

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

NEIL J. GILLESPIE

Appellant,

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

vs.

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

Appellees.

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**APPELLANT'S MOTION TO AMEND NOTICE OF APPEAL**

Appellant pro se, Neil J. Gillespie ("Gillespie") moves to amend his Notice of Appeal and states:

1. Appellant filed a timely Notice of Appeal October 22, 2010 in the lower tribunal that was transmitted to this Court and assigned case number 2D10-5197. Appellant appealed Final Summary Judgment As To Count 1, September 28, 2010, and Order Adjudging Plaintiff Neil J. Gillespie Contempt, September 30, 2010.
2. Subsequently Judge Martha Cook entered a number of additional orders, one prohibiting Gillespie from appearing pro se. Gillespie moves to amend his notice of appeal to include orders prohibiting him from appearing pro se, including:
  - a. Order To Show Cause Why Plaintiff Should Not Be Prohibited From Appearing Pro Se, November 4, 2010, *allowing 20 days for Plaintiff to respond*; (Exhibit 1)
  - b. Order Prohibiting Plaintiff From Appearing Pro Se, November 15, 2010, *entered before the time expired for Plaintiff to respond to the Order to Show Cause*. (Exhibit 2)

3. The Order Prohibiting Plaintiff From Appearing Pro Se was entered November 15, 2010 by Judge Cook. (Exhibit 2). On its face the Order is a sham, because Judge Cook entered the Order before the time expired for Gillespie to respond. Judge Cook's Order to Show Cause Why Plaintiff Should Not Be Prohibited From Appearing Pro Se was entered November 4, 2010 (Exhibit 1) and mandates:

It is therefore **ORDERED** that Plaintiff **SHALL RESPOND** to the motion, in writing, within twenty days of the date of this order and **SHOW CAUSE**, if any, why the Clerk of Court should not be instructed to reject for filing any future pleadings, petitions, motions or other documents which he submits for filing unless they are signed by a member of The Florida Bar.

The twenty day time period to respond would have run through November 24, 2010 plus an additional 5 days for service by mail, or November 29, 2010. Order Prohibiting Plaintiff From Appearing Pro Se was entered November 15, 2010 thereby denying Gillespie nine (9) days to respond.

4. The Order Prohibiting Plaintiff From Appearing Pro Se (Exhibit 2) states this case is presently pending appellate review of a final summary judgment order and "There is nothing left to litigate at this time." (§ 2). Yet Mr. Rodems continued to file pleadings in the trial court to disrupt the appeal in 2D10-5197, and force a settlement from Gillespie while in custody of the Hillsborough County Sheriff's Office on a writ of bodily attachment that followed another sham Order of Judge Cook, Order Adjudging Plaintiff Neil J. Gillespie Contempt, entered September 30, 2010, and subsequently impeached by a January 12, 2011 letter from Major Livingston, the HCSO Commander of Court Operations.

5. On April 26, 2011 Mr. Rodems moved to strike Gillespie's pleadings with Defendants' Motion To Strike Pro Se Filings By Plaintiff. (Exhibit 4).

6. Judge Cook was a defendant in a federal lawsuit when the Orders in Exhibits 1 and 2 were issued, and therefore Judge Cook had a conflict of interest with Gillespie, who was a plaintiff in the federal lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida, et al., case no. 5:10-cv-00503, US District Court, MD FL, Ocala Division.

7. Mr. Rodems and William J. Cook, partners at Barker, Rodems & Cook, P.A., and Appellees and Appellees' counsel in this case and appeal, have made campaign contributions to Judge Martha Cook. Gillespie did not make a campaign contribution to Judge Cook, putting him at severe disadvantage. University of Tennessee College of Law Professor Benjamin H. Barton, author of the book "The Lawyer-Judge Bias in the American Legal System", wrote that virtually all American judges are former lawyers, a shared background that results in the lawyer-judge bias. Professor Barton's book argues that these lawyer-judges instinctively favor the legal profession in their decisions and that this bias has far-reaching and deleterious effects on American law. Professor Barton discussed this in a YouTube video [http://www.youtube.com/watch?v=Hbs\\_3lePAjE&feature=player\\_embedded](http://www.youtube.com/watch?v=Hbs_3lePAjE&feature=player_embedded)

8. The timing of Judge Cook's Order, November 15, 2010, is suspect and coincides with her Order Denying Fourth Motion To Disqualify Trial Judge of even date which showed Judge Cook was insolvent. Judge Cook's Order prohibiting Gillespie from appearing pro se was an effort to silence legitimate inquiry into her financial affairs, which showed that Judge Cook was insolvent due to a near-collapse of the family business, Community Bank of Manatee, which was operating under Consent Order, FDIC-09-569b and OFR 0692-FI-10/09. As shown in Plaintiff's 4th Motion To Disqualify Judge Martha J. Cook, filed November 10, 2010, Judge Cook's

financial affairs violated the Code of Judicial Canons 2, 3, 5 and 6. Judge Cook's small (\$276M) nonmember FDIC insured bank lost over \$10 million dollars in 2009 and 2010. In 2009 the bank sold a controlling interest to a foreign national, who during the review process in Florida, failed to disclose that his past employer, ABN AMRO Bank, faced one of the largest Money Laundering and Trading With The Enemy cases ever brought by the Department of Justice.

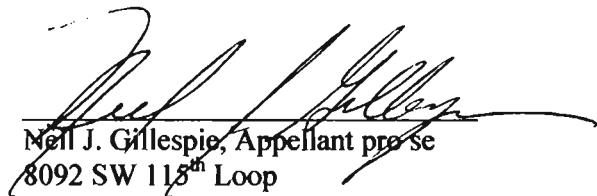
9. Judge Cook recused herself sua sponte November 18, 2010, the same day Gillespie filed his Verified Emergency Motion For Writ of Prohibition and Motion for Order of Protection in this Court, case no. 2D10-5529.

10. For almost eight (8) months the Clerk of the Circuit Court did not comply with Judge Cook's Order Prohibiting Plaintiff From Appearing Pro Se and accepted Gillespie's filings. (Exhibit 3). However in a letter dated July 11, 2011 (received by Gillespie July 14, 2011) the Clerk returned Gillespie's filings submitted July 6, 2011 and filed July 7, 2011. (Exhibit 5). The Clerk even struck her own "filed" stamp. The Clerk returned Gillespie's Motion to Strike or Set Aside Joint Stipulation For Dismissal With Prejudice, and Motion to Strike or Set Aside Settlement Agreement. (Exhibit 5). 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. Appellant did not receive notice that his pleading would be struck by the Clerk after the Clerk filed the pleading July 7, 2011. The Clerk 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). The Clerk has failed her duty to maintain the file in this case.

11. Given that the Order Prohibiting Plaintiff From Appearing Pro Se is a sham as set forth in paragraph 3, and that the Clerk failed to maintain the file as set forth in the preceding paragraph, perhaps this Court could strike sua sponte the Order. Gillespie is unable to find counsel willing to sign his pleadings, given the nature of Mr. Rodems' litigation style, which was described by Gillespie's former counsel Mr. Bauer as a "full nuclear blast approach" and a "full blast attack".

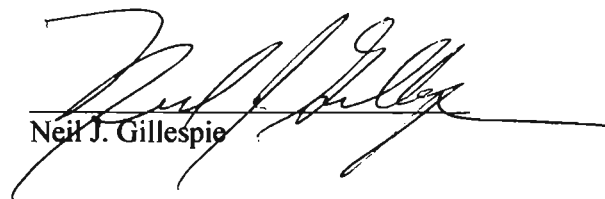
WHEREFORE, Appellant moves for leave to amend his Notice of Appeal, or other relief this Court deems appropriate, including striking the Order Prohibiting Plaintiff From Appearing Pro Se, or compelling the Clerk to reinstate Gillespie's pleadings filed July 7, 2011.

RESPECTFULLY SUBMITTED July 18, 2011.

  
Neil J. Gillespie, Appellant pro se  
8092 SW 115<sup>th</sup> Loop  
Ocala, Florida 34481  
(352) 854-7807

Certificate of Service

I HEREBY CERTIFY that a PDF CD copy of the foregoing was mailed July 18, 2011 to Ryan C. Rodems, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602.

  
Neil J. Gillespie

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

NEIL J. GILLESPIE

Appellant,

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

vs.

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

Appellees.

---

**APPELLANT'S MOTION TO AMEND NOTICE OF APPEAL**

**APPENDIX**

- Exhibit 1     Order To Show Cause Why Plaintiff Should Not Be Prohibited From Appearing Pro Se, November 4, 2010, *allowing 20 days for Plaintiff to respond*
- Exhibit 2     Order Prohibiting Plaintiff From Appearing Pro Se, November 15, 2010, *entered before the time expired for Plaintiff to respond to the Order to Show Cause.*
- Exhibit 3     Letter of Ryan C. Rodems to the Clerk, May 31, 2011.
- Exhibit 4     Defendants' Motion To Strike Pro Se Filings By Plaintiff, April 26, 2011
- Exhibit 5     Letter from the Clerk of the Circuit Court to Gillespie, July 11, 2011, with enclosures.

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

**NEIL J. GILLESPIE,  
Plaintiff,**

**CASE ID: 05-CA-7205**

v.

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

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**DIVISION: G**

**ORDER TO SHOW CAUSE WHY PLAINTIFF  
SHOULD NOT BE PROHIBITED FROM APPEARING PRO SE**

**THIS MATTER** is before the Court on Defendants’ “motion for an order to show cause as to why Plaintiff should not be prohibited from henceforth appearing *pro se*,” filed on July 29, 2010. It is alleged that Plaintiff is an abusive litigant who should not be permitted to file further pleadings in this cause unless they are first reviewed and signed by an attorney licensed to practice law in this state. The catalogue of Plaintiff’s disruptive conduct is extensive.

The court is ever mindful of the constitutional right each citizen enjoys to access the courts of this state for the redress of their grievances.<sup>1</sup> The court is equally mindful that this is a right shared by all of this state’s citizens. Without each court’s attention to the efficient administration of justice and without each litigant’s exercise of decorum, discretion and competence in the pursuit of their claims, the right of all to access the courts becomes, in application, one which is exercised only by the litigant whose voice is loudest and whose presence is most disruptive. This the constitution does not require. The constitution grants no particular individual the right to waste those judicial resources which are vouchsafed to us all equally – judicial resources are scarce and they must be allocated prudently so that all citizens may benefit from them. And so there are standards, both of competence and of decency, which each litigant is expected to meet in the pursuit of justice. The *pro se* litigant is held to the same standard of competency as an

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<sup>1</sup> See Article I, s. 21, Florida Constitution.

attorney.<sup>2</sup> And he must adhere to the rules of court and of civil procedure as would any member of the Bar.<sup>3</sup> There is no reason to hold the *pro se* litigant to a lesser standard of decency. So we may justly look to the rules of professional conduct as well as to our common notions of decorum to find what conduct is required of every litigant. The motion alleges many facts which contradict these ideals. An abusive litigant will not be tolerated to handicap the judicial function upon which all citizens depend.<sup>4</sup>

It is therefore **ORDERED** that Plaintiff **SHALL RESPOND** to the motion, in writing, within twenty days of the date of this order and **SHOW CAUSE**, if any, why the Clerk of Court should not be instructed to reject for filing any future pleadings, petitions, motions or other documents which he submits for filing unless they are signed by a member of The Florida Bar. Failure to file a timely response to the motion may result in its being granted.

**DONE AND ORDERED** in Chambers in Hillsborough County, Florida, this \_\_\_\_ day of November, 2010.

ORIGINAL SIGNED  
NOV 16 2010  
MARTHA J. COOK, Circuit Judge  
MARTHA J. COOK  
CIRCUIT JUDGE

Send copies to:  
Neil J. Gillespie  
Plaintiff  
8092 SW 115<sup>th</sup> Loop  
Ocala, FL 34481

Ryan Christopher Rodems, Esquire  
Attorney for Defendant  
400 N Ashley Drive  
Suite 2100  
Tampa, FL 33602

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<sup>2</sup> See *Kohn v. City of Miami Beach*, 611 So. 2d 538, 539-40 (Fla. 3d DCA 1993).

<sup>3</sup> See *Carr v. Grace*, 321 So. 2d 618 (Fla. 3d DCA 1975), *cert. denied*, 348 So. 2d 945 (Fla. 1977).

<sup>4</sup> See e.g. *Day v. State*, 903 So. 2d 886, 888 (Fla. 2005); *Platel v. Maguire, Voorhies & Wells, P.A.*, 436 So. 2d 303, 304 (Fla. 5<sup>th</sup> DCA 1983).



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

**NEIL J. GILLESPIE,**  
Plaintiff,

CASE ID: 05-CA-7205

v.

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

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DIVISION: G

**ORDER PROHIBITING PLAINTIFF FROM APPEARING PRO SE**

**THIS MATTER** is before the Court on Defendants' "motion for an order to show cause as to why Plaintiff should not be prohibited from henceforth appearing *pro se*," filed on July 29, 2010. It is alleged that Plaintiff is an abusive litigant who should not be permitted to file further pleadings in this cause unless they are first reviewed and signed by an attorney licensed to practice law in this state. Defendants allege that Plaintiff's prosecution is an affront to the dignity of the judicial system and an unacceptable burden on its resources. On November 4, 2010, this court issued the order to show cause why Plaintiff should not be prohibited from appearing *pro se*.

Among Plaintiff's response were his fourth and fifth attempts to disqualify this court. This response is typical of Plaintiff's litigation style. And his continuing course of conduct in this case is all the more troublesome because this case is presently pending appellate review of a final summary judgment order. There is nothing left to litigate at this time. Yet Plaintiff continues to file spurious pleadings with this court, each of which must be reviewed and evaluated by members of the court staff. For these reasons and the reasons enumerated in the motion, the Court hereby finds that Plaintiff is an abusive litigant and, in order to preserve both the dignity and the efficient operation of the judicial system, his right to full access to the court should be curtailed to the extent described in this order. Plaintiff is hereby **PROHIBITED** from filing any paper with this court which is not signed by an attorney duly licensed to practice law in the State of Florida.

The Court therefore **ORDERS** as follows:

1. Plaintiff **SHALL CEASE** filing any pleading, correspondence, or other document in this case unless the document is signed by an attorney who is duly licensed to practice law in the State of Florida.
2. The Clerk of Court **SHALL REJECT** for filing any document received from Plaintiff which does not bear the clear and conspicuous signature of an attorney duly licensed to practice law in this state.
3. The Clerk of Court **SHALL NOT DOCKET** any pleading, correspondence or other document received from Plaintiff which is prohibited by this order.

**DONE AND ORDERED** in Chambers in Hillsborough County, Florida, this 15<sup>th</sup> day of November, 2010.

ORIGINAL SIGNED

**NOV 15 2010**

**MARTHA J. COOK**, Circuit Judge

MARTHA J. COOK  
CIRCUIT JUDGE

Send copies to:

Neil J. Gillespie  
Plaintiff  
8092 SW 115<sup>th</sup> Loop  
Ocala, FL 34481

Ryan Christopher Rodems, Esquire  
Attorney for Defendant  
400 N Ashley Drive  
Suite 2100  
Tampa, FL 33602

10 4

**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

May 31, 2011

RECEIVED  
JUL 11 2011  
CIRCUIT CIVIL

Honorable Pat Frank  
Clerk of the Circuit Court  
Thirteenth Judicial Circuit  
Post Office Box 989  
Tampa, Florida 33601

**Re: Neil J. Gillespie v. Barker, Rodems & Cook, P.A.,  
a Florida Corporation; and William J. Cook  
Case No.: 05-CA-7205; Division "J"**

JM

Dear Ms. Frank:

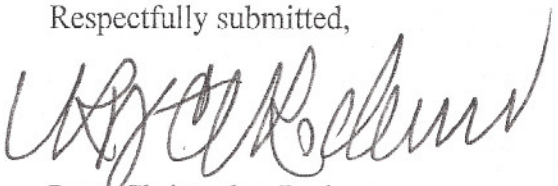
I am counsel for William J. Cook and Barker, Rodems & Cook, P.A. in case number 05-CA-7205.

On November 15, 2010, Judge Cook entered an Order barring the Plaintiff, Neil J. Gillespie, from appearing pro se, and also directing the Clerk's office not to accept any more filing from Mr. Gillespie. Since that time, the Clerk's office has accepted a number of filings from Mr. Gillespie.

A copy of Judge Cook's Order is enclosed.

Would you please explain why your office has not complied with Judge Cook's Order?

Respectfully submitted,



Ryan Christopher Rodems

**EXHIBIT**  
**3**

RCR/so  
Enclosure

**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.: 05-CA-007205**

**Division: J**

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

**Defendants.**

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**DEFENDANTS' MOTION TO STRIKE PRO SE FILINGS BY PLAINTIFF**

Defendants Barker, Rodems & Cook, P.A. and William J. Cook move to strike all pro se filings by Plaintiff Neil J. Gillespie on or after November 15, 2010, and as grounds therefor would state:

1. On November 15, 2010, this Court entered the Order Prohibiting Plaintiff from Appearing Pro Se (November 15, 2010 Order), which Plaintiff did not appeal. A true and correct copy of the November 15, 2010 Order is attached hereto.
2. In the November 15, 2010 Order, the Court found “that Plaintiff is an abusive litigant and, in order to preserve both the dignity and the efficient operation of the judicial system . . . Plaintiff is hereby **PROHIBITED** from filing any paper with this court which is not signed by an attorney duly licensed to practice law in the State of Florida.” (Emphasis in original).
3. The November 15, 2010 Order also directed the Clerk to reject any filings from Plaintiff and to not docket any filings from Plaintiff.
4. In contumacious disregard of the November 15, 2010 Order, Plaintiff continues to file documents without the signature of an attorney duly licensed to practice in the State of Florida.

**EXHIBIT**

**4**

WHEREFORE, Defendants move to strike Plaintiffs' filings on or after November 15, 2010 that are not signed by an attorney duly licensed to practice in the State of Florida.

DATED this 26th day of April, 2011.



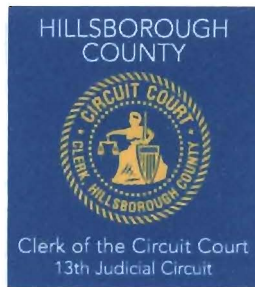
RYAN CHRISTOPHER RODEMS, ESQUIRE  
Florida Bar No. 947652  
Barker, Rodems & Cook, P.A.  
400 North Ashley Drive, Suite 2100  
Tampa, Florida 33602  
Telephone: 813/489-1001  
Facsimile: 813/489-1008  
Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail to Neil J. Gillespie, 8092 SW 115<sup>th</sup> Loop, Ocala Florida 34481 this 26th day of April, 2011.



Ryan Christopher Rodems, Esquire



July 11, 2011

Neil J. Gillespie  
8092 SW 115<sup>th</sup> Loop  
Ocala, FL 34481

Mr. Gillespie:

RE: Case # 05-CA-7205

This office is returning the following pleadings pursuant to the attached court order signed on November 15, 2010:

1. Letter to clerk dated July 6, 2011.
2. Plaintiff's Motion to Strike or Set Aside Joint Stipulation for Dismissal with Prejudice and Plaintiff's Motion to Strike or Set Aside Settlement Agreement.
3. Plaintiff's Motion to Strike or Set Aside Joint Stipulation for Dismissal with Prejudice and Plaintiff's Motion to Strike or Set Aside Settlement Agreement. Appendix 1.
4. Plaintiff's Motion to Strike or Set Aside Joint Stipulation for Dismissal with Prejudice and Plaintiff's Motion to Strike or Set Aside Settlement Agreement. Appendix 2.

Thank you,

Clerk Of Circuit Court  
Circuit Civil Division  
Hillsborough County, Florida

**EXHIBIT**

**5**

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

NEIL J. GILLESPIE,  
Plaintiff,

CASE ID: 05-CA-7205

v.

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

DIVISION: G

ORDER PROHIBITING PLAINTIFF FROM APPEARING PRO SE

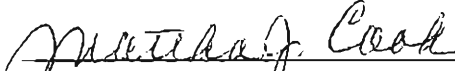
**THIS MATTER** is before the Court on Defendants' "motion for an order to show cause, as to why Plaintiff should not be prohibited from henceforth appearing *pro se*," filed on July 29, 2010. It is alleged that Plaintiff is an abusive litigant who should not be permitted to file further pleadings in this cause unless they are first reviewed and signed by an attorney licensed to practice law in this state. Defendants allege that Plaintiff's prosecution is an affront to the dignity of the judicial system and an unacceptable burden on its resources. On November 4, 2010, this court issued the order to show cause why Plaintiff should not be prohibited from appearing *pro se*.

Among Plaintiff's response were his fourth and fifth attempts to disqualify this court. This response is typical of Plaintiff's litigation style. And his continuing course of conduct in this case is all the more troublesome because this case is presently pending appellate review of a final summary judgment order. There is nothing left to litigate at this time. Yet Plaintiff continues to file spurious pleadings with this court, each of which must be reviewed and evaluated by members of the court staff. For these reasons and the reasons enumerated in the motion, the Court hereby finds that Plaintiff is an abusive litigant and, in order to preserve both the dignity and the efficient operation of the judicial system, his right to full access to the court should be curtailed to the extent described in this order. Plaintiff is hereby **PROHIBITED** from filing any paper with this court which is not signed by an attorney duly licensed to practice law in the State of Florida.

The Court therefore **ORDERS** as follows:

1. Plaintiff **SHALL CEASE** filing any pleading, correspondence, or other document in this case unless the document is signed by an attorney who is duly licensed to practice law in the State of Florida.
2. The Clerk of Court **SHALL REJECT** for filing any document received from Plaintiff which does not bear the clear and conspicuous signature of an attorney duly licensed to practice law in this state.
3. The Clerk of Court **SHALL NOT DOCKET** any pleading, correspondence or other document received from Plaintiff which is prohibited by this order.

**DONE AND ORDERED** in Chambers in Hillsborough County, Florida, this 15<sup>th</sup> day of November, 2010.

  
\_\_\_\_\_  
**MARTHA J. COOK**, Circuit Judge

Send copies to:  
Neil J. Gillespie  
Plaintiff  
8092 SW 115<sup>th</sup> Loop  
Ocala, FL 34481

Ryan Christopher Rodems, Esquire  
Attorney for Defendant  
400 N Ashley Drive  
Suite 2100  
Tampa, FL 33602



July 6, 2011

**Clerk of the Circuit Court**  
**Circuit Civil**  
P.O. Box 989  
Tampa, FL 33601-0989

RE: Gillespie v. Barker, Rodems & Cook, P.A., et al, Case no: 2005 CA-7205, Division J

Kindly date stamp and file the following:

1. **PLAINTIFF'S MOTION TO STRIKE OR SET ASIDE JOINT  
STIPULATION FOR DISMISSAL WITH PREJUDICE and PLAINTIFF'S  
MOTION TO STRIKE OR SET ASIDE SETTLEMENT AGREEMENT**

Appendix 1

Appendix 2

Thank you.



Neil Gillespie  
8092 SW 115<sup>th</sup> Loop  
Ocala, FL 34481

cc: Mr. Rodems

FILED  
JUL 11 2011  
CLERK OF THE CIRCUIT COURT  
TAMPA, FLORIDA

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.

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.: 05-CA-007205

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.: 05-CA-007205

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   |