

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, FLORIDA  
CIVIL DIVISION

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

Plaintiffs,

vs.

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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**DEFENDANT, TRAILER ESTATES PARK AND RECREATION  
DISTRICT'S INITIAL WITNESS AND EXHIBIT LIST**

Defendant, TRAILER ESTATES PARK AND RECREATION DISTRICT, by and through its undersigned attorneys, files this, its Initial Witness and Exhibit List, for the trial of this cause, as follows:

**WITNESSES**

1. Martha Brauer, c/o Thomas D. Shults, Esquire, Kirk-Pinkerton, P.A., 50 Central Avenue, Suite 700, Sarasota, Florida 34236
2. Representative for Trailer Estates Park and Recreation District, c/o Thomas D. Shults, Esquire, Kirk-Pinkerton, P.A., 50 Central Avenue, Suite 700, Sarasota, Florida 34236
3. Janet Jones, c/o Hunter W. Carroll, Esquire, Matthews, Eastmoore, et al., 1777 Main Street, Suite 500, Sarasota, Florida 34236
4. John Vander Molen, c/o Daniel E. Scott, Esquire, Daniel E. Scott, P.A., 2033 Main Street, Suite 408, Sarasota, Florida 34237
5. Joseph Salerno, c/o Robert E. Turffs, Esquire, Robert E. Turffs, P.A., 1444 First Street, Suite B, Sarasota, Florida 34236

6. Mary Lou McNulty, c/o James D. Dye, Esquire, Dye, Deitrich, Ptruff & St. Paul, P.L., 1111 Third Avenue West, Suite 300, Bradenton, Florida 34205
7. Mary Lou Smith, c/o Lewis, Longman & Walker, P.A., 1001 Third Avenue West, Suite 670, Bradenton, Florida 34205
8. Sharon Denson, Lewis, Longman & Walker, P.A., 1001 Third Avenue West, Suite 670, Bradenton, Florida 34205
9. Mark P. Barnebey, Kirk Pinkerton, P.A., 1301 6<sup>th</sup> Avenue West, Suite 401, Bradenton, Florida 34205
10. Scott Rudacille, Kirk Pinkerton, P.A., 1301 6<sup>th</sup> Avenue West, Suite 401, Bradenton, Florida 34205
11. Jason T. Gaskill, Esquire, Ruden McClosky, et al., 1515 Ringling Blvd., Suite 700, Sarasota, Florida 34236
12. Louis M. Ursini, III, Ruden McClosky, et al., 1515 Ringling Blvd., Suite 700, Sarasota, Florida 34236
13. Beverly Lew, 2008 Illinois Avenue, Bradenton, Florida 34207.
14. Gail Opper, 1915 Minnesota Avenue, Bradenton, Florida.
15. Jennifer R. Cowan, Lewis, Longman & Walker, P.A., 1001 Third Avenue West, Suite 670, Bradenton, Florida 34205.
16. Judy Riedel, 2315 New York Avenue, Bradenton, Florida 34207.
17. Pamela Cole, Trailer Estates
18. T.J. Miller, 1903 69<sup>th</sup> Avenue West, Bradenton, Florida 34281-6298.
19. Bruce Smith, Trailer Estates
20. Thomas Featheringill, Trailer Estates
21. Joe Fulmer, Trailer Estates
22. Peggy Durham, Trailer Estates
23. Margo Cushman, Trailer Estates
24. Harry Fitzpatrick, Trailer Estates

25. Fred Hoch, Trailer Estates
26. Mike Neal, Trailer Estates
27. Chet Force, Trailer Estates
28. Connie Zack, Trailer Estates
29. Joe Bigley, Trailer Estates
30. Robert Poor, Trailer Estates
31. Judy Reidel, Trailer Estates
32. Jane Laduc, Trailer Estates,
33. Carol Welsh, Trailer Estates,
34. Flo Mallory, Trailer Estates,
35. John White, Trailer Estates
36. Jim Angerame, Trailer Estates
37. Ruth Schneider, Trailer Estates
38. Lucille Donovan, Trailer Estates
39. Chet Bailey, Trailer Estates
40. Mary Huston, Trailer Estates
41. Bob Gentner, Trailer Estates
42. Larry Sarhatt, Trailer Estates
43. Phyllis Hamblen, Trailer Estates
44. Lenora Neal, Trailer Estates
45. Darlene Beasley, Trailer Estates
46. Catherine Farrell, Trailer Estates
47. Lonny Stanley, Trailer Estates

48. Virgil Reinig, Trailer Estates
49. Nancy Keegan, Trailer Estates
50. Pat Prosser, Trailer Estates
51. Chet Force, Trailer Estates
52. Ruth Langton, Trailer Estates
53. Emma Tuttle, Trailer Estates
54. Dorothy Naugle, Trailer Estates
55. Walter Dietz, Trailer Estates
56. Esther Callahan, Trailer Estates
57. Kay Hislop, Trailer Estates
58. Mike Garrette, Trailer Estates
59. Jean Cotter, Trailer Estates
60. All persons deposed in this lawsuit.
61. All witnesses listed on Defendant, Janet Jones' Witness List.
62. All witnesses listed on Defendant, John Vander Molen's Witness List.
63. All witnesses listed on Defendant, Joseph Salerno's Witness List.
64. All witnesses listed on Defendant, Mary Lou McNulty's Witness List.
65. All witnesses listed on Plaintiffs' Witness List.
66. All witnesses necessary for impeachment or rebuttal.
67. Discovery is ongoing; therefore Defendant reserves the right to supplement this witness list.

#### **EXHIBITS**

1. Trailer Estates Park and Recreation District Policy and Procedures Manual.
2. Trailer Estates Park and Recreation District Bylaws.

3. Trailer Estate Park and Recreation District Charter.
4. All Trailer Estate Park and Recreation District meeting notices.
5. Trailer Estate Park and Recreation District Workshop minutes.
6. Trailer Estates Park and Recreation District Board Agenda Item Form/Policy
7. Trailer Estates Park and Recreation District Future Planning Committee minutes.
8. Trailer Estates Park and Recreation District Budget Questionnaire – December 2008.
9. Memorandum to Trailer Estates Board of Trustees from Mark P. Barnebey dated July 20, 2007.
10. Memorandum to Janet Jones, Chair, from Mark P. Barnebey dated October 22, 2007.
11. Letter to Janet Jones, Chair, from Scott E. Rudacille dated February 28, 2008.
12. Letter from Mary Lou Smith to Trailer Estates/Attn: Mary Lou McNulty dated August 27, 2006.
13. E-mails between Scott Rudacille and Jennifer Cowan dated March 25, 2009.
14. Memorandum to Janet Jones, Chair, from Mark P. Barnebey and Scott E. Rudacille dated December 5, 2007.
15. Letter from Sharon Denson to Mary Lou McNulty dated April 11, 2008.
16. Letter from Sharon Denson to Mary Lou McNulty dated April 17, 2008.
17. Letter from Sharon Denson to TJ Miller dated November 24, 2008.
18. Letter from Sharon Denson to TJ Miller dated November 26, 2008.
19. Letter from Mary Lou Smith to Trailer Estates Park and Recreation District Board of Trustees dated April 17, 2006.
20. Letter from Mary Lou Smith to Trailer Estates Park and Recreation District, Attn: Mrs. McNulty dated May 23, 2006.
21. Letter from Mary Lou Smith to Trailer Estates Park and Recreation District, Attn: Mrs. McNulty dated June 22, 2006.

22. Letter from Mary Lou Smith to Mr. and Mrs. Opper dated March 11, 2008.
23. Letter from Louis M. Ursini, III, Ruden McClosky to Mary Lou McNulty dated May 18, 2006.
24. Memorandum from Jason T. Gaskill to FILE – Client File/Matter No. 23474-0056 dated May 10, 2006.
25. Letter from Jennifer R. Cowan to Mark P. Barnebey and TJ Miller dated January 8, 2009.
26. Letter from Jennifer R. Cowan to Mark P. Barnebey dated February 4, 2009.
27. Letter from Mary Lou McNulty to Mary Lou Smith dated July 3, 2006.
28. Letter from Mary Lou McNulty to Mary Lou Smith dated August 22, 2006.
29. Letter from Jennifer Cowan to Mark Barnebey dated August 17, 2007.
30. All public records requests of the plaintiffs.
31. All public records requests of Jennifer Cowan.
32. Minutes of the Trailer Estates Park and Recreation District Board of Trustees Regular Meetings from January 2004 through the present.
33. Minutes of the Trailer Estates Park and Recreation District Executive Board from 2004 through the present.
34. All Trailer Estates Park and Recreation District Committee agendas.
35. VHS cassette tapes, including but not limited to the “2006 Budget Hearing Video”.
36. Any and all audio cassette tapes of Trailer Estates Park and Recreation District Committee meetings.
37. Database of Trailer Estates Park and Recreation District.
38. “An Open Letter to Trailer Estates Residents” by Mary Lou Smith dated October 16, 2006.
39. Letter from Maggie D. Mooney to Scott E Rudacille dated May 8, 2007.
40. Memo to Let’s Talk Club from Thurman and Gail Opper dated March 21, 2008.

41. DVD of February 20, 2006 Regular Board of Trustees Meeting.
42. All documents listed on Plaintiffs' Exhibit List.
43. All documents listed on Defendant, Janet Jones', Exhibit List.
44. All documents listed on Defendant, John Vander Molen's, Exhibit List.
45. All documents listed on Defendant, Joseph Salerno's, Exhibit List.
46. All documents listed on Defendant, Mary Lou McNulty's, Exhibit List.
47. All documents necessary for impeachment or rebuttal.
48. All depositions (including video) and all deposition exhibits in this matter.
49. Any and all documents produced pursuant to Public Records Requests.
50. Any and all documents produced by each of the Defendants in response to Plaintiffs' discovery requests.
51. Any and all documents produced by Plaintiffs in response to Defendants' discovery requests including, but not limited to, Bate-numbered documents 1 through 3708.
52. Comments/entries made by the plaintiffs, among others, who posted to the Editor's Blog at <http://bradentonherald.blogspot.com/2008/04/trailer-estates-stories-are-about-law.html>.
53. E-mail of Beverly Lew dated September 6, 2007
54. E-mail of Tom Featheringill dated September 6, 2007
55. Affidavit of Beverly Lew dated March 16, 2009.
56. Affidavit of Mary Lou Smith dated March 9, 2009.
57. Affidavit of Sharon Denson dated March 9, 2009.
58. Affidavit of Jennifer Cowan.
59. Affidavit of Judy Reidel dated March 13, 2009.
60. All documents filed with affidavits in this matter.

61. All documents attached to the Complaint and to the Amended Complaint.
62. Ms. Jones' calendar.
63. Ms. Jones telephone bills.
64. All documents or items not yet produced through discovery.
65. Discovery is ongoing; therefore Defendant reserves the right to supplement this exhibit list.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by Facsimile and U.S. Mail to Kevin S. Hennessy, Esquire, Lewis, Longman & Walker, P.A., 1001 Third Avenue West, Suite 670, Bradenton, Florida 34205, Attorney for Plaintiffs; Robert E. Turffs, P.A., 1444 First Street, Suite B, Sarasota, Florida 34236, Attorney for Defendant, Joseph Salerno; James D. Dye, Esquire, Dye Deitrich, Petruff & St. Paul, P.L., 1111 3rd Avenue W., Bradenton, FL 34205-7834, Attorney for Defendant, Mary Lou McNulty; Hunter W. Carroll, Esquire, Matthews, Eastmoore, et al., 1777 Main Street, Suite 500, Sarasota, FL 34236, Attorney for Defendant, Janet Jones; Daniel E. Scott, Esquire, Daniel E. Scott, P.A., 2033 Main Street, Suite 408, Sarasota, FL 34237, Attorney for Defendant, John Vander Molen, on this 28 day of July, 2009.

**KIRK ■ PINKERTON, P.A.**

50 Central Avenue, Suite 700

Sarasota, FL 34236

Tel: (941) 364-2425

Fax: (941) 364-2490

By: 

Thomas D. Shults, Esquire

Florida Bar No. 363219

Zachary L. Ross, Esquire

Florida Bar No. 0028351

Attorneys for Defendant, Trailer Estates  
Park and Recreation District