

STATE OF FLORIDA
OFFICE OF FINANCIAL REGULATION

IN RE:

Application to Merge Community
Bank & Co., Lakewood Ranch, Florida
With First Community Bank of America,
Pinellas Park, Florida

Admin. File No. 0828-FI-03/11

NOTICE OF WITHDRAWAL OF PETITION FOR PUBLIC HEARING

1. Petitioner Neil J. Gillespie hereby gives Notice of Withdrawal of Petition for Public Hearing. Pursuant to Fla. Admin. Code r. 69U-105.104(4), the petitioner(s) may withdraw its petition for public hearing at any time by filing a notice of withdrawal on the record. Withdrawal of all petitions filed shall nullify the need for a public hearing.
2. Petitioner withdraws this Petition because he has been threatened with incarceration by Circuit Judge Martha J. Cook in her *Order Adjudging Neil J. Gillespie In Contempt*. Judge Cook is part owner of Community Bank & Co. ("bank"). The litigation is described in the Petition, paragraph 26. The Order is currently on appeal, Case No. 2D10-5197, Second District Court of Appeal, and Petitioner's Initial Brief is due May 8, 2011. Even so, an Evidentiary Hearing has been scheduled for May 3, 2011 at 11:30 AM. Petitioner was served Notice of the Evidentiary Hearing April 5, 2011 by Ryan Christopher Rodems, a campaign contributor to Judge Cook and opposing counsel in litigation with Barker, Rodems & Cook, PA. Petitioner must take time to promptly defend against the threat of incarceration on a Writ of Bodily Attachment.
3. Petitioner has been threatened with legal action by Wymoo International for publication on his website, the Justice Network at <http://YouSue.org/>, a background check dated September

5, 2008 obtained by the Office of Financial Regulation (OFR) relative to Mr. Lima's application for certificate of approval to acquire a controlling interest in Judge Cook's bank. The document at issue was provided to Petitioner by OFR as a public record at a cost to Petitioner of \$58.60. OFR did not impose restrictions on Petitioner's use or publication of the document. Because the document is a public record, and of interest to the public, Petitioner believes he has a right to publish freely. A copy of the April 13, 2011 email from John Harper of Wymoo International accompanies this notice as Exhibit 1.

4. Petitioner also withdraws his Petition because it appears from the Findings of Fact in the Order Granting Petition for Public Hearing and Denying Motion for Designation of Neil Gillespie as Party that OFR Commissioner J. Thomas Cardwell is using his office to benefit the special interests of Circuit Judge Martha J. Cook, Judge Cook's bank, and well-connected law firms who appear before Judge Cook, over the interests of the citizens of Florida. The merger is a foregone conclusion. Petitioner notes the following:

a. OFR's Findings of Fact signed by Commissioner Cardwell contains significant errors and omissions, and was written to mislead the public about the numerous conflicts in this proposed merger. According to the most recent FDIC call report, last updated January 17, 2011, Judge Cook's bank suffered a loss of \$1.314 million for the quarter ending December 31, 2010. In 2009 Judge Cook's bank lost \$9.3 million and was placed under Consent Order with the FDIC (FDIC-09-569b) and OFR (OFR 0692-FI-10/09). Even so, when Judge Cook sold 694 shares of stock in her bank, Judge Cook received \$6.50 a share, the highest price for any stock transactions listed on the application for certificate of approval to acquire a controlling interest in a bank by Mr. Lima. One shareholder inexplicably received only \$4.75 a share August 19, 2008, while the

remaining three shareholders received \$6.37 per share the same day. This resulted in a loss of \$4,114.80 to the unlucky shareholder. OFR has shown no concern for this shareholder's loss.

b. Prior to joining OFR in 2009, Commissioner Cardwell, a practicing attorney, was Chairman and CEO of Akerman Senterfitt a 500 attorney firm based in Florida, and head of the firm's Financial Institutions practice. Akerman Senterfitt has offices in Tampa, Florida within walking distance of Judge Cook's courtroom in the Thirteenth Judicial Circuit. Akerman Senterfitt lawyers appear in cases in the Thirteenth Circuit and likely before Judge Cook. This merger will create the appearance of impropriety if not actual conflict.

c. Judge Cook's bank is represented by Charles L. Stutts of Holland & Knight, an international law firm with more than 1,000 lawyers in 17 U.S. offices. Other offices around the world are located in Abu Dhabi, UAE, Beijing, China, and Mexico City, Mexico. Holland & Knight was created in 1968 in Tampa, Florida. Prior to becoming a judge, Martha J. Cook was a partner at Holland & Knight. According to Mr. Stutts online extended biography at Holland & Knight, Mr. Stutts served as former general counsel to the Florida Comptroller's Office and the Department of Banking and Finance. (Exhibit 2)

“Charles L. Stutts practices in the firm's Business Law Department, with an emphasis on securities and banking law. As former general counsel to the Florida Comptroller's Office and the Department of Banking and Finance, he helped develop the agency's policies on banking, mortgage lending and securities regulation. Mr. Stutts also directed the agency's securities enforcement efforts and coordinated prosecutions under Florida's "antifraud" provisions with its federal counterparts including the U.S. Securities and Exchange Commission and Commodity Futures Trading Commission. He also helped draft revisions to Florida's banking laws in 1988 and 1989, and served on the Comptroller's Task Force on Banking Sunset. He was a registered lobbyist for the Comptroller and testified on his behalf before the Florida Legislature and the U.S. Congress.” (relevant portion)

Holland & Knight has offices in Tampa, Florida within walking distance of Judge Cook's courtroom in the Thirteenth Judicial Circuit. Holland & Knight lawyers appear in cases in the Thirteenth Circuit and likely before Judge Cook. This merger will create the appearance of impropriety if not actual conflict.

5. Mr. Stutts of Holland & Knight previously contacted Petitioner relative to the litigation described in paragraph 26 of the Petition, civil litigation against Petitioner's former lawyers who defrauded him in prior litigation. Mr. Stutts wrote Petitioner February 13, 2007 about a proposed deposition, and made an indisputable observation: "This former action is, of course, at the heart of your pending action against Barker, Rodems & Cook, P.A.". (Exhibit 3). Petitioner concurs with Mr. Stutts, and has argued this fact unsuccessfully since April 25, 2006 to disqualify Mr. Rodems as counsel on the basis that an attorney and/or law firm cannot lawfully represent itself against claims brought against them by a former client for their former representation of the former client in a matter which is the same or substantially related to the former representation. Judge Cook is the most recent judge not to see this obvious conflict that Petitioner and Mr. Stutts agree upon. This conflict is the reason why this case is currently in its sixth year of litigation.

6. Petitioner wrote to Bradford Kimbro, Executive Partner of Holland & Knight on November 3, 2010 to hire Holland & Knight for the limited purpose of representing him at a deposition ordered by Judge Cook. (Exhibit 4). Mr. Kimbro declined representation in a letter to Petitioner dated November 4, 2010. (Exhibit 5). Mr. Kimbro claims he made the decision to decline representation without reading Petitioner's letter addressed to him. Petitioner believes this goes to the reputation of Judge Cook as a judge who does not decide matters based upon facts or the rule of law, but on the basis of personal bias, prejudice or whim.

7. The Petition, Statement In Opposition, paragraph 9b. states:

“Community Bank & Company is still loosing money. The bank lost \$9.3 million in 2009. The bank lost \$1.4 million in 2010. Merging one money-losing bank with another money-losing bank is folly given the deteriorating economic conditions in the bank’s market. In addition, a number of the bank’s Board of Directors are gone, contrary to earlier statements to OFR that the Board and management would not change.”

OFR’s Findings of Fact, paragraph 7, state “Since the approval of the change of control, prevailing economic conditions have inhibited the bank's ability to reach desired levels of profitability and capitalization.” However the economic conditions in Florida and the country continue to decline thereby undermining the success of the merger.

8. United States Congressman Allan West of the 22nd District of Florida predicted “Financial Armageddon” April 8, 2011 while appearing on CNN with John King. White House press secretary Jay Carney warned April 11, 2011 that "the consequences of not raising the debt ceiling would be Armageddon-like in terms of the economy." The federal government narrowly escaped shutdown April 8, 2011. Many economic and other indicators point to a worsening economy, undercutting any business plan that relies on improving market conditions. The local real estate market is in chaos, and the Florida courts are dysfunctional in resolving mortgage foreclosure cases. Rising inflation on food and gasoline undermine consumer spending and confidence. Shopping mall occupancy rates are at an all-time low. Oil and commodity prices are moving to record highs. Analysts claim the stock market is overbought, artificially inflated by Federal Reserve quantitative easing. Central banks have been flooding the market with cheap money, but now interest rates are poised to rise. Given the \$14 trillion national debt, any rise in interest rates will be disastrous. Failure to raise the debt ceiling would cause the US to default on

its debt. This could trigger a world wide economic collapse. State governments are in turmoil. Florida Governor Scott and the Florida legislature have moved to reform Florida's broken courts only to face push back from the same constituencies that are to blame for the situation: lawyers, judges and the Florida Bar. In Washington a number of Republican lawmakers are calling for large cuts to Social Security and the end of Medicare. That would devastate Florida's economy.

9. Given declining economic conditions, Petitioner urges OFR not to approve this risky and speculative merger, but to follow sound financial practices. A prudent practice is to merge a money-losing bank with a larger, stronger, profitable bank. The larger, stronger, profitable bank will be able to absorb the money-losing bank and weather the negative financial trends that have caused 44 Florida banks to close since 2009 at a cost to the FDIC of \$2.2 billion dollars. The current plan to merge one money-losing bank with another money-losing bank is a reckless approach and will likely result in a bigger failure down the road.

10. OFR's Findings of Fact, Paragraph 26 is inaccurate and offensive in its claim that Petitioner amassed a wide range of information about "family members" of Community Bank, its Board of Directors, and officers of the bank. There is nothing in the Petition supporting this defamatory statement. Information in the Petition was limited to persons with current or past positions with the bank. Paragraphs 22 through 25, are also misleading in the assertion that Petitioner as a concerned citizen of the State of Florida, acting independently, believes he has a duty to investigate financial institutions and their regulators pursuant to the Financial Crisis Inquiry Commission report of January 2011. In fact, the record shows Petitioner has been involved collaboratively with lawyers and government officials on this issue for more than ten (10) years. The Petition describes, paragraph 26, Petitioner's role in a \$500,000 settlement benefiting the state of Florida. The litigation was over so-called "payday loans" which are

delayed deposit check cashing schemes that can result in usurious rates of interest for the consumer. Petitioner's former attorney's defrauded him in the settlement of a related case, which resulted in the civil litigation in Hillsborough County, Gillespie v Barker, Rodems & Cook, PA, Case No. 05-CA-007205. Failures in the legal system led to the formation of Petitioner's Justice Network website which is in a formative effort and produces no income. People from around the country contact Petitioner about injustice with Florida's lawyers, judges and the Florida Bar. Petitioner hopes the Justice Network will grow and help people who are survivors of legal abuse.

11. OFR's Findings of Fact fail to find that Petitioner was a customer of the bank. A copy of Petitioner's bank statement dated October 20, 2010 accompanies this Notice as Exhibit 6. The Findings of Fact also make no mention that while Petitioner was a bank customer he was subject to discriminatory treatment, (Petition, paragraph 9e, and 27) and further described in Exhibit 11 to the Petition, Plaintiff's 4th Motion to Disqualify Judge Martha J. Cook.

12. OFR's Findings of Fact, paragraph 27 states "Petitioner's written "Statement in Opposition" appears to focus on the OFR's 2009 approval of the Change in Control application. The objection to the current merger application is primarily based on the earlier action, yet the time for those objections is long passed and statutorily barred from being revisited." In fact, Petitioner is concerned about the current merger application, as set forth in the Petition, beginning paragraph 3:

“3. A copy of the application was belatedly provided to Petitioner by OFR Chief Counsel Josephine Schultz. The application (Exhibit 1) is missing all the financial data; the data fields are blank. The following public financial data is missing:

Schedule II, Pro Forma Combined Balance Sheet

Schedule III, Earnings History and Capital Accounts Changes

Schedule IV, Financial Institution Offices and Fixed Asset Investment

The application is also missing Exhibit A, Agreement of Merger, which is public information. Ms. Schultz failed to respond to Petitioner's request for complete records."

There is also evidence of fraud related to earlier actions. OFR failed to conduct a sufficient background check on Mr. Lima that would have shown massive criminal acts during his tenure at ABN AMRO Bank that were not reported on his application to acquire a controlling interest in the bank as required by law. OFR used Wymoo International, an unlicensed private investigative agency, to do a background check on Mr. Lima. Eleven (11) days later OFR obtained a second background from Owens OnLine for the same inquiry but failed to provide employment history information for Owens OnLine to verify.

13. On April 11, 2011 Securities and Exchange Commission (SEC) Commissioner Luis Aguilar warned of foreign companies with questionable practices who use backdoor methods to access U.S. markets. The operative word is "backdoor methods" to enter a U.S. market. The instant merger brings unresolved issues relative to Mr. Lima's tenure at ABN AMRO Bank in Chicago that coincides with accusations of significant criminal activity by ABN AMRO Bank. On December 19, 2005 a Cease and Desist Order (FRB Dkt. No. 05-035-B-FB) was issued against ABN AMRO Bank, including the Chicago Branch where Mr. Lima worked. ABN AMRO Bank agreed to stop its unlawful money laundering operations which date to 1995 during Mr. Lima's tenure at the bank. The matter was widely reported in the press, including the Wall Street Journal December 20, 2005 "ABN Amro to Pay \$80 Million Fine Over Iran, Libya". This matter was big news worldwide, but Mr. Lima claim he never knew and failed to disclose the information as required by law.

14. May 10, 2010 the Justice Department announced that ABN AMRO Bank agreed to forfeit \$500 million in connection with conspiracy to defraud the United States and with

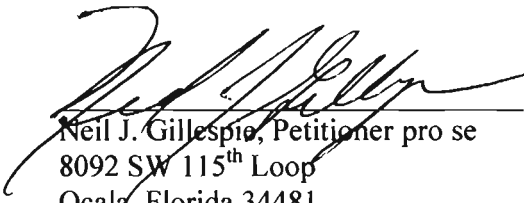
violation of the bank secrecy act. The Information showed that from in or about June 1995 through in or about December 2005, ABN AMRO Bank facilitated unlawful United States Dollar transactions for a number of co-conspirators, both known and unknown to the United States. For the most part, these co-conspirators consisted primarily of banks from Iran, Libya, the Sudan, and Cuba. Count I of the Information charged conspiracy to violate the International Emergency Economic Powers Act (IEEPA) and the Trading With the Enemy Act (TWEA) and to defraud the United States from in or about May 1995 and continuing until in or about December 2007; Count II charged failure to maintain an adequate money laundering program.

15. “Mr. Lima is an international investor with interests in companies located in the United States, Brazil, Mexico, Turkey, Denmark and Russia employing over 6,000 people and generating sales of over \$1 Billion.” (Bank website). Mr. Lima is also a citizen of Brazil, a country that freely trades with sworn enemies of the United States. Brazilian-Cuban relations are classified as excellent. During a January 2008 state visit to Cuba by Brazilian President Lula da Silva, the Brazilian leader expressed desire for his country to be Cuba's "number one partner". CBM Florida Holding Company was established in 2008 to acquire, capitalize and rehabilitate Florida banking institutions. Mr. Lima has poured millions of dollars into Judge Cook's bank. A bank press release dated April 1, 2010 reported an additional \$4.7 million in capital has been received by the bank on top of the \$15 million in capital that closed on December 3, 2009. The Tampa Bay Business Journal reported October 26, 2010 that Community Bank of Manatee said it received \$7 million in new capital but did not identify the source of the investment. The bank's application for merger shows capitalization of \$30.35 million. That amounts to over \$57 million investment, but little information about the source of funds can be found on documents provided by OFR. This could be legitimate funding, or funds from sources otherwise prohibited by US law

16. The Miami Herald reported April 1, 2011 that the Federal Deposit Insurance Corporation (FDIC) has lifted the consent order that the bank has been operating under since November 2009, another event signaling this merger is a foregone conclusion.

WHEREFORE, the undersigned hereby gives NOTICE OF WITHDRAWAL OF PETITION FOR PUBLIC HEARING on the APPLICATION TO MERGE Community Bank & Company and First Community Bank of America.

SUBMITTED this 14th day of April, 2011.



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the NOTICE OF WITHDRAWAL OF PETITION FOR PUBLIC HEARING was served April 14, 2011 by U.S. mail and electronic mail to counsel for the Office of Financial Regulation, Janet Massin Anderson, Assistant General Counsel, Division of Financial Institutions, 200 East Gaines Street, Fletcher Building, Suite 624, Tallahassee, Florida 32399-0371 and massin422@bellsouth.net; Counsel for Community Bank & Co., Charles L. Stutts, Esquire, Holland & Knight, 100 North Tampa Street, Suite 4100, Tampa FL 33602 and charles.stutts@hkllaw.com; and Counsel for Community First Bank of America, Gregory Yadley, Esquire, Shumaker, Loop & Kendrick, 101 East Kennedy Boulevard, Suite 2800, Tampa, Florida 33602 and gyadley@slk-law.com.



Neil J. Gillespie

STATE OF FLORIDA
OFFICE OF FINANCIAL REGULATION

IN RE:

Application to Merge Community
Bank & Co., Lakewood Ranch, Florida
With First Community Bank of America,
Pinellas Park, Florida

Admin. File No. 0828-FI-03/11

NOTICE OF WITHDRAWAL OF PETITION FOR PUBLIC HEARING

AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the NOTICE OF WITHDRAWAL OF PETITION FOR PUBLIC HEARING was served April 14, 2011 by FAX to the Agency Clerk, Mary Howell, (850) 410-9663; and by U.S. mail and electronic mail to counsel for the Office of Financial Regulation, Janet Massin Anderson, Assistant General Counsel, Division of Financial Institutions, 200 East Gaines Street, Fletcher Building, Suite 624, Tallahassee, Florida 32399-0371 and Janet.Anderson@fiofr.com; Counsel for Community Bank & Co., Charles L. Stutts, Esquire, Holland & Knight, 100 North Tampa Street, Suite 4100, Tampa FL 33602 and charles.stutts@hklaw.com; and Counsel for Community First Bank of America, Gregory Yadley, Esquire, Shumaker, Loop & Kendrick, 101 East Kennedy Boulevard, Suite 2800, Tampa, Florida 33602 and gyadley@slk-law.com.


Neil J. Gillespie

=====
PADDOCK STA
4545 SW 60TH AVE
OCALA, FL 34474-4301

04/14/2011 09:00:47 AM
=====

Sales Receipt
Product Description Sale Qty Unit Price Final Price
TALLAHASSEE, FL 32399 Zone-2 First-Class Mail@ Large Envelope 0 lb. 3.90 oz.
Issue Postage:
Total:
\$1.39

Paid by:
DebitCard \$1.39
Account #: XXXXXXXXXXXX1534
Approval #: 037685
Transaction #: 310
23-902300037-99
Receipt #: 068588

APC Transaction #: 7
USPS@ # 116602-9551

Thanks.
It's a pleasure to serve you.

ALL SALES FINAL ON STAMPS AND POSTAGE.
REFUNDS FOR GUARANTEED SERVICES ONLY.

=====
PADDOCK STA
4545 SW 60TH AVE
OCALA, FL 34474-4301

04/14/2011 09:02:34 AM
=====

Sales Receipt
Product Description Sale Qty Unit Price Final Price
TAMPA, FL 33602 Zone-2 First-Class Mail@ Large Envelope 0 lb. 3.80 oz.
Issue Postage:
Total:
\$1.39

Paid by:
DebitCard \$1.39
Account #: XXXXXXXXXXXX1534
Approval #: 095249
Transaction #: 311
23-902300037-99
Receipt #: 068589

APC Transaction #: 8
USPS@ # 116602-9551

Thanks.
It's a pleasure to serve you.

ALL SALES FINAL ON STAMPS AND POSTAGE.
REFUNDS FOR GUARANTEED SERVICES ONLY.

=====
PADDOCK STA
4545 SW 60TH AVE
OCALA, FL 34474-4301

04/14/2011 09:04:15 AM
=====

Sales Receipt
Product Description Sale Qty Unit Price Final Price
TAMPA, FL 33602 Zone-2 First-Class Mail@ Large Envelope 0 lb. 3.90 oz.
Issue Postage:
Total:
\$1.39

Paid by:
DebitCard \$1.39
Account #: XXXXXXXXXXXX1534
Approval #: 032596
Transaction #: 312
23-902300037-99
Receipt #: 068590

APC Transaction #: 9
USPS@ # 116602-9551

Thanks.
It's a pleasure to serve you.

Fax

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

To: AGENCY CLERK - OFR, Mary Howell

OFR - Florida Office of Financial Regulation

Fax: (850) 410-9663

Date: April 14, 2011

Pages: twenty-three (23), including this cover page

Re: Notice of Withdrawal of Petition for Public Hearing

NOTE: all calls on the 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)(I), and the holding of *Royal Health Care Servs., Inc. v. Jefferson-Pilot Life Ins. Co.*, 924 F.2d 215 (11th Cir. 1991).

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.

Neil Gillespie

From: "John Harper" <jharper@wymoo.com>
To: <joseph.matthews@flofr.com>
Cc: <neilgillespie@mfi.net>; <info@YouSue.org>
Sent: Wednesday, April 13, 2011 10:41 AM
Subject: Violation of Client Agreement, Pending Legal Action

Client: Joseph Matthews

Case: 060108
Florida Office of Financial Regulation
921 N. Davis Street, Building B - Suite 225
Jacksonville, FL 32309
joseph.matthews@flofr.com
904-798-5808
904.798.4911

CC:
Florida Office of Financial Regulation
200 E. Gaines Street
Tallahassee, FL 32399-0380
850 410-9805

CC:
Owner: Neil Gillespie
Website in Violation: YOUSUE.ORG
8092 SW 115th Loop
Ocala, FL 34481
Telephone: (352) 854-7807
Email: neilgillespie@mfi.net
Domain ID:D158897620-LROR
Domain Name:YOUSUE.ORG
Created On:16-Apr-2010 17:46:56 UTC
Last Updated On:29-Jul-2010 01:47:03 UTC
Expiration Date:16-Apr-2011 17:46:56 UTC
Sponsoring Registrar:1 & 1 Internet AG (R73-LROR)
Registrant ID:SPAG-39875224
Registrant Name:Oneandone Private Registration

CC:
Office of Attorney General
Pam Bondi
State of Florida
The Capitol PL-01
Tallahassee, FL 32399-1050
850-414-3300

URL in Violation: [http://yousue.org/app/download/2088865804/2008,+09-05-08,+Wymoo+International,+Confidential+Investigation+\(Mr.+Lima\).pdf](http://yousue.org/app/download/2088865804/2008,+09-05-08,+Wymoo+International,+Confidential+Investigation+(Mr.+Lima).pdf)



Re: Violation of Client Agreement and Confidentiality / Pending Legal Action

Mr. Joseph Matthews:

On September 5, 2008, we completed a confidential background check investigation on your behalf regarding a subject located in Brazil. The background check was conducted by our field investigator based in Sao Paulo, Brazil, and the findings were sent to you via email in secure PDF format. It has come to our attention that there has been a direct violation of the Client Agreement and Confidentiality Notice which all clients must agree to prior to contracting our services on our Checkout page via a check box, and the Agreement is also stated clearly at the end of the Investigation Report. Furthermore, there are confidentiality notices listed on the cover page, and on the footer of every page within the confidential investigation report. The confidential report in your case has been published on the internet by a Mr. Neil Gillespie of 8092 SW 115th Loop, Ocala, FL 34481.

We kindly ask that you work with us to have this individual remove the confidential report from public view, and respect our Client Agreement and confidential services performed. If the information is not removed within 30 days, we will have no choice but to proceed with legal action against the parties involved, and we will also work with the appropriate government agencies to rectify the matter.

If you have any questions or require additional clarification, please feel free to contact me.

Sincerely,

John Harper

Lead Investigator

Wymoo® International

Global Background Checks & Investigations

(US) 561-244-9464

www.wymoo.com

Wymoo® International, LLC

4320 Deerwood Lake Pkwy

Suite 514

Jacksonville, FL 32216

United States

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Holland & Knight

Charles L. "Charlie" Stutts

Partner



PRACTICES

Banking and Finance
Public Companies and Securities
Data Privacy and Security
Corporate
Financial Services

EDUCATION

Stetson University
College of Law, J.D.
University of South Florida, B.A., *with honors*, Finance

BAR ADMISSIONS

Florida

Tampa

t: 813-227-6466

e: charles.stutts@hkllaw.com

Charles L. Stutts practices in the firm's Business Law Department, with an emphasis on securities and banking law. As former general counsel to the Florida Comptroller's Office and the Department of Banking and Finance, he helped develop the agency's policies on banking, mortgage lending and securities regulation. Mr. Stutts also directed the agency's securities enforcement efforts and coordinated prosecutions under Florida's "antifraud" provisions with its federal counterparts including the U.S. Securities and Exchange Commission and Commodity Futures Trading Commission. He also helped draft revisions to Florida's banking laws in 1988 and 1989, and served on the Comptroller's Task Force on Banking Sunset. He was a registered lobbyist for the Comptroller and testified on his behalf before the Florida Legislature and the U.S. Congress.

Since joining Holland & Knight in 1989, Mr. Stutts has devoted a substantial portion of his practice to matters involving the federal and state supervision and regulation of banks, trust companies, securities broker-dealers and investment advisers. He has participated in civil and criminal proceedings in which the applicability of the banking, trust and securities laws has been at issue, and offered opinion testimony concerning the compliance of individuals and corporations with these laws. Mr. Stutts also has served as equity receiver by appointment of the United States District Courts and Florida Circuit Courts in multiple proceedings brought by the U.S. Securities and Exchange Commission, the Commodities Futures Trading Commission, the Federal Trade Commission and the Florida Comptroller's Office. As equity receiver, Mr. Stutts has been responsible for the management and liquidation of a variety of business enterprises, for the pursuit of claims of the receivership estates, and for the evaluation and disposition of claims of creditors. He has been successful in securing the turnover of assets by defendants located in both foreign states and foreign countries, including the Cayman Islands.

A significant amount of Mr. Stutts' work also has focused upon the requirements of state and federal banking laws and regulations, and he currently provides legal representation on behalf of domestic banks and savings associations, international banking corporations and trust companies. In this capacity, he has been responsible for structuring capital enhancement initiatives, branch acquisitions and sales, including a unique "swap" agreement involving multiple branch offices of separate institutions, and the formation of bank holding companies and nonbanking subsidiaries. He also represents troubled banks and thrifts before the regulatory agencies.

PROFESSIONAL HONORS & AWARDS

Chambers USA – America's Leading Business Lawyers guide, Banking & Finance, 2004-2006, 2008-2010

EXHIBIT

2

The Best Lawyers in America guide, Banking Law, 1995-2011
Florida *Super Lawyers* magazine, 2007-2009
Corporate Counsel Edition, *Super Lawyers* magazine, January
2009

MEMBERSHIPS

Business Law Section of Florida Bar

COURT ADMISSIONS

U.S. Supreme Court
U.S. Appeals Court, Eleventh Circuit
U.S. District Court for the Middle District of Florida

SPEAKING ENGAGEMENTS

Mutual Fund Developments, Caribbean Commercial Law
Workshop, Grand Cayman Island, August 20-22, 2006
Effective and Legal Collections Practices, Financial Service
Centers of Florida 2006 Annual Conference, September, 2006
Profitable New Products for Financial Service Companies,
Financial Service Centers of Florida 2006 Annual Conference,
September, 2006

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

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

Telephone: (352) 854-7807
email: neilgillespie@mfi.net

VIA US EXPRESS MAIL
Article Number EH 600617620 US

November 3, 2010

Mr. Bradford Kimbro
Executive Partner
Holland & Knight LLP
100 N Tampa Street, Suite 4100
Tampa, Florida 33602-3644

Dear Mr. Kimbro:

This is a request to hire Holland & Knight for the limited purpose of representing me at a court-ordered deposition in Tampa. I will pay Holland & Knight's full hourly rate for representation. If Holland & Knight would consider full representation, I have a public relations firm ready to launch a campaign to raise \$5 million for legal fees. I will also raise funds through my justice network website and Wharton School alumni association.

Holland & Knight is an industry leader and may succeed where other lesser law firms have not in this five-year-long case. Judge Martha J. Cook ordered the deposition be completed by November 12, 2010 so time is of the essence.

My former lawyers defrauded me in the settlement of an earlier matter giving rise to this lawsuit, Neil J. Gillespie v. Barker, Rodems & Cook, P.A. and William J. Cook, Case No. 05-CA-007205 Circuit Civil, 13th Judicial Circuit. A copy of Plaintiff's First Amended Complaint is enclosed.

A copy of Judge Cook's Order of September 30, 2010 is enclosed, "Order Adjudging Plaintiff Neil J. Gillespie In Contempt". The Order is currently on appeal to the Second District Court of Appeals, Case Number: 2D10-5197. Also on appeal is Judge Cook's "Final Summary Judgment As To Count I". Both hearings were held after Judge Cook ordered me removed from the courtroom and I had no representation. An emergency motion to disqualify Judge Cook was filed November 1, 2010.

Dr. Karin Huffer is my Americans With Disabilities Act (ADA) advocate. Dr. Huffer prepared an ADA assessment and report that was submitted to the 13th Judicial Circuit February 19, 2010



along with my ADA accommodation request. Court Counsel David A. Rowland denied my ADA accommodation request by letter July 9, 2010.

Dr. Huffer authored the book "Overcoming the Devastation of Legal Abuse Syndrome" and is founder of Legal Victim Assistance Advocates. Enclosed is a Legal Abuse Syndrome DVD, a 60 minute interview with Dr. Karin Huffer and Dennis Grover, produced by With Liberty And Justice For All.

One significant problem during the litigation is the outrageous behavior of opposing counsel Ryan Christopher Rodems who is unlawfully representing his firm. Mr. Rodems is a bully and a rules troll who, with the collaboration of the 13th Judicial Circuit, amassed \$11,550 in extreme sanctions against me under § 57.105 Florida Statutes for a misplaced defense to a libel counterclaim, and for discovery errors. I believe Judge Cook plans to tax more sanctions and/or costs.

Mr. Rodems' counterclaim was a willful and intentional misuse of process for the collateral purpose of intimidating me to drop my claims against his firm and settle this lawsuit on terms dictated by him. Mr. Rodems perverted the process of law for a purpose for which it is not by law intended. Mr. Rodems used the counterclaim as a form of extortion against me, as described in Plaintiff's First Amended Complaint. On September 28, 2010 Mr. Rodems filed Defendants' Notice of Voluntary Dismissal of Counterclaims.

The 13th Judicial Circuit failed to lawfully adjudicate this matter, and on September 28, 2010 I commenced a federal Civil Rights and ADA lawsuit, Neil J Gillespie v. 13th Judicial Circuit, et al., case no. 5:10-cv-00503-WTH-DAB, US District Court, Middle District of Florida, Ocala Division. Among other things, the lawsuit shows how Judge Claudia Rickert Isom created a two-tier legal system in Florida by applying sanctions in a discriminatory manner, described in her essay Professionalism and Litigation Ethics, 28 STETSON L. REV. 323. Judge Isom was the second of four trial judges in this lawsuit. There have been four appeals to the 2DCA too.

Please find enclosed the following documents and items to assist your evaluation of this matter:

1. Plaintiff's First Amended Complaint, May 5, 2010
2. Defendants' Notice of Voluntary Dismissal of Counterclaims, September 28, 2010
3. Order Adjudging Plaintiff Neil J. Gillespie In Contempt, September 30, 2010
4. Notice of Appeal, October 22, 2010
5. Emergency Motion To Disqualify Judge Martha J. Cook, November 1, 2010

6. Plaintiff's Notice of Filing Affidavits, November 1, 2010

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

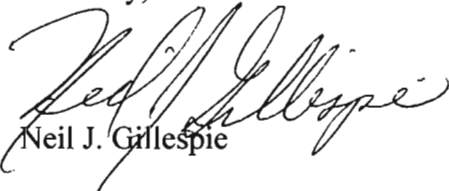
7. Plaintiff's Notice of Filing Letter of Dr. Karin Huffer, November 1, 2010

8. Plaintiff's Notice of Filing Federal Complaint and Service of Process Against Judge Martha J. Cook, November 1, 2010. (with accompanying CD of exhibits)

9. Legal Abuse Syndrome DVD, 60 minute interview with Dr. Karin Huffer

Thank you for considering this important and urgent matter.

Sincerely,



Neil J. Gillespie

cc: Dr. Karin Huffer, Legal Victim Assistance Advocates (LVAA)
Hon. Martha J. Cook (letter only)
Mr. Ryan Christopher Rodems (letter only)

Holland & Knight

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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.

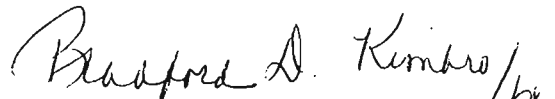
This is to notify you that Holland & Knight LLP will not represent you with respect to the items in your November 3rd letter.

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

EXHIBIT

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000117

NEIL J GILLESPIE <T> 20
 8092 SW 115TH LOOP 0
 Ocala FL 34481-0000 0

SOUTH TAMPA
 101 S BOULEVARD
 TAMPA, FL 33606

TELEPHONE:813-258-8187

Be aware of "phishing" scams. Never click on a link within an e-mail from an unknown source. This may be an attempt to gain access to personal information to be used later to initiate fraudulent activity. Community Bank will never request information from our customers in this manner.

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 DEBITS .00
 THIS STATEMENT 10/20/10 50.00

- - - ITEMIZATION OF OVERDRAFT AND RETURNED ITEM FEES - - -

	TOTAL FOR	TOTAL	*
	THIS PERIOD	YEAR TO DATE	*

* TOTAL OVERDRAFT FEES:	.00	.00	*

* TOTAL RETURNED ITEM FEES:	.00	.00	*



EXHIBIT
6