILLESPIE: He's been addressing me as either
13 Neil or Neily.

14 THE COURT: Today during the hearing?

15 MR. GILLESPIE: No, on Thursday out in the
16 hallway. And the purpose of it because I've written to
17 him about this and request that he not do it, and it's
18 just for the purpose of annoyance and harassment. In
19 the alternative, I don't know if he perhaps is saying
20 that because maybe he has some affection he wants to
21 show to me. But I'm not interested in that. I believe
22 he's married and I wish he would keep those comments
23 for his wife.

24 MR. RODEMS: I think my wife would object if I
25 called her Neil or Neily.

1 THE COURT: Okay. So in the future please both
2 of you need to refer to each other by your last name,
3 your surname, and not with any terms of affection,
4 endearment or nicknames.

5 MR. RODEMS: Your Honor, are you asking me to do
6 that outside of these proceedings as a courtesy to the
7 Court or is this an official order?

8 THE COURT: When in the courthouse engaging in
9 litigation regarding this case -- is that your umbrella
10 right there on that chair?

11 MR. GILLESPIE: I don't have an umbrella.

12 THE BAILIFF: That's been here since this
13 morning, Your Honor.

14 THE COURT: Off the record.

15 (Pause.)

16 THE COURT: All right, back on the record. In
17 the context of this litigation please refer to each
18 other by your surnames so we won't have any question
19 about whether or not people are being professional.
20 Okay.

21 MR. GILLESPIE: And, Judge, would that go for
22 letters he sends me as well?

23 THE COURT: I said in the context of this
24 litigation. So if the letters have to do with this
25 litigation that would be encompassed in this.

1 MR. GILLESPIE: Thank you.

2 THE COURT: That's for future reference. And
3 since I just said that I would not hold it against
4 either of you if you've been using something like
5 nicknames in the past.

6 Okay. So let's try to get through what was set
7 for today. And you said your order of protection has
8 now been incorporated into an order to show cause.

9 MR. GILLESPIE: Yes, Judge.

10 THE COURT: So by doing the order to show cause
11 we could check two of them off of our list. So why
12 don't you proceed with that one.

13 MR. GILLESPIE: All right, Judge.

14 MR. RODEMS: Your Honor, before we begin, I
15 object to some evidence that Mr. Gillespie has filed in
16 connection with this motion. I'd like to be heard on
17 that before the Court considers the admission of it.

18 MR. GILLESPIE: And, Judge, before --

19 THE COURT: In terms of this being an evidentiary
20 hearing, I guess I'll reserve on your motion since it's
21 nonjury. You can raise the objection whenever he seeks
22 to introduce it into evidence today.

23 MR. RODEMS: Well, he filed it with this motion.
24 So before he begins his motion I'd like to identify the
25 issues and make sure the record is clear.