

IN THE SUPREME COURT OF THE  
STATE OF FLORIDA

NEIL J. GILLESPIE

Petitioner,

Case No.: SC11-1622

Lower Tribunal No(s): 2D10-5197,  
05-CA-7205

vs.

BARKER, RODEMS & COOK, ET AL.

Respondents.

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**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF MANDAMUS**

1. This Court on August 22, 2011 allowed to and including September 12, 2011 in which to file a proper petition for writ of mandamus that complies with Florida Rule of Appellate Procedure 9.100, addressing why the proceedings in the district court of appeal should not have been dismissed.

2. Pursuant to Rule 9.300, Fla. R. App. P., Petitioner moves for an extension of thirty (30) days time in which to file his petition for writ of mandamus. In support thereof Petitioner states:

(a) Due to the scope of, and time needed to prepare, a proper petition for writ of mandamus that complies with Rule 9.100, Fla. R. App. P., the additional time is needed.

(b) Petitioner is awaiting a response to a records request from the Hillsborough County Sheriff's Office (HCSO) as to the "specific orders and instructions of Judge Arnold" to the HCSO about Petitioner's custody with the HCSO June 21, 2011, and other such. A copy of the request is Exhibit 1 in the Appendix. Petitioner informally requested

this information from HCSO Major James Livingston, Commander of Court Operations, and later from HCSO General Counsel Tony Peluso, but neither provided the records.

(c) Petitioner is awaiting a response to a records request from the Marion County Sheriff's Office relative to a warrant for Petitioner's arrest by Judge Arnold on the motion of Ryan Christopher Rodems, counsel for Respondents. A copy of the request is Exhibit 2 in the Appendix.

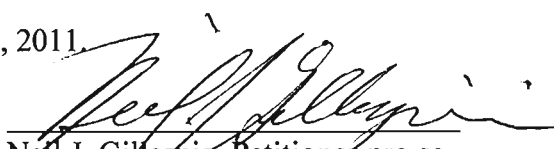
(d) Petitioner notified Richard Lee Reporting that the transcript of the proceedings of June 21, 2011, needed for the Appendix to a proper petition for writ of mandamus, have a significant number of issues that must be addressed, which process is underway. A copy of the notification is Exhibit 3 in the Appendix.

(f) Petitioner is disabled as set forth in a letter by Dr. Karin Huffer dated October 28, 2010. A copy of Dr. Huffer's letter is Exhibit 4 in the Appendix.

3. Petitioner did not confer with opposing counsel, Ryan Christopher Rodems, as to whether he objects to this motion; it is assumed he would object. Mr. Rodems has been uncooperative and disruptive throughout this litigation because his independent professional judgment is materially limited by his own interest and conflict, as will be set forth in the petition for writ of mandamus.

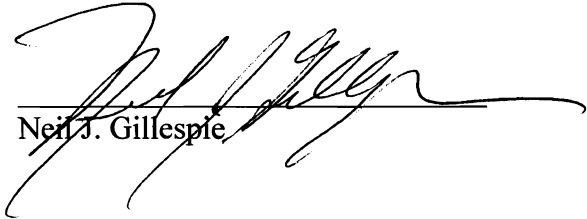
WHEREFORE, Petitioner moves for an extension of thirty (30) days time in which to file his petition for writ of mandamus.

RESPECTFULLY SUBMITTED August 29, 2011.

  
Neil J. Gillespie, Petitioner pro se  
8092 SW 415<sup>th</sup> Loop  
Ocala, Florida 34481  
Telephone: (352) 854-7807

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed August 29, 2011 to  
Ryan Christopher Rodems, Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite  
2100, Tampa, Florida 33602.

  
Neil J. Gillespie

IN THE SUPREME COURT OF THE  
STATE OF FLORIDA

NEIL J. GILLESPIE

Petitioner,

Case No.: SC11-1622

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05-CA-7205

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**APPENDIX**

**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF MANDAMUS**

Exhibit 1      Records request, Hillsborough County Sheriff's Office (HCSO)

Exhibit 2      Records request, Marion County Sheriff's Office

Exhibit 3      Notice, Richard Lee Reporting

Exhibit 4      Letter by Dr. Karin Huffer dated October 28, 2010

VIA US EXPRESS MAIL, RRR  
EH 601810920 US

August 25, 2011

Ms. Barbara Sanchez, RECORDS  
Hillsborough Co. Sheriff's Office  
P.O. Box 3371  
Tampa, Florida 33601

Dear Ms. Sanchez:

Enclosed you will find a USPS money order in the amount of \$12 payable to the Hillsborough County Sheriff's Office for public records per Tony Peluso's email of July 15, 2011 which I faxed you August 24, 2011, and emailed you August 23, 2011 (you claimed the email was not received). By the way, it appears Peluso copied you on his email of July 15, 2011, so you should already have this communication. Copies of all the emails are enclosed in this letter too.

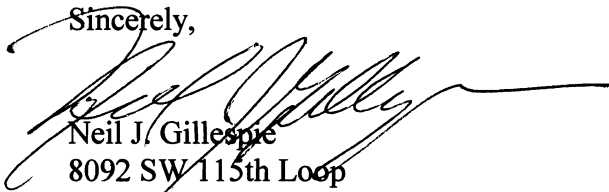
This is what I am seeking, and you can obtain the information from Major James Livingston:

1. Why wasn't I given anything to eat while in custody of the HCSO June 21, 2011 from 10 AM until after 3:00 PM? Kindly provide records or information responsive to this query.
2. What "specific orders and instructions of Judge Arnold" did the HCSO receive about my custody with the HCSO June 21, 2011? Provide records or information responsive to this query.

Once I have responses to the above, then we can proceed with the other information like the SOPs. But I want the above items first. This matter is now before the Florida Supreme Court in Case Number SC11-1622. Time is of the essence. If you have any questions, please contact me.

Please advise the undersigned why my email to your address "bsanchez@hcsa.tampa.fl.us" was not received by you. Thank you.

Sincerely,



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

(352) 854-7807  
neilgillespie@mfi.net

Enclosures: USPS money order in the amount of \$12 payable to Hillsborough Co. Sheriff's Office; copies of emails and fax communication with Tony Peluso



Sheriff Ed Dean  
Marion County Sheriff's Office  
692 NW 30th Ave.  
Ocala, Florida 34475

August 18, 2011

RE: Arrest warrant politically motivated to force settlement in federal Civil Rights and ADA lawsuit, Neil J. Gillespie v. Thirteenth Judicial Circuit, Florida, et. al, case no. 5:10-cv-00503-oc, US District Court, MD Florida, Ocala Division

Dear Sheriff Dean:

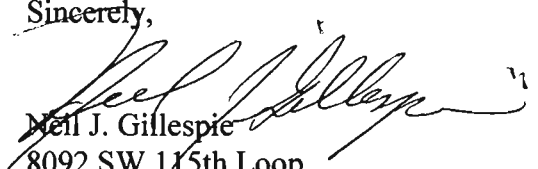
Enclosed you will find a copy of an arrest warrant for me issued June 1, 2011 by Circuit Judge James D. Arnold of the Thirteenth Judicial Circuit. It was for a writ of bodily attachment on civil contempt in a civil lawsuit against my former lawyers who defrauded me in the settlement of prior litigation. That case was Neil J. Gillespie v. Barker, Rodems & Cook, P.A., et. al, case no. 05-CA-007205, Circuit Civil, Hillsborough Co., 13th Circuit. Also enclosed is a copy of Judge Arnold's Order rescinding the writ of bodily attachment and arrest warrant.

On June 21, 2011 I voluntarily appeared for a deposition at the Edgecomb Courthouse in Tampa, but that turned out to be a trap to force a settlement in the above captioned lawsuits. After being held in custody without the usual meals provided an inmate, I developed hypoglycemia (I have Type 2 diabetes), became confused, and signed a settlement while in a diminished state. Once I was released from custody and had a meal I realized the settlement was a mistake. The state refused to provide ADA accommodations, see the enclosed letter from Dr. Karin Huffer.

This is a request to the Marion Co. Sheriff's Office for information or records related to the arrest warrant and your office. Deputy Carl Dunlap actively sought my arrest on the warrant. Deputy Dunlap spoke with attorney Eugene P. Castagliuolo of Clearwater who purportedly represented me, but flipped once I was in custody. Sergeant Parr was involved in the service of process and perhaps other aspects. Sergeant Parr may have spoken with Maj. James Livingston of the HCSO.

At the time I assume your office was not aware of the misuse of judicial process under the color of law by Judge Arnold and the Thirteenth Circuit to force me to settle the aforementioned litigation. Thank you in advance for your cooperation in providing the requested information.

Sincerely,

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

Enclosures

VIA USPS Certified Mail, RRR, Article No. 7010 1670 0001 9008 0574



VIA Fax (813) 225-1768  
Email @ warren@richardleereporting.com  
USPS Certified Mail, RRR  
Article No.: 7010 1670 0001 9008 0550

August 17, 2011

Mr. Warren A Lee, President  
Richard Lee Reporting, Inc.  
100 North Tampa Street, Suite 2060  
Tampa, Florida 33602

RE: Gillespie v. Barker, Rodems & Cook, PA, et al., case no. 05-CA-7205  
Hillsborough Circuit Civil Court, Tampa, Florida  
Proceedings of June 21, 2011 reported by Kimberly Himes

Dear Mr. Lee:

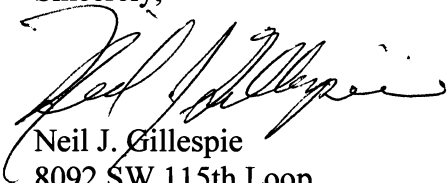
This will acknowledge receipt of the transcript of the proceedings June 21, 2011 and the Signature Page/Errata Sheet in the above captioned litigation.

Please take notice that the transcript has a significant number of issues that must be addressed. I am in the process of making corrections and/or amendments and other such.

Due to the significant number of issues that must be addressed, this process is taking longer than anticipated. I hope to have this work done by the end of the month. Once the corrections and/or amendments and other such are made, I will forward same to you.

Please contact me if you have any questions. Thank you.

Sincerely,



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

(352) 854-7807  
neilgillespie@mfi.net

## DR. KARIN HUFFER

Licensed Marriage and Family Therapist #NV0082  
ADAAA Titles II and III Specialist  
Counseling and Forensic Psychology  
3236 Mountain Spring Rd. Las Vegas, NV 89146  
702-528-9588 www.lvaallc.com

October 28, 2010

To Whom It May Concern:

I created the first request for reasonable ADA Accommodations for Neil Gillespie. The document was properly and timely filed. As his ADA advocate, it appeared that his right to accommodations offsetting his functional impairments were in tact and he was being afforded full and equal access to the Court. Ever since this time, Mr. Gillespie has been subjected to ongoing denial of his accommodations and exploitation of his disabilities

As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.

While my work is as a disinterested third party in terms of the legal particulars of a case, I am charged with assuring that the client has equal access to the court physically, psychologically, and emotionally. Critical to each case is that the disabled litigant is able to communicate and concentrate on equal footing to present and participate in their cases and protect themselves.

Unfortunately, there are cases that, due to the newness of the ADAAA, lack of training of judicial personnel, and entrenched patterns of litigating without being mandated to accommodate the disabled, that persons with disabilities become underserved and are too often ignored or summarily dismissed. Power differential becomes an abusive and oppressive issue between a person with disabilities and the opposition and/or court personnel. The litigant with disabilities progressively cannot overcome the stigma and bureaucratic barriers. Decisions are made by medically unqualified personnel causing them to be reckless in the endangering of the health and well being of the client. This creates a severe justice gap that prevents the ADAAA from being effectively applied. In our adversarial system, the situation can devolve into a war of attrition. For an unrepresented litigant with a disability to have a team of lawyers as adversaries, the demand of litigation exceeds the unrepresented, disabled litigant's ability to maintain health while pursuing justice in our courts. Neil Gillespie's case is one of those. At this juncture the harm to Neil Gillespie's health, economic situation, and general diminishment of him in terms of his legal case cannot be overestimated and this bell



cannot be unrung. He is left with permanent secondary wounds.

Additionally, Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates. It seems that the ADA Administrative offices that I have appealed to ignore his requests for reasonable accommodations, including a response in writing. It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.

I am accustomed to working nationally with courts of law as a public service. I agree that our courts must adhere to strict rules. However, they must be flexible when it comes to ADA Accommodations preserving the mandates of this federal law Under Title II of the ADA. While public entities are not required to create new programs that provide heretofore unprovided services to assist disabled persons. (*Townsend v. Quasim* (9th Cir. 2003) 328 F.3d 511, 518) they are bound under ADA as a ministerial/administrative duty to approve any reasonable accommodation even in cases merely regarded as having a disability with no formal diagnosis.

The United States Department of Justice Technical Assistance Manual adopted by Florida also provides instructive guidance: "The ADA provides for equality of opportunity, but does not guarantee equality of results. The foundation of many of the specific requirements in the Department's regulations is the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services." (U.S. Dept. of Justice, Title II, *Technical Assistance Manual* (1993) § II-3.3000.) A successful ADA claim does not require excruciating details as to how the plaintiff's capabilities have been affected by the impairment, even at the summary judgment stage. *Gillen v. Fallon Ambulance Serv., Inc.*, 283 F.3d. My organization follows these guidelines maintaining a firm, focused and limited stance for equality of participatory and testimonial access. That is what has been denied Neil Gillespie.

The record of his ADA accommodations requests clearly shows that his well-documented disabilities are now becoming more stress-related and marked by depression and other serious symptoms that affect what he can do and how he can do it particularly under stress. Purposeful exacerbation of his symptoms and the resulting harm is, without a doubt, a strategy of attrition mixed with incompetence at the ADA Administrative level of these courts. I am prepared to stand by that statement as an observer for more than two years.