

IN RE: PETITION FOR WRIT OF CERTIORARI NO: 18-7225

IN THE
SUPREME COURT OF THE UNITED STATES

NEIL J. GILLESPIE, PETITIONER

vs.

REVERSE MORTGAGE SOLUTIONS, INC., RESPONDENT

RULE 15.8 SUPPLEMENTAL BRIEF
OF NEIL J. GILLESPIE, PETITIONER

In Re: Unlicensed Practice of Law (UPL)
by McCalla Raymer Leibert Pierce, LLC

Submitted February 26, 2019

by

Neil J. Gillespie, an indigent, disabled,
Older American, nonlawyer, appearing *pro se*
8092 SW 115th Loop
Ocala, Florida 34481
Tel: 352-854-7807
Email: neilgillespie@mfi.net

LIST OF PARTIES

NEIL J. GILLESPIE, PETITIONER

An indigent, disabled, Older American, nonlawyer, appearing *pro se*
8092 SW 115th Loop
Ocala, Florida 34481
Tel: 352-854-7807
Email: neilgillespie@mfi.net

vs.

REVERSE MORTGAGE SOLUTIONS, INC., RESPONDENT

Represented by: Curtis Alan Wilson, Esq., Florida Bar No. 77669
McCalla Raymer Leibert Pierce, LLC
225 E. Robinson St. Suite 115
Orlando, FL 32801
Phone: 407-674-1850; Fax: 321-248-0420
Email: MRService@mrpllc.com
Email: MRService@mccalla.com

Parties Not Sued

Penelope M. Gillespie, Borrower, Died September 16, 2009
Estate of Penelope M. Gillespie, Closed with Notice of Trust June 24, 2014
Gillespie Family Living Trust Agreement dated February 10, 1997, Terminated February 2, 2015

Other Parties

13CA000115AX	DEVELOPMENT & CONSTRUCTION CORPORATION OF AMERICA (Default)
13CA000115AX	ELIZABETH BAUERLE* (Consent to Judgment)
13CA000115AX	JOETTA GILLESPIE* (Consent to Judgment)
13CA000115AX	MARK GILLESPIE* (Consent to Judgment)
13CA000115AX	OAK RUN HOMEOWNERS ASSOCIATION INC (Default)
13CA000115AX	UNITED STATES OF AMERICA (Disclaimer)

*Justin R. Infurna, Esq., LL.M, The Infurna Law Firm, P.A., Attorney for Defendants Mark Gillespie, Joetta Gillespie, Elizabeth Bauerle, Scott Bidgood. 121 South Orange Ave., Ste. 1500, Orlando, Florida 32801, Telephone: (800)-774-1560; Fax: (407)386-3419
Primary Email: justin@infurnalaw.com; Secondary Email: justininfurna@gmail.com
NOTE: Consent to Judgment was filed by and through Kaufman, Englett & Lynd PLLC.

Fake Parties

- Neil J. Gillespie and Mark Gillespie as Co-Trustees of the Gillespie Family Living Trust Agreement dated February 10, 1997
- Unknown Parties, including the Unknown Settlers/Beneficiaries of The Gillespie Family Living Trust Agreement dated February 10, 1997

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<u>APPENDIX A</u>	Complaint to The Florida Bar, UPL of McCalla Raymer Leibert Pierce, LLC, December 26, 2018; Curtis Alan Wilson, Florida Bar #77669 <ul style="list-style-type: none">• Richard E. Raymer, of Roswell, GA, is a member of the Georgia Bar, and McCalla Raymer Leibert Pierce LLC• Richard M. Leibert is an Owner / Member of McCalla Raymer Leibert Pierce LLC in Hartford, Connecticut, and presumably a member of the Connecticut Bar.• Denis Pierce is a Senior Partner and Sr. Managing Attorney of McCalla Raymer Leibert Pierce LLC in Chicago, and presumably a member of the Illinois Bar.

Marty Stone, Manager of McCalla Raymer Leibert Pierce LLC, Florida, is not a member of The Florida Bar; Stone is a member of the Georgia Bar

RULE 15.8 SUPPLEMENTAL BRIEF
OF NEIL J. GILLESPIE, PETITIONER

In Re: *Unlicensed Practice of Law (UPL)*
by *McCalla Raymer Leibert Pierce, LLC*

Neil J. Gillespie, age 62, an indigent, disabled, nonlawyer appearing *pro se*, henceforth in the first person, submits his Rule 15.8 Supplemental Brief in Petition No. 18-7225 for a writ of certiorari to the U.S. Supreme Court (FSC No. SC18-343), and states:

Rule 15.8 Supplemental Briefs, states,

8. Any party may file a supplemental brief at any time while a petition for a writ of certiorari is pending, calling attention to new cases, new legislation, or other intervening matter not available at the time of the party's last filing. A supplemental brief shall be restricted to new matter and shall follow, insofar as applicable, the form for a brief in opposition prescribed by this Rule. Forty copies shall be filed, except that a party proceeding in forma pauperis under Rule 39, including an inmate of an institution, shall file the number of copies required for a petition by such a person under Rule 12.2. The supplemental brief shall be served as required by Rule 29.

First, I regrettably inform the Supreme Court of an error in my petition. On page 5 of my petition, I wrongly suggested that McCalla Raymer Leibert Pierce, LLC was a partnership subject to *ABA Model Rule 5.4: Professional Independence of a Lawyer*. I was wrong. McCalla Raymer Leibert Pierce, LLC is a Foreign Limited Liability Company, not a partnership.

Second, it appears that McCalla Raymer Leibert Pierce, LLC (MRLP) is not lawfully able to operate in Florida. APPENDIX A is my complaint to The Florida Bar for UPL (Unlicensed Practice of Law) of McCalla Raymer Leibert Pierce, LLC, December 26, 2018. My complaint alleges that Curtis Alan Wilson, Florida Bar #77669, cannot appear as counsel with MRLP in my home foreclosure case. I also allege UPL of the named partners of MRLP:

- Richard E. Raymer, of Roswell, GA, is a member of the Georgia Bar, and McCalla Raymer Leibert Pierce LLC
- Richard M. Leibert is an Owner / Member of McCalla Raymer Leibert Pierce LLC in Hartford, Connecticut, and presumably a member of the Connecticut Bar.

- Denis Pierce is a Senior Partner and Sr. Managing Attorney of McCalla Raymer Leibert Pierce LLC in Chicago, and presumably a member of the Illinois Bar.

Marty Stone is the Manager of McCalla Raymer Leibert Pierce LLC, Florida,

Mr. Marty Stone
McCalla Raymer Leibert Pierce LLC
110 S.E. 6th St., 24th Fl.
Ft. Lauderdale, FL 33301

Mr. Stone is not a member of The Florida Bar; Stone is a member of the Georgia Bar.

EXHIBIT 1 is my correction letter to The Florida Bar, December 26, 2018, for suggesting in my complaint that McCalla Raymer Leibert Pierce, LLC was a partnership subject to *ABA Model Rule 5.4: Professional Independence of a Lawyer*. I was wrong. McCalla Raymer Leibert Pierce, LLC is a Foreign Limited Liability Company, not a partnership.

EXHIBIT 2 is a letter I received in the mail from The Florida Bar, Jeffrey T. Picker, Bar Counsel, UPL Department, Headquarters, January 8, 2019, closing UPL File Nos. 20190050(2)(Leibert), 20190051(2)(Raymer), and 20190052(2)(Pierce). I believe this closure is premature, pending the response of Mr. Stone to the Bar's letter to him January 31, 2019.

EXHIBIT 3 is a letter I received in the mail from The Florida Bar, Ali Vasquez, Branch UPL Counsel, January 14, 2019, for my Unlicensed Practice of Law Complaint against Marty Stone File No. 20191041(17A). Ms. Vasquez opened an inquiry of UPL for Mr. Stone.

EXHIBIT 4 is a letter I received in the mail from The Florida Bar, Ali Vasquez, Branch UPL Counsel, January 31, 2019, for my Unlicensed Practice of Law Complaint against Marty Stone File No. 20191041(17A). The letter is addressed to Mr. Stone, and requests a written response to twelve (12) questions no later than February 20, 2019.

EXHIBIT 5 is my email February 25, 2019 to The Florida Bar, Ali Vasquez, Branch UPL

Counsel, Re: Unlicensed Practice of Law Complaint against Marty Stone File No.

20191041(17A). I wrote in essence:

Dear Ms. Vazquez,

Earlier today I tried calling you at 954-835-0233 about the UPL investigation of Marty Stone and was greeted by voice mail and left, in essence, this message: Has Mr. Stone provided his response no later than February 20, 2019 to your letter, PDF attached? Thank you.

As of today, I do not show a response from Ms. Vasquez. I am not aware of any response by or on behalf of Mr. Stone to the UPL inquiry letter of January 31, 2019.

As of today I do not show a response from The Florida Bar regarding my complaint against Mr. Curtis Wilson regarding his practice at MRLP.

Therefore I conclude that MRLP is not lawfully operating in Florida, nor in Marion County in RMS v. Neil J. Gillespie et al, 2013-CA-115, nor in this Petition No. 18-7225.

Reasons the Rule 15.8 Supplemental Brief,
In Re: Unlicensed Practice of Law (UPL)
by McCalla Raymer Leibert Pierce, LLC
Shows Petition No. 18-7225 Should be Granted

For a man's house is his castle*

—Sir Edward Coke
Third Institute (1644)

The maxim that a "man's house is his castle" is one of the oldest and most deeply rooted principles in Anglo-American jurisprudence. It reflects an egalitarian spirit that embraces all levels of society down to the "poorest man" living "in his cottage." The maxim also forms part of the fabric of the Fourth Amendment to the Constitution, which protects people, their homes, and their property against unreasonable searches and seizures by the government.

*Citation: Sir Edward Coke, Third Institute of the Laws of England 162 (1644). The complete quotation is: "For a man's house is his castle, *et domus sua cuique tutissimum refugium.*" The Latin means: "and his home his safest refuge." See *Semayne's Case* (1603) 77 Eng. Rep. 194 (K.B.) ("[T]he house of every one is to him as his castle and fortress, as well for his defence against injury and violence, as for his repose."), *quoted in* *Wilson v. Layne*, 526 U.S. 603, 609–10 (1999); *Weeks v. United States*, 232 U.S. 383, 390 (1914) ("[E]very man's house is his castle." (quoting Judge Thomas McIntyre Cooley, *A Treatise on the Constitutional Limitations Which Rest upon the Legislative Power of the States of the American Union* 299 (1868))); William Blackstone, 3 *Commentaries* 288 (1768) ("[E]very man's house is looked upon by the law to be his castle..."); William Blackstone, 4 *Commentaries* 223 (1765–1769) ("[T]he law of England has so particular and tender a regard to the immunity of a man's house, that it stiles it his castle, and will never suffer it to be violated with impunity..."); *Miller v. United States*, 357 U.S. 301, 307 (1958) (quoting William Pitt's 1763 speech in Parliament: "The poorest man may in his cottage bid defiance to all the forces of the crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the king of England may not enter—all his force dares not cross the threshold of the ruined tenement!").

CONCLUSION

The Rule 15.8 Supplemental Brief, In Re: *Unlicensed Practice of Law (UPL) by McCalla Raymer Leibert Pierce, LLC*, shows Petition No. 18-7225 should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Neil J. Gillespie", written over a horizontal line.

Neil J. Gillespie, an indigent, disabled,
older American, nonlawyer, appearing *pro se*
Date: February 26, 2019

Mr. Joshua E. Doyle
Executive Director
The Florida Bar
651 E Jefferson St.
Tallahassee, FL 32399-6584

December 26, 2018

CORRECTION: Curtis Alan Wilson, Bar #77669, McCalla Raymer Leibert Pierce, LLC
225 E Robinson St Ste 155, Orlando, FL 32801

Dear Mr. Doyle:

This is a correction to my complaint alleging Mr. Wilson is not eligible to practice law through the law firm McCalla Raymer Leibert Pierce, LLC (MRLP), and related complaints for UPL.

McCalla Raymer Leibert Pierce, LLC (MRLP) is a Foreign Limited Liability Company. (LLC).

At the top of page 5 I mistakenly called MRLP a “partnership”, and mistakenly cited a violation of Rule 4-5.4(c) Partnership with Nonlawyer. The correct violation by MRLP as a LLC is Rule 4-5.4 (e) Nonlawyer Ownership of Authorized Business Entity. A lawyer shall not practice with or in the form of a business entity authorized to practice law for a profit if: I believe MRLP and Messrs. Raymer, Leibert, Pierce, and possibly Stone, violated 4-5.4 (e)(1), (2), and possibly (3).

Near the bottom of page 7 I mistakenly called MRLP a “partnership” and “LLP”, and mistakenly cited a violation of ABA Model Rule 5.4(b). Since The Florida does not enforce ABA Model Rules, I remove that part of my complaint. I regret any inconvenience.

I hereby make this correction part of my complaint alleging Mr. Wilson is not eligible to practice law through the law firm McCalla Raymer Leibert Pierce, LLC (MRLP), and related complaints for UPL against Messrs. Marty Stone, Richard E. Raymer, Richard M. Leibert and Denis Pierce.

Under penalty of perjury, I declare the foregoing facts are true, correct, and complete.

Sincerely,



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





The Florida Bar

651 E. Jefferson Street
Tallahassee, Florida 32399-2300

Joshua E. Doyle
Executive Director

(850) 561-5840
www.FLORIDABAR.org

January 8, 2019

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

Re: File Nos. 20190050(2)(Leibert), 20190051(2)(Raymer), and 20190052(2)(Pierce)

Dear Mr. Gillespie:

This will confirm receipt of your unlicensed practice of law complaints against Richard Leibert, Richard Raymer, and Denis Pierce. The gravamen of your complaints appears to be that these individuals cannot operate as a law firm in Florida without being members of The Florida Bar.

However, Florida Supreme Court case law permits the formation of interstate law firms with an office or offices in Florida and elsewhere. *The Florida Bar v. Savitt*, 363 So. 2d 559 (Fla. 1978). Florida Bar Rules also recognize the existence of interstate law firms. The comment section of Rule 4-8.6 of the Rules Regulating The Florida Bar provides, "This rule permits members of The Florida Bar to engage in the practice of law with lawyers licensed to practice elsewhere in an authorized business entity organized under the laws of another jurisdiction and qualified under the laws of Florida (or vice-versa), but nothing in this rule is intended to affect the ability of non-members of The Florida Bar to practice law in Florida," citing *Savitt*. None of these attorneys operates out of a Florida office of McCalla Raymer Leibert Pierce LLC. Instead, they appear to be operating out of a firm office where they are admitted to practice (Leibert(CT), Raymer(GA), and Pierce(IL)). Because McCalla Raymer Leibert Pierce LLC appears to be an interstate law firm under *Savitt*, and these attorneys are not operating out of a Florida office, they would not be engaged in the unlicensed practice of law. Therefore, I have closed my file in these matters.

Thank you for bringing these matters to the attention of The Florida Bar.

Sincerely,

Jeffrey T. Picker
Bar Counsel
UPL Department, Headquarters

JTP/jr





The Florida Bar

Lakeshore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323

Joshua E. Doyle
Executive Director

(954) 835-0233
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January 14, 2019

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

Re: Unlicensed Practice of Law Complaint against Marty Stone
File No. 20191041(17A)

Dear Mr. Gillespie:

Your unlicensed practice of law complaint against Marty Stone which you sent to The Florida Bar in Tallahassee was forwarded to me in the Ft. Lauderdale Branch because the complaint form lists a Ft. Lauderdale address for the respondent. I have opened the above-referenced file at staff level to evaluate your complaint.

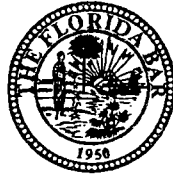
Thank you for bringing this matter to the attention of The Florida Bar. You will be notified of the final disposition.

Sincerely,

Algeisa Vazquez
Branch UPL Counsel

AV/drk





Mr. Gillespie

The Florida Bar

Lakeshore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323

Joshua E. Doyle
Executive Director

(954) 835-0233
www.FLORIDABAR.org

January 31, 2019

PERSONAL/FOR ADDRESSEE ONLY

Mr. Marty Stone
110 S.E. 6th St., 24th Fl.
Ft. Lauderdale, FL 33301

Re: Unlicensed Practice of Law Investigation of Marty Stone
File No. 20191041(17A)

Dear Mr. Stone:

Please give us your written position concerning the enclosed correspondence from Neil J. Gillespie. Please respond to the Complainant's allegations in as much detail as possible.

As you may know, Rule 10-2.1(c) of the Rules Regulating The Florida Bar define a nonlawyer as "an individual who is not a member of The Florida Bar," including lawyers admitted in other jurisdictions. Please also be aware the Supreme Court of Florida held it constitutes the unlicensed practice of law for an attorney not licensed to practice law in Florida to hold himself out in any way or use any title that would tend to mislead the public into believing he is a member of The Florida Bar or authorized to practice law in this State. The Florida Bar v. Kaiser, 397 So. 2d 1132 (Fla. 1981). If an attorney is engaging in an authorized activity in Florida, the attorney's title may appear on letterhead and business cards as long as the necessary limiting language is also included. Id. at 1133.

In addition, please respond to the following questions:

1. As an interstate law firm, does McCalla Raymer Leibert Pierce, LLC ("MRLP") remain compliant with the requirements of The Florida Bar v. Savitt, 363 So. 2d 559 (Fla. 1978), particularly as to having a member of The Florida Bar as a bona fide partner of the law firm and operating according to a partnership agreement which does not provide profits and losses are shared among its members solely on the basis of the proportionate business either generated or handled by its Florida office? Provide a copy of the partnership agreement.
2. List the bona fide partners licensed to practice in Florida.



THE FLORIDA BAR

Mr. Marty Stone
Re: Marty Stone
File No. 20191041(17A)
January 31, 2019
Page 2

3. List all out-of-state attorneys working out of MRLP's Florida office(s) on a regular or permanent basis. What services do the out-of-state attorneys provide the public? Detail their duties.
4. Do the out-of-state attorneys have any direct contact with Florida clients? If so, explain under what circumstances the out-of-state attorneys meet with Florida clients.
5. Are you a Florida resident? If so, please explain how you are authorized to serve as a partner in a law firm providing legal services in Florida matters.
6. MRLP's website and your vCard list you as Managing Partner and CEO. Describe your duties. Do you supervise any MRLP lawyers licensed in Florida?
7. Your biography featured on MRLP's website indicates you work from the Fort Lauderdale office and lists your "practice areas" as foreclosure, eviction, and litigation. Please explain.
8. Are you an applicant for admission to The Florida Bar?
9. List all cases in which you have been admitted pro hac vice in Florida state or federal court in the past 24 months and provide copies of the motions and any documentation which accompanied the motions.
10. MRLP's Foreign Limited Liability Annual Report filed with the Division of Corporations on April 2, 2018 lists you with a Fort Lauderdale address and as the sole manager. Please explain how your corporate title complies with The Florida Bar v. Savitt, 363 So. 2d 559 (Fla. 1978).
11. Provide your business card and letterhead.
12. List all corrective action taken by you and MRLP as a result of the receipt of this letter.

I would appreciate receiving your written response no later than February 20, 2019. Responses should not exceed 25 pages and may refer to any additional documents or exhibits that are available on request. Additional guidelines are provided in the enclosed "Mailing Instructions" sheet. A reply from you will assist my office in determining whether this is a matter which should be referred to an unlicensed practice of law committee. Any response by you will

THE FLORIDA BAR

Mr. Marty Stone
Re: Marty Stone
File No. 20191041(17A)
January 31, 2019
Page 3

become a part of the UPL record in this matter and will be accessible to the public upon closure of the case.

Thank you for your cooperation.

Sincerely,



Algeisa Vazquez
Branch UPL Counsel

AV/drk
Enclosures

cc: Mr. Neil J. Gillespie

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "Vazquez, Algeisa" <AVazquez@floridabar.org>
Cc: "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Monday, February 25, 2019 2:02 PM
Attach: 2019, 01-31-19, UPL File No. 20191041 (17A) MARTY STONE.pdf
Subject: Unlicensed Practice of Law Investigation of Marty Stone File No. 20191041(17A)

Algeisa Vazquez
Branch UPL Counsel
The Florida Bar
Lakeshore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
954-835-0233
avazquez@floridabar.org

RE: Unlicensed Practice of Law Investigation of Marty Stone File No. 20191041(17A)

Dear Ms. Vazquez,

Earlier today I tried calling you at 954-835-0233 about the UPL investigation of Marty Stone and was greeted by voice mail and left, in essence, this message: Has Mr. Stone provided his response no later than February 20, 2019 to your letter, PDF attached? Thank you.

Sincerely,

/s/

Neil J. Gillespie
8092 SW 115th Loop
Ocala, FL 34481
Tel. 352-854-7807
Email: neilgillespie@mfi.net



**Additional material
from this filing is
available in the
Clerk's Office.**