

Corrected

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February 18, 2014

Re: Fraud or impairment, 18 U.S.C. § 371
Petition No. 13-7280 U.S. Supreme Court
Petition No. 12-7747 U.S. Supreme Court

Dear Ms. Ashton and Mr. Eliasson:

This complaint to OPR of misconduct involving Department attorney Roger B. Handberg AUSA Orlando Florida, and perhaps others, relate to the exercise of their authority to investigate, litigate or provide legal advice, as well as allegations of misconduct by law enforcement personnel when related to allegations of attorney misconduct within the jurisdiction of OPR.

Petition No. 13-7280 shows U.S. Judge William Terrell Hodges engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts in the Middle District of Florida while presiding over my cases in the Ocala Division. Also see Fair v Hodges, a meritorious 1971 citizen challenge to the investiture of Judge Hodges.

<http://www.scribd.com/doc/179253446/>

This is also a complaint about fraud or impairment of a legitimate government activity, the above captioned petitions to the U.S. Supreme Court. Petition No. 13-7280 seeks to stop wrongful foreclosure of my home on a HECM “reverse” mortgage. In Petition No. 12-7747 I requested appointment of a guardian ad litem but got no response. My phone call to the Supreme Court February 6, 2014 revealed documents in my cases do not appear on the Court’s computer system.

On Thursday February 6, 2014, I called the Supreme Court about a letter from the Clerk dated February 4, 2014, stating, (copy enclosed)

Dear Mr. Gillespie,
The voluminous exhibits submitted with your petition are herewith returned.
Sincerely,
Scott S. Harris, Clerk
by
Michael Broadus
Assistant Clerk

6

I asked the woman who took my call February 4, 2014 why the Court returned my exhibits before time expired to file a petition for rehearing an order denying Petition No. 13-7280 for writ of certiorari. She could not find the Court’s letter to me on the Court’s computer system. My

petition for rehearing was filed February 7, 2014. A copy of the petition for rehearing is enclosed, with an Index to Petition No. 13-7280, CD-ROM, and related documents.

The enclosed petition for rehearing shows on page 9 the Florida Commission on Ethics gave notice¹ December 17, 2013 to the public officers and employees below for Misuse of Public Position, § 112.313(6) F.S. in the fraud or impairment of Petition No. 12-7747, a legitimate government activity, 18 U.S.C. § 371, a conspiracy against my rights, 18 U.S.C. § 241, and a deprivation of my rights under color of law, 18 U.S.C. § 242.

<u>Ethics Complaint No.</u>	<u>Public Officer or Public Employee</u>	<u>Branch of Govt.</u>
Complaint No. 13-201	Pamela Jo Bondi, Attorney General of Florida	Executive
Complaint No. 13-202	Diana R. Esposito, Chief Asst. Attorney General	Executive
Complaint No. 13-203	Kenneth V. Wilson, Asst. Attorney General	Executive
Complaint No. 13-204	Valerie Williford, Employee of Attorney General	Executive
Complaint No. 13-205	Laura Martin, Employee of Attorney General	Executive
Complaint No. 13-206	David Rowland, G.Counsel, Thirteenth Judicial Circuit	Judicial
Complaint No. 13-207	Sandra Burge, paralegal, Thirteenth Judicial Circuit	Judicial

The complaints, exhibits, and seven (7) Notices appear in separate appendices on the enclosed CD-ROM. The Florida Commission on Ethics announced an alleged settlement of my home mortgage dispute in seven orders entered January 29, 2014, paragraph 3:

The complaint apparently alleges that the Respondent misused her public position by conspiring with others in her office to deprive the Complainant of his legal rights... related to an attorney's representation which resulted in a settlement of the Complainant's home mortgage dispute.

If this settlement is correct, I do not have knowledge of it. I asked the Court to inquire further. Otherwise these seven orders appear part of a campaign of psychological abuse or torture. My complaints were dismissed on a technicality, which I intend to correct soon in new complaints.

On Friday, January 24, 2014, the Commission on Ethics met in executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees. No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

Also, since filing the above complaints, I have received additional public records showing new evidence of misuse of public office, and other serious criminal acts and obstruction of justice.

I am disabled with physical and mental impairments. My ability to function in real-time is severely impaired. In the past Florida and federal courts, judges, judicial officers and court employees have abused their power by using a position of dominance for advantage over me

¹ Pursuant to Section 112.324, Florida Statutes.

knowing I am especially vulnerable. It has taken me a long time to unravel the confusion caused by this abuse of power. ~~My amended disability motion to the Eleventh Circuit is enclosed.~~ August 28, 2012 I requested appointment of a guardian ad litem from the U.S. Supreme Court. This was prior to filing Petition No. 12-7747 December 10, 2012. Mr. Clayton R. Higgins, Jr., case analyst, returned my disability accommodation request by letter September 4, 2012,

Provided on
CD-ROM

Dear Mr. Gillespie,

In reply to your letter or submission, received August 31, 2012, I regret to inform you that the Court is unable to assist you in the matter you present.

Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases or controversies properly brought before it from lower courts in accordance with federal law and filed pursuant to the Rules of this Court.

Your papers are herewith returned.

Sincerely,
William K. Suter, Clerk
By: (signature)
Clayton R. Higgins, Jr.
(202) 479-3019

When I filed Petition No. 12-7747, I resubmitted my disability request and got no response. The disability request is found in PDF on the CD-ROM accompanying the Index to Petition No. 12-7747. I cannot make paper copies of the 166 page document now because my good printer is not working, and my old one is too slow. The cost of paper and ink is another limitation for me.

Petition No. 13-7280 notes fraud or impairment of Petition No. 12-7747 internal to the courts, including the U.S. Supreme Court, beginning on page 9, the section called,

Markers of Fraud or Impairment in Petition No. 12-7747, submitted in No. 13-7280 pp. 9-11

Markers of fraud or impairment of Petition No. 12-7747 in the U.S. Supreme Court

On January 22, 2013 I submitted Petitioner's Verified Rule 8 Notice of Conduct Unbecoming a Member of the Bar of this Court by Ryan Christopher Rodems, with separate volume appendix; and Rule 29 Proof of Service. The Supreme Court did not docket this filing and did not return the filing to me. U.P.S. shows proof of delivery the next day, January 23, 2013. The Rule 8 Notice is posted on Scribd (86 pages) at the link below <http://www.scribd.com/doc/125838636/>

On January 22, 2013 I submitted Petitioner's Rule 12.6 Notice to the Clerk of the Court showing Mr. Rodems did not have a party interest in this petition. The Supreme Court did not docket this filing and did not return the filing to me. U.P.S. shows proof of

delivery the next day, January 23, 2013. The Rule 12.6 Notice is posted on Scribd (22 pages) at the link below <http://www.scribd.com/doc/125839046/>

On February 11, 2013 I wrote to Clerk William Suter about the above missing filing that did not appear on the Court's docket but got no response from the Clerk or anyone else.

On May 13, 2013 I wrote ~~contacted~~ Kathleen L. Arberg, Public Information Officer, but got no response. The letter is posted on Scribd <http://www.scribd.com/doc/144645896/>

On August 29, 2012 I filed a corrected Rule 13.5 Application to Justice Thomas. On information and belief, a Rule 13.5 Application to extend time to file a petition for a writ of certiorari automatically consolidates two or more judgments because:

“...you may only submit a single petition for a writ of certiorari when two or more judgments are sought to be reviewed to the same lower court. Rule 12.4. This also applies to an application for an extension of time within which to file a petition for a writ of certiorari.”

Letter of Jeffrey Atkins to Neil Gillespie, July 25, 2012. (Note: copy enclosed)
2012

On September 13, ~~2013~~ Justice Thomas granted Application 12A215 extending the time to file a writ of certiorari to and including December 10, 2012. It does not appear cases C.A.11 No. 12-11028 and C.A.11 No. 12-11213 were consolidated. The decision by Justice Thomas is not in the form of an order, but a letter from the Clerk that shows the extension of time was granted, but not consolidation of C.A.11 No. 12-11028 and C.A.11 No. 12-11213. Only C.A.11 No. 12-11028 appears on the online Court docket.

The district court docket no. 5:11-cv-539-WTH-TBS (Appeal 12-11028) shows entry of a decision by the U.S. Supreme Court February 21, 2013 at Doc. 28.

Document 28 - Notification from the U.S. Court of Appeals, 11th Circuit, that WRIT OF CERTIORARI has been denied by the U.S. Supreme Court Issued on 02/19/13. The court's mandate having previously issued, no further action will be taken by this court. (MJT) (Entered: 02/21/2013)

Tellingly, district court docket no. 5:10-cv-503 WTH-(DAB)-TBS (Appeal 12-11213) makes no mention of Petition No. 12-7747 or a decision by the U.S. Supreme Court.

Markers of fraud or impairment of Petition No. 12-7747 in the U.S. Eleventh Circuit

The U.S. Eleventh Circuit docket No. 12-11213 shows an entry August 27, 2012, twenty (20) days after entry of dismissal, likely part of the effort to deny my petition due process by getting Ms. Chapman out of the mail loop as counsel for Respondent Robert W. Bauer,

Returned Mail was received for Attorney Catherine Barbara Chapman for - The Law Office of Robert W. Bauer, P.A.. Address has NOT been verified and updated, and mail has NOT been issued again. 8/15;pro-3 (ENVELOPE STATES "NOT AT THIS ADDRESS")

The address shown below by the Eleventh Circuit was not one used by Ms Chapman at any time in this litigation.

Catherine Barbara Chapman
Andrews Crabtree Knox & Andrews, LLP
PO BOX 12800
TALLAHASSEE, FL 32317-2800

All Florida lawyers are required to inform The Florida Bar of the lawyer's current address, which is shown on The Florida Bar's online directory. Ms. Chapman's address shown on The Florida Bar's online directory:

Catherine Barbara Chapman
Guilday, Tucker, Schwartz & Simpson, P.A.
1983 Centre Pointe Boulevard, Suite 200
Tallahassee, FL 32308-7823

My Rule 29 ^{proof}~~certificate~~ of service, August 13, 2012 and August 29, 2012 to Ms. Chapman shows the above address as listed by The Florida Bar.

On September 20, 2012 I emailed Andrews Crabtree Knox & Andrews, LLP, and asked why does Eleventh Circuit have the wrong address for Catherine B. Chapman. Earlier that day I called and was informed that Ms. Chapman has not been employed by the firm for four years. I did not get a response from Andrews Crabtree.

End of section from Petition No. 13-7280, pp. 9-11.

New Section with additional evidence

Supplement 2014: Markers of Fraud or Impairment in Petition No. 12-7747

My letter to Clerk Sueter dated February 11, 2013 is enclosed. No one responded for the Court.

My Verified Rule 8 Notice of Conduct Unbecoming a Member of the Bar of this Court (Rodems) is enclosed, with proof of delivery to the U.S. Supreme Court and parties on February 23, 2013. The document was not entered on the Court's docket, is not found on the Court's computer system, and just seems to have disappeared completely. This is not acceptable in the SCOTUS.

My Rule 12.6 Notice to the Clerk of the Court is enclosed, with proof of delivery to the U.S. Supreme Court and parties on February 23, 2013. The document was not entered on the Court's docket, is not found on the Court's computer system, and just seems to have disappeared completely. This is not acceptable in the SCOTUS.

On January 17, 2013 I made three telephone calls² to the Supreme Court of the United States.

- At 10:00 AM I called Mr. Higgins and left a message on his AUDIX Automated Voicemail System. Mr. Higgins did not return my call.
- At 10:33 AM I called the Supreme Court again for Jeffrey Atkins, was greeted by his AUDIX Automated Voicemail System, and I left this message,
- At 10:14 AM I called the Supreme Court again, and spoke with Robert, and Jeffrey Atkins.

On January 17, 2013 at 10:00 AM I called Mr. Higgins and left a message on his AUDIX Automated Voicemail System. Mr. Higgins did not return my call.

Transcript, date January 17, 2013, time 10:00 AM, page 2 (transcript enclosed)

17 MR. GILLESPIE: Hello, Mr. Higgins, my name is
18 Neil Gillespie. I have a petition before the
19 Court; it's Number 12-7747.
20 Two respondents have not filed a waiver or a
21 response that was due Monday, January 14th, 2013.
22 The other respondent, Ryan Christopher Rodems,
23 filed a waiver that had a harassing Post It note
24 attached to it.
25 Mr. Rodems' misconduct is at the center of

Transcript, date January 17, 2013, time 10:00 AM, page 3

1 this petition and the Florida Bar has opened a
2 complaint against him for the misconduct. So his
3 appearance in this seems improper, but I don't know
4 what to do at this point. I'm not even sure if
5 you're still the case person, case analyst for this
6 case now that it's a petition; so I'll try and call
7 the other number.
8 My phone in Ocala is area (352)854-7807. If I
9 need to make some Motion to Compel, let me know and
10 I'll do so. Thank you.

² Calls on home office telephone extension (352) 854-7807 are recorded for quality assurance purposes pursuant to the 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). This is for disability accommodation, and protection from Mr. Rodems.

On January 17, 2013 at 10:14 AM I called the Supreme Court again, and spoke with Robert, and Jeffrey Atkins. The text is set out at Exhibit 1, due to the length.

On January 17, 2013 at 10:33 AM I called the Supreme Court again for Jeffrey Atkins, was greeted by his AUDIX Automated Voicemail System, and I left this message,

Transcript, date January 17, 2013, time 10:33 AM, page 2 (transcript enclosed)

13 AUDIX AUTOMATED OPERATOR: Hello, this is Jeff
14 Atkins in the United States Supreme Court. I am
15 unavailable to take your call at this time. If you
16 like you may leave a message and I'll return your
17 call as soon as possible. Thank you.
18 MR. GILLESPIE: Hello, Mr. Atkins, this is
19 Neil Gillespie getting back to you in petition
20 number 12-7747. I spoke with Robert. You asked
21 who I spoke with; it was Robert. Robert told me to
22 report Mr. Rodems' misconduct to the Supreme Court
23 Bar. I don't know how to do that. So if you can
24 explain that to me I would appreciate it. But the
25 person I spoke with was Robert. That was this

Transcript, date January 17, 2013, time 10:33 AM, page 3

1 morning shortly before I spoke with you.
2 My phone number is (352)854-7807. Thank you.

On January 31, 2013 at 2:39 PM I called the Supreme Court again, and spoke with a man whom I believe was Robert.

Transcript, date January 31, 2013, time 2:39 PM, page 2

17 CLERK'S OPERATOR: Clerk's office. Hold
18 please.
19 MR. GILLESPIE: Hello.
20 ROBERT: Thank you for holding, how can I help
21 you.
22 MR. GILLESPIE: Yes, I'm calling about some
23 pleadings that were delivered January 23rd in my
24 petition. I wanted to make sure that they were
24 there because they're not showing on the docket.

Transcript, date January 31, 2013, time 2:39 PM, page 3

1 ROBERT: Can I have the docket number, please.
2 MR. GILLESPIE: Yes, sir. It's petition

3 12-7747.
4 ROBERT: 7747. It's Gillespie v. Thirteenth
5 Judicial Circuit of Florida?
6 MR. GILLESPIE: Yes, sir.
7 ROBERT: Okay.
8 MR. GILLESPIE: I have a Rule 12 Notice, a
9 Rule 8 Notice and some separate volume appendixes.
10 ROBERT: Okay.
11 MR. GILLESPIE: I sent them on the 22nd
12 overnight delivery. UPS shows they got there
13 January 23rd. So I just wanted to make sure --
14 ROBERT: Okay. They might have just -- they
15 might have just not made it into our online system.
16 MR. GILLESPIE: Uh-huh.
17 ROBERT: Let me transfer you to your case
18 analyst.
19 MR. GILLESPIE: Well, that is not necessary.
20 Are you showing that they're there?
21 ROBERT: No, I don't see them in our system.
22 Which they might still be with the analyst. They
23 might have not made it on to our docketing system
24 yet.
25 MR. GILLESPIE: All right.

Transcript, date January 31, 2013, time 2:39 PM, page 4

1 ROBERT: So I'll transfer you over there --
2 MR. GILLESPIE: Well, I really don't like that
3 because they get upset when I call and I'm trying
4 to keep conflict to a minimum. I might just call
5 back Monday.
6 ROBERT: Are you sure? It is their job.
7 MR. GILLESPIE: Well, I'm not going to get
8 into all that.
9 ROBERT: Okay.
10 MR. GILLESPIE: But, you know, I'm just
11 concerned that -- I mean, I know you guys do a
12 great job, but things happen, things get lost, and
13 these are important pleadings.
14 ROBERT: Absolutely, there's just a -- it goes
15 to an off-site location where all -- everything is
16 screened first, all of your mail is screened first.
17 MR. GILLESPIE: Yes, I'm aware of that.
18 ROBERT: Then it comes here and it gets
19 screened and then it comes through us and we look
20 through it. And then it's got to make it to the

21 analyst and they have to enter it into our
22 docketing system. So there is some delay on that.
23 MR. GILLESPIE: Right. Okay. Well, I'll
24 check back maybe early next week.
25 ROBERT: Okay. Sounds good, sir.

Transcript, date January 31, 2013, time 2:39 PM, page 5

1 MR. GILLESPIE: Thank you.
2 ROBERT: Have a nice day.
3 MR. GILLESPIE: Bye.

On February 8, 2013 at 12:49 PM I called the Supreme Court again, was greeted by, and left a telephone message on the AUDIX Automated Voicemail System of Jeffrey Atkins.

Transcript, date February 8, 2013, time 12:49 PM, page 2

11 AUTOMATED OPERATOR: This call is being
12 recorded for quality assurance purposes.
13 CLERK'S OPERATOR: Hello, you have reached the
14 Clerk's -- (beep) -- please wait.
15 CLERK'S OPERATOR: Hello, Clerk's office.
16 MR. GILLESPIE: Hi, is Mr. Atkins in, Jeffrey
17 Atkins?
18 CLERK'S OPERATOR: Yes, he is. Do you want me
19 to transfer you over to him?
20 MR. GILLESPIE: Thank you.
21 CLERK'S OPERATOR: Okay.
22 AUDIX AUTOMATED OPERATOR: Hello, this is Jeff
23 Atkins, in the United States Supreme Court. Today
24 is Friday, February 8. I will be out of the office
25 for the remainder of the day. If you would like,

Transcript, date February 8, 2013, time 12:49 PM, page 3

1 you may leave a message and I'll return your call
2 first thing Monday morning. Or, if you have an
3 urgent matter that requires immediate attention you
4 may call Chris Vassel at (202)479-3027. Thank you.
5 MR. GILLESPIE: Yes, Mr. Atkins, this is Neil
6 Gillespie calling on petition 12-7747. I'm calling
7 about pleadings that were delivered on January 23rd
8 and do not yet appear on the Court's website for
9 this case. And also, my letter to you of the 22nd,
10 I don't have a response to yet. So that's what I
11 am calling about. (352)854-7807. I have a

- 12 supplemental brief and I want to speak with someone
- 13 about submitting that time wise. Thank you.

Rule 13.5 Application to Justice Thomas

My Rule 13.5 Application to Justice Thomas is enclosed, granted September 13, 2012. The Clerk's letter and Court docket showing Justice Thomas granted Application 12A215 is enclosed. Note: Catherine Chapman is counsel for Robert Bauer (referred to me by The Florida Bar LRS). The Rule 29 Proof of Service shows service to Ms. Chapman at Guilday, Tucker, Schwartz & Simpson, P.A., 1983 Centre Pointe Boulevard, Suite 200, Tallahassee, FL 32308-7823.

Email with Andrews Crabtree about Ms. Chapman's incorrect address with the C.A.11 enclosed.

Correspondence with Roger B. Handberg, III, Asst. U.S. Attorney, MD Florida, Orlando

Mr. Handberg is familiar with some of the issues underlying this matter that involve payday loan litigation. In 2001 the Florida Attorney General intervened in Neil Gillespie v. ACE Cash Express, Inc. citing Florida RICO jurisdiction. Roger B. Handberg, Senior Assistant Attorney General, Economic Crimes Division, appeared for the AG and got a \$500,000 settlement for Florida. Mr. Handberg was present June 12, 2002 at a mediation in Tampa and knew I was not satisfied with Barker, Rodems & Cook (BRC) who represented me. On or about May 22, 2002 I called the opposing counsel for ACE, Paul Watson, and told him I wanted to settle. That was after BRC defrauded me of \$7,143 in the AMSCOT case November 1, 2001.

I wrote Mr. Handberg in 2007 about BRC's fraud no avail. Since 2007 I also made written complaints to the Florida Attorney General about The Florida Bar and Barker, Rodems & Cook, first to AG Bill McCollum, and later to AG Bondi. Enclosed you will find the \$500,000 settlement agreement, and my correspondence with Mr. Handberg, and AG Bill McCollum.

January 10, 2014 - Senator Nelson, Senator Rubio, Acting US Atty. A. Lee Bentley, Assistant U.S. Attorney Roger B. Handberg, and others is enclosed.

You may respond by letter, or email (preferred) at my email address below. Thank you in advance for the courtesy of a response. Time is of the essence.

Sincerely,



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

Exhibit 1

On January 17, 2013 at 10:14 AM I called the Supreme Court again, and spoke with Robert, and Jeffrey Atkins. The text is set out at Exhibit 1, due to the length.

Transcript, date January 17, 2013, time 10:14 AM, page 2

15 ROBERT: Good morning, Office of the Clerk.
16 MR. GILLESPIE: Hi, I'm calling about my
17 petition for writ of certiorari.
18 ROBERT: Okay.
19 MR. GILLESPIE: It's number 127747.
20 ROBERT: 127747.
21 MR. GILLESPIE: My name is Neil Gillespie, I
22 am the petitioner.
23 ROBERT: Yes, sir.
24 MR. GILLESPIE: Two of the respondents have
25 not filed a waiver or a response that was due

Transcript, date January 17, 2013, time 10:14 AM, page 3

1 Monday, January 14th.
2 ROBERT: They did file a waiver on
3 December 20th.
4 MR. GILLESPIE: They did?
5 ROBERT: We have in our system December 20th,
6 2012, Waiver of Right of Respondent, Ryan
7 Christopher Rodems --
8 MR. GILLESPIE: Okay, he is --
9 ROBERT: -- and Barker, Rodems and Cook, P.A.
10 MR. GILLESPIE: He is only one of many, many,
11 respondent, sir.
12 ROBERT: Uh-huh.
13 MR. GILLESPIE: He is not the other
14 respondent.
15 ROBERT: Okay.
16 MR. GILLESPIE: There's respondent State of
17 Florida has not responded. The respondent Robert
18 W. Bauer has not responded. They are not
19 represented by Mr. Rodems.
20 ROBERT: Okay.
21 MR. GILLESPIE: Okay
22 ROBERT: Let me transfer you to the case
23 analyst who would be handling this case.
24 MR. GILLESPIE: Well, let me just ask you, is
25 that Mr. Higgins?

1 ROBERT: Mr -- yes, sir.
2 MR. GILLESPIE: Okay. I've already called
3 that number and left a message.
4 ROBERT: Okay.
5 MR. GILLESPIE: I have another question. This
6 person Ryan Chris Rodems who filed the waiver, he
7 attached a harassing note to my copy when I
8 received it in the mail.
9 ROBERT: Uh-huh.
10 MR. GILLESPIE: I don't -- his misconduct is
11 at the center of this petition and the Florida Bar
12 has an open complaint against him for that
13 misconduct. So I don't even see how his appearance
14 is proper in this matter, since he's under
15 investigation by the Florida Bar.
16 ROBERT: And he is counsel for the defendants?
17 MR. GILLESPIE: Yes, for himself and his law
18 firm.
19 ROBERT: Okay.
20 MR. GILLESPIE: Not for any of the other --
21 ROBERT: If there is a complaint open -- if
22 there is a complaint open against him, I would
23 obviously save that letter and add it to your
24 complaint, but as far as you -- so you want him
25 removed as counsel for the respondents; is that

1 what you're saying?
2 MR. GILLESPIE: It seems that he engaged in
3 conduct unbecoming a member of the Bar of the
4 Supreme Court of the United States. I will also
5 say that, you know, this is his method of -- this
6 is his practice of litigation, litigation through
7 harassment. He is under a Court imposed
8 prohibition of conduct for this by Hillsborough
9 Judge Claudia Isom dating back to February the 5th.
10 He won't even address me by my surname, it's also
11 name calling.
12 ROBERT: Uh-huh.
13 MR. GILLESPIE: You know, which is the least
14 of it.
15 ROBERT: I'm not sure what you can -- I
16 believe that you can, you can report it to the

17 Supreme Court Bar as well and they can look into
18 it. But again, I can't answer these questions.
19 I'll transfer you. I don't believe Mr. Higgins is
20 here right now, but I can transfer you to his
21 supervisor, Mr. Atkins, who could answer these
22 questions a little bit more efficiently.
23 MR. GILLESPIE: All right. And what is the
24 Supreme Court Bar? I mean, I have looked online
25 for that and I can't seem to find it.

Transcript, date January 17, 2013, time 10:14 AM, page 6

1 ROBERT: What do you mean what is it? You
2 need to be admitted to the Supreme Court Bar --
3 MR. GILLESPIE: I understand that, but you had
4 mentioned that as though it were an entity. Is it
5 an entity or just an accounting formality?
6 ROBERT: I believe it's its own Bar
7 Association.
8 MR. GILLESPIE: And where --
9 ROBERT: So should you wish to bring complaint
10 against Mr. Rodems I believe you can do that here
11 as well but, again, Mr. Atkins would be able to
12 answer that a little bit better.
13 MR. GILLESPIE: Thank you. And what was your
14 name, sir?
15 ROBERT: My name is Robert.
16 MR. GILLESPIE: Thank you, Robert.
17 ROBERT: Okay. But, like I said, I believe
18 it's its own entity, but Mr. Atkins is going to
19 know a little bit better than I.
20 MR. GILLESPIE: Thank you.
21 ROBERT: All right, sir, I'm going to transfer
22 you now.
23 MR. GILLESPIE: Thank you.
24 MR. ATKINS: Clerk's Office.
25 MR. GILLESPIE: Hi, is this Mr. Atkins?

Transcript, date January 17, 2013, time 10:14 AM, page 7

1 MR. ATKINS: Yes, it is.
2 MR. GILLESPIE: My name is Neil Gillespie.
3 I'm the petitioner in number 12-7747. I'm not
4 getting the responses that were due January 14th.
5 MR. ATKINS: Okay. What is your case number
6 again?

7 MR. GILLESPIE: 12-7747.
8 MR. ATKINS: Okay. Well, I don't see any --
9 except for a waiver that was filed by Rodems and
10 Barker, Rodems and Cook, I don't see anything else
11 filed. That's the only thing that has been filed
12 with us.
13 MR. GILLESPIE: Right. And you know, they
14 were due on the 14th.
15 MR. ATKINS: Right.
16 MR. GILLESPIE: Now, there is 10 respondents
17 who haven't responded.
18 MR. ATKINS: Okay. Well, what is going to
19 happen in this situation then, then it will go to
20 conference without the opposition briefs, the Court
21 will just look on the -- at the petition on its
22 own. And if they feel they need to see a response,
23 they will request a response to be filed. Okay.
24 MR. GILLESPIE: From whom?
25 MR. ATKINS: From the respondents.

Transcript, date January 17, 2013, time 10:14 AM, page 8

1 MR. GILLESPIE: Okay.
2 MR. ATKINS: If the Court -- yeah, in other
3 words, if that's all that's submitted is your
4 petition, then that is all that is going to be
5 considered by the Court, unless they direct
6 otherwise.
7 MR. GILLESPIE: And when would that happen?
8 MR. ATKINS: Let's see here, January 14th --
9 24th -- yeah, be sometime next month, probably
10 about the middle of the month.
11 MR. GILLESPIE: All right. So aren't the
12 respondents required to either respond or submit a
13 waiver?
14 MR. ATKINS: No, they're not. I mean, the
15 rules allow that one or the other has to be filed,
16 but that is up to them whether they file one to
17 them. And it will be up to the Court to decide to
18 go ahead and rule on the petition or not. So we
19 just have to wait to see how the Court rules on the
20 petition.
21 MR. GILLESPIE: All right. I have another
22 question. This respondent Ryan Christopher Rodems
23 who filed the waiver, he attached a harassing note
24 to the waiver copy that was provided me.

25 Mr. Rodems' misconduct is at the center of this

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1 petition and the Florida Bar has an open complaint
2 against him for this misconduct. So his appearance
3 here seems improper.

4 MR. ATKINS: It seems improper? What did you
5 say, I didn't hear you?

6 MR. GILLESPIE: Mr. Rodems' misconduct,
7 professional misconduct is at the center of this
8 petition. The Florida Bar has an open Bar
9 complaint against Mr. Rodems for the misconduct
10 complained about in the petition. So his
11 appearance for himself and his firm appears
12 improper, especially since he has engaged in
13 conduct unbecoming a member of the Bar of the
14 Supreme Court of the United States.

15 MR. ATKINS: Okay. Well, the Court will take
16 that in consideration. I mean, right now he
17 didn't -- like I said, all that was filed was the
18 waiver, there was no response to the petition. So
19 he simply just filed a waiver waiving his right to
20 respond. Okay. But anything as far as that is
21 concerned, that is, again, up to the Court's
22 discretion.

23 MR. GILLESPIE: Well, they're not aware of the
24 harassment, the harassing note that was attached to
25 the Supreme Court waiver.

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1 MR. ATKINS: Okay.

2 MR. GILLESPIE: The fellow that I spoke with
3 before you said it's possible to make a complaint
4 to the Bar of the Supreme Court. How is that done?

5 MR. ATKINS: Well, I don't know, who did you
6 speak to?

7 MR. GILLESPIE: Whoever -- the person that
8 answered the phone. I mean, it's really
9 irrelevant. Is it possible to make a complaint
10 against a member of the Bar of the Supreme Court?
11 And how is that --

12 MR. ATKINS: No, not a complaint filed here.
13 I think it goes against the State Bar that the
14 attorney is a member of, filed with the State Bar.

15 MR. GILLESPIE: Okay. Well, I have an open
16 complaint against him.
17 MR. ATKINS: Okay. So you did what you could
18 do then. So we will see how they rule on that.
19 MR. GILLESPIE: Well, I'm confused now,
20 because the fellow I just spoke with --
21 MR. ATKINS: Well, what's his name, that's why
22 I'm asking? You said it's not relevant; it's
23 relevant to me because I -- it would be nice to
24 know who you spoke to. I can ask him about that.
25 MR. GILLESPIE: I can't remember right now, it

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1 would take me a couple of minutes. I'm severely
2 disabled, unfortunately, and it affects my memory
3 short term. I would have to think about it for a
4 minute, but I can get back to you.
5 MR. ATKINS: Well, let me --
6 MR. GILLESPIE: I'll get back to you with the
7 name.
8 MR. ATKINS: All right. Have a good day, sir.
9 Goodbye.