

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.

---

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

**BELATED SEPARATE REQUEST TO TOLL TIME**

1. Petitioner filed December 19, 2011 a motion to extend time to file a petition for writ of mandamus. At the time Petitioner's computer was being repaired by Abshier Consulting, Inc. (ACI) computer repair shop in Ocala, Florida. Petitioner lost access to his files and could not state further at that time.
2. The computer was returned December 21, 2011. A copy of the invoice from ACI is attached as Exhibit 1. Once the computer was returned it took several more days to be fully functional, as all the files, data and programs had to be reinstalled. Some of the files did not transfer properly and additional time was needed to correct that issue. Many of the programs required additional time to set up and re-calibrate settings. The computer was not fully operational until December 26, 2011.
3. For much of the month of December Gillespie's computer was infected with a virus and not usable. This problem began December 3, 2011 and the computer was taken for repair at ACI. The computer was returned December 6, 2011. A copy of the invoice is

attached as Exhibit 2. But the virus was not completely removed and problems continued until the computer stopped working again December 15, 2011. The computer was taken back for repair to ACI. It was determined that the virus could not be removed, and the only remedy was to completely scrub and reformat the computer's hard drive. This meant that all Gillespie's files, data and programs were lost and had to be reinstalled. This was a lengthy and time intensive project.

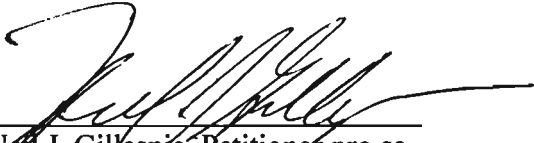
4. Gillespie will serve the petition January 6, 2012.

5. Pursuant to Rule 9.300, Fla. R. App. P., Petitioner moved December 19, 2011 for a third extension of ten (10) days time, with a date certain of January 6, 2012 in which to file his petition for writ of mandamus. Gillespie will serve the petition January 6, 2012.

Pursuant to Rule 9.300(d)(10), Gillespie belatedly requests the Court to toll time.

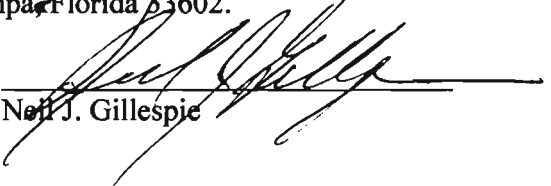
WHEREFORE, Petitioner moves for an extension of ten (10) days time, with a date certain of January 6, 2012 in which to file his petition for writ of mandamus, and belatedly request the Court to toll time.

RESPECTFULLY SUBMITTED January 2, 2012.

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

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed by US Postal Service, First Class Mail, January 2, 2012 to Ryan Christopher Rodems, Barker, Rodems & Cook, P.A., 501 E. Kennedy Blvd, suite 790, Tampa, Florida 33602.

  
\_\_\_\_\_  
Neil J. Gillespie



8810 SW Hwy 200  
 Unit 114  
 Ocala, FL 34481  
 (352) 237-8001

# Invoice

Date	Invoice #
12/21/2011	14638

Bill To
Neil Gillespie 8092 Sw 115th Loop Ocala, FL 34481

Service At
Neil Gillespie 8092 Sw 115th Loop Ocala, FL 34481

S.O. No.	P.O. No.	Terms	Tech
		Due on receipt	KD

Item	Quantity	Description	Rate	Amount
SHOP	2	In Shop Labor-Reinstalled windows and moved data	65.00	130.00
SHOP	-1	Discount from work done but not fixed.	65.00	-65.00

Thank you for your business.	<b>Subtotal</b>	\$65.00
All invoices are Due Upon Receipt unless otherwise noted.	<b>Sales Tax (6.0%)</b>	\$0.00
	<b>Total</b>	\$65.00
	<b>Balance Due</b>	\$65.00

**EXHIBIT**  
**1**



8810 SW Hwy 200  
 Unit 114  
 Ocala, FL 34481  
 (352) 237-8001

# Invoice

Date	Invoice #
12/6/2011	14598

**PAID**  
 12/06/2011

<b>Bill To</b> Neil Gillespie 8092 Sw 115th Loop Ocala, FL 34481	<b>Service At</b> Neil Gillespie 8092 Sw 115th Loop Ocala, FL 34481
---	--

<b>S.O. No.</b>	<b>P.O. No.</b>	<b>Terms</b>	<b>Tech</b>
		Due on receipt	KD

Item	Quantity	Description	Rate	Amount
SOFTWARE	1	Kaspersky AV/ Malwarebytes Pro Combo	45.00	45.00T
MALWARE	1	In Shop Labor- Cleaned Malware & repaired damage done by same. Updated Antivirus application. Updated 3rd party applications. Installed all available Windows updates.	65.00	65.00T

Thank you for your business.	<b>Subtotal</b>	\$110.00
All invoices are Due Upon Receipt unless otherwise noted.	<b>Sales Tax (6.0%)</b>	\$6.60
	<b>Total</b>	\$116.60
	<b>Balance Due</b>	\$0.00