

**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 MOTION TO STRIKE OR SET ASIDE JOINT STIPULATION FOR
DISMISSAL WITH PREJUDICE**

PLAINTIFF'S MOTION TO STRIKE OR SET ASIDE SETTLEMENT AGREEMENT

1. Plaintiff pro se Neil J. Gillespie ("Gillespie") moves to strike or set aside the Joint Stipulation For Dismissal With Prejudice ("joint stipulation") dated June 21, 2011. (Exhibit A). Gillespie moves to strike or set aside the Settlement Agreement And General Mutual Release ("settlement") allegedly agreed to by Gillespie June 21, 2011 while he was in the custody of the Hillsborough County Sheriff (HCSO) on a writ of bodily attachment. (Exhibit B-1).
2. The joint stipulation, and settlement, were fraudulently obtained from Gillespie by Mr. Rodems while Gillespie in custody of the Hillsborough County Sheriff's Office (HCSO) on civil contempt at the Edgecomb Courthouse in Tampa. The joint stipulation, and settlement, must be set aside, and are void or voidable, for fraud, duress, mistake, undue influence, adhesion, lack of informed consent, disability or incapacity, sleep deprivation, malpractice or negligence by jailers, threats, intimidation, yelling, and other improper conduct by opposing counsel Ryan Christopher Rodems, and breach of duty by Gillespie's former counsel, Eugene P. Castagliuolo.

3. The joint stipulation served by Mr. Rodems that this Court relied upon must be struck or set aside as there was no manifestation of mutual assent, a "meeting of the minds", or agreement to the terms of the joint stipulation, and settlement. Rather, Gillespie was impaired by disability and sleep deprivation and threatened while in custody of the HSCO and agreed to act to get out of custody. Gillespie's former counsel, Mr. Castagliuolo, breached his professional duty to Gillespie. The joint stipulation, and settlement, prepared in advance by Mr. Rodems, is a mirror of Rodems' manifestation of mutual assent, not the manifestation of assent by Gillespie who was forced or induced to assent to the terms of the joint stipulation, and settlement, while disabled, in custody of the HSCO, and counsel who breached his duty. Therefore, the mutual meeting of the minds "in truth" does not exist. Since there is no mutual meeting of the minds there can be no joint stipulation, and settlement, and the joint stipulation, and settlement, are void or voidable.

4. Attorney Eugene P. Castagliuolo formerly represented Gillespie in this action. Castagliuolo breached his professional duty to Gillespie during the representation. Gillespie terminated the representation by Castagliuolo June 30, 2011 by notice to the United States District Court in Gillespie's ADA and Civil Rights lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida, et al., Case No. 5:10-cv-00503, US District Court, MD of Florida, Ocala Division. A copy of Plaintiff Neil J. Gillespie's Notice Regarding Attorney Eugene P. Castagliuolo, Florida Bar ID #104360 is attached as Exhibit C.

Mr. Rodems' Fraud To Settle Federal ADA/Civil Rights Lawsuit

5. Gillespie became aware of the scope of Mr. Rodems' fraud in obtaining the settlement, and the joint stipulation served on this Court by Mr. Rodems, when Gillespie read the docket in his federal ADA and Civil Rights lawsuit, Neil J. Gillespie vs. Thirteenth Judicial Circuit, Florida, et al., Case No. 5:10-cv-00503, US District Court, MD Florida, Ocala Division, by

chance late in the evening Thursday, June 29, 2011, and found Mr. Rodems' Notice of Assignment of Claims and Motion For Dismissal of Action With Prejudice, submitted June 21, 2011, copy attached as Exhibit B. Rodems did not serve a copy on Gillespie.

6. Prior to Thursday, June 29, 2011 Gillespie believed the joint stipulation served on this Court by Mr. Rodems was unlawfully obtained, but the full picture of Rodems' fraud was not yet clear. Nonetheless, on June 22, 2011 Gillespie notified Mr. Rodems and Mr. Castagliuolo of his intent to challenge the settlement, see Exhibit E, a "Draft Copy" of Gillespie's Motion To Set Aside: Settlement Agreement, Notice of Dismissal With Prejudice, 2d DCA, and Joint Stipulation For Dismissal With Prejudice 13th Circuit - Gillespie Under Duress And In Custody Of HCSO, faxed to Mr. Rodems, and emailed to Mr. Castagliuolo, November 22, 2011.

Mr. Rodems and Barker, Rodems & Cook, Acting As

Counsel For The Thirteenth Judicial Circuit

7. Mr. Rodems' notice and motion in federal court show he and Barker, Rodems & Cook, P.A. were essentially acting as counsel for the parties to the federal lawsuit, including the Thirteenth Judicial Circuit, various judges and court personal, and Gillespie's former counsel Robert W. Bauer and his firm. This shows one more conflict of interest with the lower tribunal case being tried in the Thirteenth Circuit. At one time Mr. Rodems and Barker, Rodems & Cook, P.A. were a parties to the lawsuit, but Gillespie voluntarily dismissed the claims without prejudice, see the Order of US District Judge William Terrell Hodges, November 22, 2010, Exhibit F. Judgment was entered dismissing all claims against Defendant's Ryan Christopher Rodems and Baker, Rodems & Cook, P.A. without prejudice November 23, 2010, Exhibit G.

Gillespie's Motion and Notice in Federal Court, Case No. 5:10-cv-00503

8. Gillespie moved to strike or set aside the Notice of Assignment of Claims And Motion For Dismissal of Action With Prejudice filed by Mr. Rodems June 21, 2011. (Exhibit H)

Gillespie also moved to strike or set aside the Settlement Agreement And General Mutual Release (“settlement”), Exhibit 1 to the notice and motion, and allegedly agreed to by Gillespie June 21, 2011 while he was in the custody of the Hillsborough County Sheriff (HCSO) on a writ of bodily attachment. (Exhibit H).

9. Gillespie filed a notice regarding attorney Eugene P. Castagliuolo who represented Gillespie at the deposition while he was in custody. The notice sets forth the following:

- a. Gillespie recently met Mr. Castagliuolo through an ad on Craigslist.
- b. Terminated Mr. Castagliuolo’s representation of Gillespie.
- c. Mr. Castagliuolo breached his professional duty to Gillespie
- d. Mr. Castagliuolo failed to abide by Gillespie’s written instructions not to accept a “walk-away” Settlement Agreement And General Mutual Release offered by Mr. Rodems.
- e. Mr. Castagliuolo failed to prepare Gillespie for the deposition as agreed
- f. Mr. Castagliuolo failed to explain the agreement Gillespie was later compelled to sign while in custody.
- g. Mr. Castagliuolo stopped representing Gillespie’s interest at some point during the deposition, if not sooner.

A copy of the notice is attached as Exhibit C.

Writ of Bodily Attachment Against Gillespie

10. On June 1, 2011 Mr. Rodems caused a warrant for Gillespie’s arrest to be issued on a writ of bodily attachment for civil contempt for allegedly failing to appear for a deposition. This follows the Order Adjudging Plaintiff Neil J. Gillespie In Contempt by Judge Martha Cook

September 30, 2010. The hearing was held ex-parte and Gillespie was not present and did not have representation. Gillespie appealed the contempt order to the 2dDCA in case 2D10-5197 along with the Final Summary Judgment As To Count I. Rodems acknowledged the appeal by letter to Gillespie October 26, 2010. (Exhibit 1-A). Gillespie replied by letter November 8, 2010 that he agreed to attend a deposition as long as he was represented by counsel. (Exhibit 1-B). Gillespie cannot have unmoderated contact with Mr. Rodems on the medical advice of Dr. Karin Huffer, Gillespie's disability advocate. Dr. Huffer also advised Gillespie not to attend a deposition without ADA accommodations in place. Mr. Rodems has a history of harassing behavior toward Gillespie, as well as a practice of creating a false record of events about Gillespie. In the alternative Gillespie offered to be deposed at a law enforcement office¹. Rodems did not respond and instead sought to have Gillespie arrested on a writ of bodily attachment.

11. Mr. Rodems obtained the writ of bodily attachment for improper purposes, to intentionally disrupt the appellant process in appeal 2D10-5197, and/or to force settlement of this lawsuit on terms favorable to the Defendants. Mr. Rodems obtained the writ of bodily attachment through a series of ex-parte hearings where Gillespie was not present and not represented by counsel as set forth in Exhibit 2.

12. Judge James D. Arnold issued an Order to Show Cause May 4, 2011 to appear in chambers on Wednesday, June 1, 2011 at 11:00 a.m. in Room 514 of the Hillsborough County Courthouse, located at 800 E.. Twiggs Street, Tampa, FL. 33602 to show cause why he should not be held in contempt of court for failure to appear for a deposition.

13. Gillespie took the following action responsive to the Order To Show Cause set for hearing June 1, 2011 before Judge James D. Arnold:

¹ Not while in custody.

a. May 24, 2011 Gillespie filed *Plaintiff's Motion For Appointment of Counsel, ADA Accommodation Request, and Memorandum of Law*.

b. May 27, 2011 Gillespie applied for the services of the Public Defender and was found indigent² by Allison Raistrick of the Clerk's Indigent Screening Unit pursuant to section 27.52 Florida Statutes to appoint the public defender.

c. May 27, 2011 Gillespie filed *Verified Notice of Filing Disability Information of Neil J. Gillespie*.

d. May 27, 2011 Gillespie hand delivered a letter³ to Judge Arnold at the Edgecomb Courthouse with copies of the documents described above in paragraphs 6a and 6c. (Exhibit 1). Gillespie's letter informed Judge Arnold that Gillespie could not appear⁴ for a contempt hearing without counsel, Rodems mislead the Court during the last hearing, and about Gillespie's disability. Gillespie stated he may file an emergency stay with the US Supreme Court, and is considering chapter 7 bankruptcy to dispose of defendants' [\$11,550] judgment [for sanctions].

² Gillespie was declared insolvent within the meaning of chapter 57, Florida Statutes, by The Second District Court of Appeal, Florida, and the 2d DCA waived fees in three cases: 2D10-5197, 2D10-5529, and 2D11-2127. The Florida Supreme Court waived Gillespie's fees in case SC11-858.

³ Judge Arnold's JA, Judy D. Williams, would not speak with Gillespie and hung up on a pretext that the phone call was recorded. All calls on Gillespie's home office telephone extension are 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. Jefferson-Pilot Life Ins. Co.*, 924 F.2d 215 (11th Cir. 1991), See Plaintiff's Notice of Telephone Hearing filed December 30, 2009. This is a disability accommodation.

⁴ Judge Arnold does not permit pro se litigants to appear telephonically. Gillespie lives 100 miles from the court.

e. May 31, 2011 Gillespie served a Rule 22 Application upon United States Supreme Court Justice Clarence Thomas for Emergency Petition For Stay or Injunction, from the Order Of The Florida Supreme Court in Case No. SC11-858⁵.

Judge Arnold Issued Warrant To Arrest Gillespie June 1, 2011

14. Mike Peacock, Administrative Counsel of the Public Defender for the Thirteenth Judicial Circuit, appeared and submitted *Office Of The Public Defender's Motion For Clarification* (Exhibit 3) arguing Gillespie is not entitled to representation on civil contempt. The Court agreed and relieved the Public Defender by Order (Exhibit 4), holding that "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." The transcript of the proceedings shows as follows:

Transcript, June 1, 2011, page 6:

1 THE COURT: Take care.
2 All right. Let the record reflect that
3 Mr. Gillespie was personally served with my order
4 ordering him to appear this morning to show cause why
5 he should not be held in civil contempt of court for
6 his failure to give a deposition, appear at a
7 deposition, give a deposition and produce documents
8 requested pursuant to a subpoena duces tecum. Is that
9 correct, counselor?
10 MR. RODEMS: As a party of notice of deposition
11 duces tecum, Your Honor.
12 THE COURT: Therefore, I'm going to issue a
13 warrant for his arrest and order that he be picked up
14 and brought before the Court to show cause why I
15 shouldn't hold him in civil contempt of court. The
16 order is immediate arrest.

⁵ The Petition was returned to Gillespie by Danny Bickell, Staff Attorney, with a letter dated June 2, 2011 citing several deficiencies. Gillespie corrected the deficiencies and June 11, 2011 served another Rule 22 Application upon Justice Thomas, and Emergency Petition for Writ of Prohibition, from the Order of The Florida Supreme Court in Case No. SC11-858. The Petition was returned to Gillespie by Clayton R. Higgins, Jr., Case Analyst, with a letter dated June 15, 2011 that cited different deficiencies from the earlier Petition.

A copy of the Writ of Bodily Attachment is attached as Exhibit 5. (As received by Gillespie June 23, 2011 at 2:20 PM by email from Major James P. Livingston, Commander, Court Operations).

Copy of Writ Of Bodily Attachment Not Provided or Available

15. The Court failed to provide Gillespie a copy of the writ of bodily attachment. The Clerk of the Court failed to provide Gillespie's representative, Affordable Courier Solutions, a copy of the writ June 10, 2011. The Clerk told Affordable Courier Solutions that the file in this case was not available. Gillespie retained Eugene Castagliuolo June 3, 2011. Mr. Castagliuolo was unable to obtain a copy of the writ. Without a copy of the writ, Gillespie was denied due process in his efforts to purge the writ. A copy of the writ was only provided to Gillespie June 23, 2011 by Maj. Livingston after Gillespie voluntarily appeared at the courthouse.

16. Beginning June 1, 2011 Florida law enforcement was actively trying to arrest Gillespie on the writ of bodily attachment which terrorized him, caused him to suffer fear and anxiety⁶, aggravated his disabilities, and prevented him from working on the appeal in 2D10-5197.

Gillespie Found Counsel Through Craigslist June 3, 2011

17. Gillespie retained attorney Eugene P. Castagliuolo June 3, 2011 through a Craigslist posting as follows:

“I will pay \$1,000 cash to a Florida licensed attorney in good standing to represent me at a deposition duces tecum in Tampa ASAP. This is civil litigation. \$1,000 represents more than half my monthly income. (I will pay more if you accept terms for the balance). I need prep time too.

This is urgent, I'm facing a writ of bodily attachment otherwise. Thank you.”

⁶ Gillespie was also concerned about the care and feeding of his pet bunny Ginger. If Gillespie were incarcerated for any length of time, Ginger would likely starve and die. Gillespie had no one to care for Ginger, and Gillespie's nearest relative lives over 1,000 miles away.

Prior to June 3, 2011 Gillespie did not have funds to retain counsel. Gillespie is indigent and insolvent as determined by the courts. Gillespie relies upon a monthly Social Security disability payment that arrives in the third of the month as his income. On June 1, 2011 Gillespie lacked the funds to retain counsel for the Evidentiary Hearing that led to a warrant for his arrest on a writ of bodily attachment.

Motion To Quash Writ of Bodily Attachment, Rescind Arrest Warrant

18. 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 Judge Arnold. A copy of the motion is attached as Exhibit 6 and sets forth the following:

(1) The last attorney representing Mr. Gillespie in this case was permitted to withdraw on October 1, 2009.

(2) In the 21 months or so which have transpired since October of 2009, Mr. Gillespie has been without legal counsel, and has represented himself for these past 21 months.

(3) Not only has Mr. Gillespie not had the benefit of any legal training, but he also labors under the strain of some serious health issues which have been with him since this litigation began.

(4) Notwithstanding the foregoing, Mr. Gillespie has made considerable effort to comply with Mr. Rodems' fairly comprehensive and exhaustive discovery requests, as demonstrated by the June 25, 2010 letter and attachments which Mr. Gillespie sent to Mr. Rodems.

(7) Marion County Deputy Carl Dunlap advised undersigned counsel via telephone that, were they to ultimately arrest Mr. Gillespie, it would be likely that Mr. Gillespie would sit in the Marion County Jail for weeks until he could be transferred to the Hillsborough County Jail.

(8) Justice will not be served if Mr. Gillespie is jailed.

(9) Furthermore, given his health status, he will most definitely *not* "hold the keys" to his jail cell, as his ability to respond to discovery will then be virtually lost.

(10) Perhaps most importantly to this Honorable Court, this case will not advance any faster nor will the issues be resolved any quicker if Mr. Gillespie is jailed.

(11) The only possible interest served by jailing Mr. Gillespie would perhaps be that Mr. Rodems will enjoy some degree of retribution against Mr. Gillespie, although undersigned counsel finds it hard to believe that Mr. Rodems would be so motivated⁷.

17. The Court denied the motion⁸, 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 was complete the Court would 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.

A copy of the transcript of the hearing June 16, 2011 is attached as Exhibit M.

19. Gillespie agreed to the foregoing in an effort to resolve the deposition. Gillespie has always agreed to attend a deposition so long as he is represented by counsel. Gillespie cannot

⁷ Gillespie believes retribution, not justice, is part of Mr. Rodems' motivation, and to disrupt the appellate process in 2D10-5197, and to force a settlement on terms favorable to Defendants.

⁸ Judge Arnold is relatively new to this case, and the Court appears uninformed that Gillespie was always willing to attend a deposition provided he was represented by counsel. The Court also appears uninformed that Gillespie's disability prevents him from appearing at hearings without counsel, or that Gillespie cannot have unmoderated contact with Mr. Rodems. See Plaintiff's Motion For Appointment of Counsel, ADA Request, and Memorandum of Law, May 24, 2011.

have unmoderated contact with Mr. Rodems on the medical advice of Dr. Karin Huffer, Gillespie's disability advocate. Rodems has a history of harassing and unprofessional behavior with regard to Gillespie, and has a practice of creating a false record of events about Gillespie.

Mr. Rodems' Threatening Email to Mr. Castagliuolo June 20, 2011

20. On the eve of the deposition, Mr. Rodems sent a threatening email to Gillespie's counsel Mr. Castagliuolo, Monday, June 20, 2011, 1:22 PM, attached as Exhibit 7.

a. Mr. Rodems announced a "walk-away" settlement, followed by a number of threats if Gillespie did not agree to a settlement agreement attached to the email in PDF.

"Please advise Gillespie of the following:

We will offer a walk-away once again, and for the final time. Gillespie can avoid the deposition and have the writ of bodily attachment dissolved if he settles his case with us. We offer a "walk-away," with a release in the form attached. What this means is Gillespie pays us nothing and all of our claims, potential claims, and disputes occurring before tomorrow are fully and finally resolved. You can tell him that If he rejects it, it will never be offered again."

b. Mr. Rodems threatened the following if Gillespie did not agree to a settlement:

"And, if he rejects it, here is what tomorrow will look like: Once Gillespie arrives at the courthouse, he will be taken into custody by the HCSO deputies and brought before Judge Arnold. He should make no mistake, from the moment he walks in, Gillespie will be in custody. The writ of bodily attachment is in effect, and must be executed the moment any law enforcement office identifies him."

"I expect Judge Arnold will advise Gillespie that until the deposition is complete, the writ of bodily attachment will remain in full force and effect. What that would mean is that Gillespie will remain in custody until such time as Judge Arnold announces that the writ is dissolved – which will not occur until the deposition is complete."

"The deputies will be either inside the room or right outside during the deposition. If Gillespie does not bring the documents or he refuses to answer questions, or behaves like he has in past hearings, I will stop the deposition, and advise the deputies that we need to see Judge Arnold. Obviously, Judge Arnold is extremely busy, and he is not going to stop his docket or hearings to rule immediately, and

so the HCSO deputies will hold Gillespie in custody until we can find time on the Judge's calendar to resolve the issues."

"Gillespie needs to understand that I will not accept any refusals by him to answer my questions, and I will not tolerate any intemperate behavior. He will not threaten to "slam me against the wall,"⁹ like he did in the past, he will not yell¹⁰ at me or interrupt me, like he has done in the past. The first time he goes "off the reservation," like he did when Judge Isom ruled against him¹¹, and like he did at the summary judgment hearing before Judge Cook¹², and like he did when he threatened me on the telephone¹³, I will suspend the deposition, ask the deputies to take him into custody, and contact Judge Arnold."

"Also, because this is a deposition under oath, I will need to be assured, through questions and answers, that Gillespie is not under the influence of any substances, legal or otherwise, that affect his memory. I want to be certain that if Gillespie gives me an answer that later proves to be false, he cannot claim physical or mental impairment¹⁴."

"This will not be a short deposition. I have no choice but to be as thorough as possible because I will likely not have another opportunity to depose him. He has been spending a lot of money on filing fees¹⁵, service of process¹⁶, certified letters¹⁷, court reporters¹⁸, his website¹⁹, etc., so I need to find out where this money is coming from²⁰."

⁹ This is typical of Mr. Rodems' false and disparaging remarks he has made against Gillespie throughout this litigation. The Tampa Police Department investigated Mr. Rodems' accusation, made in a sworn affidavit dated March 6, 2006. Kibry Rainesberger of the TPD concluded that Mr. Rodems was not right and not accurate in representing to the Court a quote Rodems attributed to Gillespie.

¹⁰ Gillespie did not yell at Mr. Rodems

¹¹ The transcript of the hearing does not reflect Mr. Rodems' accusation.

¹² The transcript of the hearing does not reflect Mr. Rodems' accusation.

¹³ Gillespie did not threaten Mr. Rodems on the telephone.

¹⁴ Gillespie has disabilities that affect his memory. See *Verified Notice of Filing Disability Information of Neil J. Gillespie*, May 27, 2011.

¹⁵ This is a false statement by Rodems. The Courts have waived Gillespie's last four filing fees.

¹⁶ This is a false statement by Rodems. The last service of process fees Gillespie paid were \$20 each (\$40 total) in 2005 to serve Barker, Rodems & Cook, PA, and Mr. Cook with this lawsuit. Gillespie was unable to pay \$160 in fees to serve four (4) subpoenas for the hearing June 1, 2011.

¹⁷ The cost of certified mail is \$2.85 per letter and is paid from Gillespie's monthly Social Security disability payment of \$1,741.

"If Gillespie finds the deposition process exhausting, as he has claimed in the past, and cannot complete it tomorrow, we can go as many days as he requires, but he needs to understand that he will remain in the custody of the HCSO until it is complete²¹."

"The settlement offer is open until 5:00 p.m. today. If he accepts²², then you can communicate it by telephone before 5:00 p.m. He can sign the attached tomorrow, but it must be hand-delivered before 10:30 a.m. If it is hand-delivered before 10:30 a.m., I will advise the Judge of the settlement, you and he can probably appear by telephone."

c. Mr. Castagliuolo responded by email (Exhibit 8) Monday, June 20, 2011 at 1:59 PM to the threats made by Mr. Rodems against Gillespie:

"Again, I understand the acrimony that permeates this case, but your e-mail is way too heavy handed...."

"Here's my take on this: I think you should be conducting tomorrow's depo like any other depo in aid of execution in any other case. "Forget" what's happened in the past, at least temporarily for the purposes of ascertaining answers to your 45-46 requests for information. The writ and arrest warrant are not swords of Damocles to be held over my client's head. The writ and arrest warrant are in place to compel his attendance at and good faith participation in your discovery in aid of execution. If after an hour or so of questioning it becomes readily apparent that Mr. Gillespie is without funds to pay your judgment, then an aggressive, lengthy, harassing deposition will have me rather than you calling Judge Arnold."

¹⁸ Court reporters have made payment arrangements, such as allowing Gillespie to postpone payment until arrival of his monthly Social Security disability payment of \$1,741.

¹⁹ Gillespie's website is billed quarterly at \$59.97 or about \$20 per month, and is paid from his monthly Social Security disability payment of \$1,741. On one occasion when Gillespie could not pay the bill, court reporter Susan DeMichelle paid the quarterly website bill of \$59.97.

²⁰ Mr. Rodems knows Gillespie's financial background from his firm's prior representation of Gillespie, from depositions in the AMSCOT and ACE Cash Express lawsuits.

²¹ This threat to incarcerate Gillespie on an ongoing basis is designed to intimidate him to agree to a settlement.

²² Gillespie responded to, and rejected the offer in writing by email, through Mr. Castagliuolo Monday, June 20, 2011 at 2:53 PM.

"The writ and arrest warrant are not your license to verbally punch my client in the face for 3 or 4 hours. As I stated last week before Judge Arnold, my client is a likely candidate for a Chapter 7 BK, and if he goes that route, an exhaustive deposition is a waste of everyone's time, most of all yours, because I can tell just by the way you carry and present yourself that you have far bigger fish to fry."

"I want to get along with you, Chris, lawyer to lawyer. I want to get some satisfaction for all concerned tomorrow, and hopefully, everyone will walk away from the table tomorrow with some degree of relief. But I cannot do so while throwing my client under the proverbial bus, and I will never throw any of my clients under that bus."

"I respectfully suggest that you not place a deadline on the "walk away" offer. Allow me to do my job, to wit: educating my client as to the possible benefits of walking away. But for tomorrow, let's just have a good old-fashioned depo in aid of execution."

"Thank you Chris.....Gene"

Gillespie Rejected Mr. Rodems' Settlement Agreement June 20, 2011

21. Gillespie did not accept Mr. Rodems' "walk-away" settlement offer by the 5:00 PM deadline June 20, 2011. Gillespie rejected the offer by email to Mr. Castagliuolo Monday, June 20, 2011 2:53 PM. A copy of Gillespie's email is attached as Exhibit 9.

This is the text from Gillespie's email to Mr. Castagliuolo:

"Eugene,

Thanks for Rodems' email. Now you know why I could not appear unrepresented with him at a deposition. Rodems' email is a MILD example of how he has conducted himself in this case.

So long as you are by my side I feel confident attending the deposition and getting it behind me.

From what I read in the transcript of the June 16th hearing, Judge Arnold is reasonable, even if he doesn't read much about the case beforehand. If problems develop with Mr. Rodems I think Judge Arnold will be able to resolve the issues, so long as you are present to represent me.

I'm not interested in his walk-away offer. His last walk-away offer was presented in equally dramatic fashion. As I noted before, Mr. Rodems has repeatedly offered a walk-away settlement because if he loses the appeal in 2D10-5197 that could jeopardize his

legal career, and that of his partners', who stand accused of fraud and breach of contract against a former client.

Today I was in contact with James Birkhold, Clerk of the 2d DCA about a motion to extend the time for my amended initial brief. After Mr. Birkhold explained the procedure, I drafted another motion to extend the time for 14 days, with the brief due July 6th, see attached.

Mr. Rodems' walk-away agreement mentions the federal lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida, et al., 5:10-cv-00503-WTH-DAB, pending in the United States District Court, Middle District of Florida, Ocala Division. While I voluntarily dismissed him from the case due to some unbelievable antics, the rest of the case is active, and on June 1, 2011 in response to another matter in the case, I noted that Mr. Rodems previously mislead this Court in violation of Rule 11 (b) in pleadings he submitted, and in turn the Court relied upon Mr. Rodems' pleadings as correct and incorporated false or untrue statements in the Court's orders. I sought leave to move for sanctions against Mr. Rodems under Rule 11(C)(2) for making false or untrue statements to this Court in his pleadings. I'm waiting on a response.

Thirdly, Mr. Rodems may have some concern with action by the Florida Bar, where he assisted Mr. Bauer regarding my bar complaint against Bauer. The grievance committee found no probable cause on a 5-0 vote. That decision was so inappropriate that Jim Watson, Chief Branch Discipline Counsel of the Tallahassee Branch, forwarded my concerns to Carl Schwait, the Designated Reviewer. Attached is the email about that, and I'm still waiting for a reply.

So Mr. Rodems may be feeling some heat. If you are a good negotiator and see my point, you might offer a settlement where Rodems pays me. On a contingent basis you would be entitled to whatever the going percentage is; it may be 45% since this is on appeal.

I'm as cool as can be under the circumstances. Nothing Rodems has said today is a surprise to me.

Thanks again.

Neil Gillespie.

Gillespie voluntarily arrived for the deposition June 21, 2011

22. In a good-faith effort to complete the deposition, Gillespie voluntarily arrived at 9:45 AM June 21, 2011 at the Edgcomb Courthouse, E. 800 Twiggs Street, Tampa. Gillespie met counsel Mr. Castagliuolo at the courthouse on the fifth floor at the door to Judge Arnold's chambers.

Gillespie Fatigued and Sleep Deprived At The Deposition

23. Gillespie had not slept the night before the deposition, and spent time preparing, and making copies of documents, until about 4:26 AM June 21, 2011. Gillespie left home to drive to the courthouse about 4:26AM shortly after sending Mr. Castagliuolo an email announcing same. Gillespie arrived in Tampa at the Twiggs Street Garage at 6:47 AM. At this time Gillespie had not slept for over 24 hours. Gillespie was exhausted, and mentally fatigued from living in seclusion for the past 21 days to avoid arrest on a writ of bodily attachment.

No ADA Disability Accommodation Provided Gillespie During Deposition

24. Gillespie was under disability during the deposition, see Verified Notice of Filing Disability Information of Neil J. Gillespie, filed May 27, 2011. Gillespie submitted his ADA accommodation request (ADA Request), and the ADA Assessment and Report by Dr. Karin Huffer, (ADA Report) to Gonzalo Casares, ADA Coordinator for the Thirteenth Judicial Circuit, February 19, 2010. The ADA Request includes two prior requests dating to 2007. In a letter to Gillespie dated July 9, 2010, David A. Rowland, Counsel to the Thirteenth Judicial Circuit, denied Gillespie's ADA request. Mr. Rowland is a lawyer, not a medical doctor, and therefore unqualified to review the medical report by Dr. Huffer, or grant ADA accommodations based upon the medical report. Dr. Huffer wrote a follow-up letter October 28, 2010 about the lack of ADA accommodations for this deposition. (Exhibit 10). Dr. Huffer wrote in part:

a. "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." (p.2, ¶1)

b. Dr. Huffer wrote Gillespie is denied access to the court in violation of Title II:

"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.” (p. 1, ¶2). (An ADA DOJ complaint was filed by Gillespie April 21, 2011, Exhibit 43)

c. Dr. Huffer noted the abuse power differential in this case:

“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.” (p.1, ¶4)

d. Dr. Huffer wrote Gillespie’s life and health is at risk:

“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.” (p.2, ¶1)

e. Dr. Huffer determined that Gillespie has sustained permanent injury:

“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.” (p.1-2).

25. During a hearing May 3, 2011 the record shows Judge Arnold was uniformed about Gillespie’s disability. (Transcript, p7, line 7). Judge Arnold held the hearing ex parte. Gillespie was not present at the hearing and he was not represented by counsel. Mr. Rodems²³ mislead the court about Gillespie’s disability. In order to stop the ignorance and misrepresentation and about Gillespie’s disability, he decided to make this information public.

²³ Since March 3, 2006, Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward Gillespie that has aggravated his disability, caused substantial emotional distress, and serves no legitimate purpose.

26. Mr. Rodems often states in pleadings that Gillespie is disabled. For example, Mr. Rodems wrote as following in *Defendants' Response To Plaintiff's Motion To Disqualify Judge Barton*²⁴: "On May 20, 2010, Plaintiff Neil J. Gillespie filed a second motion to disqualify Judge James M. Barton. Many of the allegations in Gillespie's motion border on delusional. Gillespie has disclosed in several court filings that he suffers from mental illnesses, and he has stated on the record on several occasions that his mental illness affects his ability to represent himself. Clearly, the pending motion -- and the record in this case -- shows this to be an accurate statement." There is no rule in the Florida Rules of Civil Procedure for opposing counsel to respond to a motion to disqualify a judge. Mr. Rodems' purpose in doing so is to slander Gillespie, and to build a record of hours to obtain attorney's fees in the form of sanctions against Gillespie. This is how Rodems obtained a final judgment against Gillespie for \$11,550 in 2008 that led to this deposition.

Gillespie In Custody of HCSO Over 4 Hours During Deposition

27. The court reporting company informed Gillespie that the deposition ran 4 hours and 24 minutes, from 10:38 AM to 3:02 PM.. Gillespie was taken into custody by the Hillsborough County Sheriff's Office (HCSO) as described in Mr. Rodems' email. Gillespie met and spoke with Major James Livingston, Commander of the Court Operations Division, HCSO. Gillespie provided Major Livingston a copy of Mr. Rodems' email of June 20, 2011 and Livingston read it immediately. Gillespie was flanked on both sides by HCSO Deputies Larry Berg and Deputy Olding at all times during the deposition, even when he took a bathroom break. The deputies also heard Gillespie's confidential attorney-client communication with Mr. Castagliuolo.

²⁴ Per Florida law, Judge Barton was disqualified May 24, 2010 over thousands of dollars paid by Barker, Rodems & Cook, PA to the court reporting company owned by the wife of Judge Barton.

Gillespie Testified He Was Under Disability During Deposition

28. Mr. Rodems began the deposition as stated in his email to Mr. Castagliuolo sent 1:22 PM June 20th (Exhibit K) by questioning Gillespie if he was under the influence of any substances, legal or otherwise, that affect his memory. Gillespie responded that he is disabled and that one disability, depression is a disability that affects his memory. Gillespie testified that he recently consulted his doctor about memory lapses and declining memory. Gillespie referred Mr. Rodems to his Verified Notice Of Filing Disability Information of Neil J. Gillespie filed May 27, 2011.

Mr. Rodems Verbally Punched Gillespie In Face For Over Four Hours

29. Mr. Rodems was angry and abusive in questioning Gillespie. Rodems yelled at Gillespie on a number of occasions. Rodems had a personal vendetta against Gillespie. At one point Rodems complained that his photo and that of his partners appeared on Gillespie's website. This behavior was consistent with threats Mr. Rodems made in his email sent to Mr. Castagliuolo at 1:22 PM June 20th. Prior to the deposition Castagliuolo responded to Rodems in part, "The writ and arrest warrant are not your license to verbally punch my client in the face for 3 or 4 hours." But that happened. Gillespie was forced to answering improper, harassing, and irrelevant questions by Mr. Rodems, and Gillespie could not object, or Rodems would suspend the deposition, as per his email:

"Gillespie needs to understand that I will not accept any refusals by him to answer my questions,...The first time he goes "off the reservation",...I will suspend the deposition, ask the deputies to take him into custody, and contact Judge Arnold." (Exhibit 7)

Mr. Rodems' tactics included questions and references about the death of Gillespie's pet bunny Fluffy, and the death of Gillespie's Mother²⁵, which were improper to a deposition in aid of execution, and had nothing to do with the case where Mr. Rodems and his partners stole \$7,143 from Gillespie in the settlement of a prior case. Mr. Rodems was using a form of torture against Gillespie, psychologically coercive techniques against a disabled person to either break Gillespie or reduce him to a state where he could not proceed, at which point Rodems would offer a Settlement Agreement on terms favorable to Rodems and the Defendants.

Gillespie Unable To Continue Deposition

30. Gillespie continued his good-faith effort to respond to questions from Rodems, but comments by Mr. Castagliuolo show Gillespie was struggling with disability. Mr. Castagliuolo told Gillespie "you are thinking too much" in responding to questions. 'Thinking too much' - or hypervigilance, is a symptom of Post Traumatic Stress Disorder (PTSD) which Gillespie suffers. As the deposition progressed Gillespie became inarticulate, disoriented, and began guessing or speculating at answers to questions. For example, Mr. Castagliuolo had to clarify on behalf of Gillespie that emails to Gillespie's brother only forwarded mortgage foreclosure letters from the bank, and any reference to the trust-owned home was in that context, and not, as Mr. Rodems maintains, evidence that Gillespie receives income from a trust.

More Threats From Mr. Rodems

²⁵ Gillespie contends that Judge Barton was negligent in the management of this case contrary to Rule 2.545, and caused this case to substantially exceed the time limits of Rule 2.250(a)(1)(B), thereby disrupting the care of Ms. Gillespie. Judge Barton was also negligent in his failure to conduct a hearing on a "Claim Of Exemption And Request For Hearing" served August 14, 2008 by Gillespie's attorney Robert Bauer, there by denying support for Ms. Gillespie. Gillespie however bears ultimate responsibility, and is reminded of this fact each time the issue is raised by Mr. Rodems, which is about once a month in his pleadings and other writings.

31. Mr. Rodems demanded to see every email from Gillespie to his brother described in the preceding paragraph. Since Gillespie did not have immediate access to the emails, Rodems announced plans to keep the deposition open until the documents were provided. Gillespie realized that it was a mistake to voluntarily appear for a deposition at the courthouse, because in doing so Mr. Rodems held the keys to Gillespie's release, transforming Gillespie from a civil contemnor to a defacto incarcerated inmate, as per Rodems' email:

"If Gillespie finds the deposition process exhausting, as he has claimed in the past, and cannot complete it tomorrow, we can go as many days as he requires, but he needs to understand that he will remain in the custody of the HCSO until it is complete." (Exhibit 7)

Mr. Rodems also launched a new round of threats against Gillespie. Mr. Rodems stated that he had accumulated 130 hours of attorneys fees responding to Gillespie's pleadings that Rodems considered inappropriate. Rodems said he would seek sanctions against Gillespie for 130 hours of attorneys fees. In the past the Court awarded Mr. Rodems \$11,550 in sanctions at \$350 per hour in attorney's fees for Gillespie's discovery errors and a misplaced defense of economic loss to Rodems' libel counterclaim²⁶. Based upon Rodems' threat, 130 hours of sanctions would amount to \$45,500. Mr. Rodems also threatened something about bringing the Marion County Sheriff to Gillespie's home in his effort to collect a judgment for attorney's fees. And Rodems made reference to Gillespie wearing "orange pajamas" issued by the HCSO. The details of the threats were not clear to Gillespie because he was disoriented and Rodems was yelling at a fast pace.

Gillespie Signed Papers to Gain Release From Custody, Escape Rodems' Abuse

²⁶ The libel counterclaim was an abuse of process, which Rodems later dismissed.

32. Because of the forgoing, Gillespie was under extreme stress, duress, undue influence, disability or incapacity, sleep deprivation, lack of informed consent, and otherwise not free to form or give his consent to the settlement. Gillespie mistakenly signed papers, a contract of adhesion, to gain release from custody, and to escape the abusive and threatening behavior of Mr. Rodems. Gillespie was also worried about his pet bunny Ginger at home in Ocala, 100 miles away, if he were incarcerated for any length of time in Tampa. Gillespie lives alone and his nearest relative lives over one thousand (1,000) miles away. Ginger would likely die of starvation.

Deposition Fraud By Mr. Rodems

33. This deposition was not for a legitimate purpose, aid in execution, but instead was used by Mr. Rodems to force Gillespie to settle this lawsuit on terms dictated by Rodems. This was Mr. Rodems' fraud on Gillespie and fraud the Court. Gillespie appeared in a good faith effort to resolve the deposition and Rodems acted in bad faith.

Settlement Fraud By Mr. Rodems

34. The Settlement Agreement and General Mutual Release prepared by Mr. Rodems is void or voidable as **Fraud**. The document is a fraud on Gillespie. Gillespie does not completely understand the agreement, and his attorney Eugene Castagliuolo did not explain it to him, but it appears that Mr. Rodems is attempting to settle claims against third parties that are not part of the dispute in Neil J. Gillespie v. Barker, Rodems & Cook, PA, and William J. Cook, Case No. 05-CA-007205, Hillsborough County, Florida. Assignment of third party claims WAS NEVER DISCUSSED OR AGREED UPON.

35. Gillespie never knowingly agreed to assign any claims in Gillespie v. Thirteenth Judicial Circuit, Florida, et al., Case No. 5:10-cv-00503, US District Court, MD Florida, Ocala Division.

Mr. Castagliuolo did not discuss or explain what the assignment meant. Gillespie only learned about the assignment late Wednesday night, June 29, 2011 while looking at the case docket on PACER. Mr. Rodems never served a copy of the Notice of Assignment Of Claims And Motion For Dismissal Of Action With Prejudice as required.

36. The foregoing notwithstanding, settlement agreement is missing a number of items discussed prior to Gillespie signing. Gillespie was concerned that Rodems would sue him for libel over Gillespie's website. Rodems promised that he would allow Gillespie seven days to remove any defamatory information about Rodems or the Defendants. That language is not found in the settlement. Furthermore, Gillespie does not plan to speculate over what Rodems may consider defamatory. Gillespie contends there is nothing libelous about Rodems or the Defendants on the website. Before Gillespie could agree to any settlement, it must specify exactly what Mr. Rodems believes is defamatory. This agreement makes no mention whatsoever about Gillespie's website, and therefore does not reflect the agreement between the parties.

Negligence of The Hillsborough County Sheriff's Office (HCSO)

Section 950.09, Florida Statutes (2010) Malpractice by jailers.—If any jailer shall, by too great duress of imprisonment or otherwise, make or induce a prisoner to disclose and give evidence against some other person, or be guilty of willful inhumanity and oppression to any prisoner under his or her care and custody, the jailer shall be punished by removal from office and shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

37. Major James Livingston serves as the Commander of the Court Operations Division of the Hillsborough County Sheriff's Office (HCSO). The Division is responsible for all aspects of security at the Courthouse Complex, which includes the Edgecomb Courthouse. The Division also includes the Civil Process Section which serves approximately 150,000 court-related documents each year.

38. According to the HCSO website, Major Livingston previously worked for the Federal Bureau of Investigation (FBI) where he retired as a Supervisory Special Agent after a 22-year career. Major Livingston also earned a Law Degree in 1983 and a Bachelor's Degree in Criminal Justice in 1977, both from the University of Memphis.

39. Gillespie first contacted Major Livingston November 13, 2010 by certified mail about Circuit Judge Martha Cook who knowingly and willfully falsified²⁷ records in this case, including falsification of the Order Adjudging Plaintiff Neil J. Gillespie Contempt, September 30, 2010, the order that forms the basis for the warrant to arrest Gillespie on a writ of bodily attachment. Judge Cook falsely wrote in the contempt order that Gillespie voluntarily left the hearing when in fact Judge Cook ordered Gillespie removed by HCSO Deputy C.E. Brown after Cook learned Gillespie filed a federal lawsuit against her and the Thirteenth Judicial Circuit²⁸.

40. Gillespie originally brought the problem of Judge Cook's falsification of records to the attention of Colonel James Previtera²⁹, Commander of the Department of Detention Services, and supervisor of Major Livingston. Previtera did not respond. Gillespie spoke by telephone with Major Livingston November 23, 2010 about Judge Cook's falsification of the Order Adjudging Plaintiff Neil J. Gillespie Contempt, and Major Livingston agreed to investigate the matter.

²⁷ Gillespie accused Judge Cook of a violation chapter 839, Florida Statutes, section 839.13(1) if any judge shall falsify any record or any paper filed in any judicial proceeding in any court of this state, or conceal any issue, or falsify any document filed in any court or falsify any minutes or any proceedings whatever of or belonging to any public office within this state the person so offending shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

²⁸ Gillespie v Thirteenth Judicial Circuit, et al, Case No. 5:10-cv-00503, US District Court, MD Florida, Ocala.

²⁹ Gillespie initially provided Col. Previtera on September 27, 2010 his affidavit showing Judge Cook falsified a record about Gillespie's panic attack during a hearing July 12, 2010. Gillespie followed up with a fax letter to Col. Previtera October 7, 2010 with a new accusation that Judge Cook falsified the Order Adjudging Plaintiff Neil J. Gillespie Contempt, September 30, 2010.

41. Major Livingston emailed Gillespie January 12, 2011 and provided a letter that stating he made contact with Deputy Christopher E. Brown and Brown advised that Judge Cook ordered Gillespie to leave the courtroom. (Exhibit 11). This impeached Judge Cook's order where she wrote Gillespie voluntarily left the hearing. Major Livingston also wrote the following:

“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 counsel³⁰. 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.”

42. Gillespie made an affidavit April 25, 2011 attesting to the fact that Major Livingston provided a letter that impeached Judge Cook's Order Adjudging Plaintiff Neil J. Gillespie In Contempt. (Exhibit 12).

43. Gillespie requested by letter April 20, 2011 to Major Livingston a criminal investigation 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. A copy of the letter is attached as Exhibit 14. Livingston responded by email May 2, 2011 in part:

“You are under a misunderstanding concerning my official role at the Courthouse—my primary responsibility is to ensure the safety and security of the Courthouse Complex facilities, its occupants, and members of the public who are visiting or conducting business here. Any investigation of Judge Cook will have to be done by another investigative entity.”

Major Livingston did not respond to Gillespie's question about what investigative entity would consider the complaint.

44. Because Major Livingston provided a letter impeaching Judge Cook's Order Adjudging Plaintiff Neil J. Gillespie Contempt, Gillespie obtained the following subpoenas for the June 1, 2011 Evidentiary Hearing before Judge Arnold on the Order Adjudging Plaintiff Neil J. Gillespie

Contempt. The following subpoenas were issued by the Clerk of the Court after Gillespie paid the \$2.00 fee each, and copies along with the cash receipt are attached as Exhibit 15:

a. Subpoena Duces Tecum, Major James P. Livingston, to bring his letter of January 12, 2011 to the hearing and testify; to impeach Judge Cook's Order Adjudging Plaintiff Neil J. Gillespie Contempt.

b. Subpoena Duces Tecum, Ryan Rodems, to bring Gillespie's letter of November 8, 2010 agreeing to appear for a deposition, and to testify; to impeach Rodems' prior testimony that Gillespie refused to appear for a deposition unless arrested on writ of bodily attachment.

c. Subpoena, Deputy Christopher E. Brown, to appear and testify that that he removed Gillespie from the hearing before Judge Cook; to impeach Judge Cook's Order Adjudging Plaintiff Neil J. Gillespie Contempt.

d. Subpoena, Donna Healy, Associate Courts Director, to appear and testify that Judge Cook instructed Healy to docket and file Gillespie's confidential ADA disability information in the public court file.

45. Gillespie was not able to serve the subpoenas in the preceding paragraph because he is indigent. Gillespie could not afford to pay \$40 each (\$160 total) to serve the four subpoenas. Gillespie applied to the Clerk of the Court for relief under section 57.082 Florida Statutes. The Clerk denied the request contrary to the statute, which requires a determination of civil indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court. The Clerk refused to provide Gillespie the form. The Clerk referred Gillespie to Judge Arnold to appeal its denial. The Clerk denied Gillespie contrary to section 57.082(d), the duty of the clerk in determining whether an applicant

³⁰ Ryan Christopher Rodems, Florida Bar ID No. 947652.

is indigent is limited to receiving the application and comparing the information provided in the application to the criteria prescribed in this subsection. The determination of indigent status is a ministerial act of the clerk and may not be based on further investigation or the exercise of independent judgment by the clerk. The email exchange between the Clerk and Gillespie showing the preceding events is attached as Exhibit 16.

46. Because of the forgoing, Major Livingston knew or had reason to believe that the Order Adjudging Plaintiff Neil J. Gillespie In Contempt was not accurate and should not be relied upon to cause the arrest of Gillespie on a writ of bodily attachment. Major Livingston was also provided emailed copies of the following:

- a. Petition for Writ of Prohibition, Motion for Change of Venue, 2dDCA, to remove J. Arnold and the Thirteenth Judicial Circuit, May 2, 2011, Case No. 2D11-2127
- b. Petition for Writ of Prohibition and Habeas Corpus, Florida Supreme Court, to remove J. Arnold and the Thirteenth Judicial Circuit, May 3, 2011, Case No. SC11-858.

47. Major Livingston is sworn to support, protect, and defend the Constitution and Government of the United States and of the State of Florida. Major Livingston attended law school and earned a law degree, and knows or should know, that Judge Cook falsified records and denied Gillespie due process, and that the Court misused or denied Gillespie judicial process under the color of law in an effort to incarcerate him. Because of the foregoing Major Livingston had an affirmative duty to act to prevent the wrongful issuance of an arrest warrant for Gillespie on a writ of bodily attachment. Major Livingston failed to act and is negligent.

48. Major Livingston was present June 21, 2011 at the Edgecomb Courthouse and personally met Gillespie, who voluntarily appeared for the deposition. Gillespie provided Major Livingston a copy of Mr. Rodems' email sent Monday 1:22 PM June 20, 2011 (Exhibit 7) which Livingston

immediately read. Mr. Rodems' email showed that he intended to misuse the deposition to force Gillespie to settle the lawsuit on terms favorable to Rodems and the Defendants.

49. Following the deposition Gillespie emailed Major Livingston June 22, 2011 and provided a draft copy of a motion to set aside the settlement, raised policy concerns, and asked "...how far the HCSO will go to deny the rights of a civil litigant being held in custody at the whim of an angry lawyer to force a settlement and dismissal with a former client under a disability." Major Livingston responded in relevant part "As I explained to you yesterday, Judge Arnold is in charge of this case, not the HCSO or Mr. Rodems. The HCSO was complying with the specific orders and instructions of Judge Arnold." Major Livingston would not describe what "specific orders and instructions of Judge Arnold" were provided, nor what information was provided to the Marion County Sheriff where Gillespie resides. Instead Major Livingston referred Gillespie to the various record sections of the HCSO, the Clerk and the Court.

50. Because of the foregoing, there is reason to believe Major Livingston and/or the HCSO violated Section 950.09, Florida Statutes (2010) Malpractice by jailers: "If any jailer shall, by too great duress of imprisonment or otherwise...be guilty of willful inhumanity and oppression to any prisoner under his or her care and custody, the jailer shall be punished by removal from office and shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083."

The Thirteenth Judicial Circuit Has A Conflict With Gillespie

51. The Thirteenth Judicial Circuit has a conflict hearing the lawsuit #05-CA-007205 with Gillespie, as the Thirteenth Circuit is a defendant in Gillespie v. Thirteenth Judicial Circuit, Florida, et al, Case No. 5:10-cv-00503, US District Court, MD Florida, Ocala. The fact that Mr.

Rodems committed fraud³¹ on Gillespie to obtain a settlement, while in essence serving as counsel for the Thirteenth Circuit, is just one more conflict of interest.

Conclusion

52. Gillespie commenced two pro se lawsuits in August 2005 because he could not find or afford counsel to represent him. One lawsuit in the US Federal District Court, Ocala, involved a credit card dispute, Gillespie v. HSBC Bank, et al, Case No. 5:05-cv-362-Oc-WTH-GRJ, US District Court, Middle District of Florida, Ocala Division. The HSBC lawsuit was resolved a year later with a good result for the parties. Gillespie was able to work amicably with the counsel for HSBC Bank, Traci H. Rollins and David J. D'Agata, counsel with Squire, Sanders & Dempsey, LLP and the entire case was concluded in 15 months. The other case Gillespie commenced in August 2005 is Neil J. Gillespie v. Barker, Rodems & Cook, PA, and William J. Cook, Case No. 05-CA-007205, Circuit Civil Division, Thirteenth Judicial Circuit. The only relevant difference in the two cases is Ryan Christopher Rodems. Mr. Rodems' exercise of independent professional judgment is materially limited by his personal conflict and interest in this lawsuit by a former client to recover \$7,143 stolen by Barker, Rodems & Cook, PA and William J. Cook from Gillespie during prior representation on a matter that is the same or substantially similar as the prior representation.

53. Our legal system depends upon the integrity of individual members of the bar and bench to follow the rules and codes of the legal profession and the judiciary. That integrity has broken down in this case making it impossible to fairly resolve in the Thirteenth Judicial Circuit. The practice of law is a profession the purpose of which is to supply disinterested counsel and service to others using independent professional judgment. In this case opposing counsel's independent

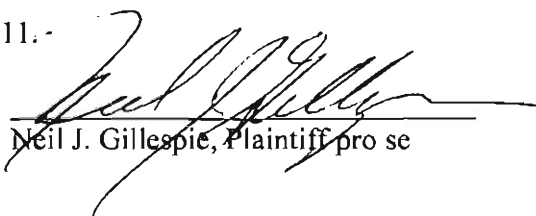
³¹ See paragraphs 33, 34, and 35 of this motion.

professional judgment is materially limited by his own interest and conflict. Deference to the judgments and rulings of courts depends upon confidence in the integrity and independence of judges. In this case Judge Cook abandoned her integrity and independence by acting in the interest of opposing counsel. Both Mr. Rodems and Mr. Cook paid money to Judge Cook for her judicial election campaign. Judge Cook returned the favor by falsifying court records to protect Mr. Rodems and Mr. Cook from paying Gillespie \$7,143 stolen from him. This is the misuse and denial of judicial process under the color of law by the Thirteenth Judicial Circuit, Florida.

54. The Joint Stipulation For Dismissal With Prejudice (Exhibit A), and the Settlement Agreement And General Mutual Release, June 21, 2011 (Exhibit B-1) made by Gillespie while in custody of the Hillsborough County Sheriff's Office (HCSO) on civil contempt must be set aside, and are void or voidable, as set forth in this motion. There was no manifestation of mutual assent, a "meeting of the minds", or agreement to the terms of the settlement. Rather, Gillespie was impaired by disability and sleep deprivation and threatened while in custody of the HCSO and agreed to act to get out of custody. Gillespie's former counsel, Mr. Castagliuolo, breached his professional duty to Gillespie. The joint stipulation, and settlement, prepared in advance by Mr. Rodems, is a fraud, and a mirror of Rodems' manifestation of mutual assent, not the manifestation of assent by Gillespie who was forced or induced to assent to the terms of the settlement while disabled, exhausted, and in custody of the HCSO. Therefore the mutual meeting of the minds "in truth" does not exist. Since there is no mutual meeting of the minds there can be no joint stipulation, and settlement, and the joint stipulation, and settlement, are void or voidable.

WHEREFORE, Gillespie moves to strike or set aside the joint stipulation, and settlement.

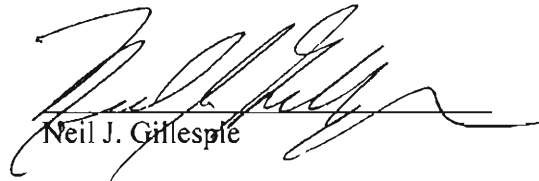
RESPECTFULLY SUBMITTED July 6, 2011. -


Neil J. Gillespie, Plaintiff pro se

8092 SW 115th Loop
Ocala, Florida 34481
(352) 854-7807

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed July 6, 2011 to Ryan C. Rodems, 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,

CASE NO.: 05-CA-007205

vs.

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

DIVISION: J

Defendants.

**PLAINTIFF'S MOTION TO STRIKE OR SET ASIDE JOINT STIPULATION FOR
DISMISSAL WITH PREJUDICE**

PLAINTIFF'S MOTION TO STRIKE OR SET ASIDE SETTLEMENT AGREEMENT

APPENDIX 1

List of Exhibits

Exhibit A	06-21-2011, 05-CA-0072, Joint Stipulation For Dismissal With Prejudice
Exhibit B	06-21-2011, 5:10-cv-00503, Notice of Assignment Claims, Motion To Dismiss
Exhibit C	06-30-2011, Plaintiff NJG notice re Mr. Castagliuolo
Exhibit D	space
Exhibit E	06-22-2011, Draft Copy, Motion To Set Aside, Settlement Agreement, etc.
Exhibit F	11-22-2010, 5:10-cv-00503, Order, dismissal without prejudice, Rodems & BRC
Exhibit G	11-23-2010, 5:10-cv-00503, Judgment, dismissal w/o prejudice, Rodems & BRC
Exhibit H	06-30-2011, Plaintiff NJG, Motion Strike Rodems Assignment, Strike Agreement

**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: J

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

Defendants.

_____ /

JOINT STIPULATION FOR DISMISSAL WITH PREJUDICE

Plaintiff, Neil J. Gillespie and Barker, Rodems & Cook, P.A, by and through their respective undersigned counsel, respectfully move the Court for an Order dismissing the above-styled cause with prejudice, as any and all claims which Plaintiff had or may have against the Defendants have been amicably settled between the parties, with each party agreeing to pay its own attorneys' fees and costs.

DATED: _____

DATED: _____

Eugene P. Castagliuolo, Esquire
Florida Bar No. 104360
Castagliuolo Law Group, P.A.
2451 N. McMullen Booth Road
Clearwater, Florida 33759
Telephone: 727/712-3333
Facsimile: 727/725-0389
Attorneys for the Plaintiff

Ryan Christopher Rodems, Esquire
Florida Bar No. 947652
Barker, Rodems & Cook, P.A.
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602
Telephone: 813/489-1001
Facsimile: 813/489-1008
Attorneys for the Defendants

EXHIBIT

A

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: Eugene P. Castagliuolo, Esquire, 2451 N. McMullen Booth Road, Clearwater, Florida, 33759 this _____ day of June, 2011.

RYAN CHRISTOPHER RODEMS, ESQUIRE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

NEIL J. GILLESPIE,

Plaintiff,

Case No.:5:10-cv-00503-WTH-DAB

vs.

THIRTEENTH JUDICIAL CIRCUIT,
FLORIDA, et al.

Defendants.

NOTICE OF ASSIGNMENT OF CLAIMS AND
MOTION FOR DISMISSAL OF ACTION WITH PREJUDICE

On June 21, 2011, Plaintiff Neil J. Gillespie assigned all claims in this action to Ryan Christopher Rodems, Chris A. Barker, and William J. Cook. See Exhibit "1".

Assignees hereby move the Court for an Order dismissing this action with prejudice, pursuant to Fed. R. Civ. P. 41(a)(2).

RESPECTFULLY SUBMITTED this 21st day of June, 2011.

/s/ Ryan Christopher Rodems

RYAN CHRISTOPHER RODEMS, ESQUIRE

Florida Bar No. 947652

Attorney for Assignees

BARKER, RODEMS & COOK, P.A.

400 North Ashley Drive, Suite 2100

Tampa, Florida 33602

Telephone: (813) 489-1001

Fax: (813) 489-1008

E-mail: rodems@barkerrodemsandcook.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served this 21st day of June, 2011 by electronic transmission to Catherine Barbara Chapman, Esquire, catherine@guildaylaw.com, counsel for Defendants The Law Office of Robert W. Bauer, P.A., and Robert W. Bauer. No other defendant has been served.

/s/ Ryan Christopher Rodems
RYAN CHRISTOPHER RODEMS, ESQUIRE

SETTLEMENT AGREEMENT AND GENERAL MUTUAL RELEASE

This settlement agreement and general mutual release, executed on June 21, 2011, by and between Neil J. Gillespie, hereinafter "Party A" and Barker, Rodems & Cook, P.A., its agents and employees, and Chris A. Barker, and William J. Cook, and Ryan Christopher Rodems, hereinafter "Party B".

WHEREAS disputes and differences have arisen between the parties, as detailed in the pleadings and records filed in the case styled Neil J. Gillespie v. Barker, Rodems & Cook, P.A., and William J. Cook, Esquire, Case No. 05CA7205, pending in the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida and Gillespie v. Thirteenth Judicial Circuit, Florida, et al., 5:10-cv-00503-WTH-DAB, pending in the United States District Court, Middle District of Florida, Ocala Division; WHEREAS, the parties wish to fully and finally resolve all differences between them from the beginning of time through June 21, 2011; WHEREAS, the parties represent that none of the claims released herein have been assigned to a third-party;

NOW THEREFORE, in consideration of the assignment to Party "B" of all claims pending or which could have been brought, based on the allegations of Party "A", against any person or entity, without limitation, in Gillespie v. Thirteenth Judicial Circuit, Florida, et al., 5:10-cv-00503-WTH-DAB and dismissal with prejudice of their claims in the case styled Neil J. Gillespie v. Barker, Rodems & Cook, P.A., and William J. Cook, Esquire, Case No. 05CA7205, and dismissal of the appeal, Case No. 2D10-5197, pending in the Second District Court of Appeal, with the parties to bear their own attorneys' fees and costs, and the agreement of Party "B" to record a Satisfaction of Judgment regarding the Final Judgment entered on March 27, 2008, in Neil J. Gillespie v. Barker, Rodems & Cook, P.A., and William J. Cook, Esquire, Case No. 05CA7205:


Each party (the releasing party) hereby releases, without limitation, the other party (the released party) from any and all actions, suits, claims, debts, accounts, bills, bonds, attorneys' fees or costs, judgments, or any claims, without limitation, whether in law or equity, and whether known or unknown, which the releasing party now has or ever had resulting from any actions or omissions by the released party from the beginning of time through June 21, 2011.

This mutual release shall be acknowledged before a notary public and may be signed in counterpart.

PARTY A

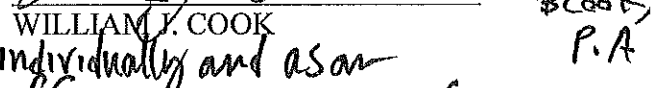

NEIL J. GILLESPIE

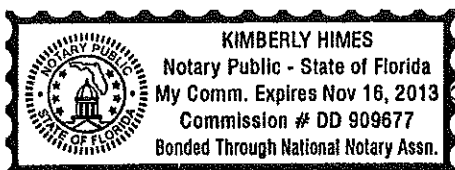
PARTY B


CHRIS A. BARKER, individually
and as an officer of and on behalf of
Barker, Rodems & Cook, P.A.


RYAN CHRISTOPHER RODEMS

individually and as an officer
of and on behalf of Barker,
Rodems & Cook, P.A.


WILLIAM J. COOK
individually and as an
officer and on behalf
of Barker, Rodems & Cook, P.A.



Kimberly Himes

EXHIBIT 1

- Neil J. Gillespie
Provided Florida Driver's License
Class E # G 421.630.56.099.0
- Signed this 21st day of June, 2011
in Hillsborough County, Florida

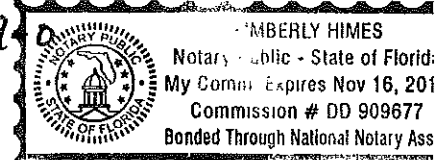
STATE OF FLORIDA
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 21st day of June, 2011, by
NEIL J. GILLESPIE.

Kimberly Himes
Notary Public - State of Florida

Personally Known _____ OR Produced Identification ☒
Type of Identification Produced Florida Driver's License

#: G 421-630-56-099

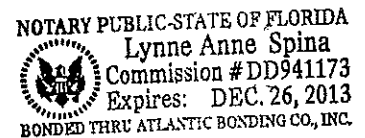


STATE OF FLORIDA
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 21st day of June, 2011, by
WILLIAM J. COOK.

Lynne Anne Spina
Notary Public - State of Florida

Personally Known ☒ OR Produced Identification _____
Type of Identification Produced _____



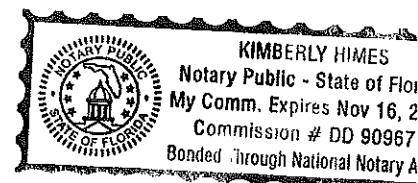
STATE OF FLORIDA
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 21st day of June, 2011, by
RYAN CHRISTOPHER RODEMS.

Kimberly Himes
Notary Public - State of Florida

Personally Known _____ OR Produced Identification ☒
Type of Identification Produced Florida Driver's License

#: R 352-723-66-444-D

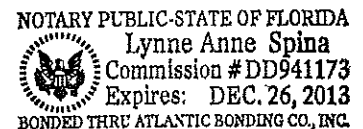


STATE OF FLORIDA
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 21st day of June, 2011,
by CHRIS A. BARKER, individually and as officer for BARKER, RODEMS & COOK, P.A.

Lynne Anne Spina
Notary Public - State of Florida

Personally Known ☒ OR Produced Identification _____
Type of Identification Produced _____



FILED

2011 JUN 30 AM 8:07

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FL
OCALA FLORIDA

NEIL J. GILLESPIE,

CASE NO.: 5:10-cv-503-oc-WTH-DAB

Plaintiff,

vs.

THIRTEENTH JUDICIAL CIRCUIT,
FLORIDA, et al.

Defendants.

**PLAINTIFF NEIL J. GILLESPIE'S NOTICE REGARDING
ATTORNEY EUGENE P. CASTAGLIUOLO, FLORIDA BAR ID #104360**

Plaintiff pro se Neil J. Gillespie ("Gillespie") gives notice to this Court and states:

1. Attorney Eugene P. Castagliuolo formerly represented Gillespie in a civil lawsuit in Hillsborough County, Florida. The case is Neil J. Gillespie v. Barker, Rodems & Cook, PA, and William J. Cook, Case No. 05-CA-007205, Circuit Civil Division, Thirteenth Judicial Circuit, Florida. Mr. Castagliuolo filed a notice of appearance June 16, 2011.
2. Mr. Castagliuolo is hereby terminated immediately as counsel for Neil J. Gillespie in the case described in paragraph 1, and any other actions or disputes.
3. Mr. Castagliuolo breached his professional duty to Gillespie.
4. Gillespie retained Mr. Castagliuolo June 3, 2011 through an ad on Craigslist, Posting ID # 2417997521, seeking counsel to represent him at a deposition. Mr. Rodems caused an arrest warrant to be issued June 1, 2011 against Gillespie on a writ of bodily

EXHIBIT

C

attachment for allegedly failing to appear for a deposition. A copy of the Craigslist ad is attached as Exhibit 1.

5. Mr. Castagliuolo responded to the ad less than one hour later on June 2, 2011 at 11.43 PM. A copy of Mr. Castagliuolo's reply is attached as Exhibit 2. Prior to this time Gillespie never met nor heard of Mr. Castagliuolo. Below is Castagliuolo's contact information.

Eugene P. Castagliuolo, Esquire
Florida Bar ID #104360
Castagliuolo Law Group, P. A.
2451 McMullen Booth Road
Clearwater, Florida 33759
Telephone: (727) 712-3333
attorneyepc@yahoo.com

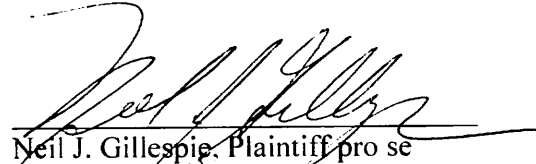
6. Prior to the deposition Gillespie instructed Mr. Castagliuolo not to accept a "walk-away" Settlement Agreement And General Mutual Release offered by Rodems. Gillespie did not agree to the settlement. Mr. Castagliuolo disobeyed Gillespie's written instructions not to accept the "walk-away" settlement offered by Mr. Rodems.

7. Mr. Castagliuolo represented Gillespie June 21, 2011 at a deposition by Rodems at the Edgecomb Courthouse in Tampa in the litigation described in paragraph 1. Castagliuolo failed to prepare Gillespie for the deposition as agreed. Sometime during the deposition, if not sooner, Mr. Castagliuolo stopped representing the interest of Gillespie. Among other things, Mr. Castagliuolo failed to explain the "walk-away" Settlement Agreement And General Mutual Release to Gillespie so he could make an informed choice, and other such.

8. The matter is further described in Plaintiff Neil J. Gillespie's Motion to Strike or Set Aside Notice of Assignment of Claims And Motion For Dismissal of Action With

Prejudice, and Motion To Strike or Set Aside Settlement Agreement And General Mutual Release, submitted June 30, 2011.

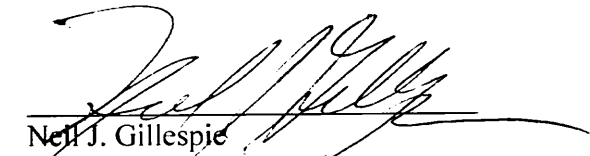
RESPECTFULLY SUBMITTED June 30, 2011.



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

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was emailed June 30, 2011 to Catherine Barbara Chapman, Esquire, cathererine@guildaylaw.com, counsel for The Law Office of Robert W. Bauer, P.A. and Robert W. Bauer. A paper copy was mailed to Ryan Christopher Rodems, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602. A copy was email to Eugene P. Castagliuolo at attorneyepc@yahoo.com.



Neil J. Gillespie

[tampa bay craigslist](#) > [hillsborough co](#) > [jobs](#) >
[legal/paralegal jobs](#)

[email this posting to a friend](#)

Avoid scams and fraud by dealing locally! Beware any deal involving Western Union, Moneygram, wire transfer, cashier check, money order, shipping, escrow, or any promise of transaction protection/certification/guarantee. [More info](#)

[please flag with care: \[?\]](#)

[miscategorized](#)

[prohibited](#)

[spam/overpost](#)

[best of craigslist](#)

I will pay \$1,000 cash to a Florida attorney for deposition (Tampa)

Date: 2011-06-02, 10:25PM EDT

Reply to: job-nzsuu-2417997521@craigslist.org [\[Errors when replying to ads?\]](#)

I will pay \$1,000 cash to a Florida licensed attorney in good standing to represent me at a deposition duces tecum in Tampa ASAP. This is civil litigation. \$1,000 represents more than half my monthly income. (I will pay more if you accept terms for the balance). I need prep time too.

This is urgent, I'm facing a writ of bodily attachment otherwise. Thank you.

- Location: Tampa
- Compensation: \$1,000
- This is a contract job.
- Principals only. Recruiters, please don't contact this job poster.
- Please, no phone calls about this job!
- Please do not contact job poster about other services, products or commercial interests.

PostingID: 2417997521

Copyright © 2011 craigslist, inc. [terms of use](#) [privacy policy](#) [feedback forum](#)



Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: <job-nzsuu-2417997521@craigslist.org>
Sent: Thursday, June 02, 2011 11:43 PM
Subject: your depo
** CRAIGSLIST ADVISORY --- AVOID SCAMS BY DEALING LOCALLY
** Avoid: wiring money, cross-border deals, work-at-home
** Beware: cashier checks, money orders, escrow, shipping
** More Info: <http://www.craigslist.org/about/scams.html>

Funny thing is.....my clients love me at depositions, because I'm not very nice to my adversaries. I behave legally and ethically, but to me, it's like a street fight, and I act accordingly.

My number is below. Whether you call me or not, I wish you all the best.....Eugene

www.CastagliuoloLawGroup.com www.FilingBankruptcyInTampa.com

Eugene P. Castagliuolo, Esquire
CASTAGLIUOLO LAW GROUP, P. A.
2451 McMillen Booth Road, Clearwater, Florida 33759
(727) 712-3333

Castagliuolo Law Group is a debt relief agency helping people to file for bankruptcy relief under United States Code (11 USC §§ 101-1330).

CONFIDENTIALITY: This e-mail message (and any associated files) from Castagliuolo Law Group, P. A. is for the sole use of the intended recipient or recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or other dissemination of this e-mail message and/or the information contained therein is strictly prohibited. If you are not the intended recipient of this e-mail message, please contact the sender by reply email or by telephone at (727) 712-3333 and destroy all copies of the original message.

this message was remailed to you via: job-nzsuu-2417997521@craigslist.org



**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.

**MOTION TO SET ASIDE: SETTLEMENT AGREEMENT, NOTICE OF DISMISSAL
WITH PREJUDICE, 2d DCA, and JOINT STIPULATION FOR DISMISSAL WITH
PREJUDICE 13TH CIRCUIT -
GILLESPIE UNDER DURESS AND IN CUSTODY OF HCSO**

Plaintiff pro se, Neil Gillespie, moves to set aside the Settlement Agreement, Notice of Dismissal With Prejudice in the Second District Court of Appeal, and Joint Stipulation For Dismissal With Prejudice in the Thirteenth Judicial Circuit, Florida and states:

1. Gillespie was under extreme duress, and in custody of the Hillsborough County Sheriff's Office (HCSO) on a writ of bodily attachment on civil contempt, when he agreed to the following:

- a. Settlement Agreement drafted by Ryan Christopher Rodems, counsel for Defendants.
- b. Notice of Dismissal With Prejudice of Appeal No. 2D10-5179 in the Second District Court of Appeal. (Exhibit A)
- c. Joint Stipulation For Dismissal With Prejudice, Case No. 05-CA-007205 Hillsborough County, Florida. (Exhibit B)

2. On June 1, 2011 Mr. Rodems caused a warrant for Gillespie's arrest to be issued on a writ of bodily attachment for civil contempt for allegedly failing to appear for a deposition¹. Rodems obtained the writ of bodily attachment through a series of ex-parte hearings where Gillespie was not present or represented by counsel. Mr. Rodems obtained the writ of bodily attachment for improper purposes, to intentionally disrupt the appellant process in appeal 2D10-5197, and/or to force settlement of this lawsuit on terms favorable to Defendants.
3. Beginning June 1, 2011 Florida law enforcement was actively trying to arrest Gillespie on the writ of bodily attachment which terrorized him, caused him to suffer fear and anxiety, aggravated his disabilities, and prevented him from working on the appeal in 2D10-5197.
4. Gillespie is disabled and cannot represent himself at hearings. Gillespie was determined indigent² by the Clerk's Indigent Screening Unit May 27, 2011 pursuant to section 27.52 Florida Statutes. 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.
5. Gillespie later found an attorney willing to help him resolve his impending arrest and related issues given the injustice of this situation, attorney Eugene P. Castagliuolo.
6. 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

¹ Gillespie always agreed to attend a deposition as long as he was represented by counsel. In the alternative Gillespie offered to be deposed at a law enforcement office, in an effort to moderate Mr. Rodems' unethical and harassing behavior toward Gillespie.

² Gillespie is indigent and receives a monthly disability check, but Mr. Rodems contends that Gillespie has significant amounts of money or income, if only he could depose Gillespie and find this purportedly hidden wealth. This borders on delusion by Mr. Rodems.

16, 2011 at 10:30AM before the Honorable James D. Arnold. A copy of the motion is attached as Exhibit C and sets forth the following:

(1) The last attorney representing Mr. Gillespie in this case was permitted to withdraw on October 1, 2009.

(2) In the 21 months or so which have transpired since October of 2009, Mr. Gillespie has been without legal counsel, and has represented himself for these past 21 months.

(3) Not only has Mr. Gillespie not had the benefit of any legal training, but he also labors under the strain of some serious health issues which have been with him since this litigation began.

(4) Notwithstanding the foregoing, Mr. Gillespie has made considerable effort to comply with Mr. Rodems' fairly comprehensive and exhaustive discovery requests, as demonstrated by the June 25, 2010 letter and attachments which Mr. Gillespie sent to Mr. Rodems.

(7) Marion County Deputy Carl Dunlap advised undersigned counsel via telephone that, were they to ultimately arrest Mr. Gillespie, it would be likely that Mr. Gillespie would sit in the Marion County Jail for weeks until he could be transferred to the Hillsborough County Jail.

(8) Justice will not be served if Mr. Gillespie is jailed.

(9) Furthermore, given his health status, he will most definitely *not* "hold the keys" to his jail cell, as his ability to respond to discovery will then be virtually lost.

(10) Perhaps most importantly to this Honorable Court, this case will not advance any faster nor will the issues be resolved any quicker if Mr. Gillespie is jailed.

(11) The only possible interest served by jailing Mr. Gillespie would perhaps be that Mr. Rodems will enjoy some degree of retribution against Mr. Gillespie, although undersigned counsel finds it hard to believe that Mr. Rodems would be so motivated³.

³ Gillespie believes retribution, not justice, is part of Mr. Rodems' motivation.

7. The Court denied the motion⁴, 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 was complete the Court would withdraw the arrest order. See 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. Gillespie agreed to the foregoing in an effort to resolve the deposition. Gillespie has always agreed to attend a deposition so long as he is represented by counsel. Gillespie cannot have unmoderated contact with Mr. Rodems on the medical advice of Dr. Karin Huffer, Gillespie's disability advocate. Mr. Rodems has a history of boorish and unprofessional behavior with regard to Gillespie, and has a practice of creating a false record of events about Gillespie.

9. On June 20, 2011 Mr. Rodems offered a "walk-away" settlement at 1:51 PM by email to Gillespie's counsel Mr. Castagliuolo. The email is also another example of Mr. Rodems' boorish behavior. The email is angry, threatens Gillespie with extended incarceration, and makes defamatory statements about Gillespie. The email begins with a "walk-away" offer which Rodems' stipulates is being made "for the final time", and has a release form attached.

"Please advise Gillespie of the following:

⁴ Judge Arnold is relatively new to this case, and the Court appears uninformed that Gillespie was always willing to attend a deposition provided he was represented by counsel. The Court also appears uninformed that Gillespie's disability prevents him from appearing at hearings without counsel, or that Gillespie cannot have unmoderated contact with Mr. Rodems. See Plaintiff's Motion For Appointment of Counsel, ADA Request, and Memorandum of Law, May 24, 2011.

Draft Copy

We will offer a walk-away once again, and for the final time. Gillespie can avoid the deposition and have the writ of bodily attachment dissolved if he settles his case with us. We offer a “walk-away,” with a release in the form attached. What this means is Gillespie pays us nothing and all of our claims, potential claims, and disputes occurring before tomorrow are fully and finally resolved. You can tell him that If he rejects it, it will never be offered again.”

A copy of Mr. Rodems’ email is attached as Exhibit D⁵, with attached Settlement Agreement and General Mutual Release. Mr. Castagliuolo forwarded the email and agreement to Gillespie Monday, June 20, 2011 1:51 PM. The offer expired at 5:00 PM. Gillespie responded to the offer through Mr. Castagliuolo and rejected the “walk-away” offer by email Monday, June 20, 2011 at 2:53 PM. Mr. Rodems promised “You can tell him that if he rejects it, it will never be offered again.” Mr. Rodems is therefore estopped from making the offer again. Any subsequent offer or acceptance by Gillespie is therefore null and void. Mr. Rodems was also very specific about the timing of the offer and acceptance:

“The settlement offer is open until 5:00 p.m. today. If he accepts, then you can communicate it by telephone before 5:00 p.m. He can sign the attached tomorrow, but it must be hand-delivered before 10:30 a.m. If it is hand-delivered before 10:30 a.m., I will advise the Judge of the settlement, you and he can probably appear by telephone.”

Gillespie did not accept the offer by 5:00 PM June 20, 2011. Gillespie rejected the offer through his counsel at 2:53 PM June 20th. Gillespie and Mr. Castagliuolo appeared in person for the deposition June 21, 2011 at 10:30AM.

10. Gillespie voluntarily arrived for the deposition June 21, 2011 at the Edgcomb Courthouse, E. 800 Twiggs Street, Tampa, and was taken into custody by the Hillsborough

⁵ This email is typical of Mr. Rodems, see paragraph 5 where Rodems defamed Gillespie as follows: “He will not threaten to “slam me against the wall,” like he did in the past...”. The Tampa Police Department investigated Mr. Rodems’ accusation, made in a sworn affidavit dated March 6, 2006. Kibry Rainesberger of the TPD concluded that Mr. Rodems was not right and not accurate in representing to the Court a quote Rodems attributed to Gillespie.

County Sheriff's Office as described in Mr. Rodems' email. (Exhibit D). Gillespie met and spoke with Major James Livingston, Commander, Court Operations Division, Hillsborough County Sheriff's Office (HCSO). Major Livingston is familiar with this matter, and provided Gillespie a letter dated January 12, 2011 that impeached Judge Cook's Order Adjudging Plaintiff Neil J. Gillespie in Contempt, that Gillespie left the hearing voluntarily. Judge Cook ordered Gillespie removed and conducted the contempt hearing ex parte. Gillespie also provided Major Livingston a copy of Mr. Rodems' email of June 20, 2011 and Livingston read it immediately.

11. Gillespie soon realized that it was a mistake to voluntarily appear for a deposition at the courthouse, because in doing so Mr. Rodems held the keys to Gillespie's release, transforming Gillespie from a civil contemnor to a defacto incarcerated inmate, as per Rodems' email:

"If Gillespie finds the deposition process exhausting, as he has claimed in the past, and cannot complete it tomorrow, we can go as many days as he requires, but he needs to understand that he will remain in the custody of the HCSO until it is complete."

At all times Gillespie was flanked by HCSO Deputies Larry Berg and Deputy Olding, each of whom heard Gillespie's confidential attorney-client communication with Mr. Castagliuolo.

Gillespie was also intimidated into answering improper questions by Mr. Rodems, as stated in Rodems' email to Mr. Castagliuolo and forwarded to Gillespie:

"Gillespie needs to understand that I will not accept any refusals by him to answer my questions,...The first time he goes "off the reservation"⁶,...I will suspend the deposition, ask the deputies to take him into custody, and contact Judge Arnold."

12. Mr. Castagliuolo responded to Mr. Rodems' email in part: "The writ and arrest warrant are not your license to verbally punch my client in the face for 3 or 4 hours." However that is

⁶ More boorish behavior, Rodems' use of ethnic slurs derogatory to Native Americans.

what happened, including Mr. Rodems' ongoing accusations⁷ concerning the death of Gillespie's mother and a motion to disqualify Judge James Barton⁸. Mr. Rodems also threatened to bring the Marion County Sheriff to Gillespie's home in his effort to collect a judgment⁹ for attorney's fees.

13. Gillespie was under disability during the deposition, see Verified Notice of Filing Disability Information of Neil J. Gillespie, May 27, 2011. Since March 3, 2006, Mr. Rodems¹⁰ has directed, with malice aforethought, a course of harassing conduct toward Gillespie that has aggravated his disability, caused substantial emotional distress, and serves no legitimate purpose. This six year-long lawsuit is to recover \$7,143 stolen by Barker, Rodems & Cook, PA from Gillespie during prior representation. Mr. Rodems is familiar with Gillespie's disability from his

⁷ Gillespie contended in Paragraph 8 of Plaintiff's Motion To Disqualify Judge "As a proximate cause of Judge Barton's actions, plaintiff's mother, Penelope Gillespie, died September 16, 2009." The sentence is inartful and should have clarified: "Judge Barton's negligent case management contrary to Rule 2.545 caused this case to substantially exceed the time limits of Rule 2.250(a)(1)(B), thereby disrupting the care of Ms. Gillespie. Judge Barton was also negligent in his failure to conduct a hearing on a "Claim Of Exemption And Request For Hearing" served August 14, 2008 by Gillespie's attorney Robert Bauer. The Claim of Exemption stated in relevant part, "The following exemptions from garnishment apply to the Plaintiff, Neil Gillespie, herein as stated:

1. Head of Family Wages
 - a. Plaintiff provides more than one-half of the support for a child or other dependent and have net earnings of \$500 or less per week.
2. Social Security benefits.
3. Disability income benefits."

Judge Barton failed to conduct a hearing on the claim of exemption required under section 222.12 Florida Statutes, thereby denying support for Ms. Gillespie. Mr. Bauer and Mr. Rodems also had a role in the proximate cause of death, but ultimate responsibility belongs to Gillespie.

⁸ Per Florida law, Judge Barton was disqualified May 24, 2010 over thousands of dollars paid by Barker, Rodems & Cook, PA to the court reporting company owned by the wife of Judge Barton.

⁹ Gillespie offered to make payments to Barker, Rodems & Cook, PA, but that was ignored or rejected in lieu of Mr. Rodems' "full nuclear blast approach" described by Gillespie's former lawyer Robert Bauer.

¹⁰ 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.

firm's prior representation of Gillespie on matters of disability, including Vocational Rehabilitation. To wit, Defendants' letter to Gillespie dated March 21, 2001 where Mr. Cook wrote "We have reviewed [vocational disability claims] and, unfortunately, we are not in a position to represent you for any claims you may have." Upon information and belief, "we" refers to Messrs. Barker, Rodems and Cook. (Exhibit E).

14. Because of the forgoing, Gillespie was under extreme duress and unable to form or give his consent to the settlement and dismissal. Gillespie had not slept the night before, preparing for the deposition, and left home to drive to the courthouse about 4:26AM shortly after sending Mr. Castagliuolo an email announcing same. Gillespie was exhausted, and mentally fatigued from living in seclusion for the past 21 days to avoid arrest on a writ of bodily attachment.

WHEREFORE, Gillespie pro se Moves to Set Aside the Settlement Agreement, Notice of Dismissal With Prejudice in the Second District Court of Appeal, and Joint Stipulation For Dismissal With Prejudice in the Thirteenth Judicial Circuit, Florida.

RESPECTFULLY SUBMITTED, June 22, 2011.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed June 22, 2011 to Ryan C. Rodems, Esq., Barker, Rodems & Cook, P.A., 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602.

Neil J. Gillespie

Fax

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

To: Mr. Ryan C. Rodems, Barker, Rodems & Cook, PA

Fax: (813) 489-1008

Date: June 22, 2011

Pages: nine (9), including this page

Re: Motion to Set Aside Settlement, Dismissal, see attached

NOTE: This fax and the accompanying information is privileged and confidential and is intended only for use by the above addressee. If you are not the intended recipient, you are hereby notified that any use, dissemination or copying of this fax and the accompanying communications is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone, collect if necessary, and return the original message to me at the above address via U.S. mail. Thank you for your cooperation.

All calls on home office business telephone extension (352) 854-7807 are 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. Jefferson-Pilot Life Ins. Co.*, 924 F.2d 215 (11th Cir. 1991).

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

NEIL J. GILLESPIE,

Plaintiff,

-vs-

Case No. 5:10-cv-503-Oc-10DAB

THIRTEENTH JUDICIAL CIRCUIT,
FLORIDA, et al.,,

Defendant.

_____ /

ORDER

This case is before the Court on the *pro se* Plaintiff's Notice of Voluntary Dismissal as to Defendants Rodems & BRC in Lieu of Amended Complaint (Doc. 22). Neither Defendant Ryan Christopher Rodems or Defendant Barker, Rodems & Cook, P.A. have filed an answer or motion for summary judgment in this case, and it does not appear that they have been served with the Complaint. Accordingly, pursuant to the Plaintiff's Notice, and Fed. R. Civ. P. 41(a)(1), the Clerk is directed to enter judgment dismissing all claims against Defendants Ryan Christopher Rodems and Barker, Rodems, & Cook, P.A. WITHOUT PREJUDICE, each party to bear its own fees and costs. The Clerk is further directed to terminate as moot the Defendants motion to dismiss (Doc. 3).

IT IS SO ORDERED.



DONE and ORDERED at Ocala, Florida this 22nd day of November, 2010.



UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record
Neil J. Gillespie, *pro se*
Maurya McSheehy

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

NEIL J. GILLESPIE,

Plaintiff,

-vs-

Case No. 5:10-cv-503-Oc-10DAB

**THIRTEENTH JUDICIAL CIRCUIT,
FLORIDA, et al.,**

Defendants.

JUDGMENT IN A CIVIL CASE

Decision by Court. This action came before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

Pursuant to the Court's order entered on November 22, 2010 judgment is entered dismissing all claims against Defendant's Ryan Christopher Rodems and Baker, Rodems & Cook, P.A. without prejudice, each party to bear its own fees and costs.

Date: November 23, 2010

SHERYL L. LOESCH, CLERK

L. Fannin

By: L. Fannin, Deputy Clerk

Copies furnished to:

Counsel of Record
Unrepresented Parties



FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

2011 JUN 30 AM 8:07
CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FL
OCALA FLORIDA

NEIL J. GILLESPIE,

Plaintiff,

vs.

CASE NO.: 5:10-cv-503-oc-WTH-DAB

DEMAND FOR JURY TRIAL

THIRTEENTH JUDICIAL CIRCUIT,
FLORIDA, et al.

Defendants.

PLAINTIFF NEIL J. GILLESPIE'S MOTION TO STRIKE OR SET ASIDE
MR. RODEMS' NOTICE OF ASSIGNMENT OF CLAIMS AND MOTION FOR
DISMISSAL OF ACTION WITH PREJUDICE, and
MOTION TO STRIKE OR SET ASIDE SETTLEMENT AGREEMENT AND
GENERAL MUTUAL RELEASE

1. Plaintiff pro se, Neil J. Gillespie ("Gillespie") moves to strike or set aside the Notice of Assignment of Claims And Motion For Dismissal of Action With Prejudice ("assignment") filed in this Court by Ryan Christopher Rodems June 21, 2011.
2. Gillespie also moves to strike or set aside the Settlement Agreement And General Mutual Release ("settlement"), Exhibit 1 to the document described in paragraph 1, and allegedly agreed to by Gillespie June 21, 2011 while he was in the custody of the Hillsborough County Sheriff (HCSO) on a writ of bodily attachment.
3. The settlement made by Gillespie while in custody of the Hillsborough County Sheriff's Office (HCSO) on civil contempt ordered by Circuit Judge James D. Arnold at the Edgecomb Courthouse must be set aside, and is void or voidable, for fraud, duress,

EXHIBIT

H

mistake, undue influence, adhesion, lack of informed consent, disability or incapacity, sleep deprivation, malpractice or negligence by jailers, threats, intimidation, yelling, and other improper conduct by opposing counsel Ryan Christopher Rodems, and breach of duty by Gillespie's former counsel, Eugene P. Castagliuolo.

4. As such there was no manifestation of mutual assent, a "meeting of the minds", or agreement to the terms of the settlement. Rather, Gillespie was impaired by disability and sleep deprivation and threatened while in custody of the HSCO and agreed to act to get out of custody. Gillespie's former counsel, Mr. Castagliuolo, breached his professional duty to Gillespie. The settlement agreement, prepared in advance by Mr. Rodems, is a mirror of Rodems' manifestation of mutual assent, not the manifestation of assent by Gillespie who was forced or induced to assent to the terms of the contract while disabled, in custody of the HCSO, and counsel who breached his duty. Therefore, the mutual meeting of the minds "in truth" does not exist. Since there is no mutual meeting of the minds there can be no settlement, and the settlement is void or voidable.

Writ of Bodily Attachment Against Gillespie

5. On June 1, 2011 Mr. Rodems caused a warrant for Gillespie's arrest to be issued on a writ of bodily attachment for civil contempt for allegedly failing to appear for a deposition. This follows the Order Adjudging Plaintiff Neil J. Gillespie In Contempt by Judge Martha Cook September 30, 2010. The hearing was held ex-parte and Gillespie was not present and did not have representation. Gillespie appealed the contempt order to the 2dDCA in case 2D10-5197 along with the Final Summary Judgment As To Count I. Rodems acknowledged the appeal by letter to Gillespie October 26, 2010. (Exhibit 1-A).

Gillespie replied by letter November 8, 2010 that he agreed to attend a deposition as long as he was represented by counsel. (Exhibit 1-B). Gillespie cannot have unmoderated contact with Mr. Rodems on the medical advice of Dr. Karin Huffer, Gillespie's disability advocate. Dr. Huffer also advised Gillespie not to attend a deposition without ADA accommodations in place. Mr. Rodems has a history of harassing behavior toward Gillespie, as well as a practice of creating a false record of events about Gillespie. In the alternative Gillespie offered to be deposed at a law enforcement office¹. Rodems did not respond and instead sought to have Gillespie arrested on a writ of bodily attachment.

6. Mr. Rodems obtained the writ of bodily attachment for improper purposes, to intentionally disrupt the appellant process in appeal 2D10-5197, and/or to force settlement of this lawsuit on terms favorable to the Defendants. Mr. Rodems obtained the writ of bodily attachment through a series of ex-parte hearings where Gillespie was not present and not represented by counsel as set forth in Exhibit 2.

7. Judge James D. Arnold issued an Order to Show Cause May 4, 2011 to appear in chambers on Wednesday, June 1, 2011 at 11:00 a.m. in Room 514 of the Hillsborough County Courthouse, located at 800 E. Twiggs Street, Tampa, FL. 33602 to show cause why he should not be held in contempt of court for failure to appear for a deposition.

8. Gillespie took the following action responsive to the Order To Show Cause set for hearing June 1, 2011 before Judge James D. Arnold:

a. May 24, 2011 Gillespie filed *Plaintiff's Motion For Appointment of Counsel, ADA Accommodation Request, and Memorandum of Law*.

¹ Not while in custody.

b. May 27, 2011 Gillespie applied for the services of the Public Defender and was found indigent² by Allison Raistrick of the Clerk's Indigent Screening Unit pursuant to section 27.52 Florida Statutes to appoint the public defender.

c. May 27, 2011 Gillespie filed *Verified Notice of Filing Disability Information of Neil J. Gillespie*.

d. May 27, 2011 Gillespie hand delivered a letter³ to Judge Arnold at the Edgecomb Courthouse with copies of the documents described above in paragraphs 6a and 6c. (Exhibit 1). Gillespie's letter informed Judge Arnold that Gillespie could not appear⁴ for a contempt hearing without counsel, Rodems mislead the Court during the last hearing, and about Gillespie's disability. Gillespie stated he may file an emergency stay with the US Supreme Court, and is considering chapter 7 bankruptcy to dispose of defendants' [\$11,550] judgment [for sanctions].

² Gillespie was declared insolvent within the meaning of chapter 57, Florida Statutes, by The Second District Court of Appeal, Florida, and the 2d DCA waived fees in three cases: 2D10-5197, 2D10-5529, and 2D11-2127. The Florida Supreme Court waived Gillespie's fees in case SC11-858.

³ Judge Arnold's JA, Judy D. Williams, would not speak with Gillespie and hung up on a pretext that the phone call was recorded. All calls on Gillespie's home office telephone extension are 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. Jefferson-Pilot Life Ins. Co.*, 924 F.2d 215 (11th Cir. 1991), See Plaintiff's Notice of Telephone Hearing filed December 30, 2009. This is a disability accommodation.

⁴ Judge Arnold does not permit pro se litigants to appear telephonically. Gillespie lives 100 miles from the court.

e. May 31, 2011 Gillespie served a Rule 22 Application upon United States Supreme Court Justice Clarence Thomas for Emergency Petition For Stay or Injunction, from the Order Of The Florida Supreme Court in Case No. SC11-858⁵.

Judge Arnold Issued Warrant To Arrest Gillespie June 1, 2011

9. Mike Peacock, Administrative Counsel of the Public Defender for the Thirteenth Judicial Circuit, appeared and submitted *Office Of The Public Defender's Motion For Clarification* (Exhibit 3) arguing Gillespie is not entitled to representation on civil contempt. The Court agreed and relieved the Public Defender by Order (Exhibit 4), holding that "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." The transcript of the proceedings shows as follows:

Transcript, June 1, 2011, page 6:

1 THE COURT: Take care.
2 All right. Let the record reflect that
3 Mr. Gillespie was personally served with my order
4 ordering him to appear this morning to show cause why
5 he should not be held in civil contempt of court for
6 his failure to give a deposition, appear at a
7 deposition, give a deposition and produce documents
8 requested pursuant to a subpoena duces tecum. Is that
9 correct, counselor?
10 MR. RODEMS: As a party of notice of deposition
11 duces tecum, Your Honor.
12 THE COURT: Therefore, I'm going to issue a

⁵ The Petition was returned to Gillespie by Danny Bickell, Staff Attorney, with a letter dated June 2, 2011 citing several deficiencies. Gillespie corrected the deficiencies and June 11, 2011 served another Rule 22 Application upon Justice Thomas, and Emergency Petition for Writ of Prohibition, from the Order of The Florida Supreme Court in Case No. SC11-858. The Petition was returned to Gillespie by Clayton R. Higgins, Jr., Case Analyst, with a letter dated June 15, 2011 that cited different deficiencies from the earlier Petition.

13 warrant for his arrest and order that he be picked up
14 and brought before the Court to show cause why I
15 shouldn't hold him in civil contempt of court. The
16 order is immediate arrest.

A copy of the Writ of Bodily Attachment is attached as Exhibit 5. (As received by Gillespie June 23, 2011 at 2:20 PM by email from Major James P. Livingston, Commander, Court Operations).

Copy of Writ Of Bodily Attachment Not Provided or Available

10. The Court failed to provide Gillespie a copy of the writ of bodily attachment. The Clerk of the Court failed to provide Gillespie's representative, Affordable Courier Solutions, a copy of the writ June 10, 2011. The Clerk told Affordable Courier Solutions that the file in this case was not available. Gillespie retained Eugene Castagliuolo June 3, 2011. Mr. Castagliuolo was unable to obtain a copy of the writ. Without a copy of the writ, Gillespie was denied due process in his efforts to purge the writ. A copy of the writ was only provided to Gillespie June 23, 2011 by Maj. Livingston after Gillespie voluntarily appeared at the courthouse.

11. Beginning June 1, 2011 Florida law enforcement was actively trying to arrest Gillespie on the writ of bodily attachment which terrorized him, caused him to suffer fear and anxiety⁶, aggravated his disabilities, and prevented him from working on the appeal in 2D10-5197.

⁶ Gillespie was also concerned about the care and feeding of his pet bunny Ginger. If Gillespie were incarcerated for any length of time, Ginger would likely starve and die. Gillespie had no one to care for Ginger, and Gillespie's nearest relative lives over 1,000 miles away.

Gillespie Found Counsel Through Craigslist June 3, 2011

12. Gillespie retained attorney Eugene P. Castagliuolo June 3, 2011 through a Craigslist posting as follows:

“I will pay \$1,000 cash to a Florida licensed attorney in good standing to represent me at a deposition duces tecum in Tampa ASAP. This is civil litigation. \$1,000 represents more than half my monthly income. (I will pay more if you accept terms for the balance). I need prep time too.

This is urgent, I'm facing a writ of bodily attachment otherwise. Thank you.”

Prior to June 3, 2011 Gillespie did not have funds to retain counsel. Gillespie is indigent and insolvent as determined by the courts. Gillespie relies upon a monthly Social Security disability payment that arrives in the third of the month as his income. On June 1, 2011 Gillespie lacked the funds to retain counsel for the Evidentiary Hearing that led to a warrant for his arrest on a writ of bodily attachment.

Motion To Quash Writ of Bodily Attachment, Rescind Arrest Warrant

13. 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 Judge Arnold. A copy of the motion is attached as Exhibit 6 and sets forth the following:

(1) The last attorney representing Mr. Gillespie in this case was permitted to withdraw on October 1, 2009.

(2) In the 21 months or so which have transpired since October of 2009, Mr. Gillespie has been without legal counsel, and has represented himself for these past 21 months.

(3) Not only has Mr. Gillespie not had the benefit of any legal training, but he also labors under the strain of some serious health issues which have been with him since this litigation began.

(4) Notwithstanding the foregoing, Mr. Gillespie has made considerable effort to comply with Mr. Rodems' fairly comprehensive and exhaustive discovery requests, as demonstrated by the June 25, 2010 letter and attachments which Mr. Gillespie sent to Mr. Rodems.

(7) Marion County Deputy Carl Dunlap advised undersigned counsel via telephone that, were they to ultimately arrest Mr. Gillespie, it would be likely that Mr. Gillespie would sit in the Marion County Jail for weeks until he could be transferred to the Hillsborough County Jail.

(8) Justice will not be served if Mr. Gillespie is jailed.

(9) Furthermore, given his health status, he will most definitely *not* "hold the keys" to his jail cell, as his ability to respond to discovery will then be virtually lost.

(10) Perhaps most importantly to this Honorable Court, this case will not advance any faster nor will the issues be resolved any quicker if Mr. Gillespie is jailed.

(11) The only possible interest served by jailing Mr. Gillespie would perhaps be that Mr. Rodems will enjoy some degree of retribution against Mr. Gillespie, although undersigned counsel finds it hard to believe that Mr. Rodems would be so motivated⁷.

⁷ Gillespie believes retribution, not justice, is part of Mr. Rodems' motivation, and to disrupt the appellate process in 2D10-5197, and to force a settlement on terms favorable to Defendants.

14. The Court denied the motion⁸, 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 was complete the Court would 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.

A copy of the transcript of the hearing June 16, 2011 is attached as Exhibit M.

15. Gillespie agreed to the foregoing in an effort to resolve the deposition. Gillespie has always agreed to attend a deposition so long as he is represented by counsel. Gillespie cannot have unmoderated contact with Mr. Rodems on the medical advice of Dr. Karin Huffer, Gillespie's disability advocate. Rodems has a history of harassing and unprofessional behavior with regard to Gillespie, and has a practice of creating a false record of events about Gillespie.

⁸ Judge Arnold is relatively new to this case, and the Court appears uninformed that Gillespie was always willing to attend a deposition provided he was represented by counsel. The Court also appears uninformed that Gillespie's disability prevents him from appearing at hearings without counsel, or that Gillespie cannot have unmoderated contact with Mr. Rodems. See Plaintiff's Motion For Appointment of Counsel, ADA Request, and Memorandum of Law, May 24, 2011.

Mr. Rodems' Threatening Email to Mr. Castagliuolo June 20, 2011

16. On the eve of the deposition, Mr. Rodems sent a threatening email to Gillespie's counsel Mr. Castagliuolo, Monday, June 20, 2011, 1:22 PM, attached as Exhibit 7.

a. Mr. Rodems announced a "walk-away" settlement, followed by a number of threats if Gillespie did not agree to a settlement agreement attached to the email in PDF.

"Please advise Gillespie of the following:

We will offer a walk-away once again, and for the final time. Gillespie can avoid the deposition and have the writ of bodily attachment dissolved if he settles his case with us. We offer a "walk-away," with a release in the form attached. What this means is Gillespie pays us nothing and all of our claims, potential claims, and disputes occurring before tomorrow are fully and finally resolved. You can tell him that If he rejects it, it will never be offered again."

b. Mr. Rodems threatened the following if Gillespie did not agree to a settlement:

"And, if he rejects it, here is what tomorrow will look like: Once Gillespie arrives at the courthouse, he will be taken into custody by the HCSO deputies and brought before Judge Arnold. He should make no mistake, from the moment he walks in, Gillespie will be in custody. The writ of bodily attachment is in effect, and must be executed the moment any law enforcement office identifies him."

"I expect Judge Arnold will advise Gillespie that until the deposition is complete, the writ of bodily attachment will remain in full force and effect. What that would mean is that Gillespie will remain in custody until such time as Judge Arnold announces that the writ is dissolved – which will not occur until the deposition is complete."

"The deputies will be either inside the room or right outside during the deposition. If Gillespie does not bring the documents or he refuses to answer questions, or behaves like he has in past hearings, I will stop the deposition, and advise the deputies that we need to see Judge Arnold. Obviously, Judge Arnold is extremely busy, and he is not going to stop his docket or hearings to rule immediately, and so the HCSO deputies will hold Gillespie in custody until we can find time on the Judge's calendar to resolve the issues."

"Gillespie needs to understand that I will not accept any refusals by him to answer my questions, and I will not tolerate any intemperate behavior. He will not threaten to "slam me against the wall,"⁹ like he did in the past, he will not yell¹⁰ at me or interrupt me, like he has done in the past. The first time he goes "off the reservation," like he did when Judge Isom ruled against him¹¹, and like he did at the summary judgment hearing before Judge Cook¹², and like he did when he threatened me on the telephone¹³, I will suspend the deposition, ask the deputies to take him into custody, and contact Judge Arnold."

"Also, because this is a deposition under oath, I will need to be assured, through questions and answers, that Gillespie is not under the influence of any substances, legal or otherwise, that affect his memory. I want to be certain that if Gillespie gives me an answer that later proves to be false, he cannot claim physical or mental impairment¹⁴."

"This will not be a short deposition. I have no choice but to be as thorough as possible because I will likely not have another opportunity to depose him. He has been spending a lot of money on filing fees¹⁵, service of process¹⁶, certified letters¹⁷, court reporters¹⁸, his website¹⁹, etc., so I need to find out where this money is coming from²⁰."

⁹ This is typical of Mr. Rodems' false and disparaging remarks he has made against Gillespie throughout this litigation. The Tampa Police Department investigated Mr. Rodems' accusation, made in a sworn affidavit dated March 6, 2006. Kibry Rainesberger of the TPD concluded that Mr. Rodems was not right and not accurate in representing to the Court a quote Rodems attributed to Gillespie.

¹⁰ Gillespie did not yell at Mr. Rodems

¹¹ The transcript of the hearing does not reflect Mr. Rodems' accusation.

¹² The transcript of the hearing does not reflect Mr. Rodems' accusation.

¹³ Gillespie did not threaten Mr. Rodems on the telephone.

¹⁴ Gillespie has disabilities that affect his memory. See *Verified Notice of Filing Disability Information of Neil J. Gillespie*, May 27, 2011.

¹⁵ This is a false statement by Rodems. The Courts have waived Gillespie's last four filing fees.

¹⁶ This is a false statement by Rodems. The last service of process fees Gillespie paid were \$20 each (\$40 total) in 2005 to serve Barker, Rodems & Cook, PA, and Mr. Cook with this lawsuit. Gillespie was unable to pay \$160 in fees to serve four (4) subpoenas for the hearing June 1, 2011.

"If Gillespie finds the deposition process exhausting, as he has claimed in the past, and cannot complete it tomorrow, we can go as many days as he requires, but he needs to understand that he will remain in the custody of the HCSO until it is complete²¹."

"The settlement offer is open until 5:00 p.m. today. If he accepts²², then you can communicate it by telephone before 5:00 p.m. He can sign the attached tomorrow, but it must be hand-delivered before 10:30 a.m. If it is hand-delivered before 10:30 a.m., I will advise the Judge of the settlement, you and he can probably appear by telephone."

c. Mr. Castagliuolo responded by email (Exhibit 8) Monday, June 20, 2011 at 1:59

PM to the threats made by Mr. Rodems against Gillespie:

"Again, I understand the acrimony that permeates this case, but your e-mail is way too heavy handed....

"Here's my take on this: I think you should be conducting tomorrow's depo like any other depo in aid of execution in any other case. "Forget" what's

¹⁷ The cost of certified mail is \$2.85 per letter and is paid from Gillespie's monthly Social Security disability payment of \$1,741.

¹⁸ Court reporters have made payment arrangements, such as allowing Gillespie to postpone payment until arrival of his monthly Social Security disability payment of \$1,741.

¹⁹ Gillespie's website is billed quarterly at \$59.97 or about \$20 per month, and is paid from his monthly Social Security disability payment of \$1,741. On one occasion when Gillespie could not pay the bill, court reporter Susan DeMichelle paid the quarterly website bill of \$59.97.

²⁰ Mr. Rodems knows Gillespie's financial background from his firm's prior representation of Gillespie, from depositions in the AMSCOT and ACE Cash Express lawsuits.

²¹ This threat to incarcerate Gillespie on an ongoing basis is designed to intimidate him to agree to a settlement.

²² Gillespie responded to, and rejected the offer in writing by email, through Mr. Castagliuolo Monday, June 20, 2011 at 2:53 PM.

happened in the past, at least temporarily for the purposes of ascertaining answers to your 45-46 requests for information. The writ and arrest warrant are not swords of Damocles to be held over my client's head. The writ and arrest warrant are in place to compel his attendance at and good faith participation in your discovery in aid of execution. If after an hour or so of questioning it becomes readily apparent that Mr. Gillespie is without funds to pay your judgment, then an aggressive, lengthy, harassing deposition will have me rather than you calling Judge Arnold."

"The writ and arrest warrant are not your license to verbally punch my client in the face for 3 or 4 hours. As I stated last week before Judge Arnold, my client is a likely candidate for a Chapter 7 BK, and if he goes that route, an exhaustive deposition is a waste of everyone's time, most of all yours, because I can tell just by the way you carry and present yourself that you have far bigger fish to fry."

"I want to get along with you, Chris, lawyer to lawyer. I want to get some satisfaction for all concerned tomorrow, and hopefully, everyone will walk away from the table tomorrow with some degree of relief. But I cannot do so while throwing my client under the proverbial bus, and I will never throw any of my clients under that bus."

"I respectfully suggest that you not place a deadline on the "walk away" offer. Allow me to do my job, to wit: educating my client as to the possible benefits of walking away. But for tomorrow, let's just have a good old-fashioned depo in aid of execution."

"Thank you Chris.....Gene"

Gillespie Rejected Mr. Rodems' Settlement Agreement June 20, 2011

17. Gillespie did not accept Mr. Rodems' "walk-away" settlement offer by the 5:00 PM deadline June 20, 2011. Gillespie rejected the offer by email to Mr. Castagliuolo Monday, June 20, 2011 2:53 PM. A copy of Gillespie's email is attached as Exhibit 9. This is the text from Gillespie's email to Mr. Castagliuolo:

"Eugene,

Thanks for Rodems' email. Now you know why I could not appear unrepresented with him at a deposition. Rodems' email is a MILD example of how he has conducted himself in this case.

So long as you are by my side I feel confident attending the deposition and getting it behind me.

From what I read in the transcript of the June 16th hearing, Judge Arnold is reasonable, even if he doesn't read much about the case beforehand. If problems develop with Mr. Rodems I think Judge Arnold will be able to resolve the issues, so long as you are present to represent me.

I'm not interested in his walk-away offer. His last walk-away offer was presented in equally dramatic fashion. As I noted before, Mr. Rodems has repeatedly offered a walk-away settlement because if he loses the appeal in 2D10-5197 that could jeopardize his legal career, and that of his partners', who stand accused of fraud and breach of contract against a former client.

Today I was in contact with James Birkhold, Clerk of the 2d DCA about a motion to extend the time for my amended initial brief. After Mr. Birkhold explained the procedure, I drafted another motion to extend the time for 14 days, with the brief due July 6th, see attached.

Mr. Rodems' walk-away agreement mentions the federal lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida, et al., 5:10-cv-00503-WTH-DAB, pending in the United States District Court, Middle District of Florida, Ocala Division. While I voluntarily dismissed him from the case due to some unbelievable antics, the rest of the case is active, and on June 1, 2011 in response to another matter in the case, I noted that Mr. Rodems previously misled this Court in violation of Rule 11 (b) in pleadings he submitted, and in turn the Court relied upon Mr. Rodems' pleadings as correct and incorporated false or untrue statements in the Court's orders. I sought leave to move for sanctions against Mr. Rodems under Rule 11(C)(2) for making false or untrue statements to this Court in his pleadings. I'm waiting on a response.

Thirdly, Mr. Rodems may have some concern with action by the Florida Bar, where he assisted Mr. Bauer regarding my bar complaint against Bauer. The grievance committee found no probable cause on a 5-0 vote. That decision was so inappropriate that Jim Watson, Chief Branch Discipline Counsel of the Tallahassee Branch, forwarded my concerns to Carl Schwait, the Designated Reviewer. Attached is the email about that, and I'm still waiting for a reply.

So Mr. Rodems may be feeling some heat. If you are a good negotiator and see my point, you might offer a settlement where Rodems pays me. On a contingent basis you would be entitled to whatever the going percentage is: it may be 45% since this is on appeal.

I'm as cool as can be under the circumstances. Nothing Rodems has said today is a surprise to me.

Thanks again.

Neil Gillespie.

Gillespie voluntarily arrived for the deposition June 21, 2011

18. In a good-faith effort to complete the deposition, Gillespie voluntarily arrived at 9:45 AM June 21, 2011 at the Edgcomb Courthouse, E. 800 Twiggs Street, Tampa. Gillespie met counsel Mr. Castagliuolo at the courthouse on the fifth floor at the door to Judge Arnold's chambers.

Gillespie Fatigued and Sleep Deprived At The Deposition

19. Gillespie had not slept the night before the deposition, and spent time preparing, and making copies of documents, until about 4:26 AM June 21, 2011. Gillespie left home to drive to the courthouse about 4:26AM shortly after sending Mr. Castagliuolo an email announcing same. Gillespie arrived in Tampa at the Twiggs Street Garage at 6:47 AM. At this time Gillespie had not slept for over 24 hours. Gillespie was exhausted, and mentally fatigued from living in seclusion for the past 21 days to avoid arrest on a writ of bodily attachment.

No ADA Disability Accommodation Provided Gillespie During Deposition

20. Gillespie was under disability during the deposition, see Verified Notice of Filing Disability Information of Neil J. Gillespie, filed May 27, 2011. Gillespie submitted his

ADA accommodation request (ADA Request), and the ADA Assessment and Report by Dr. Karin Huffer, (ADA Report) to Gonzalo Casares, ADA Coordinator for the Thirteenth Judicial Circuit, February 19, 2010. The ADA Request includes two prior requests dating to 2007. In a letter to Gillespie dated July 9, 2010, David A. Rowland, Counsel to the Thirteenth Judicial Circuit, denied Gillespie's ADA request. Mr. Rowland is a lawyer, not a medical doctor, and therefore unqualified to review the medical report by Dr. Huffer, or grant ADA accommodations based upon the medical report. Dr. Huffer wrote a follow-up letter October 28, 2010 about the lack of ADA accommodations for this deposition. (Exhibit 10). Dr. Huffer wrote in part:

a. "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." (p.2, ¶1)

b. Dr. Huffer wrote Gillespie is denied access to the court in violation of Title II:

"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." (p. 1, ¶2). (An ADA DOJ complaint was filed by Gillespie April 21, 2011, Exhibit 43)

c. Dr. Huffer noted the abuse power differential in this case:

"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." (p.1, ¶4)

d. Dr. Huffer wrote Gillespie's life and health is at risk:

"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." (p.2, ¶1)

e. Dr. Huffer determined that Gillespie has sustained permanent injury:

"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." (p.1-2).

21. During a hearing May 3, 2011 the record shows Judge Arnold was uninformed about Gillespie's disability. (Transcript, p7, line 7). Judge Arnold held the hearing ex parte. Gillespie was not present at the hearing and he was not represented by counsel. Mr. Rodems²³ mislead the court about Gillespie's disability. In order to stop the ignorance and misrepresentation and about Gillespie's disability, he decided to make this information public.

22. Mr. Rodems often states in pleadings that Gillespie is disabled. For example, Mr. Rodems wrote as following in *Defendants' Response To Plaintiff's Motion To Disqualify*

²³ Since March 3, 2006, Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward Gillespie that has aggravated his disability, caused substantial emotional distress, and serves no legitimate purpose.

*Judge Barton*²⁴: “On May 20, 2010, Plaintiff Neil J. Gillespie filed a second motion to disqualify Judge James M. Barton. Many of the allegations in Gillespie's motion border on delusional. Gillespie has disclosed in several court filings that he suffers from mental illnesses, and he has stated on the record on several occasions that his mental illness affects his ability to represent himself. Clearly, the pending motion -- and the record in this case -- shows this to be an accurate statement.” There is no rule in the Florida Rules of Civil Procedure for opposing counsel to respond to a motion to disqualify a judge. Mr. Rodems’ purpose in doing so is to slander Gillespie, and to build a record of hours to obtain attorney’s fees in the form of sanctions against Gillespie. This is how Rodems obtained a final judgment against Gillespie for \$11,550 in 2008 that led to this deposition.

Gillespie In Custody of HCSO Over 4 Hours During Deposition

23. The court reporting company informed Gillespie that the deposition ran 4 hours and 24 minutes, from 10:38 AM to 3:02 PM.. Gillespie was taken into custody by the Hillsborough County Sheriff’s Office (HCSO) as described in Mr. Rodems’ email. Gillespie met and spoke with Major James Livingston, Commander of the Court Operations Division, HCSO. Gillespie provided Major Livingston a copy of Mr. Rodems’ email of June 20, 2011 and Livingston read it immediately. Gillespie was flanked on both sides by HCSO Deputies Larry Berg and Deputy Olding at all times

²⁴ Per Florida law, Judge Barton was disqualified May 24, 2010 over thousands of dollars paid by Barker, Rodems & Cook, PA to the court reporting company owned by the wife of Judge Barton.

during the deposition, even when he took a bathroom break. The deputies also heard Gillespie's confidential attorney-client communication with Mr. Castagliuolo.

Gillespie Testified He Was Under Disability During Deposition

24. Mr. Rodems began the deposition as stated in his email to Mr. Castagliuolo sent 1:22 PM June 20th (Exhibit K) by questioning Gillespie if he was under the influence of any substances, legal or otherwise, that affect his memory. Gillespie responded that he is disabled and that one disability, depression is a disability that affects his memory. Gillespie testified that he recently consulted his doctor about memory lapses and declining memory. Gillespie referred Mr. Rodems to his Verified Notice Of Filing Disability Information of Neil J. Gillespie filed May 27, 2011.

Mr. Rodems Verbally Punched Gillespie In Face For Over Four Hours

25. Mr. Rodems was angry and abusive in questioning Gillespie. Rodems yelled at Gillespie on a number of occasions. Rodems had a personal vendetta against Gillespie. At one point Rodems complained that his photo and that of his partners appeared on Gillespie's website. This behavior was consistent with threats Mr. Rodems made in his email sent to Mr. Castagliuolo at 1:22 PM June 20th. Prior to the deposition Castagliuolo responded to Rodems in part, "The writ and arrest warrant are not your license to verbally punch my client in the face for 3 or 4 hours." But that happened. Gillespie was forced to answering improper, harassing, and irrelevant questions by Mr. Rodems, and Gillespie could not object, or Rodems would suspend the deposition, as per his email:

"Gillespie needs to understand that I will not accept any refusals by him to answer my questions,...The first time he goes "off the reservation",...I will

suspend the deposition, ask the deputies to take him into custody, and contact Judge Arnold.” (Exhibit 7)

Mr. Rodems’ tactics included questions and references about the death of Gillespie’s pet bunny Fluffy, and the death of Gillespie’s Mother²⁵, which were improper to a deposition in aid of execution, and had nothing to do with the case where Mr. Rodems and his partners stole \$7,143 from Gillespie in the settlement of a prior case. Mr. Rodems was using a form of torture against Gillespie, psychologically coercive techniques against a disabled person to either break Gillespie or reduce him to a state where he could not proceed, at which point Rodems would offer a Settlement Agreement on terms favorable to Rodems and the Defendants.

Gillespie Unable To Continue Deposition

26. Gillespie continued his good-faith effort to respond to questions from Rodems, but comments by Mr. Castagliuolo show Gillespie was struggling with disability. Mr. Castagliuolo told Gillespie “you are thinking too much” in responding to questions. ‘Thinking too much’ - or hypervigilance, is a symptom of Post Traumatic Stress Disorder (PTSD) which Gillespie suffers. As the deposition progressed Gillespie became inarticulate, disoriented, and began guessing or speculating at answers to questions. For

²⁵ Gillespie contends that Judge Barton was negligent in the management of this case contrary to Rule 2.545, and caused this case to substantially exceed the time limits of Rule 2.250(a)(1)(B), thereby disrupting the care of Ms. Gillespie. Judge Barton was also negligent in his failure to conduct a hearing on a “Claim Of Exemption And Request For Hearing” served August 14, 2008 by Gillespie’s attorney Robert Bauer, there by denying support for Ms. Gillespie. Gillespie however bears ultimate responsibility, and is reminded of this fact each time the issue is raised by Mr. Rodems, which is about once a month in his pleadings and other writings.

example, Mr. Castagliuolo had to clarify on behalf of Gillespie that emails to Gillespie's brother only forwarded mortgage foreclosure letters from the bank, and any reference to the trust-owned home was in that context, and not, as Mr. Rodems maintains, evidence that Gillespie receives income from a trust.

More Threats From Mr. Rodems

27. Mr. Rodems demanded to see every email from Gillespie to his brother described in the preceding paragraph. Since Gillespie did not have immediate access to the emails, Rodems announced plans to keep the deposition open until the documents were provided. Gillespie realized that it was a mistake to voluntarily appear for a deposition at the courthouse, because in doing so Mr. Rodems held the keys to Gillespie's release, transforming Gillespie from a civil contemnor to a defacto incarcerated inmate. as per Rodems' email:

"If Gillespie finds the deposition process exhausting, as he has claimed in the past, and cannot complete it tomorrow, we can go as many days as he requires, but he needs to understand that he will remain in the custody of the HCSO until it is complete." (Exhibit 7)

Mr. Rodems also launched a new round of threats against Gillespie. Mr. Rodems stated that he had accumulated 130 hours of attorneys fees responding to Gillespie's pleadings that Rodems considered inappropriate. Rodems said he would seek sanctions against Gillespie for 130 hours of attorneys fees. In the past the Court awarded Mr. Rodems \$11,550 in sanctions at \$350 per hour in attorney's fees for Gillespie's discovery errors

and a misplaced defense of economic loss to Rodems' libel counterclaim²⁶. Based upon Rodems' threat, 130 hours of sanctions would amount to \$45,500. Mr. Rodems also threatened something about bringing the Marion County Sheriff to Gillespie's home in his effort to collect a judgment for attorney's fees. And Rodems made reference to Gillespie wearing "orange pajamas" issued by the HCSO. The details of the threats were not clear to Gillespie because he was disoriented and Rodems was yelling at a fast pace.

Gillespie Signed Papers to Gain Release From Custody, Escape Rodems' Abuse

28. Because of the forgoing, Gillespie was under extreme stress, duress, undue influence, disability or incapacity, sleep deprivation, lack of informed consent, and otherwise not free to form or give his consent to the settlement. Gillespie mistakenly signed papers, a contract of adhesion, to gain release from custody, and to escape the abusive and threatening behavior of Mr. Rodems. Gillespie was also worried about his pet bunny Ginger at home in Ocala, 100 miles away, if he were incarcerated for any length of time in Tampa. Gillespie lives alone and his nearest relative lives over one thousand (1,000) miles away. Ginger would likely die of starvation.

Deposition Fraud By Mr. Rodems

29. This deposition was not for a legitimate purpose, aid in execution, but instead was used by Mr. Rodems to force Gillespie to settle this lawsuit on terms dictated by Rodems. This was Mr. Rodems' fraud on Gillespie and fraud the Court. Gillespie appeared in a good faith effort to resolve the deposition and Rodems acted in bad faith.

²⁶ The libel counterclaim was an abuse of process, which Rodems later dismissed.

Settlement Fraud By Mr. Rodems

30. The Settlement Agreement and General Mutual Release prepared by Mr. Rodems is void or voidable as **Fraud**. The document is a fraud on Gillespie. Gillespie does not completely understand the agreement, and his attorney Eugene Castagliuolo did not explain it to him, but it appears that Mr. Rodems is attempting to settle claims against third parties that are not part of the dispute in Neil J. Gillespie v. Barker, Rodems & Cook, PA, and William J. Cook, Case No. 05-CA-007205, Hillsborough County, Florida. Assignment of third party claims WAS NEVER DISCUSSED OR AGREED UPON.

31. Gillespie never knowingly agreed to assign any claims in Gillespie v. Thirteenth Judicial Circuit, Florida, et al., Case No. 5:10-cv-00503, US District Court, MD Florida, Ocala Division. Mr. Castagliuolo did not discuss or explain what the assignment meant. Gillespie only learned about the assignment late Wednesday night, June 29, 2011 while looking at the case docket on PACER. Mr. Rodems never served a copy of the Notice of Assignment Of Claims And Motion For Dismissal Of Action With Prejudice as required.

32. The foregoing notwithstanding, settlement agreement is missing a number of items discussed prior to Gillespie signing. Gillespie was concerned that Rodems would sue him for libel over Gillespie's website. Rodems promised that he would allow Gillespie seven days to remove any defamatory information about Rodems or the Defendants. That language is not found in the settlement. Furthermore, Gillespie does not plan to speculate over what Rodems may consider defamatory. Gillespie contends there is nothing libelous about Rodems or the Defendants on the website. Before Gillespie could agree to any settlement, it must specify exactly what Mr. Rodems believes is defamatory.

This agreement makes no mention whatsoever about Gillespie's website, and therefore does not reflect the agreement between the parties.

Negligence of The Hillsborough County Sheriff's Office (HCSO)

Section 950.09, Florida Statutes (2010) Malpractice by jailers.—If any jailer shall, by too great duress of imprisonment or otherwise, make or induce a prisoner to disclose and give evidence against some other person, or be guilty of willful inhumanity and oppression to any prisoner under his or her care and custody, the jailer shall be punished by removal from office and shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

33. Major James Livingston serves as the Commander of the Court Operations Division of the Hillsborough County Sheriff's Office (HCSO). The Division is responsible for all aspects of security at the Courthouse Complex, which includes the Edgecomb Courthouse. The Division also includes the Civil Process Section which serves approximately 150,000 court-related documents each year.

34. According to the HCSO website, Major Livingston previously worked for the Federal Bureau of Investigation (FBI) where he retired as a Supervisory Special Agent after a 22-year career. Major Livingston also earned a Law Degree in 1983 and a Bachelor's Degree in Criminal Justice in 1977, both from the University of Memphis.

35. Gillespie first contacted Major Livingston November 13, 2010 by certified mail about Circuit Judge Martha Cook who knowingly and willfully falsified²⁷ records in this

²⁷ Gillespie accused Judge Cook of a violation chapter 839, Florida Statutes, section 839.13(1) if any judge shall falsify any record or any paper filed in any judicial proceeding in any court of this state, or conceal any issue, or falsify any document filed in any court or falsify any minutes or any proceedings whatever of or belonging to any public office within this state the person so offending shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

case, including falsification of the Order Adjudging Plaintiff Neil J. Gillespie Contempt, September 30, 2010, the order that forms the basis for the warrant to arrest Gillespie on a writ of bodily attachment. Judge Cook falsely wrote in the contempt order that Gillespie voluntarily left the hearing when in fact Judge Cook ordered Gillespie removed by HCSO Deputy C.E. Brown after Cook learned Gillespie filed a federal lawsuit against her and the Thirteenth Judicial Circuit²⁸.

36. Gillespie originally brought the problem of Judge Cook's falsification of records to the attention of Colonel James Previtera²⁹, Commander of the Department of Detention Services, and supervisor of Major Livingston. Previtera did not respond. Gillespie spoke by telephone with Major Livingston November 23, 2010 about Judge Cook's falsification of the Order Adjudging Plaintiff Neil J. Gillespie Contempt, and Major Livingston agreed to investigate the matter.

37. Major Livingston emailed Gillespie January 12, 2011 and provided a letter that stating he made contact with Deputy Christopher E. Brown and Brown advised that Judge Cook ordered Gillespie to leave the courtroom. (Exhibit 11). This impeached Judge Cook's order where she wrote Gillespie voluntarily left the hearing. Major Livingston also wrote the following:

²⁸ Gillespie v Thirteenth Judicial Circuit, et al, Case No. 5:10-cv-00503, US District Court, MD Florida, Ocala.

²⁹ Gillespie initially provided Col. Previtera on September 27, 2010 his affidavit showing Judge Cook falsified a record about Gillespie's panic attack during a hearing July 12, 2010. Gillespie followed up with a fax letter to Col. Previtera October 7, 2010 with a new accusation that Judge Cook falsified the Order Adjudging Plaintiff Neil J. Gillespie Contempt, September 30, 2010.

“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 counsel³⁰. 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.”

38. Gillespie made an affidavit April 25, 2011 attesting to the fact that Major Livingston provided a letter that impeached Judge Cook’s Order Adjudging Plaintiff Neil J. Gillespie In Contempt. (Exhibit 12).

39. Gillespie requested by letter April 20, 2011 to Major Livingston a criminal investigation 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. A copy of the letter is attached as Exhibit 14. Livingston responded by email May 2, 2011 in part:

“You are under a misunderstanding concerning my official role at the Courthouse—my primary responsibility is to ensure the safety and security of the Courthouse Complex facilities, its occupants, and members of the public who are visiting or conducting business here. Any investigation of Judge Cook will have to be done by another investigative entity.”

Major Livingston did not respond to Gillespie’s question about what investigative entity would consider the complaint.

40. Because Major Livingston provided a letter impeaching Judge Cook’s Order Adjudging Plaintiff Neil J. Gillespie Contempt, Gillespie obtained the following subpoenas for the June 1, 2011 Evidentiary Hearing before Judge Arnold on the Order Adjudging Plaintiff Neil J. Gillespie Contempt. The following subpoenas were issued by

³⁰ Ryan Christopher Rodems, Florida Bar ID No. 947652.

the Clerk of the Court after Gillespie paid the \$2.00 fee each, and copies along with the cash receipt are attached as Exhibit 15:

a. Subpoena Duces Tecum, Major James P. Livingston, to bring his letter of January 12, 2011 to the hearing and testify; to impeach Judge Cook's Order Adjudging Plaintiff Neil J. Gillespie Contempt.

b. Subpoena Duces Tecum, Ryan Rodems, to bring Gillespie's letter of November 8, 2010 agreeing to appear for a deposition, and to testify; to impeach Rodems' prior testimony that Gillespie refused to appear for a deposition unless arrested on writ of bodily attachment.

c. Subpoena, Deputy Christopher E. Brown, to appear and testify that that he removed Gillespie from the hearing before Judge Cook; to impeach Judge Cook's Order Adjudging Plaintiff Neil J. Gillespie Contempt.

d. Subpoena, Donna Healy, Associate Courts Director, to appear and testify that Judge Cook instructed Healy to docket and file Gillespie's confidential ADA disability information in the public court file.

41. Gillespie was not able to serve the subpoenas in the preceding paragraph because he is indigent. Gillespie could not afford to pay \$40 each (\$160 total) to serve the four subpoenas. Gillespie applied to the Clerk of the Court for relief under section 57.082 Florida Statutes. The Clerk denied the request contrary to the statute, which requires a determination of civil indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court. The Clerk refused to provide Gillespie the form. The Clerk referred Gillespie to Judge Arnold

to appeal its denial. The Clerk denied Gillespie contrary to section 57.082(d), the duty of the clerk in determining whether an applicant is indigent is limited to receiving the application and comparing the information provided in the application to the criteria prescribed in this subsection. The determination of indigent status is a ministerial act of the clerk and may not be based on further investigation or the exercise of independent judgment by the clerk. The email exchange between the Clerk and Gillespie showing the preceding events is attached as Exhibit 16.

42. Because of the forgoing, Major Livingston knew or had reason to believe that the Order Adjudging Plaintiff Neil J. Gillespie In Contempt was not accurate and should not be relied upon to cause the arrest of Gillespie on a writ of bodily attachment. Major Livingston was also provided emailed copies of the following:

a. Petition for Writ of Prohibition, Motion for Change of Venue, 2dDCA, to remove J. Arnold and the Thirteenth Judicial Circuit, May 2, 2011, Case No. 2D11-2127

b. Petition for Writ of Prohibition and Habeas Corpus, Florida Supreme Court, to remove J. Arnold and the Thirteenth Judicial Circuit, May 3, 2011, Case No. SC11-858.

43. Major Livingston is sworn to support, protect, and defend the Constitution and Government of the United States and of the State of Florida. Major Livingston attended law school and earned a law degree, and knows or should know, that Judge Cook falsified records and denied Gillespie due process, and that the Court misused or denied Gillespie judicial process under the color of law in an effort to incarcerate him. Because of the foregoing Major Livingston had an affirmative duty to act to prevent the wrongful

issuance of an arrest warrant for Gillespie on a writ of bodily attachment. Major

Livingston failed to act and is negligent.

44. Major Livingston was present June 21, 2011 at the Edgecomb Courthouse and personally met Gillespie, who voluntarily appeared for the deposition. Gillespie provided Major Livingston a copy of Mr. Rodems' email sent Monday 1:22 PM June 20, 2011 (Exhibit 7) which Livingston immediately read. Mr. Rodems' email showed that he intended to misuse the deposition to force Gillespie to settle the lawsuit on terms favorable to Rodems and the Defendants.

45. Following the deposition Gillespie emailed Major Livingston June 22, 2011 and provided a draft copy of a motion to set aside the settlement, raised policy concerns, and asked "...how far the HCSO will go to deny the rights of a civil litigant being held in custody at the whim of an angry lawyer to force a settlement and dismissal with a former client under a disability." Major Livingston responded in relevant part "As I explained to you yesterday, Judge Arnold is in charge of this case, not the HCSO or Mr. Rodems. The HCSO was complying with the specific orders and instructions of Judge Arnold." Major Livingston would not describe what "specific orders and instructions of Judge Arnold" were provided, nor what information was provided to the Marion County Sheriff where Gillespie resides. Instead Major Livingston referred Gillespie to the various record sections of the HCSO, the Clerk and the Court.

46. Because of the foregoing, there is reason to believe Major Livingston and/or the HCSO violated Section 950.09, Florida Statutes (2010) Malpractice by jailers: "If any jailer shall, by too great duress of imprisonment or otherwise...be guilty of willful

inhumanity and oppression to any prisoner under his or her care and custody, the jailer shall be punished by removal from office and shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.”

The Thirteenth Judicial Circuit Has A Conflict With Gillespie

47. The Thirteenth Judicial Circuit has a conflict hearing the lawsuit #05-CA-007205 with Gillespie, as the Thirteenth Circuit is a defendant in Gillespie v. Thirteenth Judicial Circuit, Florida, et al, Case No. 5:10-cv-00503, US District Court, MD Florida, Ocala. The fact that Mr. Rodems committed fraud³¹ on Gillespie to

Conclusion

48. Gillespie commenced two pro se lawsuits in August 2005 because he could not find or afford counsel to represent him. One lawsuit in This Federal District Court, Ocala, involved a credit card dispute, Gillespie v. HSBC Bank, et al, Case No. 5:05-cv-362-Oc-WTH-GRJ, US District Court, Middle District of Florida, Ocala Division. The HSBC lawsuit was resolved a year later with a good result for the parties. Gillespie was able to work amicably with the counsel for HSBC Bank, Traci H. Rollins and David J. D’Agata, counsel with Squire, Sanders & Dempsey, LLP and the entire case was concluded in 15 months. The other case Gillespie commenced in August 2005 is Neil J. Gillespie v. Barker, Rodems & Cook, PA, and William J. Cook, Case No. 05-CA-007205, Circuit Civil Division, Thirteenth Judicial Circuit. The only relevant difference in the two cases is Ryan Christopher Rodems. Mr. Rodems’ exercise of independent professional judgment is materially limited by his personal conflict and interest in this lawsuit by a

former client to recover \$7,143 stolen by Barker, Rodems & Cook, PA and William J. Cook from Gillespie during prior representation on a matter that is the same or substantially similar as the prior representation.

49. Our legal system depends upon the integrity of individual members of the bar and bench to follow the rules and codes of the legal profession and the judiciary. That integrity has broken down in this case making it impossible to fairly resolve in the Thirteenth Judicial Circuit. The practice of law is a profession the purpose of which is to supply disinterested counsel and service to others using independent professional judgment. In this case opposing counsel's independent professional judgment is materially limited by his own interest and conflict. Deference to the judgments and rulings of courts depends upon confidence in the integrity and independence of judges. In this case Judge Cook abandoned her integrity and independence by acting in the interest of opposing counsel. Both Mr. Rodems and Mr. Cook paid money to Judge Cook's judicial election campaign. Judge Cook returned the favor by falsifying court records to protect Mr. Rodems and Mr. Cook from paying Gillespie \$7,143 stolen from him. In the grand scheme of things, \$7,143 is relatively insignificant. The integrity of our courts is another story.

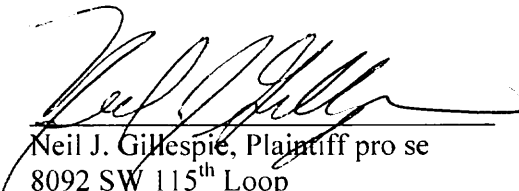
50. The settlement made by Gillespie while in custody of the Hillsborough County Sheriff's Office (HCSO) on civil contempt must be set aside, and is void or voidable, as set forth in this motion. There was no manifestation of mutual assent, a "meeting of the minds", or agreement to the terms of the settlement. Rather, Gillespie was impaired by

³¹ See paragraphs 30, 31, and 32 of this motion.

disability and sleep deprivation and threatened while in custody of the HCSO and agreed to act to get out of custody. Gillespie's former counsel, Mr. Castagliuolo, breached his professional duty to Gillespie. The settlement agreement, prepared in advance by Mr. Rodems, is a fraud, and a mirror of Rodems' manifestation of mutual assent, not the manifestation of assent by Gillespie who was forced or induced to assent to the terms of the contract while disabled, exhausted, and in custody of the HCSO. Therefore the mutual meeting of the minds "in truth" does not exist. Since there is no mutual meeting of the minds there can be no settlement, and the settlement is void or voidable.

WHEREFORE, Plaintiff pro se Gillespie moves to strike or set aside *the Notice of Assignment of Claims And Motion For Dismissal of Action With Prejudice* filed in this Court by Ryan Christopher Rodems June 21, 2011. Gillespie also moves to strike or set aside the *Settlement Agreement And General Mutual Release*, Exhibit 1 to the document described in paragraph 1, and allegedly agreed to by Gillespie June 21, 2011 while he was in the custody of the Hillsborough County Sheriff (HCSO) on a writ of bodily attachment obtained by Mr. Rodems for allegedly failing to appear at a deposition.

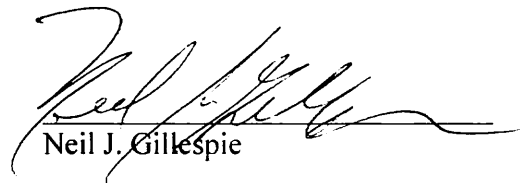
RESPECTFULLY SUBMITTED June 30, 2011.



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

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was emailed June 30, 2011 to Catherine Barbara Chapman, cathererine@guildaylaw.com, counsel for The Law Office of Robert W. Bauer, P.A. and Robert W. Bauer. A paper copy was mailed to Ryan C. Rodems, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602. A copy was emailed to Eugene Castagliuolo at attorneyepc@yahoo.com. No other party was served.



Neil J. Gillespie

Appendix

List of Exhibits

Exhibit 1	11-08-2010, Notice of filing letters. Rodems, NJG, deposition
Exhibit 2	Time line of ex-parte hearings
Exhibit 3	06-01-2011, Public Defender Motion For Clarification
Exhibit 4	06-01-2011, Order Relieving Public Defender
Exhibit 5	06-01-2011, Writ of Bodily Attachment
Exhibit 6	06-16-2011, P's Motion Quash Writ Bodily Attachment. Recind Warrant for Arrest
Exhibit 7	06-20-2011, Rodems email, 1.22 PM, w settlement agreement
Exhibit 8	06-20-2011, Mr. Castagliuolo's email, 1.59 PM
Exhibit 9	06-20-2011, Gillespie's email, 2.53 PM rejected Rodems' settlement offer
Exhibit 10	10-28-2010, Dr. Huffer's letter, NJG
Exhibit 11	01-19-2011, Notice of Filing communication w Maj Livingston
Exhibit 12	04-25-2011, Affidavit of NJG, Judge Cook falsified court records
Exhibit 14	04-20-2011, NJG to Major Livingston, ch 825, Fla Stat
Exhibit 15	05-27-2011, 4 subpoenas issued, and receipt
Exhibit 16	Email, Clerk of Court, denied indigent, 57.082, court to decide

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:

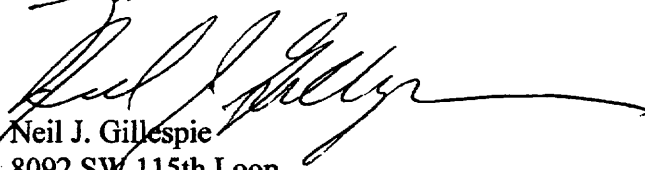
1. PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL, ADA
ACCOMODATION REQUEST, and MEMORANDUM OF LAW
2. VERIFIED NOTICE OF FILING DISABILITY INFORMATION
OF NEIL J. GILLESPIE

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

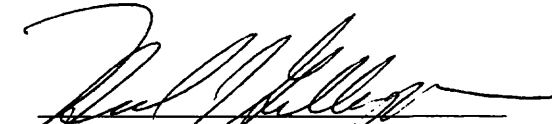
Defendants.

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"**

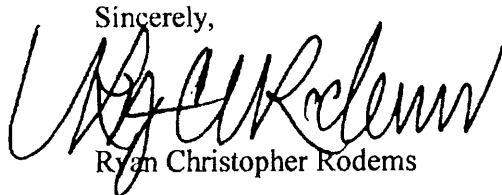
Dear Neil:

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,



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:



Mr. Ryan C. Rodems, Attorney at Law
Barker Rodems & Cook, PA

Page - 2
November 8, 2010

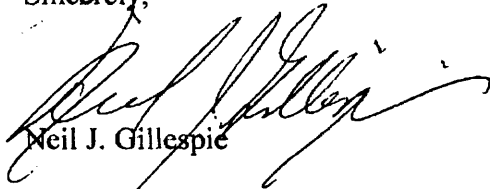
Wednesday November 10, 2010 noon to 1:00 PM
Thursday November 11, 2010 noon to 1:00 PM
Friday November 12, 2010 noon to 1:00 PM

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

Gillespie pl of 2

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

Gillespie p2 of 2

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 ADAAA 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 ADAAA 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 ADAAA 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,

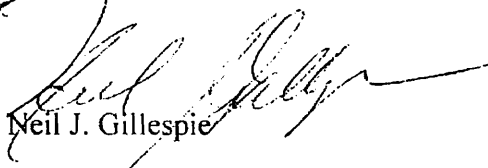
Kindly take notice that we are not on a first name basis, and I request that you address me as "Mr. Gillespie". I have made this request to you several times, in writing, and still you refuse to comply. I address you as "Mr. Rodems", so I do not understand the problem. Mature adults in civilized society 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

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

NEIL J. GILLESPIE,

Plaintiff,

Case No.: 05-7205

-vs-

Division: H

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

Defendant.

-----/

TRANSCRIPT OF PROCEEDINGS

BEFORE:

HONORABLE CLAUDIA R. ISOM
Circuit Judge

TAKEN AT:

In Chambers
Hillsborough County Courthouse
Tampa, Florida

DATE & TIME:

February 5, 2007
Commencing at 1:30 p.m.

REPORTED BY:

Denise L. Bradley, RPR
Notary Public

ORIGINAL

STENOGRAPHICALLY RECORDED
COMPUTER-AIDED TRANSCRIPTION

1 APPEARANCES:

2
3 On behalf of the Plaintiff:

4 NEIL J. GILLESPIE
5 (Pro se litigant)
6 8092 115th Loop
7 Ocala, Florida 34481

8 On behalf of the Defendant:

9 RYAN CHRISTOPHER RODEMS, ESQUIRE
10 Barker, Rodems & Cook, P.A.
11 400 North Ashley Drive, Suite 2100
12 Tampa, Florida 33602
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

Exhibit 2

**Ex-parte Hearings Leading To Writ of Bodily Attachment Where Gillespie Was
Not Present And Not Represented By Counsel**

1. Hearing September 28, 2010 on *Order Adjudging Plaintiff Neil J. Gillespie In Contempt* by Judge Martha Cook issued September 30, 2010. Judge Cook¹ claimed in the order that Gillespie left the hearing voluntarily, a claim denied by Gillespie, and by Major James Livingston, Commander of Court Operations Division. Maj. Livingston wrote² Gillespie January 12, 2011 that he was removed from the hearing by Judge Cook for causing a “disturbance”. The “disturbance” was Gillespie providing the Court copy of an ADA/Civil Rights lawsuit filed against Judge Cook that morning, see Gillespie v Thirteenth Judicial Circuit, Florida, et al., case no. 5:10-cv-00503, US District Court, MD Florida, Ocala Division.

2. Evidentiary hearing May 3, 2011 on *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*. Gillespie moved April 23, 2011 for a stay of the of the *Order Adjudging Plaintiff Neil J. Gillespie In Contempt*, and writ of bodily attachment, pursuant to Rule 9.310 of the Florida Rules of Appellate Procedure. Mr. Rodems filed *Defendants' Motion To Strike Pro Se Filings By Plaintiff*. Rodems' motion relied on Judge Cook's *Order Prohibiting Plaintiff From Appearing Pro Se* that prohibits Gillespie from filing anything with the Clerk that is not

¹ At the time Judge Cook was a defendant in a federal civil rights and ADA lawsuit brought by Gillespie, Neil Gillespie v Thirteenth Judicial Circuit, Florida, et al., case no. 5:10-cv-00503, US District Court, MD Florida, Ocala Division. The lawsuit is currently pending. Judge Cook refused to be disqualified, but later recused herself upon Gillespie's Verified Emergency Petition for Writ of Prohibition, Motion for Order of Protection, case 2D10-5529 in the 2dDCA.

² See Affidavit of Neil J. Gillespie, April 25, 2011.

signed by a member of The Florida Bar in good standing. On its face the order is a sham; Judge Cook signed the order without a hearing, and nine days prior to the time expired for Gillespie to respond. Judge James D. Arnold denied Gillespie's motion to stay.

3. Because of the foregoing Gillespie sought relief in the 2dDCA April 25, 2011 in 2D10-5197 with a *Appellant's Verified Emergency Motion To Stay Pending Appeal, Motion For Order of Protection*, and *Motion For Extension of Time*. The Court denied the motion to stay, and denied an order of protection, May 2, 2011.

4. Because of the forgoing Gillespie sought relief in the 2dDCA May 2, 2011 with a *Verified Emergency Petition For Writ of Prohibition, and a Motion For Change Of Venue*, to remove Judge Arnold as trial judge, and to change venue to another circuit. The petition was docketed as 2D11-2127. The Court denied the petition May 6, 2011.

5. Because of the forgoing Gillespie sought relief in the Florida Supreme Court May 3, 2011, with *Emergency Petition For Writ Of Habeas Corpus*, and *Emergency Petition For Writ Of Prohibition*, case number SC11-858. The Supreme Court denied the petitions May 18, 2011.

Judge Arnold Conducted Ex-Parte Evidentiary Hearing May 3, 2011

6. Judge Arnold conducted an ex parte evidentiary hearing May 3, 2011 on *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*. Gillespie did not appear because he feared incarceration and was no longer able to represent himself due to disability. Gillespie scheduled a court reporter and a transcript³ was made. Gillespie notified the Court's Counsel David Rowland that he would not be attending the hearing and served notice of the petitions described in paragraphs 4 and 5. Also pending in the trial court was Gillespie's motion to

³ All the hearings in this case have been transcribed.

disqualify Judge Arnold, who denied the motion as legally insufficient. Mr. Rodems appeared at the hearing, made misrepresentation to the Court, which in turn accepted Rodems' falsehoods as fact. The record also shows Judge Arnold was uninformed about Gillespie's disability. See Plaintiff's Motion For Appointment of Counsel, ADA Accommodation Request, and Memorandum of Law filed May 24, 2011.

7. Judge Arnold ruled as follows May 3, 2011:

Transcript, May 3, 2011, page 10:

15 THE COURT: Okay. The Court is going to issue
16 order to show cause under court order for him to
17 appear to show cause why he should not be held in
18 contempt of court for his failure to abide by Judge
19 Cook's order.
20 My judicial assistant will give you a date for
21 that hearing. We will set the date. He will not
22 set it. Mr. Gillespie will not set it. The Court
23 will set it. We will set the date and we will
24 personally serve him with this order to show cause,
25 and then we will have the hearing.

8. Judge Arnold issued an Order To Show Cause May 4, 2011 to appear before the Honorable James D. Arnold, in chambers on Wednesday, June 1, 2011 at 11:00 a.m. in Room 514 of the Hillsborough County Courthouse, located at 800 E. Twiggs Street, Tampa, FL. 33602 to show cause why he should not be held in contempt of court for failure to appear for deposition as ordered by this court.

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

NEIL J. GILLESPIE,

Plaintiff,

VS.

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

Defendants.

CASE NUMBER: 05-CA-7205

DIVISION: J

OFFICE OF THE PUBLIC DEFENDER'S MOTION FOR CLARIFICATION

COMES NOW, the undersigned on behalf of the Office of the Public Defender, to seek clarification of a Clerk's Determination dated May 27, 2011, attached hereto as Exhibit A, allegedly appointing the Office of the Public Defender on behalf of the plaintiff, Neil Gillespie, in this cause based upon the following:

1. An Application for Criminal Indigent Status and Clerk's Determination attached hereto as Exhibit A purports to appoint the Office of the Public Defender to represent the plaintiff in this cause.

2. It appears from the docket in this cause that Neil Gillespie is the plaintiff in this cause and that he is before the Court based upon an Order to Show Cause.

3. Section 27.51, Florida Statutes, sets forth the duties of the Public Defender. The duties of the Public Defender under Section 27.51(b)(3), Florida Statutes, provide that the Public Defender can be appointed in an action for criminal contempt; however, there is no basis for a belief that the plaintiff in this cause, Neil Gillespie, is facing an action for criminal contempt.

WHEREFORE, the undersigned seeks to clarify with the Court the applicability of the Application for Criminal Indigent Status and Clerk's Determination as evidenced in Exhibit A, attached hereto.

I HEREBY CERTIFY that a copy of the foregoing motion has been furnished to Neil Gillespie, 8092 SW 115th Loop, Ocala, FL 34481, Ryan C. Rodems, Esq. of Barker, Rodems & Cook, P.A., 400 North Ashley Drive, Suite 2100, Tampa, FL 33602, and to Richard L. Coleman, Esq., P.O. Box 5437, Valdosta, GA 31603, by hand or U.S. mail delivery, this 1st day of June, 2011.

Respectfully submitted,

LAW OFFICE OF JULIANNE M. HOLT
PUBLIC DEFENDER

Mike Peacock
Florida Bar # 0303682
Post Office Box 172910
Tampa, Florida 33672-0910
(813) 272-5980
(813) 272-5588 (fax)
peacock@pd13.state.fl.us

/km

IN THE CIRCUIT/COUNTY COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDASTATE OF FLORIDA vs. Neil GillespieCASE NO. 05-CA-007205

Defendant/Minor Child

APPLICATION FOR CRIMINAL INDIGENT STATUS

☒ I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER
OR☐ I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$50.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

- I have 0 dependents. (Do not include children not living at home and do not include a working spouse or yourself.)
- I have a take home income of \$ 0 paid () weekly () bi-weekly () semi-monthly () monthly () yearly
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court-ordered support payments)
- I have other income paid () weekly () bi-weekly () semi-monthly () monthly () yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Social Security benefits.....	Yes \$ <u>1744</u>	No	Veterans' benefit.....	Yes \$	No
Unemployment compensation.....	Yes \$	No	Child support or other regular support from family members/spouse.....	Yes \$	No
Union Funds.....	Yes \$	No	Rental income.....	Yes \$	No
Workers compensation.....	Yes \$	No	Dividends or interest.....	Yes \$	No
Retirement/pensions.....	Yes \$	No	Other kinds of income not on the list.....	Yes \$	No
Trusts or gifts.....	Yes \$	No			
- I have other assets: (Circle "Yes" and fill in the value of the property, otherwise circle "No." Use the back of this form to provide additional information.)

Cash.....	Yes \$ <u>60</u>	No	Savings.....	Yes \$	No
Bank account(s).....	Yes \$	No	Stocks/bonds.....	Yes \$	No
Certificates of deposit or money market accounts.....	Yes \$	No	*Equity in Real estate (excluding homestead): Yes \$		No
*Equity in Motor Vehicles/Boats/Other tangible property.....	Yes \$ <u>300</u>	No	*Equity means value minus loans. Also list any expectancy in an interest in such property.		

List the year/make/model and tag #: 1998 Dodge Van
78# X4254

List the address of this property:
Address _____
City, State, Zip _____
County of Residence _____
- I have a total amount of liabilities and debts in the amount of \$ 544,000
- I receive: (Circle "Yes" or "No")

Temporary Assistance for Needy Families-Cash Assistance.....	Yes	No
Poverty-related veterans' benefits.....	Yes	No
Supplemental Security Income (SSI).....	Yes	No
- I have been released on bail in the amount of \$ 0 Cash _____ Surety _____ Posted by: Self _____ Family _____ Other _____

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S., commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this 27 day of MAY, 2011.

Signature of Applicant for Indigent Status

Date of Birth 3-19-1956

Print Full Legal Name

Driver's license or ID number G421-630-560990Address
City, State, Zip
Phone numberNeil S Gillespie8092 SW 115th Ave
OCALA, FL 32811
352-854-7807

CLERK'S DETERMINATION

☒ Based on the information in this Application, I have determined the applicant to be ☒ Indigent () Not Indigent☒ The Public Defender is hereby appointed to the case listed above until relieved by the Court.Dated this 27 day of May, 2011PAT FRANK
Clerk of the Circuit Court

Deputy Clerk

This form was completed with the assistance of
Clerk/Deputy Clerk/Other authorized person

APPLICANTS FOUND NOT INDIGENT MAY SEEK REVIEW BY ASKING FOR A HEARING TIME. Sign here if you want the judge to review the clerk's decision of not indigent.

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

4

**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: J

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

Defendants.

WRIT OF BODILY ATTACHMENT

THE STATE OF FLORIDA:

To Each Sheriff of the State:

It appearing to the Court that **NEIL J. GILLESPIE**, of 8092 SW 115th Loop, Ocala, Florida 34481, although properly served with the Order to Show Cause entered May 4, 2011, failed to appear on June 1, 2011 and show cause, if any, why he should not be held in contempt for failure to appear for deposition and produce documents pursuant to the Notice Of Deposition Duces Tecum as ordered by this Court.

This Writ, therefore, is to command you to take **NEIL J. GILLESPIE** into custody and bring him before the Honorable James D. Arnold, at Courtroom 501, 800 East Twiggs Street, Tampa, Florida 33602, immediately, and within 72 hours after he is taken into custody, for a hearing to determine whether he shall be held in custody until the deposition ordered by the Court is completed.

Service and execution of this Writ may be made on any day of the week and any time of the day or night.

DONE AND ORDERED in Chambers at Tampa, Hillsborough County, Florida, this 1st day of June, 2011.

James D. Arnold
Circuit Judge

ORIGINAL SIGNED

JUN - 1 2011

**JAMES D. ARNOLD
CIRCUIT JUDGE**

EXHIBIT

5

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.

**PLAINTIFF'S MOTION TO QUASH WRIT OF BODILY ATTACHMENT
AND TO RESCIND WARRANT FOR PLAINTIFF'S ARREST**

COMES NOW the Plaintiff (hereinafter, "Mr. Gillespie"), by and through his undersigned attorney, and moves this Honorable Court for both an order quashing the writ of bodily attachment issued by this Court on June 1, 2011, and also for an order rescinding the warrant for the Plaintiff's arrest which naturally followed said writ, and in support thereof would show this Court that:

1. The last attorney representing Mr. Gillespie in this case was permitted to withdraw on October 1, 2009.
2. In the 21 months or so which have transpired since October of 2009, Mr. Gillespie has been without legal counsel, and has represented himself for these past 21 months.
3. Not only has Mr. Gillespie not had the benefit of any legal training, but he also labors under the strain of some serious health issues which have been with him since this litigation began.
4. Notwithstanding the foregoing, Mr. Gillespie has made considerable effort to comply with Mr. Rodems' fairly comprehensive and exhaustive discovery requests, as demonstrated by the

June 25, 2010 letter and attachments which Mr. Gillespie sent to Mr. Rodems.

5. The aforesaid letter and attachments are appended to this Motion and incorporated herein by reference as "Exhibit A."

6. Mr. Gillespie's undersigned attorney has counseled him extensively about his need to comply with the Orders of this Honorable Court, and Mr. Gillespie has been profoundly sobered by the experience of having the Marion County Sheriff's Officers calling him and knocking on his door to arrest him.

7. Marion County Deputy Carl Dunlap advised undersigned counsel via telephone that, were they to ultimately arrest Mr. Gillespie, it would be likely that Mr. Gillespie would sit in the Marion County Jail for weeks until he could be transferred to the Hillsborough County Jail.

8. Justice will not be served if Mr. Gillespie is jailed.

9. Furthermore, given his health status, he will most definitely not "hold the keys" to his jail cell, as his ability to respond to discovery will then be virtually lost.

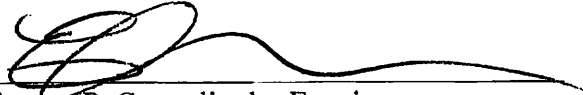
10. Perhaps most importantly to this Honorable Court, this case will not advance any faster nor will the issues be resolved any quicker if Mr. Gillespie is jailed.

11. The only possible interest served by jailing Mr. Gillespie would perhaps be that Mr. Rodems will enjoy some degree of retribution against Mr. Gillespie, although undersigned counsel finds it hard to believe that Mr. Rodems would be so motivated.

WHEREFORE, undersigned counsel and Mr. Gillespie respectfully request this Honorable Court enter an Order quashing the writ of bodily attachment issued by this Court on June 1, 2011, and an order rescinding the warrant for the Plaintiff's arrest.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *PLAINTIFF'S MOTION* 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

Florida Bar Number: 104360

CASTAGLIUOLO LAW GROUP, P. A.

2451 McMullen Booth Road

Clearwater, FL 33759

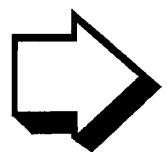
Tel: (727) 712-3333

Fax: (727) 725-0389

AttorneyEPC@yahoo.com

Attorney for Plaintiff NEIL J. GILLESPIE

EXHIBIT “A”



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

June 25, 2010

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

RE: Gillespie v. Barker, Rodems & Cook, PA, et al.
Case No.: 05-CA-7205, Division G

Dear Mr. Rodems:

This is a follow-up to my June 21, 2010 fax good faith effort to provide the discovery without court action and/or response justifying not providing the discovery pursuant to Rule 1.380(a)(4).

I received Judge Cook's Order Denying Motion For Reconsideration of June 22, 2010 yesterday, June 24, 2010. Since I am no longer justified in not providing the discovery, please find enclosed the following:

Exhibit 1. Responses to Defendants' Interrogatories of September 2, 2008

Exhibit 2. Responses to Defendants' Request for Production submitted Sept. 2, 2008

Exhibit 3. Responses to Defendants' Request for Production submitted October 13, 2009

Note: this request for production was made in violation of Judge Barton's Order of October 9, 2009: IT IS FURTHER ORDERED that the above action be shall be stayed for 60 Days to allow the Plaintiff to find replacement counsel. (relevant portion).

Exhibit 4. Responses to Defendants' Request for Production submitted June 1, 2010

Exhibit 5. Responses to Defendants' Motion for Examination Pursuant to Section 56.29(2), Florida Statutes, submitted June 1, 2010.

As you know, much of your discovery to me is outstanding, some of it dating to 2006. Currently the following motions to compel your discovery are pending:

Mr. Ryan Christopher Rodems, Attorney at Law
Barker Rodems & Cook, PA

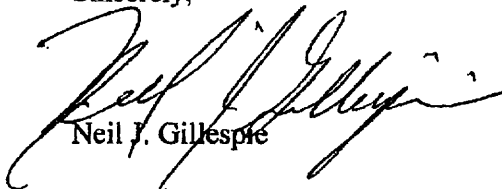
Page - 2
June 25, 2010

1. December 14, 2006, Plaintiff's Motion to Compel Defendants' Discovery
2. February 1, 2007, Plaintiff's Second Motion to Compel Defendants' Discovery
3. March 30, 2010, Plaintiff's Third Motion to Compel Discovery

A letter from you dated December 19, 2006 falsely states "documents have already been produced" but I have not received any documents from you.

Mr. Rodems, when can I expect to receive your outstanding discovery?

Sincerely,

A handwritten signature in black ink, appearing to read "Neil J. Gillespie", is written over the printed name.

Neil J. Gillespie

Enclosures

Responses to Defendants' Interrogatories of September 2, 2008 were provided by my former lawyer Robert W. Bauer, October 1, 2008, see attached.

The verification page was signed and notarized by me October 2, 2008. Mr. Bauer submitted the signed and notarized verification page to the Clerk of Court October 3, 2008.

New information.

Interrogatory No. 1. Mr. Bauer previously provided bank records. There are no other records available to provide any additional information that would allow the Plaintiff to answer this question. On November 16, 2009 I requested my client file from Mr. Bauer. He responded by letter November 23, 2009 that he was exercising a charging lien and refused to provide the file. The matter is currently subject to regulatory process.

In response to Mr. Rodems' speculation contained in "Defendant's Motion For An Order Compelling Plaintiff To Respond To The Defendant's Interrogatories" that "Defendant in good faith believes Plaintiff uses more than one bank account, has debit cards or credit cards, and operates a business or makes purchases using PayPal or other similar payment services":

Plaintiff has no bank account.

Plaintiff has no credit card.

Plaintiff uses throw-away debit cards that have no records.

Plaintiff does not operate a business or make purchases for the business using PayPal or other similar payment services.

Interrogatory No. 2. Plaintiff provided the answer by way of his "Affidavit and Inventory of Personal Property of Neil J. Gillespie and Designated Exemptions" submitted to the court April 28, 2010, see copy attached.



Responses to Defendants' Request for Production submitted Sept. 2, 2008

1. Objection, relevance, annoyance, embarrassment, or oppression. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment. The Gillespie Family Living Trust has a spendthrift provision. The creditors of the trustee are not entitled to an attachment to subject trust property held by the trustee to the payment of the trustee's debts. Tillman v. Taylor, 99 Fla. 1326, 128 So. 846, Fla. 1930. The remedy is not available even if the debt is chargeable to the trust itself. Johnston v. Smith, 76 Fla. 474, 80 So. 184, Fla. 1918. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment, at least in the absence of express statutory authorization. McLeod v. Cooper, 88 F.2d 194, C.A.5 1937.

2. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

3. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

4. None.

5. None.

6. Already provided. If you want them again, please advise.

7. Already provided. If you want them again, please advise.

8. None.

9. Already provided. If you want them again, please advise.

10. The quit claim deed was provided. If you want it again, please advise.

11. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist. Otherwise none, other than what is owned to Barker, Rodems & Cook.

12. None

13. None.

14. None.

15. None.

16. None.

17. None.

18. None. I opted out of receiving paper documents, see insurer for whatever you want.

19. None. I do not own a home. I do not have renters insurance.

20. None.

21. None that I can recall.

22. None.

23. None.

24. None.

25. None.

26. See Affidavit and Inventory of Personal Property of Neil J. Gillespie, Designated Exemptions, and Motion for Dissolution of Writ of Garnishment, filed April 28, 2010, and related documents.

27. IRS EIN from 2002, already provided, if you want it again, please advise.

28. Already provided, if you want it again, please advise.

29. None.

30. None.

31. None.

32. None.

33. None.

34. None.

35. None.

36. None.

37. "All contracts undue which you currently have any legal rights." Request makes no sense.

38. Objection, vague, what is a trust instrument? Otherwise see #1

39. None.

40. Objection vague. Otherwise none.

41. Repeated request, see the response to #26

42. Repeated request, see the response to #27

43. Objection, vague. Otherwise none.

44. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

45. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

46. I do not have a copy of my credit report.

Responses to Defendants' Request for Production submitted October 13, 2009

1. Objection, relevance, annoyance, embarrassment, or oppression. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment. The Gillespie Family Living Trust has a spendthrift provision. The creditors of the trustee are not entitled to an attachment to subject trust property held by the trustee to the payment of the trustee's debts. Tillman v. Taylor, 99 Fla. 1326, 128 So. 846, Fla. 1930. The remedy is not available even if the debt is chargeable to the trust itself. Johnston v. Smith, 76 Fla. 474, 80 So. 184, Fla. 1918. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment, at least in the absence of express statutory authorization. McLeod v. Cooper, 88 F.2d 194, C.A.5 1937.

2. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

3. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

4. None.

5. None.

6. Already provided. If you want them again, please advise.

7. Already provided. If you want them again, please advise.

8. None.

9. Already provided. If you want them again, please advise.

10. The quit claim deed was provided. If you want it again, please advise.

11. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist. Otherwise none, other than what is owned to Barker, Rodems & Cook.

12. None

13. None.

14. None.

15. None.

16. None.

17. None.

18. None. I opted out of receiving paper documents, see insurer for whatever you want.

19. None. I do not own a home. I do not have renters insurance.

20. None.

21. None that I can recall.

22. None.

23. None.

24. None.

25. None.

26. See Affidavit and Inventory of Personal Property of Neil J. Gillespie, Designated Exemptions, and Motion for Dissolution of Writ of Garnishment, filed April 28, 2010, and related documents.

27. IRS EIN from 2002, already provided, if you want it again, please advise.

28. Already provided, if you want it again, please advise.

29. None.

30. None.

31. None.

32. None.

33. None.

34. None.

35. None.

36. None.

37. "All contracts undue which you currently have any legal rights." Objection, request makes no sense.

38. Objection, vague, what is a trust instrument? Otherwise see #1

39. None.

40. Objection vague. Otherwise none.

41. Repeated request, see the response to #26

42. Repeated request, see the response to #27

43. Repeated request, see the response to #40

44. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

45. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

46. I do not have a copy of my credit report.

Responses to Defendants' Deposition Duces Tecum submitted June 1, 2010

1. Objection, relevance, annoyance, embarrassment, or oppression. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment. The Gillespie Family Living Trust has a spendthrift provision. The creditors of the trustee are not entitled to an attachment to subject trust property held by the trustee to the payment of the trustee's debts. Tillman v. Taylor, 99 Fla. 1326, 128 So. 846, Fla. 1930. The remedy is not available even if the debt is chargeable to the trust itself. Johnston v. Smith, 76 Fla. 474, 80 So. 184, Fla. 1918. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment, at least in the absence of express statutory authorization. McLeod v. Cooper, 88 F.2d 194, C.A.5 1937.
2. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.
3. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.
4. None.
5. "All contracts undue which Gillespie currently have any legal rights." Objection, request makes no sense.
6. Objection, vague, what is a trust instrument? Otherwise see #1
7. None.
8. Objection, vague. Otherwise none.
9. See Affidavit and Inventory of Personal Property of Neil J. Gillespie, Designated Exemptions, and Motion for Dissolution of Writ of Garnishment, filed April 28, 2010, and related documents.
10. IRS EIN from 2002, already provided, if you want it again, please advise.
11. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.
12. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.
13. I do not have a copy of my credit report.
14. None.
15. None.

16. Already provided, if you want it again, please advise.

17. Already provided, if you want it again, please advise.

18. None.

19. Already provided, if you want it again, please advise.

20. The quit claim deed was provided. If you want it again, please advise.

21. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist. Otherwise none, other than what is owned to Barker, Rodems & Cook.

22. None.

23. None.

24. None.

25. None.

26. None.

27. None.

28. None. I opted out of receiving paper documents, see insurer for whatever you want.

29. None. I do not own a home. I do not have renters insurance.

30. None.

31. None that I can recall.

32. None.

33. None.

34. None.

35. None.

36. Repeated question, see response to #9.

37. Repeated question, see response to #10.

38. Already provided, if you want it again, please advise.

39. None.

40. None.

41. None.

42. None.

43. None.

44. None.

45. None.

Responses to Defendants' Motion for Examination Pursuant to Section 56.29(2), Florida Statutes, submitted June 1, 2010

4a. Objection, relevance, annoyance, embarrassment, or oppression. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment. The Gillespie Family Living Trust has a spendthrift provision. The creditors of the trustee are not entitled to an attachment to subject trust property held by the trustee to the payment of the trustee's debts. Tillman v. Taylor, 99 Fla. 1326, 128 So. 846, Fla. 1930. The remedy is not available even if the debt is chargeable to the trust itself. Johnston v. Smith, 76 Fla. 474, 80 So. 184, Fla. 1918. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment, at least in the absence of express statutory authorization. McLeod v. Cooper, 88 F.2d 194, C.A.5 1937.

b. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

c. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

d. None.

e. "All contracts undue which you currently have any legal rights." Request makes no sense.

f. Objection, see #1

g. None.

h. Objection vague. Otherwise none.

i. See Affidavit and Inventory of Personal Property of Neil J. Gillespie, Designated Exemptions, and Motion for Dissolution of Writ of Garnishment, filed April 28, 2010, and related documents.

j. IRS EIN from 2002, already provided, if you want it again, please advise.

k. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

l. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

m. I do not have a copy of my credit report.

n. None.

o. None.

p. Already provided. If you want again, please advise.

q. Already provided. If you want again, please advise.

r. None

s. Already provided. If you want again, please advise.

t. The quit claim deed was provided. If you want again, please advise.

u. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist. Otherwise none, other than what is owned to Barker, Rodems & Cook.

v. None.

w. None.

x. None.

y. None.

z. None.

aa. None.

bb. None. I opted out of receiving paper documents, see insurer for whatever you want.

cc. None. I do not own a home. I do not have renters insurance.

dd. None.

ee. None that I can recall.

ff. None.

gg. None.

hh. None.

ii. None.

jj. See Affidavit and Inventory of Personal Property of Neil J. Gillespie, Designated Exemptions, and Motion for Dissolution of Writ of Garnishment, filed April 28, 2010, and related documents.

kk. IRS EIN from 2002, already provided, if you want again, please advise.

ll. Already provided, if you want again, please advise.

mm. None.

nn. None.

oo. None.

pp. None.

qq. None.

rr. None.

ss. None.

Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Monday, June 20, 2011 1:51 PM
Attach: Settlement Agreement and Mutual Release [6-20-2011].pdf
Subject: Fw: RE: Is Gillespie showing up tomorrow?

www.CastagliuoloLawGroup.com www.FilingBankruptcyInTampa.com

Eugene P. Castagliuolo, Esquire
CASTAGLIUOLO LAW GROUP, P. A.
2451 McMullen Booth Road, Clearwater, Florida 33759
(727) 712-3333

Castagliuolo Law Group is a debt relief agency helping people to file for bankruptcy relief under United States Code (11 USC §§ 101-1330).

CONFIDENTIALITY: This e-mail message (and any associated files) from Castagliuolo Law Group, P. A. is for the sole use of the intended recipient or recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or other dissemination of this e-mail message and/or the information contained therein is strictly prohibited. If you are not the intended recipient of this e-mail message, please contact the sender by reply email or by telephone at (727) 712-3333 and destroy all copies of the original message.

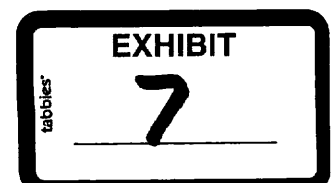
--- On Mon, 6/20/11, Ryan Rodems <Rodems@barkerrodemsandcook.com> wrote:

From: Ryan Rodems <Rodems@barkerrodemsandcook.com>
Subject: RE: Is Gillespie showing up tomorrow?
To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
Date: Monday, June 20, 2011, 1:22 PM

Gene:

Please advise Gillespie of the following:

We will offer a walk-away once again, and for the final time. Gillespie can avoid the deposition and have the writ of bodily attachment dissolved if he settles his case with us. We offer a "walk-away," with a release in the form attached. What this means is Gillespie pays us nothing and all of our claims, potential claims, and disputes occurring before tomorrow are fully and finally resolved. You can tell him that If he rejects it, it will never be offered again.



6/20/2011

And, if he rejects it, here is what tomorrow will look like: Once Gillespie arrives at the courthouse, he will be taken into custody by the HCSO deputies and brought before Judge Arnold. He should make no mistake, from the moment he walks in, Gillespie will be in custody. The writ of bodily attachment is in effect, and must be executed the moment any law enforcement office identifies him.

I expect Judge Arnold will advise Gillespie that until the deposition is complete, the writ of bodily attachment will remain in full force and effect. What that would mean is that Gillespie will remain in custody until such time as Judge Arnold announces that the writ is dissolved – which will not occur until the deposition is complete.

The deputies will be either inside the room or right outside during the deposition. If Gillespie does not bring the documents or he refuses to answer questions, or behaves like he has in past hearings, I will stop the deposition, and advise the deputies that we need to see Judge Arnold. Obviously, Judge Arnold is extremely busy, and he is not going to stop his docket or hearings to rule immediately, and so the HCSO deputies will hold Gillespie in custody until we can find time on the Judge's calendar to resolve the issues.

Gillespie needs to understand that I will not accept any refusals by him to answer my questions, and I will not tolerate any intemperate behavior. He will not threaten to "slam me against the wall," like he did in the past, he will not yell at me or interrupt me, like he has done in the past. The first time he goes "off the reservation," like he did when Judge Isom ruled against him, and like he did at the summary judgment hearing before Judge Cook, and like he did when he threatened me on the telephone, I will suspend the deposition, ask the deputies to take him into custody, and contact Judge Arnold.

Also, because this is a deposition under oath, I will need to be assured, through questions and answers, that Gillespie is not under the influence of any substances, legal or otherwise, that affect his memory. I want to be certain that if Gillespie gives me an answer that later proves to be false, he cannot claim physical or mental impairment.

This will not be a short deposition. I have no choice but to be as thorough as possible because I will likely not have another opportunity to depose him. He has been spending

a lot of money on filing fees, service of process, certified letters, court reporters, his website, etc., so I need to find out where this money is coming from.

If Gillespie finds the deposition process exhausting, as he has claimed in the past, and cannot complete it tomorrow, we can go as many days as he requires, but he needs to understand that he will remain in the custody of the HCSO until it is complete.

The settlement offer is open until 5:00 p.m. today. If he accepts, then you can communicate it by telephone before 5:00 p.m. He can sign the attached tomorrow, but it must be hand-delivered before 10:30 a.m. If it is hand-delivered before 10:30 a.m., I will advise the Judge of the settlement, you and he can probably appear by telephone.

Sincerely,

Ryan Christopher Rodems
Barker, Rodems & Cook, P.A.
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602
813/489-1001 (Office)

813/205-1198 (Mobile)

E-mail: rodems@barkerrodemsandcook.com

NOTICE: This message (including attachments) is covered by the Electronic Communication Privacy Act, 18 U.S.C. §§ 2510-2521, is intended to be confidential, and is also protected by the attorney-client privilege or other privilege. It is not intended for review or use by third parties or unintended recipients. If you are not the intended recipient, you are requested to delete the data and destroy any physical copies. Any retention, dissemination, distribution, or copying of this communication is strictly prohibited.

6/20/2011

SETTLEMENT AGREEMENT AND GENERAL MUTUAL RELEASE

This settlement agreement and general mutual release, executed on June 21, 2011, by and between Neil J. Gillespie, hereinafter "Party A" and Barker, Rodems & Cook, P.A., its agents and employees, and Chris A. Barker, and William J. Cook, and Ryan Christopher Rodems, hereinafter "Party B".

WHEREAS disputes and differences have arisen between the parties, as detailed in the pleadings and records filed in the case styled Neil J. Gillespie v. Barker, Rodems & Cook, P.A., and William J. Cook, Esquire, Case No. 05CA7205, pending in the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida and Gillespie v. Thirteenth Judicial Circuit, Florida, et al., 5:10-cv-00503-WTH-DAB, pending in the United States District Court, Middle District of Florida, Ocala Division; WHEREAS, the parties wish to fully and finally resolve all differences between them from the beginning of time through June 21, 2011; WHEREAS, the parties represent that none of the claims released herein have been assigned to a third-party;

NOW THEREFORE, in consideration of the assignment to Party "B" of all claims pending or which could have been brought, based on the allegations of Party "A", against any person or entity, without limitation, in Gillespie v. Thirteenth Judicial Circuit, Florida, et al., 5:10-cv-00503-WTH-DAB and dismissal with prejudice of their claims in the case styled Neil J. Gillespie v. Barker, Rodems & Cook, P.A., and William J. Cook, Esquire, Case No. 05CA7205, and dismissal of the appeal, Case No. 2D10-5197, pending in the Second District Court of Appeal, with the parties to bear their own attorneys' fees and costs, and the agreement of Party "B" to record a Satisfaction of Judgment regarding the Final Judgment entered on March 27, 2008, in Neil J. Gillespie v. Barker, Rodems & Cook, P.A., and William J. Cook, Esquire, Case No. 05CA7205:

Each party (the releasing party) hereby releases, without limitation, the other party (the released party) from any and all actions, suits, claims, debts, accounts, bills, bonds, attorneys' fees or costs, judgments, or any claims, without limitation, whether in law or equity, and whether known or unknown, which the releasing party now has or ever had resulting from any actions or omissions by the released party from the beginning of time through June 21, 2011.

This mutual release shall be acknowledged before a notary public and may be signed in counterpart.

PARTY A

NEIL J. GILLESPIE

PARTY B

CHRIS A. BARKER, individually
and as an officer of and on behalf of
Barker, Rodems & Cook, P.A.

RYAN CHRISTOPHER RODEMS

WILLIAM J. COOK

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2011, by
NEIL J. GILLESPIE.

Notary Public - State of Florida

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2011, by
WILLIAM J. COOK.

Notary Public - State of Florida

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2011, by
RYAN CHRISTOPHER RODEMS.

Notary Public - State of Florida

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2011,
by CHRIS A. BARKER, individually and as officer for BARKER, RODEMS & COOK, P.A.

Notary Public - State of Florida

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: "Ryan Rodems" <Rodems@barkerrodemsandcook.com>
Sent: Monday, June 20, 2011 1:59 PM
Subject: RE: Is Gillespie showing up tomorrow?

Chris:

Again, I understand the acrimony that permeates this case, but your e-mail is way too heavy handed. While I don't get offended easily (in fact, I probably am incapable of being offended), if I forward your e-mail to my client, he is going to go ballistic. And quite frankly, this is one time when I wouldn't blame him.

Here's my take on this: I think you should be conducting tomorrow's depo like any other depo in aid of execution in any othe case. "Forget" what's happened in the past, at least temporarily for the purposes of ascertaining answers to your 45-46 requests for information. The writ and arrest warrant are not swords of Damacles to be held over my client's head. The writ and arrest warrant are in place to compel his attendance at and good faith participation in your discovery in aid of execution. If after an hour or so of questioning it becomes readily apparent that Mr. Gillespie is without funds to pay your judgment, then an aggressive, lengthy, harassing deposition will have me rather than you calling Judge Arnold.

The writ and arrest warrant are not your license to verbally punch my client in the face for 3 or 4 hours. As I stated last week before Judge Arnold, my client is a likely candidate for a Chapter 7 BK, and if he goes that route, an exhaustive deposition is a waste of everyone's time, most of all yours, because I can tell just by the way you carry and present yourself that you have far bigger fish to fry.

I want to get along with you, Chris, lawyer to lawyer. I want to get some satisfaction for all concerned tomorrow, and hopefully, everyone will walk away from the table tomorrow with some degree of relief. But I cannot do so while throwing my client under the proverbial bus, and I will never throw any of my clients under that bus.

I respectfully suggest that you not place a deadline on the "walk away" offer. Allow me to do my job, to wit: educating my client as to the possible benefits of walking away. But for tomorrow, let's just have a good old-fashioned depo in aid of execution.

Thank you Chris.....Gene

www.CastagliuoloLawGroup.com www.FilingBankruptcyInTampa.com

Eugene P. Castagliuolo, Esquire
CASTAGLIUOLO LAW GROUP, P. A.
 2451 McHullen Booth Road, Clearwater, Florida 33759
(727) 712-3333

Castagliuolo Law Group is a debt relief agency helping people to file for bankruptcy relief under United States Code (11 USC §§ 101-1330).

CONFIDENTIALITY: This e-mail message (and any associated files) from Castagliuolo Law Group, P. A. is for the sole use of the intended recipient or recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or other dissemination of this e-mail message and/or the information contained therein is strictly prohibited. If you are not the intended recipient of this e-mail message, please contact the sender by reply email or by telephone at (727) 712-3333 and destroy all copies of the original message.

--- On Mon, 6/20/11, Ryan Rodems <Rodems@barkerrodemsandcook.com> wrote:

From: Ryan Rodems <Rodems@barkerrodemsandcook.com>
 Subject: RE: Is Gillespie showing up tomorrow?
 To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>



Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
Sent: Monday, June 20, 2011 2:53 PM
Attach: 2011, 06-21-11, Motion for Extension of Time, 2D10-5197, w exhibits.pdf; 2011, 04-19-11, Jim Watson, forward to Carl Schwait, Designated Reviewer.pdf
Subject: Re: TC from Rodems & e-mail from Rodems
 Eugene,

Thanks for Rodems' email. Now you know why I could not appear unrepresented with him at a deposition. Rodems' email is a MILD example of how he has conducted himself in this case.

So long as you are by my side I feel confident attending the deposition and getting it behind me.

From what I read in the transcript of the June 16th hearing, Judge Arnold is reasonable, even if he doesn't read much about the case beforehand. If problems develop with Mr. Rodems I think Judge Arnold will be able to resolve the issues, so long as you are present to represent me.

I'm not interested in his walk-away offer. His last walk-away offer was presented in equally dramatic fashion. As I noted before, Mr. Rodems has repeatedly offered a walk-away settlement because if he loses the appeal in 2D10-5197 that could jeopardize his legal career, and that of his partners', who stand accused of fraud and breach of contract against a former client.

Today I was in contact with James Birkhold, Clerk of the 2d DCA about a motion to extend the time for my amended initial brief. After Mr. Birkhold explained the procedure, I drafted another motion to extend the time for 14 days, with the brief due July 6th, see attached.

Mr. Rodems' walk-away agreement mentions the federal lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida, et al., 5:10-cv-00503-WTH-DAB, pending in the United States District Court, Middle District of Florida, Ocala Division. While I voluntarily dismissed him from the case due to some unbelievable antics, the rest of the case is active, and on June 1, 2011 in response to another matter in the case, I noted that Mr. Rodems previously misled the Court in violation of Rule 11 (b) in pleadings he submitted, and in turn the Court relied upon Mr. Rodems' pleadings as correct and incorporated false or untrue statements in the Court's orders. I sought leave to move for sanctions against Mr. Rodems under Rule 11(C)(2) for making false or untrue statements to the Court in his pleadings. I'm waiting on a response.

Thirdly, Mr. Rodems may have some concern with action by the Florida Bar, where he assisted Mr. Bauer regarding my bar complaint against Bauer. The grievance committee found no probable cause on a 5-0 vote. That decision was so inappropriate that Jim Watson, Chief Branch Discipline Counsel of the Tallahassee Branch, forwarded my concerns to Carl Schwait, the Designated Reviewer. Attached is the email about that, and I'm still waiting for a reply.

So Mr. Rodems may be feeling some heat. If you are a good negotiator and see my point, you might offer a settlement where Rodems pays me. On a contingent basis you would be entitled to whatever the going percentage is; it may be 45% since this is on appeal.

I'm as cool as can be under the circumstances. Nothing Rodems said today is a surprise to me.

Thanks again.



Neil Gillespie.

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

From: Eugene P. Castagliuolo, Esq.

To: Neil Gillespie

Sent: Monday, June 20, 2011 1:39 PM

Subject: TC from Rodems & e-mail from Rodems

Neil,

Rodems called me this morning, and while our discussion was businesslike, lawyer-to-lawyer, he told me that he was going to be sending me an e-mail.

Well I have just received the e-mail and it is very heavy handed. I don't like it. I'm going to be drafting a response within the next hour or so, but I wanted to give you this warning before I send it to you.

Do NOT go ballistic. Just like a prizefighter, a litigant loses all control when he goes ballistic. Let's take a deep breath and pick our moments, pick our battles.

I'll send his e-mail to you in about 10 minutes.....

www.CastagliuoloLawGroup.com

www.FilingBankruptcyInTampa.com

Eugene P. Castagliuolo, Esquire

CASTAGLIUOLO LAW GROUP, P. A.

2451 McMullen Booth Road, Clearwater, Florida 33759

(727) 712-3333

Castagliuolo Law Group is a debt relief agency helping people to file for bankruptcy relief under United States Code (11 USC §§ 101-1330).

CONFIDENTIALITY: This e-mail message (and any associated files) from Castagliuolo Law Group, P. A. is for the sole use of the intended recipient or recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or other dissemination of this e-mail message and/or the information contained therein is strictly prohibited. If you are not the intended recipient of this e-mail message, please contact the sender by reply email or by telephone at (727) 712-3333 and destroy all copies of the original message.

6/28/2011

Gillespie p1 of 2

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

Gillespie p2 of 2

cannot be unrun. 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-007205

vs.

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

DIVISION: J

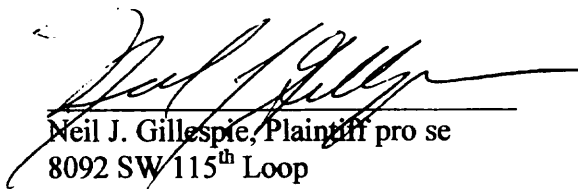
Defendants.

**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:

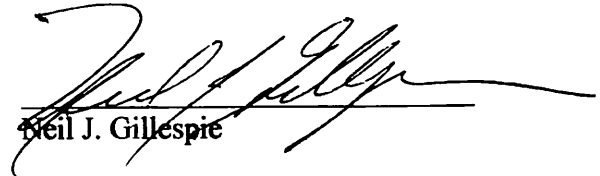
1. A January 12, 2011 email and letters attached from Major James Livingston, Commander of the Court Operations Division, Hillsborough County Sheriff's Office, received by Neil J. Gillespie, in response to Gillespie's assertion that Circuit Court Judge Martha J. Cook falsified a record that Gillespie 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

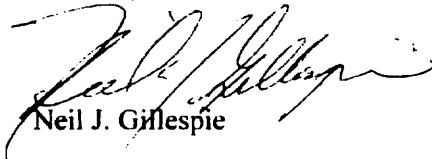
Dear Major Livingston:

Previously I contacted Col. Previtera 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. Previtera.

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
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).

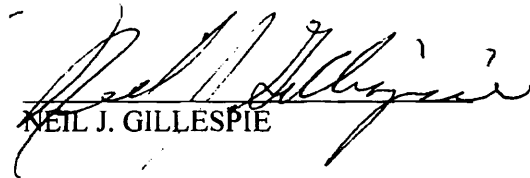
16. Dr. Huffer assessed the foregoing in a letter dated October 28, 2010. (Exhibit F). Dr. Huffer wrote in part:

"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.

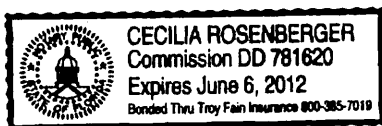
Dated this 25th day of April 2011.

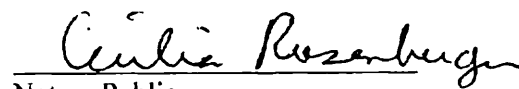

NEIL J. GILLESPIE

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

Holland+Knight

Tel 813 227 8500
Fax 813 229 0134

Holland & Knight LLP
100 North Tampa Street, Suite 4100
Tampa, FL 33602-3644
www.hklaw.com

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

Atlanta • Bethesda • Boston • Chicago • Fort Lauderdale • Jacksonville • Los Angeles
Miami • New York • Northern Virginia • Orlando • Portland • San Francisco
Tallahassee • Tampa • Washington, D.C. • West Palm Beach
Beijing • Caracas* • Helsinki* • Mexico City • Tel Aviv* • Tokyo • *Representative Office



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-DC-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:

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

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.

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.

EXHIBIT

D

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

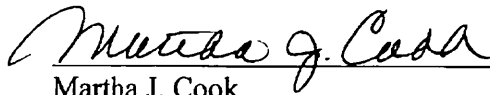
IT IS ORDERED AND ADJUDGED that the Plaintiff Neil J. Gillespie is guilty of contempt of this Court for failing to appear for deposition on September 3, 2010 and he will continue to be guilty of contempt unless and until the Plaintiff is deposed in this matter.

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 P. Rouse 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 cursive script that reads "James P. Livingston".

James P. Livingston, Major
Court Operations Division



Gillespie pl of 2

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



Gillespie p2 of 2

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 ADAAA 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 ADAAA 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 ADAAA 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.

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).

Major James Livingston, Commander
Court Operations Division, HCSO

Page- 2
April 20, 2011

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

Major James Livingston, Commander
Court Operations Division, HCSO

Page- 3
April 20, 2011

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)

Major James Livingston, Commander
Court Operations Division, HCSO

Page- 4
April 20, 2011

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

Major James Livingston, Commander
Court Operations Division, HCSO

Page- 5
April 20, 2011

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

Major James Livingston, Commander
Court Operations Division, HCSO

Page- 6
April 20, 2011

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 Seldon 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

Major James Livingston, Commander
Court Operations Division, HCSO

Page- 7
April 20, 2011

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

Major James Livingston, Commander
Court Operations Division, HCSO

Page- 8
April 20, 2011

"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.

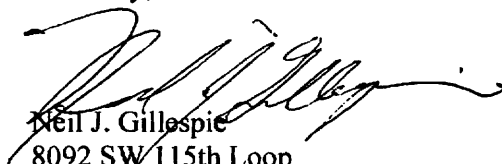
Since then other issues have arisen. Pleadings have been unlawfully removed from the case file and are missing. Judge Cook unlawfully disclosed confidential information by instructing Donna Healy, Associate Courts Director, to docket my HIPAA protected ADA confidential medical information June 21, 2010.

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

Major James Livingston, Commander
Court Operations Division, HCSO

Page- 9
April 20, 2011

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
CIRCUIT CIVIL DIVISION

NEIL J. GILLESPIE

Case No.: 05-CA-007205

Division: J

Plaintiff(s)/Petitioner

Vs
Barker, Rodems & Cook, PA,

a Florida corporation, and

WILLIAM J. COOK

Defendant(s)

SUBPOENA DUCES TECUM

THE STATE OF FLORIDA:

TO: Major James P. Livingston, Commander, Court Operations Division, HCSO

YOU ARE COMMANDED to appear before the Honorable James D. Arnold, Judge of the Court, at the George Edgecomb County Courthouse, 800 East Twiggs Street in Courtroom 501 in Tampa, Florida, on June 1, 2011, at 11:00AM a.m., to testify in this action and to have with you at that time and place the following:

Letter and email of Maj. Livingston dated January 12, 2011 to Neil Gillespie

If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED on May 19, 2011

Printed: NEIL J. GILLESPIE

Attorney for NEIL J. GILLESPIE, pro se

8092 SW 15th Loop

Ocala, FL 34481

Address

Florida Bar No.: n/a

PAT FRANK

As Clerk of the Court

By: Lakesha Mills

As Deputy Clerk

(813) 757-3918 ext.

LAKESHA MILLS



Any minor subpoenaed for testimony shall have the right to be accompanied by a parent or guardian at all times during the taking of testimony notwithstanding the invocation of the rule of sequestration of section 90.616, Florida Statutes, except upon a showing that the presence of a parent or guardian is likely to have a material, negative impact on the credibility or accuracy of the minor's testimony, or that the interests of the parent or guardian are in actual or potential conflict with the interests of the minor.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs St., Room 604, Tampa, Florida 33602, (813) 272-7040, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.



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

NEIL J. GILLESPIE

Case No.: 05-CA-007205

Division: J

Plaintiff(s)/Petitioner

Vs
Barker, Rodems & Cook, PA,
a Florida corporation, and
WILLIAM J. COOK

Defendant(s)

SUBPOENA DUCES TECUM

THE STATE OF FLORIDA:

TO: Ryan Christopher Rodems, attorney representing Barker, Rodems & Cook, PA

YOU ARE COMMANDED to appear before the Honorable James D. Arnold, Judge of the Court, at the George Edgecomb County Courthouse, 800 East Twiggs Street in Courtroom 501 in Tampa Florida, on June 1, 2011, at 11:00AM a.m., to testify in this action and to have with you at that time and place the following:

Letter from Neil Gillespie to Ryan Rodems dated November 8, 2010

If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED on May 19, 2011

Printed: NEIL J. GILLESPIE

Attorney for NEIL J. GILLESPIE, pro se
8092 SW 115th Loop
Ocala, FL 34481

Address

Florida Bar No.: n/a

PAT FRANK

As Clerk of the Court

By: LAKESHA MILLS

As Deputy Clerk

(813) 757-3918 ext.

LAKESHA MILLS



Any minor subpoenaed for testimony shall have the right to be accompanied by a parent or guardian at all times during the taking of testimony notwithstanding the invocation of the rule of sequestration of section 90.616, Florida Statutes, except upon a showing that the presence of a parent or guardian is likely to have a material, negative impact on the credibility or accuracy of the minor's testimony, or that the interests of the parent or guardian are in actual or potential conflict with the interests of the minor.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs St., Room 604, Tampa, Florida 33602, (813) 272-7040, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

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

NEIL J. GILLESPIE

Case No.: 05-CA-007205

Division: J

Plaintiff(s)/Petitioner

Vs

Barker, Rodems & Cook, PA,

a Florida corporation, and

WILLIAM J. COOK

Defendant(s)

SUBPOENA

THE STATE OF FLORIDA:

TO: Deputy Christopher E. Brown, Hillsborough County Sheriff's Office

YOU ARE COMMANDED to appear before the Honorable James D. Arnold, Judge of the Court, at the George Edgecomb County Courthouse, 800 East Twiggs Street in Courtroom 501 in Tampa Florida, on June 1, 2011, at 11:00AM a.m. to testify in this action. If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED on May 19, 2011

Printed: NEIL J. GILLESPIE

Attorney for NEIL J. GILLESPIE, pro se

8092 SW 115th Loop

Ocala, FL 34481

Address

Florida Bar No.: n/a

PAT FRANK

As Clerk of the Court

By:

As Deputy Clerk

(813) 757-3918

ext.

LAKESHA MILLS

Any minor subpoenaed for testimony shall have the right to be accompanied by a parent or guardian at all times during the taking of testimony notwithstanding the invocation of the rule of sequestration of section 90.616, Florida Statutes, except upon a showing that the presence of a parent or guardian is likely to have a material, negative impact on the credibility or accuracy of the minor's testimony, or that the interests of the parent or guardian are in actual or potential conflict with the interests of the minor.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs St., Room 604, Tampa, Florida 33602, (813) 272-7040, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

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

NEIL J. GILLESPIE

Case No.: 05-CA-007205

Division: J

Plaintiff(s)/Petitioner

Vs

Barker, Rodems & Cook, PA,

a Florida corporation, and

WILLIAM J. COOK

Defendant(s)

SUBPOENA

THE STATE OF FLORIDA:

TO: Donna Healy, Associate Courts Director

YOU ARE COMMANDED to appear before the Honorable James D. Arnold, Judge of the Court, at the George Edgecomb County Courthouse, 800 East Twiggs Street in Courtroom 501 in Tampa Florida, on June 1, 2011, at 11:00AM a.m. to testify in this action. If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED on May 19, 2011

Printed: NEIL J. GILLESPIE

Attorney for NEIL J. GILLESPIE, pro se

8092 SW 115th Loop

Ocala, FL 34481

Address

Florida Bar No.: n/a

PAT FRANK

As Clerk of the Court

By: 
As Deputy Clerk
(813) 757-3918

ext.



Any minor subpoenaed for testimony shall have the right to be accompanied by a parent or guardian all times during the taking of testimony notwithstanding the invocation of the rule of sequestration of section 90.616, Florida Statutes, except upon a showing that the presence of a parent or guardian is likely to have a material, negative impact on the credibility or accuracy of the minor's testimony, or that the interests of the parent or guardian are in actual or potential conflict with the interests of the minor.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs St., Room 604, Tampa, Florida 33602, (813) 272-7040, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

XX

R E C E I P T

Clerk of Circuit Court - CPROD

Receipt Number: 2052784
Date: 27-MAY-2011
Cashier: MILLSL

Payor: NEIL J GILLESPIE
Address: 8892 SW 115TH LOOP
OCALA, FL 34481

Description	Amount
Case: 05-CA-007205	
GILLESPIE; NEIL VS BARKER RODE	
Party: NEIL J GILLESPIE	
CIR CIV-SIGN & SE	8.00

Amount Due:	8.00
Amount Tendered-CASH:	18.00
Change Due:	2.00

Neil Gillespie

From: "Circciv" <CIRCCIV@hillsclerk.com>
To: <neilgillespie@mfi.net>
Sent: Tuesday, May 31, 2011 5:22 PM
Subject: Indigent Status
Dear Mr. Gillespie:

With regard to the review of your civil indigent status, currently, the court should make the final determination of your indigent status.

Thank-you

Hillsborough County Clerk
Circuit Civil Department



6/21/2011

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "Circciv" <CIRCCIV@hillsclerk.com>
Cc: "Allison Raistrick" <raistrick@hillsclerk.com>; "Karin Huffer" <legalabuse@gmail.com>; "Alex Newman" <alexnewman_85@hotmail.com>; "Pat Frank" <frankp@hillsclerk.com>; "Dale Kent Bohner" <bohnerd@hillsclerk.com>; "Mark Ware" <warem@hillsclerk.com>; "Lisa Mann" <mann@hillsclerk.com>
Sent: Sunday, May 29, 2011 10:42 PM
Attach: 2011, 03-03-11, SSD check, \$1,741.pdf; 2011, 05-27-11, Approved, criminal indigent, \$50 receipt, 27.52.pdf
Subject: Re: please read email and attachments
 Hillsborough County Clerk
 Circuit Civil Department

Upon review of section 57.082 Florida Statutes your reliance on my Verified Motion to Proceed in Forma Pauperis, filed May 17, 2011 is unlawful. Under section 57.082(1) a person seeking relief from payment of filing fees based upon an inability to pay must apply to the clerk of the court for a determination of civil indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court.

My Verified Motion to Proceed in Forma Pauperis, filed May 17, 2011 is not an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court. In addition:

Pursuant to 57.082(1)(b) The clerk shall assist a person who requests assistance in completing the application. I request assistance in completing the application.

Pursuant to 57.082(2) The clerk of the court shall determine whether an applicant seeking such designation is indigent based upon the information provided in the application and the criteria prescribed in this subsection. You failed to make the determination based on the application.

Pursuant to 57.082(a)1. An applicant is indigent if the applicant's income is equal to or below 200 percent of the then-current federal poverty guidelines prescribed for the size of the household of the applicant by the United States Department of Health and Human Services.

For a one person household that amount is \$10,890; 200% of that amount is \$21,780. My monthly income is \$1,741 per month, see the attached social security check. My annual income is \$20,892 (\$1,741 x 12). Therefore I qualify as indigent because my annual income of \$20,892 is less than 200% of the federal poverty guidelines prescribed for a one person household. Your reliance on any other calculation is unlawful.

This appears to be the same criteria under 27.52 used by Allison Raistrick of the Clerk's Indigent Screening Unit who determined that I am indigent. See the attached approved application and payment of \$50 fee. Ms. Raistrick should be commended for following the law, and as proscribed below in 57.082(d).

Pursuant to 57.082(d) The duty of the clerk in determining whether an applicant is indigent is limited to receiving the application and comparing the information provided in the application to the criteria prescribed in this subsection. The determination of indigent status is a ministerial act of the clerk and may not be based on further investigation or the exercise of independent judgment by the clerk. The clerk may contract with third parties to perform functions assigned to

the clerk under this section. Since the clerk has not received or reviewed my application, its determination that I am not indigent is unlawful.

It appears you have acted, with malice aforethought, to deny me judicial process under the color of law, and to aggravate my disability. It also appears that Pat Frank, Clerk of the Circuit Court, and counsel Dale Bohner are ultimately responsible for this unlawful denial of judicial process under the color of law, and for aggravation of my disability. It also appears that attorney Mark Ware is complicit, either actively or passively.

A copy of this email is being provided to the Supreme Court of the United States as part of an Emergency Petition for Stay or Injunction. Thank you.

Sincerely,

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

cc: Supreme Court Of The United States (by hard copy)
Ms. Allison Raistrick, Clerk's Indigent Screening Unit
Dr. Karin Huffer, Legal Victim Assistance Advocates
Alex Newman, Liberty Sentinel Media, Inc.
Pat Frank, Clerk of the Circuit Court
Dale Bohner, Legal Counsel to Pat Frank, Clerk of the Circuit Court
Mark Ware, Esq., Director of Appeal, Jury, Mental Health and Probate
Lisa Mann, Associate Director of Appeals Department

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

From: [Circiv](#)
To: Neil Gillespie
Sent: Friday, May 27, 2011 12:34 PM
Subject: RE: please read email and attachments

Dear Mr. Gillespie:

Thank you for your inquiry regarding the indigency screening process.

Your non-indigency status was determined based upon our following the statutory criteria located within Florida Statute section 57.082, as it related to the information you provided within your Verified Motion to Proceed in Forma Pauperis, filed May 17, 2011. If you disagree with this determination, there is a procedure applicants may follow in the same statute (section 57.082) that will allow the issue to go before the court having jurisdiction over the matter, and that court will follow criteria within the same statute (section 57.082, Florida Statutes) to make the final determination.

If you wish to forego seeking review of this matter by the court, then the fee for the Clerk to issue the subpoenas is \$2.00 for each subpoena, and the fee for the Sheriff to serve the subpoenas is \$40 for each subpoena. We will be glad to process these once we receive the money. Should you decide to seek court review, then we will wait for the final determination to be made by the court. We wait for your decision.

Thank you.

Hillsborough County Clerk
Circuit Civil Department

From: Neil Gillespie [neilgillespie@mfi.net]

Sent: Thursday, May 26, 2011 1:05 PM

To: Circciv

Cc: Michael D. Leffel; Krista J. Sterken; Karin Huffer; Alex Newman; Frank, Pat; Bohner, Dale; Ware, Mark; Mann, Lisa

Subject: Re: please read email and attachments

Hillsborough County Clerk
Circuit Civil Department

In response to your email, earlier today I spoke with Allison Raistrick, 813-276-8100, x3992 of the Clerk's indigent screening department who said I qualify as indigent based on our discussion. So your response that I do not qualify as indigent is confusing.

My Verified Motion to Proceed in Forma Pauperis filed May 17, 2011 was submitted in paper format and delivered by the US Postal Service to the Clerk of the Circuit Court, P.O. Box 989, Tampa, Florida, 33601, by Express Mail, Article EH600625127US. Attached you will find my cover letter to the Clerk, mailing receipt, and proof of delivery. As such I don't understand your statement that "this office is not receiving pleadings electronically". The pleading was delivered in paper format. A second PDF copy was provided by email to Mark Ware, Esq. as a guide to locate the paper format mailed to the Clerk through the US Postal Service.

While Allison Raistrick determined on the phone that I qualify for indigent status, she said I must come to her office at 700 Twiggs, Room 711 and complete the application in person and on the proper form. Therefore I don't see how you made a determination without a form and not in person. Please explain and identify yourself. Time is of the essence. Thank you.

Sincerely,

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

cc: Mr. Michael D. Leffel, Foley & Lardner LLP
Ms. Krista J. Sterken, Foley & Lardner LLP
Dr. Karen Huffer, Legal Victim Assistance Advocates
Alex Newman, Liberty Sentinel Media, Inc.
Pat Frank, Clerk of the Circuit Court
Dale Bohner, Legal Counsel to Pat Frank, Clerk of the Circuit Court
Mark Ware, Esq., Director of Appeal, Jury, Mental Health and Probate
Lisa Mann, Associate Director of Appeals Department

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

From: Circciv

To: [Neil Gillespie](mailto:neilgillespie@mfi.net)

Sent: Thursday, May 26, 2011 11:08 AM

Subject: RE: please read email and attachments

6/21/2011

Dear Mr. Gillespie:

The Circuit Civil department has received and processed your Verified Motion to Proceed in Forma Pauperis filed on May 17, 2011. Based on the financial information provided, you have been determined to be not indigent (Florida Statute 57.082). Therefore this office, will not be able to issue the subpoenas until \$2 per subpoena is received. Additionally, there is a \$40 service fee (per subpoena) charged by the Hillsborough County Sheriff's office to serve each subpoena.

Please note at this time, this office is not receiving pleadings electronically. In the future, please mail hard copies to P.O. Box 989, Tampa, Florida, 33601. This is to ensure that future pleadings will not be challenged do to electronic format.

Hillsborough CountyClerk
Circuit Civil Department

From: Neil Gillespie [neilgillespie@mfi.net]
Sent: Thursday, May 19, 2011 12:25 PM
To: Circciv
Cc: Frank, Pat; Bohner, Dale; Ware, Mark; Mann, Lisa; Karin Huffer; Alex Newman
Subject: please read email and attachments

Clerk of the Court
Circuit Civil Division

To Whom It May Concern:

Mark Ware in appeals provided you as contact. Attached you will find my Verified Motion to Proceed in Forma Pauperis in PDF. The original was filed May 17, 2011. Please advise if this is sufficient.

Also attached you will find the following in PDF:
Form 1.910(a), Subpoena, Deputy Christopher E. Brown, signed by NJG
Form 1.910(a), Subpoena, Donna Healy, Associate Courts Director, signed by NJG
Form 1.911(a), Subpoena Duces Tecum, Major James P. Livingston, signed by NJG
Form 1.911(a), Subpoena Duces Tecum, Ryan Rodems, signed by NJG

Please advise if the Clerk's signature is required, and if so, how I can do that by mail. I live in Ocala, Florida, a 200 mile round-trip from the court. Thank you.

Sincerely,

Neil J. Gillespie, pro se nonlawyer
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: (352) 854-7807
Email: neilgillespie@mfi.net

cc: Pat Frank, Clerk
cc: Dale Bohner, Legal Counsel
cc: Mark Ware
cc: Lisa Mann
cc: Dr. Huffer

6/21/2011



United States Treasury

15-51
000

P 404,008,140



Pay to
the order of

03 03 11 83 PHILADELPHIA, PA
2056 05702303 28045300 S1 B P



NEIL J GILLESPIE
8092 S W 115 LOOP
OACLA FL 34481-3567

03
M

SOC SEC
FOR INS

Check No.



2056 05702303

****1741*00

VOID AFTER ONE YEAR

REGIONAL DISBURSING OFFICER



2056

000000518 057023032 080311

IN THE CIRCUIT/COUNTY COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDASTATE OF FLORIDA vs. Neil GillespieCASE NO. 05-CA-007205

Defendant/Minor Child

APPLICATION FOR CRIMINAL INDIGENT STATUS

☒ I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER

OR

☐ I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$50.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

- I have 0 dependents. (Do not include children not living at home and do not include a working spouse or yourself.)
- I have a take home income of \$ 0 paid ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly ☐ yearly
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court-ordered support payments)
- I have other income paid ☐ weekly ☐ bi-weekly ☐ semi-monthly ☒ monthly ☐ yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Social Security benefits.....	Yes \$ <u>1744</u>	No	Veterans' benefit.....	Yes \$	No
Unemployment compensation.....	Yes \$	No	Child support or other regular support from family members/spouse.....	Yes \$	No
Union Funds.....	Yes \$	No	Rental income.....	Yes \$	No
Workers compensation.....	Yes \$	No	Dividends or interest.....	Yes \$	No
Retirement/pensions.....	Yes \$	No	Other kinds of income not on the list.....	Yes \$	No
Trusts or gifts.....	Yes \$	No			
- I have other assets: (Circle "Yes" and fill in the value of the property, otherwise circle "No." Use the back of this form to provide additional information.)

Cash.....	Yes \$ <u>00</u>	No	Savings.....	Yes \$	No
Bank account(s).....	Yes \$	No	Stocks/bonds.....	Yes \$	No
Certificates of deposit or money market accounts.....	Yes \$	No	*Equity in Real estate (excluding homestead).....	Yes \$	No
*Equity in Motor Vehicles/Boats/Other tangible property.....	Yes \$ <u>300</u>	No	*Equity means value minus loans. Also list any expectancy in an interest in such property.		
List the year/make/model and tag #: <u>1996 Dodge Van</u>			List the address of this property:		
			Address		
			City, State, Zip		
			County of Residence		
- I have a total amount of liabilities and debts in the amount of \$44,000
- I receive: (Circle "Yes" or "No")

Temporary Assistance for Needy Families-Cash Assistance.....	Yes	No
Poverty-related veterans' benefits.....	Yes	No
Supplemental Security Income (SSI).....	Yes	No
- I have been released on bail in the amount of \$ 0 Cash ☐ Surety ☐ Posted by: Self ☐ Family ☐ Other ☐

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S., commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this 27 day of MAY, 2011.Date of Birth 3-19-1956Driver's license or ID number G421-630-56090

Signature of Applicant for Indigent Status

Print Full Legal Name Neil S Gillespie

Address

City, State, Zip

Phone number

8092 SW 115th Ave
OCALA, FL 34821
352-854-7807

CLERK'S DETERMINATION

☒ Based on the information in this Application, I have determined the applicant to be ☒ Indigent ☐ Not Indigent☒ The Public Defender is hereby appointed to the case listed above until relieved by the Court.Dated this 27 day of May, 2011

Deputy Clerk

PAT FRANK
Clerk of the Circuit CourtThis form was completed with the assistance of
Clerk/Deputy Clerk/Other authorized person

APPLICANTS FOUND NOT INDIGENT MAY SEEK REVIEW BY ASKING FOR A HEARING TIME. Sign here if you want the judge to review the clerk's decision of not indigent.

**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 MOTION TO STRIKE OR SET ASIDE JOINT STIPULATION FOR
DISMISSAL WITH PREJUDICE**

PLAINTIFF'S MOTION TO STRIKE OR SET ASIDE SETTLEMENT AGREEMENT

APPENDIX 2

List of Exhibits

- | | |
|------------|--|
| Exhibit 1 | 11-08-2010, Notice of filing letters, Rodems, NJG, deposition |
| Exhibit 2 | Time line of ex-parte hearings |
| Exhibit 3 | 06-01-2011, Public Defender Motion For Clarification |
| Exhibit 4 | 06-01-2011, Order Relieving Public Defender |
| Exhibit 5 | 06-01-2011, Writ of Bodily Attachment |
| Exhibit 6 | 06-16-2011, P's Motion Quash Writ Bodily Attachment, Recind Warrant for Arrest |
| Exhibit 7 | 06-20-2011, Rodems email, 1.22 PM, w settlement agreement |
| Exhibit 8 | 06-20-2011, Mr. Castagliuolo's email, 1.59 PM |
| Exhibit 9 | 06-20-2011, Gillespie's email, 2.53 PM rejected Rodems' settlement offer |
| Exhibit 10 | 10-28-2010, Dr. Huffer's letter, NJG |

- Exhibit 11 01-19-2011, Notice of Filing communication w Maj Livingston
- Exhibit 12 04-25-2011, Affidavit of NJG, Judge Cook falsified court records
- Exhibit 14 04-20-2011, NJG to Major Livingston, ch 825, Fla Stat
- Exhibit 15 05-27-2011, 4 subpoenas issued, and receipt
- Exhibit 16 Email, Clerk of Court, denied indigent, 57.082, court to decide

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:

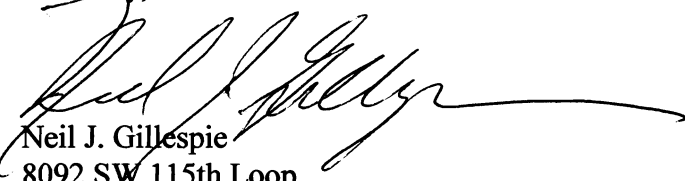
1. PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL, ADA
ACCOMODATION REQUEST, and MEMORANDUM OF LAW
2. VERIFIED NOTICE OF FILING DISABILITY INFORMATION
OF NEIL J. GILLESPIE

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

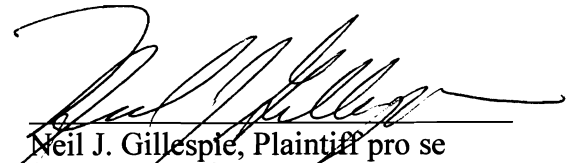
Defendants.

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.

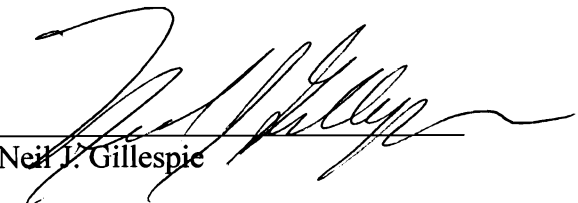
RESPECTFULLY SUBMITTED November 8, 2010.



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"

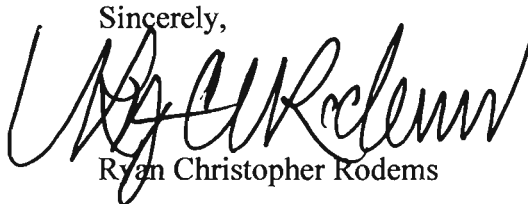
Dear Neil:

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,



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:



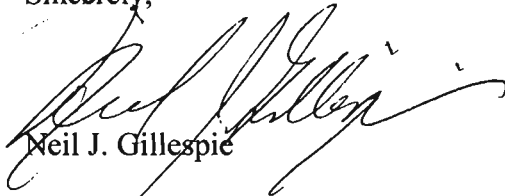
Wednesday November 10, 2010 noon to 1:00 PM
Thursday November 11, 2010 noon to 1:00 PM
Friday November 12, 2010 noon to 1:00 PM

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,

A handwritten signature in black ink, appearing to read "Neil J. Gillespie", with a stylized flourish at the end.

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 ADAAA 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 ADAAA 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 ADAAA 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,

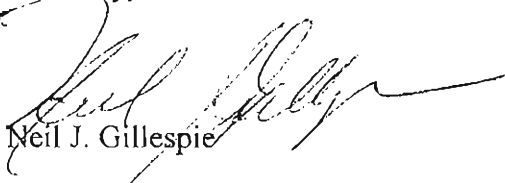
Kindly take notice that we are not on a first name basis, and I request that you address me as "Mr. Gillespie". I have made this request to you several times, in writing, and still you refuse to comply. I address you as "Mr. Rodems", so I do not understand the problem. Mature adults in civilized society 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

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

NEIL J. GILLESPIE,

Plaintiff,

Case No.: 05-7205

-vs-

Division: H

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

Defendant.

-----/

TRANSCRIPT OF PROCEEDINGS

BEFORE:

HONORABLE CLAUDIA R. ISOM
Circuit Judge

TAKEN AT:

In Chambers
Hillsborough County Courthouse
Tampa, Florida

DATE & TIME:

February 5, 2007
Commencing at 1:30 p.m.

REPORTED BY:

Denise L. Bradley, RPR
Notary Public

ORIGINAL

STENOGRAPHICALLY RECORDED
COMPUTER-AIDED TRANSCRIPTION

1 APPEARANCES:

2
3 On behalf of the Plaintiff:

4 NEIL J. GILLESPIE
5 (Pro se litigant)
6 8092 115th Loop
7 Ocala, Florida 34481

8 On behalf of the Defendant:

9 RYAN CHRISTOPHER RODEMS, ESQUIRE
10 Barker, Rodems & Cook, P.A.
11 400 North Ashley Drive, Suite 2100
12 Tampa, Florida 33602
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

Exhibit 2

Ex-parte Hearings Leading To Writ of Bodily Attachment Where Gillespie Was

Not Present And Not Represented By Counsel

1. Hearing September 28, 2010 on *Order Adjudging Plaintiff Neil J. Gillespie In Contempt* by Judge Martha Cook issued September 30, 2010. Judge Cook¹ claimed in the order that Gillespie left the hearing voluntarily, a claim denied by Gillespie, and by Major James Livingston, Commander of Court Operations Division. Maj. Livingston wrote² Gillespie January 12, 2011 that he was removed from the hearing by Judge Cook for causing a “disturbance”. The “disturbance” was Gillespie providing the Court copy of an ADA/Civil Rights lawsuit filed against Judge Cook that morning, see Gillespie v Thirteenth Judicial Circuit, Florida, et al., case no. 5:10-cv-00503, US District Court, MD Florida, Ocala Division.

2. Evidentiary hearing May 3, 2011 on *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*. Gillespie moved April 23, 2011 for a stay of the of the *Order Adjudging Plaintiff Neil J. Gillespie In Contempt*, and writ of bodily attachment, pursuant to Rule 9.310 of the Florida Rules of Appellate Procedure. Mr. Rodems filed *Defendants' Motion To Strike Pro Se Filings By Plaintiff*. Rodems' motion relied on Judge Cook's *Order Prohibiting Plaintiff From Appearing Pro Se* that prohibits Gillespie from filing anything with the Clerk that is not

¹ At the time Judge Cook was a defendant in a federal civil rights and ADA lawsuit brought by Gillespie, Neil Gillespie v Thirteenth Judicial Circuit, Florida, et al., case no. 5:10-cv-00503, US District Court, MD Florida, Ocala Division. The lawsuit is currently pending. Judge Cook refused to be disqualified, but later recused herself upon Gillespie's Verified Emergency Petition for Writ of Prohibition, Motion for Order of Protection, case 2D10-5529 in the 2dDCA.

² See Affidavit of Neil J. Gillespie, April 25, 2011.

signed by a member of The Florida Bar in good standing. On its face the order is a sham; Judge Cook signed the order without a hearing, and nine days prior to the time expired for Gillespie to respond. Judge James D. Arnold denied Gillespie's motion to stay.

3. Because of the foregoing Gillespie sought relief in the 2dDCA April 25, 2011 in 2D10-5197 with a *Appellant's Verified Emergency Motion To Stay Pending Appeal, Motion For Order of Protection*, and *Motion For Extension of Time*. The Court denied the motion to stay, and denied an order of protection, May 2, 2011.

4. Because of the forgoing Gillespie sought relief in the 2dDCA May 2, 2011 with a *Verified Emergency Petition For Writ of Prohibition, and a Motion For Change Of Venue*, to remove Judge Arnold as trial judge, and to change venue to another circuit. The petition was docketed as 2D11-2127. The Court denied the petition May 6, 2011.

5. Because of the forgoing Gillespie sought relief in the Florida Supreme Court May 3, 2011, with *Emergency Petition For Writ Of Habeas Corpus*, and *Emergency Petition For Writ Of Prohibition*, case number SC11-858. The Supreme Court denied the petitions May 18, 2011.

Judge Arnold Conducted Ex-Parte Evidentiary Hearing May 3, 2011

6. Judge Arnold conducted an ex parte evidentiary hearing May 3, 2011 on *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*. Gillespie did not appear because he feared incarceration and was no longer able to represent himself due to disability. Gillespie scheduled a court reporter and a transcript³ was made. Gillespie notified the Court's Counsel David Rowland that he would not be attending the hearing and served notice of the petitions described in paragraphs 4 and 5. Also pending in the trial court was Gillespie's motion to

³ All the hearings in this case have been transcribed.

disqualify Judge Arnold, who denied the motion as legally insufficient. Mr. Rodems appeared at the hearing, made misrepresentation to the Court, which in turn accepted Rodems' falsehoods as fact. The record also shows Judge Arnold was uninformed about Gillespie's disability. See Plaintiff's Motion For Appointment of Counsel, ADA Accommodation Request, and Memorandum of Law filed May 24, 2011.

7. Judge Arnold ruled as follows May 3, 2011:

Transcript, May 3, 2011, page 10:

15 THE COURT: Okay. The Court is going to issue
16 order to show cause under court order for him to
17 appear to show cause why he should not be held in
18 contempt of court for his failure to abide by Judge
19 Cook's order.
20 My judicial assistant will give you a date for
21 that hearing. We will set the date. He will not
22 set it. Mr. Gillespie will not set it. The Court
23 will set it. We will set the date and we will
24 personally serve him with this order to show cause,
25 and then we will have the hearing.

8. Judge Arnold issued an Order To Show Cause May 4, 2011 to appear before the Honorable James D. Arnold, in chambers on Wednesday, June 1, 2011 at 11:00 a.m. in Room 514 of the Hillsborough County Courthouse, located at 800 E.. Twiggs Street, Tampa, FL. 33602 to show cause why he should not be held in contempt of court for failure to appear for deposition as ordered by this court.

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

NEIL J. GILLESPIE,

Plaintiff,

VS.

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

Defendants.

CASE NUMBER: 05-CA-7205

DIVISION: J

OFFICE OF THE PUBLIC DEFENDER'S MOTION FOR CLARIFICATION

COMES NOW, the undersigned on behalf of the Office of the Public Defender, to seek clarification of a Clerk's Determination dated May 27, 2011, attached hereto as Exhibit A, allegedly appointing the Office of the Public Defender on behalf of the plaintiff, Neil Gillespie, in this cause based upon the following:

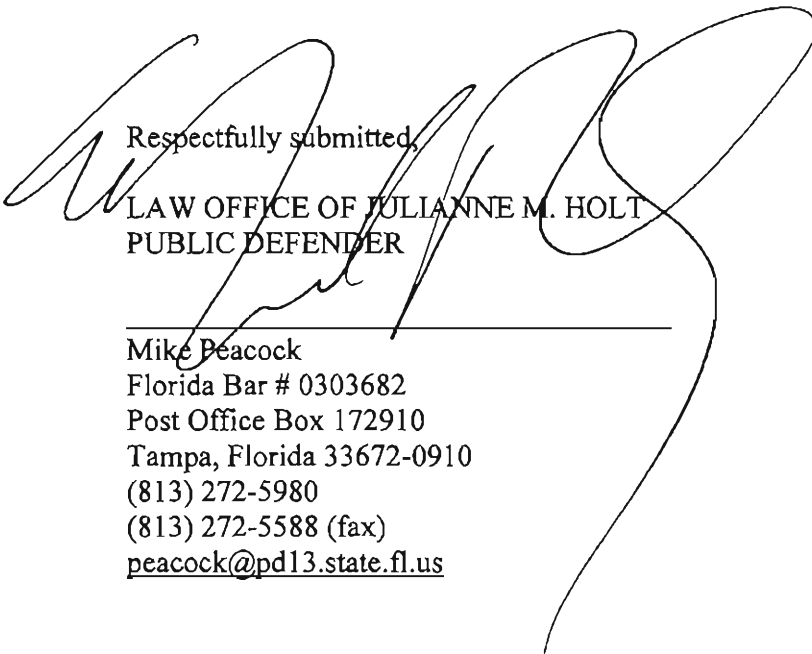
1. An Application for Criminal Indigent Status and Clerk's Determination attached hereto as Exhibit A purports to appoint the Office of the Public Defender to represent the plaintiff in this cause.

2. It appears from the docket in this cause that Neil Gillespie is the plaintiff in this cause and that he is before the Court based upon an Order to Show Cause.

3. Section 27.51, Florida Statutes, sets forth the duties of the Public Defender. The duties of the Public Defender under Section 27.51(b)(3), Florida Statutes, provide that the Public Defender can be appointed in an action for criminal contempt; however, there is no basis for a belief that the plaintiff in this cause, Neil Gillespie, is facing an action for criminal contempt.

WHEREFORE, the undersigned seeks to clarify with the Court the applicability of the Application for Criminal Indigent Status and Clerk's Determination as evidenced in Exhibit A, attached hereto.

I HEREBY CERTIFY that a copy of the foregoing motion has been furnished to Neil Gillespie, 8092 SW 115th Loop, Ocala, FL 34481, Ryan C. Rodems, Esq. of Barker, Rodems & Cook, P.A., 400 North Ashley Drive, Suite 2100, Tampa, FL 33602, and to Richard L. Coleman, Esq., P.O. Box 5437, Valdosta, GA 31603, by hand or U.S. mail delivery, this 1st day of June, 2011.



Respectfully submitted,

LAW OFFICE OF JULIANNE M. HOLT
PUBLIC DEFENDER

Mike Peacock
Florida Bar # 0303682
Post Office Box 172910
Tampa, Florida 33672-0910
(813) 272-5980
(813) 272-5588 (fax)
peacock@pd13.state.fl.us

/km

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

STATE OF FLORIDA vs.

Neil Gillespie

CASE NO. 05-CA-007205

Defendant/Minor Child

APPLICATION FOR CRIMINAL INDIGENT STATUS

☒ I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER

OR

☐ I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$50.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

1. I have 0 dependents. (Do not include children not living at home and do not include a working spouse or yourself.)
2. I have a take home income of \$ 1744 paid ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly ☐ yearly
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court-ordered support payments)
3. I have other income paid ☐ weekly ☐ bi-weekly ☐ semi-monthly ☒ monthly ☐ yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")
- | | | | | | |
|--------------------------------|--------------------|----|--|--------|----|
| Social Security benefits..... | Yes \$ <u>1744</u> | No | Veterans' benefit..... | Yes \$ | No |
| Unemployment compensation..... | Yes \$ | No | Child support or other regular support from family members/spouse..... | Yes \$ | No |
| Union Funds..... | Yes \$ | No | Rental income..... | Yes \$ | No |
| Workers compensation..... | Yes \$ | No | Dividends or interest..... | Yes \$ | No |
| Retirement/pensions..... | Yes \$ | No | Other kinds of income not on the list..... | Yes \$ | No |
| Trusts or gifts..... | Yes \$ | No | | | |
4. I have other assets: (Circle "Yes" and fill in the value of the property, otherwise circle "No." Use the back of this form to provide additional information.)
- | | | | | | |
|--|-------------------|----|--|--------------------|----|
| Cash..... | Yes \$ <u>00</u> | No | Savings..... | Yes \$ <u>2011</u> | No |
| Bank account(s)..... | Yes \$ | No | Stocks/bonds..... | Yes \$ | No |
| Certificates of deposit or money market accounts..... | Yes \$ | No | *Equity in Real estate (excluding homestead). Yes \$ | | No |
| *Equity in Motor Vehicles/Boats/Other tangible property..... | Yes \$ <u>300</u> | No | *Equity means value minus loans. Also list any expectancy in an interest in such property. | | |
| List the year/model and tag #: <u>1998 Dodge Van</u> | | | List the address of this property: | | |
| | | | Address | | |
| | | | City, State, Zip | | |
| | | | County of Residence | | |
5. I have a total amount of liabilities and debts in the amount of \$ 44,000
6. I receive: (Circle "Yes" or "No")
- | | | |
|--|-----|----|
| Temporary Assistance for Needy Families-Cash Assistance..... | Yes | No |
| Poverty-related veterans' benefits..... | Yes | No |
| Supplemental Security Income (SSI)..... | Yes | No |

7. I have been released on bail in the amount of \$ 0 Cash ☐ Surety ☐ Posted by: Self ☐ Family ☐ Other ☐

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S., commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this 27 day of May, 2011.

Signature of Applicant for Indigent Status

Date of Birth 3-19-1956

Print Full Legal Name

Driver's license or ID number G421-630-560970

Address

City, State, Zip

Phone number

Neil J Gillespie
8092 SW 115th Ave
OCALA, FL 34281
352-859-7807

CLERK'S DETERMINATION

☒ Based on the information in this Application, I have determined the applicant to be ☒ Indigent ☐ Not Indigent

☒ The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this 27 day of May, 2011

Deputy Clerk

PAT FRANK
Clerk of the Circuit Court

This form was completed with the assistance of
Clerk/Deputy Clerk/Other authorized person

APPLICANTS FOUND NOT INDIGENT MAY SEEK REVIEW BY ASKING FOR A HEARING TIME. Sign here if you want the Judge to review the clerk's decision of not indigent.

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

4

**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: J

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

Defendants.

WRIT OF BODILY ATTACHMENT

THE STATE OF FLORIDA:

To Each Sheriff of the State:

It appearing to the Court that **NEIL J. GILLESPIE**, of 8092 SW 115th Loop, Ocala, Florida 34481, although properly served with the Order to Show Cause entered May 4, 2011, failed to appear on June 1, 2011 and show cause, if any, why he should not be held in contempt for failure to appear for deposition and produce documents pursuant to the Notice Of Deposition Duces Tecum as ordered by this Court.

This Writ, therefore, is to command you to take **NEIL J. GILLESPIE** into custody and bring him before the Honorable James D. Arnold, at Courtroom 501, 800 East Twiggs Street, Tampa, Florida 33602, immediately, and within 72 hours after he is taken into custody, for a hearing to determine whether he shall be held in custody until the deposition ordered by the Court is completed.

Service and execution of this Writ may be made on any day of the week and any time of the day or night.

DONE AND ORDERED in Chambers at Tampa, Hillsborough County, Florida, this 1st day of June, 2011.

James D. Arnold
Circuit Judge

ORIGINAL SIGNED

JUN - 1 2011

**JAMES D. ARNOLD
CIRCUIT JUDGE**

EXHIBIT

5

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.

**PLAINTIFF'S MOTION TO QUASH WRIT OF BODILY ATTACHMENT
AND TO RESCIND WARRANT FOR PLAINTIFF'S ARREST**

COMES NOW the Plaintiff (hereinafter, "Mr. Gillespie"), by and through his undersigned attorney, and moves this Honorable Court for both an order quashing the writ of bodily attachment issued by this Court on June 1, 2011, and also for an order rescinding the warrant for the Plaintiff's arrest which naturally followed said writ, and in support thereof would show this Court that:

1. The last attorney representing Mr. Gillespie in this case was permitted to withdraw on October 1, 2009.
2. In the 21 months or so which have transpired since October of 2009, Mr. Gillespie has been without legal counsel, and has represented himself for these past 21 months.
3. Not only has Mr. Gillespie not had the benefit of any legal training, but he also labors under the strain of some serious health issues which have been with him since this litigation began.
4. Notwithstanding the foregoing, Mr. Gillespie has made considerable effort to comply with Mr. Rodems' fairly comprehensive and exhaustive discovery requests, as demonstrated by the

June 25, 2010 letter and attachments which Mr. Gillespie sent to Mr. Rodems.

5. The aforesaid letter and attachments are appended to this Motion and incorporated herein by reference as "Exhibit A."

6. Mr. Gillespie's undersigned attorney has counseled him extensively about his need to comply with the Orders of this Honorable Court, and Mr. Gillespie has been profoundly sobered by the experience of having the Marion County Sheriff's Officers calling him and knocking on his door to arrest him.

7. Marion County Deputy Carl Dunlap advised undersigned counsel via telephone that, were they to ultimately arrest Mr. Gillespie, it would be likely that Mr. Gillespie would sit in the Marion County Jail for weeks until he could be transferred to the Hillsborough County Jail.

8. Justice will not be served if Mr. Gillespie is jailed.

9. Furthermore, given his health status, he will most definitely not "hold the keys" to his jail cell, as his ability to respond to discovery will then be virtually lost.

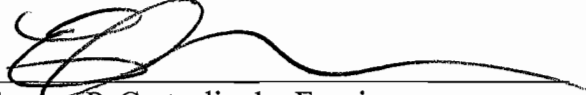
10. Perhaps most importantly to this Honorable Court, this case will not advance any faster nor will the issues be resolved any quicker if Mr. Gillespie is jailed.

11. The only possible interest served by jailing Mr. Gillespie would perhaps be that Mr. Rodems will enjoy some degree of retribution against Mr. Gillespie, although undersigned counsel finds it hard to believe that Mr. Rodems would be so motivated.

WHEREFORE, undersigned counsel and Mr. Gillespie respectfully request this Honorable Court enter an Order quashing the writ of bodily attachment issued by this Court on June 1, 2011, and an order rescinding the warrant for the Plaintiff's arrest.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *PLAINTIFF'S MOTION* 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

Florida Bar Number: 104360

CASTAGLIUOLO LAW GROUP, P. A.

2451 McMullen Booth Road

Clearwater, FL 33759

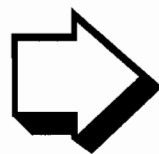
Tel: (727) 712-3333

Fax: (727) 725-0389

AttorneyEPC@yahoo.com

Attorney for Plaintiff NEIL J. GILLESPIE

EXHIBIT “A”



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

June 25, 2010

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

RE: Gillespie v. Barker, Rodems & Cook, PA, et al.
Case No.: 05-CA-7205, Division G

Dear Mr. Rodems:

This is a follow-up to my June 21, 2010 fax good faith effort to provide the discovery without court action and/or response justifying not providing the discovery pursuant to Rule 1.380(a)(4).

I received Judge Cook's Order Denying Motion For Reconsideration of June 22, 2010 yesterday, June 24, 2010. Since I am no longer justified in not providing the discovery, please find enclosed the following:

Exhibit 1. Responses to Defendants' Interrogatories of September 2, 2008

Exhibit 2. Responses to Defendants' Request for Production submitted Sept. 2, 2008

Exhibit 3. Responses to Defendants' Request for Production submitted October 13, 2009

Note: this request for production was made in violation of Judge Barton's Order of October 9, 2009: IT IS FURTHER ORDERED that the above action be shall be stayed for 60 Days to allow the Plaintiff to find replacement counsel. (relevant portion).

Exhibit 4. Responses to Defendants' Request for Production submitted June 1, 2010

Exhibit 5. Responses to Defendants' Motion for Examination Pursuant to Section 56.29(2), Florida Statutes, submitted June 1, 2010.

As you know, much of your discovery to me is outstanding, some of it dating to 2006. Currently the following motions to compel your discovery are pending:

Mr. Ryan Christopher Rodems, Attorney at Law
Barker Rodems & Cook, PA

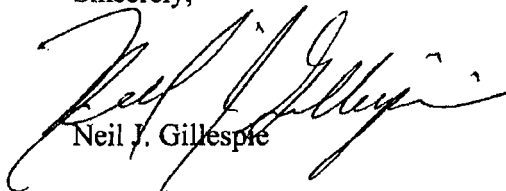
Page - 2
June 25, 2010

1. December 14, 2006, Plaintiff's Motion to Compel Defendants' Discovery
2. February 1, 2007, Plaintiff's Second Motion to Compel Defendants' Discovery
3. March 30, 2010, Plaintiff's Third Motion to Compel Discovery

A letter from you dated December 19, 2006 falsely states "documents have already been produced" but I have not received any documents from you.

Mr. Rodems, when can I expect to receive your outstanding discovery?

Sincerely,

A handwritten signature in black ink, appearing to read "Neil J. Gillespie", is written over the typed name.

Neil J. Gillespie

Enclosures

Responses to Defendants' Interrogatories of September 2, 2008 were provided by my former lawyer Robert W. Bauer, October 1, 2008, see attached.

The verification page was signed and notarized by me October 2, 2008. Mr. Bauer submitted the signed and notarized verification page to the Clerk of Court October 3, 2008.

New information.

Interrogatory No. 1. Mr. Bauer previously provided bank records. There are no other records available to provide any additional information that would allow the Plaintiff to answer this question. On November 16, 2009 I requested my client file from Mr. Bauer. He responded by letter November 23, 2009 that he was exercising a charging lien and refused to provide the file. The matter is currently subject to regulatory process.

In response to Mr. Rodems' speculation contained in "Defendant's Motion For An Order Compelling Plaintiff To Respond To The Defendant's Interrogatories" that "Defendant in good faith believes Plaintiff uses more than one bank account, has debit cards or credit cards, and operates a business or makes purchases using PayPal or other similar payment services":

Plaintiff has no bank account.

Plaintiff has no credit card.

Plaintiff uses throw-away debit cards that have no records.

Plaintiff does not operate a business or make purchases for the business using PayPal or other similar payment services.

Interrogatory No. 2. Plaintiff provided the answer by way of his "Affidavit and Inventory of Personal Property of Neil J. Gillespie and Designated Exemptions" submitted to the court April 28, 2010, see copy attached.

Responses to Defendants' Request for Production submitted Sept. 2, 2008

1. Objection, relevance, annoyance, embarrassment, or oppression. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment. The Gillespie Family Living Trust has a spendthrift provision. The creditors of the trustee are not entitled to an attachment to subject trust property held by the trustee to the payment of the trustee's debts. Tillman v. Taylor, 99 Fla. 1326, 128 So. 846, Fla. 1930. The remedy is not available even if the debt is chargeable to the trust itself. Johnston v. Smith, 76 Fla. 474, 80 So. 184, Fla. 1918. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment, at least in the absence of express statutory authorization. McLeod v. Cooper, 88 F.2d 194, C.A.5 1937.

2. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

3. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

4. None.

5. None.

6. Already provided. If you want them again, please advise.

7. Already provided. If you want them again, please advise.

8. None.

9. Already provided. If you want them again, please advise.

10. The quit claim deed was provided. If you want it again, please advise.

11. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist. Otherwise none, other than what is owned to Barker, Rodems & Cook.

12. None

13. None.

14. None.

15. None.

16. None.

17. None.
18. None. I opted out of receiving paper documents, see insurer for whatever you want.
19. None. I do not own a home. I do not have renters insurance.
20. None.
21. None that I can recall.
22. None.
23. None.
24. None.
25. None.
26. See Affidavit and Inventory of Personal Property of Neil J. Gillespie, Designated Exemptions, and Motion for Dissolution of Writ of Garnishment, filed April 28, 2010, and related documents.
27. IRS EIN from 2002, already provided, if you want it again, please advise.
28. Already provided, if you want it again, please advise.
29. None.
30. None.
31. None.
32. None.
33. None.
34. None.
35. None.
36. None.
37. "All contracts undue which you currently have any legal rights." Request makes no sense.
38. Objection, vague, what is a trust instrument? Otherwise see #1

39. None.

40. Objection vague. Otherwise none.

41. Repeated request, see the response to #26

42. Repeated request, see the response to #27

43. Objection, vague. Otherwise none.

44. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

45. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

46. I do not have a copy of my credit report.

Responses to Defendants' Request for Production submitted October 13, 2009

1. Objection, relevance, annoyance, embarrassment, or oppression. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment. The Gillespie Family Living Trust has a spendthrift provision. The creditors of the trustee are not entitled to an attachment to subject trust property held by the trustee to the payment of the trustee's debts. Tillman v. Taylor, 99 Fla. 1326, 128 So. 846, Fla. 1930. The remedy is not available even if the debt is chargeable to the trust itself. Johnston v. Smith, 76 Fla. 474, 80 So. 184, Fla. 1918. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment, at least in the absence of express statutory authorization. McLeod v. Cooper, 88 F.2d 194, C.A.5 1937.

2. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

3. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

4. None.

5. None.

6. Already provided. If you want them again, please advise.

7. Already provided. If you want them again, please advise.

8. None.

9. Already provided. If you want them again, please advise.

10. The quit claim deed was provided. If you want it again, please advise.

11. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist. Otherwise none, other than what is owned to Barker, Rodems & Cook.

12. None

13. None.

14. None.

15. None.

16. None.

17. None.
18. None. I opted out of receiving paper documents, see insurer for whatever you want.
19. None. I do not own a home. I do not have renters insurance.
20. None.
21. None that I can recall.
22. None.
23. None.
24. None.
25. None.
26. See Affidavit and Inventory of Personal Property of Neil J. Gillespie, Designated Exemptions, and Motion for Dissolution of Writ of Garnishment, filed April 28, 2010, and related documents.
27. IRS EIN from 2002, already provided, if you want it again, please advise.
28. Already provided, if you want it again, please advise.
29. None.
30. None.
31. None.
32. None.
33. None.
34. None.
35. None.
36. None.
37. "All contracts undue which you currently have any legal rights." Objection, request makes no sense.
38. Objection, vague, what is a trust instrument? Otherwise see #1

39. None.

40. Objection vague. Otherwise none.

41. Repeated request, see the response to #26

42. Repeated request, see the response to #27

43. Repeated request, see the response to #40

44. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

45. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

46. I do not have a copy of my credit report.

Responses to Defendants' Deposition Duces Tecum submitted June 1, 2010

1. Objection, relevance, annoyance, embarrassment, or oppression. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment. The Gillespie Family Living Trust has a spendthrift provision. The creditors of the trustee are not entitled to an attachment to subject trust property held by the trustee to the payment of the trustee's debts. Tillman v. Taylor, 99 Fla. 1326, 128 So. 846, Fla. 1930. The remedy is not available even if the debt is chargeable to the trust itself. Johnston v. Smith, 76 Fla. 474, 80 So. 184, Fla. 1918. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment, at least in the absence of express statutory authorization. McLeod v. Cooper, 88 F.2d 194, C.A.5 1937.
2. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.
3. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.
4. None.
5. "All contracts undue which Gillespie currently have any legal rights." Objection, request makes no sense.
6. Objection, vague, what is a trust instrument? Otherwise see #1
7. None.
8. Objection, vague. Otherwise none.
9. See Affidavit and Inventory of Personal Property of Neil J. Gillespie, Designated Exemptions, and Motion for Dissolution of Writ of Garnishment, filed April 28, 2010, and related documents.
10. IRS EIN from 2002, already provided, if you want it again, please advise.
11. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.
12. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.
13. I do not have a copy of my credit report.
14. None.
15. None.

16. Already provided, if you want it again, please advise.
17. Already provided, if you want it again, please advise.
18. None.
19. Already provided, if you want it again, please advise.
20. The quit claim deed was provided. If you want it again, please advise.
21. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist. Otherwise none, other than what is owned to Barker, Rodems & Cook.
22. None.
23. None.
24. None.
25. None.
26. None.
27. None.
28. None. I opted out of receiving paper documents, see insurer for whatever you want.
29. None. I do not own a home. I do not have renters insurance.
30. None.
31. None that I can recall.
32. None.
33. None.
34. None.
35. None.
36. Repeated question, see response to #9.
37. Repeated question, see response to #10.

38. Already provided, if you want it again, please advise.

39. None.

40. None.

41. None.

42. None.

43. None.

44. None.

45. None.

Responses to Defendants' Motion for Examination Pursuant to Section 56.29(2), Florida Statutes, submitted June 1, 2010

4a. Objection, relevance, annoyance, embarrassment, or oppression. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment. The Gillespie Family Living Trust has a spendthrift provision. The creditors of the trustee are not entitled to an attachment to subject trust property held by the trustee to the payment of the trustee's debts. Tillman v. Taylor, 99 Fla. 1326, 128 So. 846, Fla. 1930. The remedy is not available even if the debt is chargeable to the trust itself. Johnston v. Smith, 76 Fla. 474, 80 So. 184, Fla. 1918. The equitable interest of a defendant as beneficiary of a trust is not subject to garnishment, at least in the absence of express statutory authorization. McLeod v. Cooper, 88 F.2d 194, C.A.5 1937.

b. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

c. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

d. None.

e. "All contracts undue which you currently have any legal rights." Request makes no sense.

f. Objection, see #1

g. None.

h. Objection vague. Otherwise none.

i. See Affidavit and Inventory of Personal Property of Neil J. Gillespie, Designated Exemptions, and Motion for Dissolution of Writ of Garnishment, filed April 28, 2010, and related documents.

j. IRS EIN from 2002, already provided, if you want it again, please advise.

k. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

l. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist.

m. I do not have a copy of my credit report.

n. None.

o. None.

p. Already provided. If you want again, please advise.

q. Already provided. If you want again, please advise.

r. None

s. Already provided. If you want again, please advise.

t. The quit claim deed was provided. If you want again, please advise.

u. There is no list of documents responsive to the request and the rules do not require the creation of a record when the record does not exist. Otherwise none, other than what is owned to Barker, Rodems & Cook.

v. None.

w. None.

x. None.

y. None.

z. None.

aa. None.

bb. None. I opted out of receiving paper documents, see insurer for whatever you want.

cc. None. I do not own a home. I do not have renters insurance.

dd. None.

ee. None that I can recall.

ff. None.

gg. None.

hh, None.

ii. None.

jj. See Affidavit and Inventory of Personal Property of Neil J. Gillespie, Designated Exemptions, and Motion for Dissolution of Writ of Garnishment, filed April 28, 2010, and related documents.

kk. IRS EIN from 2002, already provided, if you want again, please advise.

ll. Already provided, if you want again, please advise.

mm. None.

nn. None.

oo. None.

pp. None.

qq. None.

rr. None.

ss. None.

Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Monday, June 20, 2011 1:51 PM
Attach: Settlement Agreement and Mutual Release [6-20-2011].pdf
Subject: Fw: RE: Is Gillespie showing up tomorrow?

www.CastagliuoloLawGroup.com www.FilingBankruptcyInTampa.com

Eugene P. Castagliuolo, Esquire
CASTAGLIUOLO LAW GROUP, P. A.
2451 McMullen Booth Road, Clearwater, Florida 33759
(727) 712-3333

Castagliuolo Law Group is a debt relief agency helping people to file for bankruptcy relief under United States Code (11 USC §§ 101-1330).

CONFIDENTIALITY: This e-mail message (and any associated files) from Castagliuolo Law Group, P. A. is for the sole use of the intended recipient or recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or other dissemination of this e-mail message and/or the information contained therein is strictly prohibited. If you are not the intended recipient of this e-mail message, please contact the sender by reply email or by telephone at (727) 712-3333 and destroy all copies of the original message.

--- On **Mon, 6/20/11**, **Ryan Rodems** <Rodems@barkerrodemsandcook.com> wrote:

From: Ryan Rodems <Rodems@barkerrodemsandcook.com>
Subject: RE: Is Gillespie showing up tomorrow?
To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
Date: Monday, June 20, 2011, 1:22 PM

Gene:

Please advise Gillespie of the following:

We will offer a walk-away once again, and for the final time. Gillespie can avoid the deposition and have the writ of bodily attachment dissolved if he settles his case with us. We offer a "walk-away," with a release in the form attached. What this means is Gillespie pays us nothing and all of our claims, potential claims, and disputes occurring before tomorrow are fully and finally resolved. You can tell him that If he rejects it, it will never be offered again.



And, if he rejects it, here is what tomorrow will look like: Once Gillespie arrives at the courthouse, he will be taken into custody by the HCSO deputies and brought before Judge Arnold. He should make no mistake, from the moment he walks in, Gillespie will be in custody. The writ of bodily attachment is in effect, and must be executed the moment any law enforcement office identifies him.

I expect Judge Arnold will advise Gillespie that until the deposition is complete, the writ of bodily attachment will remain in full force and effect. What that would mean is that Gillespie will remain in custody until such time as Judge Arnold announces that the writ is dissolved – which will not occur until the deposition is complete.

The deputies will be either inside the room or right outside during the deposition. If Gillespie does not bring the documents or he refuses to answer questions, or behaves like he has in past hearings, I will stop the deposition, and advise the deputies that we need to see Judge Arnold. Obviously, Judge Arnold is extremely busy, and he is not going to stop his docket or hearings to rule immediately, and so the HCSO deputies will hold Gillespie in custody until we can find time on the Judge's calendar to resolve the issues.

Gillespie needs to understand that I will not accept any refusals by him to answer my questions, and I will not tolerate any intemperate behavior. He will not threaten to "slam me against the wall," like he did in the past, he will not yell at me or interrupt me, like he has done in the past. The first time he goes "off the reservation," like he did when Judge Isom ruled against him, and like he did at the summary judgment hearing before Judge Cook, and like he did when he threatened me on the telephone, I will suspend the deposition, ask the deputies to take him into custody, and contact Judge Arnold.

Also, because this is a deposition under oath, I will need to be assured, through questions and answers, that Gillespie is not under the influence of any substances, legal or otherwise, that affect his memory. I want to be certain that if Gillespie gives me an answer that later proves to be false, he cannot claim physical or mental impairment.

This will not be a short deposition. I have no choice but to be as thorough as possible because I will likely not have another opportunity to depose him. He has been spending

a lot of money on filing fees, service of process, certified letters, court reporters, his website, etc., so I need to find out where this money is coming from.

If Gillespie finds the deposition process exhausting, as he has claimed in the past, and cannot complete it tomorrow, we can go as many days as he requires, but he needs to understand that he will remain in the custody of the HCSO until it is complete.

The settlement offer is open until 5:00 p.m. today. If he accepts, then you can communicate it by telephone before 5:00 p.m. He can sign the attached tomorrow, but it must be hand-delivered before 10:30 a.m. If it is hand-delivered before 10:30 a.m., I will advise the Judge of the settlement, you and he can probably appear by telephone.

Sincerely,

Ryan Christopher Rodems
Barker, Rodems & Cook, P.A.
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602
813/489-1001 (Office)

813/205-1198 (Mobile)

E-mail: rodems@barkerrodemsandcook.com

NOTICE: This message (including attachments) is covered by the Electronic Communication Privacy Act, 18 U.S.C. §§ 2510-2521, is intended to be confidential, and is also protected by the attorney-client privilege or other privilege. It is not intended for review or use by third parties or unintended recipients. If you are not the intended recipient, you are requested to delete the data and destroy any physical copies. Any retention, dissemination, distribution, or copying of this communication is strictly prohibited.

SETTLEMENT AGREEMENT AND GENERAL MUTUAL RELEASE

This settlement agreement and general mutual release, executed on June 21, 2011, by and between Neil J. Gillespie, hereinafter "Party A" and Barker, Rodems & Cook, P.A., its agents and employees, and Chris A. Barker, and William J. Cook, and Ryan Christopher Rodems, hereinafter "Party B".

WHEREAS disputes and differences have arisen between the parties, as detailed in the pleadings and records filed in the case styled Neil J. Gillespie v. Barker, Rodems & Cook, P.A., and William J. Cook, Esquire, Case No. 05CA7205, pending in the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida and Gillespie v. Thirteenth Judicial Circuit, Florida, et al., 5:10-cv-00503-WTH-DAB, pending in the United States District Court, Middle District of Florida, Ocala Division; WHEREAS, the parties wish to fully and finally resolve all differences between them from the beginning of time through June 21, 2011; WHEREAS, the parties represent that none of the claims released herein have been assigned to a third-party;

NOW THEREFORE, in consideration of the assignment to Party "B" of all claims pending or which could have been brought, based on the allegations of Party "A", against any person or entity, without limitation, in Gillespie v. Thirteenth Judicial Circuit, Florida, et al., 5:10-cv-00503-WTH-DAB and dismissal with prejudice of their claims in the case styled Neil J. Gillespie v. Barker, Rodems & Cook, P.A., and William J. Cook, Esquire, Case No. 05CA7205, and dismissal of the appeal, Case No. 2D10-5197, pending in the Second District Court of Appeal, with the parties to bear their own attorneys' fees and costs, and the agreement of Party "B" to record a Satisfaction of Judgment regarding the Final Judgment entered on March 27, 2008, in Neil J. Gillespie v. Barker, Rodems & Cook, P.A., and William J. Cook, Esquire, Case No. 05CA7205:

Each party (the releasing party) hereby releases, without limitation, the other party (the released party) from any and all actions, suits, claims, debts, accounts, bills, bonds, attorneys' fees or costs, judgments, or any claims, without limitation, whether in law or equity, and whether known or unknown, which the releasing party now has or ever had resulting from any actions or omissions by the released party from the beginning of time through June 21, 2011.

This mutual release shall be acknowledged before a notary public and may be signed in counterpart.

PARTY A

NEIL J. GILLESPIE

PARTY B

CHRIS A. BARKER, individually
and as an officer of and on behalf of
Barker, Rodems & Cook, P.A.

RYAN CHRISTOPHER RODEMS

WILLIAM J. COOK

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2011, by
NEIL J. GILLESPIE.

Notary Public - State of Florida

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2011, by
WILLIAM J. COOK.

Notary Public - State of Florida

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2011, by
RYAN CHRISTOPHER RODEMS.

Notary Public - State of Florida

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2011,
by CHRIS A. BARKER, individually and as officer for BARKER, RODEMS & COOK, P.A.

Notary Public - State of Florida

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: "Ryan Rodems" <Rodems@barkerrodemsandcook.com>
Sent: Monday, June 20, 2011 1:59 PM
Subject: RE: Is Gillespie showing up tomorrow?

Chris:

Again, I understand the acrimony that permeates this case, but your e-mail is way too heavy handed. While I don't get offended easily (in fact, I probably am incapable of being offended), if I forward your e-mail to my client, he is going to go ballistic. And quite frankly, this is one time when I wouldn't blame him.

Here's my take on this: I think you should be conducting tomorrow's depo like any other depo in aid of execution in any other case. "Forget" what's happened in the past, at least temporarily for the purposes of ascertaining answers to your 45-46 requests for information. The writ and arrest warrant are not swords of Damocles to be held over my client's head. The writ and arrest warrant are in place to compel his attendance at and good faith participation in your discovery in aid of execution. If after an hour or so of questioning it becomes readily apparent that Mr. Gillespie is without funds to pay your judgment, then an aggressive, lengthy, harassing deposition will have me rather than you calling Judge Arnold.

The writ and arrest warrant are not your license to verbally punch my client in the face for 3 or 4 hours. As I stated last week before Judge Arnold, my client is a likely candidate for a Chapter 7 BK, and if he goes that route, an exhaustive deposition is a waste of everyone's time, most of all yours, because I can tell just by the way you carry and present yourself that you have far bigger fish to fry.

I want to get along with you, Chris, lawyer to lawyer. I want to get some satisfaction for all concerned tomorrow, and hopefully, everyone will walk away from the table tomorrow with some degree of relief. But I cannot do so while throwing my client under the proverbial bus, and I will never throw any of my clients under that bus.

I respectfully suggest that you not place a deadline on the "walk away" offer. Allow me to do my job, to wit: educating my client as to the possible benefits of walking away. But for tomorrow, let's just have a good old-fashioned depo in aid of execution.

Thank you Chris.....Gene

www.CastagliuoloLawGroup.com www.FilingBankruptcyInTampa.com

Eugene P. Castagliuolo, Esquire
CASTAGLIUOLO LAW GROUP, P. A.
 2451 McMullen Booth Road, Clearwater, Florida 33759
(727) 712-3333

Castagliuolo Law Group is a debt relief agency helping people to file for bankruptcy relief under United States Code (11 USC §§ 101-1330).

CONFIDENTIALITY: This e-mail message (and any associated files) from Castagliuolo Law Group, P. A. is for the sole use of the intended recipient or recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or other dissemination of this e-mail message and/or the information contained therein is strictly prohibited. If you are not the intended recipient of this e-mail message, please contact the sender by reply email or by telephone at (727) 712-3333 and destroy all copies of the original message.

--- On **Mon, 6/20/11**, **Ryan Rodems** <Rodems@barkerrodemsandcook.com> wrote:

From: Ryan Rodems <Rodems@barkerrodemsandcook.com>
 Subject: RE: Is Gillespie showing up tomorrow?
 To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>



Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
Sent: Monday, June 20, 2011 2:53 PM
Attach: 2011, 06-21-11, Motion for Extension of Time, 2D10-5197, w exhibits.pdf; 2011, 04-19-11, Jim Watson, forward to Carl Schwait, Designated Reviewer.pdf
Subject: Re: TC from Rodems & e-mail from Rodems
 Eugene,

Thanks for Rodems' email. Now you know why I could not appear unrepresented with him at a deposition. Rodems' email is a MILD example of how he has conducted himself in this case.

So long as you are by my side I feel confident attending the deposition and getting it behind me.

From what I read in the transcript of the June 16th hearing, Judge Arnold is reasonable, even if he doesn't read much about the case beforehand. If problems develop with Mr. Rodems I think Judge Arnold will be able to resolve the issues, so long as you are present to represent me.

I'm not interested in his walk-away offer. His last walk-away offer was presented in equally dramatic fashion. As I noted before, Mr. Rodems has repeatedly offered a walk-away settlement because if he loses the appeal in 2D10-5197 that could jeopardize his legal career, and that of his partners', who stand accused of fraud and breach of contract against a former client.

Today I was in contact with James Birkhold, Clerk of the 2d DCA about a motion to extend the time for my amended initial brief. After Mr. Birkhold explained the procedure, I drafted another motion to extend the time for 14 days, with the brief due July 6th, see attached.

Mr. Rodems' walk-away agreement mentions the federal lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida, et al., 5:10-cv-00503-WTH-DAB, pending in the United States District Court, Middle District of Florida, Ocala Division. While I voluntarily dismissed him from the case due to some unbelievable antics, the rest of the case is active, and on June 1, 2011 in response to another matter in the case, I noted that Mr. Rodems previously misled the Court in violation of Rule 11 (b) in pleadings he submitted, and in turn the Court relied upon Mr. Rodems' pleadings as correct and incorporated false or untrue statements in the Court's orders. I sought leave to move for sanctions against Mr. Rodems under Rule 11(C)(2) for making false or untrue statements to the Court in his pleadings. I'm waiting on a response.

Thirdly, Mr. Rodems may have some concern with action by the Florida Bar, where he assisted Mr. Bauer regarding my bar complaint against Bauer. The grievance committee found no probable cause on a 5-0 vote. That decision was so inappropriate that Jim Watson, Chief Branch Discipline Counsel of the Tallahassee Branch, forwarded my concerns to Carl Schwait, the Designated Reviewer. Attached is the email about that, and I'm still waiting for a reply.

So Mr. Rodems may be feeling some heat. If you are a good negotiator and see my point, you might offer a settlement where Rodems pays me. On a contingent basis you would be entitled to whatever the going percentage is; it may be 45% since this is on appeal.

I'm as cool as can be under the circumstances. Nothing Rodems said today is a surprise to me.

Thanks again.



Neil Gillespie.

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

From: [Eugene P. Castagliuolo, Esq.](#)

To: [Neil Gillespie](#)

Sent: Monday, June 20, 2011 1:39 PM

Subject: TC from Rodems & e-mail from Rodems

Neil,

Rodems called me this morning, and while our discussion was businesslike, lawyer-to-lawyer, he told me that he was going to be sending me an e-mail.

Well I have just received the e-mail and it is very heavy handed. I don't like it. I'm going to be drafting a response within the next hour or so, but I wanted to give you this warning before I send it to you.

Do NOT go ballistic. Just like a prizefighter, a litigant loses all control when he goes ballistic. Let's take a deep breath and pick our moments, pick our battles.

I'll send his e-mail to you in about 10 minutes.....

www.CastagliuoloLawGroup.com

www.FilingBankruptcyInTampa.com

Eugene P. Castagliuolo, Esquire

CASTAGLIUOLO LAW GROUP, P. A.

2451 McMullen Booth Road, Clearwater, Florida 33759

(727) 712-3333

Castagliuolo Law Group is a debt relief agency helping people to file for bankruptcy relief under United States Code (11 USC §§ 101-1330).

CONFIDENTIALITY: This e-mail message (and any associated files) from Castagliuolo Law Group, P. A. is for the sole use of the intended recipient or recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or other dissemination of this e-mail message and/or the information contained therein is strictly prohibited. If you are not the intended recipient of this e-mail message, please contact the sender by reply email or by telephone at (727) 712-3333 and destroy all copies of the original message.

6/28/2011

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 ADAAA 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 ADAAA 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 ADAAA 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-007205

vs.

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

DIVISION: J

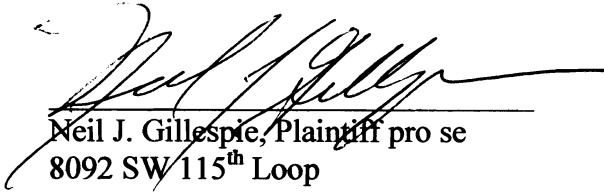
Defendants.

**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.



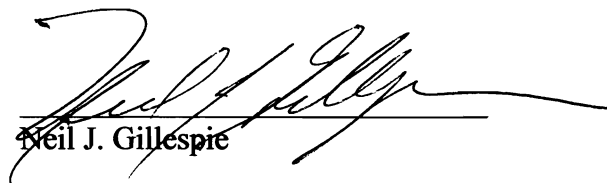
Neil J. Gillespie, Plaintiff pro se
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: (352) 854-7807

EXHIBIT

11

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@hscso.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

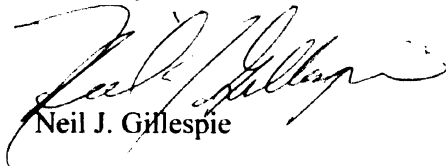
Dear Major Livingston:

Previously I contacted Col. Previtera 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. Previtera.

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
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).

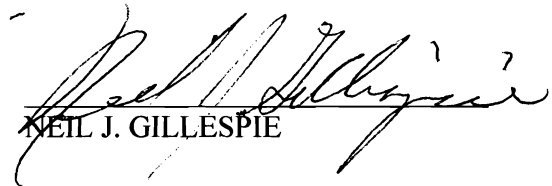
Dr. Huffer wrote in part:

"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.

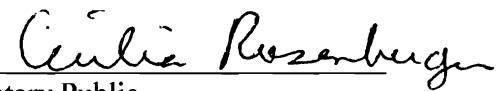

NEIL J. GILLESPIE

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-DC-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

EXHIBIT

B

C-8835
6350

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:

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

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.

_____ /

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

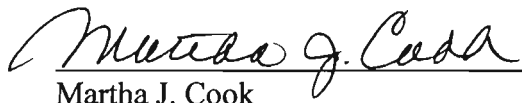
IT IS ORDERED AND ADJUDGED that the Plaintiff Neil J. Gillespie is guilty of contempt of this Court for failing to appear for deposition on September 3, 2010 and he will continue to be guilty of contempt unless and until the Plaintiff is deposed in this matter.

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

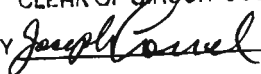
Copies to:

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  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 ADAAA 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 ADAAA 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 ADAAA 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.

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.

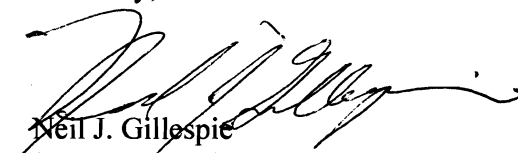
Since then other issues have arisen. Pleadings have been unlawfully removed from the case file and are missing. Judge Cook unlawfully disclosed confidential information by instructing Donna Healy, Associate Courts Director, to docket my HIPAA protected ADA confidential medical information June 21, 2010.

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
CIRCUIT CIVIL DIVISION

NEIL J. GILLESPIE

Case No.: 05-CA-007205

Division: J

Plaintiff(s)/Petitioner

Vs
Barker, Rodems & Cook, PA,

a Florida corporation, and

WILLIAM J. COOK

Defendant(s)

SUBPOENA DUCES TECUM

THE STATE OF FLORIDA:

TO: Major James P. Livingston, Commander, Court Operations Division, HCSO

YOU ARE COMMANDED to appear before the Honorable James D. Arnold, Judge of the Court, at the George Edgecomb County Courthouse, 800 East Twiggs Street in Courtroom 501 in Tampa, Florida, on June 1, 2011, at 11:00AM a.m., to testify in this action and to have with you at that time and place the following:

Letter and email of Maj. Livingston dated January 12, 2011 to Neil Gillespie

If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED on May 19, 2011

Printed: NEIL J. GILLESPIE

Attorney for NEIL J. GILLESPIE, pro se
8092 SW 115th Loop

Ocala, FL 34481

Address

Florida Bar No.: n/a

PAT FRANK
As Clerk of the Court

By: 
As Deputy Clerk
(813) 757-3918 ext.

LAKESSHA MILLS

Any minor subpoenaed for testimony shall have the right to be accompanied by a parent or guardian at all times during the taking of testimony notwithstanding the invocation of the rule of sequestration of section 90.616, Florida Statutes, except upon a showing that the presence of a parent or guardian is likely to have a material, negative impact on the credibility or accuracy of the minor's testimony, or that the interests of the parent or guardian are in actual or potential conflict with the interests of the minor.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs St., Room 604, Tampa, Florida 33602, (813) 272-7040, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

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

NEIL J. GILLESPIE

Case No.: 05-CA-007205

Division: J

Plaintiff(s)/Petitioner

Vs
Barker, Rodems & Cook, PA,

a Florida corporation, and

WILLIAM J. COOK

Defendant(s)

SUBPOENA DUCES TECUM

THE STATE OF FLORIDA:

TO: Ryan Christopher Rodems, attorney representing Barker, Rodems & Cook, PA

YOU ARE COMMANDED to appear before the Honorable James D. Arnold, Judge of the Court, at the George Edgecomb County Courthouse, 800 East Twiggs Street in Courtroom 501 in Tampa Florida, on June 1, 2011, at 11:00AM a.m., to testify in this action and to have with you at that time and place the following:

Letter from Neil Gillespie to Ryan Rodems dated November 8, 2010

If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED on May 19, 2011

Printed: NEIL J. GILLESPIE

Attorney for NEIL J. GILLESPIE, pro se

8092 SW 115th Loop

Ocala, FL 34481

Address

Florida Bar No.: n/a

PAT FRANK

As Clerk of the Court

By: *Lakesha Mills*

As Deputy Clerk

(813) 757-3918 ext.

LAKESHA MILLS



Any minor subpoenaed for testimony shall have the right to be accompanied by a parent or guardian at all times during the taking of testimony notwithstanding the invocation of the rule of sequestration of section 90.616, Florida Statutes, except upon a showing that the presence of a parent or guardian is likely to have a material, negative impact on the credibility or accuracy of the minor's testimony, or that the interests of the parent or guardian are in actual or potential conflict with the interests of the minor.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs St., Room 604, Tampa, Florida 33602, (813) 272-7040, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

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

NEIL J. GILLESPIE

Case No.: 05-CA-007205

Division: J

Plaintiff(s)/Petitioner

Vs

Barker, Rodems & Cook, PA,

a Florida corporation, and

WILLIAM J. COOK

Defendant(s)

SUBPOENA

THE STATE OF FLORIDA:

TO: Deputy Christopher E. Brown, Hillsborough County Sheriff's Office

YOU ARE COMMANDED to appear before the Honorable James D. Arnold, Judge of the Court, at the George Edgecomb County Courthouse, 800 East Twiggs Street in Courtroom 501 in Tampa Florida, on June 1, 2011, at 11:00AM a.m. to testify in this action. If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED on May 19, 2011

Printed: NEIL J. GILLESPIE

Attorney for NEIL J. GILLESPIE, pro se

8092 SW 115th Loop

Ocala, FL 34481

Address

Florida Bar No.: n/a

PAT FRANK

As Clerk of the Court

By:

As Deputy Clerk

(813) 757-3918

ext.

LAKESHA MILLS

Any minor subpoenaed for testimony shall have the right to be accompanied by a parent or guardian at all times during the taking of testimony notwithstanding the invocation of the rule of sequestration of section 90.616, Florida Statutes, except upon a showing that the presence of a parent or guardian is likely to have a material, negative impact on the credibility or accuracy of the minor's testimony, or that the interests of the parent or guardian are in actual or potential conflict with the interests of the minor.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs St., Room 604, Tampa, Florida 33602, (813) 272-7040, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

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

NEIL J. GILLESPIE

Case No.: 05-CA-007205

Division: J

Plaintiff(s)/Petitioner

Vs

Barker, Rodems & Cook, PA,

a Florida corporation, and

WILLIAM J. COOK

Defendant(s)

SUBPOENA

THE STATE OF FLORIDA:

TO: Donna Healy, Associate Courts Director

YOU ARE COMMANDED to appear before the Honorable James D. Arnold, Judge of the Court, at the George Edgecomb County Courthouse, 800 East Twiggs Street in Courtroom 501 in Tampa Florida, on June 1, 2011, at 11:00AM a.m. to testify in this action. If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED on May 19, 2011

Printed: NEIL J. GILLESPIE

Attorney for NEIL J. GILLESPIE, pro se

8092 SW 115th Loop

Ocala, FL 34481

Address

Florida Bar No.: n/a

PAT FRANK

As Clerk of the Court

By:

As Deputy Clerk

(813) 757-3918

ext.

LAKESHA MILLS

Any minor subpoenaed for testimony shall have the right to be accompanied by a parent or guardian all times during the taking of testimony notwithstanding the invocation of the rule of sequestration of section 90.616, Florida Statutes, except upon a showing that the presence of a parent or guardian is likely to have a material, negative impact on the credibility or accuracy of the minor's testimony, or that the interests of the parent or guardian are in actual or potential conflict with the interests of the minor.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs St., Room 604, Tampa, Florida 33602, (813) 272-7040, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

%%

R E C E I P T

Clerk of Circuit Court - CPROD

Receipt Number: 2052784
Date: 27-MAY-2011
Cashier: MILLSL

Payor: NEIL J GILLESPIE
Address: 8892 SW 115TH LOOP
OCALA, FL 34481

Description	Amount
Case: 05-CA-007205	
GILLESPIE;NEIL VS BARKER RODE	
Party: NEIL J GILLESPIE	
CIR CIV-SIGN & SE	8.00

Amount Due:	8.00
Amount Tendered-CASH:	10.00
Change Due:	2.00

Neil Gillespie

From: "Circciv" <CIRCCIV@hillsclerk.com>
To: <neilgillespie@mfi.net>
Sent: Tuesday, May 31, 2011 5:22 PM
Subject: Indigent Status

Dear Mr. Gillespie:

With regard to the review of your civil indigent status, currently, the court should make the final determination of your indigent status.

Thank-you

Hillsborough County Clerk
Circuit Civil Department



Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "Circciv" <CIRCCIV@hillsclerk.com>
Cc: "Allison Raistrick" <raistrick@hillsclerk.com>; "Karin Huffer" <legalabuse@gmail.com>; "Alex Newman" <alexnewman_85@hotmail.com>; "Pat Frank" <frankp@hillsclerk.com>; "Dale Kent Bohner" <bohnerd@hillsclerk.com>; "Mark Ware" <warem@hillsclerk.com>; "Lisa Mann" <mann@hillsclerk.com>
Sent: Sunday, May 29, 2011 10:42 PM
Attach: 2011, 03-03-11, SSD check, \$1,741.pdf; 2011, 05-27-11, Approved, criminal indigent, \$50 receipt, 27.52.pdf
Subject: Re: please read email and attachments
 Hillsborough County Clerk
 Circuit Civil Department

Upon review of section 57.082 Florida Statutes your reliance on my Verified Motion to Proceed in Forma Pauperis, filed May 17, 2011 is unlawful. Under section 57.082(1) a person seeking relief from payment of filing fees based upon an inability to pay must apply to the clerk of the court for a determination of civil indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court.

My Verified Motion to Proceed in Forma Pauperis, filed May 17, 2011 is not an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court. In addition:

Pursuant to 57.082(1)(b) The clerk shall assist a person who requests assistance in completing the application. I request assistance in completing the application.

Pursuant to 57.082(2) The clerk of the court shall determine whether an applicant seeking such designation is indigent based upon the information provided in the application and the criteria prescribed in this subsection. You failed to make the determination based on the application.

Pursuant to 57.082(a)1. An applicant is indigent if the applicant's income is equal to or below 200 percent of the then-current federal poverty guidelines prescribed for the size of the household of the applicant by the United States Department of Health and Human Services.

For a one person household that amount is \$10,890; 200% of that amount is \$21,780. My monthly income is \$1,741 per month, see the attached social security check. My annual income is \$20,892 (\$1,741 x 12). Therefore I qualify as indigent because my annual income of \$20,892 is less than 200% of the federal poverty guidelines prescribed for a one person household. Your reliance on any other calculation is unlawful.

This appears to be the same criteria under 27.52 used by Allison Raistrick of the Clerk's Indigent Screening Unit who determined that I am indigent. See the attached approved application and payment of \$50 fee. Ms. Raistrick should be commended for following the law, and as proscribed below in 57.082(d).

Pursuant to 57.082(d) The duty of the clerk in determining whether an applicant is indigent is limited to receiving the application and comparing the information provided in the application to the criteria prescribed in this subsection. The determination of indigent status is a ministerial act of the clerk and may not be based on further investigation or the exercise of independent judgment by the clerk. The clerk may contract with third parties to perform functions assigned to

the clerk under this section. Since the clerk has not received or reviewed my application, its determination that I am not indigent is unlawful.

It appears you have acted, with malice aforethought, to deny me judicial process under the color of law, and to aggravate my disability. It also appears that Pat Frank, Clerk of the Circuit Court, and counsel Dale Bohner are ultimately responsible for this unlawful denial of judicial process under the color of law, and for aggravation of my disability. It also appears that attorney Mark Ware is complicit, either actively or passively.

A copy of this email is being provided to the Supreme Court of the United States as part of an Emergency Petition for Stay or Injunction. Thank you.

Sincerely,

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

cc: Supreme Court Of The United States (by hard copy)
Ms. Allison Raistrick, Clerk's Indigent Screening Unit
Dr. Karin Huffer, Legal Victim Assistance Advocates
Alex Newman, Liberty Sentinel Media, Inc.
Pat Frank, Clerk of the Circuit Court
Dale Bohner, Legal Counsel to Pat Frank, Clerk of the Circuit Court
Mark Ware, Esq., Director of Appeal, Jury, Mental Health and Probate
Lisa Mann, Associate Director of Appeals Department

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

From: [Circiv](#)

To: [Neil Gillespie](#)

Sent: Friday, May 27, 2011 12:34 PM

Subject: RE: please read email and attachments

Dear Mr. Gillespie:

Thank you for your inquiry regarding the indigency screening process.

Your non-indigency status was determined based upon our following the statutory criteria located within Florida Statute section 57.082, as it related to the information you provided within your Verified Motion to Proceed in Forma Pauperis, filed May 17, 2011. If you disagree with this determination, there is a procedure applicants may follow in the same statute (section 57.082) that will allow the issue to go before the court having jurisdiction over the matter, and that court will follow criteria within the same statute (section 57.082, Florida Statutes) to make the final determination.

If you wish to forego seeking review of this matter by the court, then the fee for the Clerk to issue the subpoenas is \$2.00 for each subpoena, and the fee for the Sheriff to serve the subpoenas is \$40 for each subpoena. We will be glad to process these once we receive the money. Should you decide to seek court review, then we will wait for the final determination to be made by the court. We wait for your decision.

Thank you.

Hillsborough County Clerk
Circuit Civil Department

From: Neil Gillespie [neilgillespie@mfi.net]

Sent: Thursday, May 26, 2011 1:05 PM

To: Circciv

Cc: Michael D. Leffel; Krista J. Sterken; Karin Huffer; Alex Newman; Frank, Pat; Bohner, Dale; Ware, Mark; Mann, Lisa

Subject: Re: please read email and attachments

Hillsborough CountyClerk
Circuit Civil Department

In response to your email, earlier today I spoke with Allison Raistrick, 813-276-8100, x3992 of the Clerk's indigent screening department who said I qualify as indigent based on our discussion. So your response that I do not qualify as indigent is confusing.

My Verified Motion to Proceed in Forma Pauperis filed May 17, 2011 was submitted in paper format and delivered by the US Postal Service to the Clerk of the Circuit Court, P.O. Box 989, Tampa, Florida, 33601, by Express Mail, Article EH600625127US. Attached you will find my cover letter to the Clerk, mailing receipt, and proof of delivery. As such I don't understand your statement that "this office is not receiving pleadings electronically". The pleading was delivered in paper format. A second PDF copy was provided by email to Mark Ware, Esq. as a guide to locate the paper format mailed to the Clerk through the US Postal Service.

While Allison Raistrick determined on the phone that I qualify for indigent status, she said I must come to her office at 700 Twiggs, Room 711 and complete the application in person and on the proper form. Therefore I don't see how you made a determination without a form and not in person. Please explain and identify yourself. Time is of the essence. Thank you.

Sincerely,

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

cc: Mr. Michael D. Leffel, Foley & Lardner LLP
Ms. Krista J. Sterken, Foley & Lardner LLP
Dr. Karen Huffer, Legal Victim Assistance Advocates
Alex Newman, Liberty Sentinel Media, Inc.
Pat Frank, Clerk of the Circuit Court
Dale Bohner, Legal Counsel to Pat Frank, Clerk of the Circuit Court
Mark Ware, Esq., Director of Appeal, Jury, Mental Health and Probate
Lisa Mann, Associate Director of Appeals Department

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

From: [Circciv](#)

To: [Neil Gillespie](#)

Sent: Thursday, May 26, 2011 11:08 AM

Subject: RE: please read email and attachments

Dear Mr. Gillespie:

The Circuit Civil department has received and processed your Verified Motion to Proceed in Forma Pauperis filed on May 17, 2011. Based on the financial information provided, you have been determined to be not indigent (Florida Statute 57.082). Therefore this office, will not be able to issue the subpoenas until \$2 per subpoena is received. Additionally, there is a \$40 service fee (per subpoena) charged by the Hillsborough County Sheriff's office to serve each subpoena.

Please note at this time, this office is not receiving pleadings electronically. In the future, please mail hard copies to P.O. Box 989, Tampa, Florida, 33601. This is to ensure that future pleadings will not be challenged do to electronic format.

Hillsborough CountyClerk
Circuit Civil Department

From: Neil Gillespie [neilgillespie@mfi.net]

Sent: Thursday, May 19, 2011 12:25 PM

To: Circciv

Cc: Frank, Pat; Bohner, Dale; Ware, Mark; Mann, Lisa; Karin Huffer; Alex Newman

Subject: please read email and attachments

Clerk of the Court
Circuit Civil Division

To Whom It May Concern:

Mark Ware in appeals provided you as contact. Attached you will find my Verified Motion to Proceed in Forma Pauperis in PDF. The original was filed May 17, 2011. Please advise if this is sufficient.

Also attached you will find the following in PDF:

Form 1.910(a), Subpoena, Deputy Christopher E. Brown, signed by NJG

Form 1.910(a), Subpoena, Donna Healy, Associate Courts Director, signed by NJG

Form 1.911(a), Subpoena Duces Tecum, Major James P. Livingston, signed by NJG

Form 1.911(a), Subpoena Duces Tecum, Ryan Rodems, signed by NJG

Please advise if the Clerk's signature is required, and if so, how I can do that by mail. I live in Ocala, Florida, a 200 mile round-trip from the court. Thank you.

Sincerely,

Neil J. Gillespie, pro se nonlawyer
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: (352) 854-7807
Email: neilgillespie@mfi.net

cc: Pat Frank, Clerk
cc: Dale Bohner, Legal Counsel
cc: Mark Ware
cc: Lisa Mann
cc: Dr. Huffer



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

STATE OF FLORIDA vs. Neil Gillespie

CASE NO. 05-CA-007205

Defendant/Minor Child

APPLICATION FOR CRIMINAL INDIGENT STATUS

☒ I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER

OR

☐ I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$50.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

- I have 0 dependents. (Do not include children not living at home and do not include a working spouse or yourself.)
- I have a take home income of \$ 1744 paid () weekly () bi-weekly () semi-monthly () monthly () yearly
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court-ordered support payments)
- I have other income paid () weekly () bi-weekly () semi-monthly () monthly () yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Social Security benefits.....	Yes \$ <u>1744</u>	No	Veterans' benefit.....	Yes \$	No
Unemployment compensation.....	Yes \$	No	Child support or other regular support from family members/spouse.....	Yes \$	No
Union Funds.....	Yes \$	No	Rental income.....	Yes \$	No
Workers compensation.....	Yes \$	No	Dividends or interest.....	Yes \$	No
Retirement/pensions.....	Yes \$	No	Other kinds of income not on the list.....	Yes \$	No
Trusts or gifts.....	Yes \$	No			
- I have other assets: (Circle "Yes" and fill in the value of the property, otherwise circle "No." Use the back of this form to provide additional information.)

Cash.....	Yes \$ <u>60</u>	No	Savings.....	Yes \$	No
Bank account(s).....	Yes \$	No	Stocks/bonds.....	Yes \$	No
Certificates of deposit or money market accounts.....	Yes \$	No	*Equity in Real estate (excluding homestead).....	Yes \$	No
*Equity in Motor Vehicles/Boats/Other tangible property.....	Yes \$ <u>300</u>	No	*Equity means value minus loans. Also list any expectancy in an interest in such property.		

List the year/make/model and tag #: 1998 Dodge Van
75# X4254

List the address of this property:
Address _____
City, State, Zip _____
County of Residence _____
- I have a total amount of liabilities and debts in the amount of \$ 44,000
- I receive: (Circle "Yes" or "No")

Temporary Assistance for Needy Families-Cash Assistance.....	Yes	No
Poverty-related veterans' benefits.....	Yes	No
Supplemental Security Income (SSI).....	Yes	No
- I have been released on bail in the amount of \$ 25 Cash 25 Surety _____ Posted by: Self _____ Family _____ Other _____

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S., commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this 27 day of May, 2011.

Date of Birth 3-19-1956

Driver's license or ID number G421-630-56090

Signature of Applicant for Indigent Status

Print Full Legal Name

Address

City, State, Zip

Phone number

Neil S Gillespie
8092 SW 115th Ave
OCALA, FL 34827
352-854-7807

CLERK'S DETERMINATION

☒ Based on the information in this Application, I have determined the applicant to be ☒ Indigent () Not Indigent

☒ The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this 27 day of May, 2011

Deputy Clerk

PAT FRANK
Clerk of the Circuit Court

This form was completed with the assistance of _____
Clerk/Deputy Clerk/Other authorized person

APPLICANTS FOUND NOT INDIGENT MAY SEEK REVIEW BY ASKING FOR A HEARING TIME. Sign here if you want the judge to review the clerk's decision of not indigent.