

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.

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

1. This Court on October 6, 2011 granted Petitioner's motion for extension of time and allowed to and including November 7, 2011, in which to serve the proper petition for writ of mandamus.
2. Pursuant to Rule 9.300, Fla. R. App. P., Petitioner moves for a second extension of fourteen (14) days time in which to file his petition for writ of mandamus. In support thereof Petitioner states:

(a) In a related case, Gillespie v. Thirteenth Judicial Circuit, Florida, et al., case no. 5:10-cv-503-Oc-10TBS, United States District Court, Middle District of Florida, Ocala Division, the Court on October 19, 2011 entered Order To Show Cause, with a written response to be filed in eleven (11) days. (Exhibit A). Petitioner computes the eleven days to expire October 30, 2011, a Sunday, making the last day October 31, 2011, to which an additional three days are added for service by mail (Petitioner was served by mail) under F.R.C.P. Rule 5(b)(2)(C), with the written response due November 3, 2011.

(b) Because of the forgoing, the Petitioner was required to direct his attention to preparing a written response as ordered by the U.S. District Court, due on November 3, 2011. This intervening circumstance has delayed the Petitioner in preparing the petition for writ of mandamus in this Court. Petitioner anticipates filing his written response in U.S. District Court by November 3, 2011. Petitioner moves this Court for an extension of time corresponding to the amount of time expended in preparing and serving a written response as ordered by the U.S. District Court, fourteen (14) days.

(c) In addition, on October 16, 2011, Dan Hogan, a technician with the Marion County Utilities department responded to Petitioner's complaint of a failed sanitary sewer at his home, and determined that additional work by a private contractor was needed to correct the problem. Presently the sanitary sewer at Petitioner's home, 8092 SW 115th Loop, Ocala, is not functional. Petitioner has scheduled a private contractor for November 3, 2011. At this time Petitioner does not know how long it will take to correct this problem, but believes it could take one or more days. This scheduled repair work, and related disruptions, will further delay Petitioner's preparation and service of his petition for writ of mandamus to this Court.

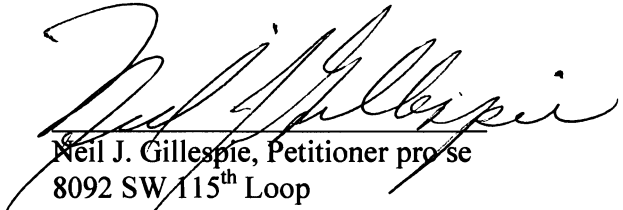
(d) Petitioner is disabled as set forth in a letter by Dr. Karin Huffer dated October 28, 2010. A copy of Dr. Huffer's letter is Exhibit 4 in the Appendix to the motion for extension of time submitted August 29, 2011. Petitioner's disability adds to the time needed to do everything, including the preparation of this petition for writ of mandamus.

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.

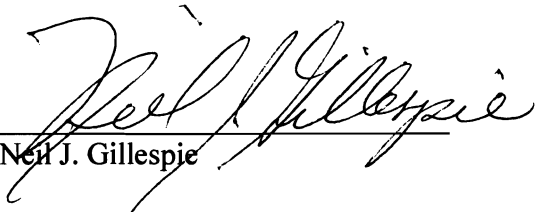
WHEREFORE, Petitioner moves for an extension of fourteen (14) days time in which to file his petition for writ of mandamus.

RESPECTFULLY SUBMITTED October 31, 2011.


Neil J. Gillespie, Petitioner 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 by US Postal Service, First Class Mail, October 31, 2011 to Ryan Christopher Rodems, Barker, Rodems & Cook, P.A., 501 E. Kennedy Blvd, suite 790, Tampa, Florida 33602.


Neil J. Gillespie

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

NEIL J. GILLESPIE,

Plaintiff,

-vs-

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

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

Defendants.

Order To Show Cause

The Plaintiff is directed to show cause by a written response filed within eleven days why this case should not be dismissed pursuant to Local Rule 3.10 for lack of prosecution due to the non-filing of a Case Management Report within the time prescribed by Local Rule 3.05. Failure to respond shall result in a dismissal of this action without further notice.

DONE and ORDERED in Chambers at Ocala, Florida, on this 19th day of October, 2011.

W. Penell Hodges

UNITED STATES DISTRICT JUDGE

Copy to:
Counsel of Record
Unrepresented Parties

