

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

2011 AUG 30 PM 2: 54
CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FL
OCALA FLORIDA

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 RULE 22
APPLICATIONS TO UNITED STATES JUSTICE CLARENCE THOMAS**

Plaintiff Gillespie notices filing, 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* (DKT 33), the following Rule 22 Applications to United States Justice Clarence Thomas, Responses by the Clerk of the United States Supreme Court, emails with David Rowland, 13th Circuit Court Counsel, and fax to Mr. Rodems:

1. Rule 22 Application to United States Justice Clarence Thomas, May 31, 2011, with Exhibits 2-4, 6, 8-10. The following Exhibits were previously filed with this Court and are not included here due to their large size: Exhibit 1, DKT 37; Exhibit 5, DKT 36; Exhibit 11, DKT 2; Exhibit 11, see paragraph 8 below, Exhibit 12, DKT 1. (Exhibit 1)
2. Email to David A. Rowland, 13th Circuit Court Counsel, May 31, 2011 (9:51 AM) informing the Court that Gillespie cannot appear without counsel for the contempt hearing June 1, 2011 at 11:00 AM. The email, and read receipts to Mr. Rowland, Pat

Frank, Dale Bohner, and Mark Ware, only are attached. (Exhibit 2)

3. Email to David A. Rowland, 13th Circuit Court Counsel, June 1, 2011 (8:50 AM) informing the Court that the Rule 22 Application described in paragraph 1 was filed, and that Gillespie was not attending the June 1, 2011 hearing as set forth therein. (Exhibit 3).

4. Email to David A. Rowland, 13th Circuit Court Counsel, June 1, 2011 (9.23 AM) informing the Court that Gillespie faxed to Mr. Rodems the Rule 22 Application described in paragraph 1. (Exhibit 4). A copy of the fax is attached. (Exhibit 5).

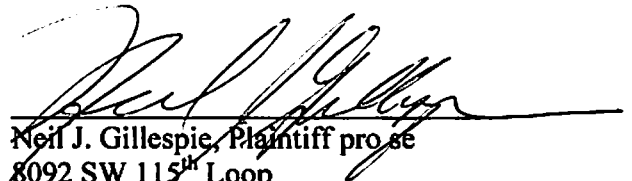
5. Response from the Clerk of the United States Supreme Court, June 2, 2011, by Danny Bickell, to the Rule 22 Application described in paragraph 1. (Exhibit 6).

6. Rule 22 Application to United States Justice Clarence Thomas, June 11, 2011, with Exhibits 1-5, 8. The following Exhibits were previously filed with this Court and are not included here due to their large size: Exhibit 6, DKT 37; Exhibit 7, see paragraph 8 below; Exhibit 9, DKT 2; Exhibit 10, DKT 1. (Exhibit 7)

7. Response from the Clerk of the United States Supreme Court, June 15, 2011, by Clayton R. Higgins, to the Rule 22 Application described in paragraph 1. (Exhibit 8).

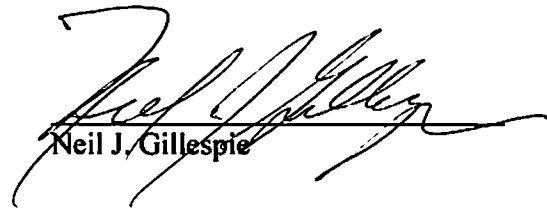
8. Emergency Petition For Writ of Habeas Corpus/Prohibition, The Supreme Court of Florida, Case No. SC11-858. (Exhibit 9)

RESPECTFULLY SUBMITTED August 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 August 30, 2011 to Catherine Barbara Chapman, counsel for The Law Office of Robert W. Bauer, P.A. and Robert W. Bauer. A CD 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

No: _____

IN THE
SUPREME COURT OF THE UNITED STATES

NEIL J. GILLESPIE - PETITIONER

VS.

BARKER, RODEMS & COOK, PA, and WILLIAM J. COOK,

JUDGE JAMES D. ARNOLD,

THIRTEENTH JUDICIAL CIRCUIT, FLORIDA - RESPONDENTS

Emergency Petition For Stay or Injunction From

Order Of The Florida Supreme Court

Application to Justice Clarence Thomas

Emergency Petition For Stay or Injunction

Submitted by

Neil J. Gillespie
Petitioner, pro se, non-lawyer
8092 SW 115th Loop
Ocala, Florida 34481
(352) 854-7807
neilgillespie@mfi.net

I. Application To Justice Clarence Thomas

1. Petitioner pro se, Neil J. Gillespie (“Gillespie”), makes application to Justice Clarence Thomas pursuant to Rule 22 for an Emergency Petition For Stay or Injunction, and states:

2. Gillespie is a disabled, indigent civil contemnor facing incarceration June 1, 2011 at 11:00AM before Judge James D. Arnold, Thirteenth Judicial Circuit, Florida, for violating a state court order. The question whether an indigent defendant has a constitutional right to appointed counsel at a civil contempt proceeding that results in his incarceration is currently before this Court in Turner v. Rogers, U.S. Docket 10-10 and was argued March 23, 2011.

Based upon argument in Turner, Gillespie filed *Plaintiff’s Motion For Appointment Of Counsel, ADA Accommodation Request, and Memorandum Of Law*, May 24, 2011. (Exhibit 1). The next day Gillespie emailed counsel who participated in Turner seeking assistance. (Exhibit 2). About an hour later attorney Krista J. Sterken called Gillespie at home with an offer of representation contingent on a conflict search. Mr. Sterken is co-counsel with Michael D. Leffel of Foley & Lardner LLP who submitted an amicus brief in Turner for the Center for Family Policy and Practice. Unfortunately Mr. Leffel declined representation by letter May 27, 2011. (Exhibit 3).

3. This pleading is inherently insufficient due to Gillespie’s disability and declining health, see the letter of Dr. Karin Huffer, October 28, 2010, ADA Accommodations for Neil Gillespie. (Exhibit 4). Gillespie can no longer represent himself at hearings, he becomes easily distracted and confused, and can no longer speak coherently enough to advocate for himself.

II. Emergency Stay Or Injunction Necessary To Preserve The Status Quo

4. A stay or injunction is necessary in this case to preserve the status quo during pendency of resolution of the issues presented. The facts in this case are compelling:

a. Gillespie faces incarceration June 1, 2011 at 11:00AM on civil contempt by his former lawyers Barker, Rodems & Cook, PA in a six year-long lawsuit to recover \$7,143 stolen from Gillespie from a settlement in prior representation. Ryan Christopher Rodems is unethically representing his firm against a former client, and his independent professional judgment is materially limited by his interest and conflict. Mr. Rodems also countersued Gillespie for libel. The litigation is beyond contentious - Gillespie fears for his life and health.

b. Gillespie is disabled with speech, hearing, cognitive, and psycho-social disabilities related to a congenial craniofacial disorder. Gillespie also suffered Traumatic Brain Injury (TBI) August 20, 1988 during a criminal attack. Mr. Rodems knows Gillespie's disability from his firm's prior representation. Since March 3, 2006, Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward Gillespie that has aggravated his disability, caused substantial emotional distress, and serves no legitimate purpose. See *Verified Notice Of Filing Disability Information of Neil J. Gillespie*, filed May 27, 2011. (Exhibit 2).

c. Gillespie made a request for accommodation under Title II of the Americans With Disabilities Act (ADA) February 19, 2010 to Gonzalo B. Casares, ADA Coordinator for the Thirteenth Circuit. Mr. Casares is a building repair and maintenance person unqualified to review Gillespie's ADA medical report prepared by Dr. Karin Huffer. In a letter to Gillespie dated July 9, 2010, David Rowland, Counsel to the Thirteenth Circuit, denied Gillespie's ADA request for accommodation. Mr. Rowland is a lawyer, not a medical doctor, and unqualified to review the medical report, or grant or implement ADA accommodations based upon the medical report. As of today, no qualified person has reviewed the ADA medical report by Dr. Huffer and evaluated Gillespie's ADA request as it relates to Dr. Huffer's report and Title II of the ADA.

d. The hearing on the *Order Adjudging Plaintiff Neil J. Gillespie In Contempt* was held ex parte. Gillespie had no representation. The order is currently on appeal, Case No. 2D10-5197, Second District Court of Appeal, Florida. Mr. Rodems is disrupting the appellate process by holding hearings on the order while on appeal. The appellate court continues to grant extensions of time for Gillespie to file his amended initial brief so that he can address Rodems' ongoing disruptions. In addition, Gillespie's initial brief, and Rodems' answer brief, were stricken because the Clerk provided a defective record and index. The Clerk had to create a new record and index, and issue a "Clerk's Certificate" showing documents disappeared from file.

e. Gillespie was found indigent by Allison Raistrick of the Clerk's Indigent Screening Unit May 27, 2011 pursuant to section 27.52 Florida Statutes to appoint the public defender. Another clerk (anonymous) denied Gillespie indigent status under section 57.082 Florida Statutes to waive fees, thereby obstructing access to subpoenas and the service of subpoenas needed in defense of civil contempt.

f. Gillespie cannot legally represent himself pro se. On November 15, 2010. Judge Martha Cook entered an *Order Prohibiting Plaintiff from Appearing Pro Se*. On its face the order is a sham, and issued before the time expired for Gillespie to respond.

g. Gillespie is prohibited from setting motion with JAWS, the online *Judicial Automated Workflow System* used by lawyers to calendar motions. All pro se litigants must telephone the JA and manually set motions for hearing, and coordinate the available times with the availability of opposing counsel. This is impossible when counsel or the JA is not cooperative, as in this case.

h. The Thirteenth Judicial Circuit, Florida has a conflict hearing this case; it is a defendant in Gillespie v. Thirteenth Judicial Circuit, Florida, et al., case 5:10-cv-503, US District

Court, MD Fla., Ocala, for the misuse and denial of judicial process under the color of law, and violation of Title II of the ADA. Therefore the case should be moved to another circuit or venue.

III. Jurisdiction

5. This Court has appellate jurisdiction granted by Article III of the Constitution to review the Order of the Supreme Court of Florida in Case No. SC11-858 decided May 18, 2011.

6. This Court has original jurisdiction over Title II of the Americans With Disabilities Act (ADA), 42 U.S.C., Chapter 126, Equal Opportunities For Individuals With Disabilities, under Article III of the Constitution, and 28 U.S.C. section 1251.

7. This Court has original jurisdiction over cases in which a state shall be party under Article III of the Constitution, and 28 U.S.C. section 1251.

IV. Order of the Supreme Court of Florida in Case No. SC11-858

8. The Supreme Court of Florida by Order in SC11-858 dated May 18, 2011 denied Gillespie's Emergency Petition for Writ of Habeas Corpus, and Emergency Petition for Writ of Prohibition filed May 3, 2011. (Exhibit 6). Gillespie appeals that Order to this Court.

9. Gillespie's petitions to the Supreme Court of Florida were directed to an Evidentiary Hearing May 3, 2011, a civil contempt proceeding seeking Gillespie's incarceration for violating a state court order. (Exhibit 7). That hearing was held ex parte and Gillespie was not represented, and has been reset for June 1, 2011 at 11:00AM.

10. Gillespie's petitions to the Supreme Court of Florida are contained in a single pleading. (Exhibit 7). Gillespie raised the following issues:

(1) Gillespie's former lawyers Barker, Rodems & Cook, PA unlawfully seek his incarceration on a Writ of Bodily Attachment on "Order Adjudging Neil J. Gillespie In

Contempt" that is currently on appeal as part of a Final Summary Judgment final order in case no. 2010-5197. (¶1)

(2) Gillespie is disabled and has not received a requested ADA accommodation. (¶1)

(3) The attempt to incarcerate Gillespie is pure vengeance by his former lawyers who are angry he sued them to recover \$7,143 stolen from a settlement in prior representation. (¶1)

Due to a lack of time, Gillespie relied on the assertions of the following already filed documents that are incorporated into his petitions and raise the following issues:

(a) Affidavit of Neil J. Gillespie, April 25, 2011, trial court

(i) Gillespie was wrongfully denied ADA accommodation

(ii) Mr. Rodems is unlawfully (unethically) representing his firm against Gillespie, a former client, on a matter that is the same or substantially the same as the prior representation, and his independent professional judgment is materially limited by his own interest and conflict, which is the reason for problems in this case.

(iii) Since March 3, 2006 Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward Plaintiff that has aggravated his disability, caused substantial emotional distress, and serves no legitimate purpose, and has harmed Gillespie.

(vi) Judge Martha Cook presided over this lawsuit from May 24, 2010 through November 18, 2010. While presiding over this case Judge Cook misused and denied the Gillespie judicial process under the color of law. Gillespie moved to disqualify Judge Cook five times, all of which were all denied. Gillespie filed a Petition for Writ of Prohibition to remove Judge Cook November 18, 2010, Case No. 2D10-5529, Second District Court of Appeal. Judge Cook recused herself from the case the same day.

(v) Because of the forgoing Gillespie concluded that he could not obtain justice in this Court and commenced a Federal Civil Rights lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida et. al, Case No. 5:10-cv-503-oc-10-DAB, US District Court, Middle District of Florida, Ocala Division.

(b) Appellant's Verified Emergency Motion To Stay Pending Appeal, Motion For Order Of Protection, And Motion For Extension Of Time, April 25, 2011, with Addendum 2dDCA. Denied by the Second District Court of Appeal, Florida, by Order in 2D10-5197. Denied the motion to stay pending appeal, and denied motion for order of protection, granted extension of time. (Exhibit 8). Exhibit 11 to the pleading, is Gillespie's Complaint under Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Discrimination Complaint Form, OMB No. 1190-0009. (This appears elsewhere in the pleading too).

(c) Plaintiff's Motion to Disqualify Judge Arnold, May 2, 2011, trial court. Denied by Order dated May 4, 2011 after holding ex parte hearing.

(d) Verified Emergency Petition for Writ of Prohibition, Motion for Change of Venue, May 2, 2011, 2dDCA. Denied by the 2DCA May 4, 2011. (Exhibit 9).

(i) Gillespie sought to remove Judge Arnold and the Thirteenth Judicial Circuit because he fears he cannot have a fair hearing.

(ii) Court Counsel David A. Rowland has been preemptively defending the Thirteenth Judicial Circuit against Gillespie's lawsuit formally announced July 12, 2010 in the notice of claim made under section 768.28(6)(a) Florida Statutes but first raised in Gillespie's letter to Mr. Rowland of January 4, 2010 requesting information about section 768.28(6)(a) Florida Statutes. Mr. Rowland is controlling the judges in this case from behind the scene since at least January 4, 2010.

(iii) On July 9, 2010 Mr. Rowland seized control of Gillespie's ADA accommodation request from Gonzalo B. Casares, the Court's ADA Coordinator, and issued his own letter denying the request. Likewise there is evidence that Mr. Rowland controlled Judge Cook in this case from behind the scene.

(iv) The Thirteenth Judicial Circuit's unlawful conduct toward Gillespie is so extreme as to discourage counsel from representing him.

(v) Major James Livingston provided Gillespie a letter January 12, 2011 that impeached Judge Cook's "Order Adjudging Plaintiff Neil J. Gillespie In Contempt" issued September 30, 2010.

(vi) As a result of Gillespie's accusations of wrongdoing against the Thirteenth Judicial Circuit, he finds himself in a position not unlike Judge Gregory P. Holder who during 2001 and 2002 cooperated with the FBI in the courthouse corruption investigation. According to testimony by Detective Bartoszak, the courthouse corruption investigation team was concerned that Judge Holder's activities were being monitored by targets of the investigation. Judge Holder was advised by federal law enforcement agents to carry a weapon, and he was provided with a secure cell phone to communicate with the authorities.

(vii) Motion for Change of Venue to Marion County, Florida. At paragraph 35. "Because of the foregoing Gillespie cannot have a fair hearing in the Thirteenth Judicial Circuit and moves for a change of venue to Marion County, Florida, where he resides. In the alternative Gillespie moves to consolidate this case with the federal lawsuit Gillespie v. Thirteenth Judicial Circuit et al., Case No. 5:10-cv-503-oc-WTHDAB, US District Court, MD Florida, Ocala Division."

V. Our Legal System Depends Upon Integrity Of The Bar And The Bench

11. Our legal system depends upon the integrity of individual members of the bar and bench to follow the rules and codes of the legal profession and the judiciary. That integrity has broken down in this case, making it either impossible to fairly resolve, or prohibitively expensive in time and dollars. The practice of law is a profession the purpose of which is to supply disinterested counsel and service to others using independent professional judgment. In this case opposing counsel's independent professional judgment is materially limited by his own interest and conflict. Deference to the judgments and rulings of courts depends upon confidence in the integrity and independence of judges. In this case Judge Cook abandoned her integrity and independence by acting in the interest of opposing counsel. While Judge Cook is gone, the damage done to the case and my position may be impossible to overcome. Because of the foregoing, it is impossible for a fair adjudication of this matter in the 13th Circuit, and perhaps anywhere in Florida.

a. Circuit Court Judge Martha J. Cook repeatedly misused and denied judicial process to Gillespie under the color of law. Gillespie third motion to disqualify Judge Cook, "Emergency Motion To Disqualify Judge Cook" filed November 1, 2010 shows how Judge Cook knowingly introduced false information into the court record and other such as a coercive technique used to induce psychological confusion and regression in Gillespie by bringing a superior outside force to bear on his will to resist or to provoke a reaction in Gillespie. The CIA manual on torture techniques, the KUBARK manual, calls this the Alice in Wonderland or confusion technique.

b. Gillespie's fourth motion to disqualify Judge Cook, "Plaintiff's Fourth Motion To Disqualify Judge Martha J. Cook" November 8, 2010, shows that Judge Cook was essentially insolvent due to a near-collapse of the family business, Community Bank of Manatee, which was

operating under Consent Order, FDIC-09-569b and OFR 0692-FI-10/09. An insolvent judge lacks judicial independence and is a threat to democracy. As shown in Gillespie's motion to disqualify, Judge Cook's financial affairs violated the Code of Judicial Canons 2, 3, 5 and 6. Judge Cook's small (\$276M) nonmember FDIC insured bank lost over \$10 million dollars in 2009 and 2010, sold a controlling interest to a foreign national, who during the review process in Florida failed to disclose that its past employer ABN AMRO bank faced one of the largest Money Laundering and Trading With The Enemy cases ever brought by the Department of Justice. See

<http://www.federalreserve.gov/BoardDocs/Press/enforcement/2005/20051219/default.htm>

<http://www.idfpr.com/NEWSRLS/121905ABNAMROFine.asp>

http://lawprofessors.typepad.com/whitecollarcrime_blog/2005/12/abn_amro_bank_t.html

<http://www.fbi.gov/washingtondc/press-releases/2010/wfo051010.htm>

<http://www.justice.gov/opa/pr/2010/May/10-crm-548.html>

In 2011 Judge Cook's bank engaged in a untoward deal to merge two money-losing banks. In April 2011 Florida Governor Rick Scott suggested Gillespie share his concerns with the Florida Cabinet, which he did. Florida Attorney General Pam Bondi responded May 24, 2011 that the matter was forwarded to the legal department. Florida Agriculture Commissioner Adam Putnam responded May 17, 2011 and agreed with Gillespie that that politics have no role in determining the future of a financial institution. (Exhibit 10).

12. A copy of Plaintiff's First Amended Complaint, filed May 5, 2010, is submitted as Exhibit 11. Judge Cook refused to allow Gillespie to file even one amended complaint. The amended complaint shows how Barker, Rodems & Cook, PA perpetrated their fraud against Gillespie and other clients. Mr. Rodems is unethically representing his firm against Gillespie, a former client, on a matter that is the same or substantially similar to the prior representation, and

his independent professional judgment is materially limited by his own interest and conflict, which is the reason for problems in this case. Mr. Rodems should be disqualified as counsel.

VI. Prohibition: Thirteenth Judicial Circuit Has Conflict With Gillespie

13. Gillespie v Thirteenth Judicial Circuit, Florida, et al. Case No. 5:10-cv-503, US District Court, Middle District of Florida, Ocala Division, shows a conflict with Gillespie. A copy of Gillespie's federal ADA and Civil Rights complaint is submitted as Exhibit 12. The Thirteenth Judicial Circuit Should be disqualified as set forth in Emergency Petition for Writ of Prohibition filed May 3, 2011 in the Supreme Court of Florida. (Exhibit 6). This is a matter of public importance since legal research shows there is no case law on this subject, a fact confirmed to Gillespie in an email received from James R. Birkhold, Clerk of the Court, Florida Second District Court of Appeal.

VII. Americans With Disabilities Act (ADA)

14. Gillespie submitted a reasonable request for accommodation under Title II of the ADA February 19, 2010 accompanied by a medical report by Dr. Karin Huffer. (Exhibit 5). As of today no qualified person has reviewed the ADA Report by Dr. Karin Huffer and evaluated Gillespie's ADA request as it related to Dr. Huffer's report and Title II of the ADA.

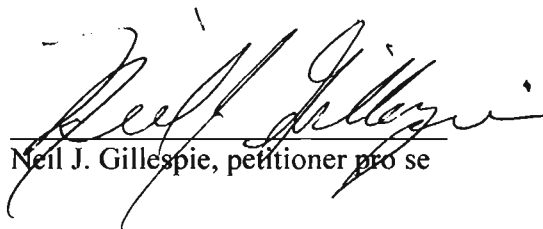
VIII Conclusion

15. A stay or injunction is necessary in this case to preserve the status quo during pendency of resolution of the issues presented. Gillespie is entitled to reasonable accommodations under the ADA, for a qualified person to review the ADA medical report by Dr. Huffer and evaluate Gillespie's ADA request as it relates to Dr. Huffer's report and Title II of the ADA. Our legal system depends upon the integrity of individual members of the bar and bench to follow the rules and codes of the legal profession and the judiciary. Deference to the judgments and rulings of

courts depends upon confidence in the integrity and independence of judges. This case shows what legal experts are saying. Lawrence Tribe, a constitutional scholar, a former Harvard Law School Professor, and Senior Counselor for Access to Justice at the US Justice Department spoke in June 2010 at the American Constitution Society. Tribe called Americans' access to justice a "dramatically understated" crisis. "The whole system of justice in America is broken," Tribe said. "The entire legal system is largely structured to be labyrinthine, inaccessible, unusable." Attorney and journalist Amy Bach spent eight years investigating the widespread courtroom failures that each day upend lives across America. In the process, she discovered how the professionals who work in the system, however well intentioned, cannot see the harm they are doing to the people they serve. Her book is "Ordinary Injustice, How America Holds Court." And perhaps the most insightful critic relative to the issues in this case are by Law Professor Benjamin H. Barton, author of the book on The Lawyer-Judge Bias in the American Legal System. Barton writes that virtually all American judges are former lawyers, a shared background that results in the lawyer-judge bias. This book argues that these lawyer-judges instinctively favor the legal profession in their decisions and that this bias has far-reaching and deleterious effects on American law. Professor Barton submitted an amici brief in Turner with Professor Darryl Brown in support of Respondents.

WHEREFORE Gillespie petitions the Court for a stay or injunction to preserve the status quo during pendency of resolution of the issues presented.

RESPECTFULLY SUBMITTED May 31, 2011.


Neil J. Gillespie, petitioner pro se

No: _____

IN THE
SUPREME COURT OF THE UNITED STATES

NEIL J. GILLESPIE - PETITIONER

VS.

BARKER, RODEMS & COOK, PA, et al. - RESPONDENTS

PROOF OF SERVICE

I, Neil J Gillespie, do swear or declare that on this date, May 31, 2011, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and EMERGENCY PETITION FOR STAY OR INJUNCTION on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. The names and addresses of those served are as follows:

Ryan Christopher Rodems
Barker, Rodems & Cook, PA
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602.

David A. Rowland, Court Counsel
Thirteenth Judicial Circuit Of Florida
Legal Department
800 E. Twiggs Street, Suite 603
Tampa, Florida 33602

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 31, 2011



Neil J. Gillespie

Appendix

Table of Contents

Exhibit 1	May 24, 2011, Plaintiff's Motion For Appointment of Counsel, ADA, Memo of Law
Exhibit 2	May 25, 2011, email, Gillespie to counsel for <u>Turner</u>
Exhibit 3	May 27, 2011, letter, Michael D. Leffel, Foley & Lardner, declined representation
Exhibit 4	Dr. Karin Huffer, October 28, 2010, ADA Accommodations for Neil Gillespie
Exhibit 5	May 27, 2011, Verified Notice of Filing Disability Information of Neil J. Gillespie
Exhibit 6	May 18, 2011, Florida Supreme Court, Order, DENIED petitions, SC11-858
Exhibit 7	May 3, 2011, Petition, Supreme Court Florida, writ of prohibition, habeas corpus, SC11-858
Exhibit 8	May 2, 2011, Second District Court of Appeal, Order, DENIED stay, protection 2D10-5197
Exhibit 9	May 4, 2011, Second District Court of Appeal, Order, DENIED writ prohibition 2D10-5197
Exhibit 10	Letters, Gov. Rick Scott, AG Pam Bondi, Agriculture Commissioner Adam Putnam
Exhibit 11	May 5, 2010, <u>Plaintiff's First Amended Complaint</u> , 05-CA-007205, Gillespie v BRC
Exhibit 12	September 28, 2010, complaint, <u>Gillespie v Thirteenth Judicial Circuit, Florida, et al</u>

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "Seth Waxman" <seth.waxman@wilmerhale.com>; "Stephanos Bibas" <sbibas@law.upenn.edu>
Cc: "James Emory Smith" <AGESmith@scag.gov>; "Noel Francisco" <njfrancisco@jonesday.com>;
 "Anthony Franze" <anthony.franze@aporter.com>; "Neal Kumar Katyal"
 <SupremeCtBriefs@USDOJ>; "Michael Leffel" <mleffel@foley.com>; "Stephen McConnell"
 <stephen.mcconnell@dechert.com>; "Edward McNicholas" <emcnicholas@sidley.com>; "Jonathan
 Mitchell" <jonathan.mitchell@oag.state.tx.us>; "Adam Mortara" <dam.mortara@bartlit-beck.com>;
 "John Moylan" <jmoylan@wyche.com>; "David Raim" <dram@chadbourn.com>; "Stephen Zack"
 <abapresident@abanet.org>
Sent: Wednesday, May 25, 2011 10:45 AM
Attach: 2011, 05-24-11, P's Motion For Appointment of Counsel, w Memo Law.pdf
Subject: Turner v. Rogers, Docket 10-10, US Supreme Court
 Mr. Seth P. Waxman for Petitioner
 Mr. Stephanos Bibas for Respondent
 Counsel for Amicus Curiae and Parties at Interest

RE: Turner v. Rogers, Docket 10-10, US Supreme Court

Dear Counsel:

Thank you, each counsel who has participated in Turner v. Rogers. Because your work is accessible through the Supreme Court website and the SCOTUS Blog, it is available to ordinary people like me, an indigent civil contemnno facing incarceration. Attached you will find my motion for appointment of counsel, based on legal arguments in Turner, that was filed yesterday.

The facts in my case are different, and in some ways more compelling than Turner. Last week the Florida Supreme Court denied my petition of writ of habeas corpus and petition for writ of prohibition. (Case No. SC11-858). Yesterday I spoke with Clayton Higgins, case analyst at the US Supreme Court, who said I have 90 days from the denial to file a petition for writ of certiorari; but I may need quicker relief like a stay. Other documents in this matter are posted on my Justice Network website, <http://YouSue.org/> and Scribd.

If anyone can offer assistance, I would appreciate that, or a referral. Time is of the essence.

Sincerely,

Neil J. Gillespie, pro se, nonlawyer
 8092 SW 115h Loop
 Ocala, Florida 34481
 Telephone: (352) 854-7807
 email: neilgillespie@mfi.net
 Justice Network: <http://YouSue.org/>

cc: Dr. Karin Huffer



May 27, 2011

ATTORNEYS AT LAW

VEREX PLAZA
150 EAST GILMAN STREET
MADISON, WI 53703-1481
POST OFFICE BOX 1497
MADISON, WI 53701-1497
608.257.5035 TEL
608.258.4258 FAX
foley.com

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,



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
TAMPA
TOKYO
WASHINGTON, D.C.



MADI_2693303.1

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

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DR. KARIN HUFFER

Licensed Marriage and Family Therapist #NV0082
ADAAA Titles II and III Specialist
Counseling and Forensic Psychology
3236 Mountain Spring Rd. Las Vegas, NV 89146
702-528-9588 www.lvaallc.com

October 28, 2010

To Whom It May Concern:

I created the first request for reasonable ADA Accommodations for Neil Gillespie. The document was properly and timely filed. As his ADA advocate, it appeared that his right to accommodations offsetting his functional impairments were in tact and he was being afforded full and equal access to the Court. Ever since this time, Mr. Gillespie has been subjected to ongoing denial of his accommodations and exploitation of his disabilities

As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.

While my work is as a disinterested third party in terms of the legal particulars of a case, I am charged with assuring that the client has equal access to the court physically, psychologically, and emotionally. Critical to each case is that the disabled litigant is able to communicate and concentrate on equal footing to present and participate in their cases and protect themselves.

Unfortunately, there are cases that, due to the newness of the ADAAA, lack of training of judicial personnel, and entrenched patterns of litigating without being mandated to accommodate the disabled, that persons with disabilities become underserved and are too often ignored or summarily dismissed. Power differential becomes an abusive and oppressive issue between a person with disabilities and the opposition and/or court personnel. The litigant with disabilities progressively cannot overcome the stigma and bureaucratic barriers. Decisions are made by medically unqualified personnel causing them to be reckless in the endangering of the health and well being of the client. This creates a severe justice gap that prevents the ADAAA from being effectively applied. In our adversarial system, the situation can devolve into a war of attrition. For an unrepresented litigant with a disability to have a team of lawyers as adversaries, the demand of litigation exceeds the unrepresented, disabled litigant's ability to maintain health while pursuing justice in our courts. Neil Gillespie's case is one of those. At this juncture the harm to Neil Gillespie's health, economic situation, and general diminishment of him in terms of his legal case cannot be overestimated and this bell

cannot be unrung. He is left with permanent secondary wounds.

Additionally, Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates. It seems that the ADA Administrative offices that I have appealed to ignore his requests for reasonable accommodations, including a response in writing. It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.

I am accustomed to working nationally with courts of law as a public service. I agree that our courts must adhere to strict rules. However, they must be flexible when it comes to ADAAA Accommodations preserving the mandates of this federal law Under Title II of the ADA. While public entities are not required to create new programs that provide heretofore unprovided services to assist disabled persons. (Townsend v. Quasim (9th Cir. 2003) 328 F.3d 511, 518) they are bound under ADAAA as a ministerial/administrative duty to approve any reasonable accommodation even in cases merely regarded as having a disability with no formal diagnosis.

The United States Department of Justice Technical Assistance Manual adopted by Florida also provides instructive guidance: "The ADA provides for equality of opportunity, but does not guarantee equality of results. The foundation of many of the specific requirements in the Department's regulations is the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services. (U.S. Dept. of Justice, Title II, *Technical Assistance Manual* (1993) § II-3.3000.) A successful ADA claim does not require excruciating details as to how the plaintiff's capabilities have been affected by the impairment, even at the summary judgment stage. *Gillen v. Fallon Ambulance Serv., Inc.*, 283 F.3d. My organization follows these guidelines maintaining a firm, focused and limited stance for equality of participatory and testimonial access. That is what has been denied Neil Gillespie.

The record of his ADAAA accommodations requests clearly shows that his well-documented disabilities are now becoming more stress-related and marked by depression and other serious symptoms that affect what he can do and how he can do it particularly under stress. Purposeful exacerbation of his symptoms and the resulting harm is, without a doubt, a strategy of attrition mixed with incompetence at the ADA Administrative level of these courts. I am prepared to stand by that statement as an observer for more than two years.

Supreme Court of Florida

WEDNESDAY, MAY 18, 2011

CASE NO.: SC11-858

Lower Tribunal No(s): 05-CA-007205

NEIL J. GILLESPIE

vs. BARKER, RODEMS &
COOK, P.A., ET AL.

Petitioner(s)

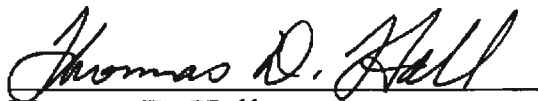
Respondent(s)

The petition for writ of habeas corpus is hereby denied.

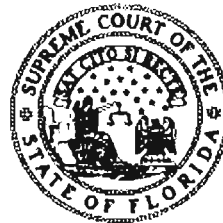
PARIENTE, LEWIS, QUINCE, POLSTON, and PERRY, JJ., concur.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



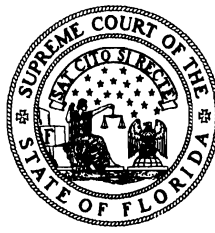
ab

Served:

DAVID A. ROWLAND
NEIL J. GILLESPIE
RYAN CHRISTOPHER RODEMS
HON. PAT FRANK, CLERK
HON. JAMES D. ARNOLD, JUDGE

EXHIBIT

6



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

THOMAS D. HALL
CLERK
TANYA CARROLL
CHIEF DEPUTY CLERK
SUSAN DAVIS MORLEY
STAFF ATTORNEY

PHONE NUMBER (850) 488-0125
www.floridasupremecourt.org

ACKNOWLEDGMENT OF NEW CASE

May 4, 2011

RE: NEIL J. GILLESPIE vs. BAKER, RODEMS & COOK,
P.A., ET AL.

CASE NUMBER: SC11-858
Lower Tribunal Case Number(s) : 05-CA-007205

The Florida Supreme Court has received the following documents reflecting a filing date of 5/3/2011.

Emergency Petition for Writ of Habeas Corpus
Emergency Petition for Writ of Prohibition

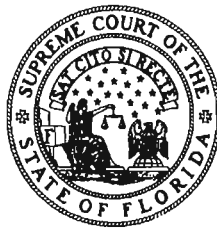
The Florida Supreme Court's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

**FOR GENERAL FILING INFORMATION AND ADMINISTRATIVE ORDER
NO. AOSC04-84, PLEASE VISIT THE CLERK'S OFFICE WEBSITE AT
<http://www.floridasupremecourt.org/clerk/index.shtml>**

wm

cc:

DAVID A. ROWLAND
NEIL J. GILLESPIE
RYAN CHRISTOPHER RODEMS
HON. PAT FRANK, CLERK
HON. JAMES D. ARNOLD, JUDGE



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

THOMAS D. HALL
CLERK
TANYA CARROLL
CHIEF DEPUTY CLERK
SUSAN DAVIS MORLEY
STAFF ATTORNEY

PHONE NUMBER (850) 488-0125
www.floridasupremecourt.org

AMENDED
ACKNOWLEDGMENT OF NEW CASE
May 5, 2011

RE: NEIL J. GILLESPIE vs. BARKER, RODEMS &
COOK, P.A., ET AL.

CASE NUMBER: SC11-858
Lower Tribunal Case Number(s) : 05-CA-007205

The Florida Supreme Court has received the following documents reflecting a filing date of 5/3/2011.

Emergency Petition for Writ of Habeas Corpus
Emergency Petition for Writ of Prohibition

The Florida Supreme Court's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

**FOR GENERAL FILING INFORMATION AND ADMINISTRATIVE ORDER
NO. AOSC04-84, PLEASE VISIT THE CLERK'S OFFICE WEBSITE AT
<http://www.floridasupremecourt.org/clerk/index.shtml>**

wm

cc:

DAVID A. ROWLAND
NEIL J. GILLESPIE
RYAN CHRISTOPHER RODEMS
HON. PAT FRANK, CLERK
HON. JAMES D. ARNOLD, JUDGE

Florida Supreme Court Case Docket**Case Number: SC11-858 - Closed****NEIL J. GILLESPIE vs. BARKER, RODEMS & COOK, P.A., ET AL.****Lower Tribunal Case(s): 05-CA-007205**

05/21/2011 02:38

Date Docketed	Description	Filed By	Notes
05/03/2011	PETITION-HABEAS CORPUS	PS Neil J. Gillespie BY: PS Neil J. Gillespie	W/ATTACHMENTS (FILED AS "EMERGANCY PETITION FOR WRIT OF HABEAS CORPUS & EMERGENCY PETITION FOR WRIT OF PROHIBITION") (05/05/11: ACK OF NEW CASE LTR CORRECTED TO REFLECT CORRECT CASE STYLE)
05/04/2011	No Fee Required		
05/18/2011	DISP-HABEAS CORPUS DY		The petition for writ of habeas corpus is hereby denied.

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327**

May 2, 2011

CASE NO.: 2D10-5197

L.T. No. : 05-CA-7205

Neil J. Gillespie

v. Barker, Rodems & Cook,
P. A. & William J. Cook

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

The appellant's emergency motion to stay pending appeal is denied.

The appellant's motion for order of protection is denied.

The appellant's motion for extension of time is granted to the extent that the amended initial brief shall be served by May 23, 2011.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

Neil J. Gillespie

Pat Frank, Clerk

Ryan Christopher Rodems, Esq.

pm


James Birkhold
Clerk



EXHIBIT

8

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

May 4, 2011

CASE NO.: 2D11-2127

L.T. No. : 05-CA-007205

Neil J. Gillespie

v. Barker, Rodems & Cook,
P A & William J. Cook

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

Petitioner's petition for writ of habeas corpus is denied.

LaROSE, CRENSHAW, and BLACK, JJ., Concur.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

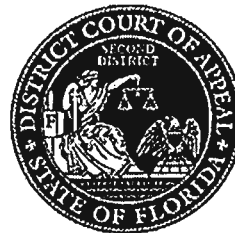
Neil J. Gillespie

Ryan Christopher Rodems, Esq.

Pat Frank, Clerk

aw


James Birkhold
Clerk



EXHIBIT

9

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

May 6, 2011

CASE NO.: 2D11-2127

L.T. No. : 05-CA-007205

Neil J. Gillespie

v. Barker, Rodems & Cook,
P A & William J. Cook

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

AMENDED ORDER

Petitioner's petition for writ of prohibition is denied.

LaROSE, CRENSHAW and BLACK, JJ., Concur.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

Neil J. Gillespie

Ryan Christopher Rodems, Esq.

Pat Frank, Clerk

aw


James Birkhold
Clerk





RICK SCOTT
GOVERNOR

STATE OF FLORIDA
Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

April 13, 2011

Mr. Neil Gillespie
8092 Southwest 115th Loop
Ocala, Florida 34481

Dear Mr. Gillespie:

Thank you for contacting Governor Rick Scott's office about changes to the Office of Financial Regulation. The Governor asked that I respond on his behalf.

Governor Scott wants to know how people feel about the many issues we face and your input is important to him. As you know, the Governor and the Cabinet serve over the Office of Financial Regulation (OFR) together as the Financial Services Commission and make decisions about its functions. You may also wish to share your concerns with the Florida Cabinet: Attorney General Pam Bondi, Chief Financial Officer Jeff Atwater and Agriculture Commissioner Adam Putnam. Please do not hesitate to write again to share your concerns and ideas about issues that are important to you.

Thank you again for taking the time to contact the Governor's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie A. Jordan".

Julie A. Jordan
Office of Citizen Services

JAJ/cas

EXHIBIT

10

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

April 30, 2011

Chief Financial Officer Jeff Atwater
Office of the Chief Financial Officer
Florida Department of Financial Services
200 East Gaines Street
Tallahassee, FL 32399-0301

Agriculture Commissioner Adam Putnam
Florida Department of Agriculture and Consumer Services
The Capitol
Tallahassee, FL 32399-0800

Dear Ms. Bondi, and Messrs. Atwater and Putnam:

Governor Scott suggested I share my concerns with the Florida Cabinet about my recent experience with the Office of Financial Regulation (OFR). In a word, it was awful. Enclosed you will find copies of the Governor's letter and my letter to him of February 22, 2011 about irregularities in the application of Marcelo Lima, foreign national, to obtain a controlling interest in a Community Bank of Manatee (CBM), a small (\$276M) nonmember FDIC insured bank.

The bank lost over \$10 million dollars in 2009 and 2010 and was under consent order until recently. CBM was founded in 1995 by William H. Sedgeman who is married to Circuit Judge Martha J. Cook in Hillsborough County. Judge Cook's 2009 Form 6 disclosure showed she was essentially insolvent. An insolvent judge lacks judicial independence and is a threat to democracy. That might explain her outrageous behavior while presiding over a civil lawsuit between me and my former lawyers. Judge Cook recused herself immediately upon my Petition For Writ of Prohibition, 2D10-5529, which included information about her insolvency.

Good government benefits the well-being of Florida and its residents and has my support. Good government breaks down when special interests prevail, and that appears the case at OFR and a proposed merger between Judge Cook's bank and First Community Bank of America, Pinellas Park, Florida. I believe OFR Commissioner Cardwell is using his office to benefit the special interests of Judge Cook, her bank, and well-connected law firms who appear before Judge Cook, over the interests of the citizens of Florida. The proposed merger is between two money-losing banks that makes no financial sense given the poor economic conditions in the bank's market.

OFR granted my petition for a public hearing on the proposed merger (Admin. File No. 0828-FI-03/11) but stonewalled requests for information about the public hearing process. For example OFR failed to provide an agenda for the hearing. OFR counsel Janet Massin Anderson, Fla. Bar No. 054821, responded to my request for information stating "Please be advised that the public hearing in the matter of the proposed merger of Community Bank & Co. and First Community

Bank of America is being handled in accordance with Florida Statutes and the rules promulgated thereunder.” Clearly this is not useful in understanding the public hearing process.

Ms. Anderson also failed to provide the Order Granting Hearing as shown in the certificate of service, misconduct intended to impede my participation. Twenty-five hours before the hearing I filed a notice of withdrawal due to a renewed threat of incarceration on a bogus contempt order by Judge Cook in the civil litigation. Ms. Anderson failed to acknowledge the withdrawal, or confirm if the hearing would be canceled, until the next day, and less than 2 hours before the hearing commenced. Ms. Anderson’s misconduct should be disciplined by the Florida Bar.

Florida’s financial institutions have failed at a faster rate, and cost the FDIC disproportionately more than elsewhere. This past December Commissioner Cardwell reported to the Financial Services Commission that “Since January 2009, 44 financial institutions have failed: 14 in 2009, 29 in 2010 and one already in 2011. Florida is in the top five states nationally in the number of mortgage foreclosures.” The mortgage foreclosure crisis has resulted in the breakdown of the rule of law in Florida’s courts. Last month the ACLU sued Lee County for systematically denying homeowners a fair opportunity to defend their homes against foreclosure.

The Financial Crisis Inquiry Commission determined that the 2008 financial crisis was an “avoidable” disaster caused by widespread failures in government regulation, corporate mismanagement and heedless risk-taking by Wall Street. More recently the 650-page US Senate report, “Wall Street and the Financial Crisis: Anatomy of a Financial Collapse,” was released by the Senate Permanent Subcommittee on Investigations. Senator Carl Levin, co-chairman of the subcommittee, said in a New York Times interview, “The overwhelming evidence is that those institutions deceived their clients and deceived the public, and they were aided and abetted by deferential regulators and credit ratings agencies who had conflicts of interest.” (New York Times, April 13, 2011, *Naming Culprits in the Financial Crisis*).

I encourage each of you to read the documents in my petition for public hearing on the proposed merger, which are also published on Scribd. You will find OFR is a parody, Mr. Cardwell used his office to benefit a special interest, and Ms. Anderson is unethical.

Thank you for your consideration.

Sincerely,

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

cc: Gov. Rick Scott (letter only)
Enclosures



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

May 17, 2011

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

Dear Mr. Gillespie:

Thank you for contacting Commissioner Putnam to share your concerns with the Florida Office of Financial Regulation (OFR). He has requested that I contact you on his behalf.

Commissioner Putnam agrees that politics have no role in determining the future of a financial institution and believes that consistent regulation of our state's financial institutions will provide for the growth and stability of sound community banks and thrifts. Please know that it remains of paramount importance to the Commissioner that Florida's financial institutions receive fair and equal treatment among regulators – whether State or Federal.

The Commissioner has directed me to make sure your concerns are brought to OFR's attention and properly addressed.

If you would like to discuss this matter further, please feel free to contact our Cabinet Affairs Office at (850) 617-7747.

Sincerely,

A handwritten signature in black ink that reads "Brooke R. McKnight".

Brooke R. McKnight
Deputy Cabinet Affairs Director

cc: Linda Charity, Director
Division of Financial Institutions
Office of Financial Regulation



PAM BONDI
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL

Office of Citizen Services
The Capitol
Tallahassee, Florida 32399-1050

Toll-free In Florida: (866) 966-7226
Telephone: (850) 414-3990
Fax: (850) 410-1630

May 24, 2011

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

Dear Mr. Gillespie:

Attorney General Pam Bondi received your correspondence regarding your experiences with the Florida Office of Financial Regulation (OFR). Attorney General Bondi asked that I respond. I am sorry for your difficulties.

We have reviewed your correspondence to determine if our agency can in any way be of assistance to you. Your complaint has been forwarded to the Attorney General's legal staff for further review. What action, if any, this office may take is unknown at this time. However, please be aware our office does not mediate on behalf of private individuals.

If you are dissatisfied with the handling of your concerns by OFR, you may wish to contact the OFR Inspector General for any assistance which may be available. The contact information is:

Office of Inspector General
Office of Financial Regulation
200 East Gaines Street
Tallahassee, Florida 32399-0370
Telephone: (850) 410-9712

As the OFR is an agency under the direct authority of the Governor's Office, you may also wish to contact the Chief Inspector General for the State of Florida at (850) 922-4637.

Please consult a private attorney for any legal guidance you may need. The Florida Bar offers a Lawyer Referral Service toll-free at (800) 342-8060. If you cannot afford an attorney, you may be eligible for low cost or pro bono assistance through a local legal aid office. The Florida Bar can assist you with this process.

I hope you will understand the Attorney General's duties are prescribed by law. Thank you for taking the time to share your concerns with the Attorney General's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Brooks".

Brandon Brooks
Office of Citizen Services

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "David A Rowland" <rowlanda@fljud13.org>
Cc: "Karin Huffer" <legalabuse@gmail.com>; "Alex Newman" <alexnewman_85@hotmail.com>; "Pat Frank" <frankp@hillsclerk.com>; "Dale Kent Bohner" <bohnerd@hillsclerk.com>; "Mark Ware" <warem@hillsclerk.com>; "Lisa Mann" <mann@hillsclerk.com>
Sent: Tuesday, May 31, 2011 9:51 AM
Attach: 2011, 05-27-11, NJG to Judge Arnold, cannot appear unrepresented.pdf; 2011, 05-27-11, Approved for criminal indigent status, 27.52.pdf; 2011, 05-27-11, receipt, \$50 public defender application fee.pdf; 2011, 05-04-11, Order to Show Cause, signed.pdf
Subject: hearing tomorrow June 1, 2011 at 11:00AM on an Order To Show Cause
 David A Rowland, Court Counsel
 Thirteenth Judicial Circuit

Mr. Rowland:

Please find attached my letter of May 27, 2011 to Judge Arnold left in his box Friday May 27, 2011. Subsequently the Clerk's Indigent Screening Unit found me indigent under section 27.52 Florida Statutes and eligible for representation by the public defender. I paid the \$50 indigent fee to the Clerk. Copies of the documents are attached.

On May 24, 2011 I filed Plaintiff's Motion For Appointment of Counsel, ADA Accommodation Request, and Memorandum of Law. On May 27, 2010 I filed Verified Notice of Filing Disability Information of Neil J. Gillespie.

A hearing is set for tomorrow June 1, 2011 at 11:00AM on an Order To Show Cause, see attached. As stated in my letter to Judge Arnold, I cannot appear at any contempt hearing without counsel. Indigent litigants have a right to court-appointed counsel when faced with incarceration for violating a state court order. In addition, my disability has worsened and I can no longer represent myself in any hearing. This is due in part because you denied my ADA request.

Kindly see that Judge Arnold knows I have been approved for court-appointed counsel under section 27.52 Florida Statutes. The hearing set for tomorrow should be canceled or continued until counsel is appointed, and I have had time to meet with counsel and prepare for the hearing. In addition, four subpoenas are needed for this hearing and Pat Frank, Clerk of the Court, has not yet complied with the requirements of section 57.082 Florida Statutes needed to obtain and serve the subpoenas. The hearing must be canceled or continued until the subpoena issue is resolved. Thank you.

Sincerely,

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

cc: Dr. Karin Huffer
 Alex Newman
 Pat Frank, Clerk of the Circuit Court
 Dale Bohner, Legal Counsel to Pat Frank, Clerk of the Circuit Court
 Mark Ware, Esq., Director of Appeal, Jury, Mental Health and Probate
 Lisa Mann, Associate Director of Appeals Department
 Ryan Rodems (by fax only)



Neil Gillespie

From: "Rowland, Dave" <ROWLANDA@fljud13.org>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Tuesday, May 31, 2011 11:40 AM
Attach: ATT00001.txt
Subject: Read: hearing tomorrow June 1, 2011 at 11:00AM on an Order To Show Cause
Your message

To: Rowland, Dave
Subject: hearing tomorrow June 1, 2011 at 11:00AM on an Order To Show Cause
Sent: Tuesday, May 31, 2011 9:51:31 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Tuesday, May 31, 2011 11:39:37 AM (UTC-05:00) Eastern Time (US & Canada).

Neil Gillespie

From: "Frank, Pat" <Frankp@hillsclerk.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Tuesday, May 31, 2011 11:50 AM
Attach: ATT00033.txt
Subject: Read: hearing tomorrow June 1, 2011 at 11:00AM on an Order To Show Cause
Your message was read on Tuesday, May 31, 2011 11:50:46 AM (GMT-05:00) Eastern Time (US & Canada).

Neil Gillespie

From: "Bohner, Dale" <bohnerd@hillsclerk.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Tuesday, May 31, 2011 1:26 PM
Attach: ATT00038.txt
Subject: Read: hearing tomorrow June 1, 2011 at 11:00AM on an Order To Show Cause
Your message was read on Tuesday, May 31, 2011 1:26:01 PM (GMT-05:00) Eastern Time (US & Canada).

Neil Gillespie

From: "Ware, Mark" <warem@hillsclerk.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Tuesday, May 31, 2011 10:15 AM
Attach: ATT00026.txt
Subject: Read: hearing tomorrow June 1, 2011 at 11:00AM on an Order To Show Cause
Your message was read on Tuesday, May 31, 2011 10:15:44 AM (GMT-05:00) Eastern Time (US & Canada).

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "David A Rowland" <rowlanda@fljud13.org>
Cc: "Karin Huffer" <legalabuse@gmail.com>; "Alex Newman" <alexnewman_85@hotmail.com>; "Larry Murray" <lmurray@dempstercr.com>; "Taylor Moss" <taylor@dempstercr.com>
Sent: Wednesday, June 01, 2011 8:50 AM
Attach: 2011, 05-31-11, Application to Justice Thomas.pdf
Subject: petition to the US Supreme Court
David A Rowland, Court Counsel
Thirteenth Judicial Circuit

Mr. Rowland:

Because you did not reply to my email yesterday, I take that to mean counsel has not been appointed. Therefore I request you cancel or continue the hearing until this matter is resolved. Attached you will find my petition to the US Supreme Court asking for an emergency stay or injunction.

I am not attending the hearing today for the reasons stated in the application to Justice Thomas. I scheduled a court reporter to cover the hearing if you and the court decide to proceed anyway.

Sincerely,

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

cc: Dr. Karin Huffer
Alex Newman
Larry Murray, Dempster Berryhill & Associates
Taylor Moss, Dempster Berryhill & Associates
Ryan Rodems (by fax only)



Neil Gillespie

From: "Rowland, Dave" <ROWLANDA@fljud13.org>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Wednesday, June 01, 2011 11:10 AM
Attach: ATT00001.txt
Subject: Read: petition to the US Supreme Court

Your message

To: Rowland, Dave
Subject: petition to the US Supreme Court
Sent: Wednesday, June 01, 2011 8:50:19 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Wednesday, June 01, 2011 11:09:24 AM (UTC-05:00) Eastern Time (US & Canada).

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "David A Rowland" <rowlanda@fljud13.org>
Cc: "Karin Huffer" <legalabuse@gmail.com>
Sent: Wednesday, June 01, 2011 9:23 AM
Attach: 2011, 06-01-11, fax letter to Mr Rodems, SCOTUS petition, bankruptcy.pdf
Subject: fax to Mr. Rodems
David A Rowland, Court Counsel
Thirteenth Judicial Circuit

Mr. Rowland:

Attached you will find my fax to Mr. Rodems, with a copy of my email to you, and the petition to the US Supreme Court. I also advised Mr. Rodems that if the petition is denied that I will proceed with Chapter 7 bankruptcy to discharge the \$11,550 final judgment to Barker, Rodems & Cook, PA and William J. Cook.

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

cc: Dr. Karin Huffer



Neil Gillespie

From: "Rowland, Dave" <ROWLANDA@fljud13.org>
To: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Wednesday, June 01, 2011 11:11 AM
Attach: ATT00001.txt
Subject: Read: fax to Mr. Rodems

Your message

To: Rowland, Dave
Subject: fax to Mr. Rodems
Sent: Wednesday, June 01, 2011 9:23:47 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Wednesday, June 01, 2011 11:11:06 AM (UTC-05:00) Eastern Time (US & Canada).

Fax

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

To: Mr. Ryan C. Rodems, Barker, Rodems & Cook, PA

Fax: (813) 489-1008

Date: June 1, 2011

Pages: fifteen (15), including this page

Re: SCOTUS petition

Mr. Rodems:

See the attached email to Mr. Rowland and petition to the US Supreme Court. It is being delivered to the Court this morning by UPS, tracking number 1Z93X7251563245220.

If the petition is denied I will proceed with Chapter 7 bankruptcy to discharge the \$11,550 final judgment to Barker, Rodems & Cook, PA and William J. Cook.

Neil Gillespie

cc: David Rowland
Dr. Karin Huffer

NOTE: This fax and the accompanying information is privileged and confidential and is intended only for use by the above addressee. If you are not the intended recipient, you are hereby notified that any use, dissemination or copying of this fax and the accompanying communications is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone, collect if necessary, and return the original message to me at the above address via U.S. mail. Thank you for your cooperation.

All calls on home office business telephone extension (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).

EXHIBIT

5

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "David A Rowland" <rowlanda@fljud13.org>
Cc: "Karin Huffer" <legalabuse@gmail.com>; "Alex Newman" <alexnewman_85@hotmail.com>; "Larry Murray" <lmurray@dempstercr.com>; "Taylor Moss" <taylor@dempstercr.com>
Sent: Wednesday, June 01, 2011 8:50 AM
Attach: 2011, 05-31-11, Application to Justice Thomas.pdf
Subject: petition to the US Supreme Court
David A Rowland, Court Counsel
Thirteenth Judicial Circuit

Mr. Rowland:

Because you did not reply to my email yesterday, I take that to mean counsel has not been appointed. Therefore I request you cancel or continue the hearing until this matter is resolved. Attached you will find my petition to the US Supreme Court asking for an emergency stay or injunction.

I am not attending the hearing today for the reasons stated in the application to Justice Thomas. I scheduled a court reporter to cover the hearing if you and the court decide to proceed anyway.

Sincerely,

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

cc: Dr. Karin Huffer
Alex Newman
Larry Murray, Dempster Berryhill & Associates
Taylor Moss, Dempster Berryhill & Associates
Ryan Rodems (by fax only)

No: _____

IN THE
SUPREME COURT OF THE UNITED STATES

NEIL J. GILLESPIE - PETITIONER

VS.

BARKER, RODEMS & COOK, PA, and WILLIAM J. COOK,

JUDGE JAMES D. ARNOLD,

THIRTEENTH JUDICIAL CIRCUIT, FLORIDA - RESPONDENTS

Emergency Petition For Stay or Injunction From

Order Of The Florida Supreme Court

Application to Justice Clarence Thomas

Emergency Petition For Stay or Injunction

Submitted by

Neil J. Gillespie
Petitioner, pro se, non-lawyer
8092 SW 115th Loop
Ocala, Florida 34481
(352) 854-7807
neilgillespie@mfi.net

I. Application To Justice Clarence Thomas

1. Petitioner pro se, Neil J. Gillespie (“Gillespie”), makes application to Justice Clarence Thomas pursuant to Rule 22 for an Emergency Petition For Stay or Injunction, and states:

2. Gillespie is a disabled, indigent civil contemnor facing incarceration June 1, 2011 at 11:00AM before Judge James D. Arnold, Thirteenth Judicial Circuit, Florida, for violating a state court order. The question whether an indigent defendant has a constitutional right to appointed counsel at a civil contempt proceeding that results in his incarceration is currently before this Court in Turner v. Rogers, U.S. Docket 10-10 and was argued March 23, 2011.

Based upon argument in Turner, Gillespie filed *Plaintiff’s Motion For Appointment Of Counsel, ADA Accommodation Request, and Memorandum Of Law*, May 24, 2011. (Exhibit 1). The next day Gillespie emailed counsel who participated in Turner seeking assistance. (Exhibit 2). About an hour later attorney Krista J. Sterken called Gillespie at home with an offer of representation contingent on a conflict search. Mr. Sterken is co-counsel with Michael D. Leffel of Foley & Lardner LLP who submitted an amicus brief in Turner for the Center for Family Policy and Practice. Unfortunately Mr. Leffel declined representation by letter May 27, 2011. (Exhibit 3).

3. This pleading is inherently insufficient due to Gillespie’s disability and declining health, see the letter of Dr. Karin Huffer, October 28, 2010, ADA Accommodations for Neil Gillespie. (Exhibit 4). Gillespie can no longer represent himself at hearings, he becomes easily distracted and confused, and can no longer speak coherently enough to advocate for himself.

II. Emergency Stay Or Injunction Necessary To Preserve The Status Quo

4. A stay or injunction is necessary in this case to preserve the status quo during pendency of resolution of the issues presented. The facts in this case are compelling:

a. Gillespie faces incarceration June 1, 2011 at 11:00AM on civil contempt by his former lawyers Barker, Rodems & Cook, PA in a six year-long lawsuit to recover \$7,143 stolen from Gillespie from a settlement in prior representation. Ryan Christopher Rodems is unethically representing his firm against a former client, and his independent professional judgment is materially limited by his interest and conflict. Mr. Rodems also countersued Gillespie for libel. The litigation is beyond contentious - Gillespie fears for his life and health.

b. Gillespie is disabled with speech, hearing, cognitive, and psycho-social disabilities related to a congenial craniofacial disorder. Gillespie also suffered Traumatic Brain Injury (TBI) August 20, 1988 during a criminal attack. Mr. Rodems knows Gillespie's disability from his firm's prior representation. Since March 3, 2006, Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward Gillespie that has aggravated his disability, caused substantial emotional distress, and serves no legitimate purpose. See *Verified Notice Of Filing Disability Information of Neil J. Gillespie*, filed May 27, 2011. (Exhibit 2).

c. Gillespie made a request for accommodation under Title II of the Americans With Disabilities Act (ADA) February 19, 2010 to Gonzalo B. Casares, ADA Coordinator for the Thirteenth Circuit. Mr. Casares is a building repair and maintenance person unqualified to review Gillespie's ADA medical report prepared by Dr. Karin Huffer. In a letter to Gillespie dated July 9, 2010, David Rowland, Counsel to the Thirteenth Circuit, denied Gillespie's ADA request for accommodation. Mr. Rowland is a lawyer, not a medical doctor, and unqualified to review the medical report, or grant or implement ADA accommodations based upon the medical report. As of today, no qualified person has reviewed the ADA medical report by Dr. Huffer and evaluated Gillespie's ADA request as it relates to Dr. Huffer's report and Title II of the ADA.

d. The hearing on the *Order Adjudging Plaintiff Neil J. Gillespie In Contempt* was held ex parte. Gillespie had no representation. The order is currently on appeal, Case No. 2D10-5197, Second District Court of Appeal, Florida. Mr. Rodems is disrupting the appellate process by holding hearings on the order while on appeal. The appellate court continues to grant extensions of time for Gillespie to file his amended initial brief so that he can address Rodems' ongoing disruptions. In addition, Gillespie's initial brief, and Rodems' answer brief, were stricken because the Clerk provided a defective record and index. The Clerk had to create a new record and index, and issue a "Clerk's Certificate" showing documents disappeared from file.

e. Gillespie was found indigent by Allison Raistrick of the Clerk's Indigent Screening Unit May 27, 2011 pursuant to section 27.52 Florida Statutes to appoint the public defender. Another clerk (anonymous) denied Gillespie indigent status under section 57.082 Florida Statutes to waive fees, thereby obstructing access to subpoenas and the service of subpoenas needed in defense of civil contempt.

f. Gillespie cannot legally represent himself pro se. On November 15, 2010. Judge Martha Cook entered an *Order Prohibiting Plaintiff from Appearing Pro Se*. On its face the order is a sham, and issued before the time expired for Gillespie to respond.

g. Gillespie is prohibited from setting motion with JAWS, the online *Judicial Automated Workflow System* used by lawyers to calendar motions. All pro se litigants must telephone the JA and manually set motions for hearing, and coordinate the available times with the availability of opposing counsel. This is impossible when counsel or the JA is not cooperative, as in this case.

h. The Thirteenth Judicial Circuit, Florida has a conflict hearing this case; it is a defendant in Gillespie v. Thirteenth Judicial Circuit, Florida, et al., case 5:10-cv-503, US District

Court, MD Fla., Ocala, for the misuse and denial of judicial process under the color of law, and violation of Title II of the ADA. Therefore the case should be moved to another circuit or venue.

III. Jurisdiction

5. This Court has appellate jurisdiction granted by Article III of the Constitution to review the Order of the Supreme Court of Florida in Case No. SC11-858 decided May 18, 2011.

6. This Court has original jurisdiction over Title II of the Americans With Disabilities Act (ADA), 42 U.S.C., Chapter 126, Equal Opportunities For Individuals With Disabilities, under Article III of the Constitution, and 28 U.S.C. section 1251.

7. This Court has original jurisdiction over cases in which a state shall be party under Article III of the Constitution, and 28 U.S.C. section 1251.

IV. Order of the Supreme Court of Florida in Case No. SC11-858

8. The Supreme Court of Florida by Order in SC11-858 dated May 18, 2011 denied Gillespie's Emergency Petition for Writ of Habeas Corpus, and Emergency Petition for Writ of Prohibition filed May 3, 2011. (Exhibit 6). Gillespie appeals that Order to this Court.

9. Gillespie's petitions to the Supreme Court of Florida were directed to an Evidentiary Hearing May 3, 2011, a civil contempt proceeding seeking Gillespie's incarceration for violating a state court order. (Exhibit 7). That hearing was held ex parte and Gillespie was not represented, and has been reset for June 1, 2011 at 11:00AM.

10. Gillespie's petitions to the Supreme Court of Florida are contained in a single pleading. (Exhibit 7). Gillespie raised the following issues:

(1) Gillespie's former lawyers Barker, Rodems & Cook, PA unlawfully seek his incarceration on a Writ of Bodily Attachment on "Order Adjudging Neil J. Gillespie In

Contempt" that is currently on appeal as part of a Final Summary Judgment final order in case no. 2010-5197. (§1)

(2) Gillespie is disabled and has not received a requested ADA accommodation. (§1)

(3) The attempt to incarcerate Gillespie is pure vengeance by his former lawyers who are angry he sued them to recover \$7,143 stolen from a settlement in prior representation. (§1)

Due to a lack of time, Gillespie relied on the assertions of the following already filed documents that are incorporated into his petitions and raise the following issues:

(a) Affidavit of Neil J. Gillespie, April 25, 2011, trial court

(i) Gillespie was wrongfully denied ADA accommodation

(ii) Mr. Rodems is unlawfully (unethically) representing his firm against Gillespie, a former client, on a matter that is the same or substantially the same as the prior representation, and his independent professional judgment is materially limited by his own interest and conflict, which is the reason for problems in this case.

(iii) Since March 3, 2006 Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward Plaintiff that has aggravated his disability, caused substantial emotional distress, and serves no legitimate purpose, and has harmed Gillespie.

(vi) Judge Martha Cook presided over this lawsuit from May 24, 2010 through November 18, 2010. While presiding over this case Judge Cook misused and denied the Gillespie judicial process under the color of law. Gillespie moved to disqualify Judge Cook five times, all of which were all denied. Gillespie filed a Petition for Writ of Prohibition to remove Judge Cook November 18, 2010, Case No. 2D10-5529, Second District Court of Appeal. Judge Cook recused herself from the case the same day.

(v) Because of the forgoing Gillespie concluded that he could not obtain justice in this Court and commenced a Federal Civil Rights lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida et. al, Case No. 5:10-cv-503-oc-10-DAB, US District Court, Middle District of Florida, Ocala Division.

(b) Appellant's Verified Emergency Motion To Stay Pending Appeal, Motion For Order Of Protection, And Motion For Extension Of Time, April 25, 2011, with Addendum 2dDCA. Denied by the Second District Court of Appeal, Florida, by Order in 2D10-5197. Denied the motion to stay pending appeal, and denied motion for order of protection, granted extension of time. (Exhibit 8). Exhibit 11 to the pleading, is Gillespie's Complaint under Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Discrimination Complaint Form, OMB No. 1190-0009. (This appears elsewhere in the pleading too).

(c) Plaintiff's Motion to Disqualify Judge Arnold, May 2, 2011, trial court. Denied by Order dated May 4, 2011 after holding ex parte hearing.

(d) Verified Emergency Petition for Writ of Prohibition, Motion for Change of Venue, May 2, 2011, 2dDCA. Denied by the 2DCA May 4, 2011. (Exhibit 9).

(i) Gillespie sought to remove Judge Arnold and the Thirteenth Judicial Circuit because he fears he cannot have a fair hearing.

(ii) Court Counsel David A. Rowland has been preemptively defending the Thirteenth Judicial Circuit against Gillespie's lawsuit formally announced July 12, 2010 in the notice of claim made under section 768.28(6)(a) Florida Statutes but first raised in Gillespie's letter to Mr. Rowland of January 4, 2010 requesting information about section 768.28(6)(a) Florida Statutes. Mr. Rowland is controlling the judges in this case from behind the scene since at least January 4, 2010.

(iii) On July 9, 2010 Mr. Rowland seized control of Gillespie's ADA accommodation request from Gonzalo B. Casares, the Court's ADA Coordinator, and issued his own letter denying the request. Likewise there is evidence that Mr. Rowland controlled Judge Cook in this case from behind the scene.

(iv) The Thirteenth Judicial Circuit's unlawful conduct toward Gillespie is so extreme as to discourage counsel from representing him.

(v) Major James Livingston provided Gillespie a letter January 12, 2011 that impeached Judge Cook's "Order Adjudging Plaintiff Neil J. Gillespie In Contempt" issued September 30, 2010.

(vi) As a result of Gillespie's accusations of wrongdoing against the Thirteenth Judicial Circuit, he finds himself in a position not unlike Judge Gregory P. Holder who during 2001 and 2002 cooperated with the FBI in the courthouse corruption investigation. According to testimony by Detective Bartoszak, the courthouse corruption investigation team was concerned that Judge Holder's activities were being monitored by targets of the investigation. Judge Holder was advised by federal law enforcement agents to carry a weapon, and he was provided with a secure cell phone to communicate with the authorities.

(vii) Motion for Change of Venue to Marion County, Florida. At paragraph 35. "Because of the foregoing Gillespie cannot have a fair hearing in the Thirteenth Judicial Circuit and moves for a change of venue to Marion County, Florida, where he resides. In the alternative Gillespie moves to consolidate this case with the federal lawsuit Gillespie v. Thirteenth Judicial Circuit et al., Case No. 5:10-cv-503-oc-WTHDAB, US District Court, MD Florida, Ocala Division."

V. Our Legal System Depends Upon Integrity Of The Bar And The Bench

11. Our legal system depends upon the integrity of individual members of the bar and bench to follow the rules and codes of the legal profession and the judiciary. That integrity has broken down in this case, making it either impossible to fairly resolve, or prohibitively expensive in time and dollars. The practice of law is a profession the purpose of which is to supply disinterested counsel and service to others using independent professional judgment. In this case opposing counsel's independent professional judgment is materially limited by his own interest and conflict. Deference to the judgments and rulings of courts depends upon confidence in the integrity and independence of judges. In this case Judge Cook abandoned her integrity and independence by acting in the interest of opposing counsel. While Judge Cook is gone, the damage done to the case and my position may be impossible to overcome. Because of the foregoing, it is impossible for a fair adjudication of this matter in the 13th Circuit, and perhaps anywhere in Florida.

a. Circuit Court Judge Martha J. Cook repeatedly misused and denied judicial process to Gillespie under the color of law. Gillespie third motion to disqualify Judge Cook, "Emergency Motion To Disqualify Judge Cook" filed November 1, 2010 shows how Judge Cook knowingly introduced false information into the court record and other such as a coercive technique used to induce psychological confusion and regression in Gillespie by bringing a superior outside force to bear on his will to resist or to provoke a reaction in Gillespie. The CIA manual on torture techniques, the KUBARK manual, calls this the Alice in Wonderland or confusion technique.

b. Gillespie's fourth motion to disqualify Judge Cook, "Plaintiff's Fourth Motion To Disqualify Judge Martha J. Cook" November 8, 2010, shows that Judge Cook was essentially insolvent due to a near-collapse of the family business, Community Bank of Manatee, which was

operating under Consent Order, FDIC-09-569b and OFR 0692-FI-10/09. An insolvent judge lacks judicial independence and is a threat to democracy. As shown in Gillespie's motion to disqualify, Judge Cook's financial affairs violated the Code of Judicial Canons 2, 3, 5 and 6. Judge Cook's small (\$276M) nonmember FDIC insured bank lost over \$10 million dollars in 2009 and 2010, sold a controlling interest to a foreign national, who during the review process in Florida failed to disclose that its past employer ABN AMRO bank faced one of the largest Money Laundering and Trading With The Enemy cases ever brought by the Department of Justice. See

<http://www.federalreserve.gov/BoardDocs/Press/enforcement/2005/20051219/default.htm>

<http://www.idfpr.com/NEWSRLS/121905ABNAMROFine.asp>

http://lawprofessors.typepad.com/whitecollarcrime_blog/2005/12/abn_amro_bank_t.html

<http://www.fbi.gov/washingtondc/press-releases/2010/wfo051010.htm>

<http://www.justice.gov/opa/pr/2010/May/10-crm-548.html>

In 2011 Judge Cook's bank engaged in a untoward deal to merge two money-losing banks. In April 2011 Florida Governor Rick Scott suggested Gillespie share his concerns with the Florida Cabinet, which he did. Florida Attorney General Pam Bondi responded May 24, 2011 that the matter was forwarded to the legal department. Florida Agriculture Commissioner Adam Putnam responded May 17, 2011 and agreed with Gillespie that that politics have no role in determining the future of a financial institution. (Exhibit 10).

12. A copy of Plaintiff's First Amended Complaint, filed May 5, 2010, is submitted as Exhibit 11. Judge Cook refused to allow Gillespie to file even one amended complaint. The amended complaint shows how Barker, Rodems & Cook, PA perpetrated their fraud against Gillespie and other clients. Mr. Rodems is unethically representing his firm against Gillespie, a former client, on a matter that is the same or substantially similar to the prior representation, and

his independent professional judgment is materially limited by his own interest and conflict, which is the reason for problems in this case. Mr. Rodems should be disqualified as counsel.

VI. Prohibition: Thirteenth Judicial Circuit Has Conflict With Gillespie

13. Gillespie v Thirteenth Judicial Circuit, Florida, et al. Case No. 5:10-cv-503, US District Court, Middle District of Florida, Ocala Division, shows a conflict with Gillespie. A copy of Gillespie's federal ADA and Civil Rights complaint is submitted as Exhibit 12. The Thirteenth Judicial Circuit Should be disqualified as set forth in Emergency Petition for Writ of Prohibition filed May 3, 2011 in the Supreme Court of Florida. (Exhibit 6). This is a matter of public importance since legal research shows there is no case law on this subject, a fact confirmed to Gillespie in an email received from James R. Birkhold, Clerk of the Court, Florida Second District Court of Appeal.

VII. Americans With Disabilities Act (ADA)

14. Gillespie submitted a reasonable request for accommodation under Title II of the ADA February 19, 2010 accompanied by a medical report by Dr. Karin Huffer. (Exhibit 5). As of today no qualified person has reviewed the ADA Report by Dr. Karin Huffer and evaluated Gillespie's ADA request as it related to Dr. Huffer's report and Title II of the ADA.

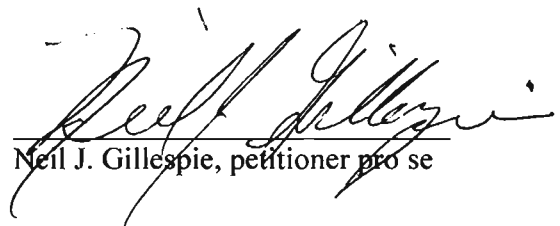
VIII Conclusion

15. A stay or injunction is necessary in this case to preserve the status quo during pendency of resolution of the issues presented. Gillespie is entitled to reasonable accommodations under the ADA, for a qualified person to review the ADA medical report by Dr. Huffer and evaluate Gillespie's ADA request as it relates to Dr. Huffer's report and Title II of the ADA. Our legal system depends upon the integrity of individual members of the bar and bench to follow the rules and codes of the legal profession and the judiciary. Deference to the judgments and rulings of

courts depends upon confidence in the integrity and independence of judges. This case shows what legal experts are saying. Lawrence Tribe, a constitutional scholar, a former Harvard Law School Professor, and Senior Counselor for Access to Justice at the US Justice Department spoke in June 2010 at the American Constitution Society. Tribe called Americans' access to justice a "dramatically understated" crisis. "The whole system of justice in America is broken," Tribe said. "The entire legal system is largely structured to be labyrinthine, inaccessible, unusable." Attorney and journalist Amy Bach spent eight years investigating the widespread courtroom failures that each day upend lives across America. In the process, she discovered how the professionals who work in the system, however well intentioned, cannot see the harm they are doing to the people they serve. Her book is "Ordinary Injustice, How America Holds Court." And perhaps the most insightful critic relative to the issues in this case are by Law Professor Benjamin H. Barton, author of the book on The Lawyer-Judge Bias in the American Legal System. Barton writes that virtually all American judges are former lawyers, a shared background that results in the lawyer-judge bias. This book argues that these lawyer-judges instinctively favor the legal profession in their decisions and that this bias has far-reaching and deleterious effects on American law. Professor Barton submitted an amici brief in Turner with Professor Darryl Brown in support of Respondents.

WHEREFORE Gillespie petitions the Court for a stay or injunction to preserve the status quo during pendency of resolution of the issues presented.

RESPECTFULLY SUBMITTED May 31, 2011.


Neil J. Gillespie, petitioner pro se

Appendix

Table of Contents

Exhibit 1	May 24, 2011, Plaintiff's Motion For Appointment of Counsel, ADA, Memo of Law
Exhibit 2	May 25, 2011, email, Gillespie to counsel for <u>Turner</u>
Exhibit 3	May 27, 2011, letter, Michael D. Leffel, Foley & Lardner, declined representation
Exhibit 4	Dr. Karin Huffer, October 28, 2010, ADA Accommodations for Neil Gillespie
Exhibit 5	May 27, 2011, Verified Notice of Filing Disability Information of Neil J. Gillespie
Exhibit 6	May 18, 2011, Florida Supreme Court, Order, DENIED petitions, SC11-858
Exhibit 7	May 3, 2011, Petition, Supreme Court Florida, writ of prohibition, habeas corpus, SC11-858
Exhibit 8	May 2, 2011, Second District Court of Appeal, Order, DENIED stay, protection 2D10-5197
Exhibit 9	May 4, 2011, Second District Court of Appeal, Order, DENIED writ prohibition 2D10-5197
Exhibit 10	Letters, Gov. Rick Scott, AG Pam Bondi, Agriculture Commissioner Adam Putnam
Exhibit 11	May 5, 2010, <u>Plaintiff's First Amended Complaint</u> , 05-CA-007205, Gillespie v BRC
Exhibit 12	September 28, 2010, complaint, <u>Gillespie v Thirteenth Judicial Circuit, Florida, et al</u>

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

June 2, 2011

Neil Gillespie
8092 SW 115th Loop
Ocala, FL 34481

RE: Gillespie v. Barker, Rodems & Cook, et al.
Application for Stay or Injunction

Dear Mr. Gillespie:

Your application for stay or injunction, received June 2, 2011 is herewith returned for the following reason(s):

You failed to comply with Rule 23.3 of the Rules of this Court which requires that you first seek the same relief in the appropriate lower courts and attach copies of the orders from the lower courts to your application filed in this Court.

You failed to identify the judgment you are asking the Court to review and to append a copy of the order or opinion as required by Rule 23.3 of this Court's Rules.

You are required to state the grounds upon which this Court's jurisdiction is invoked, with citation of the statutory provision.

Sincerely,
William K. Suter, Clerk

By: 

Danny Bickell
(202) 479-3024

Enclosures



No: _____

IN THE
SUPREME COURT OF THE UNITED STATES

NEIL J. GILLESPIE - PETITIONER

VS.

BARKER, RODEMS & COOK, PA, and WILLIAM J. COOK,

JUDGE JAMES D. ARNOLD,

THIRTEENTH JUDICIAL CIRCUIT, FLORIDA - RESPONDENTS

Emergency Petition For Writ of Prohibition, Appeal From

Order of The Supreme Court of Florida, Case No. SC11-858

Application to Justice Clarence Thomas

Emergency Petition For Writ of Prohibition

Submitted by

Neil J. Gillespie
Petitioner, pro se, non-lawyer
8092 SW 115th Loop
Ocala, Florida 34481
(352) 854-7807
neilgillespie@mfi.net

I. Application To Justice Clarence Thomas

1. Petitioner pro se, Neil J. Gillespie (“Gillespie”), makes application to Justice Clarence Thomas, pursuant to Rule 22, for an Emergency Petition For Writ of Prohibition.

II. Relief Sought In Lower Courts

2. In the Second District Court of Appeal, Florida (2dDCA), Case No. 2D11-2127, Gillespie filed a Verified Emergency Petition For Writ Of Prohibition, Motion For Change Of Venue. The *Verified Emergency Petition for Writ of Prohibition* sought removal of Circuit Court Judge James D. Arnold and the Thirteenth Judicial Circuit, Florida, from presiding over the lower tribunal case, Neil J. Gillespie vs. Barker, Rodems & Cook, PA, and William J. Cook, Case No. 05-CA-007205. The *Motion for Change of Venue* sought a change of venue to Marion County, Florida, where Gillespie resides. In the alternative Gillespie moved to consolidate the lower tribunal case with a federal civil rights and ADA disability lawsuit, Gillespie v. Thirteenth Judicial Circuit et. al, Case No. 5:10-cv-00503, US District Court, Middle District of Florida, Ocala Division. The 2dDCA denied 2D11-2127 by Order May 4, 2011 and Amended Order May 6, 2011. Pursuant to Rule 23.3, copies of the Order and Amended Order in 2D11-2127 are attached to this application as Exhibits 1 and 2 respectively.

3. In the Supreme Court of Florida, Case No. SC11-858, Gillespie filed Emergency Petition For Writ Of Habeas Corpus, Emergency Petition For Writ Of Prohibition. The *Emergency Petition for Writ of Prohibition* sought removal of Circuit Court Judge James D. Arnold and the Thirteenth Judicial Circuit, Florida, from presiding over the lower tribunal case, Neil J. Gillespie vs. Barker, Rodems & Cook, PA, and William J. Cook, Case No. 05-CA-007205. It relied upon the same Verified Emergency Petition For Writ Of Prohibition, Motion For Change Of Venue filed in 2D11-2127. The Supreme Court of Florida denied SC11-858 by Order May 18, 2011.

Pursuant to Rule 23.3, a copy of the Order is attached to this application as Exhibit 3. Since the Order only mentions the Petition for Writ of Habeas Corpus, also attached are copies of the Acknowledgment of New Case, Amended Acknowledgment of New Case, and case docket, each showing a Petition for Writ of Prohibition was filed, and thus denied by Order May 18, 2011.

III. Judgment For Review By This Court

4. For review by this Court is the judgment rendered by the Supreme Court of Florida in Case No. SC11-858, by Order issued May 18, 2011, that denied Gillespie's Emergency Petition for Writ of Prohibition, that sought to remove Circuit Court Judge James D. Arnold and the Thirteenth Judicial Circuit, Florida from presiding over the lower tribunal case, Neil J. Gillespie vs. Barker, Rodems & Cook, PA, and William J. Cook, Case No. 05-CA-007205. Pursuant to Rule 23.3, a copy of the Order is attached to this application. (Exhibit 3).

IV. Jurisdiction

5. This Court has jurisdiction under 28 U.S.C. § 1651(a). The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

6. This Court has jurisdiction under the United States Constitution, Article III, Section 2, all cases affecting...public ministers...and those in which a state shall be party, the Supreme Court shall have original jurisdiction. Public ministers and the State of Florida are Defendants in Gillespie v. Thirteenth Judicial Circuit et. al, Case No. 5:10-cv-00503, US District Court, Middle District of Florida, Ocala Division.

V. Emergency Nature of This Application

7. Gillespie is currently being pursued by law enforcement on an active arrest warrant as a civil contemnor. Judge James D. Arnold found Gillespie in civil contempt June 1, 2011 and

caused warrant number 22044323 to be issued for his arrest. Gillespie is indigent and disabled. Gillespie was found indigent by Allison Raistrick of the Clerk's Indigent Screening Unit May 27, 2011 pursuant to section 27.52 Florida Statutes to appoint the public defender. The public defender appeared at the civil contempt hearing June 1, 2011 and moved to clarify with the Court the applicability of the Application for Criminal Indigent Status and Clerk's Determination. The Court found there was no lawful basis for the appointment of the public defender to represent the plaintiff, and issued "Order Relieving The Office of The Public Defender of The Thirteenth Judicial Circuit From Representation of Plaintiff Neil Gillespie". (Exhibit 5).

VI. Turner v. Rogers, U.S. Docket 10-10

8. The question whether an indigent defendant has a constitutional right to appointed counsel at a civil contempt proceeding that results in his incarceration is currently before this Court in Turner v. Rogers, U.S. Docket 10-10 and was argued March 23, 2011. Based upon argument in Turner, Gillespie filed *Plaintiff's Motion For Appointment Of Counsel, ADA Accommodation Request, and Memorandum Of Law*, May 24, 2011. (Exhibit 6). This case was assigned to Judge Arnold November 18, 2010. For much of that time Judge Arnold was on disability leave, according to his assistant Judy D. Williams. It appears from the record that the Court is uninformed about matters in the six-year long lawsuit, and that the Court did not read or consider Gillespie's motion.

VII. Statement Of The Case

9. This six year-long lawsuit is to recover \$7,143 stolen by Gillespie's former lawyers, Barker, Rodems & Cook, PA. Ryan C. Rodems is unethically representing his firm against former client Gillespie. Mr. Rodems' independent professional judgment is materially limited by his own interest and conflict. Gillespie was previously represented in this lawsuit by attorney

Robert W. Bauer, who dropped the case and complained on the record that Mr. Rodems “...decided to take a full nuclear blast approach instead of us trying to work this out in a professional manner...”. Mr. Rodems’ “full nuclear blast approach” has aggravated Gillespie's disability to the point where Gillespie can no longer represent himself at hearings. Gillespie is currently being pursued by law enforcement to arrest him on a writ of bodily attachment sought by Mr. Rodems to collect \$11,550 in sanctions awarded for discovery errors, and a misplaced defense to a libel counterclaim brought by Rodems against Gillespie. The \$11,550 sanction award was a misuse and denial of judicial process under the color of law by the Thirteenth Judicial Circuit, Florida. On the morning of September 28, 2010 Gillespie commenced a federal civil rights and ADA lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida, et. al, case no. 5:10-cv-00503, US District Court, Middle District of Florida, Ocala Division. Later that day, at a hearing before Circuit Judge Martha J. Cook, upon learning of Gillespie’s lawsuit against her, Judge Cook ordered Gillespie removed from the hearing on Defendants’ Motion for Final Summary Judgment, and Defendants’ Motion for an Order of Contempt and Writ of Bodily Attachment. Judge Cook continued the hearing ex parte and Gillespie had no representation. Judge Cook found for the Defendants on both motions, and then falsified official court records stating that Gillespie left the hearing voluntarily. On January 12, 2011 Major James Livingston, Commander of the Court Operations Division, provided Gillespie a letter that shows Circuit Judge Martha J. Cook falsified court records and denied Gillespie’s participation in the judicial process. Mr. Rodems and his partner William J. Cook are long-time campaign contributors to Circuit Judge Martha J. Cook.

VIII. Our Legal System Depends Upon Integrity Of The Bar And The Bench

10. Our legal system depends upon the integrity of individual members of the bar and bench to follow the rules and codes of the legal profession and the judiciary. That integrity has broken down in this case making it impossible to fairly resolve. The practice of law is a profession the purpose of which is to supply disinterested counsel and service to others using independent professional judgment. In this case opposing counsel's independent professional judgment is materially limited by his own interest and conflict. Deference to the judgments and rulings of courts depends upon confidence in the integrity and independence of judges. In this case Judge Cook abandoned her integrity and independence by acting in the interest of opposing counsel. While Judge Cook is gone, the damage done to the case and Gillespie's position may be impossible to overcome. Because of the foregoing, it is impossible for a fair adjudication of this matter in the 13th Circuit, and perhaps anywhere in Florida.

11. Circuit Court Judge Martha J. Cook repeatedly misused and denied judicial process to Gillespie under the color of law. Gillespie third motion to disqualify Judge Cook of November 1, 2010 showed how Judge Cook knowingly introduced false information into the court record as a coercive technique used to induce psychological confusion and regression in Gillespie by bringing a superior outside force to bear on his will to resist or to provoke a reaction in Gillespie. The CIA manual on torture techniques, the KUBARK manual, calls this the Alice in Wonderland or confusion technique.

12. Gillespie's fourth motion to disqualify Judge Cook of November 8, 2010, showed that Judge Cook was essentially insolvent due to a near-collapse of the family business, Community Bank of Manatee, which was operating under Consent Order, FDIC-09-569b and OFR 0692-FI-10/09. An insolvent judge lacks judicial independence and is a threat to democracy. As shown in

Gillespie's motion to disqualify, Judge Cook's financial affairs violated the Code of Judicial Canons 2, 3, 5 and 6. Judge Cook's small (\$276M) nonmember FDIC insured bank lost over \$10 million dollars in 2009 and 2010. In 2009 the bank sold a controlling interest to a foreign national, who during the review process in Florida, failed to disclose that its past employer ABN AMRO bank faced one of the largest Money Laundering and Trading With The Enemy cases ever brought by the Department of Justice. See

<http://www.federalreserve.gov/BoardDocs/Press/enforcement/2005/20051219/default.htm>

<http://www.idfpr.com/NEWSRLS/121905ABNAMROFine.asp>

http://lawprofessors.typepad.com/whitecollarcrime_blog/2005/12/abn_amro_bank_t.html

<http://www.fbi.gov/washingtondc/press-releases/2010/wfo051010.htm>

<http://www.justice.gov/opa/pr/2010/May/10-crm-548.html>

In 2011 Judge Cook's bank engaged in a untoward deal to merge two money-losing banks. In April 2011 Florida Governor Rick Scott suggested Gillespie share his concerns with the Florida Cabinet, which he did. Florida Attorney General Pam Bondi responded May 24, 2011 that the matter was forwarded to the legal department. Florida Agriculture Commissioner Adam Putnam responded May 17, 2011 and agreed with Gillespie that that politics have no role in determining the future of a financial institution. (Exhibit 8).

13. A copy of Plaintiff's First Amended Complaint, filed May 5, 2010, is submitted as Exhibit 9. Judge Cook refused to allow Gillespie to file even one amended complaint. The amended complaint shows how Barker, Rodems & Cook, PA perpetrated their fraud against Gillespie and other clients. Mr. Rodems is unethically representing his firm against Gillespie, a former client, on a matter that is the same or substantially similar to the prior representation, and

his independent professional judgment is materially limited by his own interest and conflict, which is the reason for problems in this case. Mr. Rodems should be disqualified as counsel.

IX. Prohibition: Thirteenth Judicial Circuit Has Conflict With Gillespie

14. The Thirteenth Judicial Circuit, Florida has a conflict hearing this case; it is a defendant in Gillespie v. Thirteenth Judicial Circuit, Florida, et al., case 5:10-cv-503, US District Court, MD Fla., Ocala, for the misuse and denial of judicial process under the color of law, and violation of Title II of the ADA. A copy of the complaint is provided as Exhibit 10. Therefore the case should be moved to another circuit or venue.

15. Gillespie petitioned The Supreme Court of Florida, case no. SC11-858, for an Emergency Petition for Writ of Prohibition. (Exhibit 7). The Supreme Court of Florida denied SC11-858 by Order May 18, 2011. (Exhibit 3). This is a matter of public importance since legal research shows there is no case law on this subject, a fact confirmed to Gillespie in an email received from James R. Birkhold, Clerk of the Court, Florida Second District Court of Appeal.

X. Gillespie's Latest Attempts to Obtain Counsel

16. May 25, 2011 Gillespie emailed counsel who participated in Turner seeking assistance. About an hour later attorney Krista J. Sterken called Gillespie at home with an offer of representation contingent on a conflict search. Ms. Sterken is co-counsel with Michael D. Leffel of Foley & Lardner LLP who submitted an amicus brief in Turner for the Center for Family Policy and Practice. Unfortunately Mr. Leffel declined representation by letter May 27, 2011.

17. June 2, 2011 Gillespie placed an ad on Craigslist seeking counsel. The ad states:

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.

18. In response to the ad, Gillespie retained attorney Eugene P. Castagliuolo June 3, 2011.

Eugene P. Castagliuolo, Esquire
CASTAGLIUOLO LAW GROUP, P. A.
2451 McMullen Booth Road
Clearwater, Florida 33759
Telephone: (727) 712-3333
attorneyepc@yahoo.com

Mr. Castagliuolo has telephoned and sent email to opposing counsel Ryan Christopher Rodems numerous times during the week June 6, 2011 through June 10, 2011 in an effort to resolve the deposition. Mr. Rodems has not responded to Gillespie's counsel.

19. Gillespie has not been provided a copy of the writ of bodily attachment showing what is required to purge. The Clerk of the Court failed to provide a copy of the writ to Gillespie or his representative upon request. Mr. Rodems will not provide a copy of the writ to Mr. Castagliuolo. Because of the above, Gillespie fears that Mr. Rodems is using the writ of bodily attachment as a tool of vengeance, not justice. Gillespie speculates that to purge the contempt/writ a deposition is required where documents are demanded. If the documents don't meet Mr. Rodems impossible standards, the incarceration could continue for months. Another possibility, once incarcerated, Mr. Rodems may have a plan to enter Gillespie's home and remove all the property.

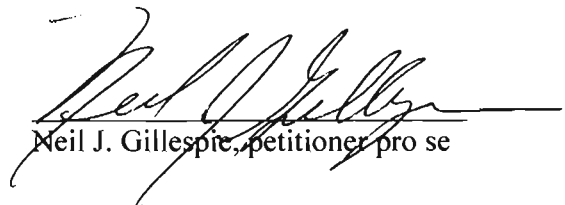
X. Conclusion

20. This case shows what legal experts are saying. Lawrence Tribe, a constitutional scholar, a former Harvard Law School Professor, and Senior Counselor for Access to Justice at the US Justice Department spoke in June 2010 at the American Constitution Society. Tribe called Americans' access to justice a "dramatically understated" crisis. "The whole system of justice in America is broken," Tribe said. "The entire legal system is largely structured to be labyrinthine, inaccessible, unusable." Attorney and journalist Amy Bach spent eight years investigating the widespread courtroom failures that each day upend lives across America. Her resulting book is

“Ordinary Injustice, How America Holds Court.” In the process, Bach discovered how the professionals who work in the system, however well intentioned, cannot see the harm they are doing to the people they serve. And perhaps the most important critic relative to the issues in this case is Law Professor Benjamin H. Barton, author of the book “The Lawyer-Judge Bias in the American Legal System”. Barton writes that virtually all American judges are former lawyers, a shared background that results in the lawyer-judge bias. This book argues that these lawyer-judges instinctively favor the legal profession in their decisions and that this bias has far-reaching and deleterious effects on American law. Professor Barton submitted an amici brief in Turner with Professor Darryl Brown in support of Respondents.

WHEREFORE Gillespie petitions the Court for an Emergency Petition For Writ of Prohibition and other remedies the Court may decide appropriate.

RESPECTFULLY SUBMITTED June 11, 2011.



Neil J. Gillespie, petitioner pro se

No: _____

IN THE
SUPREME COURT OF THE UNITED STATES

NEIL J. GILLESPIE - PETITIONER

VS.

BARKER, RODEMS & COOK, PA, et al. - RESPONDENTS

PROOF OF SERVICE

I, Neil J Gillespie, do swear or declare that on this date, June 11, 2011, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and EMERGENCY PETITION FOR WRIT OF PROHIBITION on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. The names and addresses of those served are as follows:

Ryan Christopher Rodems
Barker, Rodems & Cook, PA
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602.

David A. Rowland, Court Counsel
Thirteenth Judicial Circuit Of Florida
Legal Department
800 E. Twiggs Street, Suite 603
Tampa, Florida 33602

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 11, 2011


Neil J. Gillespie

Appendix

Table of Contents

Exhibit 1	May 4, 2011, Second District Court of Appeal, Order, DENIED 2D11-2127
Exhibit 2	May 4, 2011, Second District Court of Appeal, Amended Order, DENIED 2D11-2127
Exhibit 3	May 18, 2011, Florida Supreme Court, Order, DENIED SC11-858
Exhibit 4	June 1, 2011, Public Defender's Motion for Clarification
Exhibit 5	June 1, 2011, Order Relieving The Office of The Public Defender of The Thirteenth Judicial Circuit From Representation of Plaintiff Neil Gillespie
Exhibit 6	May 24, 2011, Plaintiff's Motion For Appointment of Counsel, ADA, Memo of Law
Exhibit 7	May 3, 2011, Petition, Supreme Court Florida, writ of prohibition, habeas corpus, SC11-858
Exhibit 8	Letters, Gov. Rick Scott, AG Pam Bondi, Agriculture Commissioner Adam Putnam
Exhibit 9	May 5, 2010, <u>Plaintiff's First Amended Complaint</u> , 05-CA-007205, Gillespie v BRC
Exhibit 10	September 28, 2010, complaint, <u>Gillespie v Thirteenth Judicial Circuit, Florida, et al</u>

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKE LAND, FL 33802-0327

May 4, 2011

CASE NO.: 2D11-2127

L.T. No. : 05-CA-007205

Neil J. Gillespie

v. Barker, Rodems & Cook,
P A & William J. Cook

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

Petitioner's petition for writ of habeas corpus is denied.

LaROSE, CRENSHAW, and BLACK, JJ., Concur.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

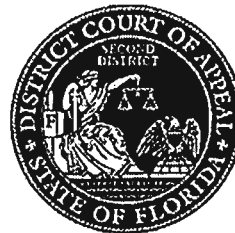
Neil J. Gillespie

Ryan Christopher Rodems, Esq.

Pat Frank, Clerk

aw


James Birkhold
Clerk



EXHIBIT

1

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

May 6, 2011

CASE NO.: 2D11-2127

L.T. No. : 05-CA-007205

Neil J. Gillespie

v. Barker, Rodems & Cook,
P A & William J. Cook

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

AMENDED ORDER

Petitioner's petition for writ of prohibition is denied.

LaROSE, CRENSHAW and BLACK, JJ., Concur.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

Neil J. Gillespie

Ryan Christopher Rodems, Esq.

Pat Frank, Clerk

aw


James Birkhold
Clerk



EXHIBIT

2

Supreme Court of Florida

WEDNESDAY, MAY 18, 2011

CASE NO.: SC11-858

Lower Tribunal No(s): 05-CA-007205

NEIL J. GILLESPIE

vs. BARKER, RODEMS &
COOK, P.A., ET AL.

Petitioner(s)

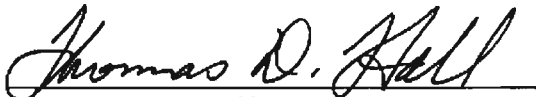
Respondent(s)

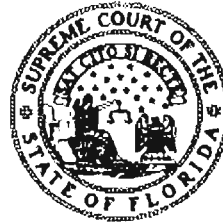
The petition for writ of habeas corpus is hereby denied.

PARIENTE, LEWIS, QUINCE, POLSTON, and PERRY, JJ., concur.

A True Copy

Test:


Thomas D. Hall
Clerk, Supreme Court



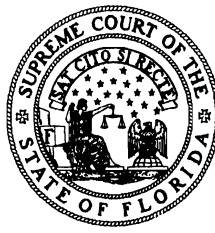
ab

Served:

DAVID A. ROWLAND
NEIL J. GILLESPIE
RYAN CHRISTOPHER RODEMS
HON. PAT FRANK, CLERK
HON. JAMES D. ARNOLD, JUDGE

EXHIBIT

3



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

THOMAS D. HALL
CLERK
TANYA CARROLL
CHIEF DEPUTY CLERK
SUSAN DAVIS MORLEY
STAFF ATTORNEY

PHONE NUMBER (850) 488-0125
www.floridasupremecourt.org

ACKNOWLEDGMENT OF NEW CASE

May 4, 2011

RE: NEIL J. GILLESPIE vs. BAKER, RODEMS & COOK,
P.A., ET AL.

CASE NUMBER: SC11-858

Lower Tribunal Case Number(s) : 05-CA-007205

The Florida Supreme Court has received the following documents reflecting a filing date of 5/3/2011.

Emergency Petition for Writ of Habeas Corpus
Emergency Petition for Writ of Prohibition

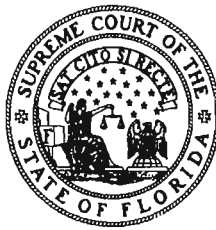
The Florida Supreme Court's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

**FOR GENERAL FILING INFORMATION AND ADMINISTRATIVE ORDER
NO. AOSC04-84, PLEASE VISIT THE CLERK'S OFFICE WEBSITE AT
<http://www.floridasupremecourt.org/clerk/index.shtml>**

wm

cc:

DAVID A. ROWLAND
NEIL J. GILLESPIE
RYAN CHRISTOPHER RODEMS
HON. PAT FRANK, CLERK
HON. JAMES D. ARNOLD, JUDGE



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

THOMAS D. HALL
CLERK
TANYA CARROLL
CHIEF DEPUTY CLERK
SUSAN DAVIS MORLEY
STAFF ATTORNEY

PHONE NUMBER (850) 488-0125
www.floridasupremecourt.org

AMENDED
ACKNOWLEDGMENT OF NEW CASE
May 5, 2011

RE: NEIL J. GILLESPIE vs. BARKER, RODEMS &
COOK, P.A., ET AL.

CASE NUMBER: SC11-858
Lower Tribunal Case Number(s) : 05-CA-007205

The Florida Supreme Court has received the following documents reflecting a filing date of 5/3/2011.

Emergency Petition for Writ of Habeas Corpus
Emergency Petition for Writ of Prohibition

The Florida Supreme Court's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

**FOR GENERAL FILING INFORMATION AND ADMINISTRATIVE ORDER
NO. AOSC04-84, PLEASE VISIT THE CLERK'S OFFICE WEBSITE AT
<http://www.floridasupremecourt.org/clerk/index.shtml>**

wm

cc:

DAVID A. ROWLAND
NEIL J. GILLESPIE
RYAN CHRISTOPHER RODEMS
HON. PAT FRANK, CLERK
HON. JAMES D. ARNOLD, JUDGE

Florida Supreme Court Case Docket**Case Number: SC11-858 - Closed****NEIL J. GILLESPIE vs. BARKER, RODEMS & COOK, P.A., ET AL.****Lower Tribunal Case(s): 05-CA-007205**

05/21/2011 02:38

Date Docketed	Description	Filed By	Notes
05/03/2011	PETITION-HABEAS CORPUS	PS Neil J. Gillespie BY: PS Neil J. Gillespie	W/ATTACHMENTS (FILED AS "EMERGANCY PETITION FOR WRIT OF HABEAS CORPUS & EMERGENCY PETITION FOR WRIT OF PROHIBITION") (05/05/11: ACK OF NEW CASE LTR CORRECTED TO REFLECT CORRECT CASE STYLE)
05/04/2011	No Fee Required		
05/18/2011	DISP-HABEAS CORPUS DY		The petition for writ of habeas corpus is hereby denied.

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:

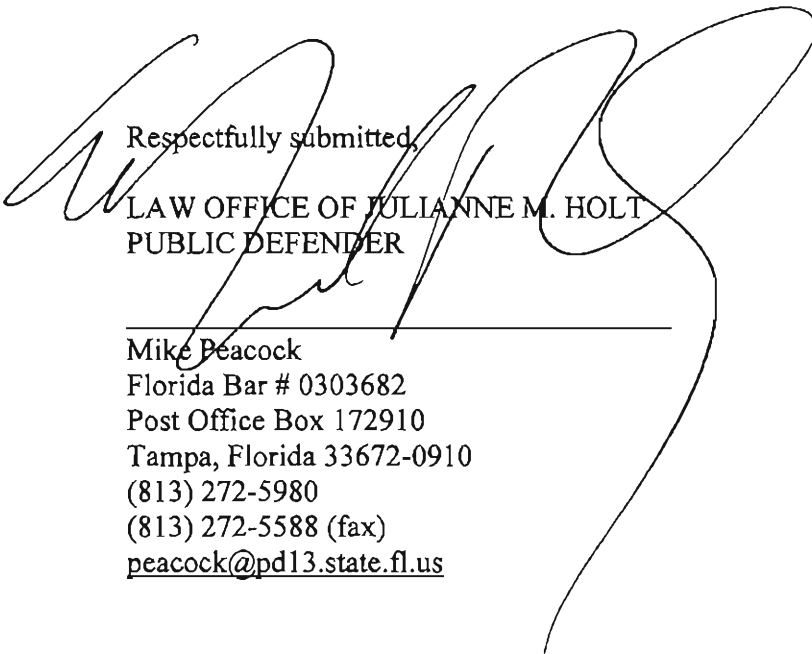
1. An Application for Criminal Indigent Status and Clerk's Determination attached hereto as Exhibit A purports to appoint the Office of the Public Defender to represent the plaintiff in this cause.

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.

1. I have 0 dependents. (Do not include children not living at home and do not include a working spouse or yourself.)
2. 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)
3. 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>1744</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 | | | |
4. 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: | | |
| | | | Address | | |
| | | | City, State, Zip | | |
| | | | County of Residence | | |
5. I have a total amount of liabilities and debts in the amount of \$ 44,000
6. 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 |

7. 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.

Signature of Applicant for Indigent Status

Date of Birth 3-19-1956

Print Full Legal Name

Driver's license or ID number G421-630-560970

Address

City, State, Zip

Phone number

Neil J Gillespie
8092 SW 115th Ave
OCALA, FL 34817
352-859-7807

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
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

EXHIBIT
5



RICK SCOTT
GOVERNOR

STATE OF FLORIDA
Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

April 13, 2011

Mr. Neil Gillespie
8092 Southwest 115th Loop
Ocala, Florida 34481

Dear Mr. Gillespie:

Thank you for contacting Governor Rick Scott's office about changes to the Office of Financial Regulation. The Governor asked that I respond on his behalf.

Governor Scott wants to know how people feel about the many issues we face and your input is important to him. As you know, the Governor and the Cabinet serve over the Office of Financial Regulation (OFR) together as the Financial Services Commission and make decisions about its functions. You may also wish to share your concerns with the Florida Cabinet: Attorney General Pam Bondi, Chief Financial Officer Jeff Atwater and Agriculture Commissioner Adam Putnam. Please do not hesitate to write again to share your concerns and ideas about issues that are important to you.

Thank you again for taking the time to contact the Governor's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie A. Jordan".

Julie A. Jordan
Office of Citizen Services

JAJ/cas

EXHIBIT

8

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

April 30, 2011

Chief Financial Officer Jeff Atwater
Office of the Chief Financial Officer
Florida Department of Financial Services
200 East Gaines Street
Tallahassee, FL 32399-0301

Agriculture Commissioner Adam Putnam
Florida Department of Agriculture and Consumer Services
The Capitol
Tallahassee, FL 32399-0800

Dear Ms. Bondi, and Messrs. Atwater and Putnam:

Governor Scott suggested I share my concerns with the Florida Cabinet about my recent experience with the Office of Financial Regulation (OFR). In a word, it was awful. Enclosed you will find copies of the Governor's letter and my letter to him of February 22, 2011 about irregularities in the application of Marcelo Lima, foreign national, to obtain a controlling interest in a Community Bank of Manatee (CBM), a small (\$276M) nonmember FDIC insured bank.

The bank lost over \$10 million dollars in 2009 and 2010 and was under consent order until recently. CBM was founded in 1995 by William H. Sedgeman who is married to Circuit Judge Martha J. Cook in Hillsborough County. Judge Cook's 2009 Form 6 disclosure showed she was essentially insolvent. An insolvent judge lacks judicial independence and is a threat to democracy. That might explain her outrageous behavior while presiding over a civil lawsuit between me and my former lawyers. Judge Cook recused herself immediately upon my Petition For Writ of Prohibition, 2D10-5529, which included information about her insolvency.

Good government benefits the well-being of Florida and its residents and has my support. Good government breaks down when special interests prevail, and that appears the case at OFR and a proposed merger between Judge Cook's bank and First Community Bank of America, Pinellas Park, Florida. I believe OFR Commissioner Cardwell is using his office to benefit the special interests of Judge Cook, her bank, and well-connected law firms who appear before Judge Cook, over the interests of the citizens of Florida. The proposed merger is between two money-losing banks that makes no financial sense given the poor economic conditions in the bank's market.

OFR granted my petition for a public hearing on the proposed merger (Admin. File No. 0828-FI-03/11) but stonewalled requests for information about the public hearing process. For example OFR failed to provide an agenda for the hearing. OFR counsel Janet Massin Anderson, Fla. Bar No. 054821, responded to my request for information stating "Please be advised that the public hearing in the matter of the proposed merger of Community Bank & Co. and First Community

Bank of America is being handled in accordance with Florida Statutes and the rules promulgated thereunder.” Clearly this is not useful in understanding the public hearing process.

Ms. Anderson also failed to provide the Order Granting Hearing as shown in the certificate of service, misconduct intended to impede my participation. Twenty-five hours before the hearing I filed a notice of withdrawal due to a renewed threat of incarceration on a bogus contempt order by Judge Cook in the civil litigation. Ms. Anderson failed to acknowledge the withdrawal, or confirm if the hearing would be canceled, until the next day, and less than 2 hours before the hearing commenced. Ms. Anderson’s misconduct should be disciplined by the Florida Bar.

Florida’s financial institutions have failed at a faster rate, and cost the FDIC disproportionately more than elsewhere. This past December Commissioner Cardwell reported to the Financial Services Commission that “Since January 2009, 44 financial institutions have failed: 14 in 2009, 29 in 2010 and one already in 2011. Florida is in the top five states nationally in the number of mortgage foreclosures.” The mortgage foreclosure crisis has resulted in the breakdown of the rule of law in Florida’s courts. Last month the ACLU sued Lee County for systematically denying homeowners a fair opportunity to defend their homes against foreclosure.

The Financial Crisis Inquiry Commission determined that the 2008 financial crisis was an “avoidable” disaster caused by widespread failures in government regulation, corporate mismanagement and heedless risk-taking by Wall Street. More recently the 650-page US Senate report, “Wall Street and the Financial Crisis: Anatomy of a Financial Collapse,” was released by the Senate Permanent Subcommittee on Investigations. Senator Carl Levin, co-chairman of the subcommittee, said in a New York Times interview, “The overwhelming evidence is that those institutions deceived their clients and deceived the public, and they were aided and abetted by deferential regulators and credit ratings agencies who had conflicts of interest.” (New York Times, April 13, 2011, *Naming Culprits in the Financial Crisis*).

I encourage each of you to read the documents in my petition for public hearing on the proposed merger, which are also published on Scribd. You will find OFR is a parody, Mr. Cardwell used his office to benefit a special interest, and Ms. Anderson is unethical.

Thank you for your consideration.

Sincerely,

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

cc: Gov. Rick Scott (letter only)
Enclosures



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

May 17, 2011

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

Dear Mr. Gillespie:

Thank you for contacting Commissioner Putnam to share your concerns with the Florida Office of Financial Regulation (OFR). He has requested that I contact you on his behalf.

Commissioner Putnam agrees that politics have no role in determining the future of a financial institution and believes that consistent regulation of our state's financial institutions will provide for the growth and stability of sound community banks and thrifts. Please know that it remains of paramount importance to the Commissioner that Florida's financial institutions receive fair and equal treatment among regulators – whether State or Federal.

The Commissioner has directed me to make sure your concerns are brought to OFR's attention and properly addressed.

If you would like to discuss this matter further, please feel free to contact our Cabinet Affairs Office at (850) 617-7747.

Sincerely,

A handwritten signature in black ink that reads "Brooke R. McKnight".

Brooke R. McKnight
Deputy Cabinet Affairs Director

cc: Linda Charity, Director
Division of Financial Institutions
Office of Financial Regulation



PAM BONDI
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL

Office of Citizen Services
The Capitol
Tallahassee, Florida 32399-1050

Toll-free In Florida: (866) 966-7226
Telephone: (850) 414-3990
Fax: (850) 410-1630

May 24, 2011

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

Dear Mr. Gillespie:

Attorney General Pam Bondi received your correspondence regarding your experiences with the Florida Office of Financial Regulation (OFR). Attorney General Bondi asked that I respond. I am sorry for your difficulties.

We have reviewed your correspondence to determine if our agency can in any way be of assistance to you. Your complaint has been forwarded to the Attorney General's legal staff for further review. What action, if any, this office may take is unknown at this time. However, please be aware our office does not mediate on behalf of private individuals.

If you are dissatisfied with the handling of your concerns by OFR, you may wish to contact the OFR Inspector General for any assistance which may be available. The contact information is:

Office of Inspector General
Office of Financial Regulation
200 East Gaines Street
Tallahassee, Florida 32399-0370
Telephone: (850) 410-9712

As the OFR is an agency under the direct authority of the Governor's Office, you may also wish to contact the Chief Inspector General for the State of Florida at (850) 922-4637.

Please consult a private attorney for any legal guidance you may need. The Florida Bar offers a Lawyer Referral Service toll-free at (800) 342-8060. If you cannot afford an attorney, you may be eligible for low cost or pro bono assistance through a local legal aid office. The Florida Bar can assist you with this process.

I hope you will understand the Attorney General's duties are prescribed by law. Thank you for taking the time to share your concerns with the Attorney General's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Brooks".

Brandon Brooks
Office of Citizen Services

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

June 15, 2011

Neil Gillespie
8092 SW 115th Loop
Ocala, FL 34481

RE: In Re Neil J. Gillespie

Dear Mr. Gillespie:

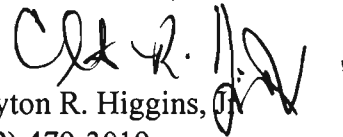
The above-entitled petition for an extraordinary writ of prohibition was received on June 15, 2011. The papers are returned for the following reason(s):

The petition does not show how the writ will be in aid of the Court's appellate jurisdiction, what exceptional circumstances warrant the exercise of the Court's discretionary powers, and why adequate relief cannot be obtained in any other form or from any other court. Rule 20.1.

The petition does not follow the form prescribed by Rule 14 as required by Rule 20.2.
A copy of the corrected petition must be served on opposing counsel.

Sincerely,
William K. Suter, Clerk

By:


Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures

EXHIBIT

8

IN THE SUPREME COURT OF THE
STATE OF FLORIDA



COPY

NEIL J. GILLESPIE

Petitioner,

Case No.: _____
Related Appeal: 2D10-5197
Lower Court Case No. 05-CA-007205
Hillsborough Circuit Civil, 13th Circuit

vs.

BARKER, RODEMS & COOK, PA
a Florida Corporation; and WILLIAM J. COOK,

CIRCUIT COURT JUDGE JAMES D. ARNOLD,

THIRTEENTH JUDICIAL CIRCUIT, FLORIDA,

Respondents.

RECEIVED
THOMAS D. HALL

MAY 03 2011

CLERK, SUPREME COURT
BY _____

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

EMERGENCY PETITION FOR WRIT OF PROHIBITION

1. Neil J. Gillespie pro se ("Gillespie") Petitions the Florida Supreme Court for a Writ of Habeas Corpus and Writ of Prohibition to stop an unlawful Evidentiary Hearing in Tampa today at 11:30AM in a circuit civil case with Gillespie's former lawyers Barker, Rodems & Cook, PA who seek his incarceration on a Writ of Bodily Attachment on "Order Adjudging Neil J. Gillespie In Contempt" that is currently on appeal as part of a Final Summary Judgment final order in case no. 2D10-5197. Gillespie is disabled and has not received a requested ADA accommodation. The attempt to incarcerate Gillespie is pure vengeance by his former lawyers who are angry he sued them to recover \$7,143 stolen from a settlement in prior representation.

EXHIBIT

9

2. Article V, section 3(b)(9) of the Florida Constitution confers a broad power upon the Supreme Court to issue writs of habeas corpus. The habeas corpus jurisdiction of the Supreme Court is restated in Rule 9.030(a)(3), Fla. R. App. P.

3. Article V, section 3(b)(7) of the Florida Constitution authorizes the Florida Supreme Court to issue writs of prohibition to the lower courts.

4. Due to a lack of time, Gillespie must rely on the assertions of the following already filed documents and will argue the balance to this Court.

a. Affidavit of Neil J. Gillespie, April 25, 2011, trial court

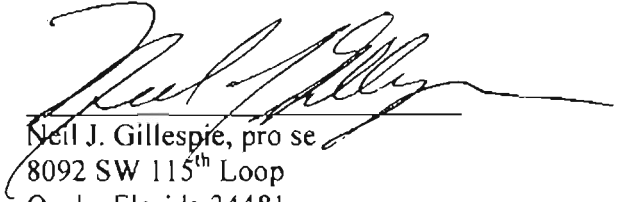
b. Appellant's Verified Emergency Motion To Stay Pending Appeal, Motion For Order Of Protection, And Motion For Extension Of Time, April 25, 2011, with Addendum, 2dDCA.

c. Plaintiff's Motion to Disqualify Judge Arnold, May 2, 2011, trial court

d. Verified Emergency Petition for Writ of Prohibition, Motion for Change of Venue, May 2, 2011, 2dDCA

WHEREFORE, Gillespie pro se demands Writ of Prohibition to prevent unlawful incarceration on a Writ of Bodily Attachment, and Writ of Habeas Corpus if and when the Writ of Bodily Attachment issues.

RESPECTFULLY SUBMITTED May 3, 2011.


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

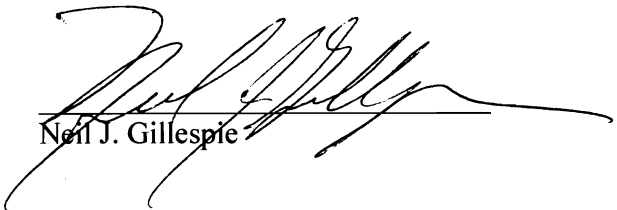
Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was emailed or faxed May 3,
2011 to:

Ryan Christopher Rodems (via fax)
Barker, Rodems & Cook, PA
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602.

The Honorable James D. Arnold (via email, c/o Mr. Rowland)
Circuit Court Judge
Circuit Civil Division "J"
800 E. Twiggs Street, Room 514
Tampa, Florida 33602

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


Neil J. Gillespie

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

NEIL J. GILLESPIE,

Plaintiff,

CASE NO.: 05-CA-7205

vs.

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and WILLIAM
J. COOK,

DIVISION: J

Defendants.

_____ /

AFFIDAVIT OF NEIL J. GILLESPIE

Neil J. Gillespie, under oath, testifies 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. At all times pertinent I am a disabled adult as defined by, but not limited to, section 825.101(4), Florida Statutes, and as further described in documents in this lawsuit.
2. The Thirteenth Judicial Circuit ("Court") has jurisdiction of this lawsuit and responsibility under federal and state law for compliance with the Americans with Disabilities Act ("ADA").
3. Plaintiff retained at his own expense Dr. Karin Huffer as his ADA program designer and advocate. Plaintiff applied to the Court February 19, 2010 for reasonable accommodation under the ADA. An ADA disability report was submitted by Dr. Huffer. Court Counsel David Rowland denied Plaintiff's ADA accommodation request.
4. Attorney Ryan Christopher Rodems is unlawfully representing his firm against Plaintiff, a former client, on a matter that is the same or substantially similar to the prior

representation, specifically their litigation with AMSCOT Corporation. (“AMSCOT”).

Mr. Rodems knows about Plaintiff’s disability from his firm’s other representation of him on disability matters. Mr. Rodems separately commenced a counterclaim against Plaintiff for libel over his letter to AMSCOT about the prior litigation. AMSCOT’s attorney Charles L. Stutts of Holland & Knight, LLP wrote Plaintiff February 13, 2007 that “This former action is, of course, at the heart of your pending action against Barker, Rodems & Cook, P.A.” A copy of Mr. Stutts’ letter is attached as Exhibit A.

5. Since March 3, 2006 Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward Plaintiff that has aggravated his disability, caused substantial emotional distress, and serves no legitimate purpose, in violation of § 784.048, Florida Statutes. Mr. Rodems engaged in other abuse calculated to harm Plaintiff in violation of chapter 825, Florida Statutes, Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults. Plaintiff was formerly represented by attorney Robert Bauer in this case. Mr. Bauer complained on the record about Mr. Rodems unprofessional behavior: “...Mr. Rodems has, you know, decided to take a full nuclear blast approach instead of us trying to work this out in a professional manner. It is my mistake for sitting back and giving him the opportunity to take this full blast attack.” (Aug-14-08, transcript page 16, line 24).

6. This case was commenced August 11, 2005. There have been five trial court judges, four appeals to the 2dDCA, and a Petition for Writ of Prohibition. The problems in this case are due to Mr. Rodems unprofessional behavior. Rodems’ independent professional judgment is materially limited by his own interest and conflict, as further

described in Emergency Motion to Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, PA filed July 9, 2010.

7. Judge Martha Cook presided over this lawsuit from May 24, 2010 through November 18, 2010. While presiding over this case Judge Cook misused and denied the Plaintiff judicial process under the color of law. Plaintiff moved to disqualify Judge Cook five times, all of which were all denied. Plaintiff filed a Petition for Writ of Prohibition to remove Judge Cook November 18, 2010, Case No. 2D10-5529, Second District Court of Appeal. Judge Cook recused herself from the case the same day.

8. Because of the forgoing Plaintiff concluded that he could not obtain justice in this Court and commenced a Federal Civil Rights lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida et. al, Case No. 5:10-cv-503-oc-10-DAB, US District Court, Middle District of Florida, Ocala Division. Plaintiff lives in Ocala. The complaint was stamped FILED at 7:47 AM September 28, 2010 by the US District Court Clerk. Plaintiff planned to file the suit weeks earlier by was delayed by his worsening disability. A copy of the Clerk-stamped cover page of the complaint is attached as Exhibit B. Judge Cook is named as a Defendant in the lawsuit in her capacity as a judge and personally.

9. After filing the federal lawsuit described in the preceding paragraph, Plaintiff drove to the Court in Tampa for a 11:00 AM hearing before Judge Cook for a "Court-Ordered Hearing On Defendants' Motion For Final Summary Judgment". A second matter heard was a contempt on an alleged violation of the "Notice of Case Management Status and Orders on Outstanding Res Judicata Motions entered July 29, 2010.

10. When Plaintiff arrived in Tampa for the hearing before Judge Cook at 11:00 AM she was unaware of the Federal Civil Rights lawsuit against the Court and herself.

Plaintiff had a duty to inform Judge Cook of the lawsuit prior to the hearing, and did so by handing a copy of the complaint to Deputy Henderson prior to the hearing and asked him to give it to the judge in chambers. This was not for service of process, but to inform Judge Cook that she was a defendant in a lawsuit. Rule 3, FRCP, Commencement of Action, a civil action is commenced by filing a complaint with the court.

11. Deputy Henderson refused to take the complaint from Plaintiff, and he refused to hand it to Judge Cook in chambers. As such Plaintiff had no choice but to address the issue in open court as shown in the record. A transcript of the hearing shows the following: (Exhibit C, Transcript, Sep-28-10, pages 1-5; 19)

(Transcript, Sep-28-10, Defendants' Motion For Final Summary Judgment, Page 3)

16 MR. GILLESPIE: Your Honor, this morning I
17 filed a federal lawsuit against you. I have a
18 complaint here if you would like to read it. I
19 move to disqualify you.

20 THE COURT: Your motion to disqualify
21 based on a federal lawsuit is legally
22 insufficient and is denied.

23 Please continue with your Motion for
24 Summary Judgment.

25 MR. RODEMS: Thank you, Your Honor.

(Transcript, Sep-28-10, Defendants' Motion For Final Summary Judgment, Page 4)

1 MR. GILLESPIE: I move to disqualify you
2 on the basis that I have a financial
3 relationship with your husband.

4 THE COURT: All right. Your motion to
5 disqualify me on that basis is denied.

6 MR. GILLESPIE: I move to disqualify
7 you --

8 THE COURT: Sir --

9 MR. GILLESPIE: -- on the basis of an
10 affidavit that you made misrepresentations at
11 the last hearing about whether or not I was --

12 THE COURT: Sir, file a written motion.

13 I'm not going to allow you to disrupt these
14 proceedings again. The last proceedings you
15 feigned illness. You left this courtroom --

16 MR. GILLESPIE: No, I did not feign
17 illness.

18 THE COURT: Sir, if you interrupt me you
19 will be escorted out.

20 MR. GILLESPIE: Well, I'm leaving.

21 THE COURT: This is your last warning,
22 sir.

23 MR. GILLESPIE: I'm leaving.

24 THE COURT: All right, sir. Escort the
25 gentleman out. He's leaving. All right.

(Transcript, Sep-28-10, Defendants' Motion For Final Summary Judgment, Page 5)

1 Continue with your motion, please. The hearing
2 will continue.

3 MR. GILLESPIE: For the record, I'm
4 leaving because I didn't get my ADA
5 accommodation.

6 THE COURT: That's not true, sir.

7 MR. GILLESPIE: I'm leaving the federal
8 lawsuit on this table for you.

9 THE COURT: You must go, sir. It's not
10 proper service. Leave.

11 (THEREUPON, Mr. Gillespie exited the courtroom)

12 THE COURT: Go ahead.

13 MR. RODEMS: Thank you, Your Honor.

12. The transcript of the hearing shows Judge Cook ordered Plaintiff removed prior to any discussion of Defendants' Motion For Final Summary Judgment. Plaintiff was escorted out of the courthouse by the bailiff, Deputy Christopher E. Brown, of the Hillsborough County Sheriff's Office (HCSO). The transcript shows Judge Cook cut Plaintiff the first two times he attempted to say "I'm leaving the federal lawsuit on the table for you" (page 4, lines 20 and 23; Page 5 lines 7 and 8). The hearing continued without Plaintiff and he had no representation.

13. Later during the hearing September 28, 2010 Judge Cook announced on the record that Plaintiff "elected" to leave the hearing voluntarily:

(Transcript, Sep-28-10, Defendants' Motion For Final Summary Judgment, Page 19)

6 [THE COURT]...[A]s you know,
7 this is a Motion for an Order of Contempt and
8 Writ of Bodily Attachment. And let the record

9 reflect that Mr. Gillespie elected to leave
10 even though he was advised that the hearing
11 would continue in his absence...

14. Judge Cook signed "Order Adjudging Plaintiff Neil J. Gillespie In Contempt" September 30, 2010. On page 1, footnote 1, Judge Cook wrote "Prior to this motion being heard, the Court heard Defendants' motion for summary judgment. During that hearing, Plaintiff Neil J. Gillespie voluntarily left the hearing and did not return." (Exhibit D). This statement is false. Judge Cook ordered Plaintiff removed from the courtroom prior to Defendants' motion for summary judgment. The rest of the order is equally bogus and is currently on appeal to the Second District Court of Appeal, Case No. 2D10-5197.

15. Major James Livingston, HCSO, is Commander of the Court Operations Division for the Court. Major Livingston provided Plaintiff a letter dated January 12, 2011 that impeaches Judge Cook's assertion the Plaintiff left the hearing voluntarily September 28, 2010. Major Livingston wrote: "Deputy Brown advised that the Judge ordered you to leave after a disruption in the courtroom. He stated that he followed you to the front door as you exited the building without assistance." (Exhibit E).

16. Dr. Huffer assessed the foregoing in a letter dated October 28, 2010. (Exhibit F).

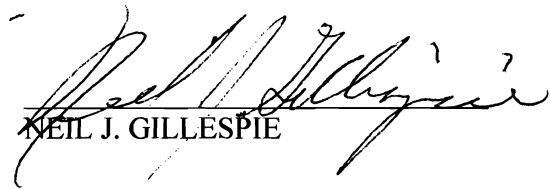
Dr. Huffer wrote in part:

"As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like

threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.” (p1, ¶2). “He [Gillespie] is left with permanent secondary wounds” (p2, top). “Additionally, Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates.” (p2, ¶1). “It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.” (p2, ¶1).

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 25th day of April 2011.

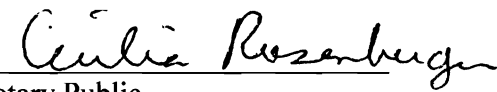

NEIL J. GILLESPIE

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 25th day of April 2011.




Notary Public
State of Florida

Charles L. Stutts
813 227 6466
charles.stutts@hklaw.com

February 13, 2007

VIA FEDEX

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

Re: Gillespie v. Barker, Rodems & Cook, P.A., et al.; Case No. 05-CA-7205

Dear Mr. Gillespie:

Amscot Corporation has asked me to respond to your letter of February 10, 2007 in which you request that Mr. Ian MacKechnie, President of Amscot, agree to his deposition in the above-referenced matter.

The U.S. District Court for the Middle District of Florida in 2001 dismissed all claims brought by you, Eugene R. Clement and Gay Ann Blomefield, individually and on behalf of others, against Amscot in connection with its deferred deposit transactions. This former action is, of course, at the heart of your pending action against Barker, Rodems & Cook, P.A.

Mr. MacKechnie views the prior litigation as closed, and neither he nor others at Amscot have any interest in voluntarily submitting to deposition or otherwise participating in the pending matter. Accordingly, Mr. MacKechnie must decline your request.

Please contact me if you have questions or care to discuss the matter.

Sincerely yours,

HOLLAND & KNIGHT LLP



Charles L. Stutts

cc: Ian MacKechnie

FILED

2010 SEP 28 AM 7:47

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

CLERK, U.S. DISTRICT COURT
OCALA, FLORIDA

NEIL J. GILLESPIE,

CASE NO.: 5:10-CV-503-DC-10-DAB

Plaintiff,

vs.

DEMAND FOR JURY TRIAL

THIRTEENTH JUDICIAL CIRCUIT, FLORIDA,
GONZALO B. CASARES, ADA Coordinator, and individually,
DAVID A. ROWLAND, Court Counsel, and individually,
CLAUDIA RICKERT ISOM, Circuit Court Judge, and individually,
JAMES M. BARTON, II, Circuit Court Judge, and individually,
MARTHA J. COOK, Circuit Court Judge, and individually,

BARKER, RODEMS & COOK, P.A.,
RYAN CHRISTOPHER RODEMS,

THE LAW OFFICE OF ROBERT W. BAUER, P.A.,
ROBERT W. BAUER,

Defendants.

COMPLAINT FOR VIOLATION OF THE AMERICANS WITH
DISABILITIES ACT (ADA), AND CIVIL RIGHTS VIOLATIONS

Plaintiff pro se NEIL J. GILLESPIE sues the Defendants and alleges as follows:

JURISDICTION AND VENUE

1. This lawsuit arises under the Americans With Disabilities Act ("ADA"), 42 U.S.C., Chapter 126, Equal Opportunities for Individuals with Disabilities, Subchapter II, Public Services, Part A, §§ 12131 - 12134, Subchapter III, Public Accommodations and Services Operated by Private Entities, §§ 12181 - 12189, Subchapter IV, §§ 12201 - 12213, including the ADA Amendments Act of 2008 (ADAAA) updates. Plaintiff also

C-8835
6350

B

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
CIRCUIT IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL LAW DIVISION
CASE NO. 05-CA-007205

-----X
NEIL J. GILLESPIE,

Plaintiff,

and

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

Defendants.
-----X

Division:

2010 OCT 22 PM 1:42
HILLSBOROUGH COUNTY, FL
CIRCUIT CIVIL
FILED
CLERK CIRCUIT COURT

BEFORE: THE HONORABLE MARTHA J. COOK

PLACE: Hillsborough County Courthouse
800 East Twiggs Street
Tampa, Florida 33602

DATE: September 28, 2010

TIME: 11:04 a.m. - 11:28 a.m.

REPORTED BY: Robbie E. Darling
Court Reporter

DEFENDANTS' MOTION FOR FINAL SUMMARY JUDGMENT;
CORRECTED TRANSCRIPT

Pages 1 - 26

DEMPSTER, BERRYHILL & ASSOCIATES
1875 NORTH BELCHER ROAD, SUITE 102
CLEARWATER, FLORIDA 33765
(727) 725-9157

ORIGINAL

C

APPEARANCES

RYAN CHRISTOPHER RODEMS, ESQUIRE

Barker, Rodems & Cook, P.A.

400 North Ashley Drive, Suite 2100

Tampa, Florida 33602

Attorney for Defendants

NEIL GILLESPIE

Pro Se

1 PROCEEDINGS

2 THE COURT: Good morning, folks. All
3 right. I believe we're here today on a Motion
4 for Final Summary Judgment -- or, Motion for
5 Summary Judgment filed by the defendant; is
6 that correct?

7 MR. RODEMS: Yes, Your Honor. There is
8 two other matters as well.

9 THE COURT: Well, let's address the one
10 that has been scheduled first, which is the
11 Motion for Summary Judgment.

12 MR. GILLESPIE: Your Honor --

13 THE COURT: Please be seated. Folks, you
14 don't need to stand to argue. Both of you.
15 Please be seated.

16 MR. GILLESPIE: Your Honor, this morning I
17 filed a federal lawsuit against you. I have a
18 complaint here if you would like to read it. I
19 move to disqualify you.

20 THE COURT: Your motion to disqualify
21 based on a federal lawsuit is legally
22 insufficient and is denied.

23 Please continue with your Motion for
24 Summary Judgment.

25 MR. RODEMS: Thank you, Your Honor.

1 MR. GILLESPIE: I move to disqualify you
2 on the basis that I have a financial
3 relationship with your husband.

4 THE COURT: All right. Your motion to
5 disqualify me on that basis is denied.

6 MR. GILLESPIE: I move to disqualify
7 you --

8 THE COURT: Sir --

9 MR. GILLESPIE: -- on the basis of an
10 affidavit that you made misrepresentations at
11 the last hearing about whether or not I was --

12 THE COURT: Sir, file a written motion.
13 I'm not going to allow you to disrupt these
14 proceedings again. The last proceedings you
15 feigned illness. You left this courtroom --

16 MR. GILLESPIE: No, I did not feign
17 illness.

18 THE COURT: Sir, if you interrupt me you
19 will be escorted out.

20 MR. GILLESPIE: Well, I'm leaving.

21 THE COURT: This is your last warning,
22 sir.

23 MR. GILLESPIE: I'm leaving.

24 THE COURT: All right, sir. Escort the
25 gentleman out. He's leaving. All right.

1 Continue with your motion, please. The hearing
2 will continue.

3 MR. GILLESPIE: For the record, I'm
4 leaving because I didn't get my ADA
5 accommodation.

6 THE COURT: That's not true, sir.

7 MR. GILLESPIE: I'm leaving the federal
8 lawsuit on this table for you.

9 THE COURT: You must go, sir. It's not
10 proper service. Leave.

11 (THEREUPON, Mr. Gillespie exited the courtroom)

12 THE COURT: Go ahead.

13 MR. RODEMS: Thank you, Your Honor.

14 The plaintiff filed a two-count complaint
15 against the two defendants; Barker, Rodems and
16 Cook and Cook. Count One alleged breach of
17 contract, Count Two alleged fraud.

18 By orders dated November 28th, 2007 and
19 July 7th, 2008 the Court granted judgment in
20 favor of Cook on both counts and for Defendant
21 BRC on the fraud count. The only count
22 remaining by plaintiff against Defendant BRC is
23 for Breach of Contract against BRC, and we're
24 moving for Summary Judgment.

25 The following facts that are in my motion

1 THE COURT: This can be mailed, and I
2 believe you can give this back to counsel.
3 There were only two conformed copies, one for
4 Mr. Gillespie -- all right.

5 You can make a record. I did have your
6 motion, it was noticed for today. As you know,
7 this is a Motion for an Order of Contempt and
8 Writ of Bodily Attachment. And let the record
9 reflect that Mr. Gillespie elected to leave
10 even though he was advised that the hearing
11 would continue in his absence. You have
12 noticed him for deposition, you indicate,
13 several times?

14 MR. RODEMS: Yes, Your Honor. Prior to
15 the order of July 29th, 2010 we noticed
16 Mr. Gillespie twice for deposition, and both
17 times he failed to appear.

18 The second -- and this is all reflected in
19 the motion. On the second occasion he did file
20 some sort of motion for protection, but he
21 never made any effort to have it heard or
22 anything.

23 So, when the Court entered the order on
24 July 29th, 2010 denying his Motion for Order of
25 Protection the Court was fairly clear that

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

NEIL J. GILLESPIE,

Plaintiff,

vs.

**Case No.: 05CA7205
Division: G**

**BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and WILLIAM
J. COOK,**

Defendants.

_____ /

ORDER ADJUDGING PLAINTIFF NEIL J. GILLESPIE IN CONTEMPT

THIS CAUSE came before the Court on Tuesday, September 28, 2010, on Defendants' Motion for an Order of Contempt and Writ of Bodily Attachment,¹ and the proceedings having been read and considered and counsel having been heard, and the Court being otherwise fully advised in the premises, the Court finds and concludes that Plaintiff Neil J. Gillespie has wilfully and with contumacious disregard violated the Court's Notice of Case Management Status and Orders on Outstanding Res Judicata Motions entered July 29, 2010 by refusing to appear for a duly noticed deposition on September 3, 2010.

On July 29, 2010, the Court entered the Notice of Case Management Status and Orders on Outstanding Res Judicata Motions, which stated: "The Plaintiff's 'Motion for Order of Protection,' (no date provided in Judge Barton's order) renewed in his 'Motion to Cancel Deposition' (6-16-10) is DENIED. The Plaintiff has repeatedly been the subject of Motions to

¹ Prior to this motion being heard, the Court heard Defendants' motion for summary judgment. During that hearing, Plaintiff Neil J. Gillespie voluntarily left the hearing and did not return.

Compel by the Defendants during the course of these proceedings, and has ignored Court orders requiring his participation. The Court will not accept these or any further attempts by the Plaintiff to avoid the Defendant's right to discovery in this case and to bring this matter to a close. Non-compliance with the Court's orders is grounds for dismissal of the Plaintiff's remaining count with prejudice.” (Notice of Case Management Status and Orders on Outstanding Res Judicata Motions, ¶8).

The record shows that Plaintiff previously failed to appear for two properly noticed depositions. Defendants served a notice of deposition on October 13, 2009, scheduling Plaintiff's deposition on December 15, 2009. On June 1, 2010, Defendants served another notice of deposition, scheduling Plaintiff's deposition on June 18, 2010. While Plaintiff served “Plaintiff's Motion to Cancel Deposition Duces Tecum June 18, 2010 and for an Order of Protection” on June 14, 2010, he did not attempt to have it heard before the deposition, and did not appear at the deposition.²

After the Court's Order entered July 29, 2010, Defendants served a notice of deposition on August 17, 2010, scheduling the deposition for September 3, 2010. Plaintiff did not respond until September 3, 2010, asserting that he would not be attending the deposition for three reasons: First, Plaintiff asserted that “[t]he court has not responded to nor provided accommodations requested under the Americans with disabilities Act” Second, he asserted that “the Oath of Office for judges in this matter [] are not legally sufficient, calling into question rulings in this matter.” Finally, Plaintiff again asserted that Defendants' counsel's

² As stated above, on July 29, 2010, this Court entered the Notice of Case Management Status and Orders on Outstanding Res Judicata Motions, denying the Plaintiff's motions for protection from being deposed.

representation of Defendants is "unlawful." Defendants contend that each of these reasons is either specious or has been expressly rejected by the Court. The Court agrees. Based on these findings

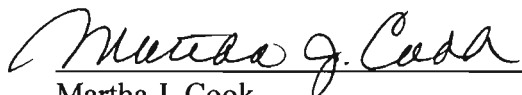
IT IS ORDERED AND ADJUDGED that the Plaintiff Neil J. Gillespie is guilty of contempt of this Court for failing to appear for deposition on September 3, 2010 and he will continue to be guilty of contempt unless and until the Plaintiff is deposed in this matter.

IT IS FURTHER ORDERED that Plaintiff shall submit to a deposition in Tampa, Florida, within 45 days. Plaintiff is directed to propose to Defendants' counsel, in writing, three dates on which his deposition may be taken on or before November 12, 2010.

IT IS FURTHER ORDERED that, if Plaintiff violates this Order by failing to submit to a deposition on or before November 12, 2010, then the Court will enter an Order to Show Cause requiring Plaintiff's appearance before the Court, and the Court will consider appropriate sanctions.

The Court retains jurisdiction to impose additional sanctions, as necessary, and to tax attorneys' fees and costs.

DONE AND ORDERED in Chambers this 30 day of September, 2010.


Martha J. Cook
Circuit Judge

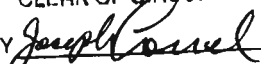
Copies to:

Mr. Neil J. Gillespie, pro se
Ryan Christopher Rodems, Esquire (Counsel for Defendants)

3

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE
AND CORRECT COPY OF THE DOCUMENT ON FILE IN
MY OFFICE. WITNESS MY HAND AND OFFICIAL SEAL
THIS 22nd DAY OF October 2010



PAT FRANK
CLERK OF CIRCUIT COURT
BY  D.C.



David Gee, Sheriff
Jose Docobo, Chief Deputy

P.O. Box 3371
Phone (813)247-8000
www.hcso.tampa.fl.us

Hillsborough County
Tampa, Florida 33601

January 12, 2011

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

Dear Mr. Gillespie:

In response to your letter dated November 13, 2010, I made contact with Deputy Christopher E. Brown concerning your request for an explanation regarding why he escorted you out of the courthouse on September 28, 2010 after a hearing with Judge Martha Cook. Deputy Brown advised that the Judge ordered you to leave after a disruption in the courtroom. He stated that he followed you to the front door as you exited the building without assistance. Other than the official records maintained by the Court, I am not aware of any other records related to the hearing before Judge Cook.

As we discussed on the telephone today, you expressed some concern over your personal safety while in the courthouse due to a disability and due to a potential threat from opposing counsel. Please let me know the date and time of your next visit to the courthouse and we will take action to help ensure a safe and orderly visit. Please feel free to contact me with any additional questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "James P. Livingston".

James P. Livingston, Major
Court Operations Division

DR. KARIN HUFFER

Licensed Marriage and Family Therapist #NV0082
ADAAA Titles II and III Specialist
Counseling and Forensic Psychology
3236 Mountain Spring Rd. Las Vegas, NV 89146
702-528-9588 www.lvaallc.com

October 28, 2010

To Whom It May Concern:

I created the first request for reasonable ADA Accommodations for Neil Gillespie. The document was properly and timely filed. As his ADA advocate, it appeared that his right to accommodations offsetting his functional impairments were in tact and he was being afforded full and equal access to the Court. Ever since this time, Mr. Gillespie has been subjected to ongoing denial of his accommodations and exploitation of his disabilities

As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.

While my work is as a disinterested third party in terms of the legal particulars of a case, I am charged with assuring that the client has equal access to the court physically, psychologically, and emotionally. Critical to each case is that the disabled litigant is able to communicate and concentrate on equal footing to present and participate in their cases and protect themselves.

Unfortunately, there are cases that, due to the newness of the ADAAA, lack of training of judicial personnel, and entrenched patterns of litigating without being mandated to accommodate the disabled, that persons with disabilities become underserved and are too often ignored or summarily dismissed. Power differential becomes an abusive and oppressive issue between a person with disabilities and the opposition and/or court personnel. The litigant with disabilities progressively cannot overcome the stigma and bureaucratic barriers. Decisions are made by medically unqualified personnel causing them to be reckless in the endangering of the health and well being of the client. This creates a severe justice gap that prevents the ADAAA from being effectively applied. In our adversarial system, the situation can devolve into a war of attrition. For an unrepresented litigant with a disability to have a team of lawyers as adversaries, the demand of litigation exceeds the unrepresented, disabled litigant's ability to maintain health while pursuing justice in our courts. Neil Gillespie's case is one of those. At this juncture the harm to Neil Gillespie's health, economic situation, and general diminishment of him in terms of his legal case cannot be overestimated and this bell

cannot be unrung. He is left with permanent secondary wounds.

Additionally, Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates. It seems that the ADA Administrative offices that I have appealed to ignore his requests for reasonable accommodations, including a response in writing. It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.

I am accustomed to working nationally with courts of law as a public service. I agree that our courts must adhere to strict rules. However, they must be flexible when it comes to ADAAA Accommodations preserving the mandates of this federal law Under Title II of the ADA. While public entities are not required to create new programs that provide heretofore unprovided services to assist disabled persons. (Townsend v. Quasim (9th Cir. 2003) 328 F.3d 511, 518) they are bound under ADAAA as a ministerial/administrative duty to approve any reasonable accommodation even in cases merely regarded as having a disability with no formal diagnosis.

The United States Department of Justice Technical Assistance Manual adopted by Florida also provides instructive guidance: "The ADA provides for equality of opportunity, but does not guarantee equality of results. The foundation of many of the specific requirements in the Department's regulations is the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services. (U.S. Dept. of Justice, Title II, *Technical Assistance Manual* (1993) § II-3.3000.) A successful ADA claim does not require excruciating details as to how the plaintiff's capabilities have been affected by the impairment, even at the summary judgment stage. *Gillen v. Fallon Ambulance Serv., Inc.*, 283 F.3d. My organization follows these guidelines maintaining a firm, focused and limited stance for equality of participatory and testimonial access. That is what has been denied Neil Gillespie.

The record of his ADAAA accommodations requests clearly shows that his well-documented disabilities are now becoming more stress-related and marked by depression and other serious symptoms that affect what he can do and how he can do it particularly under stress. Purposeful exacerbation of his symptoms and the resulting harm is, without a doubt, a strategy of attrition mixed with incompetence at the ADA Administrative level of these courts. I am prepared to stand by that statement as an observer for more than two years.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT

NEIL J. GILLESPIE
Appellant,

Case No.: 2D10-5197
Lower Court Case No. 05-CA-007205

vs.

BARKER, RODEMS & COOK, PA
a Florida Corporation; and WILLIAM J. COOK,
Appellees.

**APPELLANT'S VERIFIED EMERGENCY MOTION TO STAY PENDING
APPEAL, MOTION FOR ORDER OF PROTECTION,
AND MOTION FOR EXTENSION OF TIME**

1. Appellant pro se moves for the following orders because Appellees counsel Ryan Christopher Rodems is seeking Appellant's incarceration that will disrupt the appellate process. This Court granted Appellant's motion for leave to file an amended initial brief, to be served within 30 days, which is May 8, 2011. Mr. Rodems' evidentiary hearing set for May 3, 2011 in the lower tribunal on "Order Adjudging Plaintiff Neil J. Gillespie In Contempt" is seeking Appellant's incarceration on a Writ of Bodily Attachment that will deny Appellant time to file the brief in contempt of this Court's Order.

I. Motion To Stay Pending Appeal

2. The Plaintiff moves for a stay of the of the "Order Adjudging Plaintiff Neil J. Gillespie In Contempt", and Writ Of Bodily Attachment, pursuant to Rule 9.310 of the Florida Rules of Appellate Procedure.

3. On September 30, 2010 Judge Martha Cook rendered "Order Adjudging Plaintiff Neil J. Gillespie In Contempt", with threat of incarceration on a Writ of Bodily Attachment. (Exhibit 1). On its face the Order is a sham. Judge Cook wrote at footnote 1,

“Prior to this motion being heard, the Court heard Defendants' motion for summary judgment. During that hearing, Plaintiff Neil J. Gillespie voluntarily left the hearing and did not return.” This is false. Judge Cook ordered the Plaintiff removed, and he had no representation at either hearing.

4. Major James Livingston, Commander of the Court Operations Division, provided Appellant a letter dated January 12, 2011 that supports his claim that Judge Cook ordered him removed from the hearing and unlawfully denied him participation in the judicial process. Judge Cook then falsified the order stating Plaintiff voluntarily left. (Exhibit 2).

5. Mr. Rodems unilaterally set for hearing without coordinating the time and date with Appellant, an Evidentiary Hearing on the Order Adjudging Plaintiff Neil J. Gillespie In Contempt for May 3, 2011 at 11:30AM. (Exhibit 3).

5. Appellant filed a Notice in the lower court that he is unavailable during the time set by this Court, and the Florida Rules of Appellate Procedure, to file Petitioner's amended initial brief, and reply brief, and requested that no appointments, mediations, conferences, hearings, depositions, depositions duces tecum, or other legal proceedings be scheduled during that time, or prior to June 20, 2011. (Exhibit 4).

6. Appellant requested Mr. Rodems cancel the improperly set Evidentiary Hearing by letter. (Exhibit 5). Mr. Rodems has not responded or canceled the hearing.

7. Appellant apprised the Honorable James D. Arnold of the foregoing by letter. (Exhibit 6). Judge Arnold has not responded or canceled the hearing.

8. Appellant filed a Motion To Stay Pending Appeal in the lower court. (Exhibit 7). Rule 9.310(a) authorizes the lower court to stay the Order Adjudging Plaintiff Neil J.

Gillespie In Contempt. According to the rule, the initial decision to grant or deny a stay is discretionary with the lower tribunal. Appellant believes there is no chance the lower court will grant the motion given the animosity between the parties, animosity directly created by Mr. Rodems in this case to benefit his law firm.

9. A stay is necessary in this case to preserve the status quo during the pendency of the appeal. A stay is also necessary because Appellant, a disabled adult, faces risk to his life and health and exhaustion of the ability to continue to pursue justice, according to a letter by Dr. Karin Huffer, the Appellant's ADA advocate. (Exhibit 8).

10. This motion for stay should be granted because Appellant will likely prevail on appeal. The appeal will also show that Mr. Rodems is unlawfully representing his law firm against a former client in a matter that is the same or substantially the same as the prior representation. Most if not all the problems in this case are due to Mr. Rodems' unlawful behavior toward a former client as set forth in the Affidavit of Neil J. Gillespie of April 25, 2011. (Exhibit 9).

WHEREFORE, Appellant respectfully moves this Court for an order granting a stay of the "Order Adjudging Plaintiff Neil J. Gillespie In Contempt", and incarceration on Writ Of Bodily Attachment, pending this appeal.

II. Motion For Order Of Protection

11. Attorney Ryan Christopher Rodems is unlawfully representing his firm against Plaintiff, a former client, on a matter that is the same or substantially similar to the prior representation, specifically their litigation with AMSCOT Corporation. ("AMSCOT"). Mr. Rodems knows about Plaintiff's disability from his firm's other representation of him on disability matters. Mr. Rodems separately commenced a counterclaim against Plaintiff

for libel over his letter to AMSCOT about the prior litigation. AMSCOT's attorney Charles L. Stutts of Holland & Knight, LLP wrote Plaintiff February 13, 2007 that "This former action is, of course, at the heart of your pending action against Barker, Rodems & Cook, P.A." (Exhibit 10).

12. Since March 3, 2006 Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward Appellant that has aggravated his disability, caused substantial emotional distress, and serves no legitimate purpose, in violation of § 784.048, Florida Statutes. Mr. Rodems engaged in other abuse calculated to harm Appellant in violation of chapter 825, Florida Statutes, Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults. Appellant was formerly represented by attorney Robert Bauer in this case. Mr. Bauer complained on the record about Mr. Rodems unprofessional behavior: "...Mr. Rodems has, you know, decided to take a full nuclear blast approach instead of us trying to work this out in a professional manner. It is my mistake for sitting back and giving him the opportunity to take this full blast attack." (Aug-14-08, transcript page 16, line 24).

13. This case was commenced August 11, 2005. There have been five trial court judges, four appeals to the 2dDCA, and a Petition for Writ of Prohibition. The problems in this case are due to Mr. Rodems unprofessional behavior. Rodems' independent professional judgment is materially limited by his own interest and conflict, as further described in Emergency Motion to Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, PA filed July 9, 2010.

14. Dr. Karin Huffer, the Appellant's ADA advocate, assessed the foregoing in a letter dated October 28, 2010. (Exhibit 8). Dr. Huffer wrote in part:

“As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.” (p1, ¶2). “He [Gillespie] is left with permanent secondary wounds” (p2, top). “Additionally, Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates.” (p2, ¶1). “It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.” (p2, ¶1).

15. Appellant filed a complaint April 21, 2011 with the U.S. Department of Justice Civil Rights Division, under Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Discrimination Complaint Form, OMB No. 1190-0009. A copy of the complaint is attached as Exhibit 11.

16. Appellant provided new information April 21, 2011 to Mark J. Kappelhoff, Section Chief, US Department of Justice, Civil Rights Division, Criminal Section, in a previously filed federal complaint for the misuse and denial of judicial process under the color of law by the Thirteenth Judicial Circuit, Florida. The new information includes a

letter dated January 12, 2011 from Major Livingston that supports Appellant's claim that Judge Cook falsified records and denied his participation in the judicial process.

17. Appellant requested by certified letter April 20, 2011 to Major Livingston the prosecution of Judge Cook and Mr. Rodems under chapter 825, Florida Statutes, Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults. Appellant also requested Major Livingston recommend this case be transferred to another circuit because the Thirteenth Judicial Circuit cannot adjudicate this case safely or lawfully.

WHEREFORE, Appellant respectfully moves this Court for an order of protection against Ryan Christopher Rodems mandating that he, or others on his behalf, have no contact with Appellant during the pendency of this appeal, other than as required by the Florida Rules of Appellate Procedure for Appellees' Answer Brief.

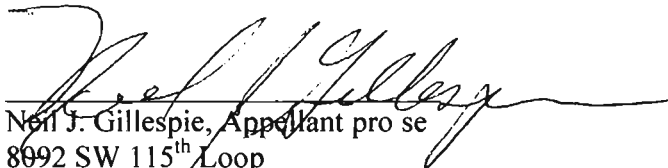
III. Motion For An Extension of Time

18. Appellant has spent much of the past two weeks responding to Mr. Rodems improperly set Evidentiary Hearing. This has prevented Appellant from working on his amended initial brief. Appellant is disabled, and as noted by Dr. Huffer in her letter of October 28, 2010, "...faces risk to his life and health and exhaustion of the ability to continue to pursue justice...". (Exhibit 8). Appellant is not an attorney, has not attended law school, and therefore already at a disadvantage. Mr. Rodems' ongoing antics are calculated to aggravate Appellant's disabilities and further obstruct justice.

19. Appellant needs a two week extension of time to make up for the time spent responding to Mr. Rodems improperly set Evidentiary Hearing and threat of incarceration on a Writ of Bodily Attachment.

WHEREFORE, Appellant respectfully moves this Court for an extension of time of two weeks (14 days) to file his amended initial brief.

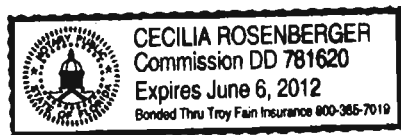
RESPECTFULLY SUBMITTED and VERIFIED April 25, 2011.

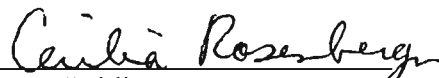

Neil J. Gillespie, Appellant pro se
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: (352) 854-7807

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 25th day of April 2011.




Notary Public
State of Florida

Certificate of Service

I certify that a copy hereof has been furnished to Ryan Christopher Rodems,
Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida
33602 by mail on April 25, 2011.

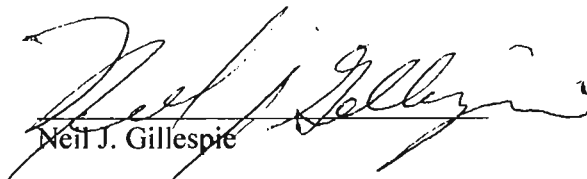

Neil J. Gillespie

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- Exhibit 1, Order Adjudging Neil J. Gillespie in Contempt, Sep-30-10
- Exhibit 2, Letter of Major James Livingston, HCSO, Jan-12-11
- Exhibit 3, Defendants' Notice of Evidentiary Hearing, Apr-05-11
- Exhibit 4, Plaintiff's Notice of Unavailability, Apr-16-11
- Exhibit 5, Letter of Neil Gillespie to Mr. Rodems, cancel hearing, Apr-16-11
- Exhibit 6, Letter of Neil Gillespie to Judge James D. Arnold, Apr-16-11
- Exhibit 7, Motion to Stay Pending Appeal, Apr-23-11
- Exhibit 8, Letter of Dr. Karin Huffer, Oct-28-10
- Exhibit 9, Affidavit of Neil J. Gillespie
- Exhibit 10, Letter of Charles L. Stutts, Holland & Knight, Feb-13-07
- Exhibit 11, Complaint under Title II of the Americans with Disabilities Act,
Section 504 of the Rehabilitation Act of 1973, Discrimination
Complaint Form, OMB No. 1190-0009

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IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
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NEIL J. GILLESPIE,

Plaintiff,

vs.

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Division: G**

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² As stated above, on July 29, 2010, this Court entered the Notice of Case Management Status and Orders on Outstanding Res Judicata Motions, denying the Plaintiff's motions for protection from being deposed.

representation of Defendants is "unlawful." Defendants contend that each of these reasons is either specious or has been expressly rejected by the Court. The Court agrees. Based on these findings

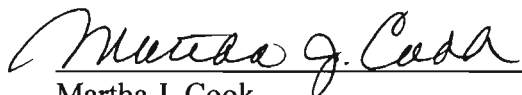
IT IS ORDERED AND ADJUDGED that the Plaintiff Neil J. Gillespie is guilty of contempt of this Court for failing to appear for deposition on September 3, 2010 and he will continue to be guilty of contempt unless and until the Plaintiff is deposed in this matter.

IT IS FURTHER ORDERED that Plaintiff shall submit to a deposition in Tampa, Florida, within 45 days. Plaintiff is directed to propose to Defendants' counsel, in writing, three dates on which his deposition may be taken on or before November 12, 2010.

IT IS FURTHER ORDERED that, if Plaintiff violates this Order by failing to submit to a deposition on or before November 12, 2010, then the Court will enter an Order to Show Cause requiring Plaintiff's appearance before the Court, and the Court will consider appropriate sanctions.

The Court retains jurisdiction to impose additional sanctions, as necessary, and to tax attorneys' fees and costs.

DONE AND ORDERED in Chambers this 30 day of September, 2010.


Martha J. Cook
Circuit Judge

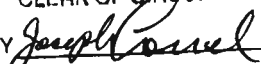
Copies to:

Mr. Neil J. Gillespie, pro se
Ryan Christopher Rodems, Esquire (Counsel for Defendants)

3

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE
AND CORRECT COPY OF THE DOCUMENT ON FILE IN
MY OFFICE. WITNESS MY HAND AND OFFICIAL SEAL
THIS 22nd DAY OF October 2010



PAT FRANK
CLERK OF CIRCUIT COURT
BY  D.C.



David Gee, Sheriff
Jose Docobo, Chief Deputy

P.O. Box 3371
Phone (813)247-8000
www.hcso.tampa.fl.us

Hillsborough County
Tampa, Florida 33601

January 12, 2011

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

Dear Mr. Gillespie:

In response to your letter dated November 13, 2010, I made contact with Deputy Christopher E. Brown concerning your request for an explanation regarding why he escorted you out of the courthouse on September 28, 2010 after a hearing with Judge Martha Cook. Deputy Brown advised that the Judge ordered you to leave after a disruption in the courtroom. He stated that he followed you to the front door as you exited the building without assistance. Other than the official records maintained by the Court, I am not aware of any other records related to the hearing before Judge Cook.

As we discussed on the telephone today, you expressed some concern over your personal safety while in the courthouse due to a disability and due to a potential threat from opposing counsel. Please let me know the date and time of your next visit to the courthouse and we will take action to help ensure a safe and orderly visit. Please feel free to contact me with any additional questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "James P. Livingston".

James P. Livingston, Major
Court Operations Division

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

NEIL J. GILLESPIE,

Plaintiff,

vs.

Case No.: 05-CA-007205

Division: J

**BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and WILLIAM
J. COOK,**

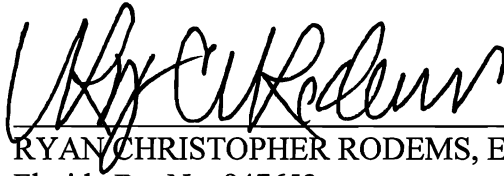
Defendants.

DEFENDANTS' NOTICE OF EVIDENTIARY HEARING

PLEASE TAKE NOTICE that the Defendants' Verified Motion for An Order to Show Cause Why Plaintiff Should Not Be Held In Contempt of Court and Writ of Bodily Attachment Should Not Be Issued has been scheduled for hearing before the Honorable James D. Arnold, Circuit Court Judge, Thirteenth Judicial Circuit, Room 514, 800 East Twiggs Street, Tampa, Florida 33602, **May 3, 2011 at 11:30 a.m.** or as soon thereafter as counsel may be heard: Time Reserved: 30 minutes

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, 800 E. Twiggs Street, Room 604 Tampa, FL 33602. Phone: 813-272-7040; Hearing Impaired: 1-800-955-8771; at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

DATED this 5th day of April, 2011.



RYAN CHRISTOPHER RODEMS, ESQUIRE

Florida Bar No. 947652

Barker, Rodems & Cook, P.A.

400 North Ashley Drive, Suite 2100

Tampa, Florida 33602

Telephone: 813/489-1001

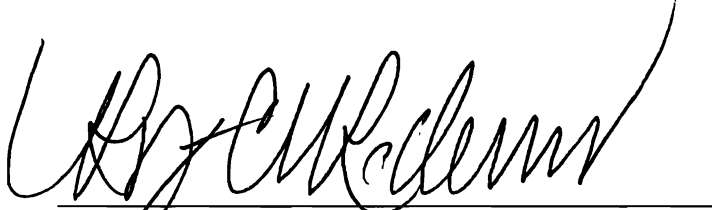
Facsimile: 813/489-1008

Attorneys for Defendants

Confirmation No. 12J-34992041

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail to Neil J. Gillespie, 8092 SW 115th Loop, Ocala Florida 34481 this 5th day of April, 2011.

A handwritten signature in black ink, appearing to read "Ryan Christopher Rodems", written over a horizontal line.

Ryan Christopher Rodems, Esquire

COPY

BARKER, RODEMS & COOK
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

CHRIS A. BARKER
RYAN CHRISTOPHER RODEMS
WILLIAM J. COOK

400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

Telephone 813/489-1001
Facsimile 813/489-1008

April 5, 2011

The Honorable James D. Arnold
Circuit Court Judge
Circuit Civil, Division "J"
800 E. Twiggs Street, Room 514
Tampa, Florida 33602

**Re: Neil J. Gillespie v. Barker, Rodems & Cook, P.A.,
a Florida Corporation; and William J. Cook
Case No.: 05-CA-7205; Division "J"**


Dear Judge Arnold:

Enclosed please find courtesy copies of the following documents filed in connection with a hearing which previously was scheduled before you on January 26, 2011 and is presently scheduled before you on May 3, 2011 at 11:30 a.m.:

1. Defendant's Verified Motion for An Order to Show Cause Why Plaintiff Should Not Be Held In Contempt of Court and Writ of Bodily Attachment Should Not Be Issued; and,
2. Defendants' Notice of Evidentiary Hearing.

Thank you for your time and attention to this matter.

Respectfully submitted,



Ryan Christopher Rodems

RCR/so
Enclosures
cc: Neil J. Gillespie (w/encl)

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

COPY

NEIL J. GILLESPIE,

Plaintiff,

vs.

Case No.: 05CA7205

Division: F

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and WILLIAM
J. COOK,

Defendants.

VERIFIED MOTION FOR AN ORDER TO SHOW CAUSE WHY PLAINTIFF
SHOULD NOT BE HELD IN CONTEMPT OF COURT AND WRIT
OF BODILY ATTACHMENT SHOULD NOT BE ISSUED

Defendants Barker, Rodems & Cook, P.A. and William J. Cook move the Court for an Order to Show Cause as to why Plaintiff Neil J. Gillespie should not be held in contempt of Court and writ of bodily attachment should not be issued, and as grounds therefor would state:

1. Plaintiff has violated the Order Adjudging Plaintiff Neil J. Gillespie in Contempt, entered September 30, 2010. The September 30, 2010 Order was entered after Plaintiff refused to be deposed or failed to appear for several duly noticed depositions, as detailed below. The September 30, 2010 Order adjudging Plaintiff in contempt Ordered, among other things, that:

a. "Plaintiff shall submit to a deposition in Tampa, Florida, within 45 days. Plaintiff is directed to propose to Defendants' counsel, in writing, three dates on which his deposition may be taken on or before November 12, 2010."

b. "if Plaintiff violates this Order by failing to submit to a deposition on or before November 12, 2010, then the Court will enter an Order to Show Cause requiring

Plaintiff's appearance before the Court, and the Court will consider appropriate sanctions."

2. Plaintiff has not submitted to a deposition in Tampa, Florida, within 45 days of the September 30, 2010 Order. Instead, on November 8, 2010, Plaintiff sent a letter to the undersigned, offering to be deposed under his conditions: "I am available for deposition at the following dates and times provided that I am represented by counsel, have ADA accommodations in place, and the deposition is conducted by a third party." (Exhibit 1) (Emphasis supplied). Plaintiff also stated he would only allow one hour for his deposition.

3. The September 30, 2010 Order did not authorize Plaintiff to dictate that the deposition may only be taken if Plaintiff obtains counsel, or that Plaintiff may condition his deposition on some unspecified "ADA accommodations," or who takes his deposition. It also did not impose time limitations on the deposition.

4. Plaintiff's actions amount to a contumacious disregard for the authority of the Court and the September 30, 2010 Order.

5. What preceded the September 30, 2010 Order shows that Plaintiff's intent by the November 8, 2010 letter is to continue to delay his deposition.

6. Defendant served a notice of deposition on October 13, 2009, scheduling Plaintiff's deposition on December 15, 2009. (Exhibit 2). Plaintiff failed to appear. On June 1, 2010, Defendant served another notice of deposition, scheduling Plaintiff's deposition on June 18, 2010. (Exhibit 3). Plaintiff served "Plaintiff's Motion to Cancel Deposition Duces Tecum June 18, 2010 and for an Order of Protection" on June 14, 2010, but did not contact the undersigned to schedule a hearing on it before the deposition, and he did not appear at the deposition. Thereafter, on July 29, 2010, this Court entered the Notice of Case Management

Status and Orders on Outstanding Res Judicata Motions, which stated:

The Plaintiff's 'Motion for Order of Protection,' (no date provided in Judge Barton's order) renewed in his 'Motion to Cancel Deposition' (6-16-10) is DENIED. The Plaintiff has repeatedly been the subject of Motions to Compel by the Defendants during the course of these proceedings, and has ignored Court orders requiring his participation. The Court will not accept these or any further attempts by the Plaintiff to avoid the Defendant's right to discovery in this case and to bring this matter to a close. Non-compliance with the Court's orders is grounds for dismissal of the Plaintiff's remaining count with prejudice.

(Notice of Case Management Status and Orders on Outstanding Res Judicata Motions, July 29, 2010, ¶8).

7. After the Court's Order entered July 29, 2010, Defendants served a notice of deposition on August 17, 2010, scheduling Plaintiff's deposition for September 3, 2010. (Exhibit 4). Plaintiff did not respond until September 3, 2010, asserting that he would not be attending the deposition for three reasons: First, Plaintiff asserted that "[t]he court has not responded to nor provided accommodations requested under the Americans with disabilities Act . . ." Second, he asserted that "the Oath of Office for judges in this matter [] are not legally sufficient, calling into question rulings in this matter." Finally, Plaintiff again asserted that the undersigned's representation of Defendants is "unlawful." (Exhibit 5).

8. Thereafter, Defendants moved for an Order adjudging Plaintiff in contempt, which this Court granted on September 28, 2010. (Order Adjudging Plaintiff Neil J. Gillespie in Contempt, entered September 30, 2010).

9. Defendants request that the Court hold an evidentiary hearing, at which time Plaintiff should be directed to show cause why he should not be held in contempt for violating the Order Adjudging Plaintiff Neil J. Gillespie in Contempt, entered September 30, 2010, and

Defendants request that the Court issue a writ of bodily attachment directing that Plaintiff be taken into custody until such time as he purges himself of the contempt by complying with the Court's Order directing him to be deposed.

10. The Court should also award Defendant their attorneys' fees and costs incurred in this matter, pursuant to Rule 1.380(b).

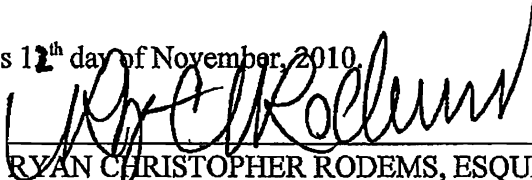
WHEREFORE, Defendants request that the Court:

1. Enter an Order scheduling an evidentiary hearing for Plaintiff to show cause why he should not be held in contempt of court and writ of bodily attachment should not be issued, pursuant to Fla. R. Civ. P. 1.380(b);

2. Following the evidentiary hearing, issue an Order (a) finding Plaintiff in contempt of Court and that Plaintiff has the present ability to comply with the Order Adjudging Plaintiff Neil J. Gillespie in Contempt, entered September 30, 2010; and (b) issuing a writ of bodily attachment commanding that Plaintiff be taken into custody by the Sheriffs of the State of Florida until such time as he purges himself of his contempt; and,

3. Award Defendants costs and attorneys' fees, and for such other and further relief as this Court deems appropriate.

RESPECTFULLY SUBMITTED this 12th day of November, 2010.

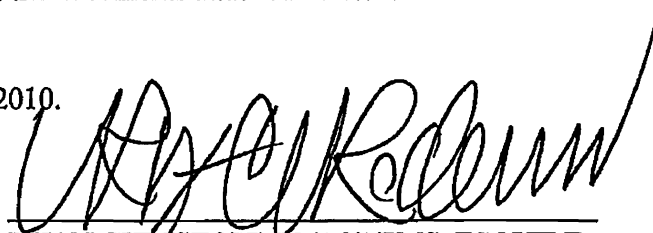


RYAN CHRISTOPHER RODEMS, ESQUIRE
Florida Bar No. 947652
Barker, Rodems & Cook, P.A.
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602
Telephone: 813/489-1001
Facsimile: 813/489-1008
Attorneys for Defendants

VERIFICATION

I, Ryan Christopher Rodems, under penalty of perjury, swear that the facts alleged in herein are true and accurate, and I swear that the documents attached hereto are true and correct copies.

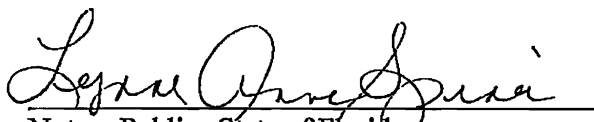
DATED this 12th day of November, 2010.



RYAN CHRISTOPHER RODEMS, ESQUIRE

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

Sworn to (or affirmed) and subscribed before me this 12th day of 2010, by Ryan Christopher Rodems, who is personally known to me or presented _____ as identification.



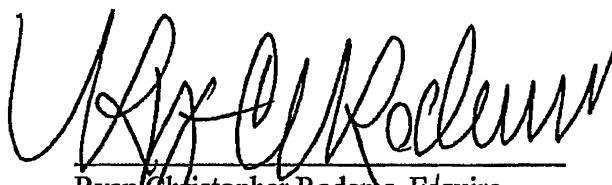
Notary Public, State of Florida

CERTIFICATE OF SERVICE

NOTARY PUBLIC-STATE OF FLORIDA
Lynne Anne Spina
Commission # DD941173
Expires: DEC. 26, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via

U.S. Mail to Neil J. Gillespie, 8092 SW 115th Loop, Ocala Florida 34481 this 12th day of November, 2010.



Ryan Christopher Rodems, Esquire

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

November 8, 2010

Mr. Ryan Christopher Rodems, Attorney at Law
Barker Rodems & Cook, PA
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

RE: Court-ordered deposition by Judge Cook, Gillespie v. Barker, Rodems &
Cook, PA, et al, case no. 05-CA-007205, Circuit Civil, 13th Judicial Circuit

Dear Mr. Rodems:

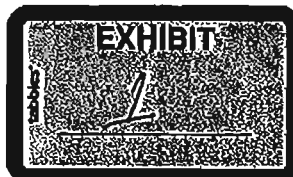
This is in response to your letter dated October 26, 2010. Dr. Karin Huffer has advised me not to attend a deposition with you unrepresented and without ADA accommodation. Dr. Huffer's letter of October 28, 2010 is enclosed. Dr. Huffer wrote this about attending the deposition without ADA accommodation: (page 1, paragraph 2)

"As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter."

I am actively seeking counsel for the court-ordered deposition and have provided you copies of correspondence thereto. I will continue to do so and file same with the court.

You did not provide any details about the deposition. Who will conduct the deposition? After five years of your lies and harassment toward me I cannot be in your presence, you make me ill. Previously I provided you my tax returns and other documents so that is done. Since you did not specify the amount of time needed I assume one hour is enough.

I am available for deposition at the following dates and times provided that I am represented by counsel, have ADA accommodations in place, and the deposition is conducted by a third party:



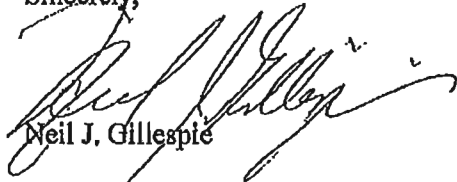
Wednesday November 10, 2010 noon to 1:00 PM
Thursday November 11, 2010 noon to 1:00 PM
Friday November 12, 2010 noon to 1:00 PM

I reiterate my offer to submit to a deposition in Ocala at the law office of Robert Stermer subject to the conditions described above. Another option is a telephonic deposition.

Please be advised that I will likely request a stay of Judge Cook's order under Florida Rule of Appellate Procedure 9.310(a) and will advise you thereupon. In any event I don't see the need for a writ of bodily attachment. If it comes to that point I would voluntarily appear at the appropriate law enforcement office and submit to a deposition under duress. At least then I would have some protection from your stunts, like throwing coffee on a deponent, or your wont of making false affidavits that you were threatened.

In the past I have requested that you address me as "Mr. Gillespie" in this matter. Your letter of October 26, 2010 addressed "Dear Neil" violates my request. Judge Isom also requested you address me as "Mr. Gillespie" on February 5, 2007. A copy of my letter to you of December 22, 2006 requesting you address me as "Mr. Gillespie" is enclosed, along with the transcript pages of Judge Isom instructing you in civility.

Sincerely,



Neil J. Gillespie

Enclosures

DR. KARIN HUFFER

Licensed Marriage and Family Therapist #NV0082
ADAAA Titles II and III Specialist
Counseling and Forensic Psychology
3236 Mountain Spring Rd. Las Vegas, NV 89146
702-528-9588 www.lvaallc.com

October 28, 2010

To Whom It May Concern:

I created the first request for reasonable ADA Accommodations for Neil Gillespie. The document was properly and timely filed. As his ADA advocate, it appeared that his right to accommodations offsetting his functional impairments were in tact and he was being afforded full and equal access to the Court. Ever since this time, Mr. Gillespie has been subjected to ongoing denial of his accommodations and exploitation of his disabilities

As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.

While my work is as a disinterested third party in terms of the legal particulars of a case, I am charged with assuring that the client has equal access to the court physically, psychologically, and emotionally. Critical to each case is that the disabled litigant is able to communicate and concentrate on equal footing to present and participate in their cases and protect themselves.

Unfortunately, there are cases that, due to the newness of the ADAAA, lack of training of judicial personnel, and entrenched patterns of litigating without being mandated to accommodate the disabled, that persons with disabilities become underserved and are too often ignored or summarily dismissed. Power differential becomes an abusive and oppressive issue between a person with disabilities and the opposition and/or court personnel. The litigant with disabilities progressively cannot overcome the stigma and bureaucratic barriers. Decisions are made by medically unqualified personnel causing them to be reckless in the endangering of the health and well being of the client. This creates a severe justice gap that prevents the ADAAA from being effectively applied. In our adversarial system, the situation can devolve into a war of attrition. For an unrepresented litigant with a disability to have a team of lawyers as adversaries, the demand of litigation exceeds the unrepresented, disabled litigant's ability to maintain health while pursuing justice in our courts. Neil Gillespie's case is one of those. At this juncture the harm to Neil Gillespie's health, economic situation, and general diminishment of him in terms of his legal case cannot be overestimated and this bell

cannot be unrung. He is left with permanent secondary wounds.

Additionally, Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates. It seems that the ADA Administrative offices that I have appealed to ignore his requests for reasonable accommodations, including a response in writing. It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.

I am accustomed to working nationally with courts of law as a public service. I agree that our courts must adhere to strict rules. However, they must be flexible when it comes to ADAAA Accommodations preserving the mandates of this federal law Under Title II of the ADA. While public entities are not required to create new programs that provide heretofore unprovided services to assist disabled persons, *(Townsend v. Quasim* (9th Cir. 2003) 328 F.3d 511, 518) they are bound under ADAAA as a ministerial/administrative duty to approve any reasonable accommodation even in cases merely regarded as having a disability with no formal diagnosis.

The United States Department of Justice Technical Assistance Manual adopted by Florida also provides instructive guidance: "The ADA provides for equality of opportunity, but does not guarantee equality of results. The foundation of many of the specific requirements in the Department's regulations is the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services." (U.S. Dept. of Justice, Title II, *Technical Assistance Manual* (1993) § II-3.3000.) A successful ADA claim does not require excruciating details as to how the plaintiff's capabilities have been affected by the impairment, even at the summary judgment stage. *Gillen v. Fallon Ambulance Serv., Inc.*, 283 F.3d. My organization follows these guidelines maintaining a firm, focused and limited stance for equality of participatory and testimonial access. That is what has been denied Neil Gillespie.

The record of his ADAAA accommodations requests clearly shows that his well-documented disabilities are now becoming more stress-related and marked by depression and other serious symptoms that affect what he can do and how he can do it particularly under stress. Purposeful exacerbation of his symptoms and the resulting harm is, without a doubt, a strategy of attrition mixed with incompetence at the ADA Administrative level of these courts. I am prepared to stand by that statement as an observer for more than two years.

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

Telephone: (352) 502-8409

US CERTIFIED MAIL, RETURN RECEIPT
Article No. 7005 31 10 0003 7395 1887

December 22, 2006

Ryan Christopher Rodems, Attorney at Law
Barker, Rodems & Cook, P.A.
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

RE: Gillespie v. Barker, Rodems & Cook, P.A., case no.: 05-CA-7205, Div. H

Dear Mr. Rodems,

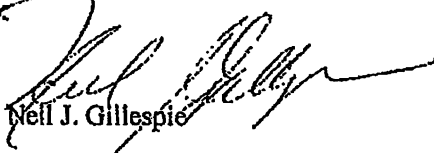
Kindly take notice that we are not on a first name basis, and I request that you address me as "Mr. Gillespie". I have made this request to you several times, in writing, and still you refuse to comply. I address you as "Mr. Rodems", so I do not understand the problem. Mature adults in civilized society do this as a matter of course, so again, I do not understand your difficulty. Let me remind you that I am ten years your senior, which only reinforces the social protocol that you address me as "Mr. Gillespie".

As for your immature, childish remark left on my voice mail, your statement that because the greeting on my voice mail says "Hi, this is Neil, leave a message and I'll get back to you", that you somehow construe this as giving you permission to use my first name, this is further evidence that you are unfit to serve as counsel in this lawsuit. It also calls into question your mental fitness to be a lawyer, in my view. (Exhibit A).

I am providing a copy of this letter to the Court, and I am including it in the record. At trial, with you on the witness stand, I will question you about this matter, to give the Court and the jury some idea about how unprofessional you are, and to provide a glimpse into the nightmare of being your client at Barker, Rodems & Cook, P.A.

Please address me as "Mr. Gillespie" at all times and govern yourself accordingly.

Sincerely,


Neil J. Gillespie

cc: The Honorable Claudia R. Isom
enclosure, page 5, transcript of Mr. Rodems' phone message of Dec-13-06

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

4 NEIL J. GILLESPIE,

5 Plaintiff,

Case No.: 05-7205

6 -vs-

Division: H

7 BARKER, RODEMS & COOK, P.A.,
8 A Florida Corporation

9 Defendant.
10 -----/

11
12 TRANSCRIPT OF PROCEEDINGS

13
14 BEFORE:

HONORABLE CLAUDIA R. ISOM
Circuit Judge

15
16 TAKEN AT:

In Chambers
Hillsborough County Courthouse
Tampa, Florida

17
18 DATE & TIME:

February 5, 2007
Commencing at 1:30 p.m.

19
20 REPORTED BY:

Denise L. Bradley, RPR
Notary Public

21
22
23 ORIGINAL

24 STENOGRAPHICALLY RECORDED
25 COMPUTER-AIDED TRANSCRIPTION

1 APPEARANCES:

2
3 On behalf of the Plaintiff:4 NEIL J. GILLESPIE
5 (Pro se litigant)
6 8092 115th Loop
7 Ocala, Florida 344818 On behalf of the Defendant:9 RYAN CHRISTOPHER RODEMS, ESQUIRE
10 Barker, Rodems & Cook, P.A.
11 400 North Ashley Drive, Suite 2100
12 Tampa, Florida 33602
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1 disposed of.

2 MR. GILLESPIE: Judge, is there a reason why Mr.
3 Rodems can't address me as Mr. Gillespie? Do we have
4 to go through an entire hearing for that?

5 THE COURT: I'm sorry. How were you addressing
6 Mr. Gillespie?

7 MR. RODEMS: In the chambers of course I would
8 address him as Mr. Gillespie. I haven't addressed him
9 at all today. I've addressed all of my comments to
10 you.

11 THE COURT: Okay, fine.

12 MR. GILLESPIE: He's been addressing me as either
13 Neil or Neily.

14 THE COURT: Today during the hearing?

15 MR. GILLESPIE: No, on Thursday out in the
16 hallway. And the purpose of it because I've written to
17 him about this and request that he not do it, and it's
18 just for the purpose of annoyance and harassment. In
19 the alternative, I don't know if he perhaps is saying
20 that because maybe he has some affection he wants to
21 show to me. But I'm not interested in that. I believe
22 he's married and I wish he would keep those comments
23 for his wife.

24 MR. RODEMS: I think my wife would object if I
25 called her Neil or Neily.

1 THE COURT: Okay. So in the future please both
2 of you need to refer to each other by your last name,
3 your surname, and not with any terms of affection,
4 endearment or nicknames.

5 MR. RODEMS: Your Honor, are you asking me to do
6 that outside of these proceedings as a courtesy to the
7 Court or is this an official order?

8 THE COURT: When in the courthouse engaging in
9 litigation regarding this case -- is that your umbrella
10 right there on that chair?

11 MR. GILLESPIE: I don't have an umbrella.

12 THE BAILIFF: That's been here since this
13 morning, Your Honor.

14 THE COURT: Off the record.

15 (Pause.)

16 THE COURT: All right, back on the record. In
17 the context of this litigation please refer to each
18 other by your surnames so we won't have any question
19 about whether or not people are being professional.
20 Okay.

21 MR. GILLESPIE: And, Judge, would that go for
22 letters he sends me as well?

23 THE COURT: I said in the context of this
24 litigation. So if the letters have to do with this
25 litigation that would be encompassed in this.

1 MR. GILLESPIE: Thank you.

2 THE COURT: That's for future reference. And
3 since I just said that I would not hold it against
4 either of you if you've been using something like
5 nicknames in the past.

6 Okay. So let's try to get through what was set
7 for today. And you said your order of protection has
8 now been incorporated into an order to show cause.

9 MR. GILLESPIE: Yes, Judge.

10 THE COURT: So by doing the order to show cause
11 we could check two of them off of our list. So why
12 don't you proceed with that one.

13 MR. GILLESPIE: All right, Judge.

14 MR. RODEMS: Your Honor, before we begin, I
15 object to some evidence that Mr. Gillespie has filed in
16 connection with this motion. I'd like to be heard on
17 that before the Court considers the admission of it.

18 MR. GILLESPIE: And, Judge, before --

19 THE COURT: In terms of this being an evidentiary
20 hearing, I guess I'll reserve on your motion since it's
21 nonjury. You can raise the objection whenever he seeks
22 to introduce it into evidence today.

23 MR. RODEMS: Well, he filed it with this motion.
24 So before he begins his motion I'd like to identify the
25 issues and make sure the record is clear.

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

NEIL J. GILLESPIE,

Plaintiff,

vs.

Case No.: 05CA7205

Division: C

**BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and WILLIAM
J. COOK,**

Defendants.

AMENDED NOTICE OF DEPOSITION DUCES TECUM

PLEASE TAKE NOTICE that the undersigned attorney for Defendants, will take the following deposition for discovery or use at hearings or trial, by sound, sound-and-visual, videotaped, or stenographic means, or all, at the time and place listed below, upon oral examination before an officer designated under Fla. R. Civ. P. 1.300, or a designated court reporter, or any other Notary Public authorized by law to take depositions, as prescribed by Florida Rule of Civil Procedure 1.310:

Name: Neil J. Gillespie

Date: December 15, 2009 *a/s*

Time: 12:00 p.m.

Location: Richard Lee Reporting
100 North Tampa Street, Suite 2060
Tampa, Florida 33602
(823) 229-1588

The deponent is to have with him the following:



DEFINITION

As used herein, "document" shall mean: Every writing or record of every type and description that is or has been in your possession, control or custody or of which you have knowledge, including, without limitation on the generality of the foregoing, correspondence, memoranda, tapes, videotapes, stenographic or hand-written notes, studies, publications, books, pamphlets, pictures, films, voice records, maps, reports, surveys, computer files, minutes or statistical compilations; every copy of such writing or record, where the original is not in your possession, custody or control; and every copy of such writing or record where such copy is not an identical copy of any original or where such copy contains any commentary or notation whatsoever that does appear in the original.

DOCUMENTS TO BE PRODUCED

1. Gillespie Family Living Trust Agreement dated February 10, 1997 and all amendments, modifications or changes thereto.
2. Each and every document received from the Trustees of the Gillespie Family Living Trust Agreement dated February 10, 1997.
3. Each and every document discussing, describing or mentioning the Gillespie Family Living Trust Agreement dated February 10, 1997.
4. For years 2005-2009, bank statements, deposit slips and canceled checks for any accounts you have an interest in at Park Avenue Bank, whether individually or jointly.
5. For years 2005-2009, account statements for all money accounts, including checking, savings, credit union, investment accounts, equity accounts, insurance policies or any others for any accounts you have an interest in, whether individually or jointly..
6. Your federal income tax or information returns filed for 2005-2009. (If you have not filed for any of these three years, bring any worksheets or proposed returns.)
7. For years 2005-2009, all W-2 income statements or 1099 forms.
8. Your last five paycheck stubs or wage statements.

9. All title certificates and registrations to all automobiles, trucks, boats, motorcycles or other vehicles you owned singly or jointly with any other person or which you regularly drive.
10. The deed, mortgage, note and closing statement to your home and any and all other real property in the state of Florida or elsewhere owned by you individually or as a co-owner or in which you have any interest whatsoever.
11. All notes, loan agreements, judgments or other documents showing debts that you owe to any other person.
12. All documents that show or tend to show debts incurred for the purchase of real or personal property owned by you, including but not limited to financing contracts and payment books.
13. All notes, judgments, receipts, contracts or any other documents showing debts that other persons owe to you.
14. All certificates of stock or bonds, shares, membership certificates or other securities which you owned individually or jointly with any other person, in corporations, LLCs, LLPs, LLLPs or any other entity.
15. All savings bonds you own individually or jointly with any other person.
16. All certificates of deposit you own individually or jointly with any other person.
17. All policies of insurance on your life.
18. All policies of insurance on your motor vehicles.
19. All policies of insurance on your home, apartment, condominium or residence.
20. Any personal articles floater and master insurance policies.
21. Any loan applications which you have filled out in the last three years.

22. Any leases to which you are a party including the lease on your home or apartment.
23. All documents showing pension and profit-sharing plans in which you have any interest.
24. Your last will and testament.
25. Any inventories of safe deposit box contents.
26. Any inventories of personal property kept for insurance or other purposes.
27. Any and all business permits or licenses.
28. Florida Driver's license.
29. Any and all franchise, patent and copyright certificates.
30. Any and all financial statements showing your financial condition for both of the past two years.
31. All financial statements issued during the past three years by any corporation, partnership or business in which you owned stock or have an interest.
32. All partnership agreements, shareholder agreements and other business agreements in which you are an interest party or by which you have any duties or rights.
33. Any and all documents showing or tending to show any investments or contributions made in whole or in part by you within the last three years, and the amount and value of each investment or contribution.
34. Any and all documents showing or tending to show any distributions made to you as a result of any investments or contributions made in whole or in part by you.
35. All contracts and closing documents connected with the purchase or sale of any

real or personal property by you within the past five years.

36. All contracts and closing documents connected with the sale lease or transfer of any real or personal property by you during the last three years.

37. All contracts undue which you currently have any legal rights.

38. All trust instruments which name you either as a trustee or beneficiary or interested party.

39. All powers of appointment and powers of attorney in which you are named.

40. Any and all documents showing pending litigation in which you are involved.

41. Any inventories of personal property kept for insurance or other purposes.

42. Any and all business permits or licenses.

43. Any and all documents showing pending litigation in which you are involved.

44. Any and all documents showing payments you made to any person or entity.

45. Any and all documents showing payments made to you by any person or entity.

46. Credit report.

DATED this 13 day of October, 2009.



RYAN CHRISTOPHER RODEMS, ESQUIRE

Florida Bar No. 947652

BARKER, RODEMS & COOK, P.A.

400 North Ashley Drive, Suite 2100

Tampa, Florida 33602

Phone: 813/489-1001

Fax: 813/489-1008

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by
U.S. Mail to Neil J. Gillespie, 8092 SW 115th Loop, Ocala, Florida 34481, this 13 day of
October, 2009.



RYAN CHRISTOPHER RODEMS, ESQUIRE

cc: Richard Lee Reporting

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

NEIL J. GILLESPIE,

Plaintiff,

vs.

Case No.: 05CA7205

Division: G

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and WILLIAM
J. COOK,

Defendants.

NOTICE OF DEPOSITION DUCES TECUM

PLEASE TAKE NOTICE that the undersigned attorney for Defendants, will take the following deposition for discovery or use at hearings or trial, by sound, sound-and-visual, videotaped, or stenographic means, or all, at the time and place listed below, upon oral examination before an officer designated under Fla. R. Civ. P. 1.300, or a designated court reporter, or any other Notary Public authorized by law to take depositions, as prescribed by Florida Rule of Civil Procedure 1.310:

Name: Neil J. Gillespie

Date: June 18, 2010

Time: 12:00 p.m.

Location: Richard Lee Reporting
100 North Tampa Street, Suite 2060
Tampa, Florida 33602
(823) 229-1588

CLW

The deponent is to have with him the following:

DEFINITION

As used herein, "document" shall mean: Every writing or record of every type and description that is or has been in your possession, control or custody or of which you have knowledge, including, without limitation on the generality of the foregoing, correspondence, memoranda, tapes, videotapes, stenographic or hand-written notes, studies, publications, books, pamphlets, pictures, films, voice records, maps, reports, surveys, computer files, minutes or



statistical compilations; every copy of such writing or record, where the original is not in your possession, custody or control; and every copy of such writing or record where such copy is not an identical copy of any original or where such copy contains any commentary or notation whatsoever that does appear in the original.

DOCUMENTS TO BE PRODUCED

1. Gillespie Family Living Trust Agreement dated February 10, 1997 and all amendments, modifications or changes thereto.
2. Each and every document Gillespie received from the Trustees of the Gillespie Family Living Trust Agreement dated February 10, 1997.
3. Each and every document discussing, describing or mentioning the Gillespie Family Living Trust Agreement dated February 10, 1997.
4. All contracts, receipts or closing documents connected with the purchase, sale, lease or transfer of any real or personal property by Gillespie during the last three years.
5. All contracts undue which Gillespie currently has any legal rights.
6. All trust instruments which name Gillespie either as a trustee or beneficiary or interested party.
7. All powers of appointment and powers of attorney in which Gillespie is named.
8. Any and all documents showing pending litigation in which Gillespie is involved.
9. Any inventories of personal property kept for insurance or other purposes.
10. Any and all business permits or licenses.
11. Any and all documents showing payments Gillespie made to any person or entity in the last five years.
12. Any and all documents showing payments made to Gillespie by any person or entity in the last five years.

13. Gillespie's Credit report.
14. For years 2005-present, Gillespie's bank statements, deposit slips and canceled checks for any accounts he has or had an interest in, whether individually or jointly.
15. For years 2005-present, Gillespie's account statements for all money accounts, including checking, savings, credit union, investment accounts, equity accounts, insurance policies or any others for any accounts he has or had an interest in, whether individually or jointly.
16. Gillespie's federal income tax or information returns filed for 2005-2009.
17. For years 2005-present, all W-2 income statements or 1099 forms.
18. Gillespie's last five paycheck stubs or wage statements.
19. All title certificates and registrations to all automobiles, trucks, boats, motorcycles or other vehicles you owned singly or jointly with any other person or which you regularly drive.
20. The deed, mortgage, note and closing statement to his home and any and all other real property in the state of Florida or elsewhere owned by him individually or as a co-owner or in which he has or had any interest whatsoever.
21. All notes, loan agreements, judgments or other documents showing debts that Gillespie owes to any other person or entity.
22. All documents that show or tend to show debts incurred for the purchase of real or personal property owned by Gillespie, including but not limited to financing contracts and payment books.
23. All notes, judgments, receipts, contracts or any other documents showing debts that other persons owe to Gillespie.
24. All certificates of stock or bonds, shares, membership certificates or other securities which Gillespie owned individually or jointly with any other person, in corporations, LLCs, LLPs,

LLLPs or any other entity.

25. All savings bonds Gillespie owns or owned within the last five years, individually or jointly with any other person.

26. All certificates of deposit Gillespie owns or owned within the last five years, individually or jointly with any other person.

27. All policies of insurance on Gillespie's life.

28. All policies of insurance on Gillespie's motor vehicles.

29. All policies of insurance on Gillespie's home, apartment, condominium or residence.

30. Any personal articles floater and master insurance policies.

31. Any loan applications which Gillespie has filled out in the last three years.

32. Any leases to which Gillespie is a party including the lease on his home or apartment.

33. All documents showing pension and profit-sharing plans in which Gillespie has any interest.

34. Gillespie's last will and testament.

35. Inventories of safe deposit box contents.

36. Inventories of personal property kept for insurance or other purposes.

37. Any and all business permits or licenses.

38. Florida Driver's license.

39. Any and all franchise, patent and copyright certificates.

40. Any and all financial statements showing Gillespie's financial condition for both of the past two years.

41. All financial statements issued during the past three years by any corporation, partnership or business in which Gillespie owned stock or had an interest.

42. All partnership agreements, shareholder agreements and other business agreements in which Gillespie is an interest party or by which he has any duties or rights.

43. Any and all documents showing or tending to show any investments or contributions made in whole or in part by Gillespie within the last three years, and the amount and value of each investment or contribution.

44. Any and all documents showing or tending to show any distributions made to Gillespie as a result of any investments or contributions made in whole or in part by him.

45. All contracts and closing documents connected with the purchase or sale of any real or personal property by Gillespie within the past five years.

DATED this 1st day of June, 2010.



RYAN CHRISTOPHER RODEMS, ESQUIRE
Florida Bar No. 947652
BARKER, RODEMS & COOK, P.A.
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602
Phone: 813/489-1001
Fax: 813/489-1008
Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Neil J. Gillespie, 8092 SW 115th Loop, Ocala, Florida 34481, this 1st day of June, 2010.



RYAN CHRISTOPHER RODEMS, ESQUIRE

cc: Richard Lee Reporting

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

NEIL J. GILLESPIE,

Plaintiff,

vs.

Case No.: 05CA7205

Division: G

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and WILLIAM
J. COOK,

Defendants.

NOTICE OF DEPOSITION DUCES TECUM

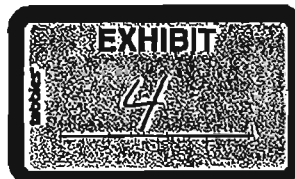
PLEASE TAKE NOTICE that the undersigned attorney for Defendants, will take the following deposition for discovery or use at hearings or trial, by sound, sound-and-visual, videotaped, or stenographic means, or all, at the time and place listed below, upon oral examination before an officer designated under Fla. R. Civ. P. 1.300, or a designated court reporter, or any other Notary Public authorized by law to take depositions, as prescribed by Florida Rule of Civil Procedure 1.310:

Name: Neil J. Gillespie
Date: September 3, 2010
Time: 12:00 p.m.
Location: Richard Lee Reporting
100 North Tampa Street, Suite 2060
Tampa, Florida 33602
(823) 229-1588

The deponent is to have with him the following:

DEFINITION

As used herein, "document" shall mean: Every writing or record of every type and description that is or has been in your possession, control or custody or of which you have knowledge, including, without limitation on the generality of the foregoing, correspondence, memoranda, tapes, videotapes, stenographic or hand-written notes, studies, publications, books, pamphlets, pictures, films, voice records, maps, reports, surveys, computer files, minutes or



statistical compilations; every copy of such writing or record, where the original is not in your possession, custody or control; and every copy of such writing or record where such copy is not an identical copy of any original or where such copy contains any commentary or notation whatsoever that does appear in the original.

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9. Any inventories of personal property kept for insurance or other purposes.
10. Any and all business permits or licenses.
11. Any and all documents showing payments Gillespie made to any person or entity in the last five years.
12. Any and all documents showing payments made to Gillespie by any person or entity in the last five years.

LLLPs or any other entity.

25. All savings bonds Gillespie owns or owned within the last five years, individually or jointly with any other person.

26. All certificates of deposit Gillespie owns or owned within the last five years, individually or jointly with any other person.

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28. All policies of insurance on Gillespie's motor vehicles.

29. All policies of insurance on Gillespie's home, apartment, condominium or residence.

30. Any personal articles floater and master insurance policies.

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32. Any leases to which Gillespie is a party including the lease on his home or apartment.

33. All documents showing pension and profit-sharing plans in which Gillespie has any interest.

34. Gillespie's last will and testament.

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36. Inventories of personal property kept for insurance or other purposes.

37. Any and all business permits or licenses.

38. Florida Driver's license.

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40. Any and all financial statements showing Gillespie's financial condition for both of the past two years.

41. All financial statements issued during the past three years by any corporation, partnership or business in which Gillespie owned stock or had an interest.

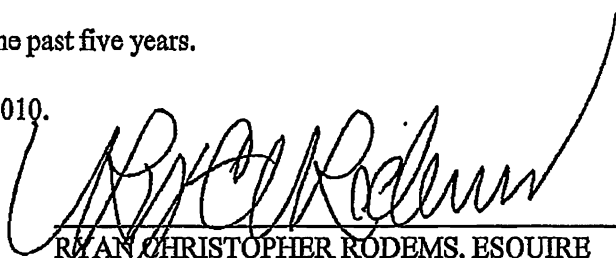
42. All partnership agreements, shareholder agreements and other business agreements in which Gillespie is an interest party or by which he has any duties or rights.

43. Any and all documents showing or tending to show any investments or contributions made in whole or in part by Gillespie within the last three years, and the amount and value of each investment or contribution.

44. Any and all documents showing or tending to show any distributions made to Gillespie as a result of any investments or contributions made in whole or in part by him.

45. All contracts and closing documents connected with the purchase or sale of any real or personal property by Gillespie within the past five years.

DATED this 17th day of August, 2010.



RYAN CHRISTOPHER RODEMS, ESQUIRE

Florida Bar No. 947652

BARKER, RODEMS & COOK, P.A.

400 North Ashley Drive, Suite 2100

Tampa, Florida 33602

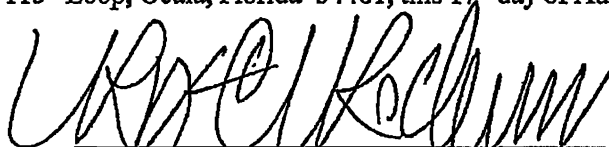
Phone: 813/489-1001

Fax: 813/489-1008

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Neil J. Gillespie, 8092 SW 115th Loop, Ocala, Florida 34481, this 17th day of August, 2010.



RYAN CHRISTOPHER RODEMS, ESQUIRE

cc: Richard Lee Reporting

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

September 3, 2010

VIA FAX (813) 489-1008

Mr. Ryan Christopher Rodems, Attorney at Law
Barker Rodems & Cook, PA
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

RE: Gillespie v. Barker, Rodems & Cook, PA, et al., case No.: 05-CA-7205, Division G

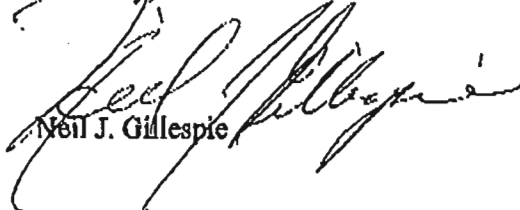
Dear Mr. Rodems:

Please be advised that I will not be attending your deposition duces tecum today. The court has not responded to nor provided accommodations requested under the Americans with Disabilities Act (ADA). Furthermore Warren A. Lee, president of Richard Lee Reporting, Inc., has not responded to my letter of July 6, 2010 about the ADA. These and other matters will be included in a soon to be commenced ADA lawsuit. Please note that I assert the same Responses to Defendants' Deposition Duces Tecum submitted August 17, 2010 as to Defendants' Deposition Duces Tecum submitted June 1, 2010.

In addition, the Governor's Office of Open Records referred me to an attorney at the Florida Department of State who provided copies of the Oath of Office for judges in this matter that are not legally sufficient, calling into question rulings in this matter. That matter is still unfolding and you will be apprised as appropriate.

Finally, you are unlawfully representing your client as set forth in Emergency Motion To Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, PA filed July 9, 2010. Your representation is aggravating my disability.

Sincerely,


Neil J. Gillespie



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

NEIL J. GILLESPIE,

Plaintiff,

CASE NO.: 05-CA-7205

vs.

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; WILLIAM
J. COOK,

DIVISION: J

Defendants.

_____ /

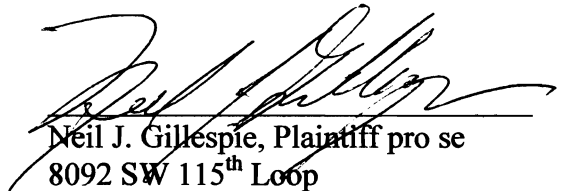
PLAINTIFF'S NOTICE OF UNAVAILABILITY

Plaintiff pro se, Neil J. Gillespie, files this Notice of Unavailability and states:

1. Plaintiff is unavailable during the time set by the Second District Court of Appeal, and the Florida Rules of Appellate Procedure, to file Petitioner's Amended Initial Brief in Appeal No. 2D10-5197. The Appellate Court, in an Order dated April 8, 2011, Granted Appellant's (Plaintiff's) motion for leave to file an amended initial brief. The amended brief shall be served within 30 days of the order. That date is May 8, 2011. Within 20 days of the service of the amended initial brief, the appellee may file an amended answer brief. That day is May 28, 2011. Pursuant to Rule 9.210(f), Fla. R. App. P., Plaintiff will file a Reply Brief 20 days after service of the answer brief, or June 17, 2011. A copy of the Appellate Court Order of April 8, 2011 is attached as Exhibit A.
2. The undersigned requests that no appointments, mediations, conferences, hearings, depositions, depositions duces tecum, or other legal proceedings be scheduled during that time, or prior to June 20, 2011.

3. Defendants' counsel Ryan Christopher Rodems unilaterally set for hearing without coordinating the time and date with Plaintiff, "Defendants' Verified Motion for An Order to Show Cause Why Plaintiff Should Not Be Held In Contempt of Court and Writ of Bodily Attachment Should Not Be Issued" for May 3, 2011 at 11:30am. Setting hearings without coordinating the time and date with Plaintiff is an ongoing problem with Mr. Rodems and wastes valuable court time and resources. Furthermore, the order that gives rise to the motion, Order Adjudging Plaintiff Neil J. Gillespie In Contempt, date September 30, 2010 by Judge Cook, is currently on appeal in Appeal No. 2D10-5197.

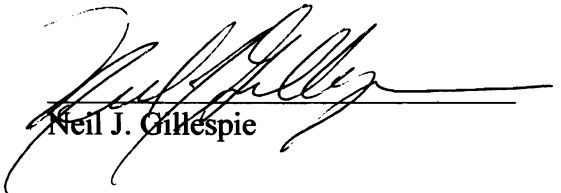
RESPECTFULLY SUBMITTED April 16, 2011



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

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed April 16, 2011 to Ryan C. Rodems, at Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602.



Neil J. Gillespie

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

April 8, 2011

CASE NO.: 2D10-5197

L.T. No. : 05-CA-7205

Neil J. Gillespie

v.

Barker, Rodems & Cook,
P. A. & William J. Cook

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

The appellant's motion for leave to file an amended initial brief is granted. The initial brief already filed and its appendix are stricken. The amended brief shall be served within 30 days of this order.

The request for limitations on the initial brief found in the appellees' response is denied. However, the amended initial brief must not exceed 50 pages. See Fla. R. App. P. 9.210(a)(5).

Within 20 days of the service of the amended initial brief, the appellee may file an amended answer brief.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

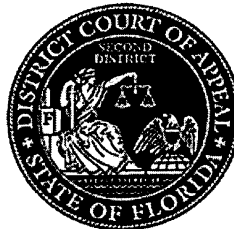
Neil J. Gillespie

Ryan Christopher Rodems, Esq.

Pat Frank, Clerk

dm


James Birkhold
Clerk



April 16, 2011

Mr. Ryan C. Rodems
Barker Rodems & Cook, PA
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

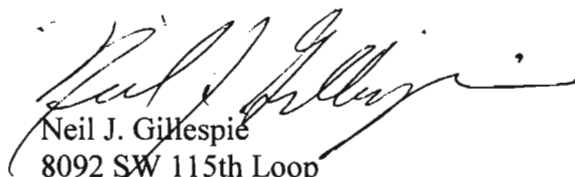
Dear Mr. Rodems:

Please find enclosed Plaintiff's Notice of Unavailability. As described in the notice, I am unavailable through June 20, 2011 relative to the appeal in 2D10-5197.

As for Defendants' Evidentiary Hearing unilaterally set for May 3, 2011 at 11:30am, you set the hearing without coordinating the time and date with me. Since I am not available during that time, kindly cancel the hearing immediately. In the future, please refrain from setting hearings without coordinating the time and date with me.

Thank you for your cooperation.

Sincerely,



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

cc: The Honorable James D. Arnold

Enclosure

April 16, 2011

The Honorable James D. Arnold
Circuit Court Judge
Circuit Civil Division J
800 E. Twiggs Street, Room 514
Tampa, Florida 33602

RE: Gillespie v Barker, Rodems & Cook, PA, Case No. 05-CA-7205, Circuit Civil
Division J, Hillsborough County, Florida

Dear Judge Arnold:

Please find enclosed courtesy copies of Plaintiff's Notice of Unavailability. As described in the notice, I am unavailable through June 20, 2011 relative to the appeal in 2D10-5197.

Opposing counsel Mr. Rodems unilaterally set Defendants' Evidentiary Hearing for hearing before you May 3, 2011 at 11:30am. Mr. Rodems set the hearing without coordinating the time and date with me. Since I am not available during that time, I requested he cancel the hearing immediately. A copy of my letter to Mr. Rodems is enclosed.

Should Mr. Rodems fail to cancel the hearing, I request the Count cancel it sua sponte.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil J. Gillespie", with a long horizontal flourish extending to the right.

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

cc: Mr. Rodems

Enclosures

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

NEIL J. GILLESPIE,

Plaintiff,

CASE NO.: 05-CA-7205

vs.

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; WILLIAM
J. COOK,

DIVISION: J

Defendants.

MOTION TO STAY PENDING APPEAL

The Plaintiff moves for a stay of the of the Order Adjudging Plaintiff Neil J. Gillespie In Contempt, and Writ Of Bodily Attachment, pursuant to Rule 9.310 of the Florida Rules of Appellate Procedure. In support of the motion, the Plaintiff states:

1. On September 30, 2010 Judge Martha Cook rendered “Order Adjudging Plaintiff Neil J. Gillespie In Contempt”, with threat of Writ of Bodily Attachment. On its face the Order is a sham. Judge Cook wrote at footnote 1, “Prior to this motion being heard, the Court heard Defendants' motion for summary judgment. During that hearing, Plaintiff Neil J. Gillespie voluntarily left the hearing and did not return.” This is false. Judge Cook ordered the Plaintiff removed, and he had no representation at the hearing.
2. The Plaintiff filed an appeal to the Second District Court of Appeal on October 22, 2010 to review the “Order Adjudging Plaintiff Neil J. Gillespie In Contempt”, and the “Final Summary Judgment as to Count I”, of Judge Cook. In addition, pursuant to Rule 9.110(h), Fla. R. App. P, the court may review any ruling or matter occurring before filing of the notice. The appellate court rejected Defendant’s request to limit the appeal.

3. Rule 9.310(a) authorizes this court to stay the Order Adjudging Plaintiff Neil J. Gillespie In Contempt. According to the rule, the initial decision to grant or deny a stay is discretionary with the lower tribunal.

4. A stay is necessary in this case to preserve the status quo during the pendency of the appeal. A stay is also necessary because the Plaintiff, a person with disabilities, faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates, according to a letter dated October 28, 2010 by Dr. Karin Huffer, the Plaintiff's ADA coordinator. A copy of Dr. Huffer's letter accompanies this motion as Exhibit A.

5. This motion for stay should be granted because the Plaintiff will likely prevail on appeal. Major James Livingston, Commander of the Court Operations Division, provided Plaintiff a letter dated January 12, 2011 that supports his claim that Judge Cook falsified the Order finding Neil Gillespie in contempt and unlawfully denied him participation in the judicial process. A copy of the letter accompanies this motion as Exhibit B.

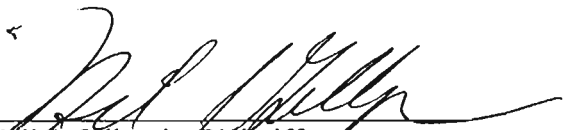
The appeal will also show that Ryan Christopher Rodems is unlawfully representing his law firm against a former client in a matter that is the same or substantially the same as the prior representation. Most if not all the problems in this case are due to Mr. Rodems' unlawful behavior toward a former client whom he hates for suing his law firm.

6. Time is of the essence. Defendants' counsel Mr. Rodems unilaterally set for hearing without coordinating the time and date with Plaintiff, an Evidentiary Hearing on the Order Adjudging Plaintiff Neil J. Gillespie In Contempt for May 3, 2011 at 11:30am. The Plaintiff filed a Notice of Unavailability April 16, 2011 that coincides with the

appeal process and runs through June 20, 2011. The Plaintiff requested that no appointments, mediations, conferences, hearings, depositions, depositions duces tecum, or other legal proceedings be scheduled during that time, or prior to June 20, 2011.

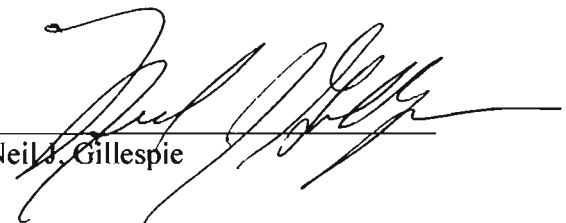
WHEREFORE, the Plaintiff respectfully moves the Court for an order granting a stay pending appeal of the "Order Adjudging Plaintiff Neil J. Gillespie In Contempt".

RESPECTULLY SUBMITTED April 23, 2011.


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

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed April 23, 2011 to
Ryan C. Rodems, Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100,
Tampa, Florida 33602.


Neil J. Gillespie

DR. KARIN HUFFER

Licensed Marriage and Family Therapist #NV0082
ADAAA Titles II and III Specialist
Counseling and Forensic Psychology
3236 Mountain Spring Rd. Las Vegas, NV 89146
702-528-9588 www.lvaallc.com

October 28, 2010

To Whom It May Concern:

I created the first request for reasonable ADA Accommodations for Neil Gillespie. The document was properly and timely filed. As his ADA advocate, it appeared that his right to accommodations offsetting his functional impairments were in tact and he was being afforded full and equal access to the Court. Ever since this time, Mr. Gillespie has been subjected to ongoing denial of his accommodations and exploitation of his disabilities

As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.

While my work is as a disinterested third party in terms of the legal particulars of a case, I am charged with assuring that the client has equal access to the court physically, psychologically, and emotionally. Critical to each case is that the disabled litigant is able to communicate and concentrate on equal footing to present and participate in their cases and protect themselves.

Unfortunately, there are cases that, due to the newness of the ADAAA, lack of training of judicial personnel, and entrenched patterns of litigating without being mandated to accommodate the disabled, that persons with disabilities become underserved and are too often ignored or summarily dismissed. Power differential becomes an abusive and oppressive issue between a person with disabilities and the opposition and/or court personnel. The litigant with disabilities progressively cannot overcome the stigma and bureaucratic barriers. Decisions are made by medically unqualified personnel causing them to be reckless in the endangering of the health and well being of the client. This creates a severe justice gap that prevents the ADAAA from being effectively applied. In our adversarial system, the situation can devolve into a war of attrition. For an unrepresented litigant with a disability to have a team of lawyers as adversaries, the demand of litigation exceeds the unrepresented, disabled litigant's ability to maintain health while pursuing justice in our courts. Neil Gillespie's case is one of those. At this juncture the harm to Neil Gillespie's health, economic situation, and general diminishment of him in terms of his legal case cannot be overestimated and this bell

cannot be unrung. He is left with permanent secondary wounds.

Additionally, Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates. It seems that the ADA Administrative offices that I have appealed to ignore his requests for reasonable accommodations, including a response in writing. It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.

I am accustomed to working nationally with courts of law as a public service. I agree that our courts must adhere to strict rules. However, they must be flexible when it comes to ADAAA Accommodations preserving the mandates of this federal law Under Title II of the ADA. While public entities are not required to create new programs that provide heretofore unprovided services to assist disabled persons. (Townsend v. Quasim (9th Cir. 2003) 328 F.3d 511, 518) they are bound under ADAAA as a ministerial/administrative duty to approve any reasonable accommodation even in cases merely regarded as having a disability with no formal diagnosis.

The United States Department of Justice Technical Assistance Manual adopted by Florida also provides instructive guidance: "The ADA provides for equality of opportunity, but does not guarantee equality of results. The foundation of many of the specific requirements in the Department's regulations is the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services. (U.S. Dept. of Justice, Title II, *Technical Assistance Manual* (1993) § II-3.3000.) A successful ADA claim does not require excruciating details as to how the plaintiff's capabilities have been affected by the impairment, even at the summary judgment stage. *Gillen v. Fallon Ambulance Serv., Inc.*, 283 F.3d. My organization follows these guidelines maintaining a firm, focused and limited stance for equality of participatory and testimonial access. That is what has been denied Neil Gillespie.

The record of his ADAAA accommodations requests clearly shows that his well-documented disabilities are now becoming more stress-related and marked by depression and other serious symptoms that affect what he can do and how he can do it particularly under stress. Purposeful exacerbation of his symptoms and the resulting harm is, without a doubt, a strategy of attrition mixed with incompetence at the ADA Administrative level of these courts. I am prepared to stand by that statement as an observer for more than two years.



David Gee, Sheriff
Jose Docobo, Chief Deputy

P.O. Box 3371
Phone (813)247-8000
www.hcso.tampa.fl.us

Hillsborough County
Tampa, Florida 33601

January 12, 2011

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

Dear Mr. Gillespie:

In response to your letter dated November 13, 2010, I made contact with Deputy Christopher E. Brown concerning your request for an explanation regarding why he escorted you out of the courthouse on September 28, 2010 after a hearing with Judge Martha Cook. Deputy Brown advised that the Judge ordered you to leave after a disruption in the courtroom. He stated that he followed you to the front door as you exited the building without assistance. Other than the official records maintained by the Court, I am not aware of any other records related to the hearing before Judge Cook.

As we discussed on the telephone today, you expressed some concern over your personal safety while in the courthouse due to a disability and due to a potential threat from opposing counsel. Please let me know the date and time of your next visit to the courthouse and we will take action to help ensure a safe and orderly visit. Please feel free to contact me with any additional questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "James P. Livingston".

James P. Livingston, Major
Court Operations Division

DR. KARIN HUFFER

Licensed Marriage and Family Therapist #NV0082
ADAAA Titles II and III Specialist
Counseling and Forensic Psychology
3236 Mountain Spring Rd. Las Vegas, NV 89146
702-528-9588 www.lvaallc.com

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As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.

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Unfortunately, there are cases that, due to the newness of the ADAAA, lack of training of judicial personnel, and entrenched patterns of litigating without being mandated to accommodate the disabled, that persons with disabilities become underserved and are too often ignored or summarily dismissed. Power differential becomes an abusive and oppressive issue between a person with disabilities and the opposition and/or court personnel. The litigant with disabilities progressively cannot overcome the stigma and bureaucratic barriers. Decisions are made by medically unqualified personnel causing them to be reckless in the endangering of the health and well being of the client. This creates a severe justice gap that prevents the ADAAA from being effectively applied. In our adversarial system, the situation can devolve into a war of attrition. For an unrepresented litigant with a disability to have a team of lawyers as adversaries, the demand of litigation exceeds the unrepresented, disabled litigant's ability to maintain health while pursuing justice in our courts. Neil Gillespie's case is one of those. At this juncture the harm to Neil Gillespie's health, economic situation, and general diminishment of him in terms of his legal case cannot be overestimated and this bell

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

NEIL J. GILLESPIE,

Plaintiff,

CASE NO.: 05-CA-7205

vs.

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and WILLIAM
J. COOK,

DIVISION: J

Defendants.

_____ /

AFFIDAVIT OF NEIL J. GILLESPIE

Neil J. Gillespie, under oath, testifies 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. At all times pertinent I am a disabled adult as defined by, but not limited to, section 825.101(4), Florida Statutes, and as further described in documents in this lawsuit.
2. The Thirteenth Judicial Circuit ("Court") has jurisdiction of this lawsuit and responsibility under federal and state law for compliance with the Americans with Disabilities Act ("ADA").
3. Plaintiff retained at his own expense Dr. Karin Huffer as his ADA program designer and advocate. Plaintiff applied to the Court February 19, 2010 for reasonable accommodation under the ADA. An ADA disability report was submitted by Dr. Huffer. Court Counsel David Rowland denied Plaintiff's ADA accommodation request.
4. Attorney Ryan Christopher Rodems is unlawfully representing his firm against Plaintiff, a former client, on a matter that is the same or substantially similar to the prior

representation, specifically their litigation with AMSCOT Corporation. (“AMSCOT”).

Mr. Rodems knows about Plaintiff’s disability from his firm’s other representation of him on disability matters. Mr. Rodems separately commenced a counterclaim against Plaintiff for libel over his letter to AMSCOT about the prior litigation. AMSCOT’s attorney Charles L. Stutts of Holland & Knight, LLP wrote Plaintiff February 13, 2007 that “This former action is, of course, at the heart of your pending action against Barker, Rodems & Cook, P.A.” A copy of Mr. Stutts’ letter is attached as Exhibit A.

5. Since March 3, 2006 Mr. Rodems has directed, with malice aforethought, a course of harassing conduct toward Plaintiff that has aggravated his disability, caused substantial emotional distress, and serves no legitimate purpose, in violation of § 784.048, Florida Statutes. Mr. Rodems engaged in other abuse calculated to harm Plaintiff in violation of chapter 825, Florida Statutes, Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults. Plaintiff was formerly represented by attorney Robert Bauer in this case. Mr. Bauer complained on the record about Mr. Rodems unprofessional behavior: “...Mr. Rodems has, you know, decided to take a full nuclear blast approach instead of us trying to work this out in a professional manner. It is my mistake for sitting back and giving him the opportunity to take this full blast attack.” (Aug-14-08, transcript page 16, line 24).

6. This case was commenced August 11, 2005. There have been five trial court judges, four appeals to the 2dDCA, and a Petition for Writ of Prohibition. The problems in this case are due to Mr. Rodems unprofessional behavior. Rodems’ independent professional judgment is materially limited by his own interest and conflict, as further

described in Emergency Motion to Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, PA filed July 9, 2010.

7. Judge Martha Cook presided over this lawsuit from May 24, 2010 through November 18, 2010. While presiding over this case Judge Cook misused and denied the Plaintiff judicial process under the color of law. Plaintiff moved to disqualify Judge Cook five times, all of which were all denied. Plaintiff filed a Petition for Writ of Prohibition to remove Judge Cook November 18, 2010, Case No. 2D10-5529, Second District Court of Appeal. Judge Cook recused herself from the case the same day.

8. Because of the forgoing Plaintiff concluded that he could not obtain justice in this Court and commenced a Federal Civil Rights lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida et. al, Case No. 5:10-cv-503-oc-10-DAB, US District Court, Middle District of Florida, Ocala Division. Plaintiff lives in Ocala. The complaint was stamped FILED at 7:47 AM September 28, 2010 by the US District Court Clerk. Plaintiff planned to file the suit weeks earlier by was delayed by his worsening disability. A copy of the Clerk-stamped cover page of the complaint is attached as Exhibit B. Judge Cook is named as a Defendant in the lawsuit in her capacity as a judge and personally.

9. After filing the federal lawsuit described in the preceding paragraph, Plaintiff drove to the Court in Tampa for a 11:00 AM hearing before Judge Cook for a "Court-Ordered Hearing On Defendants' Motion For Final Summary Judgment". A second matter heard was a contempt on an alleged violation of the "Notice of Case Management Status and Orders on Outstanding Res Judicata Motions entered July 29, 2010.

10. When Plaintiff arrived in Tampa for the hearing before Judge Cook at 11:00 AM she was unaware of the Federal Civil Rights lawsuit against the Court and herself.

Plaintiff had a duty to inform Judge Cook of the lawsuit prior to the hearing, and did so by handing a copy of the complaint to Deputy Henderson prior to the hearing and asked him to give it to the judge in chambers. This was not for service of process, but to inform Judge Cook that she was a defendant in a lawsuit. Rule 3, FRCP, Commencement of Action, a civil action is commenced by filing a complaint with the court.

11. Deputy Henderson refused to take the complaint from Plaintiff, and he refused to hand it to Judge Cook in chambers. As such Plaintiff had no choice but to address the issue in open court as shown in the record. A transcript of the hearing shows the following: (Exhibit C, Transcript, Sep-28-10, pages 1-5; 19)

(Transcript, Sep-28-10, Defendants' Motion For Final Summary Judgment, Page 3)

16 MR. GILLESPIE: Your Honor, this morning I
17 filed a federal lawsuit against you. I have a
18 complaint here if you would like to read it. I
19 move to disqualify you.

20 THE COURT: Your motion to disqualify
21 based on a federal lawsuit is legally
22 insufficient and is denied.

23 Please continue with your Motion for
24 Summary Judgment.

25 MR. RODEMS: Thank you, Your Honor.

(Transcript, Sep-28-10, Defendants' Motion For Final Summary Judgment, Page 4)

1 MR. GILLESPIE: I move to disqualify you
2 on the basis that I have a financial
3 relationship with your husband.

4 THE COURT: All right. Your motion to
5 disqualify me on that basis is denied.

6 MR. GILLESPIE: I move to disqualify
7 you --

8 THE COURT: Sir --

9 MR. GILLESPIE: -- on the basis of an
10 affidavit that you made misrepresentations at
11 the last hearing about whether or not I was --

12 THE COURT: Sir, file a written motion.

13 I'm not going to allow you to disrupt these
14 proceedings again. The last proceedings you
15 feigned illness. You left this courtroom --

16 MR. GILLESPIE: No, I did not feign
17 illness.

18 THE COURT: Sir, if you interrupt me you
19 will be escorted out.

20 MR. GILLESPIE: Well, I'm leaving.

21 THE COURT: This is your last warning,
22 sir.

23 MR. GILLESPIE: I'm leaving.

24 THE COURT: All right, sir. Escort the
25 gentleman out. He's leaving. All right.

(Transcript, Sep-28-10, Defendants' Motion For Final Summary Judgment, Page 5)

1 Continue with your motion, please. The hearing
2 will continue.

3 MR. GILLESPIE: For the record, I'm
4 leaving because I didn't get my ADA
5 accommodation.

6 THE COURT: That's not true, sir.

7 MR. GILLESPIE: I'm leaving the federal
8 lawsuit on this table for you.

9 THE COURT: You must go, sir. It's not
10 proper service. Leave.

11 (THEREUPON, Mr. Gillespie exited the courtroom)

12 THE COURT: Go ahead.

13 MR. RODEMS: Thank you, Your Honor.

12. The transcript of the hearing shows Judge Cook ordered Plaintiff removed prior to any discussion of Defendants' Motion For Final Summary Judgment. Plaintiff was escorted out of the courthouse by the bailiff, Deputy Christopher E. Brown, of the Hillsborough County Sheriff's Office (HCSO). The transcript shows Judge Cook cut Plaintiff the first two times he attempted to say "I'm leaving the federal lawsuit on the table for you" (page 4, lines 20 and 23; Page 5 lines 7 and 8). The hearing continued without Plaintiff and he had no representation.

13. Later during the hearing September 28, 2010 Judge Cook announced on the record that Plaintiff "elected" to leave the hearing voluntarily:

(Transcript, Sep-28-10, Defendants' Motion For Final Summary Judgment, Page 19)

6 [THE COURT]...[A]s you know,
7 this is a Motion for an Order of Contempt and
8 Writ of Bodily Attachment. And let the record

9 reflect that Mr. Gillespie elected to leave
10 even though he was advised that the hearing
11 would continue in his absence...

14. Judge Cook signed "Order Adjudging Plaintiff Neil J. Gillespie In Contempt" September 30, 2010. On page 1, footnote 1, Judge Cook wrote "Prior to this motion being heard, the Court heard Defendants' motion for summary judgment. During that hearing, Plaintiff Neil J. Gillespie voluntarily left the hearing and did not return." (Exhibit D). This statement is false. Judge Cook ordered Plaintiff removed from the courtroom prior to Defendants' motion for summary judgment. The rest of the order is equally bogus and is currently on appeal to the Second District Court of Appeal, Case No. 2D10-5197.

15. Major James Livingston, HCSO, is Commander of the Court Operations Division for the Court. Major Livingston provided Plaintiff a letter dated January 12, 2011 that impeaches Judge Cook's assertion the Plaintiff left the hearing voluntarily September 28, 2010. Major Livingston wrote: "Deputy Brown advised that the Judge ordered you to leave after a disruption in the courtroom. He stated that he followed you to the front door as you exited the building without assistance." (Exhibit E).

16. Dr. Huffer assessed the foregoing in a letter dated October 28, 2010. (Exhibit F).


Dr. Huffer wrote in part:

"As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like

threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.” (p1, ¶2). “He [Gillespie] is left with permanent secondary wounds” (p2, top). “Additionally, Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates.” (p2, ¶1). “It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.” (p2, ¶1).

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 25th day of April 2011.

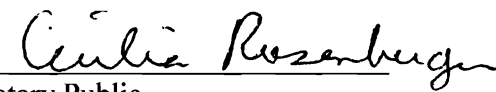

NEIL J. GILLESPIE

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 25th day of April 2011.




Cecilia Rosenberger
Notary Public
State of Florida

Charles L. Stutts
813 227 6466
charles.stutts@hklaw.com

February 13, 2007

VIA FEDEX

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

Re: Gillespie v. Barker, Rodems & Cook, P.A., et al.; Case No. 05-CA-7205

Dear Mr. Gillespie:

Amscot Corporation has asked me to respond to your letter of February 10, 2007 in which you request that Mr. Ian MacKechnie, President of Amscot, agree to his deposition in the above-referenced matter.

The U.S. District Court for the Middle District of Florida in 2001 dismissed all claims brought by you, Eugene R. Clement and Gay Ann Blomefield, individually and on behalf of others, against Amscot in connection with its deferred deposit transactions. This former action is, of course, at the heart of your pending action against Barker, Rodems & Cook, P.A.

Mr. MacKechnie views the prior litigation as closed, and neither he nor others at Amscot have any interest in voluntarily submitting to deposition or otherwise participating in the pending matter. Accordingly, Mr. MacKechnie must decline your request.

Please contact me if you have questions or care to discuss the matter.

Sincerely yours,

HOLLAND & KNIGHT LLP



Charles L. Stutts

cc: Ian MacKechnie

FILED

2010 SEP 28 AM 7:47

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

CLERK, U.S. DISTRICT COURT
OCALA, FLORIDA

NEIL J. GILLESPIE,

CASE NO.: 5:10-CV-503-DC-10-DAB

Plaintiff,

vs.

DEMAND FOR JURY TRIAL

THIRTEENTH JUDICIAL CIRCUIT, FLORIDA,
GONZALO B. CASARES, ADA Coordinator, and individually,
DAVID A. ROWLAND, Court Counsel, and individually,
CLAUDIA RICKERT ISOM, Circuit Court Judge, and individually,
JAMES M. BARTON, II, Circuit Court Judge, and individually,
MARTHA J. COOK, Circuit Court Judge, and individually,

BARKER, RODEMS & COOK, P.A.,
RYAN CHRISTOPHER RODEMS,

THE LAW OFFICE OF ROBERT W. BAUER, P.A.,
ROBERT W. BAUER,

Defendants.

COMPLAINT FOR VIOLATION OF THE AMERICANS WITH
DISABILITIES ACT (ADA), AND CIVIL RIGHTS VIOLATIONS

Plaintiff pro se NEIL J. GILLESPIE sues the Defendants and alleges as follows:

JURISDICTION AND VENUE

1. This lawsuit arises under the Americans With Disabilities Act ("ADA"), 42 U.S.C., Chapter 126, Equal Opportunities for Individuals with Disabilities, Subchapter II, Public Services, Part A, §§ 12131 - 12134, Subchapter III, Public Accommodations and Services Operated by Private Entities, §§ 12181 - 12189, Subchapter IV, §§ 12201 - 12213, including the ADA Amendments Act of 2008 (ADAAA) updates. Plaintiff also

C-8835
6350

B

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL
CIRCUIT IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL LAW DIVISION
CASE NO. 05-CA-007205

-----X
NEIL J. GILLESPIE,

Plaintiff,

and

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

Defendants.
-----X

Division:

2010 OCT 22 PM 1:42
HILLSBOROUGH COUNTY, FL
CIRCUIT CIVIL
FILED
CLERK CIRCUIT COURT

BEFORE: THE HONORABLE MARTHA J. COOK

PLACE: Hillsborough County Courthouse
800 East Twiggs Street
Tampa, Florida 33602

DATE: September 28, 2010

TIME: 11:04 a.m. - 11:28 a.m.

REPORTED BY: Robbie E. Darling
Court Reporter

DEFENDANTS' MOTION FOR FINAL SUMMARY JUDGMENT;
CORRECTED TRANSCRIPT

Pages 1 - 26

DEMPSTER, BERRYHILL & ASSOCIATES
1875 NORTH BELCHER ROAD, SUITE 102
CLEARWATER, FLORIDA 33765
(727) 725-9157

ORIGINAL

C

APPEARANCES

RYAN CHRISTOPHER RODEMS, ESQUIRE
Barker, Rodems & Cook, P.A.
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

Attorney for Defendants

NEIL GILLESPIE
Pro Se

1 PROCEEDINGS

2 THE COURT: Good morning, folks. All
3 right. I believe we're here today on a Motion
4 for Final Summary Judgment -- or, Motion for
5 Summary Judgment filed by the defendant; is
6 that correct?

7 MR. RODEMS: Yes, Your Honor. There is
8 two other matters as well.

9 THE COURT: Well, let's address the one
10 that has been scheduled first, which is the
11 Motion for Summary Judgment.

12 MR. GILLESPIE: Your Honor -

13 THE COURT: Please be seated. Folks, you
14 don't need to stand to argue. Both of you.
15 Please be seated.

16 MR. GILLESPIE: Your Honor, this morning I
17 filed a federal lawsuit against you. I have a
18 complaint here if you would like to read it. I
19 move to disqualify you.

20 THE COURT: Your motion to disqualify
21 based on a federal lawsuit is legally
22 insufficient and is denied.

23 Please continue with your Motion for
24 Summary Judgment.

25 MR. RODEMS: Thank you, Your Honor.

1 MR. GILLESPIE: I move to disqualify you
2 on the basis that I have a financial
3 relationship with your husband.

4 THE COURT: All right. Your motion to
5 disqualify me on that basis is denied.

6 MR. GILLESPIE: I move to disqualify
7 you --

8 THE COURT: Sir --

9 MR. GILLESPIE: -- on the basis of an
10 affidavit that you made misrepresentations at
11 the last hearing about whether or not I was --

12 THE COURT: Sir, file a written motion.
13 I'm not going to allow you to disrupt these
14 proceedings again. The last proceedings you
15 feigned illness. You left this courtroom --

16 MR. GILLESPIE: No, I did not feign
17 illness.

18 THE COURT: Sir, if you interrupt me you
19 will be escorted out.

20 MR. GILLESPIE: Well, I'm leaving.

21 THE COURT: This is your last warning,
22 sir.

23 MR. GILLESPIE: I'm leaving.

24 THE COURT: All right, sir. Escort the
25 gentleman out. He's leaving. All right.

1 Continue with your motion, please. The hearing
2 will continue.

3 MR. GILLESPIE: For the record, I'm
4 leaving because I didn't get my ADA
5 accommodation.

6 THE COURT: That's not true, sir.

7 MR. GILLESPIE: I'm leaving the federal
8 lawsuit on this table for you.

9 THE COURT: You must go, sir. It's not
10 proper service. Leave.

11 (THEREUPON, Mr. Gillespie exited the courtroom)

12 THE COURT: Go ahead.

13 MR. RODEMS: Thank you, Your Honor.

14 The plaintiff filed a two-count complaint
15 against the two defendants; Barker, Rodems and
16 Cook and Cook. Count One alleged breach of
17 contract, Count Two alleged fraud.

18 By orders dated November 28th, 2007 and
19 July 7th, 2008 the Court granted judgment in
20 favor of Cook on both counts and for Defendant
21 BRC on the fraud count. The only count
22 remaining by plaintiff against Defendant BRC is
23 for Breach of Contract against BRC, and we're
24 moving for Summary Judgment.

25 The following facts that are in my motion

1 THE COURT: This can be mailed, and I
2 believe you can give this back to counsel.
3 There were only two conformed copies, one for
4 Mr. Gillespie -- all right.

5 You can make a record. I did have your
6 motion, it was noticed for today. As you know,
7 this is a Motion for an Order of Contempt and
8 Writ of Bodily Attachment. And let the record
9 reflect that Mr. Gillespie elected to leave
10 even though he was advised that the hearing
11 would continue in his absence. You have
12 noticed him for deposition, you indicate,
13 several times?

14 MR. RODEMS: Yes, Your Honor. Prior to
15 the order of July 29th, 2010 we noticed
16 Mr. Gillespie twice for deposition, and both
17 times he failed to appear.

18 The second -- and this is all reflected in
19 the motion. On the second occasion he did file
20 some sort of motion for protection, but he
21 never made any effort to have it heard or
22 anything.

23 So, when the Court entered the order on
24 July 29th, 2010 denying his Motion for Order of
25 Protection the Court was fairly clear that

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

NEIL J. GILLESPIE,

Plaintiff,

vs.

**Case No.: 05CA7205
Division: G**

**BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and WILLIAM
J. COOK,**

Defendants.

_____ /

ORDER ADJUDGING PLAINTIFF NEIL J. GILLESPIE IN CONTEMPT

THIS CAUSE came before the Court on Tuesday, September 28, 2010, on Defendants' Motion for an Order of Contempt and Writ of Bodily Attachment,¹ and the proceedings having been read and considered and counsel having been heard, and the Court being otherwise fully advised in the premises, the Court finds and concludes that Plaintiff Neil J. Gillespie has wilfully and with contumacious disregard violated the Court's Notice of Case Management Status and Orders on Outstanding Res Judicata Motions entered July 29, 2010 by refusing to appear for a duly noticed deposition on September 3, 2010.

On July 29, 2010, the Court entered the Notice of Case Management Status and Orders on Outstanding Res Judicata Motions, which stated: "The Plaintiff's 'Motion for Order of Protection,' (no date provided in Judge Barton's order) renewed in his 'Motion to Cancel Deposition' (6-16-10) is DENIED. The Plaintiff has repeatedly been the subject of Motions to

¹ Prior to this motion being heard, the Court heard Defendants' motion for summary judgment. During that hearing, Plaintiff Neil J. Gillespie voluntarily left the hearing and did not return.

Compel by the Defendants during the course of these proceedings, and has ignored Court orders requiring his participation. The Court will not accept these or any further attempts by the Plaintiff to avoid the Defendant's right to discovery in this case and to bring this matter to a close. Non-compliance with the Court's orders is grounds for dismissal of the Plaintiff's remaining count with prejudice.” (Notice of Case Management Status and Orders on Outstanding Res Judicata Motions, ¶8).

The record shows that Plaintiff previously failed to appear for two properly noticed depositions. Defendants served a notice of deposition on October 13, 2009, scheduling Plaintiff's deposition on December 15, 2009. On June 1, 2010, Defendants served another notice of deposition, scheduling Plaintiff's deposition on June 18, 2010. While Plaintiff served “Plaintiff's Motion to Cancel Deposition Duces Tecum June 18, 2010 and for an Order of Protection” on June 14, 2010, he did not attempt to have it heard before the deposition, and did not appear at the deposition.²

After the Court's Order entered July 29, 2010, Defendants served a notice of deposition on August 17, 2010, scheduling the deposition for September 3, 2010. Plaintiff did not respond until September 3, 2010, asserting that he would not be attending the deposition for three reasons: First, Plaintiff asserted that “[t]he court has not responded to nor provided accommodations requested under the Americans with disabilities Act . . .” Second, he asserted that “the Oath of Office for judges in this matter [] are not legally sufficient, calling into question rulings in this matter.” Finally, Plaintiff again asserted that Defendants' counsel's

² As stated above, on July 29, 2010, this Court entered the Notice of Case Management Status and Orders on Outstanding Res Judicata Motions, denying the Plaintiff's motions for protection from being deposed.

representation of Defendants is "unlawful." Defendants contend that each of these reasons is either specious or has been expressly rejected by the Court. The Court agrees. Based on these findings

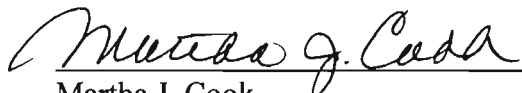
IT IS ORDERED AND ADJUDGED that the Plaintiff Neil J. Gillespie is guilty of contempt of this Court for failing to appear for deposition on September 3, 2010 and he will continue to be guilty of contempt unless and until the Plaintiff is deposed in this matter.

IT IS FURTHER ORDERED that Plaintiff shall submit to a deposition in Tampa, Florida, within 45 days. Plaintiff is directed to propose to Defendants' counsel, in writing, three dates on which his deposition may be taken on or before November 12, 2010.

IT IS FURTHER ORDERED that, if Plaintiff violates this Order by failing to submit to a deposition on or before November 12, 2010, then the Court will enter an Order to Show Cause requiring Plaintiff's appearance before the Court, and the Court will consider appropriate sanctions.

The Court retains jurisdiction to impose additional sanctions, as necessary, and to tax attorneys' fees and costs.

DONE AND ORDERED in Chambers this 30 day of September, 2010.

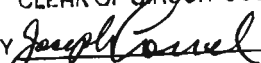

Martha J. Cook
Circuit Judge

Copies to:

Mr. Neil J. Gillespie, pro se
Ryan Christopher Rodems, Esquire (Counsel for Defendants)

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE
AND CORRECT COPY OF THE DOCUMENT ON FILE IN
MY OFFICE. WITNESS MY HAND AND OFFICIAL SEAL
THIS 22nd DAY OF October 2010



PAT FRANK
CLERK OF CIRCUIT COURT
BY  D.C.



David Gee, Sheriff
Jose Docobo, Chief Deputy

P.O. Box 3371
Phone (813)247-8000
www.hcso.tampa.fl.us

Hillsborough County
Tampa, Florida 33601

January 12, 2011

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

Dear Mr. Gillespie:

In response to your letter dated November 13, 2010, I made contact with Deputy Christopher E. Brown concerning your request for an explanation regarding why he escorted you out of the courthouse on September 28, 2010 after a hearing with Judge Martha Cook. Deputy Brown advised that the Judge ordered you to leave after a disruption in the courtroom. He stated that he followed you to the front door as you exited the building without assistance. Other than the official records maintained by the Court, I am not aware of any other records related to the hearing before Judge Cook.

As we discussed on the telephone today, you expressed some concern over your personal safety while in the courthouse due to a disability and due to a potential threat from opposing counsel. Please let me know the date and time of your next visit to the courthouse and we will take action to help ensure a safe and orderly visit. Please feel free to contact me with any additional questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "James P. Livingston".

James P. Livingston, Major
Court Operations Division

DR. KARIN HUFFER

Licensed Marriage and Family Therapist #NV0082
ADAAA Titles II and III Specialist
Counseling and Forensic Psychology
3236 Mountain Spring Rd. Las Vegas, NV 89146
702-528-9588 www.lvaallc.com

October 28, 2010

To Whom It May Concern:

I created the first request for reasonable ADA Accommodations for Neil Gillespie. The document was properly and timely filed. As his ADA advocate, it appeared that his right to accommodations offsetting his functional impairments were in tact and he was being afforded full and equal access to the Court. Ever since this time, Mr. Gillespie has been subjected to ongoing denial of his accommodations and exploitation of his disabilities

As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.

While my work is as a disinterested third party in terms of the legal particulars of a case, I am charged with assuring that the client has equal access to the court physically, psychologically, and emotionally. Critical to each case is that the disabled litigant is able to communicate and concentrate on equal footing to present and participate in their cases and protect themselves.

Unfortunately, there are cases that, due to the newness of the ADAAA, lack of training of judicial personnel, and entrenched patterns of litigating without being mandated to accommodate the disabled, that persons with disabilities become underserved and are too often ignored or summarily dismissed. Power differential becomes an abusive and oppressive issue between a person with disabilities and the opposition and/or court personnel. The litigant with disabilities progressively cannot overcome the stigma and bureaucratic barriers. Decisions are made by medically unqualified personnel causing them to be reckless in the endangering of the health and well being of the client. This creates a severe justice gap that prevents the ADAAA from being effectively applied. In our adversarial system, the situation can devolve into a war of attrition. For an unrepresented litigant with a disability to have a team of lawyers as adversaries, the demand of litigation exceeds the unrepresented, disabled litigant's ability to maintain health while pursuing justice in our courts. Neil Gillespie's case is one of those. At this juncture the harm to Neil Gillespie's health, economic situation, and general diminishment of him in terms of his legal case cannot be overestimated and this bell

cannot be unrung. He is left with permanent secondary wounds.

Additionally, Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates. It seems that the ADA Administrative offices that I have appealed to ignore his requests for reasonable accommodations, including a response in writing. It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.

I am accustomed to working nationally with courts of law as a public service. I agree that our courts must adhere to strict rules. However, they must be flexible when it comes to ADAAA Accommodations preserving the mandates of this federal law Under Title II of the ADA. While public entities are not required to create new programs that provide heretofore unprovided services to assist disabled persons. (Townsend v. Quasim (9th Cir. 2003) 328 F.3d 511, 518) they are bound under ADAAA as a ministerial/administrative duty to approve any reasonable accommodation even in cases merely regarded as having a disability with no formal diagnosis.

The United States Department of Justice Technical Assistance Manual adopted by Florida also provides instructive guidance: "The ADA provides for equality of opportunity, but does not guarantee equality of results. The foundation of many of the specific requirements in the Department's regulations is the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services. (U.S. Dept. of Justice, Title II, *Technical Assistance Manual* (1993) § II-3.3000.) A successful ADA claim does not require excruciating details as to how the plaintiff's capabilities have been affected by the impairment, even at the summary judgment stage. *Gillen v. Fallon Ambulance Serv., Inc.*, 283 F.3d. My organization follows these guidelines maintaining a firm, focused and limited stance for equality of participatory and testimonial access. That is what has been denied Neil Gillespie.

The record of his ADAAA accommodations requests clearly shows that his well-documented disabilities are now becoming more stress-related and marked by depression and other serious symptoms that affect what he can do and how he can do it particularly under stress. Purposeful exacerbation of his symptoms and the resulting harm is, without a doubt, a strategy of attrition mixed with incompetence at the ADA Administrative level of these courts. I am prepared to stand by that statement as an observer for more than two years.

Charles L. Stutts
813 227 6466
charles.stutts@hklaw.com

February 13, 2007

VIA FEDEX

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

Re: Gillespie v. Barker, Rodems & Cook, P.A., et al.; Case No. 05-CA-7205

Dear Mr. Gillespie:

Amscot Corporation has asked me to respond to your letter of February 10, 2007 in which you request that Mr. Ian MacKechnie, President of Amscot, agree to his deposition in the above-referenced matter.

The U.S. District Court for the Middle District of Florida in 2001 dismissed all claims brought by you, Eugene R. Clement and Gay Ann Blomefield, individually and on behalf of others, against Amscot in connection with its deferred deposit transactions. This former action is, of course, at the heart of your pending action against Barker, Rodems & Cook, P.A.

Mr. MacKechnie views the prior litigation as closed, and neither he nor others at Amscot have any interest in voluntarily submitting to deposition or otherwise participating in the pending matter. Accordingly, Mr. MacKechnie must decline your request.

Please contact me if you have questions or care to discuss the matter.

Sincerely yours,

HOLLAND & KNIGHT LLP



Charles L. Stutts

cc: Ian MacKechnie

VIA US CERTIFIED MAIL, RRR
Article No.: 7010 0780 0000 8981 6467

April 21, 2011

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights - NYAV
Washington, D.C. 20530


Dear DOJ Civil Rights Division:

Please find enclosed a complaint under Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Discrimination Complaint Form, OMB No. 1190-0009, related to my lawsuit in the Thirteenth Judicial Circuit, Florida, Gillespie v Barker, Rodems & Cook, et. al, Case No. 05-CA-007205, Circuit Civil Division.

Also enclosed are the following supporting documents:

1. ADA Report by Karin Huffer to Gonzalo B. Casares, ADA Coordinator for the 13th Judicial Circuit, Hillsborough County, Florida. Dr. Huffer is my ADA advocate.
2. Letter of Dr. Karin Huffer, October 28, 2010.
3. ADA Request for Accommodation by Persons with Disabilities to the 13th Judicial Circuit by Neil J. Gillespie.
4. Federal lawsuit complaint, Gillespie v. Thirteenth Judicial Circuit, et. al, Case No. 5:10-cv-503-oc-10DAB, US District Court, Middle District of Florida, Ocala Division, filed September 28, 2010.
5. Notice of Claim against the Thirteenth Judicial Circuit pursuant to § 768.28(6)(a) Fla. Stat.

Sincerely,



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

cc: Dr. Karin Huffer

Enclosures

U.S. Department of Justice
Civil Rights Division
Disability Rights Section

OMB No. 1190-0009

**Title II of the Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Discrimination Complaint Form**

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on page 3.

Complainant: Neil J. Gillespie

Address: 8092 SW 115th Loop

City, State and Zip Code: Ocala, Florida 34481

Telephone: Home:

Business:

Person Discriminated Against:
(if other than the complainant)

Address: _____

City, State, and Zip Code: _____

Telephone: Home:

Business:

Government, or organization, or institution which you believe has discriminated:

Name: Thirteenth Judicial Circuit, Florida

Address: 800 E. Twiggs Street

County: Hillsborough

City: Tampa

State and Zip Code: Florida 33602

Telephone Number: (813) 272-6843

When did the discrimination occur? Date: 2006-2011

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated (use space on page 3 if necessary):

See the accompanying letter from Dr. Karin Huffer, my
ADA Advocate

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution?

Yes _____ No ☒

If yes: what is the status of the grievance?

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes ☒ No _____

If yes: Federal Lawsuit, Gillespie v. Thirteenth Circuit, Case 5:10-cv-503-OC-10DAB

Agency or Court: US District Court, Middle District Florida, Ocala Division

Contact Person: US District Judge William Terrell Hodges

Address: 207 NW Second Street

City, State, and Zip Code: Ocala, Florida 34475

Telephone Number: (352) 369-4860

Date Filed: September 28, 2010

Do you intend to file with another agency or court?

Yes _____ No ✓

Agency or Court: _____

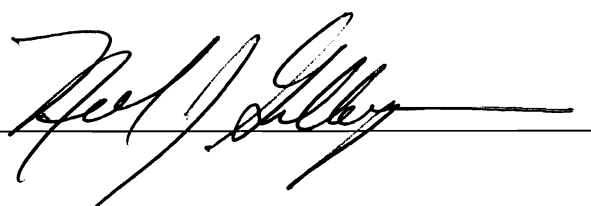
Address: _____

City, State and Zip Code: _____

Telephone Number: _____

Additional space for answers:

A Related complaint was made to Mark J. Kappelhoff, Section
Chief, US Department of Justice, Civil Rights Division, Criminal
Section, for the Misuse and denial of Judicial Process
under the color of Law by the Thirteenth Judicial Circuit
Florida

Signature: 

Date: _____

Return to:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights - NYAV
Washington, D.C. 20530

last updated October 3, 2007

DR. KARIN HUFFER

Licensed Marriage and Family Therapist #NV0082
ADAAA Titles II and III Specialist
Counseling and Forensic Psychology
3236 Mountain Spring Rd. Las Vegas, NV 89146
702-528-9588 www.lvaallc.com

October 28, 2010

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IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT

NEIL J. GILLESPIE
Appellant,

Case No.: 2D10-5197
Lower Court Case No. 05-CA-007205

vs.

BARKER, RODEMS & COOK, PA
a Florida Corporation; and WILLIAM J. COOK,
Appellees.

ADDENDUM

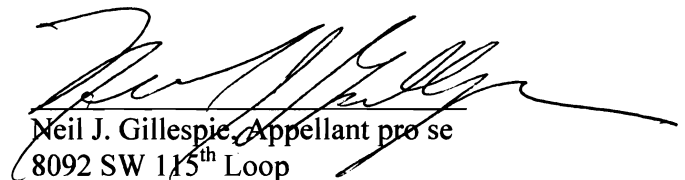
**APPELLANT'S VERIFIED EMERGENCY MOTION TO STAY PENDING
APPEAL, MOTION FOR ORDER OF PROTECTION,
AND MOTION FOR EXTENSION OF TIME**

1. Subsequent to serving Appellant's Verified Emergency Motion To Stay Pending Appeal, Motion For Order Of Protection, And Motion For Extension Of Time, Appellant remembered that he is prohibited from appearing pro se in the trial court.
2. Judge Cook issued "Order Prohibiting Plaintiff From Appearing Pro Se" November 15, 2010. A copy of the Order is attached as Exhibit A.
3. Appellant has been unable to find counsel to represent him. Attached is a letter dated November 4, 2010 from Bradford D. Kimbro of Holland & Knight LLP declining representation. (Exhibit B). Appellant sought to hire Holland & Knight for the limited purpose of representing him at a court-ordered deposition in Tampa. Appellant offered to pay Holland & Knight's full hourly rate for representation. This is one example of a number of firms that have declined representation, even for a court-ordered deposition.

4. Because Appellant cannot appear pro se in the trial court, and cannot find representation even at full hourly rates, his previously filed Motion To Stay Pending Appeal in the lower court is moot. It appears the stay must be decided by this Court.

5. Appellant apologies to this Court for his lapse of memory. It is an ongoing problem as described by Dr. Huffer in her letter of October 28, 2010, "...Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice..." (Exhibit 8, Appellant's Verified Emergency Motion To Stay Pending Appeal, Motion For Order Of Protection, And Motion For Extension Of Time.

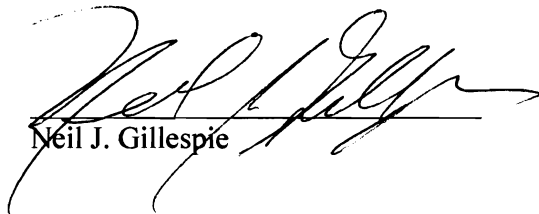
RESPECTFULLY SUBMITTED April 25, 2011.



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

Certificate of Service

I certify that a copy hereof has been furnished to Ryan Christopher Rodems,
Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida
33602 by mail on April 25, 2011.



Neil J. Gillespie

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

NEIL J. GILLESPIE,
Plaintiff,

CASE ID: 05-CA-7205

v.

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and
WILLIAM J. COOK,
Defendants.

DIVISION: G

ORDER PROHIBITING PLAINTIFF FROM APPEARING PRO SE

THIS MATTER is before the Court on Defendants' "motion for an order to show cause as to why Plaintiff should not be prohibited from henceforth appearing *pro se*," filed on July 29, 2010. It is alleged that Plaintiff is an abusive litigant who should not be permitted to file further pleadings in this cause unless they are first reviewed and signed by an attorney licensed to practice law in this state. Defendants allege that Plaintiff's prosecution is an affront to the dignity of the judicial system and an unacceptable burden on its resources. On November 4, 2010, this court issued the order to show cause why Plaintiff should not be prohibited from appearing *pro se*.

Among Plaintiff's response were his fourth and fifth attempts to disqualify this court. This response is typical of Plaintiff's litigation style. And his continuing course of conduct in this case is all the more troublesome because this case is presently pending appellate review of a final summary judgment order. There is nothing left to litigate at this time. Yet Plaintiff continues to file spurious pleadings with this court, each of which must be reviewed and evaluated by members of the court staff. For these reasons and the reasons enumerated in the motion, the Court hereby finds that Plaintiff is an abusive litigant and, in order to preserve both the dignity and the efficient operation of the judicial system, his right to full access to the court should be curtailed to the extent described in this order. Plaintiff is hereby **PROHIBITED** from filing any paper with this court which is not signed by an attorney duly licensed to practice law in the State of Florida.

The Court therefore **ORDERS** as follows:

1. Plaintiff **SHALL CEASE** filing any pleading, correspondence, or other document in this case unless the document is signed by an attorney who is duly licensed to practice law in the State of Florida.
2. The Clerk of Court **SHALL REJECT** for filing any document received from Plaintiff which does not bear the clear and conspicuous signature of an attorney duly licensed to practice law in this state.
3. The Clerk of Court **SHALL NOT DOCKET** any pleading, correspondence or other document received from Plaintiff which is prohibited by this order.

DONE AND ORDERED in Chambers in Hillsborough County, Florida, this 15th day of November, 2010.

ORIGINAL SIGNED

NOV 15 2010

MARTHA J. COOK, Circuit Judge

MARTHA J COOK
CIRCUIT JUDGE

Send copies to:

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

Ryan Christopher Rodems, Esquire
Attorney for Defendant
400 N Ashley Drive
Suite 2100
Tampa, FL 33602

Holland & Knight

100 North Tampa Street, Suite 4100 | Tampa, FL 33602 | T 813.227.8500 | F 813.229.0134
Holland & Knight LLP | www.hklaw.com

Bradford D. Kimbro
813.227.6660
brad.kimbrow@hklaw.com

November 4, 2010

VIA FEDERAL EXPRESS

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

Re: Declined Representation

Dear Mr. Gillespie:

Enclosed is your letter of November 3, 2010, which was addressed to me as Executive Partner of the Tampa Bay Region. I have not read the letter, which was screened (but not studied) by my legal assistant. Also enclosed are the various pleadings and CDs received with your letter.


This is to notify you that Holland & Knight LLP will not represent you with respect to the items in your November 3rd letter.

If you choose to pursue your matter with another lawyer, you should act promptly to do so. There may be important deadlines involved in preserving or asserting your rights.

We have not obtained or reviewed any information from or about you or the matter that is confidential.

Sincerely yours,

HOLLAND & KNIGHT LLP



Bradford D. Kimbro

Enclosures

**Signed in Mr. Kimbro's
absence to avoid delay.**

Atlanta | Bethesda | Boston | Chicago | Fort Lauderdale | Jacksonville | Lakeland | Los Angeles | Miami | New York
Northern Virginia | Orlando | Portland | San Francisco | Tallahassee | Tampa | Washington, D.C. | West Palm Beach
Abu Dhabi | Beijing | Caracas* | Mexico City | Tel Aviv*

* Representative Office



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

NEIL J. GILLESPIE,

Plaintiff,

CASE NO.: 05-CA-7205

vs.

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; WILLIAM
J. COOK,

DIVISION: J

Defendants.

PLAINTIFF'S MOTION TO DISQUALIFY JUDGE ARNOLD

1. Plaintiff pro se Gillespie moves to disqualify Circuit Court Judge James D. Arnold as trial judge in this action pursuant to chapter 38 Florida Statutes, Rule 2.330, Florida Rules of Judicial Administration, and the Code of Judicial Conduct.
2. Canon 3E(1) provides that a judge has an affirmative duty to enter an order of disqualification in any proceeding "in which the judge's impartiality might reasonably be questioned." The object of this provision of the Code is to ensure the right to fair trials and hearings, and to promote confidence in a fair and independent judiciary by avoiding even the appearance of partiality.
3. On April 26, 2011 Plaintiff telephoned Judy D. Williams, the Judicial Assistant for Judge Arnold at (813) 272-6991 to discuss an improperly set hearing by opposing counsel Ryan C. Rodems. Ms. Williams would not speak with Plaintiff and hung up on a pretext that the phone

call was recorded¹.

4. In question is Defendants' Evidentiary Hearing set for hearing May 3, 2011 at 11:30 AM on "Defendants' Verified Motion for An Order to Show Cause Why Plaintiff Should Not Be Held In Contempt of Court and Writ of Bodily Attachment Should Not Be Issued." The hearing was set without coordinating the date and time with Plaintiff. This is an ongoing problem with Mr. Rodems, his contumacious disregard for rules, regulations, law, and statutes in this case due to his unlawful representation of his law firm against Plaintiff, a former client, in a matter that is the same or substantially the same as the prior representation. The problems in this case are due to Mr. Rodems' unlawful behavior toward a former client as set forth in the Affidavit of Neil J. Gillespie of April 25, 2011.

5. Previously this matter was scheduled for hearing January 26, 2011, also without coordinating the date and time. In relation to that improperly set hearing Plaintiff called Ms. Williams January 14, 2011 who informed him that Mr. Rodems is "required to clear the hearing time" with Plaintiff. Ms. Williams instructed Plaintiff to send Mr. Rodems a letter about the matter. Plaintiff told Ms. Williams that hearing concerned the "Order Adjudging Plaintiff Neil J. Gillespie in Contempt" entered September 30, 2010 and currently on appeal in Case No. 2D10-5197. Ms. Williams confirmed this online during the call with Plaintiff. Ms. Williams told Plaintiff that the hearing would not take place because Judge Arnold was on medical leave and did not want the covering senior judge to hear the motion.

6. Mr. Rodems had, in fact, already canceled the hearing January 12, 2011.

¹ All calls on plaintiff's home office business telephone extension are recorded for quality assurance purposes pursuant to the business use exemption of Florida Statutes chapter 934, section 934.02(4Xa)(1) and the holding of *Royal Health Care Servs., Inc. v. Jefferson-Pilot Life Ins. Co.*, 924 F.2d 215 (11th Cir. 1991), See Plaintiff's Notice of Telephone Hearing filed December 30, 2009.

7. Plaintiff followed Ms. Williams' instruction relative to the improperly hearing set for May 3, 2011 at 11:30AM, wrote Mr. Rodems April 16, 2011 and requested he cancel the hearing. Plaintiff also filed a Notice of Unavailability for the duration of Case No. 2D10-5197, a final appeal of "Order Adjudging Plaintiff Neil J. Gillespie in Contempt" and "Final Summary Judgment As to Count 1". Mr. Rodems did not respond to Plaintiff's letter, Notice of Unavailability, or cancel the hearing.

8. Plaintiff separately wrote Judge Arnold April 16, 2011 and provided him copies of his letter to Mr. Rodems and Plaintiff's Notice of Unavailability. Plaintiff also requested "Should Mr. Rodems fail to cancel the hearing, I request the Court cancel it sua sponte." Judge Arnold did not respond to Plaintiff or cancel the hearing.

9. Pursuant to Fla. R. App. P., Rule 9.600(b), the jurisdiction of the lower tribunal has been divested by an appeal from a final order, making any further hearings improper in the lower tribunal unless the appellate court by order permits the lower tribunal to proceed with specifically stated matters during the pendency of the appeal. Therefore Defendants' Evidentiary Hearing is unlawful because "Order Adjudging Plaintiff Neil J. Gillespie in Contempt" is part of a final appeal in Case No. 2D10-5197.

10. Plaintiff is a person with a disability who needs accommodation in order to participate in any proceeding in the Thirteenth Judicial Circuit, including depositions. Plaintiff so notified the ADA Coordinator, 800 E. Twiggs Street, Room 604 Tampa, FL 33602 on February 19, 2010. Court Counsel David Rowland notified Plaintiff by letter July 9, 2010 that it refused his ADA accommodation request. Accordingly Plaintiff filed a federal ADA/Civil Rights lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida, et al., case no.: 5:10cv-00503, US District Court, Middle District of Florida, Ocala Division, September 28, 2010. Rule 3, FRCP, Commencement

of Action, a civil action is commenced by filing a complaint with the court.

Disclosure under Rule 2.330(c)(4), Fla.R.Jud.Admin

11. Pursuant to Rule 2.330(c)(4), a motion to disqualify shall include the dates of all previously granted motions to disqualify filed under this rule in the case and the dates of the orders granting those motions. The case is in its 6th year. The case is on its 5th trial judge. There have been 4 appeals to the 2dDCA and a Petition for Writ of Prohibition to remove Judge Cook. The problems in this case are due to Mr. Rodems unprofessional behavior. Rodems' independent professional judgment is materially limited by his own interest and conflict, as further described in paragraph 4, and numerous pleadings such as Emergency Motion to Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, PA filed July 9, 2010, Plaintiff's First Amended Complaint filed May 5, 2010, and Affidavit of Neil J. Gillespie of April 25, 2011.

a. Judge Richard A. Neilsen recused sua sponte November 22, 2006.

b. Judge Claudia Isom Rickert recused sua sponte February 13, 2007.


c. Judge James M. Barton was disqualified May 24, 2010.

c. Petition for Writ of Prohibition was filed November 18, 2010 to remove Judge Martha Cook and she recused sua sponte the same day.

12. Because of the forgoing Plaintiff fears he cannot receive a fair hearing before Judge Arnold. Given the totality of the prejudice against Plaintiff cited above, should Judge Arnold fail to disqualify himself, that itself would either be dishonest and proof that Plaintiff could not receive a fair hearing, or show that Judge Arnold is not of sound judgment and therefore unfit to preside. While Ms. Williams told Plaintiff that Judge Arnold was on medical leave in January 2011, she did not specify why Judge Arnold was disabled or the extent of his disability.

WHEREFORE, the undersigned movant certifies that the motion and the movant's statements are made in good faith.

Submitted and Sworn to May 2, 2011.


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

STATE OF FLORIDA
COUNTY OF MARION

BEFORE ME, the undersigned authority authorized to take oaths and acknowledgments in the State of Florida, appeared NEIL J. GILLESPIE, personally known to me, or produced identification, 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.

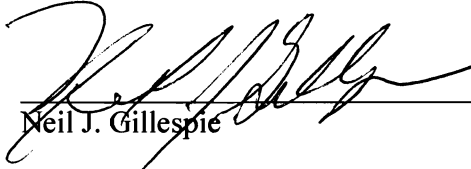
WITNESS my hand and official seal May 2, 2011.




Notary Public, State of Florida

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was faxed and mailed May 2, 2011 to Ryan Christopher Rodems, Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602.


Neil J. Gillespie

Fax

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

To: Circuit Court Judge James D. Arnold

Fax: (813) 276-2725

Date: May 2, 2011

Pages: six (6), including this page

Re: Motion to Disqualify Judge Arnold

NOTE: This fax and the accompanying information is privileged and confidential and is intended only for use by the above addressee. If you are not the intended recipient, you are hereby notified that any use, dissemination or copying of this fax and the accompanying communications is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone, collect if necessary, and return the original message to me at the above address via U.S. mail. Thank you for your cooperation.

All calls on home office business telephone extension (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).

Fax

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

To: Mr. Ryan C. Rodems, Barker, Rodems & Cook, PA

Fax: (813) 489-1008

Date: May 2, 2011

Pages: six (6), including this page

Re: Motion to Disqualify Judge Arnold

NOTE: This fax and the accompanying information is privileged and confidential and is intended only for use by the above addressee. If you are not the intended recipient, you are hereby notified that any use, dissemination or copying of this fax and the accompanying communications is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone, collect if necessary, and return the original message to me at the above address via U.S. mail. Thank you for your cooperation.

All calls on home office business telephone extension (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).

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT

NEIL J. GILLESPIE

Plaintiff/Petitioner,

Case No.: _____
Related Appeal: 2D10-5197
Lower Court Case No. 05-CA-007205

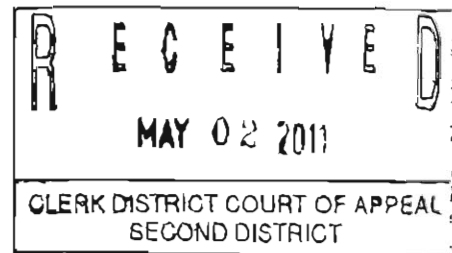
vs.

BARKER, RODEMS & COOK, PA
a Florida Corporation; and WILLIAM J. COOK,

CIRCUIT COURT JUDGE JAMES D. ARNOLD,

THIRTEENTH JUDICIAL CIRCUIT, FLORIDA,

Defendants/Respondent.



VERIFIED EMERGENCY PETITION FOR WRIT OF PROHIBITION

MOTION FOR CHANGE OF VENUE

Neil J. Gillespie ("Gillespie") Petitions the Second District Court of Appeal for an Emergency Writ of Prohibition to remove CIRCUIT COURT JUDGE JAMES D. ARNOLD as trial court judge, and to remove the THIRTEENTH JUDICIAL CIRCUIT, FLORIDA, as venue and jurisdiction in Lower Court Case No. 05-CA-007205, and motion for a Change of Venue, and states:

Verified Emergency Petition For Writ of Prohibition, Judge James D. Arnold

I. The "Order Prohibiting Plaintiff From Appearing Pro Se" was issued in the lower tribunal September 15, 2010 by Judge Cook. (Exhibit A). On its face the Order is a sham because Judge Cook issued the Order before the time expired to respond. Judge Cook's

“Order to Show Cause Why Plaintiff Should Not Be Prohibited From Appearing Pro Se” was issued November 4, 2010 (Exhibit B) and mandates:

It is therefore **ORDERED** that Plaintiff **SHALL RESPOND** to the motion, in writing, within twenty days of the date of this order and **SHOW CAUSE**, if any, why the Clerk of Court should not be instructed to reject for filing any future pleadings, petitions, motions or other documents which he submits for filing unless they are signed by a member of The Florida Bar.

The twenty day time period to respond would have run through November 24, 2010 plus an additional 5 days for service by mail, or November 29, 2010. “Order Prohibiting Plaintiff From Appearing Pro Se” was issued in the lower tribunal September 15, 2010 thereby denying Gillespie nine (9) days to respond.

2. The “Order Prohibiting Plaintiff From Appearing Pro Se” (Exhibit A) states this case is presently pending appellate review of a final summary judgment order and “There is nothing left to litigate at this time.” Yet Mr. Rodems continues to file spurious pleadings in the trial court, each of which must be reviewed and evaluated by Gillespie, members of the lower court staff, and now this Court.

3. On April 25, 2011 Gillespie served upon this Court Appellant’s Verified Emergency Motion To Stay Pending Appeal, Motion For Order Of Protection, And Motion For Extension Of Time because opposing counsel Ryan Christopher Rodems is seeking Gillespie’s incarceration that will disrupt the appellate process. This Court granted Gillespie’s motion for leave to file an amended initial brief, to be served within 30 days, which is May 8, 2011. Mr. Rodems’ evidentiary hearing set for May 3, 2011 in the lower tribunal on “Order Adjudging Plaintiff Neil J. Gillespie In Contempt” is

seeking Gillespie's incarceration on a Writ of Bodily Attachment that will deny Gillespie time to file the brief in contempt of this Court's Order.

4. Pursuant to Fla. R. App. P., Rule 9.600(b), the jurisdiction of the lower tribunal has been divested by an appeal from a final order, making any further hearings improper in the lower tribunal unless the appellate court by order permits the lower tribunal to proceed with specifically stated matters during the pendency of the appeal. Therefore Defendants' Evidentiary Hearing is unlawful because "Order Adjudging Plaintiff Neil J. Gillespie in Contempt" is part of a final order appeal in Case No. 2D10-5197.

5. Mr. Rodems unilaterally set for hearing without coordinating the time and date with Gillespie, an Evidentiary Hearing on the "Order Adjudging Plaintiff Neil J. Gillespie In Contempt" (currently on appeal in 2D10-5197) for May 3, 2011 at 11:30AM.

6. Gillespie filed a Notice of Unavailability in the lower court that he is unavailable during the time set by this Court, and the Florida Rules of Appellate Procedure, to file his amended initial brief, and reply brief, and requested that no appointments, mediations, conferences, hearings, depositions, depositions duces tecum, or other legal proceedings be scheduled during that time, or prior to June 20, 2011.

7. Gillespie requested Mr. Rodems cancel the improperly set Evidentiary Hearing by letter. Mr. Rodems has not responded or canceled the hearing.

8. Gillespie informed the Honorable James D. Arnold of the foregoing by letter. Judge Arnold has not responded or canceled the hearing.

9. Gillespie filed a Motion To Stay Pending Appeal in the lower court. Mr. Rodems moved to strike on the basis that Gillespie cannot appear pro se and must have all pleadings signed by a member of the Florida Bar. (Exhibit C).

10. Because of the forgoing Gillespie fears he cannot have a fair hearing before Judge Arnold and moved to disqualify the Judge May 2, 2011. (Exhibit D). However since Gillespie cannot appear pro se, and is unable to have his pleadings signed by a member of the Florida Bar, this Court is his last resort.

Verified Emergency Petition For Writ of Prohibition, Thirteenth Judicial Circuit, Florida

Petitioner Gillespie Faces Risk To His Life And Health

11. Dr. Karin Huffer is Gillespie's disability advocate and wrote "...Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates." (October 28, 2010). Dr. Huffer's letter is attached as Exhibit E.

Introduction

12. Petitioner sued his former lawyers Barker, Rodems & Cook, PA for defrauding him of \$6,224.78 in prior representation. Barker, Rodems & Cook, PA is unlawfully representing itself against a former client on matter that is substantially the same as the prior representation¹. The case is in its 6th year. The case is on its 5th trial judge. There have been 4 appeals to the 2dDCA and a previous Petition for Writ of Prohibition to remove Judge Martha J Cook, who recused sua sponte the same day. Petitioner was represented by counsel, Robert W. Bauer of Gainesville, but he dropped the case when it became too difficult. Attorney Seldon J. Childers subsequently reviewed the case for Petitioner and determined Barker, Rodems & Cook actually defrauded him of \$7,143, not \$6,224.78 claimed in the original pro se complaint. Petitioner filed Plaintiff's First

Amended Complaint May 5, 2010 but the trial court refused to consider even one amended complaint. This case shows that the Thirteenth Judicial Circuit obstructed justice to help Barker, Rodems & Cook avoid paying Gillespie \$7,143 lawfully owed him. Therefore Gillespie brought a federal Civil Rights and ADA lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida, et al., case no.: 5:10-cv-00503, US District Court, Middle District of Florida, Ocala Division, September 28, 2010.

Court Counsel David A. Rowland - Behind The Scene Control of Judges, ADA

13. Court Counsel David A. Rowland has been preemptively defending the Thirteenth Judicial Circuit against Petitioner's lawsuit formally announced July 12, 2010 in the notice of claim made under section 768.28(6)(a) Florida Statutes but first raised in Gillespie's letter to Mr. Rowland of January 4, 2010 requesting information about section 768.28(6)(a) Florida Statutes. Mr. Rowland is controlling the judges in this case from behind the scene since at least January 4, 2010.

14. On July 9, 2010 Mr. Rowland seized control of Petitioner's ADA accommodation request from Gonzalo B. Casares, the Court's ADA Coordinator, and issued his own letter denying the request. Likewise there is evidence that Mr. Rowland controlled Judge Cook in this case from behind the scene.

15. On July 22, 2010 at 12:24 PM Gillespie spoke by phone with Mr. Rowland about his letter of July 9, 2010 denying Gillespie's ADA request. Gillespie and Mr. Rowland discussed the notice of claim made under section 768.28(6)(a) Florida Statutes. They also discussed Mr. Rodems' representation of his firm and Gillespie's emergency motion to disqualify Rodems pending before Judge Cook. Mr. Rowland expresses surprise when

¹ See Emergency Motion To Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker,

Gillespie informed him that the motion, filed July 9th, was still pending. Later that day Judge Cook denied the motion without a hearing. Judge Cook's Order was filed with the Clerk July 22, 2010 at 3.17 PM according to the Clerk's time stamp on the Order.

16. Gillespie believes the timing of events is not circumstantial, and that following the aforementioned phone call Mr. Rowland instructed Judge Cook to deny Gillespie's emergency motion to disqualify Rodems pending before her. The Order itself is unlawful, *see* Affidavit of Neil J. Gillespie, October 28, 2010, *Judge Martha J. Cook falsified an official court record, and unlawfully denied Gillespie due process on the disqualification of Ryan Christopher Rodems as counsel*, filed November 1, 2010.

Thirteenth Judicial Circuit's Unlawful Conduct So Extreme Gillespie Can't Retain Counsel

17. The Thirteenth Judicial Circuit's unlawful conduct toward Gillespie is so extreme as to discourage counsel from representing him. Small firms and sole proprietors do not want to represent Gillespie and cite full caseloads as an excuse. But even Tampa's premiere 'Big Law' firm Holland & Knight would not represent Gillespie for a court-ordered deposition at its full hourly rate. The Thirteenth Judicial Circuit's departure from the rule of law offends public policy when litigants cannot obtain counsel lest they incur the court's wrath. The Thirteenth Judicial Circuit has denied Gillespie the basic requirements of justice, fairness and equality that we should all expect from our courts. The Thirteenth Judicial Circuit's behavior is immoral, unethical, oppressive, unscrupulous and substantially injurious to Gillespie. Bradford D. Kimbro, Holland & Knight's Executive Partner of the Tampa Bay Region, declined to represent Gillespie. Mr. Kimbro wrote "I have not read the letter, which was screened (but not studied) by my legal assistant... This

is to notify you that Holland & Knight LLP will not represent you...”. This is one of many firms who declined representation.

Major James Livingston, Commander Court Operations Division,
Hillsborough County Sheriff’s Office (HCSO)

18. Major James Livingston provided Gillespie a letter January 12, 2011 that impeached Judge Cook’s “Order Adjudging Plaintiff Neil J. Gillespie In Contempt” issued September 30, 2010. See Appellant’s Verified Emergency Motion To Stay Pending Appeal, Motion For Order Of Protection, And Motion For Extension Of Time.

19. On April 20, 2011 Gillespie requested Major Livingston prosecute violations under chapter 825, Florida Statutes, Abuse, Neglect, and Exploitation of Elderly Persons and Disabled Adults. Major Livingston responded today, May 2, 2011 by email “You are under a misunderstanding concerning my official role at the Courthouse - my primary responsibility is to ensure the safety and security of the Courthouse Complex facilities, its occupants, and members of the public who are visiting or conducting business here. Any investigation of Judge Cook will have to be done by another investigative entity.”

Disability Discrimination by HCSO, Thirteenth Judicial Circuit

20. The St. Petersburg Times reported February 13, 2008 about quadriplegic Brian Sterner who was dumped out of a wheelchair and onto a jail floor by HCSO Deputy Charlette Marshall-Jones. The Sheriff’s Office video shows Deputy Marshall-Jones dumping Sterner from his wheelchair like cargo from a wheelbarrow, pushing up the handles as he fell to the ground. The other deputies in the video do not intervene. One walked away smiling. A CNN video about the incident is posted on YouTube at http://www.youtube.com/watch?v=huRYZAJ8wzA&feature=player_embedded

21. HCSO Deputy Marshall-Jones dumped quadriplegic Brian Sterner out of a wheelchair and onto a jail floor because she believed Mr. Sterner was faking disability. In this case Judge Cook accused Gillespie in open court September 28, 2010 of feigning illness. (Transcript, page 3). Opposing counsel Mr. Rodems routinely accuses Gillespie of feigning illness or disability, even though his firm previously represented Gillespie on disability matters. Dr. Huffer noted this in her letter of October 28, 2010 (Exhibit E):

“As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.”

Dr. Huffer is correct but for one detail, in the Thirteenth Judicial Circuit they dump paraplegics out of their wheelchair and accuse them of faking disability.

Gillespie Marked

Retaliation Against Gillespie by the Thirteenth Judicial Circuit, Florida

22. As a result of Gillespie’s accusations of wrongdoing against the Thirteenth Judicial Circuit, he finds himself in a position not unlike Judge Gregory P. Holder who during 2001 and 2002 cooperated with the FBI in the courthouse corruption investigation. According to testimony by Detective Bartoszak, the courthouse corruption investigation team was concerned that Judge Holder’s activities were being monitored by targets of the

investigation. Judge Holder was advised by federal law enforcement agents to carry a weapon, and he was provided with a secure cell phone to communicate with the authorities. [Bartoszak Tr. pp. 7-8, at App. 3.]. Detective Bartoszak testified that because of Judge Holder's cooperation, the investigation's targets had motive and resources to seek retribution against him. [Id. at pp. 7-8] Indeed, these targets faced not just loss of position but potential incarceration. [Id.]. At this time Gillespie fear retribution from judges, employees, and third party supporters of the Thirteenth Judicial Circuit as a result of his accusations of wrongdoing.

23. The Florida Judicial Qualifications Commission (JQC) also retaliated against Judge Holder. The JQC filed Notice of Formal Charges against Judge Holder July 18, 2003 alleging Judge Holder plagiarized 10 pages of a 21 page research report to the Faculty of the Air War College Directorate of Nonresident Studies, Air University, titled "An Analysis of the Anglo-American Combined Bomber Offensive in Europe During World War II, 1942-45." At the time Judge Holder held the rank of Lieutenant Colonel, United States Air Force Reserve. Like Gillespie, Judge Holder was accused of faking, in his case plagiarizing a research paper; Gillespie is accused of feigning disability.

24. During the trial, Judge Holder presented compelling evidence that the purported Holder paper was fabricated to retaliate against him for participating in the courthouse corruption investigation. [Bartoszak Tr. pp. 7, 12-13, at App. 3.] On June 23, 2005, the Hearing Panel of the JQC voted unanimously to dismiss the charges against Judge Holder. [Order of Dismissal, at App. 4.] Research indicates that this is the first trial defense verdict against the JQC in almost twenty years. The JCQ commenced two bogus, retaliatory inquires against Judge Holder:

a. Inquiry Concerning a Judge No. 01-303, Supreme Court Case Number: SC02-33

b. Inquiry Concerning a Judge No. 02-487, Supreme Court Case Number: SC03-1171

25. Judge Holder fought back and was awarded \$70,000 by the Florida Supreme Court for successfully defending an unsuccessful JQC Inquiry. On September 15, 2009 the Supreme Court of Florida, Case No. SC03-1171, ordered entry of judgment for Judge Gregory P. Holder for recovery of costs from the Judicial Qualifications Commission in the amount of \$70,000 for successfully defending Inquiry No. 02-487. Judge Holder's actual expenses were \$1,779,691.81 in legal fees, and cost of \$140,870.79.

Jurisdiction - Petition For Writ of Prohibition

26. A party may seek review of an order denying a motion for disqualification by filing a petition for writ of prohibition in the appellate court. In this case Gillespie is prohibited from filing a motion to disqualify. See Wal-Mart Stores, Inc. v. Carter, 768 So. 2d 21 (Fla. 1st DCA 2000); Carrow v. The Florida Bar, 848 So. 2d 1283 (Fla. 2d DCA 2003); Castro v. Luce, 650 So. 2d 1067 (Fla. 2d DCA 1995); Aberdeen Property Owners Ass'n, Inc. v. Bristol Lakes Homeowners Ass'n, Inc., 8 So. 3d 469 (Fla. 4th DCA 2009); J & J Towing, Inc. v. Stokes, 789 So. 2d 1196 (Fla. 4th DCA 2001); Cardinal v. Wendy's of South Florida, Inc., 529 So. 2d 335 (Fla. 4th DCA 1988); Hayslip v. Douglas, 400 So. 2d 553 (Fla. 4th DCA 1981).

27. The Thirteenth Judicial Circuit is a defendant in a federal Civil Rights and ADA lawsuit, Gillespie v. Thirteenth Judicial Circuit et al., Case No. 5:10-cv-503-oc-WTH-DAB, US District Court, MD Florida, Ocala Division. Judges have intentionally inflicted severe emotional distress on Gillespie. Judge Cook in particular misused and denied Gillespie of judicial process under the color as described in the following affidavits:

Affidavit of Neil J. Gillespie, October 28, 2010, Judge Martha J. Cook, falsified record of Gillespie's panic attack; ADA

Affidavit of Neil J. Gillespie, October 28, 2010, Judge Martha J. Cook falsified an official court record, and unlawfully denied Gillespie due process on the disqualification of Ryan Christopher Rodems as counsel

Affidavit of Neil J. Gillespie, October 28, 2010, Judge Martha J. Cook ordered Gillespie removed from the hearing of September 28, 2010, and accused Gillespie in open court of feigning illness; ADA

Affidavit of Neil J. Gillespie, November 1, 2010, Judge Martha J. Cook ordered Gillespie removed from the hearing on Defendants' Final Summary Judgment Count I, proceeded without Gillespie, granted SJ for Defendants on TILA fees previously denied with prejudice and by three different federal courts

Affidavit of Neil J. Gillespie, November 1, 2010, Judge Martha J. Cook ordered Gillespie removed from the hearing on Defendants' Motion for an Order of Contempt and Writ of Bodily Attachment, then falsified the Order stating Gillespie voluntarily left the hearing and did not return

Affidavit of Neil J. Gillespie, April 25, 2011, letter of Major Livingston impeaches Judge Cook's "Order Adjudging Neil J. Gillespie in Contempt"

Standard On Disqualification

28. The basic principles underlying the procedure for disqualification are the same as those expressed in the Code of Judicial Conduct. Canon 3E(1) provides that a judge has an affirmative duty to enter an order of disqualification in any proceeding "in which the judge's impartiality might reasonably be questioned." The object of this provision of the Code is to ensure the right to fair trials and hearings, and to promote confidence in a fair and independent judiciary by avoiding even the appearance of partiality.

29. The central question in every motion for disqualification is whether the moving party has cause to believe that he or she will be treated unfairly. While it may be true that the judge could treat the litigant fairly in spite of the alleged facts, that is immaterial to the motion. As the supreme court explained "the question of disqualification focuses on

those matters from which a litigant may reasonably question a judge's impartiality rather than the judge's perception of his ability to act fairly and impartially.” Livingston v. State, 441 So. 2d 1083, 1086 (Fla. 1983).

30. The standard in determining legal sufficiency is whether a reasonable person would fear that he or she could not get a fair trial with the present judge under the circumstances outlined in the motion. See Department of Agriculture and Consumer Services v. Broward County, 810 So. 2d 1056 (Fla. 1st DCA 2002); Jimenez v. Ratine, 954 So. 2d 706 (Fla. 2d DCA 2007); Jarp v. Jarp, 919 So. 2d 614 (Fla. 3d DCA 2006); Deakter v. Menendez, 830 So. 2d 124, 49 U.C.C. Rep. Serv. 2d 849 (Fla. 3d DCA 2002); Baez v. Koelemij, 960 So. 2d 918 (Fla. 4th DCA 2007); Winburn v. Earl's Well Drilling & Pump Service, 939 So. 2d 199 (Fla. 5th DCA 2006).

31. Rule 2.330(d) defines the general grounds for disqualification and identifies several specific grounds. As previously noted, the legal procedure for disqualification is intended to serve the same general goals as the Code of Judicial Conduct. A judge is obligated by the Code of Judicial Conduct to enter an order of disqualification in any of these circumstances even if a party has not filed a motion for disqualification. It follows that a motion for disqualification is legally sufficient if it alleges any of these matters listed in Canon 3E(1).

32. A motion for disqualification can be based on the actions of the trial judge as well as the statements made by the judge. Improper conduct on the part of the judge may serve as a ground for disqualification if that conduct could prejudice the rights of a party to the case. Conflict arising from an association between the trial judge and a litigant may serve as a ground for disqualification depending on the circumstances of the case. So too, a

personal conflict that develops during the course of a proceeding may support a motion for disqualification. There are a number of Florida cases involving a trial judge's comments about a litigant. The appellate courts have generally sustained a request for disqualification if the trial judge has expressed a general opinion on the character or credibility of the litigant. A judge who renders an opinion on the character or credibility of a litigant should ordinarily be disqualified. See Brown v. St. George Island, Ltd., 561 So. 2d 253 (Fla. 1990); De-Metro v. Barad, 576 So. 2d 1353 (Fla. 3d DCA 1991).

33. Ordinarily the fact that a party has filed a civil lawsuit against the judge is not a legally sufficient basis for disqualification. May v. South Florida Water Management Dist., 866 So. 2d 205 (Fla. 4th DCA 2004). But May and similar cases do not apply in the instant case. In this case Court Counsel David A. Rowland began preemptively defending the Thirteenth Judicial Circuit against Petitioner's lawsuit formally announced July 12, 2010 in the notice of claim made under section 768.28(6)(a) Florida Statutes, but first raised in Gillespie's letter to Mr. Rowland of January 4, 2010 requesting information about section 768.28(6)(a) Florida Statutes. (Exhibit 2). Mr. Rowland is controlling the judges in this case from behind the scene since at least January 4, 2010.

34. Successive Motions. A judge may evaluate the facts alleged in a motion for disqualification if the moving party had previously disqualified another judge. Rodriguez Diaz v. Abate, 598 So. 2d 197 (Fla. 3d DCA 1992). A second motion by a party is reviewable under the stricter "legal sufficiency" standard. In Fogan v. Fogan, 706 So. 2d 382 (Fla. 4th DCA 1998), the court reversed an order by a successor judge denying a motion for disqualification because the record showed that the judge could not be impartial. In this case the record is clear that the Thirteenth Judicial Circuit can not be

impartial. The basic tenet for disqualification of a judge is that justice must satisfy appearance of justice, and this tenet must be followed even if record is lacking of any actual bias or prejudice on judge's part, and even though this stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh scales of justice equally between contending parties. Kielbania v. Jasberg 744 So.2d 1027. Florida courts hold that when trial judge leaves realm of civility and directs base vernacular towards attorney or litigant in open court, there is sufficient grounds to require disqualification. Olszewska v. Ferro 590 So.2d 11. In this case the court accused Gillespie in open court of feigning illness at a prior hearing. Tampa Fire Rescue treated Gillespie immediately following the prior hearing and produced a record supporting Gillespie's claim of illness. The Court left the realm of civility and directed base vernacular toward Gillespie when it made a gratuitous, unsupported claim of feigning illness. "A judge should be patient, dignified and courteous to litigants, ... lawyers, and others with whom he deals in his official capacity...." Fla. Bar Code Jud. Conduct, Canon 3(A)(3) (1991). When a trial judge leaves the realm of civility and directs base vernacular towards an attorney or litigant in open court, there are sufficient grounds to require disqualification. See, e.g., Lamendola v. Grossman, 439 So.2d 960 (Fla. 3d DCA 1983); Brown v. Rowe, 96 Fla. 289, 118 So. 9 (1928) (once a basis for disqualification has been established, prohibition is both appropriate and necessary). It is a fundamental right that every litigant is entitled to nothing less than the cold neutrality of an impartial judge, and it is the duty of a judge to scrupulously guard this right and refrain from attempting to exercise jurisdiction in any matter where his qualification to do so is seriously brought in question. Crosby v. State, 97 So.2d 181. Judge not only must be free of evil intent but he

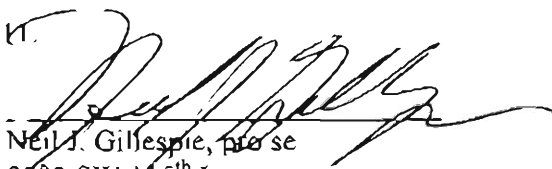
must also avoid appearance of evil. It is party's right to have judge free from any obvious source of possible unconscious bias. Aetna Life & Cas. Co. v. Thom, 319 So.2d 82.

Motion for Change of Venue to Marion County, Florida

35. Because of the foregoing Gillespie cannot have a fair hearing in the Thirteenth Judicial Circuit and moves for a change of venue to Marion County, Florida, where he resides. In the alternative Gillespie moves to consolidate this case with the federal lawsuit Gillespie v. Thirteenth Judicial Circuit et al., Case No. 5:10-cv-503-oc-WTH-DAB, US District Court, MD Florida, Ocala Division.

WHEREFORE, Gillespie pro se demands Writ of Prohibition to remove Circuit Court Judge James D. Arnold as trial judge in the lower tribunal, and to remove the THIRTEENTH JUDICIAL CIRCUIT, FLORIDA, as venue and jurisdiction in Lower Court Case No. 05-CA-007205, and change Venue to Marion County, Florida or the federal lawsuit Gillespie v. Thirteenth Judicial Circuit et al., Case No. 5:10-cv-503-oc-WTH-DAB, US District Court, MD Florida, Ocala Division.

RESPECTFULLY SUBMITTED May 2, 2011.


Neil J. Gillespie, pro se
8092 SW 15th Loop
Ocala, Florida 34481
Telephone: (352) 854-7807

VERIFICATION

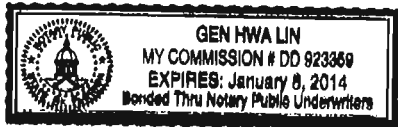
I, Neil J. Gillespie, under penalty of perjury, swear that the facts alleged in herein are true and accurate, and I swear that the documents attached hereto are true and correct copies.

DATED May 2, 2011.


NEIL J. GILLESPIE

STATE OF FLORIDA
COUNTY OF MARION

Sworn to (or affirmed) and subscribed before me May 2, 2011, by Neil J. Gillespie, who personally known to me or presented identification.




Notary Public, State of Florida

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed May 2, 2011 to
Ryan Christopher Rodems, Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite
2100, Tampa, Florida 33602.

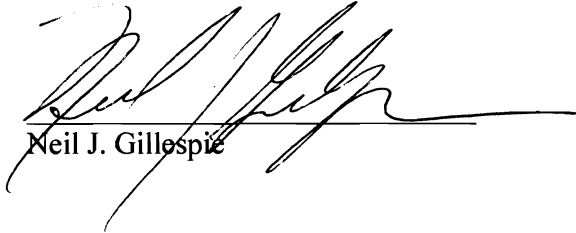

Neil J. Gillespie

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed May 2, 2011 to the following:

The Honorable James D. Arnold
Circuit Court Judge
Circuit Civil Division "J"
800 E. Twiggs Street, Room 514
Tampa, Florida 33602

David A. Rowland, Court Counsel
Administrative Offices Of The Courts
Thirteenth Judicial Circuit Of Florida
Legal Department
800 E. Twiggs Street, Suite 603
Tampa, Florida 33602


Neil J. Gillespie

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

NEIL J. GILLESPIE,
Plaintiff,

CASE ID: 05-CA-7205

v.

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and
WILLIAM J. COOK,
Defendants.

DIVISION: G

ORDER PROHIBITING PLAINTIFF FROM APPEARING PRO SE

THIS MATTER is before the Court on Defendants' "motion for an order to show cause as to why Plaintiff should not be prohibited from henceforth appearing *pro se*," filed on July 29, 2010. It is alleged that Plaintiff is an abusive litigant who should not be permitted to file further pleadings in this cause unless they are first reviewed and signed by an attorney licensed to practice law in this state. Defendants allege that Plaintiff's prosecution is an affront to the dignity of the judicial system and an unacceptable burden on its resources. On November 4, 2010, this court issued the order to show cause why Plaintiff should not be prohibited from appearing *pro se*.

Among Plaintiff's response were his fourth and fifth attempts to disqualify this court. This response is typical of Plaintiff's litigation style. And his continuing course of conduct in this case is all the more troublesome because this case is presently pending appellate review of a final summary judgment order. There is nothing left to litigate at this time. Yet Plaintiff continues to file spurious pleadings with this court, each of which must be reviewed and evaluated by members of the court staff. For these reasons and the reasons enumerated in the motion, the Court hereby finds that Plaintiff is an abusive litigant and, in order to preserve both the dignity and the efficient operation of the judicial system, his right to full access to the court should be curtailed to the extent described in this order. Plaintiff is hereby **PROHIBITED** from filing any paper with this court which is not signed by an attorney duly licensed to practice law in the State of Florida.

The Court therefore **ORDERS** as follows:

1. Plaintiff **SHALL CEASE** filing any pleading, correspondence, or other document in this case unless the document is signed by an attorney who is duly licensed to practice law in the State of Florida.
2. The Clerk of Court **SHALL REJECT** for filing any document received from Plaintiff which does not bear the clear and conspicuous signature of an attorney duly licensed to practice law in this state.
3. The Clerk of Court **SHALL NOT DOCKET** any pleading, correspondence or other document received from Plaintiff which is prohibited by this order.

DONE AND ORDERED in Chambers in Hillsborough County, Florida, this 15th day of November, 2010.

ORIGINAL SIGNED

NOV 15 2010

MARTHA J. COOK, Circuit Judge

MARTHA J COOK
CIRCUIT JUDGE

Send copies to:

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

Ryan Christopher Rodems, Esquire
Attorney for Defendant
400 N Ashley Drive
Suite 2100
Tampa, FL 33602

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

**NEIL J. GILLESPIE,
Plaintiff,**

CASE ID: 05-CA-7205

v.

**BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and
WILLIAM J. COOK,
Defendants.**

_____ /

DIVISION: G

**ORDER TO SHOW CAUSE WHY PLAINTIFF
SHOULD NOT BE PROHIBITED FROM APPEARING PRO SE**

THIS MATTER is before the Court on Defendants’ “motion for an order to show cause as to why Plaintiff should not be prohibited from henceforth appearing *pro se*,” filed on July 29, 2010. It is alleged that Plaintiff is an abusive litigant who should not be permitted to file further pleadings in this cause unless they are first reviewed and signed by an attorney licensed to practice law in this state. The catalogue of Plaintiff’s disruptive conduct is extensive.

The court is ever mindful of the constitutional right each citizen enjoys to access the courts of this state for the redress of their grievances.¹ The court is equally mindful that this is a right shared by all of this state’s citizens. Without each court’s attention to the efficient administration of justice and without each litigant’s exercise of decorum, discretion and competence in the pursuit of their claims, the right of all to access the courts becomes, in application, one which is exercised only by the litigant whose voice is loudest and whose presence is most disruptive. This the constitution does not require. The constitution grants no particular individual the right to waste those judicial resources which are vouchsafed to us all equally – judicial resources are scarce and they must be allocated prudently so that all citizens may benefit from them. And so there are standards, both of competence and of decency, which each litigant is expected to meet in the pursuit of justice. The *pro se* litigant is held to the same standard of competency as an

¹ See Article I, s. 21, Florida Constitution.

attorney.² And he must adhere to the rules of court and of civil procedure as would any member of the Bar.³ There is no reason to hold the *pro se* litigant to a lesser standard of decency. So we may justly look to the rules of professional conduct as well as to our common notions of decorum to find what conduct is required of every litigant. The motion alleges many facts which contradict these ideals. An abusive litigant will not be tolerated to handicap the judicial function upon which all citizens depend.⁴

It is therefore **ORDERED** that Plaintiff **SHALL RESPOND** to the motion, in writing, within twenty days of the date of this order and **SHOW CAUSE**, if any, why the Clerk of Court should not be instructed to reject for filing any future pleadings, petitions, motions or other documents which he submits for filing unless they are signed by a member of The Florida Bar. Failure to file a timely response to the motion may result in its being granted.

DONE AND ORDERED in Chambers in Hillsborough County, Florida, this ____ day of November, 2010.

ORIGINAL SIGNED
NOV 16 2010
MARTHA J. COOK, Circuit Judge
MARTHA J. COOK
CIRCUIT JUDGE

Send copies to:

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

Ryan Christopher Rodems, Esquire
Attorney for Defendant
400 N Ashley Drive
Suite 2100
Tampa, FL 33602

² See *Kohn v. City of Miami Beach*, 611 So. 2d 538, 539-40 (Fla. 3d DCA 1993).

³ See *Carr v. Grace*, 321 So. 2d 618 (Fla. 3d DCA 1975), *cert. denied*, 348 So. 2d 945 (Fla. 1977).

⁴ See e.g. *Day v. State*, 903 So. 2d 886, 888 (Fla. 2005); *Platel v. Maguire, Voorhies & Wells, P.A.*, 436 So. 2d 303, 304 (Fla. 5th DCA 1983).

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

NEIL J. GILLESPIE,

Plaintiff,

vs.

Case No.: 05-CA-007205

Division: J

**BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and WILLIAM
J. COOK,**

Defendants.

_____ /

DEFENDANTS' MOTION TO STRIKE PRO SE FILINGS BY PLAINTIFF

Defendants Barker, Rodems & Cook, P.A. and William J. Cook move to strike all pro se filings by Plaintiff Neil J. Gillespie on or after November 15, 2010, and as grounds therefor would state:

1. On November 15, 2010, this Court entered the Order Prohibiting Plaintiff from Appearing Pro Se (November 15, 2010 Order), which Plaintiff did not appeal. A true and correct copy of the November 15, 2010 Order is attached hereto.

2. In the November 15, 2010 Order, the Court found "that Plaintiff is an abusive litigant and, in order to preserve both the dignity and the efficient operation of the judicial system . . . Plaintiff is hereby **PROHIBITED** from filing any paper with this court which is not signed by an attorney duly licensed to practice law in the State of Florida." (Emphasis in original).

3. The November 15, 2010 Order also directed the Clerk to reject any filings from Plaintiff and to not docket any filings from Plaintiff.

4. In contumacious disregard of the November 15, 2010 Order, Plaintiff continues to file documents without the signature of an attorney duly licensed to practice in the State of Florida.

WHEREFORE, Defendants move to strike Plaintiffs' filings on or after November 15, 2010 that are not signed by an attorney duly licensed to practice in the State of Florida.

DATED this 26th day of April, 2011.



RYAN CHRISTOPHER RODEMS, ESQUIRE

Florida Bar No. 947652

Barker, Rodems & Cook, P.A.

400 North Ashley Drive, Suite 2100

Tampa, Florida 33602

Telephone: 813/489-1001

Facsimile: 813/489-1008

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail to Neil J. Gillespie, 8092 SW 115th Loop, Ocala Florida 34481 this 26th day of April, 2011.



Ryan Christopher Rodems, Esquire

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

NEIL J. GILLESPIE,
Plaintiff,

CASE ID: 05-CA-7205

v.

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; and
WILLIAM J. COOK,
Defendants.

DIVISION: G

ORDER PROHIBITING PLAINTIFF FROM APPEARING PRO SE

THIS MATTER is before the Court on Defendants' "motion for an order to show cause as to why Plaintiff should not be prohibited from henceforth appearing *pro se*," filed on July 29, 2010. It is alleged that Plaintiff is an abusive litigant who should not be permitted to file further pleadings in this cause unless they are first reviewed and signed by an attorney licensed to practice law in this state. Defendants allege that Plaintiff's prosecution is an affront to the dignity of the judicial system and an unacceptable burden on its resources. On November 4, 2010, this court issued the order to show cause why Plaintiff should not be prohibited from appearing *pro se*.

Among Plaintiff's response were his fourth and fifth attempts to disqualify this court. This response is typical of Plaintiff's litigation style. And his continuing course of conduct in this case is all the more troublesome because this case is presently pending appellate review of a final summary judgment order. There is nothing left to litigate at this time. Yet Plaintiff continues to file spurious pleadings with this court, each of which must be reviewed and evaluated by members of the court staff. For these reasons and the reasons enumerated in the motion, the Court hereby finds that Plaintiff is an abusive litigant and, in order to preserve both the dignity and the efficient operation of the judicial system, his right to full access to the court should be curtailed to the extent described in this order. Plaintiff is hereby **PROHIBITED** from filing any paper with this court which is not signed by an attorney duly licensed to practice law in the State of Florida.

The Court therefore **ORDERS** as follows:

1. Plaintiff **SHALL CEASE** filing any pleading, correspondence, or other document in this case unless the document is signed by an attorney who is duly licensed to practice law in the State of Florida.
2. The Clerk of Court **SHALL REJECT** for filing any document received from Plaintiff which does not bear the clear and conspicuous signature of an attorney duly licensed to practice law in this state.
3. The Clerk of Court **SHALL NOT DOCKET** any pleading, correspondence or other document received from Plaintiff which is prohibited by this order.

DONE AND ORDERED in Chambers in Hillsborough County, Florida, this 15th day of November, 2010.

ORIGINAL SIGNED

NOV 15 2010

MARTHA J. COOK
CIRCUIT JUDGE

MARTHA J. COOK, Circuit Judge

Send copies to:

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

Ryan Christopher Rodems, Esquire
Attorney for Defendant
400 N Ashley Drive
Suite 2100
Tampa, FL 33602

COPY

BARKER, RODEMS & COOK

PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

CHRIS A. BARKER
RYAN CHRISTOPHER RODEMS
WILLIAM J. COOK

400 North Ashley Drive, Suite 2100
Tampa, Florida 33602

Telephone 813/489-1001
Facsimile 813/489-1008

April 26, 2011

The Honorable James D. Arnold
Circuit Court Judge
Circuit Civil, Division "J"
800 E. Twiggs Street, Room 514
Tampa, Florida 33602

**Re: Neil J. Gillespie v. Barker, Rodems & Cook, P.A.,
a Florida Corporation; and William J. Cook
Case No.: 05-CA-7205; Division "J"**

Dear Judge Arnold:

Enclosed please find a courtesy copy of Defendants' Motion to Strike Pro Se Filings by Plaintiff which was filed on even date in the above-referenced matter. By Order of this Court entered November 15, 2010, Mr. Gillespie is prohibited from filing any documents pro se.

Thank you for your time and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "RCR", followed by a stylized signature that appears to be "Rodems".

Ryan Christopher Rodems

RCR/so
Enclosure
cc: Neil J. Gillespie (w/encl)

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

NEIL J. GILLESPIE,

Plaintiff,

CASE NO.: 05-CA-7205

vs.

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; WILLIAM
J. COOK,

DIVISION: J

Defendants.

PLAINTIFF'S MOTION TO DISQUALIFY JUDGE ARNOLD

1. Plaintiff pro se Gillespie moves to disqualify Circuit Court Judge James D. Arnold as trial judge in this action pursuant to chapter 38 Florida Statutes, Rule 2.330, Florida Rules of Judicial Administration, and the Code of Judicial Conduct.
2. Canon 3E(1) provides that a judge has an affirmative duty to enter an order of disqualification in any proceeding "in which the judge's impartiality might reasonably be questioned." The object of this provision of the Code is to ensure the right to fair trials and hearings, and to promote confidence in a fair and independent judiciary by avoiding even the appearance of partiality.
3. On April 26, 2011 Plaintiff telephoned Judy D. Williams, the Judicial Assistant for Judge Arnold at (813) 272-6991 to discuss an improperly set hearing by opposing counsel Ryan C. Rodems. Ms. Williams would not speak with Plaintiff and hung up on a pretext that the phone

call was recorded¹.

4. In question is Defendants' Evidentiary Hearing set for hearing May 3, 2011 at 11:30 AM on "Defendants' Verified Motion for An Order to Show Cause Why Plaintiff Should Not Be Held In Contempt of Court and Writ of Bodily Attachment Should Not Be Issued." The hearing was set without coordinating the date and time with Plaintiff. This is an ongoing problem with Mr. Rodems, his contumacious disregard for rules, regulations, law, and statutes in this case due to his unlawful representation of his law firm against Plaintiff, a former client, in a matter that is the same or substantially the same as the prior representation. The problems in this case are due to Mr. Rodems' unlawful behavior toward a former client as set forth in the Affidavit of Neil J. Gillespie of April 25, 2011.

5. Previously this matter was scheduled for hearing January 26, 2011, also without coordinating the date and time. In relation to that improperly set hearing Plaintiff called Ms. Williams January 14, 2011 who informed him that Mr. Rodems is "required to clear the hearing time" with Plaintiff. Ms. Williams instructed Plaintiff to send Mr. Rodems a letter about the matter. Plaintiff told Ms. Williams that hearing concerned the "Order Adjudging Plaintiff Neil J. Gillespie in Contempt" entered September 30, 2010 and currently on appeal in Case No. 2D10-5197. Ms. Williams confirmed this online during the call with Plaintiff. Ms. Williams told Plaintiff that the hearing would not take place because Judge Arnold was on medical leave and did not want the covering senior judge to hear the motion.

6. Mr. Rodems had, in fact, already canceled the hearing January 12, 2011.

¹ All calls on plaintiff's home office business telephone extension are recorded for quality assurance purposes pursuant to the business use exemption of Florida Statutes chapter 934, section 934.02(4Xa)(1) and the holding of *Royal Health Care Servs., Inc. v. Jefferson-Pilot Life Ins. Co.*, 924 F.2d 215 (11th Cir. 1991), See Plaintiff's Notice of Telephone Hearing filed December 30, 2009.

7. Plaintiff followed Ms. Williams' instruction relative to the improperly hearing set for May 3, 2011 at 11:30AM, wrote Mr. Rodems April 16, 2011 and requested he cancel the hearing. Plaintiff also filed a Notice of Unavailability for the duration of Case No. 2D10-5197, a final appeal of "Order Adjudging Plaintiff Neil J. Gillespie in Contempt" and "Final Summary Judgment As to Count 1". Mr. Rodems did not respond to Plaintiff's letter, Notice of Unavailability, or cancel the hearing.

8. Plaintiff separately wrote Judge Arnold April 16, 2011 and provided him copies of his letter to Mr. Rodems and Plaintiff's Notice of Unavailability. Plaintiff also requested "Should Mr. Rodems fail to cancel the hearing, I request the Court cancel it sua sponte." Judge Arnold did not respond to Plaintiff or cancel the hearing.

9. Pursuant to Fla. R. App. P., Rule 9.600(b), the jurisdiction of the lower tribunal has been divested by an appeal from a final order, making any further hearings improper in the lower tribunal unless the appellate court by order permits the lower tribunal to proceed with specifically stated matters during the pendency of the appeal. Therefore Defendants' Evidentiary Hearing is unlawful because "Order Adjudging Plaintiff Neil J. Gillespie in Contempt" is part of a final appeal in Case No. 2D10-5197.

10. Plaintiff is a person with a disability who needs accommodation in order to participate in any proceeding in the Thirteenth Judicial Circuit, including depositions. Plaintiff so notified the ADA Coordinator, 800 E. Twiggs Street, Room 604 Tampa, FL 33602 on February 19, 2010. Court Counsel David Rowland notified Plaintiff by letter July 9, 2010 that it refused his ADA accommodation request. Accordingly Plaintiff filed a federal ADA/Civil Rights lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida, et al., case no.: 5:10cv-00503, US District Court, Middle District of Florida, Ocala Division, September 28, 2010. Rule 3, FRCP, Commencement

of Action, a civil action is commenced by filing a complaint with the court.

Disclosure under Rule 2.330(c)(4), Fla.R.Jud.Admin

11. Pursuant to Rule 2.330(c)(4), a motion to disqualify shall include the dates of all previously granted motions to disqualify filed under this rule in the case and the dates of the orders granting those motions. The case is in its 6th year. The case is on its 5th trial judge. There have been 4 appeals to the 2dDCA and a Petition for Writ of Prohibition to remove Judge Cook. The problems in this case are due to Mr. Rodems unprofessional behavior. Rodems' independent professional judgment is materially limited by his own interest and conflict, as further described in paragraph 4, and numerous pleadings such as Emergency Motion to Disqualify Defendants' Counsel Ryan Christopher Rodems & Barker, Rodems & Cook, PA filed July 9, 2010, Plaintiff's First Amended Complaint filed May 5, 2010, and Affidavit of Neil J. Gillespie of April 25, 2011.

a. Judge Richard A. Neilsen recused sua sponte November 22, 2006.

b. Judge Claudia Isom Rickert recused sua sponte February 13, 2007.


c. Judge James M. Barton was disqualified May 24, 2010.

c. Petition for Writ of Prohibition was filed November 18, 2010 to remove Judge Martha Cook and she recused sua sponte the same day.

12. Because of the forgoing Plaintiff fears he cannot receive a fair hearing before Judge Arnold. Given the totality of the prejudice against Plaintiff cited above, should Judge Arnold fail to disqualify himself, that itself would either be dishonest and proof that Plaintiff could not receive a fair hearing, or show that Judge Arnold is not of sound judgment and therefore unfit to preside. While Ms. Williams told Plaintiff that Judge Arnold was on medical leave in January 2011, she did not specify why Judge Arnold was disabled or the extent of his disability.

WHEREFORE, the undersigned movant certifies that the motion and the movant's statements are made in good faith.

Submitted and Sworn to May 2, 2011.


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

STATE OF FLORIDA
COUNTY OF MARION

BEFORE ME, the undersigned authority authorized to take oaths and acknowledgments in the State of Florida, appeared NEIL J. GILLESPIE, personally known to me, or produced identification, 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.

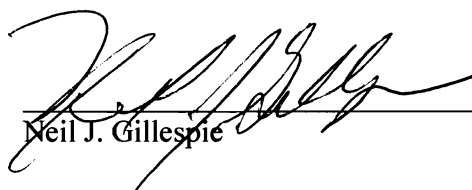
WITNESS my hand and official seal May 2, 2011.




Notary Public, State of Florida

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was faxed and mailed May 2, 2011 to Ryan Christopher Rodems, Barker, Rodems & Cook, PA, 400 North Ashley Drive, Suite 2100, Tampa, Florida 33602.


Neil J. Gillespie

DR. KARIN HUFFER

Licensed Marriage and Family Therapist #NV0082
ADAAA Titles II and III Specialist
Counseling and Forensic Psychology
3236 Mountain Spring Rd. Las Vegas, NV 89146
702-528-9588 www.lvaallc.com

October 28, 2010

To Whom It May Concern:

I created the first request for reasonable ADA Accommodations for Neil Gillespie. The document was properly and timely filed. As his ADA advocate, it appeared that his right to accommodations offsetting his functional impairments were in tact and he was being afforded full and equal access to the Court. Ever since this time, Mr. Gillespie has been subjected to ongoing denial of his accommodations and exploitation of his disabilities

As the litigation has proceeded, Mr. Gillespie is routinely denied participatory and testimonial access to the court. He is discriminated against in the most brutal ways possible. He is ridiculed by the opposition, accused of malingering by the Judge and now, with no accommodations approved or in place, Mr. Gillespie is threatened with arrest if he does not succumb to a deposition. This is like threatening to arrest a paraplegic if he does not show up at a deposition leaving his wheelchair behind. This is precedent setting in my experience. I intend to ask for DOJ guidance on this matter.

While my work is as a disinterested third party in terms of the legal particulars of a case, I am charged with assuring that the client has equal access to the court physically, psychologically, and emotionally. Critical to each case is that the disabled litigant is able to communicate and concentrate on equal footing to present and participate in their cases and protect themselves.

Unfortunately, there are cases that, due to the newness of the ADAAA, lack of training of judicial personnel, and entrenched patterns of litigating without being mandated to accommodate the disabled, that persons with disabilities become underserved and are too often ignored or summarily dismissed. Power differential becomes an abusive and oppressive issue between a person with disabilities and the opposition and/or court personnel. The litigant with disabilities progressively cannot overcome the stigma and bureaucratic barriers. Decisions are made by medically unqualified personnel causing them to be reckless in the endangering of the health and well being of the client. This creates a severe justice gap that prevents the ADAAA from being effectively applied. In our adversarial system, the situation can devolve into a war of attrition. For an unrepresented litigant with a disability to have a team of lawyers as adversaries, the demand of litigation exceeds the unrepresented, disabled litigant's ability to maintain health while pursuing justice in our courts. Neil Gillespie's case is one of those. At this juncture the harm to Neil Gillespie's health, economic situation, and general diminishment of him in terms of his legal case cannot be overestimated and this bell

cannot be unrung. He is left with permanent secondary wounds.

Additionally, Neil Gillespie faces risk to his life and health and exhaustion of the ability to continue to pursue justice with the failure of the ADA Administrative Offices to respond effectively to the request for accommodations per Federal and Florida mandates. It seems that the ADA Administrative offices that I have appealed to ignore his requests for reasonable accommodations, including a response in writing. It is against my medical advice for Neil Gillespie to continue the traditional legal path without properly being accommodated. It would be like sending a vulnerable human being into a field of bullies to sort out a legal problem.

I am accustomed to working nationally with courts of law as a public service. I agree that our courts must adhere to strict rules. However, they must be flexible when it comes to ADAAA Accommodations preserving the mandates of this federal law Under Title II of the ADA. While public entities are not required to create new programs that provide heretofore unprovided services to assist disabled persons. (Townsend v. Quasim (9th Cir. 2003) 328 F.3d 511, 518) they are bound under ADAAA as a ministerial/administrative duty to approve any reasonable accommodation even in cases merely regarded as having a disability with no formal diagnosis.

The United States Department of Justice Technical Assistance Manual adopted by Florida also provides instructive guidance: "The ADA provides for equality of opportunity, but does not guarantee equality of results. The foundation of many of the specific requirements in the Department's regulations is the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services. (U.S. Dept. of Justice, Title II, *Technical Assistance Manual* (1993) § II-3.3000.) A successful ADA claim does not require excruciating details as to how the plaintiff's capabilities have been affected by the impairment, even at the summary judgment stage. *Gillen v. Fallon Ambulance Serv., Inc.*, 283 F.3d. My organization follows these guidelines maintaining a firm, focused and limited stance for equality of participatory and testimonial access. That is what has been denied Neil Gillespie.

The record of his ADAAA accommodations requests clearly shows that his well-documented disabilities are now becoming more stress-related and marked by depression and other serious symptoms that affect what he can do and how he can do it particularly under stress. Purposeful exacerbation of his symptoms and the resulting harm is, without a doubt, a strategy of attrition mixed with incompetence at the ADA Administrative level of these courts. I am prepared to stand by that statement as an observer for more than two years.