

**IN THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, FLORIDA**

MARY LOU SMITH, an individual,  
and SHARON DENSON, an individual,

Plaintiffs,

v.

CASE NO. 2008 CA 11315

TRAILER ESTATES PARK AND  
RECREATION DISTRICT,  
an independent special taxing district,  
JANET JONES, an individual,  
JOHN VANDERMOLEN, an individual,  
JOSEPH SALERNO, an individual, and  
MARY LOU MCNULTY, an individual,

Defendants.

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**DEFENDANT JANET JONES  
ANSWER AND MOTION TO STRIKE**

Janet Jones responds to the Amended Complaint as follows:

**VENUE, JURISDICTION AND NATURE OF THE ACTION**

1. Without knowledge; therefore denied.
2. Admit only that venue is proper with this Court; deny the remaining allegations within paragraph 2.

**ALLEGATIONS COMMON TO ALL COUNTS**

3. Without knowledge; therefore denied.
4. Without knowledge; therefore denied.
5. Without knowledge; therefore denied.

6. Admit.
7. Admit Board of Trustees is the governing body of Trailer Estates Park and Recreation District; deny the remainder of the allegation.
8. Denied as phrased.
9. Admit Jones is a resident of Trailer Estates; admit she has served on the Board of Trustees since prior to 2005; and admit she was Chairman of the Board of Trustees from January 2007 through December 2008; otherwise denied.
10. Without knowledge; therefore denied.
11. Without knowledge; therefore denied.
12. Without knowledge; therefore denied.
13. Admit only that the Board members are subject to Florida's Sunshine Law and the legal requirements set forth in law; other wise denied.
14. Admit only that the Board members are subject to Florida's Public Records Law and the legal requirements set forth in law; otherwise denied.
15. This is a legal conclusion; otherwise denied.
16. Admit that Ms. Jones knows she is subject to the Sunshine Law and Public Records Law; without knowledge and therefore denied as to other Board members' knowledge.
17. Without knowledge; therefore denied.
18. Admit there have been presentations concerning the Sunshine Law and Public Records Law; however, deny the balance of paragraph 18.
19. Admit that there have been presentations concerning the Sunshine Law and Public Records Law; however, deny the balance of paragraph 19.

- 20. Denied.
- 21. Without knowledge; therefore denied.
- 22. Denied.

**COUNT I**  
**DECLARATORY JUDGMENT PURSUANT TO CHAPTER 86, BY**  
**CONSTRUING THE RIGHTS AND OBLIGATIONS OF THE PARTIES SET**  
**FORTH IN SECTION 286.011, FLA. STAT.**  
**(as to all Defendants)**

- 23. Ms. Jones re-alleges her responses in paragraphs 1 through 22 as if fully set forth here.
- 24. Admit only Plaintiffs purport to bring the declaratory judgement complaint; otherwise denied.
- 25. Art. I, Section 24 of the Florida Constitution speaks for itself; otherwise denied.
- 26. Section 286.011, Florida Statutes, speaks for itself; otherwise denied.
- 27. Section 286.011(4), Florida Statutes, speaks for itself; otherwise denied.
- 28. Denied.
- 29. Denied.
- 30. Without knowledge; therefore denied.
- 31. Exhibit 4 speaks for itself; otherwise denied.
- 32. Denied.
- 33. Denied.
- 34. Exhibit 5 speaks for itself; otherwise denied.
- 35. Denied.
- 36. Denied.

37 . Defendant Jones moves to strike the reference “include, but are not limited to” as failing to provide Defendant Jones with notice as to the claims against her in violation of her Due Process rights. Notwithstanding this motion, Ms. Jones responds as follows:

- (a) Without knowledge; therefore denied.
- (b) Without knowledge; therefore denied.
- (c) Without knowledge; therefore denied.
- (d) Without knowledge; therefore denied.
- (e) Denied.
- (f) Denied.
- (g) Without knowledge; therefore denied.
- (h) Without knowledge; therefore denied.
- (i) Without knowledge; therefore denied.
- (j) Without knowledge; therefore denied.
- (k) Without knowledge; therefore denied.
- (l) Without knowledge; therefore denied.
- (m) Without knowledge; therefore denied.
- (n) Without knowledge; therefore denied.
- (o) Without knowledge; therefore denied.
- (p) Denied.
- (q) Without knowledge; therefore denied.
- (r) Without knowledge; therefore denied.
- (s) Denied

(t) Without knowledge; therefore denied.

(u) Without knowledge; therefore denied.

(v) Denied.

(w) Denied.

(x) Without knowledge; therefore denied.

(y) Denied.

38. Without knowledge; therefore denied.

39. This allegation calls for a legal conclusion; without knowledge; therefore denied.

40. This allegation calls for a legal conclusion; without knowledge; therefore denied.

41. This allegation calls for a legal conclusion; without knowledge; therefore denied.

42. This allegation calls for a legal conclusion; without knowledge; therefore denied.

43. Without knowledge; therefore denied.

44. Without knowledge; therefore denied.

45. Denied

46. Denied.

47. Denied.

48. Without knowledge; therefore denied.

49. Without knowledge; therefore denied.

50. Without knowledge; therefore denied.

51. Denied.

All “Wherefore” clauses denied that Plaintiffs are entitled to such relief.

**COUNT II - DECLARATORY JUDGMENT PURSUANT TO CHAPTER 86, BY  
CONSTRUING THE RIGHTS AND OBLIGATIONS OF THE PARTIES SET  
FORTH IN SECTION 119.07, FLA. STAT.  
(As to Trailer Estates, Vandermolen, and McNulty)**

Count II, comprising paragraphs 52 through 76 is not directed against Defendant Jones and therefore are not responded to except:

....

62. Defendant Jones moves to strike the reference “include, but are not limited to” as failing to provide Defendant Jones with notice as to the claims against her in violation of her Due Process rights. Notwithstanding this motion, Ms. Jones responds as follows:

- (a) Without knowledge; therefore denied.
- (b) Without knowledge; therefore denied.
- (c) Without knowledge; therefore denied.
- (d) Without knowledge; therefore denied.
- (e) Without knowledge; therefore denied.
- (f) Exhibit 12 is not attached to the Complaint; without knowledge; therefore denied.

....

64. Defendant Jones moves to strike the reference “include, but are not limited to” as failing to provide Defendant Jones with notice as to the claims against her in violation of her Due Process rights. Notwithstanding this motion, Ms. Jones responds as follows:

- (a) Without knowledge; therefore denied.
- (b) Without knowledge; therefore denied.

- (c) Without knowledge; therefore denied.
- (d) Without knowledge; therefore denied.
- 65. Without knowledge; therefore denied.

**COUNT III - MANDAMUS IN ACCORDANCE WITH  
SECTIONS 119.07 and 286.011, FLA. STAT.  
(as to Trailer Estates, Jones, Vandermolen, and Salerno)**

The Court has not issued an Order to Show Cause requesting any of the Defendants to respond. However, in an abundance of caution, Defendant Jones responds to the mandamus request. Defendant Jones' response does not waive her position that mandamus is not appropriate.

77. Janet Jones reincorporates here her responses to paragraphs 1 through 22, 62, 64 and 65 as if fully set forth here.

- 78. Without knowledge; therefore denied.
- 79. Denied.
- 80. Without knowledge; therefore denied.
- 81. This allegation calls for a legal conclusion; without knowledge; therefore denied.
- 82. Denied.
- 83. Denied.
- 84. Denied.

All "Wherefore" clauses denied that Plaintiffs are entitled to such relief.

**COUNT IV - TEMPORARY AND PERMANENT INJUNCTIVE RELIEF  
(as to all Defendants)**

Defendant Jones notes that Plaintiffs' numbering scheme is inconsistent. Defendant Jones retains Plaintiffs' numbering scheme.

72. Ms. Jones re-alleges her responses in paragraphs 1 through 22 as if fully set forth here.

73. Without knowledge; therefore denied.

74. Without knowledge; therefore denied.

75. Without knowledge; therefore denied.

76. Denied.

77. Denied.

78. Denied.

79. Without knowledge; therefore denied.

80. Denied.

81. This paragraph does not allege any ultimate facts. To the extent it does, it is denied.

All “Wherefore” clauses denied that Plaintiffs are entitled to such relief.

Any allegation not specifically admitted is denied.

#### **ATTORNEY FEES**

Defendant Jones maintains that she is entitled to have her attorney fees paid pursuant to chapter 2002-361, Laws of Florida, sections 15(j) and section 20.

#### **MOTION TO STRIKE**

Defendant Jones moves to strike all references in the Amended Complaint that include a



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by First Class

United States Mail this 29th day of May, 2009, to:

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/s/ Hunter W. Carroll