

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, P.A. and
WILLIAM J. COOK,

Respondents.

AFFIDAVIT OF NEIL J. GILLESPIE

Representation by attorney Eugene P. Castagliuolo, FL Bar ID no. 104360

I, Neil J. Gillespie, under oath, testify 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.
2. Circuit Judge James Arnold issued an arrest warrant for me June 1, 2011 for civil contempt on a writ of bodily attachment sought by the Respondents, my former lawyers, in the above captioned litigation, for allegedly failing to attend a deposition. The Public Defender was appointed to represent me but Judge Arnold relieved counsel immediately prior to the contempt hearing and I had no representation.
3. On June 3, 2011 I hired attorney Eugene P. Castagliuolo from an ad on Craigslist (Exhibit 1) to prepare and represent me at the above referenced deposition. Castagliuolo responded to my Craigslist ad by email June 2, 2011 at 11.43 p.m. and wrote:

“Funny thing is.....my clients love me at depos, 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”

Mr. Castagliuolo’s email states that the Castagliuolo Law Group is a debt relief agency helping people to file for bankruptcy relief. (Exhibit 2). A copy of our \$1,000 flat fee agreement is attached as Exhibit 3.

I paid Mr. Castagliuolo the full \$1,000 flat fee in advance from my monthly disability income, and signed the agreement at his Clearwater office. The flat fee agreement states:

“Representation limited to preparation for and attendance at deposition, the date of which has yet to be determined.” Exhibit 3.

4. Mr. Castagliuolo failed to disclose a conflict with his daughter, attorney Maria E. Castagliuolo who works for The Law Offices of Julianne M. Holt, Public Defender of the Thirteenth Judicial Circuit. The Public Defender was appointed to represent me before Judge Arnold June 1, 2011 for civil contempt but was hostile toward me as set forth in Exhibit 4, Notice of Conflict. Ms. Holt refused to acknowledge the conflict in an email to me July 18, 2011. Mr. Castagliuolo responded to me by email July 19, 2011 stating in part:

“Mr. Gillespie, I have just learned that you have contacted the employer of a member of my family. As soon as I finish typing this message, I am leaving my office to personally report your crime to the nearest substation of the Pinellas County Sheriff’s Office.”

My request for disclosure of conflict with the Public Defender was lawful. Maria Castagliuolo was promoted in her job shortly after her father secured a settlement agreement benefiting the Thirteenth Judicial Circuit, Florida in my lawsuit.

5. I have diabetes type II adult onset, and other disabilities, and gave notice of my disabilities to Mr. Castagliuolo by email June 4, 2011 at 7.50 p.m. with PDF copies of the following seven (7) ADA disability related documents: (Exhibit 5)

Plaintiff’s Accommodation Request, ADA, February 20, 2007

Plaintiff's Amended Accommodation Request, ADA, March 5, 2007
Dr. Karin Huffer, ADA Assessment & Report for Gillespie, February 17, 2010
Gillespie ADA accommodation request, 13Juducial Circuit, February 19, 2010
Notice of Filing, ADA request of Gillespie, February 19, 2010
Dr. Huffer's letter, re Gillespie's disability, no ADA October 28, 2010
Verified Notice of Filing Disability Information of Gillespie, May 27, 2011

Mr. Castagliuolo was aware of my disabilities but failed to seek reasonable disability accommodations for me during the June 21, 2011 deposition.

6. Mr. Castagliuolo complained that Mr. Rodems and his staff failed to cooperate with him.

Castagliuolo's email to Rodems Monday, June 6, 2011 at 2:29 p.m.: (Exhibit 6)

"Dear Mr. Rodems:

Please be advised that I've been hired for a limited purpose by Mr. Neil Gillespie relative to the above-specified case. This will also confirm the telephone message I left with your paralegal, Susan, a few minutes ago.

I would like to discuss this case with you at your earliest convenience. Probably the best time to reach me would be tomorrow from around 11 AM to approximately 12:30 PM. If that time frame works for you, I shall look forward to hearing from you then.

Thank you.....Eugene"

Mr. Rodems did not respond to Castagliuolo, so he sent Rodems another email Thursday, June 9, 2011 at 12.46 p.m.: (Exhibit 7)

"Dear Mr. Rodems:

I telephoned and e-mailed you on June 6, 2011 regarding the above-specified case. I also spoke with your paralegal, Susan, on that same date, and again approximately 45 minutes ago. I have not yet had the pleasure of your response.

Perhaps I can make my request a lot more simple: I am requesting a copy of the writ which apparently was docketed on June 1, 2011 (Mr. Gillespie has not received a copy of same). If you or your assistant would be so kind so as to attach a copy to an e-mail and shoot it over to me I would be most appreciative.

I am looking forward to your response. Thank you.....Eugene"

Mr. Rodems continued his refusal to cooperate with Mr. Castagliuolo, who in turn became angry as shown in his escalating emails to me. On Friday, June 10, 2011 at 3:43 p.m. Mr. Castagliuolo sent email to me stating “Last but not least, Rodems' useless assistant put me into his voicemail, where I left a professional but unhappy message.”

7. On Tuesday, June 14, 2011 at 7:46 p.m. (and at other times) Mr. Castagliuolo offered me a plan for bankruptcy: (Exhibit 8)

“As for a new agreement, this is my suggestion. Give me another \$1,000.00 on July 1, and I won't take another dime from you. Consider it a flat fee to get you out from under this writ (BUT WITHOUT entering an appearance in this state court case) and/or to file a Chapter 7 bankruptcy for you. The only other things you would have to pay for if we go the bankruptcy route (and these are NOT my fees, they are costs) is the filing fee of \$299.00, a credit report fee of \$30.00, and the credit counseling fee(s) which will be at most \$80.00 (sometimes you can find a cheaper vendor). Based on what I know right now about your case, your debt to this asshole Rodems would be discharged in your Chapter 7 bankruptcy, and he would get NOTHING from you.”

I agreed to bankruptcy and provided Mr. Castagliuolo a copy of “Assignment of Unliquidated Lawsuit Proceeds” (Exhibit 9) prepared in 2008 by attorney Jeffery Shelquist who did research and believed the assignment would survive my filing for bankruptcy, and allow the case to continue for adjudication on its merits. Mr. Castagliuolo did not mention bankruptcy again.

8. Mr. Castagliuolo failed to disclose that he has “mental problems” when I retained him.

During a telephone call with me June 14, 2011 at 12:38 p.m. Castagliuolo stated:

“You know, I don't make any judgments about people based on what their mental problems are. Because if you -- if you're going to measure people by that yardstick then I'm not going to pass the test either.”
(Exhibit 10, Transcript, pages 7-8, line 23)

Mr. Castagliuolo notified me by email Monday, June 13, 2011 at 2:14 p.m.:

“Please also be aware, well in advance, that I will be out of the office the last week of July and the first week of August. Probably more time because they just found a lesion on my kidney. This is how it started for my brother, and it ended with him being dead at age 45. So I don't walk around afraid, that's not my style, but let's just say I'm concerned. All the more reason why I want to get this writ off your back ASAP.” (Exhibit 11)

Mr. Castagliuolo notified me by email June 15, 2011 10:03 p.m. that he planned to argue his own “health issues” to Judge Arnold at the hearing the next day:

“The game plan is this: "Judge, I've prevailed upon Mr. Gillespie to appear for a deposition. Due to his health issues and my health issues, I am requesting 60 days to get this done. Will you please vacate/quash the writ, with a specific instruction to law enforcement to rescind the warrant ?"” (Exhibit 12)

I believe Mr. Castagliuolo’s disabilities prevented him from effectively representing me. On June 21, 2011 Mr. Castagliuolo was distracted over the health of a child, possibly a family member, and was mumbling in fragmented speech to himself about the matter.

9. Mr. Castagliuolo complained that he was not earning his usual hourly rate of \$295 per hour under our flat fee agreement. At one point Castagliuolo demanded \$5,000 from me. Mr. Castagliuolo became more and more angry, so I terminated him as counsel by email June 9, 2011 at 12.44 p.m. Mr. Rodems was not cooperating with Castagliuolo which added time and difficulty to the representation. In response Mr. Castagliuolo threatened me by email Thursday, June 09, 2011 at 12:51 p.m.: (Exhibit 13)

“Dear Mr. Gillespie:

Under no circumstances will I be refunding any fee paid to me by you on Friday, June 3, 2011. In that you have discharged me as your attorney, please do not contact me again by any manner whatsoever except through counsel.

Should you insist in contacting me again without the assistance of counsel, I shall immediately report your contact to law enforcement and I shall prosecute you to the full extent of the criminal law. I'm a former prosecutor, so If you think I'm bluffing, please try me.

YOU HAVE BEEN FOREWARNED. CONDUCT YOURSELF ACCORDINGLY.

Eugene P. Castagliuolo”

10. Mr. Castagliuolo sent me another email June 9, 2011 at 1.16 p.m. apologizing for his threat made 29 minutes earlier. (Exhibit 14). Castagliuolo refused to refund any portion of my

fees. Since an active arrest warrant was outstanding against me, I had no viable alternatives to hire other counsel, and consented to Castagliuolo's later requests for a promise of more money.

Castagliuolo also wrote:

"I want to get this guy off your back, but as you know well by now, the wheels of justice move slowly. What's more, Rodems has not even extended me the professional courtesy of returning my telephone calls. So if you want me to help you, we'll have to do it another way. But it all starts with obtaining a copy of that writ." (Exhibit 14)

Mr. Rodems was not cooperating with counsel. Castagliuolo claimed was not able to obtain a copy of the writ of bodily attachment.

11. Mr. Castagliuolo notified me by email Wednesday, June 15, 2011 at 7:43 p.m. that he would no longer represent me after the hearing June 16, 2011 to vacate the writ of bodily attachment. (Exhibit 15). Castagliuolo wrote in part:

"My sole role tomorrow, after which I shall be finished as your lawyer, shall be to do my utmost best to prevail upon the kindness of Judge Arnold to vacate the writ and resultant arrest warrant....Tomorrow, I will be your staunch advocate, but after tomorrow, my role in this matter will be over."

12. I voluntarily appeared June 21, 2011 for a deposition at the Edgecomb Courthouse in Tampa to purge the civil contempt and rescind the arrest warrant. Mr. Castagliuolo arrived separately. I was taken into custody and involuntarily confined by two Hillsborough County Sheriff's Deputies, Deputy Randy Olding and Deputy Larry Berg, for the duration of the deposition. I was not given anything to eat during the time I was involuntarily confined. The deposition went from about 10:30 a.m. through approximately 3:00 p.m. and did not break for lunch. My last meal was at McDonald's, about 20 minutes before arriving at the Twiggs Street Garage across from the courthouse at 6:47 a.m.

13. On June 21, 2011 I was taking the following medication prescribed by my doctor:

- a. Lisinopril 20mg, one a day for high blood pressure.

b. Hydrochlorothiazide 25mg, one a day for high blood pressure.

c. Metformin 1000 MG, one twice a day for type 2 diabetes. (Note: Metformin was insufficient to control my diabetes, and on September 29, 2011 my doctor prescribed Glipizide, 5 mg, one twice a day, in addition to Metformin).

14. The June 21, 2011 deposition transcript shows at page 118:

21 [GILLESPIE] I need to use the restroom again.

22 MR. CASTAGLIUOLO: Let's take a break.

23 (Recess from 1:41 p.m. to 2:12 p.m.)

At 1:41 p.m. I felt the urge to urinate and went to the restroom flanked by Deputy Randy Olding and Deputy Larry Berg. However I was unable to urinate. One of the deputies knocked on the door and asked if I was all right. I felt cold and confused and left the restroom without urinating and returned to the deposition room.

15. When I returned from the restroom, Mr. Rodems made a number of threats to me in response to a question from Mr. Castagliuolo to Rodems about how long the deposition would continue and whether I would be incarcerated that night. Ms. Himes, the court reporter, was present while Mr. Rodems threatened me, but she did not report this in the transcript. My recollection of Mr. Rodems' threats is memorialized in paragraph 27 of "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" submitted June 30, 2011 in Gillespie v. Thirteenth Judicial Circuit, Florida, et al, Case No. 5:10-cv-00503, US District Court, Middle District of Florida, Ocala Division [Docket 33]:

"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 counterclaim (at footnote 26, The libel counterclaim was an abuse of process, which Rodems later dismissed.) 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."

16. Mr. Castagliuolo asked to go off the record, page 131, line 4 to discuss the removal of my disability information from the court file. A recess from 2:24 p.m. to 2:57 p.m. was reported by Ms. Himes, page 131, line 6. Another closed-door hearing was held in Judge Arnold's chambers attended only by the Judge, Mr. Rodems and Mr. Castagliuolo. The hearing was not reported by Ms. Himes. When Mr. Castagliuolo returned from the hearing, he told me the case has gone on too long and "Judges have mud on their shoes". This was not reported by Ms. Himes. Mr. Castagliuolo did not further explain his bizarre comment, but it appeared Castagliuolo was threatened or intimidated during the closed-door hearing, and his demeanor worsened.

17. I was confused and signed a "walk-away" settlement agreement while in a diminished state June 21, 2011. Once I was released from custody, left the courthouse, and had a meal, my senses returned and I realized that signing the settlement agreement was a mistake. I promptly gave written notice that I disaffirmed the settlement agreement to Mr. Rodems, Mr. Castagliuolo and HCSO Major Livingston.

18. Mr. Castagliuolo refused to discuss the deposition or settlement agreement after I left the courthouse June 21, 2011. Instead Castagliuolo demanded that I pay him \$1,000 on July 1, 2011.

19. Mr. Castagliuolo threatened me by email Thursday, June 30, 2011 at 5:01 p.m. in response to receiving court documents in the federal lawsuit, case 5:10-cv-00503, docket items 33 and 34. Mr. Castagliuolo wrote:

"Was able to see a small part of 2nd attachment. My response to the Court will be forthcoming next week. From this point forward, communicate with me only via US

Mail. Any other form will be reported to Marion County Sheriff as criminal harassment, & trust me, I will prosecute.” (Exhibit 16).

Mr. Castagliuolo sent me another email Friday, July 01, 2011 at 11:37 a.m. stating “My response to the foregoing pleadings is being mailed to you via certified mail today”

20. Mr. Castagliuolo threatened me in a letter dated July 1, 2011 with criminal prosecution under section 812.012(6)(b), Florida Statutes, and section 772.11 Florida Statutes (2011).

Castagliuolo’s threat was sent by USPS Certified Mail, Article No. 7009-2820-0000-5183-3510.

(Exhibit 17). Castagliuolo wrote:

“YOU ARE HEREBY NOTIFIED that you have obtained professional services from me by false pretenses, fraud, and/or deception, in violation of Florida Statute 812.012(6)(b), for which you owe me \$1,000.00, as you promised and agreed to pay me. Section 772.11 Florida Statutes (2011) permits me to make claim against you for triple the amount of damages sustained by me by my deprivation by you of the sum total of \$1,000.00. TRIPLE THE SUM OF \$1,000.00 IS \$3,000.00.

This is my demand that you pay me the sum of \$1,000.00 within 30 days after your receipt of this notice.” (Exhibit 17)

21. Pro bono counsel Danialle Riggins of Ocala, Florida, referred to me unofficially by NAMI, the National Alliance on Mental Illness, advised me that Castagliuolo’s threat of criminal prosecution was not legitimate and that I did not violate any criminal statutes. In turn I notified Mr. Castagliuolo by certified letter. (Exhibit 18).

22. Mr. Castagliuolo threatened me again by certified letter dated August 5, 2011, a copy of which is attached as Exhibit 19.

“Dear Mr. Gillespie:

Pursuant to the Civil Theft Notice which was served upon you via Certified Mail, Return Receipt Requested, on July 5, 2011, you had thirty (30) days thereafter to comply with the demand contained in said Notice. Accordingly, your compliance was required no later than August 4, 2011. Today is August 5, 2011, and you have failed to comply. Furthermore, you faxed me a letter yesterday in which you stated explicitly that you "decline payment." Therefore, given the foregoing facts and circumstances, my Civil

Theft Claim against you has been perfected, and you are now indebted to me in the amount of \$3,000.00 (THREE THOUSAND DOLLARS).

You can count on me to aggressively pursue collection of that sum from you. However, in an effort to avoid further litigation and to put a permanent end to our relationship, I am making a one-time, non-negotiable settlement offer to you, as follows: I will accept \$500.00 from you in full satisfaction of my claim against you for attorneys' fees due and owing, as long as I am in receipt of said sum on or before November 11, 2011. This expansive deadline for acceptance is designed to give you plenty of time to accumulate that sum.

You can accept my offer by simply tendering \$500.00 to me on or before November 11, 2011. If you fail to do so, then you will have rejected my offer, and in that event, I shall file suit against you to recover the full \$3,000.00 that you owe me on Monday, November 14, 2011. I have been very successful collecting unpaid attorneys' fees, and I am quite confident that I will be equally successful obtaining a judgment against you. If you think I'm bluffing, try me.

OTHER THAN TO ACCEPT MY OFFER AS SPECIFIED ABOVE OR TO CONTACT ME THROUGH YOUR ATTORNEY, YOU ARE HEREBY WARNED NOT TO CONTACT ME YOURSELF VIA ANY MANNER WHATSOEVER. YOU ARE FURTHER WARNED THAT I SHALL TAKE APPROPRIATE ACTION IF I SHOULD SEE ANYTHING ABOUT ME ON YOUR RIDICULOUS WEBSITE. YOU HAVE BEEN WARNED. CONDUCT YOURSELF ACCORDINGLY.

Sincerely,

EUGENE P. CASTAGLIUOLO” (Exhibit 19)

23. Mr. Castagliuolo threatened me again by email August 12, 2011 at 12:10 p.m. on the mistaken belief that I was “hiding from the mailman” because I was not home to sign for the certified letter cited above from Castagliuolo with threat of a lawsuit: (Exhibit 20)

“Dear Mr. Gillespie:

As I anticipated, you're cowering in your house behind masked windows, hiding from the mailman, and refusing to accept my certified mail. No worries, I'm flexible and resourceful, so please find it attached to this e-mail.

Oh, and by the way, I have instructed the support staff in my building to refuse your certified mail. Similarly, you are hereby advised that you are not to ever again send me ANYTHING via facsimile transmission. Should you persist in doing so, I will report your willful ignorance of my demand to the Pinellas County Sheriff's Office. Thank you.” (Exhibit 20)

I retrieved the letter from the post office in a timely manner.

24. It appears Mr. Castagliuolo himself does not understand the terms of the so-called “walk away” settlement agreement that he recommend I sign June 21, 2011 while confused and in a diminished state. The agreement appears to preclude his claims against me.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 6th day of January 6, 2012.


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 6th day of January 2012.

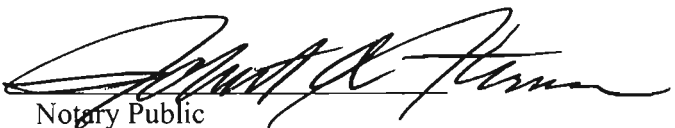

Notary Public
State of Florida



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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 [\[Errors when replying to ads?\]](#)

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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

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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 depots, 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 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).

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



RECEIPT FOR PAYMENT *

Date: 6/3/2011

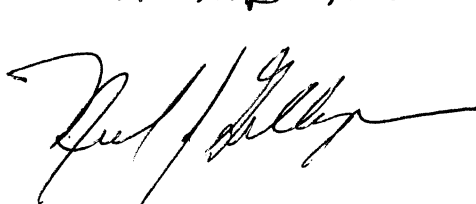
Received from NEIL J. GILLESPIE the sum of \$ 1,000.⁰⁰/_{xxx}

on behalf of CASTAGLIUOLO LAW GROUP, P. A. in the form of:

- Cash
- Check
- Money Order



REPRESENTATION LIMITED TO PREPARATION FOR AND ATTENDANCE AT DEPOSITION, THE DATE OF WHICH HAS YET TO BE DETERMINED.



Notice of Conflict: Eugene P. Castagliuolo, Maria E. Castagliuolo, and
The Law Offices of Julianne M. Holt, Public Defender of the 13th Judicial Circuit

1. Mr. Castagliuolo failed to disclose a conflict with his daughter, attorney Maria E. Castagliuolo who works for The Law Offices of Julianne M. Holt, Public Defender of the 13th Judicial Circuit. Gillespie first visited the Public Defender May 24, 2011 and spoke with attorney Moira Freeman about his case, and provided Ms. Freeman a cover letter and copy of Plaintiff's Motion For Appointment of Counsel, ADA Accommodation Request, and Memorandum of Law, filed May 24, 2011. The Public Defender was appointed to represent Gillespie May 27, 2011 by Allison Raistrick of Clerk's Indigent Screening Unit, and Gillespie paid the \$50 indigent fee.
2. Gillespie met attorney Anthony Lopez May 27, 2011, the Public Defender supervisor of Moira Freeman. After a short discussion, Mr. Lopez said he would not recognize the Clerk's appointment of the Public Defender to represent Gillespie. Mr. Lopez was hostile toward Gillespie, accused him of "forcing" documents on Ms. Freeman, and said he can't take the case until appointed by the judge. Gillespie provided Mr. Lopez a copy of his Verified Notice of Filing Disability Information of Neil J. Gillespie, filed May 27, 2011, as certified in the certificate of service. Mr. Lopez picked up the pleading, along with others, left his office, and threw the documents on a chair in the lobby of the Public Defender's office.
3. Attorney Mike Peacock of the Public Defender's office appeared June 1, 2011 before Judge Arnold on a hearing for Gillespie to show cause on contempt with arrest on a writ of bodily attachment. Mr. Peacock filed Office of the Public Defender's Motion For Clarification seeking relief from representing Gillespie. The Court granted the motion relieving the Public

Defender from representing Gillespie. Gillespie had no representation and the Court issued a warrant to arrest Gillespie on a writ of bodily attachment. A transcript of this hearing is available. Gillespie was not timely provided a copy of the writ by the Court, Mr. Rodems or the Public Defender. HCSO Major Livingston provided Gillespie a copy of the writ June 23, 2011 only after Gillespie was released from custody.

4. On July 15, 2011 Gillespie requested by email and phone call a conflict check with the Public Defender's office and its employee attorney Maria E. Castagliuolo and Mr. Castagliuolo, for shared consanguinity to the third degree. (NOTE: Maria E. Castagliuolo and Eugene P. Castagliuolo are the only attorneys listed in the Florida Bar directory with the Castagliuolo surname). The phone call only revealed that Maria E. Castagliuolo was recently promoted to the felony unit. An email response July 18, 2011 from Julianne M. Holt, the Public Defender, stated:

“Without further explanation for your request, I do not feel it is appropriate to respond to this request.”

5. It appears from the foregoing that the Public Defender was at all times hostile and opposed to representing Gillespie in this matter, due to his accusations against the Thirteenth Judicial Circuit for the misuse and denial of judicial process. The Office of the Public Defender is located across the street from the Edgcomb Courthouse of the Thirteenth Judicial Circuit. Attorneys from the Public Defender regularly appear before judges of the Thirteenth Judicial Circuit. Representing Gillespie would create discord in that relationship.

6. On July 19, 2011 Gillespie received a threatening email from Mr. Castagliuolo that stated:

Mr. Gillespie, I have just learned that you have contacted the employer of a member of my family. As soon as I finish typing this message, I am leaving my office to personally report your crime to the nearest substation of the Pinellas County Sheriff's Office.

BE FOREWARNED TO AVOID ANY FURTHER CONTACT WITH ME OR WITH ANY MEMBER OF MY FAMILY OR WITH ANYONE CONNECTED WITH MY FAMILY, INCLUDING BUT NOT LIMITED TO ANY EMPLOYERS.

7. Clearly Gillespie's request for disclosure of conflict with the Public Defender was a lawful and usual part of the ordinary business of law. Mr. Castagliuolo's threatening response suggests he has been working as a shill against Gillespie's interests. This is the fourth separate threat Castagliuolo has made against Gillespie. None of the threats were justified. The threats call into question Mr. Castagliuolo's mental state and his fitness to practice law.

8. Attachments:

- a. Gillespie's letter of May 24, 2011 to Julianne M. Holt, Public Defender
- b. Appointment of the Public Defender to represent Gillespie May 27, 2011 by Allison Raistrick of Clerk's Indigent Screening Unit
- c. Office of the Public Defender's Motion For Clarification, June 1, 2011
- d. Judge Arnold's Order Relieving the Public Defender
- e. Florida Bar directory information for Eugene Castagliuolo and Maria Castagliuolo
- f. Ms. Holt's email to Gillespie July 18, 2011
- g. Mr. Castagliuolo's email to Gillespie July 19, 2011

May 24, 2011

The Law Offices of Julianne M. Holt
Public Defender of the 13th Judicial Circuit
PO Box 172910
Tampa, Florida 33672

Dear Ms. Holt:

This is a request for an attorney to represent me in a civil contempt hearing with a threat of incarceration. The Order To Show Cause hearing is set for June 1, 2011 at 11:00AM before Judge James Arnold in Gillespie v. Barker, Rodems & Cook, PA, Case No. 05-CA-7205. A copy of the Order To Show Cause is enclosed.


Enclosed you will find Plaintiff's Motion For Appointment of Counsel, and Memorandum of Law. Exhibits 1-45 are on the enclosed CD.

I have been found indigent in the following cases:

Florida Supreme Court, Case No. SC11-858
Second District Court of Appeal, Cases 2D10-5197, 2D10-5529 and 2D11-2127
A Verified Motion With Affidavit To Proceed In Forma Pauperis in Hillsborough County was submitted May 16, 2011, copy enclosed.

Thank you.

Sincerely,



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

Enclosures

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 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>1774</u>	No	Veterans' benefit.....	Yes \$ _____	No <input checked="" type="checkbox"/>
Unemployment compensation.....	Yes \$ _____	No <input checked="" type="checkbox"/>	Child support or other regular support from family members/spouse.....	Yes \$ _____	No <input checked="" type="checkbox"/>
Union Funds.....	Yes \$ _____	No <input checked="" type="checkbox"/>	Rental income.....	Yes \$ _____	No <input checked="" type="checkbox"/>
Workers compensation.....	Yes \$ _____	No <input checked="" type="checkbox"/>	Dividends or interest.....	Yes \$ _____	No <input checked="" type="checkbox"/>
Retirement/pensions.....	Yes \$ _____	No <input checked="" type="checkbox"/>	Other kinds of income not on the list.....	Yes \$ _____	No <input checked="" type="checkbox"/>
Trusts or gifts.....	Yes \$ _____	No <input checked="" type="checkbox"/>			
- 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 <input checked="" type="checkbox"/>
Bank account(s).....	Yes \$ _____	No <input checked="" type="checkbox"/>	Stocks/bonds.....	Yes \$ _____	No <input checked="" type="checkbox"/>
Certificates of deposit or money market accounts.....	Yes \$ _____	No <input checked="" type="checkbox"/>	*Equity in Real estate (excluding homestead).....	Yes \$ _____	No <input checked="" type="checkbox"/>
*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
Tag # X7254

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 <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
Poverty-related veterans' benefits.....	Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
Supplemental Security Income (SSI).....	Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
- 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.

Neil J Gillespie
Signature of Applicant for Indigent Status
Print Full Legal Name Neil J Gillespie
Address 8092 SW 115th Ave
City, State, Zip OCALA, FL 34817
Phone number 352-854-7807

Date of Birth 3-19-1956

Driver's license or ID number G421-630-56090

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

[Signature]
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.

xx

RECEIPT

Clerk of Circuit Court - CPROD

Receipt Number: 2852805
Date: 27-MAY-2011
Cashier: GARCIANA

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
PD APPL FEE FS 27 49.00
PD APP FEE 27.52(0.00
PD APP FEE 27.52(0.20

Amount Due: 50.00
Amount Tendered-CASH: 50.00
Change Due: 0.00

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.

- 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>1749</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	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>1998 Dodge Van</u>			List the address of this property:		
<u>Tag # X4254</u>			Address _____		
			City, State, Zip _____		
			County of Residence _____		
- I have a total amount of liabilities and debts in the amount of \$ 54,000
- 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 0 Surety 0 Posted by: Self 0 Family 0 Other 0

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.

Neil Gillespie
Signature of Applicant for Indigent Status

Date of Birth 3-19-1956

Print Full Legal Name Neil S Gillespie
Address 8092 SW 115th Loop
City, State, Zip OCALA FL 34287
Phone number 352-859-7807

Driver's license or ID number G421-630-560990

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
Pat Frank
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

Eugene P Castagliuolo

Member in Good Standing**Eligible to practice in Florida**

ID Number: - 104360
 Address: Wells Fargo Building, 3rd Floor
 801 West Bay Dr
 Largo, Florida 337703269
 United States
 Phone: 727.7123333
 E-Mail: AttorneyEPC@yahoo.com
 vCard: 

County: Pinellas
 Circuit: 6
 Admitted: 04/17/1997
 10-Year Discipline History: **None**

Law School: Temple University - James E. Beasley School of Law
 Graduation Year: 1987
 Degree: Doctor of Jurisprudence/Juris Doctor
 Firm: CASTAGLIUOLO LAW GROUP, P. A.
 Website: www.CastagliuoloLawGroup.com
 Firm Size: 2 to 5
 Occupation: Private Law Practice
 Practice Areas: Bankruptcy
 Business
 Civil Litigation
 Civil Trial
 Commercial Litigation
 Contracts
 Corporate
 Debtor and Creditor
 Education
 General Practice
 Litigation/Trial Advocacy/Advocacy
 Personal Injury

Federal Courts: U.S. District Court, Middle District of Florida
 U.S. District Court, District of New Jersey
 Florida Middle District Bankruptcy Court
 New Jersey Bankruptcy Court

State Courts: Florida
 New Jersey

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[Revised: 10-18-2011]

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Maria E Castagliuolo

Member in Good Standing

Eligible to practice in Florida

ID Number: - 71607
Address: Office of the Public Defender, 13th Circuit
700 E Twiggs St
Tampa, Florida 336024019
United States
Phone: 813.2725980
E-Mail:
vCard: 
County: Hillsborough
Circuit: 13
Admitted: 10/02/2009
Sections: Young Lawyers Division
10-Year Discipline **None**
History
Law School: The Florida State University College of Law
Graduation Year: 2008
Degree: Doctor of Jurisprudence/Juris Doctor
Firm: Law Offices of Julianne M. Holt
Website: pd13.state.fl.us/
Firm Size: Over 100
Occupation: Associate

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[Revised: 07-21-2011]

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Neil Gillespie

From: "Julie Holt" <HoltJ@PD13.STATE.FL.US>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Monday, July 18, 2011 10:36 AM
Subject: RE: conflict check

Without further explanation for your request, I do not feel it is appropriate to respond to this request.

From: Neil Gillespie [mailto:neilgillespie@mfi.net]
Sent: Friday, July 15, 2011 4:39 PM
To: Julie Holt
Subject: conflict check

Ms. Julianne M. Holt
The Law Offices of Julianne M. Holt
Public Defender of the 13th Judicial Circuit
700 East Twiggs Street, 5th Floor
Tampa, Florida 33602
Dear Ms. Holt:

This is a conflict check for your office and attorney-employee Maria E. Castagliuolo, and attorney Eugene P. Castagliuolo of Clearwater, Florida. What, if any, is their shared consanguinity to the third degree? Thank you.

Sincerely,

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

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Additional Notice: If you are not a current client of the Office of the Public Defender of the 13th Judicial Circuit you should not construe anything in this e-mail in a manner to believe that you have become a client of the firm, unless this e-mail contains a specific statement that you have become a client of the firm. By responding in this e-mail, the Office of the Public Defender of the 13th Judicial Circuit has not necessarily agreed to undertake representation of you or others. Further, if you are not a current client of the Office of the Public Defender of the 13th Judicial Circuit you should not disclose anything to the Office of the Public Defender of the 13th Judicial Circuit in reply that you expect it to hold in secret, in confidence, or otherwise have protected by attorney-client privilege. This communication does not constitute consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.

Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>

To: "Neil Gillespie" <neilgillespie@mfi.net>

Sent: Monday, July 18, 2011 11:15 AM

Mr. Gillespie, I have just learned that you have contacted the employer of a member of my family. As soon as I finish typing this message, I am leaving my office to personally report your crime to the nearest substation of the Pinellas County Sheriff's Office.

BE FOREWARNED TO AVOID ANY FURTHER CONTACT WITH ME OR WITH ANY MEMBER OF MY FAMILY OR WITH ANYONE CONNECTED WITH MY FAMILY, INCLUDING BUT NOT LIMITED TO ANY EMPLOYERS.

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).

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Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
Sent: Saturday, June 04, 2011 7:50 PM
Attach: 2007, 02-20-07, Plaintiff's Accomodation Request, ADA.pdf; 2007, 03-05-07, Plaintiff's Amended Accomodation Request, ADA.pdf; 2010, 02-17-10, Karin Huffer, ADA Assessment & Report for NJG, my scan.pdf; 2010, 02-19-10, NJG ADA accomodation request, 13JudCircuit, final.pdf; 2010, 02-19-10, Notice, ADA request of NJG.pdf; 2010, 10-28-10, Dr. Huffer's letter, NJG.pdf; 2011, 05-27-11, Notice, NJG disability information.pdf
Subject: Primary ADA documents
Attached you will find the following:

Primary American With Disability Act (ADA) documents seeking reasonable accommodation under Title II, including Dr. Huffer's medical report, and my Notice to make the information public filed May-27-2011



Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: <Rodems@BarkerRodemsandCook.com>
Sent: Monday, June 06, 2011 2:29 PM
Subject: 13th Circuit Court Case # 05-CA-007205

Dear Mr. Rodems:

Please be advised that I've been hired for a limited purpose by Mr. Neil Gillespie relative to the above-specified case. This will also confirm the telephone message I left with your paralegal, Susan, a few minutes ago.

I would like to discuss this case with you at your earliest convenience. Probably the best time to reach me would be tomorrow from around 11 AM to approximately 12:30 PM. If that time frame works for you, I shall look forward to hearing from you then.

Thank you.....Eugene

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).

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Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: <Rodems@BarkerRodemsandCook.com>
Sent: Thursday, June 09, 2011 12:46 PM
Subject: 13th Circuit Court Case # 05-CA-007205 (Second Request)
Dear Mr. Rodems:

I telephoned and e-mailed you on June 6, 2011 regarding the above-specified case. I also spoke with your paralegal, Susan, on that same date, and again approximately 45 minutes ago. I have not yet had the pleasure of your response.

Perhaps I can make my request a lot more simple: I am requesting a copy of the writ which apparently was docketed on June 1, 2011 (Mr. Gillespie has not received a copy of same). If you or your assistant would be so kind so as to attach a copy to an e-mail and shoot it over to me I would be most appreciative.

I am looking forward to your response. Thank you.....Eugene

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

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Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Tuesday, June 14, 2011 7:46 PM
Subject: Re: your call earlier

"I've made my peace with the lord. I'm 55 years-old but feel like 85. I'm at the end of the line."

Sorry it's taken me longer than I thought to get back to you.

This kind of talk isn't good Neil. You're not at the end of the line until you're at the end of the line. And I don't see you being any closer to the end than I am.

As for a new agreement, this is my suggestion. Give me another \$1,000.00 on July 1, and I won't take another dime from you. Consider it a flat fee to get you out from under this writ (BUT WITHOUT entering an appearance in this state court case) and/or to file a Chapter 7 bankruptcy for you. The only other things you would have to pay for if we go the bankruptcy route (and these are NOT my fees, they are costs) is the filing fee of \$299.00, a credit report fee of \$30.00, and the credit counseling fee(s) which will be at most \$80.00 (sometimes you can find a cheaper vendor). Based on what I know right now about your case, your debt to this asshole Rodems would be discharged in your Chapter 7 bankruptcy, and he would get NOTHING from you.

Take care, I'll be asleep in an hour, but I will be calling Judge Arnold's chambers first thing tomorrow.

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--- On **Tue, 6/14/11**, Neil Gillespie <neilgillespie@mfi.net> wrote:

From: Neil Gillespie <neilgillespie@mfi.net>
 Subject: your call earlier
 To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
 Date: Tuesday, June 14, 2011, 3:58 PM



Eugene,

Thanks for your call earlier. I appreciate your comments. There are other matters to consider. My initial brief is due in the 2dDCA June 22, 2011, see attached. I must work on that ASAP. After the brief is filed I would like to leave the state while you try to resolve something, but I don't have any funds. I am not turning myself in. So I'll hide the best I can. I've made my peace with the lord. I'm 55 years-old but feel like 85. I'm at the end of the line. It would be great to resolve this matter, but opposing does not want that to happen, and the courts are cooperating with him. I agree to modify our agreement as you see fit. I'm open to any suggestions not covered. Thank you.

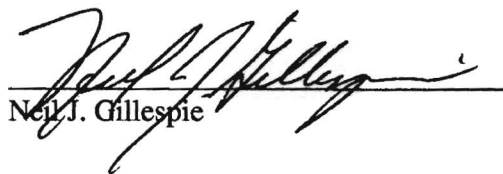
Neil Gillespie



ASSIGNMENT OF UNLIQUIDATED LAWSUIT PROCEEDS

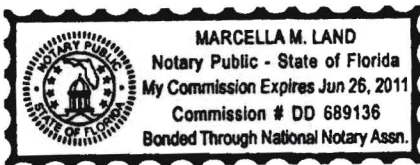
Neil J. Gillespie (hereinafter "Assignor") assigns and transfers to Penelope M. Gillespie (hereinafter "Assignee"), for her use and benefit, a security interest in all rights of Neil J. Gillespie to receive any proceeds in the case of Neil J. Gillespie v. Barker, Rodems & Cook, P.A., Hillsborough County Circuit Court Case Number 05-CA-7205. The cause of action itself is retained by Neil J. Gillespie and only the right to the litigation proceeds is hereby assigned. Neil J. Gillespie retains the right of action and retains complete control over the handling and the management of the lawsuit, including the right to make any and all decisions regarding the lawsuit and any decisions regarding settlement of the lawsuit.

DATED this 19th day of November, 2008.


Neil J. Gillespie

November 19, 2008
DATE

The foregoing instrument was acknowledged before me this 19 day of November, 2008, by Neil J. Gillespie, who is personally known to me or has produced _____ as identification.




Notary Public, State of Florida

Marcella M Land
Print, Type or Stamp Name of Notary

My Commission Expires: June 26, 2011

DAVID R. ELLSPERMANN, CLERK OF COURT MARION COUNTY
DATE: 03/31/2009 11:58:27 AM
FILE #: 2009026691 OR BK 05177 PG 0547

RECORDING FEES 10.00



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

NEIL J. GILLESPIE,
Plaintiff,

Case No. 05-007205

-vs-

Division: "J"

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

-----/

TRANSCRIPT OF TELEPHONE CONVERSATION

RECEIVED AT: As Indicated Below

DATE & TIME: 14 June 2011

TRANSCRIBED BY: Michael J. Borseth
Court Reporter

(ORIGINAL ✓)
(COPY)

Michael J. Borseth
Court Reporter/Legal Transcription
(813) 598-2703

EXHIBIT

10

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APPEARANCES:

For the Plaintiff:

NEIL J. GILLESPIE
8092 SW 115th Loop
Ocala, Florida 34481
(352) 854-7807

EUGENE P. CASTAGLIUOLO, ESQUIRE
Castagliuolo Law Group, P.A.
2451 McMullen Booth Road
Clearwater, Florida 33759

1 explain that.

2 MR. GILLESPIE: I'm not appearing in any court
3 without an attorney in Hillsborough County.

4 MR. CASTAGLIUOLO: All right.

5 MR. GILLESPIE: Every time I do they just
6 don't listen to anything I have to say and they do
7 whatever opposing counsel wants.

8 MR. CASTAGLIUOLO: Well, this guy Dunlap's
9 boss served the Order to Show Cause on you. And
10 the word is with the Sheriff's office that you
11 are -- there's something wrong with you mentally.
12 And she said that if Dunlap goes out there he's to
13 always have two deputies with him at all times. So
14 you really must have put the fear of God in these
15 people. I'm doing the best I can with this but --

16 MR. GILLESPIE: Well, I don't know where they
17 got that from, other than the fact that I am
18 disabled with depression and post traumatic stress
19 disorder. And that's a matter in the court file.
20 So --

21 MR. CASTAGLIUOLO: Okay. Well, I don't know
22 where they got it from either and I don't care.
23 You know, I don't make any judgments about people
24 based on what their mental problems are. Because
25 if you -- if you're going to measure people by that

1 yardstick then I'm not going to pass the test
2 either. But the thing is, we have to deal with
3 what we, you know, the situation as it exists right
4 now. So I want you to just like take a couple
5 hours and think about it, because I got other
6 things to do anyway. And then call me later on
7 this afternoon and tell me how you want to proceed
8 with this.

9 MR. GILLESPIE: Well, my initial -- I can give
10 you an initial reaction right now is to leave
11 Florida until you can get some kind of hearing
12 arranged. I'm not going to jail, I'll tell you
13 that right now.

14 MR. CASTAGLIUOLO: Okay. Well, then you've
15 already -- you already know what you want to do.
16 That's fine.

17 MR. GILLESPIE: Now, that's just my initial
18 reaction. Okay. I'm just telling you that's my
19 initial reaction.

20 MR. CASTAGLIUOLO: Well, most of us are pretty
21 good with our initial reactions, you know, rarely
22 do they change. But call me in a couple hours and
23 let me know, and then I'm going to start moving on
24 whatever it is that we're going to do. And you
25 know, that's it for right now.

Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Monday, June 13, 2011 2:14 PM
Subject: Re: someone knocking at the front door
 OK, cool, just get me that writ ASAP and I will try to get a hearing on a Uniform Motion Calendar, otherwise you'll be waiting until probably November for a hearing date

Please also be aware, well in advance, that I will be out of the office the last week of July and the first week of August. Probably more time because they just found a lesion on my kidney. This is how it started for my brother, and it ended with him being dead at age 45. So I don't walk around afraid, that's not my style, but let's just say I'm concerned. All the more reason why I want to get this writ off your back ASAP.

As for the guy pounding on your door: I'm not clairvoyant, but if he was law enforcement, he'd probably leave a card, most likely it has to do with the foreclosure

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--- On **Mon, 6/13/11**, **Neil Gillespie** <neilgillespie@mfi.net> wrote:

From: Neil Gillespie <neilgillespie@mfi.net>
 Subject: Re: someone knocking at the front door
 To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
 Date: Monday, June 13, 2011, 2:02 PM

That is agreeable with me. Additional funds will be available Friday, July 1, 2011 with my next disability payment.

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

From: [Eugene P. Castagliuolo, Esq.](mailto:Eugene.P.Castagliuolo@lawgroup.com)
To: [Neil Gillespie](mailto:Neil.Gillespie@mfi.net)
Sent: Monday, June 13, 2011 1:51 PM
Subject: Re: someone knocking at the front door

EXHIBIT

11

Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Wednesday, June 15, 2011 10:03 PM
Subject: Re: documents

I like this letter. It's concise, and it contains multiple exhibits indicating a spirit of cooperation with Rodems' discovery requests. I'm not carting a 51 page document with me tomorrow (3 copies no less) to give to people who aren't going to read it anyway. But I will hand up a copy of this letter to Judge Arnold.

The game plan is this: *"Judge, I've prevailed upon Mr. Gillespie to appear for a deposition. Due to his health issues and my health issues, I am requesting 60 days to get this done. Will you please vacate/quash the writ, with a specific instruction to law enforcement to rescind the warrant?"*

Then, in the next 60 days, you file a Chapter 7 bankruptcy (presuming this trust of yours which everyone's talking about doesn't mean you don't qualify under the means test), and abracadabra, Rodems and this state court lawsuit are history.

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--- On **Wed, 6/15/11**, Neil Gillespie <neilgillespie@mfi.net> wrote:

From: Neil Gillespie <neilgillespie@mfi.net>
 Subject: Re: documents
 To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
 Date: Wednesday, June 15, 2011, 9:32 PM

See the attached letter to Mr. Rodems dated June 25, 2010. This letter is also "Exhibit E" to the 51 page Notice of Fraud on the Court, that you read 50% of, below.
 2010, 07-27-10, Notice Of Fraud On The Court by Ryan C. Rodems - Discovery, w exhibits.
 Rodems has purposely confused the discovery in this matter. Rodems made two different discovery demands June 1, 2010 - a Deposition Duces Tecum, and Defendants' Motion

EXHIBIT

12

Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Thursday, June 09, 2011 12:51 PM
Subject: Re: communication

Dear Mr. Gillespie:

Under no circumstances will I be refunding any fee paid to me by you on Friday, June 3, 2011.

In that you have discharged me as your attorney, please do not contact me again by any manner whatsoever except through counsel.

Should you insist in contacting me again without the assistance of counsel, I shall immediately report your contact to law enforcement and I shall prosecute you to the full extent of the criminal law. I'm a former prosecutor, so if you think I'm bluffing, please try me.

YOU HAVE BEEN FOREWARNED. CONDUCT YOURSELF ACCORDINGLY.

Eugene P. Castagliuolo

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--- On **Thu, 6/9/11**, Neil Gillespie <neilgillespie@mfi.net> wrote:

From: Neil Gillespie <neilgillespie@mfi.net>
Subject: Re: communication
To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
Date: Thursday, June 9, 2011, 12:44 PM

Eugene P. Castagliuolo, Esquire
CASTAGLIUOLO LAW GROUP, P. A.
2451 McMullen Booth Road
Clearwater, Florida 33759



Dear Eugene,

You are hereby terminated from the agreement signed June 3, 2011 for "Representation limited to preparation for and attendance at deposition, the date of which has yet to be determined." A copy of the agreement is attached.

The agreement is not working. Kindly return my \$1,000 retainer immediately.

It appears from your communication that you either underestimated this assignment or changed your mind. Either way you are relieved of your obligation under the agreement.

You claim to have received 32 emails and 96 attachments. I believe most of the emails and virtually all of the attachments were provided at your request as background information in this matter. It was up to you to decide under our flat fee agreement what, if anything, was relevant to your "preparation for and attendance at deposition". A few emails were merely to keep you in the loop about developments in this case.

Concerning disability, you have Dr. Huffer's medical report, one of the symptoms of PTSD is hypervigilance. I'm sure you would not fault a blind person for tripping over objects in his path; please extend that same courtesy to one who is hypervigilant with PTSD.

You have repeatedly expressed unhappiness with our flat fee arrangement and asserted your claim to an hourly rate of \$295, but that is not part of our agreement. As stated before, I learned my lesson about hourly rates - I don't contract for legal services that way, it is an invitation for waste and always leads to conflict. I am indigent and paid you over half my monthly disability income for this month.

While you may not find this case financially rewarding, someone else may. An unemployed lawyer may be happy to spend a week on this matter to earn a flat fee of \$1,000. I'm still getting responses from my ad on craigslist.

The reason for the volume of documents in this case, and level of animosity, is that opposing counsel's exercise of independent professional judgment is materially limited by his own interest and conflict. Until that issue is addressed this is not a legitimate legal proceeding, but as you noted in your email of June 5th, a pissing contest.

If you would like to take this case in its entirety, full representation on a contingent fee basis, I would be happy to have you represent me. But be forwarded, Mr. Rodems has poisoned this matter and the court is cooperating with him through the misuse and denial of judicial process under the color of law.

Whatever you decide, rest assured that I do not hold any animosity toward you - no bar complaint or legal claims will follow and I will put that in writing.

Thank you for your consideration.

Sincerely,

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

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

From: [Eugene P. Castagliuolo, Esq.](mailto:Eugene.P.Castagliuolo@Esq)

To: [Neil Gillespie](mailto:Neil.Gillespie)

Sent: Thursday, June 09, 2011 11:14 AM

Subject: Re: communication

Dear Mr. Gillespie:

This e-mail message that I am typing right now is the 32nd e-mail to transpire between us since we met last Friday, a mere 6 days ago. Most of those e-mails are from you to me and, incredibly, your e-mails to me contained a whopping 96 (96 !!!) attachments, many of which

were lengthy.

Mr. Gillespie, I am getting very close to the limit of my patience with you. Do you think you are somehow entitled to this amount of my time, uncompensated ??? Do you really think for one minute that a Judge will require that I spend as much time as I have with you for nothing !?!? If so, you are sadly mistaken.

This will be my last e-mail to you unless and until I have NEW news about your case. Similarly, I strongly suggest that you not send me any more e-mails or call me again unless and until you have something NEW to tell me about your case (and by NEW, I mean any event that might occur from this moment going forward). Do NOT call me to "check" to see if Mr. Rodems has responded to me. IF AND WHEN he responds, you will hear from me within the hour of his response.

One would think that due process would require that you receive a copy of this mysterious "writ" in your mailbox. If you do, please send me a copy via e-mail attachment.

I will now, once again, call Mr. Rodems and e-mail him as well. You will hear from me IF AND WHEN I have NEW news for you.

Thank you.....Eugene

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Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Thursday, June 09, 2011 1:16 PM
Subject: Re: communication

Neil, I do NOT want to do battle with you, I do NOT battle with my clients. In 23+ years of doing this, I have had maybe 3 client complaints, and I prevailed on all 3 because all 3 were found to be groundless.

As I told you when you hired me, I pride myself on getting along with my clients. But your manner is very hard to take. You are obsessed with this matter and you expect me to share your obsession. Unfortunately, I cannot, because to do so would mean that I have lost my objectivity, and if I lose my objectivity, I will not be serving your best interests.

I want to get this guy off your back, but as you know well by now, the wheels of justice move slowly. What's more, Rodems has not even extended me the professional courtesy of returning my telephone calls. So if you want me to help you, we'll have to do it another way. But it all starts with obtaining a copy of that writ.

It's totally your call, but there will be no refund whatsoever of any monies paid. Furthermore, I invite you to reply to this e-mail if you do so in a civil, professional manner.

Thank you.

Eugene

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--- On **Thu, 6/9/11**, Neil Gillespie <neilgillespie@mfi.net> wrote:

From: Neil Gillespie <neilgillespie@mfi.net>
Subject: Re: communication
To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
Date: Thursday, June 9, 2011, 12:44 PM

Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Wednesday, June 15, 2011 7:43 PM
Subject: Re: documents

No no no no and no. This is all too much. I read about 50% of the 50+ pages of that July 2010 document you referred me to, and I am not litigating a single issue raised in that document tomorrow. NONE of that stuff is at issue tomorrow. The only thing that is at issue tomorrow is your freedom. End of story. My sole role tomorrow, after which I shall be finished as your lawyer, shall be to do my utmost best to prevail upon the kindness of Judge Arnold to vacate the writ and resultant arrest warrant.

Neil, I cannot stop working on all of my other cases for \$1,000 or even \$2,000. I simply can't do it.

Tomorrow, I will be your staunch advocate, but after tomorrow, my role in this matter will be over.

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--- On **Wed, 6/15/11, Neil Gillespie** <neilgillespie@mfi.net> wrote:

From: Neil Gillespie <neilgillespie@mfi.net>
 Subject: Re: documents
 To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
 Date: Wednesday, June 15, 2011, 7:23 PM

Eugene,

The deposition dates from 2008 when Mr. Bauer represented me. Then nothing happened in the case for a year, from August 13, 2008 when Mr. Bauer moved to withdrawal until Judge Barton granted the withdrawal October 1, 2009.

Then Mr. Rodems scheduled a deposition in December 2009 and another in June 2010. I responded to each. Then Mr. Rodems wrote a letter to Judge Cook July 12, 2010. I refuted that by notice July 27, 2010. Rodems had all the documents and/or responses at that point as shown in the pleading. Judge Cook issued the contempt order September

EXHIBIT

15

30, 2010. So it all of this dates pretty far back.

See the July 27, 2010 Notice Of Fraud On The Court by Ryan C. Rodems - Discovery, w exhibits. That is the latest. Mr. Rodems misrepresented to Judge Cook my discovery responses. This 51 page document is an attempt to set the record straight.

Let me know what else you need.

Neil

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

From: [Eugene P. Castagliuolo, Esq.](mailto:Eugene.P.Castagliuolo@lawgroup.com)

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

Sent: Wednesday, June 15, 2011 6:49 PM

Subject: Re: documents

Neil, at this late point in time, you have to make it easy for me, I don't have that much time

I asked you for 4 documents, and you send me 10. And most of them are dated in 2008 and 2009. There has been soooo much more happening in this case since then, that I assure you, documents from 2008 and 2009 will not carry the day tomorrow

Help me to help you

www.CastagliuoloLawGroup.com www.FilingBankruptcyInTampa.com

Eugene P. Castagliuolo, Esquire

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--- On **Wed, 6/15/11**, Neil Gillespie <neilgillespie@mfi.net> wrote:

From: Neil Gillespie <neilgillespie@mfi.net>

Subject: documents

To: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>

Date: Wednesday, June 15, 2011, 3:56 PM

Eugene,

Thank you for your call, and for entering your appearance. I appreciate your effort on my behalf. Attached you will find the following:

1. 2010, 07-27-10, Notice Of Fraud On The Court by Ryan C. Rodems - Discovery, w exhibits.

Mr. Rodems misrepresented to Judge Cook my discovery responses. This 51

page document is an attempt to set the record straight. I am including the following separate components which should be less confusing even though it is more documents:

discovery and response, 2008, 10-01-08, Robert Bauer

discovery and response, 2008, 10-10-08, request for production

discovery and response, 2009, 10-13-09, amended deposition duces tecum

discovery and response, 2010, 06-01-10, notice of deposition duces tecum

discovery and response, 2010, 06-01-10, sec 56.29(2)

2. 2011, 05-27-11, NJG to Judge Arnold, cannot appear unrepresented, w enc. This is my letter to Judge Arnold informing the Court that I cannot appear without counsel.

3. 2009, 12-15-09, Plaintiff's motion hold Ryan Rodems in Contempt with exhibits

2010, 06-14-10, P's motion cancel deposition duces tecum (Jun-18-10), order of protection

Mr. Rodems contends that I failed to attend two properly noticed depositions; this is false. The deposition set in October 2009 violated Judge Barton's stay order following Mr. Bauer's departure from the case. As for the second deposition, I moved for an order of protection.

4. The Court is concerned about telephone recording because I filed a notice of telephone recording. (attached). This is due to the fact that in the past when I spoke with Mr. Rodems by phone, he would later misstate the call and file a false affidavit with the court. Mr. Rodems stopped doing that once the calls were recorded since a transcript could be submitted to impeach him.

I will contact Dempster Berrhill Court Reporters to have the hearing tomorrow covered. Thank you.

Neil Gillespie

Neil Gillespie

From: "Eugene P. Castagliuolo, Esquire" <attorneyepc@yahoo.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Thursday, June 30, 2011 5:01 PM
Subject: Re: Friday

Was able to see a small part of 2nd attachment. My response to the Court will be forthcoming next week. From this point forward, communicate with me only via US Mail. Any other form will be reported to Marion County Sheriff as criminal harassment, & trust me, I will prosecute.

Sent from my Verizon Wireless BlackBerry

From: "Neil Gillespie" <neilgillespie@mfi.net>
Date: Thu, 30 Jun 2011 15:13:52 -0400
To: Eugene P. Castagliuolo, Esq.<attorneyepc@yahoo.com>
Subject: Re: Friday

see attached

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

From: [Eugene P. Castagliuolo, Esq.](mailto:Eugene.P.Castagliuolo@lawgroup.com)
To: [Neil Gillespie](mailto:Neil.Gillespie@mfi.net)
Sent: Wednesday, June 29, 2011 5:10 PM
Subject: Friday

Neil, now that we're only 2 days away, do you have any idea when you might be arriving at my office on Friday ?

thanks

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).

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EXHIBIT**16**

CIVIL THEFT NOTICE

TO: Neil J. Gillespie

LAST KNOWN ADDRESS: 8092 S. W. 115th Loop
Ocala, FL 34481

YOU ARE HEREBY NOTIFIED that you have obtained professional services from me by false pretenses, fraud, and/or deception, in violation of Florida Statute 812.012(6)(b), for which you owe me \$1,000.00, as you promised and agreed to pay me. Section 772.11 Florida Statutes (2011) permits me to make claim against you for triple the amount of damages sustained by me by my deprivation by you of the sum total of \$1,000.00. **TRIPLE THE SUM OF \$1,000.00 IS \$3,000.00.**

This is my demand that you pay me the sum of \$1,000.00 within 30 days after your receipt of this notice.

Dated: 7/1/2011


EUGENE P. CASTAGLIUOLO

**SENT VIA CERTIFIED MAIL # 7009-2820-0000-5183-3510
RETURN RECEIPT REQUESTED**

CASTAGLIUOLO LAW GROUP, P. A.
2451 McMullen Booth Road
Clearwater, FL 33759

CERTIFIED MAIL™



7009 2820 0000 5183 3510



1000

34481

U.S. POSTAGE
PAID
CLEARWATER, FL
33763
JUL 01, 11
AMOUNT

\$10.09

00063567-19

**RESTRICTED
DELIVERY**

NEIL J. GILLESPIE
8092 S. W. 115th Loop
Ocala, FL 34481

cc

RETURN RECEIPT
REQUESTED

34481+3567



VIA FAX (727) 725-0389 and
USPS First Class Mail and
USPS Certified Mail, RRR, 7010 1670 0001 9008 0543

August 4, 2011

Eugene P. Castagliuolo, Esquire
Castagliuolo Law Group, P. A.
2451 McMullen Booth Road
Clearwater, Florida 33759

Dear Mr. Castagliuolo:


In response to your "Civil Theft Notice" dated July 1, 2011, counsel has advised me that your claim is legally insufficient, therefore I decline payment.

You are in breach of contract. You committed legal malpractice. You failed to prepare for the deposition. You failed to represent me in bankruptcy. You failed to timely obtain a copy of the writ of bodily attachment that was available from Judge Arnold at all times, according to Major Livingston. Instead you "threw me under the bus" and accepted a walk-away settlement that you were specifically instruct, in writing, not to accept. You are also in violation of the Americans With Disabilities Act (ADA) relative to the lack of ADA accommodation(s) during the deposition. You failed to engage in negotiations with Mr. Rodems beneficial to me such as, but not limited to, the payment of my attorneys fees. You failed to disclose a conflict of interest with your daughter who works for the Public Defender previously appointed to represent me. The foregoing is representative of, but not inclusive of, every claim I may have against you.

You failed your duty as an attorney to report Mr. Rodems' conduct prejudicial to the administration of justice, Rodems' misconduct under Bar Rule 4-8.4(d), when Rodems and his staff failed to cooperate with you, failed to return your phone calls, or failed to provide you a copy of the writ of bodily attachment upon your request.

You were terminated from representing me by email June 9, 2011 at 12:44 PM. You refused to provide any refund of advance payment. You took advantage of my status as a person subject to arrest on a writ of bodily attachment and threatened me, continued the representation, and extorted from me the promise of more money and other such.

Sincerely,


Neil Gillespie
8092 SW 145th Loop
Ocala, Florida 34481

EXHIBIT

18

August 5, 2011

**CERTIFIED MAIL # 7009-2820-0000-5183-3558
RETURN RECEIPT REQUESTED**

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

RE: One-Time Nonnegotiable Offer of Settlement

Dear Mr. Gillespie:

Pursuant to the Civil Theft Notice which was served upon you via Certified Mail, Return Receipt Requested, on July 5, 2011, you had thirty (30) days thereafter to comply with the demand contained in said Notice. Accordingly, your compliance was required no later than August 4, 2011. Today is August 5, 2011, and you have failed to comply. Furthermore, you faxed me a letter yesterday in which you stated explicitly that you "decline payment." Therefore, given the foregoing facts and circumstances, my Civil Theft Claim against you has been perfected, and you are now indebted to me in the amount of **\$3,000.00 (THREE THOUSAND DOLLARS)**.

You can count on me to aggressively pursue collection of that sum from you. However, in an effort to avoid further litigation and to put a permanent end to our relationship, I am making a one-time, non-negotiable settlement offer to you, as follows: **I will accept \$500.00 from you in full satisfaction of my claim against you for attorneys' fees due and owing, as long as I am in receipt of said sum on or before November 11, 2011.** This expansive deadline for acceptance is designed to give you plenty of time to accumulate that sum.

You can accept my offer by simply tendering \$500.00 to me on or before November 11, 2011. If you fail to do so, then you will have rejected my offer, and in that event, I shall file suit against you to recover the full \$3,000.00 that you owe me on Monday, November 14, 2011. I have been very successful collecting unpaid attorneys' fees, and I am quite confident that I will be equally successful obtaining a judgment against you. If you think I'm bluffing, try me.

OTHER THAN TO ACCEPT MY OFFER AS SPECIFIED ABOVE OR TO CONTACT ME THROUGH YOUR ATTORNEY, YOU ARE HEREBY WARNED NOT TO CONTACT ME YOURSELF VIA ANY MANNER WHATSOEVER. YOU ARE FURTHER WARNED THAT I SHALL TAKE APPROPRIATE ACTION IF I SHOULD SEE ANYTHING ABOUT ME ON YOUR RIDICULOUS WEBSITE. YOU HAVE BEEN WARNED. CONDUCT YOURSELF ACCORDINGLY.

Sincerely,



EUGENE P. CASTAGLIUOLO

EXHIBIT

19

CERTIFIED MAIL™

CASTAGLIUOLO LAW GROUP, P. A.
2451 McMullen Booth Road
Clearwater, FL 33759



7009 2820 0000 5183 3558



1000



34481

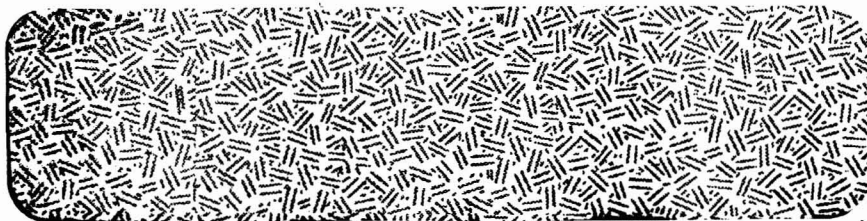
U.S. POSTAGE
PAID
CLEARWATER, FL
33763
AUG 05, 11
AMOUNT

\$5.59

00063567-1C

FIRST CLASS

RETURN RECEIPT
REQUESTED



34481356792



nl
8/8
R67
3:10P

8-8
8-13
8-23

Neil Gillespie

From: "Eugene P. Castagliuolo, Esq." <attorneyepc@yahoo.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Friday, August 12, 2011 12:10 PM
Attach: GILLESPIE certified letter 8-5-11.pdf
Subject: letter attached

Dear Mr. Gillespie:

As I anticipated, you're covering in your house behind masked windows, hiding from the mailman, and refusing to accept my certified mail. No worries, I'm flexible and resourceful, so please find it attached to this e-mail.

Oh, and by the way, I have instructed the support staff in my building to refuse your certified mail. Similarly, you are hereby advised that you are not to ever again send me ANYTHING via facsimile transmission. Should you persist in doing so, I will report your willful ignorance of my demand to the Pinellas County Sheriff's Office.

Thank you.

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

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CASTAGLIUOLO LAW GROUP, P. A.

2451 McMullen Booth Road
Clearwater, Florida 33759

TEL: (727) 712 - 3333
FAX: (727) 725 - 0389

August 5, 2011

CERTIFIED MAIL # 7009-2820-0000-5183-3558
RETURN RECEIPT REQUESTED

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

RE: One-Time Nonnegotiable Offer of Settlement

Dear Mr. Gillespie:

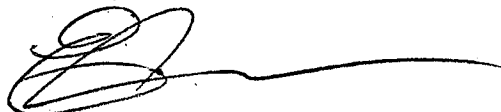
Pursuant to the Civil Theft Notice which was served upon you via Certified Mail, Return Receipt Requested, on July 5, 2011, you had thirty (30) days thereafter to comply with the demand contained in said Notice. Accordingly, your compliance was required no later than August 4, 2011. Today is August 5, 2011, and you have failed to comply. Furthermore, you faxed me a letter yesterday in which you stated explicitly that you "decline payment." Therefore, given the foregoing facts and circumstances, my Civil Theft Claim against you has been perfected, and you are now indebted to me in the amount of **\$3,000.00 (THREE THOUSAND DOLLARS)**.

You can count on me to aggressively pursue collection of that sum from you. However, in an effort to avoid further litigation and to put a permanent end to our relationship, I am making a one-time, non-negotiable settlement offer to you, as follows: **I will accept \$500.00 from you in full satisfaction of my claim against you for attorneys' fees due and owing, as long as I am in receipt of said sum on or before November 11, 2011.** This expansive deadline for acceptance is designed to give you plenty of time to accumulate that sum.

You can accept my offer by simply tendering \$500.00 to me on or before November 11, 2011. If you fail to do so, then you will have rejected my offer, and in that event, I shall file suit against you to recover the full \$3,000.00 that you owe me on Monday, November 14, 2011. I have been very successful collecting unpaid attorneys' fees, and I am quite confident that I will be equally successful obtaining a judgment against you. If you think I'm bluffing, try me.

OTHER THAN TO ACCEPT MY OFFER AS SPECIFIED ABOVE OR TO CONTACT ME THROUGH YOUR ATTORNEY, YOU ARE HEREBY WARNED NOT TO CONTACT ME YOURSELF VIA ANY MANNER WHATSOEVER. YOU ARE FURTHER WARNED THAT I SHALL TAKE APPROPRIATE ACTION IF I SHOULD SEE ANYTHING ABOUT ME ON YOUR RIDICULOUS WEBSITE. YOU HAVE BEEN WARNED. CONDUCT YOURSELF ACCORDINGLY.

Sincerely,



EUGENE P. CASTAGLIUOLO

United States Postal Service®

Sorry We Missed You! We'll Deliver for You

Today's Date

8-13-11

Sender's Name

CAS TAG 40020 (LAW)

Item is at:

Post Office (See back)

Available for Pick-up After

Date: 8-13-11

Time: 8:20

We will redeliver or you or your agent can pick up. See reverse.

- Letter
- Large envelope, magazine, catalog, etc.
- Parcel
- Restricted Delivery
- Perishable Item
- Other:

For Delivery: (Enter total number of items delivered by service type)

For Notice Left: (Check applicable item)

- Express Mail®
- Certified Mail™
- Firm Bill
- Registered Mail™
- Insured Mail
- Return Receipt for Merchandise
- Delivery Confirmation™
- Signature Confirmation™

If checked, you or your agent must be present at time of delivery to sign for item.

Article Number(s)

7009 2820 0000 5183

3558

Notice Left Section

Customer Name and Address

NEIL GILLESPIE

8092 SW 115TH LOOP

Delivered By and Date

Article Requiring Payment

Amount Due

Postage Due COD Customs \$

Final Notice: Article will be returned to sender on 8-23-11

PS Form 3849, May 2008

8-23-11

usps.com

Delivery Notice/Reminder/Receipt