

SUPREME COURT OF FLORIDA

~~FIFTH DISTRICT COURT OF APPEAL~~
STATE OF FLORIDA

NEIL J. GILLESPIE,
INDIVIDUALLY AND AS
FORMER TRUSTEE OF
THE TERMINATED
GILLESPIE FAMILY LIVING
TRUST AGREEMENT,

Petitioners,

PETITION NO. _____
L.T. NO.: 2013-CA-00115

v.

- REVERSE MORTGAGE SOLUTIONS, INC., [RMS]
- OAK RUN HOMEOWNERS ASSOCIATION, INC.; [ORHA]
- UNITED STATES OF AMERICA, ON BEHALF OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT; [HUD or SECRETARY]
- ELIZABETH BAUERLE;
- MARK GILLESPIE;
- DEVELOPMENT & CONSTRUCTION CORPORATION OF AMERICA; [DECCA]
- UNKNOWN SPOUSE OF ELIZABETH BAUERLE; [n.k.a. Scott Bidgood)
- UNKNOWN SPOUSE OF MARK GILLESPIE; [n.k.a. Joetta Gillespie]
- UNKNOWN SETTLERS/BENEFICIARIES OF THE GILLESPIE FAMILY LIVING TRUST AGREEMENT DATED FEBRUARY 10,1997; [NONE]
- UNKNOWN TRUSTEES, SETTLERS AND BENEFICIARIES OF UNKNOWN SETTLERS/ BENEFICIARIES OF THE GILLESPIE FAMILY LIVING TRUST AGREEMENT DATED

RECEIVED, 07/19/2017 08:08:32 PM, Clerk, Supreme Court

FEBRUARY 10, 1997; [NONE]

- UNKNOWN TENANT IN POSSESSION 1 [NONE] and
- UNKNOWN TENANT IN POSSESSION 2 [NONE]

Respondents.

_____ /

Petition for Writ of Prohibition - A Case of Original Jurisdiction
To Remove Marion County Circuit Court Judge Ann Melinda Craggs

1. Petitioner Neil J. Gillespie, individually, and as former Trustee (F.S. Ch. 736 Part III) of the terminated Gillespie Family Living Trust Agreement Dated February 10, 1997 (“Terminated Trust”), an indigent non-lawyer, unable to obtain adequate counsel, a consumer of legal and court services affecting interstate commerce, a consumer of personal, family and household goods and services, consumer transactions in interstate commerce, a person with disabilities, and a vulnerable adult, henceforth in the first person, reluctantly appears *pro se*, and petitions this Court for a Writ of Prohibition to remove Marion County Circuit Court Judge Ann Melinda Craggs (“Judge Craggs”) as judge in Lower Tribunal No. 2013-CA-00115, Marion County Circuit Court, Fifth Judicial Circuit, Florida.

Jurisdiction

2. This Court has jurisdiction under the Constitution of Florida, Article V, Section 4, District courts of appeal (b) Jurisdiction (3) *A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction.*

The Florida Rules of Appellate Procedure, Rule 9.030(b) Jurisdiction of
District Courts of Appeal, and (3) Original Jurisdiction,

(3) Original Jurisdiction. District courts of appeal may issue writs of mandamus, prohibition, quo warranto, and common law certiorari, and all writs necessary to the complete exercise of the courts' jurisdiction; or any judge thereof may issue writs of habeas corpus returnable before the court or any judge thereof, or before any circuit judge within the territorial jurisdiction of the court.

3. **RULE 9.100. ORIGINAL PROCEEDINGS**

(a) Applicability. This rule applies to those proceedings that invoke the jurisdiction of the courts described in rules 9.030(a)(3), (b)(2), (b)(3), (c)(2), and (c)(3) for the issuance of writs of mandamus, prohibition, quo warranto, certiorari, and habeas corpus, and all writs necessary to the complete exercise of the courts' jurisdiction; and for review of non-final administrative action.

(e) Petitions for Writs of Mandamus and Prohibition Directed to a Judge or Lower Tribunal. When a petition for a writ of mandamus or prohibition seeks a writ directed to a judge or lower tribunal, the following procedures apply:

(1) Caption. The name of the judge or lower tribunal shall be omitted from the caption. The caption shall bear the name of the petitioner and other parties to the proceeding in the lower tribunal who are not petitioners shall be named in the caption as respondents.

(2) Parties. The judge or the lower tribunal is a formal party to the petition for mandamus or prohibition and must be named as such in the body of the petition (but not in the caption). The petition must be served on all parties, including any judge or lower tribunal who is a formal party to the petition.

(3) Response. Following the issuance of an order pursuant to subdivision (h), the responsibility for responding to a petition is that of the litigant opposing the relief requested in the petition. Unless

otherwise specifically ordered, the judge or lower tribunal has no obligation to file a response. The judge or lower tribunal retains the discretion to file a separate response should the judge or lower tribunal choose to do so. The absence of a separate response by the judge or lower tribunal shall not be deemed to admit the allegations of the petition.

(g) Petition. The caption shall contain the name of the court and the name and designation of all parties on each side. The petition shall not exceed 50 pages in length and shall contain

- (1) the basis for invoking the jurisdiction of the court;
- (2) the facts on which the petitioner relies;
- (3) the nature of the relief sought; and
- (4) argument in support of the petition and appropriate citations of authority.

If the petition seeks an order directed to a lower tribunal, the petition shall be accompanied by an appendix as prescribed by rule 9.220, and the petition shall contain references to the appropriate pages of the supporting appendix.

PARTIES - RULE 9.100(2)

4. Petitioners: Neil J. Gillespie, Individually, And As Former Trustee Of The Terminated Gillespie Family Living Trust Agreement Dated February 10, 1997.

5. Respondents: Rule 2.516(c) Service; Numerous Defendants. In actions when the parties are unusually numerous, the court may regulate the service contemplated by these rules on motion or on its own initiative in such manner as may be found to be just and reasonable. (The Court failed to do so; counsel failed to motion the Court).

- Marion County Circuit Court Judge Ann Melinda Craggs (Judge Craggs), Fifth Judicial Circuit, Florida, presiding in L.T. No. 2013-CA-00115;
- Marion County Circuit Court Case No. 2013-CA-00115;
- David R. Ellspermann, Marion County Clerk of Court & Comptroller;
- REVERSE MORTGAGE SOLUTIONS, INC.; [RMS]
- OAK RUN HOMEOWNERS ASSOCIATION, INC.; [ORHA]
- UNITED STATES OF AMERICA, ON BEHALF OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT; [HUD or SECRETARY]

- ELIZABETH BAUERLE;
- MARK GILLESPIE;
- DEVELOPMENT & CONSTRUCTION CORPORATION OF AMERICA;
[DECCA]
- UNKNOWN SPOUSE OF ELIZABETH BAUERLE; [n.k.a. Scott Bidgood]
- UNKNOWN SPOUSE OF MARK GILLESPIE; [n.k.a. Joetta Gillespie]
- UNKNOWN SETTLERS/BENEFICIARIES OF THE GILLESPIE FAMILY
LIVING TRUST AGREEMENT DATED FEBRUARY 10,1997; [NONE]
- UNKNOWN TRUSTEES, SETTLERS AND BENEFICIARIES OF
UNKNOWN SETTLERS/ BENEFICIARIES OF THE GILLESPIE FAMILY
LIVING TRUST AGREEMENT DATED FEBRUARY 10, 1997; [NONE]
- UNKNOWN TENANT IN POSSESSION 1 [NONE] and
- UNKNOWN TENANT IN POSSESSION 2 [NONE]

PETITION - RULE 9.100(g)

6. RULE 9.100(g)(1) the basis for invoking the jurisdiction of the court;

See ¶ 2; Fla. Const., Art. V, Sec. 4, (b)(3), Fla. R. App. Pro. 9.030(b)(3)

7. RULE 9.100(g)(2) the facts on which the petitioner relies;

- Judge Craggs wrongly denied two legally sufficient motions to disqualify her as trial judge:

APPENDIX A, VERIFIED MOTION TO DISQUALIFY CIRCUIT JUDGE ANN MELINDA CRAGGS, Filing # 49329068 E-Filed 11/28/2016 02:47:59 PM, provided under Rule 9.220, Fla. R. App. Pro.

APPENDIX B, SECOND VERIFIED MOTION TO DISQUALIFY CIRCUIT JUDGE ANN MELINDA CRAGGS, Filing # 49423621 E-Filed 11/30/2016 10:09:13 AM, provided under Rule 9.220, Fla. R. App. Pro.

- Judge Craggs wrongly took issue with motions to disqualify her at the Case Management held November 28, 2016; see,

APPENDIX E, JUDICIAL DISQUALIFICATION - MEMORANDUM OF LAW
Section IV Judicial determination of initial motion, see paragraphs 22-32.

22. The judge against whom an initial motion to disqualify us directed shall determine only the legal sufficiency if the motion an shall not pass on the truth of the facts alleged. Fla. R. Judicial Admin. 2.330(f).

23. No other reason for denial shall be stated, and an order of denial shall not take issue with the motion. Fla. R. Judicial Admin. 2.330(f).

24. Accordingly, a judge may not rule on the truth of the facts alleged or address the substantive issues raised by the motion but may only determine the legal sufficiency of the motion. *Knarich v. State*, 866 So.2d 165 (Fla. Dist. Ct. App. 2d Dist. 2004).

25. In determining whether the allegations that movant will not receive a fair trial so as to disqualify a judge are sufficient, the facts alleged must be taken as true (*Frengel v. Frengel*, 880 So.2d 763, Fla.App. 2 Dist.,2004), and must be viewed from the movant's perspective. *Siegel v. State*, 861 So.2d 90, Fla.App. 4 Dist., 2003.

26. Case law forbids trial judges to refute facts set forth in a motion to disqualify, and their doing so will result in judicial disqualification irrespective of the facial sufficiency of the underlying claim. *Brinson v. State*, 789 So.2d 1125, Fla.App. 2 Dist., 2001.

27. A trial judge's attempt to refute charges of partiality thus exceeds the scope of inquiry on a motion to disqualify and alone establishes grounds for disqualification. *J & J Industries, Inc. v. Carpet Showcase of Tampa Bay, Inc.*, 723 So.2d 281, Fla.App. 2 Dist., 1998.

28. Whether the motion is legally sufficient is a pure question of law; it follows that the proper standard of review is the de novo standard (*Sume v. State*, 773 So.2d 600 Fla.App. 1 Dist., 2000) and an order denying a motion to disqualify a trial judge is reviewed for abuse of discretion. *King v. State*, 840 So.2d 1047, Fla., 2003.

29. Once a motion for disqualification has been filed, no further action can be taken by the trial court, even if the trial court is not aware of the pending motion. *Brown v. State* 863 So.2d 1274, Fla.App. 1 Dist., 2004.

30. A judge presented with a motion to disqualify him-or-herself must rule upon the sufficiency of the motion immediately and may not consider other matters before considering the disqualification motion. *Brown v. State* 863 So.2d 1274, Fla.App. 1 Dist., 2004.

31. The court is required to rule immediately on the motion to disqualify the judge, even though the movant does not request a hearing. *Fuster-Escalona v. Wisotsky*, 781 So.2d 1063, Fla., 2000.

32. The rule places the burden on the judge to rule immediately, the movant is not required to nudge the judge nor petition for a writ of mandamus. *G.C. v. Department of Children and Families*, 804 So.2d 525 Fla.App. 5 Dist., 2002.

- Judge Craggs wrongly denied two legally sufficient motions to disqualify, and contemporaneously wrongly entered the orders;

On November 28, 2016 at the start of the Case Management there were two outstanding motions to disqualify Judge Craggs. Because existing law requires a judge to immediately rule on a motion to disqualify before proceeding further, the second motion to disqualify Judge Craggs would prevent her from ruling on the first motion, thereby granting the motion to disqualify. The Judge is disqualified.

See, **APPENDIX E**, JUDICIAL DISQUALIFICATION - MEMORANDUM OF LAW **Section IV** Judicial determination of initial motion, see paragraphs 22-32.

- Judge Craggs failed to obey AO A-2013-56, see,

INSTRUCTION TO THE CLERK ADMINISTRATIVE ORDER A-2013-56
Filing # 54155368 E-Filed 03/23/2017 11:55:23 PM

- Judge Craggs wrongly dismissed my court reporter, Cynthia Hanson, PRP, whom I hired through US Legal Support;

Administrative Order A-2010-01-C states a court reporter must be approved by the Administrative Office of the Court in order to make a record of a court proceeding for which the court does not provide a record. But the Administrative Office of the Court does not actually approve court reporters. There is no list of court reporters approved by the Administrative Office of the Court. Therefore, Chief Judge Briggs has essentially banned the use of court reporters order to make a record of a court proceeding for which the court does not provide a record.

The Court Reporting process in the Fifth Judicial Circuit is designed to prevent a party who wishes to make a record, from making a record, of a court proceeding for which the court does not provide a record. Without an official record, a corrupt trial judge is free to falsify what happened. Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court". "Fraud upon the court is fraud which is directed to the judicial machinery itself..." Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985). This issue is separate from disqualification and will appear separately.

NOTICE OF FRAUD UPON THE COURT - COURT REPORTING
IN THE FLORIDA FIFTH JUDICIAL CIRCUIT AO: A-2010-01-C

- Judge Craggs failed to timely rule on motions other than to disqualify;

APPENDIX C, DEFENDANTS' MOTION TO CANCEL HEARING SET FOR NOVEMBER 28, 2016, Filing # 49223578 E-Filed 11/22/2016 03:48:52 PM, provided under Rule 9.220, Fla. R. App. Pro.

APPENDIX D, DEFENDANTS' SECOND MOTION TO CANCEL HEARING SET FOR NOVEMBER 28, 2016 ABATE THIS ACTION, Fla. R. Civ. Pro. 1.100(c)(2); AND MOTION TO DISQUALIFY MCCALLA RAYMER PIERCE LLC AND ALL ITS LAWYERS AS COUNSEL FOR PLAINTIFF, Filing # 49296630 E-Filed 11/28/2016 08:16:25 AM, provided under Rule 9.220, Fla. R. App. Pro.

- Judge Craggs committed *fraud upon the court*;

“Fraud upon the court is an egregious offense against the integrity of the judicial system and is more than a simple assertion of facts in a pleading which might later fail for lack of proof.” *Wells Fargo Bank, N.A. v. Reeves*, 92 So. 3d 249, 252 (Fla. 1st DCA 2012). “The integrity of the civil litigation process depends on truthful disclosure of facts. A system that depends on an adversary's ability to uncover falsehoods is doomed to failure, which is why this kind of conduct must be discouraged in the strongest possible way. . . . This is an area where the trial court is and should be vested with discretion to fashion the apt remedy.” *Cox v. Burke*, 706 So. 2d 43, 47 (Fla. 5th DCA 1998).

- Judge Craggs usurped jurisdiction of the Backlog Foreclosure Program;

This is a foreclosure case, and governed by the Backlog Foreclosure Program, see Administrative Order No. A-2016-22.

- Judge Craggs failed to provide disability accommodation, or a hearing,

APPENDIX D, DEFENDANTS' SECOND MOTION TO CANCEL HEARING SET FOR NOVEMBER 28, 2016 ABATE THIS ACTION, Fla. R. Civ. Pro. 1.100(c)(2); AND MOTION TO DISQUALIFY MCCALLA RAYMER PIERCE LLC AND ALL ITS LAWYERS AS COUNSEL FOR PLAINTIFF Filing # 49296630 E-Filed 11/28/2016 08:16:25 AM

- Judge Craggs failed to disqualify Plaintiff's Counsel or hear my motion to disqualify Plaintiff's Counsel, see,

APPENDIX D, DEFENDANTS' SECOND MOTION TO CANCEL HEARING SET FOR NOVEMBER 28, 2016 ABATE THIS ACTION, Fla. R. Civ. Pro. 1.100(c)(2); AND MOTION TO DISQUALIFY MCCALLA RAYMER PIERCE LLC AND ALL ITS LAWYERS AS COUNSEL FOR PLAINTIFF Filing # 49296630 E-Filed 11/28/2016 08:16:25 AM

- Judge Craggs failed to lawfully win reelection in 2016, see,

APPENDIX F, NOTICE OF REILING FEDERAL CIVIL RIGHTS COMPLAINT DUE TO *Official Misconduct By David R. Ellspermann Marion County Clerk of Court and Comptroller*

8. RULE 9.100(g)(3) the nature of the relief sought;

- Removal of Judge Craggs as trial judge in L.T. No. 2013-CA-00115.
- Separately and in addition to removal of Judge Craggs, Rule 2.330(h) Disqualification of Trial Judges, provides,

(h) Prior Rulings. Prior factual or legal rulings by a disqualified judge may be reconsidered and vacated or amended by a successor judge based upon a motion for reconsideration, which must be filed within 20 days of the order of disqualification, unless good cause is shown for a delay in moving for reconsideration or other grounds for reconsideration exist.

9. RULE 9.100(g)(4) argument in support of the petition and appropriate citations of authority.

Question presented: What is the standard for judicial disqualification?

The standard for judicial disqualification under Canon 3E(1)

“A judge shall disqualify himself or herself where his or her impartiality might reasonably be questioned, including but not limited to...”.
Canon 3E(1)

10. It has long been said in the courts of this state that “every litigant is entitled to nothing less than the cold neutrality of an impartial judge.” State ex rel. Davis v. Parks, 194 So. 613, 615 (Fla. 1939). (Opening citation in the Opinion filed December 17, 2014, Third District Court of Appeal, No. 3D14-2625, Lower Tribunal No. 14-8506, Great American Insurance Company of New York, Petitioner, vs. 2000 Island Boulevard Condominium Association, Inc., et al., Respondents. A Case of Original Jurisdiction – Prohibition.)

11. Florida Code of Judicial Conduct
Adopted September 29, 1994, effective Jan. 1, 1995 ([643 So. 2d 1037](#)).
As amended through October 1, 2016 ([194 So. 3d 1015](#)).

http://www.floridasupremecourt.org/decisions/ethics/Code_Judicial_Conduct.pdf
<http://www.floridasupremecourt.org/decisions/ethics/index.shtml>
<http://www.floridasupremecourt.org/decisions/ethics/canon3.shtml>

12. Fla. R. Jud. Admin. 2.330(b) “Parties. Any party, including the state, may move to disqualify the trial judge assigned to the case on grounds provided by rule, by statute, or by the **Code of Judicial Conduct**. (Emphasis added).

RULE 2.330. DISQUALIFICATION OF TRIAL JUDGES.

(b) Parties. Any party, including the state, may move to disqualify the trial judge assigned to the case on grounds provided by rule, by statute, or by the Code of Judicial Conduct.

13. Under Canon 3E(1) of the Code of Judicial Conduct for the State of Florida, “A judge shall disqualify himself or herself where his or her impartiality might reasonably be questioned, including but not limited to...”. Canon 3E(1)
Commentary for Canon 3E(1)

Canon 3E(1). Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific rules in Section 3E(1) apply.

14. Disqualification under Canon 3E(1) does not require actual bias or actual prejudice, but “whenever the judge's impartiality might reasonably be questioned”.

15. Rule 2.330. Disqualification of Trial Judges. Fla. R. Jud. Admin. states in relevant part,

RULE 2.330. DISQUALIFICATION OF TRIAL JUDGES

(c) Motion. A motion to disqualify shall:

- (1) be in writing;
- (2) allege specifically the facts and reasons upon which the movant relies as the grounds for disqualification;
- (3) be sworn to by the party by signing the motion under oath or by a separate affidavit; and

(d) Grounds. A motion to disqualify shall show:

- (1) that the party fears that he or she will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge; or

(e) Time. A motion to disqualify shall be filed within a reasonable time not to exceed 10 days after discovery of the facts constituting the grounds for the motion and shall be promptly presented to the court for an immediate ruling...

(f) Determination — Initial Motion. The judge against whom an initial motion to disqualify under subdivision (d)(1) is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth of the facts alleged. If the motion is legally sufficient, the judge shall immediately enter an order granting disqualification and proceed no further in the action. If any motion is legally insufficient, an order denying the motion shall immediately be entered. No other reason for denial shall be stated, and an order of denial shall not take issue with the motion.

Conclusion

Wherefore, the petition for writ of prohibition should be granted, together with such other and further relief as the Court deems just and equitable.

I certifying that this petition complies with the font requirements of Rule 9.100(1).

RESPECTFULLY SUBMITTED ~~April 7, 2017.~~



July 19, 2017 nunc pro tunc to April 7, 2017

Neil J. Gillespie, individually, and former Trustee,
F.S. Ch. 736 Part III, of the Terminated Trust
8092 SW 115th Loop
Ocala, Florida 34481
Phone: 352-854-7807
Email: neilgillespie@mfi.net

See attached letter July 19, 2017 to Kristina Samuels, Career Staff Attorney to the Clerk's Office, Supreme Court of Florida, Cc. Hon. John Tomasino, Supreme Court of Florida.

NOTICE OF SERVICE:

I HEREBY CERTIFY the following names were served today July 19, 2017 on the Florida Portal by email.

The Honorable Ann Melinda Craggs
Circuit Court Judge, Fifth Judicial Circuit
Marion County Judicial Center
110 NW 1st Ave.
Ocala, FL 34475
Tel: 352-401-6785
Email: amcraggs@circuit5.org

Curtis Wilson, Esq.
McCalla Raymer Leibert Pierce, LLC
225 E. Robinson Street, Suite 155
Orlando, FL 32801
Phone: (407) 674-1850; Fax: (321) 248-0420
Email: MRService@mrpllc.com
Email: MRService@mccalla.com
Fla. Bar No.: 77669

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

NEIL J. GILLESPIE,
INDIVIDUALLY AND AS
FORMER TRUSTEE OF
THE TERMINATED
GILLESPIE FAMILY LIVING
TRUST AGREEMENT,

Petitioners,

PETITION NO. _____
L.T. NO.: 2013-CA-00115

v.

REVERSE MORTGAGE
SOLUTIONS, INC., ET AL,
_____ /

INDEX TO APPENDICIES

Petition for Writ of Prohibition - A Case of Original Jurisdiction
To Remove Marion County Circuit Court Judge Ann Melinda Craggs

<u>APPENDIX A</u>	VERIFIED MOTION TO DISQUALIFY CIRCUIT JUDGE ANN MELINDA CRAGGS
<u>APPENDIX B</u>	SECOND VERIFIED MOTION TO DISQUALIFY CIRCUIT JUDGE ANN MELINDA CRAGGS.
<u>APPENDIX C</u>	DEFENDANTS' MOTION TO CANCEL HEARING SET FOR NOVEMBER 28, 2016
<u>APPENDIX D</u>	DEFENDANTS' SECOND MOTION TO CANCEL HEARING SET FOR NOVEMBER 28, 2016
<u>APPENDIX E</u>	JUDICIAL DISQUALIFICATION - MEMORANDUM LAW
<u>APPENDIX F</u>	NOTICE OF REILING FEDERAL CIVIL RIGHTS COMPLAINT DUE TO <i>Official Misconduct By David R. Ellspermann Marion County Clerk of Court and Comptroller</i>

APPENDIX G

INSTRUCTION TO THE CLERK ADMINISTRATIVE
ORDER A-2013-56, ESTABLISHING FORECLOSURE
CASE STATUS REPORTING REQUIREMENTS,
Filing # 54155368 E-Filed 03/23/2017 11:55:23 PM

VIA EMAIL and U.S. First Class Mail

July 19, 2017

Ms. Kristina Samuels
Career Staff Attorney to the Clerk's Office
Supreme Court of Florida
500 South Duval Street
Tallahassee, Florida 32399

Cc. Hon. John Tomasino
Clerk
Supreme Court of Florida
500 South Duval Street
Tallahassee, Florida 32399

RE: "Petition for Writ of Prohibition - A Case of Original Jurisdiction, To Remove Marion County Circuit Court Judge Ann Melinda Craggs" - April 7, 2017

Dear Ms. Samuels,

Thank you for your email reply. The Portal's "Notice of Service of Court Documents" on April 7, 2017 for "Petition for Writ of Prohibition - A Case of Original Jurisdiction, To Remove Marion County Circuit Court Judge Ann Melinda Craggs" is attached, showing E-service recipients selected for service, including the Plaintiff's counsel, and red arrows next to the following names served:

Gregory Carter Harrell - gharrell@marioncountyclerk.org
Honorable Don F. Briggs - dbriggs@circuit5.org
Tad David, General Counsel OSCA - davidt@flcourts.org
Honorable Don F. Briggs - dbriggs@circuit5.org
Honorable David R. Ellspermann - Ellspermann@marioncountyclerk.org
Gregory C. Harrell, General Counsel - GHarrell@marioncountyclerk.org
The Honorable Ann Melinda Craggs - amcraggs@circuit5.org
Hon. Jay P. Cohen, Chief Judge 5thDCA - woodardj@flcourts.org
Joanne P. Simmons, Clerk 5thDCA - simmonsj@flcourts.org

In the past when I served Clerk Ellspermann a pleading for the 5th DCA, the Clerk's office would prepare the filing to send to the 5th DCA, certify the pleading, etc. For some reason the Clerk failed to do so this time. Even so, Joanne P. Simmons, Clerk 5thDCA, and Hon. Jay P. Cohen, Chief Judge 5thDCA were each served on the portal, so they had notice that I intended to serve "Petition for Writ of Prohibition - A Case of Original Jurisdiction, To Remove Marion County Circuit Court Judge Ann Melinda Craggs" on April 7, 2017.

Unfortunately the 5th DCA has not reviewed "Petition for Writ of Prohibition - A Case of Original Jurisdiction, To Remove Marion County Circuit Court Judge Ann Melinda Craggs".

Shall I submit the petition to the Florida Supreme Court for review, and do so *nunc pro tunc* to April 4, 2017? Today I provided you and Mr. Tomasino Cc. my email to Clerk Simmons, showing a defective link on the eDCA, the 5th DCA's obscure and difficult e-filing system.

Sincerely,

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

Tel. 352-854-7807
Email: neilgillespie@mfi.net

Neil Gillespie

From: <eservice@myflcourtagency.com>
Sent: Friday, April 07, 2017 9:39 AM
Attach: Petition - Pages 1 to 355.pdf
Subject: SERVICE OF COURT DOCUMENT - CASE NUMBER 422013CA000115CAAXXX

Notice of Service of Court Documents**Filing Information**

Filing #: 54774550
Filing Time: 04/07/2017 09:38:57 AM ET
Filer: Neil J. Gillespie 352-854-7807
Court: Fifth Judicial Circuit in and for Marion County, Florida
Case #: 422013CA000115CAAXXX
Court Case #: 13CA000115AX
Case Style: REVERSE MORTGAGE SOLUTIONS INC VS BAUERLE, ELIZABETH

Documents

Title	File
Petition	Petition for Writ of Prohibition - A Case of Original Jurisdiction, To Remove Marion County Circuit Court Judge Ann Melinda Craggs.pdf

E-service recipients selected for service:

Name	Email Address
Curtis Wilson	MRService@mrpllc.com
Colleen Davis	USAFLM.HUD@usdoj.gov
	Jaxsfforeclosures@hud.gov
Colleen Murphy Davis	lydia.a.brush@gmail.com
	lydia.a.brush@gmail.com

	Gregory Carter Harrell	gharrell@marioncountyclerk.org
	Neil J. Gillespie	neilgillespie@mfi.net
	Honorable Don F. Briggs	dbriggs@circuit5.org
	Tad David, General Counsel OSCA	davidt@flcourts.org
	Honorable John F Harkness	jharkness@flabar.org
	Honorable Michael L. Schneider	mschneider@floridajqc.com
	Honorable Don F. Briggs	dbriggs@circuit5.org
	Honorable David R. Ellspermann	Ellspermann@marioncountyclerk.org
	Gregory C. Harrell, General Counsel	GHarrell@marioncountyclerk.org
	Colleen Murphy Davis, AUSA	USAFLM.State.Foreclosures@usdoj.gov
	DECCA, c/o Carol Olson	colson@deccahomes.com
	Mark Gillespie	mark.gillespie@att.net

Public Information Office	publicinformation@fcourts.org
Florida Governor Rick Scott	Rick.Scott@eog.myflorida.com
Florida CFO Jeff Atwater	Jeff.Atwater@myfloridacfo.com
Attorney General Pam Bondi	pam.bondi@myfloridalegal.com
Commissioner Adam Putnam	Adam.Putnam@freshfromflorida.com
Adria E Quintela	aquintel@flabar.org
John Thomas Berry	jberry@flabar.org
Colleen Murphy Davis, AUSA	USAFLM.State.Foreclosures@usdoj.gov
	Michalene.YRowells@hud.gov
	USAFLM.HUD.Disclaimers@usdoj.gov
Neil J. Gillespie and Mark Gillespie as Co-Trustee	neilgillespie@mfi.net
	mark.gillespie@att.net
Unknown spouse of Mark	mark.gillespie@att.net

Gillespie n/k/a Joetta Gill	
Unknown Settlers/Beneficiaries of The Gillespie Fa	neilgillespie@mfi.net
Elizabeth Bauerle n/k/a Elizabeth Bidgood	neilgillespie@mfi.net
Oak Run Homeowners Association Board of Directors	orhboard@yahoo.com
Curtis Wilson	MRService@mccallaraymer.com
Michalene Y Rowells	Michalene.Y.Rowells@hud.gov
	Michalene.YRowells@hud.gov
FBI Tampa	tampa.division@ic.fbi.gov
FBI Jacksonville	jacksonville@ic.fbi.gov
Unknown spouse of Elizabeth Bauerle	neilgillespie@mfi.net
OIGHotline Federal Reserve BOG	OIGHotline@frb.gov
Hon Richard Cordray, Director CFPB	Richard.Cordray@cfpb.gov
Stefanie Isser Goldblatt, CFPB Enforcement Divisio	Stefanie.Goldblatt@cfpb.gov

Curtis Wilson, McCalla Raymer Pierce, LLC	MRService@mrpllc.com
 The Honorable Ann Melinda Craggs	amcraggs@circuit5.org
Debbie Brown, Secretary of the Senate	brown.debbie@flsenate.gov
Office of the Clerk, Florida House	officeoftheClerk@myfloridahouse.gov
Honorable Ken Detzner, Secretary of State	Ken.Detzner@dos.myflorida.com
Hon Joseph Negron, Senate President	jnegron@gunster.com
Hon. Alexander J. Williams, JOC Asst GC	awilliams@floridajqc.com
The Honorable Richard Corcoran, Speaker	richard@richardcorcoran.com
U.S. DOJ Civil Rights Division, Voting Section	voting.section@usdoj.gov
W. Stephen Muldrow USAFLM	w.stephen.muldrow@usdoj.gov
Jane Norberg, Chief SEC OWB	NorbergJ@sec.gov
Thomas J. Marshall, US Postal Service	thomas.j.marshall@usps.gov

Maria Matthews, Director Div Elections	maria.matthews@dos.myflorida.com
W. Jordan Jones, Asst. General Counsel DOS	Jordan.Jones@dos.myflorida.com
Rick Swearingen, Commissioner FDLE	RickSwearingen@fdle.state.fl.us
Jason Jones, General Counsel	JasonJones@fdle.state.fl.us
Wesley Wilcox, Supervisor of Elections	WWilcox@VoteMarion.com
R. Gregg Jerald, General Counsel MCSO	ggerald@marionso.com
Notice Fla AG constitutional challenge	oag.civil.eserve@myfloridalegal.com
Matthew Minter, Marion County Attorney	Matthew.Minter@marioncountyfl.org
Kathy Bryant, Marion Co. BOCC	Kathy.bryant@marioncountyfl.org
Jeffrey S. Bragg, Secretary, DOEA	braggj@elderaffairs.org
Richard Prudom, Deputy Sec/Chief Staff	Prudomrm@elderaffairs.org
Sarah K Halsell, DOEA	Halsellsk@elderaffairs.org

Madeleine Nobles, Director	noblesm@elderaffairs.org
William Nicholson Spicola	william.spicola@eog.myflorida.com
William Schifino, Florida Bar President	weschifino@burr.com
Michael Higer, Florida Bar President-Elect	mhiger@bergersingerman.com
Patrick L. "Booter" Imhof, General Counsel TFB	PImhof@floridabar.org
Shanell M. Schuyler ACAP Director	SSchuyler@floridabar.org
→ Hon. Jay P. Cohen, Chief Judge 5thDCA	woodardj@flcourts.org
→ Joanne P. Simmons, Clerk 5thDCA	simmonsj@flcourts.org
Charles R. Crawford, Marshal 5thDCA	crawfordc@flcourts.org
Richard Courtemanche, Asst. General Counsel TFB	RCourtemanche@floridabar.org
Francesca Ciaccio-Freeman, TFB ADA Disability Coor	FCiaccio-Freeman@floridabar.org

E-service recipients deselected for service:

Name	Email Address

Danielle N Parsons	mrservice@mccallarayer.com
	KMC1@mccallarayer.com
Patricia Ann Toro Savitz	psavitz@flabar.org
Frank Harlan Killgore Jr.	FHKILLGORE@KPSOS.COM
Jon Marshall Oden	joden@balljanik.com
Barry R. Davidson	bdavidson@hunton.com
Robyn Katz	rrk@mccallarayer.com
Jane Bond	jane.bond@mccallarayer.com
Hon. Hale Ralph Stancil	hstancil@circuit5.org
Tameka Gordon	tgordon@circuit5.org
Robert J. Stovash	rstovash@sctlaw.com
US DOJ Disability Rights Section	ADA.complaint@usdoj.gov
Arthur Lee Bentley III,	Lee.Bentley@usdoj.gov

USAFLM	
Honorable John Anthony Tomasino	tomasino@flcourts.org
Danielle Parsons	MRService@mccallaraymer.com
	danielle.parsons@mccallaraymer.com
ORHA President David Stott	dave.stott@deccacable.com
Tiffany Caparas	tiffanycaparas@outlook.com
Danielle N. Parsons	MRService@mccallaraymer.com
KEL	hearings@kelattorneys.com
Trey Smith	MRService@mrpllc.com

This is an automatic email message generated by the Florida Courts E-Filing Portal. This email address does not receive email.

Thank you,
The Florida Courts E-Filing Portal

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "Kristina Samuels" <samuelsk@flcourts.org>
Cc: "John A. Tomasino" <tomasino@flcourts.org>; "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Wednesday, July 19, 2017 6:12 AM
Attach: Letter to Career Staff Attorney Kristina Samuels; Cc Clerk John Tomasino.pdf
Subject: Re: Thanks for your message, but I don't understand.

Thank you Ms. Samuels, please see attached. Neil J. Gillespie

----- Original Message -----

From: [Kristina Samuels](#)
To: [Neil Gillespie](#)
Cc: [John A. Tomasino](#)
Sent: Tuesday, July 18, 2017 9:00 AM
Subject: RE: Thanks for your message, but I don't understand.

Mr. Gillespie,

Service via the Portal is sufficient for a writ petition filed in this Court.

Thanks,
Kristina

From: Neil Gillespie [mailto:neilgillespie@mfi.net]
Sent: Monday, July 17, 2017 10:57 PM
To: Kristina Samuels <samuelsk@flcourts.org>
Cc: John A. Tomasino <tomasino@flcourts.org>
Subject: Re: Thanks for your message, but I don't understand.
Importance: High

Ms. Samuels,

What do you mean by "service on the respondent(s) identified in your writ petition."

Are you saying service on the portal is not enough? Judge Craggs was served on the portal. That is supposed to be good service to any lawyer with an email address on their Florida Bar profile, which is where I got Judge Craggs' email address. Judge Craggs was served on the portal.

Must I hire a process server? Or some other type of service?

I still plan to file with the Supreme Court in this matter. I have been too sick to do much lately. But since I own my home, and don't owe any money on it, perhaps bankruptcy is the answer at this point.



This email has been checked for viruses by AVG antivirus software.

www.avg.com