

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 VANDER MOLEN, an individual,  
JOSEPH SALERNO, an individual, and  
MARY LOU McNULTY, an individual,

Defendants.

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**REQUEST FOR JUDICIAL NOTICE**

COMES NOW Defendant, Trailer Estates Park and Recreation District, by and through its undersigned counsel, and hereby requests pursuant to F.S. 90.202(11) & (12) and 90.203 that this Court take judicial notice of the following:

1. The matters set forth below are relevant and material to the Motion for Sanctions Against Plaintiffs for Violating Mediation Confidentiality.
2. The circulation and readership of the Bradenton Herald Sunday edition.
3. The average monthly page view of the Bradenton Herald website.
4. The above information is recited in the website of the owner of the Bradenton Herald, the McClatchy Company, at <http://www.mcclatchy.com/146/story/346.html>.

WHEREFORE, Defendant, Trailer Estates Park and Recreation District requests that this Honorable Court take judicial notice of the matters set forth herein.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S. Mail and facsimile to Kevin S. Hennessy, Esquire, Lewis, Longman & Walker, P.A., 1001 Third Avenue West, Suite 670, Bradenton, Florida 34205, (941) 708-4024, Daniel E. Scott, Esquire, Center Pointe, Suite 408, Sarasota, Florida 34237-6056, (941) 366-6303, Robert E. Turffs, P.A. 1444 First Street, Suite B, Sarasota, Florida 34236, (941) 953-5736, James D. Dye, Esquire, Dye, Deitrick, Petruff & St. Paul, P.L., 1111 3rd Avenue W., Bradenton, FL 34205-7834, (941) 748-1573, and Hunter W. Carroll, Esquire, Matthews, Eastmoore, Hardy, Crauwels & Garcia, P.A., 1777 Main Street, Suite 500, Sarasota, FL 34236, (941) 954-7777, on this 28 day of July, 2009.

**KIRK ■ PINKERTON, P.A.**

50 Central Avenue, Suite 700

Sarasota, FL 34236

Florida Bar No. 363219

Tel: (941) 364-2425

Fax: (941) 364-2490

By: 

Thomas D. Shults, Esquire

## Newspapers

### Bradenton Herald

102 Manatee Avenue West

Bradenton, FL 34205  
941-748-0411  
www.Bradenton.com

- The Paper
- The Community



## The Paper

**Mission Statement:** The Bradenton Herald strives to be the best community newspaper in the United States.

**Founded:** In 1922, the Bradenton Herald, a weekly that had been in existence since the turn of the century, merged with another weekly, The Manatee River Journal. The result was The Evening Herald, which was published Monday through Saturday until 1926, when the Saturday publication was replaced by a Sunday edition and the name was changed to The Bradenton Herald. The Saturday edition was resumed in 1953. The Bradenton Herald was sold to the R. W. Page Corp. of Columbus, Ga., in 1925 and then to Knight Newspapers, Inc. in 1973. In 1974, Knight Newspapers and Ridder Publications merged, and The Bradenton Herald became a Knight Ridder newspaper. In 2006, the Bradenton Herald was one of the newspapers included in the sale of Knight Ridder newspapers to The McClatchy Company.



#### Key Executives:

Bob Turner, President & Publisher  
Joan Krauter, Vice President & Executive Editor  
Erin Humphreys, Vice President, Advertising  
Greg Curling, Chief Financial Officer  
Terry Tramell, Vice President, Circulation  
Jackie Luper, Vice President, Interactive Media  
Angela Regnier, Human Resources Director

**General Hiring Contact:** Human Resources Director Angela Regnier: 941-748-0411, ext. 6800; fax 941-745-7062; e-mail [aregnier@bradenton.com](mailto:aregnier@bradenton.com); Bradenton Herald, P.O. Box 621, Bradenton, FL 34206

**Distinction:** Hometown newspaper of Manatee County since 1928. The Bradenton Herald has mirrored its community's growth -- from the tiny agricultural-and-fishing town of Bradenton to today's bustling, high-growth metropolitan area and sought-after tourist destination -- without losing its small-town charm. The Bradenton Herald competes with three other daily newspapers by offering the best local report available, from breaking news to education coverage and neighborly good news.

**Market:** A six-day afternoon paper in its early years, the Herald began seven-day publication in 1953 and switched to morning deliveries in 1983. Acquired by the R.W. Page Corp. of Columbus, Ga., in 1925, the Herald became

part of the Knight Ridder newspaper company in 1974. In 2006, it joined the McClatchy family. The Herald has expanded its involvement in community activities to sponsor more than 300 events a year. The Herald was honored in 2000 with the Alvah Chapman Award for Superior Business Performance as the top-performing newspaper in Knight Ridder.

**Circulation Area:** Home delivery covers all of Manatee County, a portion of Hillsborough County and northern Sarasota County. Single copy extends farther into Sarasota County. The area is bordered by the Gulf of Mexico on the west and the Manatee/Hardee county line I-75 on the east.

**Customers:** 48% male, 52% female

**Site:** An 86,400-square-foot building on a 9.2-acre site in downtown Bradenton and a stand-alone Lakewood Ranch office in East Manatee County

**Readership:** 115,500 daily; 139,300 Sunday

**Circulation:** 45,427 daily; 50,393 Sunday

**Size:** 56 pages daily; 112 pages Sunday

**Single-Copy Sales:** 20% daily; 27.3% Sunday

**Production:** Offset press (23 years old)

**Color:** 48 broadsheet pages; 24 full-color pages (all process color)

**Newspaper Website:** www.Bradenton.com

**Average Monthly Page Views/Unique Visitors:** 1,811,850 page views; 306,835 unique visitors

**Employees:** 197 full-time; 17 part-time

**Newsroom Staff:** One executive editor; one managing editor; one editorial page editor; one multimedia editor; nine assigning editors for features, business, photo, metro, sports and online; 18 reporters/columnists; two features writers; six sports reporters; one presentation editor; 11 universal desk staff; four sports desk staff; one graphic artist; four photographers; one editorial assistant

**Bureaus:** East Manatee newsroom in Lakewood Ranch. The Bradenton Herald shares Washington, D.C., reporter Lesley Clark with The Miami Herald.

**Major Awards:** In 2006, the Bradenton Herald won almost 80 honors for quality journalism. As of mid-2007, the staff has been recognized for:

- Society of Professional Journalists, Sunshine State Awards
  - First place, editorials, David Klement
  - Second place, deadline news reporting, Melanie Marquez and Maura Possley
  - Second place, election reporting, Duane Marsteller and Stacey Eidson
  - Second place, deadline sports reporting, Roger Mooney
  - Second place, environmental reporting, Donna Wright
  - Second place, business front design, Chris Rotar
  - Third place, deadline news reporting, staff
  - Third place, Gene Miller Award for investigative, Duane Marsteller and Rebecca Blue
  - Third place, travel writing, James A. Jones Jr.
- Florida Sports Writers Association
  - First place, daily section
  - First place, special section
  - First place, individual design, Jason Bartolone
  - First place, sports feature, Roger Mooney
  - First place, columns, Roger Mooney



The Youth Sailing Regatta at Lake Ulein in Edgewater Village, Lakewood Ranch.

- First place, sports event, John Lembo
  - First place, investigative, Doug Kaid
  - Second place, Sunday section
  - Second place, sports event, Roger Mooney
  - Second place, sports news, John Lembo
  - Third place, individual design, Erica Thomas
  - Third place, sports feature, Mike Henry
  - Third place, sports event, Doug Kaid
- Society for News Design
    - Award for Excellence, news design/pages, A-section/broadsheet, Brent Conklin and Jennifer Yeoman
  - Florida Society of Newspaper Editors
    - First place, spot news photography, Grant Jefferies
    - First place, illustration, WellBeing section staff
    - Second place, sports page design, Alan Bellittera
    - Second place, business page design, Chris Rotar
    - Second place, business reporting, Laura Figueroa
    - Second place, special section, Living Here staff
    - Third place, Page One design staff

Major Advertisers: Macy's, Dillard's, Circuit City, Beall's, Sears, DeSears, and a strong automotive market with good auto-dealer support

Special Publications: Real Estate Guide; Pirates Spring Training Program; Community Events Calendar; Celebrate Bradenton

Well-known Newsroom Personalities: Columnist Vin Mannix; sportswriter/columnist Roger Mooney; opinion page editor David Klement

Community Involvement: The Golden Herald Awards Program, an academic sponsorship, was established by the Bradenton Herald in 1978 to recognize outstanding high school seniors in Manatee County for exemplary service to their schools and community.

Will Fleet, Bradenton Herald president and publisher, board memberships: Manatee Chamber of Commerce, Manatee Economic Development Council, Manatee Community Foundation, Lakewood Ranch Business Alliance, Lakewood Ranch Community Fund, Manatee Education Foundation

## The Community

Market: Bradenton is the largest city and county seat of Manatee County, on the south side of Tampa Bay on Florida's West Coast. Beginning with the merger of two small weekly newspapers in 1922, the Herald has prospered in Manatee County, which more than 300,000 people now call home and is among the fastest-growing areas in the United States. The Bradenton Herald has expanded its involvement in community activities to sponsor more than 300 events a year.

Location: Located on Florida's Southwest Coast, just south of Tampa Bay, Florida's Gulf Islands of Anna Maria and Longboat Key and the Greater Bradenton Area are bordered by the Gulf of Mexico and are easily accessible by automobile as well as two major international airports. As one of Florida's beautiful Suncoast communities, Manatee County offers a high quality of life for retirees and families. Bradenton has year-round sunshine, a



Beachgoers enjoy a sunny, quiet day.

warm tropical climate and water temperatures averaging in the 80s.

Transportation: Sarasota/Bradenton Airport; Tampa International Airport; Manatee Area Transit; Port of Manatee; interstate highway access

Bradenton City Population: 52,498

Manatee County Population: 273,408

City Households: 93,530

County Households: 127,496

Household Growth Rate: 2.6% annually

Education: 79.8% have high school degrees or higher; 20.5% have bachelor's degrees; 7.3% have graduate or professional degrees

Ethnic Makeup: 71.6% white; 15% African American; 11.3% Hispanic; 3.9% other; 1.7% multiethnic; 0.6% American Indian

Median Age: 45-66

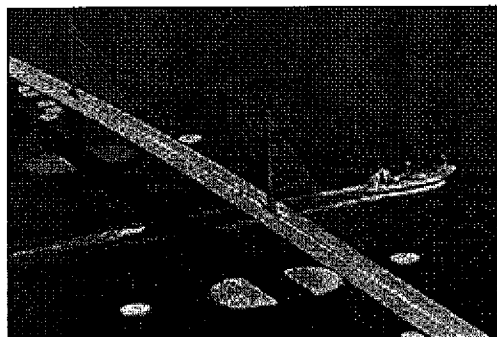
Average Income: \$42,185

Median Home Value: \$297,000

Average Rent: (two bedrooms) \$675 month

Climate: Bradenton has a semitropical to tropical climate; average temperatures in winter, 50 to 70 degrees; spring, 60 to 80 degrees; summer, 80 to 90 degrees; fall, 60 to 70 degrees.

Major Employers/Industries: Beall's; Tropicana; Manatee Port Authority; Sarasota/Bradenton Airport; Manatee Memorial Hospital; Manatee County School District; Wal-Mart; The Home Depot; Lowe's



A freighter passes under the Sunshine Skyway Bridge.



Coquina Beach is located on Anna Maria Island in Southwest Florida.

Major Retailers: Beall's; Wal-Mart, Lowe's, CVS

Higher Learning: University of South Florida; Manatee Technical Institute

Culture: Riverfront Theater; Island Players; Florida West Coast Symphony; The South Florida Museum; The Van Wezel Theater; Asolo Theater; John and Mable Ringling Museum of Art; Marie Selby Botanical Gardens; Mote Marine; Bishop Planetarium

Sports: IMG (Bolletieri) Academies; Pittsburgh Pirates Spring Training Camp at McKechnie Field; high school sports among the state's best; NFL Tampa Bay Buccaneers; MLB Tampa Bay Devil Rays

Major Annual Events:

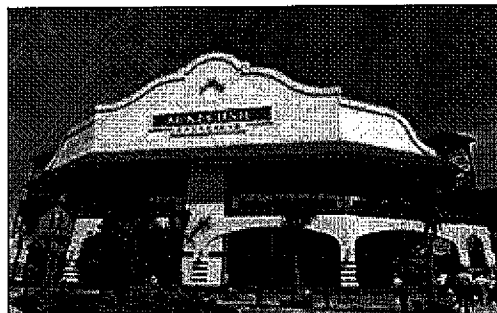
Celebrate Bradenton, Sarasota Medieval Fair, Sarasota Film Festival, Holiday Boat Parade, Pittsburgh Pirates baseball spring training, DeSoto Heritage Festival, Hunsader Farms Pumpkin Festival

Tourist Attractions: Bradenton Beach, Holmes Beach and Anna Maria Island beaches; shopping; dining; a variety of historical homes, churches and other sites; Sarasota Polo Club

Recreation: Beach, golf, tennis, parks, biking, kayaking, boating, fishing, nature tours

Nightlife: Minutes away from all the hot spots on the west coast of Florida, Bradenton's beaches offer the most nightlife with a variety of dining and entertainment options.

Claim to Fame: White sandy beaches



McKechnie Field is the spring training home of the Pittsburgh Pirates baseball team.

Famous Citizens: Golf pro Paul Azinger; tennis pros Monica Seles, Maria Sharapova; musician Gregg Allman; Oakland Raiders veteran Henry Lawrence; ESPN sports broadcaster Dick Vitale; tennis pro Nick Bolleteri; baseball coach Hal McRae; and Tom Armstrong, creator of the comic strip "Marvin"

Area Information:

Manatee Chamber of Commerce

P.O. Box 321

Bradenton, FL 34206

941-748-3411


[www.ManateeChamber.com](http://www.ManateeChamber.com)

Recent Issues of the Newspaper:

The Bradenton Herald's customer service department at 941-748-0411, ext. 5380

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