



UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

NEIL J. GILLESPIE,
ESTATE OF PENELOPE GILLESPIE,

Plaintiffs/Appellants,

vs.

CASE NO.: 12-11028-B

CASE NO.: 12-11213-C

THIRTEENTH JUDICIAL CIRCUIT,
FLORIDA, et al.

Defendants/Appellees.
_____ /

CONSOLIDATED NOTICE OF FILING LETTER

RE: FLORIDA ATTORNEY GENERAL APPEARANCE

MOTION TO TOLL TIME

1. Appellants, NEIL J. GILLESPIE and ESTATE OF PENELOPE GILLESPIE, hereby give consolidated notice of filing a letter to Pam Bondi, Florida Attorney General dated May 3, 2012. The letter is to establish that the Florida Office of Attorney General represents the Thirteenth Judicial Circuit, Florida, et al. in appeal 12-11028-B so that Gillespie can serve pleadings that were misdirected to U.S. Attorney Robert E. O'Neill.
2. Gillespie also gives notice of fifteen (15) related cases, see Exhibit 3 to the letter.
3. Gillespie moves to toll time for a response by the Florida Attorney General, and to serve, if necessary, pleadings that were misdirected to the U.S. Attorney.

RESPECTFULLY SUBMITTED May 3, 2012.



Neil J. Gillespie, pro se

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed by U.S. Postal

Service first class mail May 3, 2012 to the following:

Pam Bondi, Attorney General
Office of Attorney General
State of Florida
The Capitol PL-01
Tallahassee, FL 32399-1050

Catherine Barbara Chapman (For Robert W. Bauer, et al) (Service by email only)
Guilday, Tucker, Schwartz & Simpson, P.A.
1983 Centre Pointe Boulevard, Suite 200
Tallahassee, FL 32308-7823

Ryan C. Rodems, Esquire (For himself and his firm Barker, Rodems & Cook, PA)
Barker, Rodems & Cook, PA
501 E. Kennedy Blvd, suite 790
Tampa, Florida 33602



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

Pam Bondi, Attorney General
Office of Attorney General
State of Florida
The Capitol PL-01
Tallahassee, FL 32399-1050

May 3, 2012

RE: Neil J. Gillespie, et al., v. Thirteenth Judicial Circuit, Florida, et al.
U.S. Court of Appeals for the Eleventh Circuit
Appeal Number 12-11028-B and Appeal Number 12-11213-C

Dear Attorney General Bondi:

This inquiry concerns your appearance in the above captioned appeal(s).

Previously U.S. Attorney Robert E. O'Neill was listed for Thirteenth Judicial Circuit, Florida, et al. on the appellate docket in appeal 12-11028-B, but that was a mistake. See the enclosed Consolidated Notice of Clerk Mistake. (Exhibit 1)

The appellate docket now shows substitute attorney Pam Bondi in 12-11028-B for the Thirteenth Judicial Circuit, Florida, et al. A copy of the appellate docket is enclosed showing the April 26, 2012 entry. (Exhibit 2)

Please acknowledge to the undersigned if in fact the Florida Office of Attorney General represents the Thirteenth Judicial Circuit, Florida, et al. in appeal 12-11028-B so that I can serve pleadings that were misdirected to U.S. Attorney Robert E. O'Neill.

The following motions are pending:

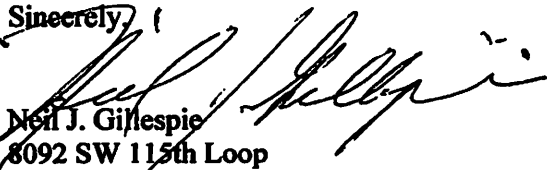
Appellants' motion to appear in forma pauperis, March 16, 2012

Appellants' motion to consolidate related appeals, March 14, 2012

Appellants' consolidated motion for accommodation under the Americans with Disabilities Act and appointment of counsel, April 9, 2012.

Please note that a related case is pending before the Florida Supreme Court, SC11-1622. In fact, there are fifteen (15) related cases, see the enclosed list. (Exhibit 3)

Sincerely,


Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: (352) 854-7807

Enclosures

U.S. COURT OF APPEALS
RECEIVED
CLERK
APR 23 2012
ATLANTA, GA

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
APR 23 2012
JOHN LEY
CLERK

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

NEIL J. GILLESPIE,
ESTATE OF PENELOPE GILLESPIE,

Plaintiffs/Appellants,

vs.

CASE NO.: 12-11028-B

CASE NO.: 12-11213-C

THIRTEENTH JUDICIAL CIRCUIT,
FLORIDA, et al.

Defendants/Appellees.

CONSOLIDATED NOTICE OF CLERK MISTAKE

RE: U.S. ATTORNEY APPEARANCE

MOTION TO TOLL TIME

1. Appellants, ESTATE OF PENELOPE GILLESPIE and NEIL J. GILLESPIE, hereby give consolidated notice of a letter suggesting a mistake by the Clerk, received from Mr. David P. Rhodes, Assistant United States Attorney, Chief, Appellate Division, on behalf of Robert E. O'Neill, United States Attorney, 400 North Tampa Street, Suite 3200, Tampa, Florida 33602, dated April 12, 2012. (Exhibit 1). The letter, addressed to Neil J. Gillespie ("Gillespie"), 8092 SW 115th Loop, Ocala, Florida 34481, states:

"Thank you for your letter. The Eleventh Circuit Court Clerk had mistakenly listed us as counsel in this appeal. We do not represent anyone in this case, and the Court has corrected its records. So you do not need to serve us with anything associated with your appeal."

EXHIBIT
1

2. Mr. Rhodes' letter was in response to a letter from Gillespie to U.S. Attorney Robert E. O'Neill requesting information about the appearance of the U.S. Attorney in this appeal, as set forth below: (Exhibit 2)

"Dear U.S. Attorney O'Neill:

This inquiry is to understand your appearance in the above captioned appeal(s).

March 8, 2012 I spoke with Melanie Gaddis at (404) 335-6187, the Case Handler for Appeal Number 12-11028-B. Ms. Gaddis said your appearance for the Thirteenth Judicial Circuit, Florida, et al. was standard procedure. Based on that information I provided you service of copies for the Thirteenth Circuit.

Yesterday I read on the U.S. Attorney's website that "We enforce the criminal laws of the United States and represent the United States' interest in civil judicial proceedings."

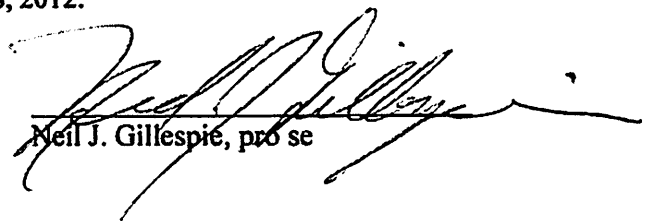
Insofar as the Thirteenth Judicial Circuit, Florida, et al., are state actors, I do not understand your appearance, since there is no United States interest in this case.

Please advise because I do not understand. Should I continue providing your office copies of pleadings in the appeal(s)? Thank you.

3. Gillespie moves to toll time so he can determine who represents the Thirteenth Judicial Circuit, Florida, et al., and serve counsel with the pleadings misdirected to the U.S. Attorney. Catherine Barbara Chapman, counsel for Mr. Bauer, informed Gillespie April 17, 2012 "I do not know who represents the Thirteenth Judicial Circuit."

4. Gillespie provided a copy of this notice to David A. Rowland, Court Counsel for the Thirteenth Judicial Circuit, Florida, and requests Mr. Rowland identify to Gillespie who represents or accepts service for the Thirteenth Judicial Circuit, Florida, et al.

RESPECTFULLY SUBMITTED April 18, 2012.


Neil J. Gillespie, pro se

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed by U.S. Postal

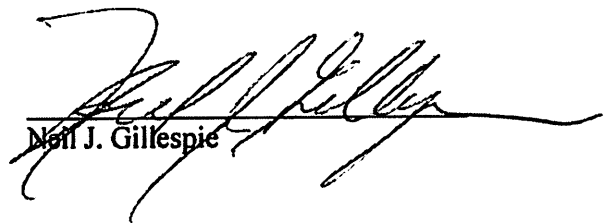
Service first class mail April 18, 2012 to the following:

Robert E. O'Neill, US Attorney (courtesy copy)
US Attorney's Office
400 N. Tampa St., Suite 3200
Tampa, FL 33602-4798

David A. Rowland, Court Counsel (For the Thirteenth Judicial Circuit, FL, et al.)
Administrative Offices Of The Courts
Thirteenth Judicial Circuit Of Florida
Legal Department
800 E. Twiggs Street, Suite 603
Tampa, Florida 33602

Catherine Barbara Chapman (For Robert W. Bauer, et al)
Guilday, Tucker, Schwartz & Simpson, P.A.
1983 Centre Pointe Boulevard, Suite 200
Tallahassee, FL 32308-7823

Ryan C. Rodems, Esquire (For himself and his firm Barker, Rodems & Cook, PA)
Barker, Rodems & Cook, PA
501 E. Kennedy Blvd, suite 790
Tampa, Florida 33602


Neil J. Gillespie

2110 First Street, Suite 9-137
Fort Myers, Florida 33901
239/461-2200
239/461-2219 (Fax)

Case: 12-11028

Date Filed: 05/07/2012
Date: 4/23/2012

Page: 7 of 12
Page: 4 of 5
700 N. Hogan Street, Room 700
Jacksonville, Florida 32202
904/301-6300
904/301-6310 (Fax)



35 SE 1st Avenue, Suite 300
Ocala, Florida 34471
352/547-3600
352/547-3623 (Fax)

**U.S. Department of Justice
United States Attorney
Middle District of Florida**

501 West Church Street, Suite 300
Orlando, Florida 32805
407/648-7500
407/648-7643 (Fax)

Main Office
400 North Tampa Street, Suite 3200
Tampa, Florida 33602
813/274-6000
813/274-6358 (Fax)

Reply to: Tampa

April 12, 2012

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

Re: Appeal No. 12-11028-B

Dear Mr. Gillespie:

Thank you for your letter. The Eleventh Circuit Court Clerk had mistakenly listed us as counsel in this appeal. We do not represent anyone in this case, and the Court has corrected its records. So you do not need to serve us with anything associated with your appeal.

Very truly yours,

ROBERT E. O'NEILL
United States Attorney

By:


DAVID P. RHODES
Assistant United States Attorney
Chief, Appellate Division



VIA FAX (813) 274-6358 and
U.S.P.S. First Class Mail

April 9, 2012

Robert E. O'Neill, U.S. Attorney
U.S. Attorney's Office
Middle District of Florida
400 N. Tampa St., Suite 3200
Tampa, FL 33602-4798

RE: Neil J. Gillespie, et al., v. Thirteenth Judicial Circuit, Florida, et al.
U.S. Court of Appeals for the Eleventh Circuit
Appeal Number 12-11028-B and Appeal Number 12-11213-C

Dear U.S. Attorney O'Neill:

This inquiry is to understand your appearance in the above captioned appeal(s).

March 8, 2012 I spoke with Melanie Gaddis at (404) 335-6187, the Case Handler for Appeal Number 12-11028-B. Ms. Gaddis said your appearance for the Thirteenth Judicial Circuit, Florida, et al. was standard procedure. Based on that information I provided you service of copies for the Thirteenth Circuit.

Yesterday I read on the U.S. Attorney's website that "We enforce the criminal laws of the United States and represent the United States' interest in civil judicial proceedings."

Insofar as the Thirteenth Judicial Circuit, Florida, et al., are state actors, I do not understand your appearance, since there is no United States interest in this case.

Please advise because I do not understand. Should I continue providing your office copies of pleadings in the appeal(s)? Thank you.

Sincerely,



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

Telephone: (352) 854-7807
Email: neilgillespie@mfi.net
Website: <http://yousue.org/litigation/>



General Docket
United States Court of Appeals for the Eleventh Circuit

Court of Appeals Docket #: 12-11028	Docketed: 02/27/2012
Nature of Suit: 3440 Other Civil Rights	
Estate of Penelope Gillespie, et al v. Thirteenth Judicial Circuit, F, et al	
Appeal From: Middle District of Florida	Case Handler: Gaddis, Melanie, B
Fee Status: IFP Pending	(404) 335-6187

Case Type Information:

- 1) Private Civil
- 2) Federal Question
- 3) -

Originating Court Information:

District: 113A-5 : 5:11-cv-00539-WTH-TBS
Civil Proceeding: Wm. Terrell Hodges, -, U.S. District Judge
Secondary Judge: Thomas B. Smith, -, U.S. Magistrate Judge
Date Filed: 09/16/2011
Date NOA Filed: 02/22/2012

Prior Cases:
None

Current Cases:
None

ESTATE OF PENELOPE GILLESPIE	
Plaintiff - Appellant	
NEIL J. GILLESPIE, Personal Representative of the Estate, Survivor	Neil J. Gillespie, - [NTC Pro Se]
Plaintiff - Appellant	8092 SW 115TH LOOP OCALA, FL 34481
versus	
THIRTEENTH JUDICIAL CIRCUIT, FLORIDA	Pam Bondi, - [COR NTC Government]
Defendant - Appellee	Office of the Attorney General Firm: 850-414-3300 PL-01, THE CAPITOL TALLAHASSEE, FL 32399-1050
JAMES M. BARTON, II, Circuit Court Judge, and individually	Pam Bondi, - [COR NTC Government]
Defendant - Appellee	(see above)
THE LAW OFFICE OF ROBERT W. BAUER, P.A.	
Defendant - Appellee	
ROBERT W. BAUER	
Defendant - Appellee	



ESTATE OF PENELOPE GILLESPIE,
NEIL J. GILLESPIE,
Personal Representative of the Estate, Survivor,








Plaintiffs - Appellants,

versus

THIRTEENTH JUDICIAL CIRCUIT, FLORIDA,
HON. JAMES M. BARTON, II,
Circuit Court Judge, and individually,
THE LAW OFFICE OF ROBERT W. BAUER, P.A.,
ROBERT W. BAUER,

Defendants - Appellees.

Case: 12-11028 Date Filed: 05/07/2012 Page: 11 of 12

- | | | |
|------------|--|--|
| 02/27/2012 | <input type="checkbox"/>  | CIVIL APPEAL DOCKETED. Notice of appeal filed by Appellant Estate of Penelope Gillespie on 02/22/2012. Fee Status: Fee Not Paid. |
| | 3 pg, 93.15 KB | |
| 02/27/2012 | <input type="checkbox"/>  | USDC order denying IFP as to Appellant Estate of Penelope Gillespie was filed on 02/27/2012. Docket Entry 22. |
| | 2 pg, 67.3 KB | |
| 02/27/2012 | <input type="checkbox"/> | The Transcript Order Form has not been filed as to Appellant Estate of Penelope Gillespie. There are no hearings to be transcribed. |
| 03/14/2012 | <input type="checkbox"/>  | Appellant's Certificate of Interested Persons and Corporate Disclosure Statement filed by Appellant Estate of Penelope Gillespie. |
| | 1 pg, 47.83 KB | |
| 03/14/2012 | <input type="checkbox"/>  | <i>MOTION to consolidate appeals filed by Appellant Estate of Penelope Gillespie. Opposition to Motion is Unknown [6519296-1]</i> |
| | 13 pg, 1.39 MB | |
| 03/16/2012 | <input type="checkbox"/> | <i>MOTION to proceed IFP filed by Appellant Neil J. Gillespie. Opposition to Motion is Unknown [6524989-1]</i> |
| | | |
| 03/16/2012 | <input type="checkbox"/>  | Appellant's Certificate of Interested Persons and Corporate Disclosure Statement filed by Appellant Neil J. Gillespie. |
| | 1 pg, 29.59 KB | |
| 04/09/2012 | <input type="checkbox"/>  | <i>MOTION Accommodation under the Americans with Disabilities Act - Waiver of Confidentiality; Motion to toll time; for appointment of counsel filed by Appellant Neil J. Gillespie. Opposition to Motion is Unknown [6538485-1]**extensive exhibits not scanned**</i> |
| | 12 pg, 783.88 KB | |
| 04/23/2012 | <input type="checkbox"/>  | <i>Supplemental Consolidated Motion to Toll Time filed by Appellant Neil J. Gillespie.</i> |
| | 5 pg, 562.6 KB | |
| 04/26/2012 | <input type="checkbox"/> | Substitute attorney: Attorneys Robert E. O'Neill and Robert E. O'Neill in 12-11028 substituted by Attorneys Pam Bondi and Pam Bondi in 12-11028 |

15 Cases Related to Gillespie v. Barker, Rodems & Cook, PA, 05-CA-7205

1. BRC v. Gillespie, vexatious libel counterclaim in 05-CA-7205, January 19, 2006 - September 28, 2010. (Mr. Bauer appeared for Gillespie April 2, 2007 through October 1, 2009)

Related Cases in the Second District Court of Appeal, Florida:

2. Case No. 06-3803: Gillespie v. BRC, discovery sanctions (Gillespie pro se) (closed)
3. Case No. 07-4530: BRC v. Gillespie, voluntary dismissal (Mr. Bauer for Gillespie) (closed)
4. Case No. 08-2224: Gillespie v. BRC, § 57.105 sanctions (Mr. Bauer for Gillespie) (closed)
5. Case No. 10-5197: Gillespie v. BRC, appeal final summary judgment (Gillespie pro se) (closed)
6. Case No. 10-5529: Gillespie v. BRC, prohibition, Judge Cook (Gillespie pro se) (closed)
7. Case No. 11-2127: Gillespie v. BRC, prohibition/venue, Judge Arnold (Gillespie pro se) (closed)

Related Cases in the Supreme Court of Florida:

8. Case No. SC11-858: Gillespie v. BRC, habeas corpus, prohibition (Gillespie pro se) (closed)
9. Case No. SC11-1622: Gillespie v. BRC, mandamus, other relief (Gillespie pro se) (active)

Related Cases in the U.S. District Court, Middle District of Florida, Ocala Div.:

10. Case No. 10-cv-00503: Gillespie v. Thirteenth Judicial Circuit, FL, et al, Civil Rights/ADA (Gillespie pro se) (closed, appeal)
11. Case No. 11-cv00539: Estate/Gillespie v. Thirteenth Judicial Circuit., FL, et al, Civil Rights/ADA (Gillespie pro se) (closed, appeal)

Related Cases in the U.S. Court of Appeals for the Eleventh Circuit:

12. Case No. 12-11028-B: Estate/Gillespie v. Thirteenth Judicial Circuit., FL, et al, Civil Rights/ADA (Gillespie pro se) (active)
13. Case No. 12-11213-C: Gillespie v. Thirteenth Judicial Circuit., FL, et al, Civil Rights/ADA (Gillespie pro se) (active)

Related Cases in the Supreme Court of the United States:

14. Rule 22 Application to Justice Thomas May 31, 2011, not docketed/returned. (Gillespie pro se) Emergency Petition for Stay or Injunction, re: Supreme Court of Florida SC11-858
15. Rule 22 Application to Justice Thomas June 11, 2011, not docketed/returned. (Gillespie pro se) Emergency Petition for Stay or Injunction, re: Supreme Court of Florida SC11-858