

January 22, 2022

Honorable Rex Barbas
Circuit Court Judge
Thirteenth Judicial Circuit
George Edgecomb Building
800 E. Twiggs Street
Tampa, FL 33602

RE: Fawn Ridge Maintenance Association, Inc. v. James Gieder
Case No. 17-CC-030487, Div. J

James Gieder v. Fawn Ridge Maintenance Association, Inc.
Case No. 19-CA-010017, Div. J

Dear Judge Barbas,

I am an owner in the Fawn Ridge subdivision in the Citrus Park area of Hillsborough County. I have closely followed the above-styled case as it has trudged along in civil court for more than 3 years. Let me say from the beginning that I believe I have standing to at least pen this letter to you since I am a member of the HOA that is suing Mr. Gieder for constructing a shed in his backyard.

I have been told you asked from the bench for any comments or critiques of your handling of this case. Since I am a member of the HOA, I believe that includes me. Mr. Gieder only knows his case was in Division J. If you were not his trial judge, please forward my remarks to the appropriate jurist. I obviously have no idea how you intend to rule in this case. But I need to reiterate a few facts for you that prove the only justice here would be a finding against the HOA for selective prosecution.

The provable facts are:

1. Gieder received a violation to remove his shed because it was in violation of the Fawn Ridge Bylaws - a true statement.
2. In the pursuit of justice, however, it must be noted that there are PRESENTLY sheds in the backyards of over 90 of our neighbors. *There are no pending violations or litigation pending for ANY of those sheds as of today's date.*
3. The record shows that Gieder has been selected specifically for prosecution even though his shed is tastefully situated with trees on 3 sides. New Gauge Property Management decided to prosecute him because he did not immediately demolish a beautiful structure that was properly permitted through Hillsborough County. New Gauge has also "grandfathered" in many sheds - as if that is in its power/purview to pick and choose. If any sheds are "grandfathered" in, all of them must be. **Only Mr. Gieder has been selected for civil litigation and personal persecution, an incredible injustice.**
4. It is also important that you know this structure is Mr. Gieder's sanctuary, the place he goes to worship and study the Bible. That is its purpose and I do not know if that fact came out at his trial.
5. This case should have been mediated. Mediation was shut down by Juan Miguel Castro of New Gauge Property Management and NOT by our HOA. A non-party decided not to participate in mediation.
6. The final point I must make is that Juan Miguel Castro, the owner of New Gauge Property Management, has no standing to appear in court on behalf of my HOA. The proper person to appear with Attorney Friscia would be the President of our HOA, James Desmond. After all, Desmond is signing the checks to Friscia and so far has rung up a bill of OVER \$40,000. Remember that Mr. Gieder has also spent the same amount. Over a tasteful \$12,000 structure. In addition, during your 2-day judge trial, New Gauge Property Management allowed its firm license to lapse so it was in unlicensed/inactive status.

I have notified New Gauge Property Management, our HOA Board, and Friscia as to the monetary liability they continue to create for our association in their prosecution of my neighbor, but my words fall on deaf ears. I do not even get the courtesy of a reply. I find it incredibly appalling.

Judge Barbas, please take this letter in the manner I intend. My only reason for writing is to stop a grave injustice. It should be obvious that Gieder will appeal a negative verdict.

I sincerely thank you for taking the time to read this letter. I can no longer turn my back on this situation and need to make sure I've done everything possible to ensure justice is done in this matter.

As far as this letter, I do not care if you file it, shred it, or share it. With anyone. I stand behind every single word. Now it is up to our legal system to work properly, effectively, and most of all....fairly.

Sincerely,

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PS: As an aside, and in fairness and full disclosure, we have met several times before. I was Mark Pizzo's paralegal when he was the Chief Assistant Federal Defender in the late '90s and moved over with him as his paralegal when he was appointed to the federal bench. I watched you in court many times and I remember Judge Pizzo telling me you also attended Loyola.