

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT

NEIL J. GILLESPIE

Appellant,

Case No.: 2D10-5197
Lower Court Case No. 05-CA-007205

vs.

BARKER, RODEMS & COOK, PA, a Florida
Corporation; and WILLIAM J. COOK,

Appellees.

**APPELLANT'S MOTION FOR EXTENSION
OF TIME TO FILE AMENDED INITIAL BRIEF**

Appellant pro se Neil J. Gillespie hereby files this Motion for Extension of Time to File Amended Initial Brief and in support thereof states:

1. This Court, by Order dated May 25 2011, granted Appellant's motion for extension of time for the initial brief to be served by June 22, 2011.
2. On June 1, 2011 opposing counsel Ryan Christopher Rodems caused a warrant for Appellant's arrest to be issued on a writ of bodily attachment for civil contempt. Law enforcement is currently pursuing Appellant on an active arrest warrant, no. 22044323.
3. Appellant believes Mr. Rodems obtained the writ of bodily attachment under false pretenses and for untoward purposes, either to intentionally disrupt the appellant process in this appeal 2D10-5197, and/or to force settlement of this lawsuit on terms favorable to Mr. Rodems. Mr. Rodems' exercise of independent professional judgment is materially limited in this case by his interest and conflict representing his firm and law partner against claims by a former client on a matter that is the same or substantially similar as the prior representation.

4. Since June 1, 2011 most of Appellant's time has been consumed seeking resolution of his impending arrest. Appellant will not be able to serve the initial brief by June 22, 2011 as required by this Court's Order dated May 25, 2011. Therefore Appellant seeks a 14 day extension of time until July 6, 2011 to serve the initial brief.

5. Appellant is disabled and cannot represent himself at hearings. Appellant is indigent which is a barrier to hiring private counsel. Appellant was determined indigent by Allison Raistrick of the Clerk's Indigent Screening Unit May 27, 2011 pursuant to section 27.52 Florida Statutes, determination of indigent status to appoint the public defender as counsel. However the Court dismissed the public defender June 1, 2011 by Order Relieving The Office Of The Public Defender Of The Thirteenth Judicial Circuit From Representation Of Plaintiff Neil Gillespie. A copy of the Order is attached as Exhibit A.

6. Appellant was able to find an attorney willing to help him resolve his impending arrest and related issues given the injustice of this situation. Attorney Eugene P. Castagliuolo entered appearance for Appellant in the lower tribunal June 16, 2011. A copy of Mr. Castagliuolo's Notice of Appearance is attached as Exhibit B.

7. Mr. Castagliuolo filed Plaintiff's Motion To Quash Writ Of Bodily Attachment And To Rescind Warrant For Plaintiff's Arrest on June 16, 2011. A hearing on the motion was held June 16, 2011 at 10:30AM before the Honorable James D. Arnold. The Court denied the motion, but offered the parties use of a hearing room Tuesday June 21, 2011 at 10:30AM to conduct a deposition duces tecum. Once the deposition duces tecum is complete the Court will withdraw the arrest order. Transcript, June 16, 2011, page 15:

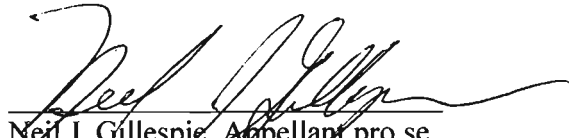
THE COURT: And, I -- at this point in time,
14 his coming here is on a voluntary basis. If he
15 comes in on a voluntary basis on Tuesday, he brings
16 the documents, including the trust documents, which
17 I'll review in camera -- okay -- and willing to sit

18 for a deposition under oath, a full deposition
19 under oath, then I'll take that all into
20 consideration; and, and as far as I'm concerned, if
21 he does produce the documents, he does sit for
22 deposition, at that point in time, I'd be inclined
23 to withdraw any pick-up order.

8. Appellant will appear Tuesday June 21, 2011, represented by Mr. Castagliuolo, to resolve this matter as offered by the Court.

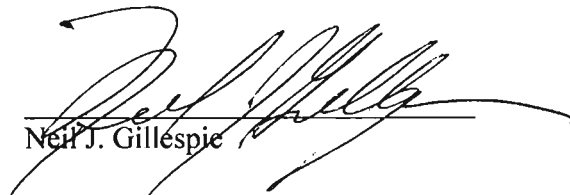
WHEREFORE, Appellant pro se moves this Court for an extension of time of 14 days to file his amended initial brief by July 6, 2011, and other relief as this Court deems proper.

RESPECTFULLY SUBMITTED June 21, 2011.


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

Certificate of Service

I certify that a copy hereof was mailed June 21, 2011 to Ryan C. Rodems, 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, STATE OF FLORIDA
GENERAL CIVIL DIVISION

NEIL J. GILLESPIE,
Plaintiff,

CASE NUMBER.: 05-CA-7205

DIVISION: J

v.

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

**ORDER RELIEVING THE OFFICE OF THE PUBLIC DEFENDER OF THE
THIRTEENTH JUDICIAL CIRCUIT FROM REPRESENTATION
OF PLAINTIFF NEIL GILLESPIE**

THIS CAUSE having come to be heard on the Motion of the Office of the Public Defender for Clarification and the Court being fully advised in the premises does hereby relieve the Office of the Public Defender of the Thirteenth Judicial Circuit from representation of the plaintiff in this cause as there is no lawful basis for the appointment of the Office of the Public Defender to represent the plaintiff in the cause currently before the Court.

DONE AND ORDERED at Tampa, Hillsborough County, Florida on this _____ day of June, 2011.

HONORABLE JAMES D. ARNOLD
CIRCUIT COURT JUDGE
THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA

Copies furnished to:

Neil Gillespie, 8092 SW 115th Loop, Ocala, FL 34481
Ryan C. Rodems, Barker, Rodems & Cook, 400 North Ashley Dr., Ste. 2100, Tampa, FL 33602
Richard L. Coleman, Esq., P.O. Box 5437, Valdosta, GA 31603
Mike Peacock, Office of the Public Defender

/km

ORIGINAL SIGNED

JUN - 1 2011

**JAMES D. ARNOLD
CIRCUIT JUDGE**

EXHIBIT

A

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

NEIL J. GILLESPIE,

Plaintiff,

Case No. 05-CA-007205

Division J

vs.

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

Defendants.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Eugene P. Castagliuolo, of CASTAGLIUOLO LAW GROUP, P. A., enters his appearance in the above-styled cause on behalf of Plaintiff NEIL J. GILLESPIE.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *NOTICE OF APPEARANCE* has been furnished by hand-delivery to Ryan Christopher Rodems, Esquire, of BARKER, RODEMS & COOK, P. A., 400 N. Ashley Drive, Suite 2100, Tampa, FL 33602 on this 16th day of June, 2011.



Eugene P. Castagliuolo, Esquire
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EXHIBIT

B