

FILED

2011 SEP 30 PM 2: 5
CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA FLORIDA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

NEIL J. GILLESPIE,

CASE NO.: 5:10-cv-503-Oc-10TBS

Plaintiff,

vs.

THIRTEENTH JUDICIAL CIRCUIT,
FLORIDA, et al.

Defendants.

PLAINTIFF NEIL J. GILLESPIE'S NOTICE OF FILING TRANSCRIPT

Telephone call with Krista J. Sterken, Esq., Foley & Lardner, LLP

Plaintiff Gillespie notices filing of the transcript of a telephone call from Krista J. Sterken, Esq., Foley & Lardner, LLP, in support of his *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* (Docket 33), and in support of *NOTICE of Filing Rule 22 applications to United States Justice Clarence Thomas* (Docket 44), and states:

1. On May 25, 2011 Krista J. Sterken, Esq., an associate of Foley & Lardner LLP, telephoned Gillespie at 11:55 a.m. offering legal representation in matters related to the lawsuit Gillespie v. Barker, Rodems & Cook, P.A., et al, case no. 05-CA-007205, Circuit Civil Court, Hillsborough County, Florida. Ms. Sterken was co-counsel with attorney Michael D. Leffel, Esq., a partner at Foley & Lardner LLP, who filed an amicus brief in

Turner v. Rogers, U.S. Docket 10-10. The original transcript of the call is submitted with this Notice. (Exhibit 1).

2. Ms. Sterken telephoned Gillespie with an offer of legal representation contingent upon a conflict search. (transcript, page 5, beginning line 7). Ms. Sterken was responding to Gillespie's email to Mr. Leffel seeking legal representation. (p. 4, line 14). Gillespie accepted the offer of legal representation. (p.8, line 13).

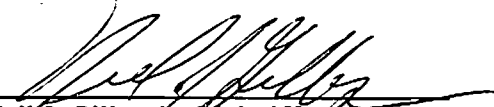
3. On May 26, 2011 Gillespie's email the Clerk of the Circuit Court, Hillsborough County, Florida, relative to the Clerk's determination of indigence in case 05-CA-007205 was "cc" to Ms. Sterken and Mr. Leffel.

4. On May 27, 2011 Mr. Leffel notified Gillespie that Foley & Lardner could not represent him. A copy of the email (Exhibit 2) and letter (Exhibit 3) are attached.

5. On September 27, 2011 Gillespie made a records request to the Clerk through the Clerk's Counsel Dale Bohner, for records or evidence of communication by the Clerk, or its counsel or employees, with Ms. Sterken, Mr. Leffel, or Foley & Lardner. Mr. Bohner acknowledged the request and emailed Gillespie September 28, 2011 "We will begin our records search and I will let you know the results of our search as soon as possible." As of this Notice Mr. Bohner has not responded further nor provided any records.

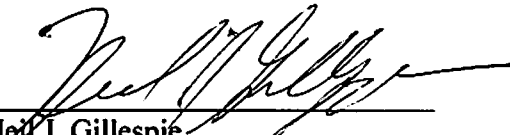
6. Neither Ms. Sterken, Mr. Leffel, nor anyone at Foley & Lardner LLP informed Gillespie of a conflict that would prevent their representation of him. Mr. Leffel did not respond to a follow-up email sent by Gillespie June 30, 2011 (also sent first class mail) requesting reconsideration of Leffel's decision not to represent Gillespie.

RESPECTFULLY SUBMITTED September 30, 2011.


Neil J. Gillespie, Plaintiff pro se
8092 SW 115th Loop
Ocala, Florida 34481
(352) 854-7807

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was emailed September 30, 2011 to Catherine Chapman, counsel for The Law Office of Robert W. Bauer, P.A. and Robert W. Bauer. A copy was mailed by US Postal Service to Ryan C. Rodems, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602. No other party was served.


Neil J. Gillespie

IN RE: **Recorded Telephone Conversation
between Neil J. Gillespie
and Krista J. Sterken.**

-----/

RECEIVED AT: As Indicated Below

DATE & TIME: May 25th, 2011
11:55 a.m.

TRANSCRIBED BY: Michael J. Borseth
Court Reporter

EXHIBIT
1

(ORIGINAL)
(COPY)

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

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APPEARANCES:

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

KRISTA J. STERKEN, ESQUIRE
Foley & Lardner, LLP
Verex Plaza
150 East Gibson Street
Madison, Wisconsin 53703-1481

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This transcript was made from a voice recording of the home office business extension telephone May 25, 2011, at 11:55 a.m. of Neil J. Gillespie with attorney Krista J. Sterken, Foley & Lardner, LLP., Verex Plaza, 150 East Gilman Street, Madison, Wisconsin, 53703-1481.

All calls on the home office business telephone extension of Neil J. Gillespie (352)854-7807 are recorded for quality assurance purposes pursuant to the business use exemption of Florida Statutes chapter 934, section 934.02(4)(a)(1) and the holding of Royal Health Care Servs., Inc. v. Jefferson-Pilot Life Ins. Co., 924 F.2d 215 (11th Cir. 1991)

* * * * *

AUTOMATED ANSWERING MACHINE: This call is being recorded for quality assurance purposes.

MR. GILLESPIE: Hello.

MS. STERKEN: Hi, my name is Krista Sterken. I'm an attorney with Foley and Lardner and I'm calling for Neil Gillsky (sic).

MR. GILLESPIE: This is Neil Gillespie.

MS. STERKEN: Hi. Sorry I mispronounced your name. I'm responding to the e-mail that you sent

1 out to Michael Leffel. We work with --

2 MR. GILLESPIE: Ma'am, I'm having a hard time
3 hearing you. I don't know if it's my phone or if
4 there is a bad connection, but could you try and
5 speak up.

6 MS. STERKEN: Sure. And if it continues to be
7 a problem let me know and I can just call you back.

8 MR. GILLESPIE: Well, that sounds better.

9 MS. STERKEN: Okay.

10 MR. GILLESPIE: I mean, I have a hearing
11 problem, you know, this is one reason I record my
12 calls so I can go back and listen to them to make
13 sure I didn't miss anything.

14 MS. STERKEN: Fair enough. Well, I was just
15 responding to the e-mail that you sent to Michael
16 Leffel.

17 MR. GILLESPIE: Yes. And can you refresh my
18 memory, what Amicus brief did he file?

19 MS. STERKEN: We work with -- there's a group
20 with the University of Wisconsin that focuses on
21 family issues.

22 MR. GILLESPIE: Yes.

23 MS. STERKEN: And we filed a brief for them.

24 MR. GILLESPIE: All right. I didn't get all
25 the briefs because it was just too much for me.

1 MS. STERKEN: Fair enough. Well, if you would
2 like to see a copy of that brief I can certainly
3 send it to you.

4 MR. GILLESPIE: No, I think I have it
5 downloaded. I downloaded everything that was
6 available in the Supreme Court pages.

7 MS. STERKEN: Okay. Sounds good. Well, we
8 just wanted to let you know, you know, certainly we
9 would need to run conflicts and there is a process
10 before we could agree to represent you in this
11 case. But we're certainly interested. We think
12 this raises an important issue. So if you're still
13 looking for representation we would love to start
14 to look at conflicts and those other issues.

15 MR. GILLESPIE: Yes, I really appreciate your
16 call. You know, yesterday I went to the -- in
17 person to the Public Defender in Tampa.

18 MS. STERKEN: Uh-huh.

19 MR. GILLESPIE: But they said that they can't
20 do anything unless they get an order from the
21 Court.

22 MS. STERKEN: Okay.

23 MR. GILLESPIE: And I filed an affidavit of
24 indigency.

25 MS. STERKEN: Uh-huh.

1 MR. GILLESPIE: I had been declared indigent
2 in the District Court of Appeal and in the Supreme
3 Court.

4 MS. STERKEN: Uh-huh.

5 MR. GILLESPIE: But in Tampa they're just
6 making everything extra difficult for me.

7 MS. STERKEN: Okay.

8 MR. GILLESPIE: But I had asked them if -- I
9 had asked the counsel for the clerk of the Court if
10 my affidavit of indigency was sufficient.

11 MS. STERKEN: Uh-huh.

12 MR. GILLESPIE: And he didn't really respond.
13 Now I find from the Public Defender that I have to
14 have a special form.

15 MS. STERKEN: Okay.

16 MR. GILLESPIE: So I haven't got that. It's
17 not -- the form is not available online, so that
18 means I have to go back to the Court. And for me
19 that's a 200-mile round trip by car.

20 MS. STERKEN: Right.

21 MR. GILLESPIE: So I live quite away from
22 there.

23 MS. STERKEN: They're not able to send you the
24 form?

25 MR. GILLESPIE: I asked them for all that and

1 they won't do it.

2 MS. STERKEN: Okay. All right. Well, we
3 would certainly be interested in working with you.
4 And one of the questions that I wanted to ask you
5 is whether there are any other documents associated
6 with your case that are publicly available that we
7 might be able to just review and get a sense of
8 what's happening in your case?

9 MR. GILLESPIE: Well, yes. I have scanned
10 most of the documents recently and, you know, I
11 mean, I'm not sure, maybe you could tell me what
12 documents you're looking for.

13 MS. STERKEN: Okay. You know what, let me
14 review with my partner, Michael Leffel, about what
15 specifically we would like to see. We do have your
16 Motion for Appointment of Counsel.

17 MR. GILLESPIE: Uh-huh.

18 MS. STERKEN: So we have reviewed that as
19 well.

20 MR. GILLESPIE: I mean, I have a website with
21 a lot of the documents posted there.

22 MS. STERKEN: Okay. All right. Well, then we
23 can review that. And if we need anything else
24 we'll follow up with you. How does that sound?

25 MR. GILLESPIE: That sounds good. And I also

1 put some of the documents on scribe.

2 MS. STERKEN: Okay.

3 MR. GILLESPIE: I mean, this whole case has
4 been a problem because the attorney representing
5 the other side has a conflict. But things really
6 just went off all sense of propriety when this
7 Judge Cook took over. She recused herself on the
8 same day that I filed a Motion for Prohibition.
9 But that was just really a problem.

10 MS. STERKEN: Right. Okay. Well, if you're
11 interested in the possibility of us representing
12 you --

13 MR. GILLESPIE: I am.

14 MS. STERKEN: -- we can run conflicts to see
15 if there is any reason that we wouldn't be able to
16 represent you.

17 MR. GILLESPIE: All right.

18 MS. STERKEN: And we'll also review your
19 website and just look through the documents a
20 little bit to get a sense of what's going on in
21 your case.

22 MR. GILLESPIE: All right. Well, in
23 litigation, I have a page that says litigation.

24 MS. STERKEN: Okay. Great.

25 MR. GILLESPIE: Thank you, ma'am.

1 MS. STERKEN: Yes. Absolutely, can I give you
2 my direct number so if you want to contact me you
3 can?

4 MR. GILLESPIE: Yes, that would be helpful.

5 MS. STERKEN: Let me know when you're ready.

6 MR. GILLESPIE: I'm ready.

7 MS. STERKEN: The number is 608 --

8 MR. GILLESPIE: Uh-huh.

9 MS. STERKEN: -- 258 --

10 MR. GILLESPIE: 258.

11 MS. STERKEN: -- 4227.

12 MR. GILLESPIE: 4227.

13 MS. STERKEN: And my name is Krista Sterken.

14 MR. GILLESPIE: Can you spell that for me.

15 MS. STERKEN: Yup. The first name is
16 K-r-i-s-t-a.

17 MR. GILLESPIE: Yes.

18 MS. STERKEN: And the last name is
19 S-t-e-r-k-e-n.

20 MR. GILLESPIE: K-e-n?

21 MS. STERKEN: Yup. And I'm working with
22 Michael Leffel. He's the one you contacted.

23 MR. GILLESPIE: Okay. Well, it's a pleasure
24 hearing from you.

25 MS. STERKEN: Great. And we will run some

1 conflicts and then we'll follow up with you.

2 MR. GILLESPIE: Thank you, ma'am.

3 MS. STERKEN: Okay. Great. Thanks so much.

4 MR. GILLESPIE: Bye-bye.

5 MS. STERKEN: Goodbye.

6 (Whereupon, the above recording was
7 concluded.)

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C-E-R-T-I-F-I-C-A-T-E

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Michael J. Borseth, Court Reporter
for the Circuit Court of the Thirteenth Judicial
Circuit of the State of Florida, in and for
Hillsborough County, DO HEREBY CERTIFY, that I was
authorized to and did transcribe a tape/CD recording of
the proceedings and evidence in the above-styled cause,
as stated in the caption hereto, and that the foregoing
pages constitute an accurate transcription of the tape
recording of said proceedings and evidence, to the best
of my ability.

IN WITNESS WHEREOF, I have hereunto set my hand
in the City of Tampa, County of Hillsborough, State of
Florida, this 12 September 2011.

MICHAEL J. BORSETH, Court Reporter



Neil Gillespie

From: "Ernst, Heidi" <HErnst@foley.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Cc: "Leffel, Michael D." <MLEffel@foley.com>; "Sterken, Krista J." <KSterken@foley.com>
Sent: Friday, May 27, 2011 11:27 AM
Attach: (Untitled).PDF
Subject: Representation
Mr. Gillespie,

Please see the attached letter.

Heidi

Heidi Ernst

Assistant to Michael D. Leffel,
Matthew R. Lynch and Connor A. Sabatino
Foley & Lardner LLP
(608) 258-4771
hernst@foley.com

The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party.

Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a Federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.





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May 27, 2011

WRITER'S DIRECT LINE
608.258.4216
mleffel@foley.com EMAIL

VIA EMAIL AND U.S. MAIL

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

Dear Mr. Gillespie:

I am responding to your correspondence to our office requesting our assistance in representing you.

Each year, we receive a large number of requests for pro bono representation and we are unable to honor all requests. We evaluate each case based on a number of factors, as well as considering the demands of our current case load, before deciding whether we are able to offer representation. For a variety of reasons, including the press of other business, we are unfortunately unable to represent you in connection with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael D. Leffel', written in a cursive style.

Michael D. Leffel

BOSTON
BRUSSELS
CHICAGO
DETROIT

JACKSONVILLE
LOS ANGELES
MADISON
MIAMI

MILWAUKEE
NEW YORK
ORLANDO
SACRAMENTO

SAN DIEGO
SAN DIEGO/DEL MAR
SAN FRANCISCO
SHANGHAI

SILICON VALLEY
TALLAHASSEE
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FOLEY & LARDNER LLP

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May 27, 2011

VIA EMAIL AND U.S. MAIL

WRITER'S DIRECT LINE
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mleffel@foley.com EMAIL

Neil J. Gillespie
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Ocala, Florida 34481

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Sincerely,

Michael D. Leffel

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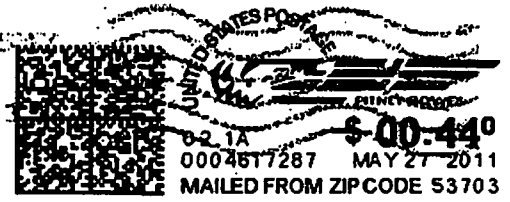
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999999-9999 4151 (MDL)

344813567 R067

27 MAY 2011 09:09



NEIL J. GILLESPIE
8092 SW 115TH LOOP
OCALA, FLORIDA 34481

344813567 R067

