

**IN 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.: 08 CA 11315  
Division: B

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

Defendants.

---

**NOTICE OF TAKING DEPOSITION DUCES TECUM**

PLEASE TAKE NOTICE that counsel for the Plaintiffs, MARY LOU SMITH and SHARON DENSON, will take the following deposition:

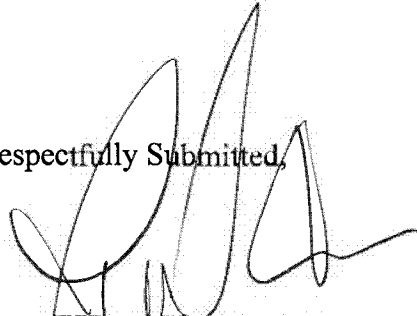
**NAME:** Harry Fitzpatrick  
**DATE:** August 11, 2009  
**TIME:** 1:45 PM  
**PLACE:** Vincent Lucente & Associates  
526 12th Street, West  
Bradenton, FL 34205

upon oral examination before a Court Reporter authorized by law in the State of Florida to take depositions. This oral examination will continue from day to day until completed. The

deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Florida Rules of Civil Procedure.

**The documents listed on Exhibit "A" attached hereto shall be brought to the deposition.**

Respectfully Submitted,



---

KEVIN S. HENNESSY, ESQUIRE

Florida Bar No. 0602558

MAGGIE D. MOONEY-PORTALE, ESQUIRE

Florida Bar No. 0555924

JENNIFER R. COWAN, ESQUIRE

Florida Bar No. 0038081

Lewis, Longman & Walker, P.A.

1001 3<sup>rd</sup> Avenue West, Suite 670

Bradenton, Florida 34205

Telephone (941) 708-4040

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to **Hunter Carroll, Esquire**, Matthews, Eastmoore, Hardy, Crauwels & Garcia, P.A., 1777 Main Street, Suite 500, Sarasota, FL 34236, **James D. Dye, Esquire**, Dye, Deitrich, Petruff, & St. Paul, 1111 Third Ave. West, Suite 300, Bradenton, FL 34205, **Robert E. Turffs, Esquire**, 1444 First Street, Suite B, Sarasota, FL 34236, **Daniel E. Scott, Esquire**, Daniel E. Scott, P.A., 2033 Main Street, Suite 408, Sarasota, FL 34237, **Thomas D. Shults, Esquire**, Kirk Pinkerton, P.A., 50 Central Avenue, Suite 700, Sarasota, FL 34236, by *U.S. First Class Mail*, this 28<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
JENNIFER R. COWAN, ESQUIRE

**EXHIBIT "A"**

Copies of any and all documentation in your possession including but not limited to the following:

1. Any and all journals, diaries, calendars, or notes relating to Trailer Estates Park and Recreation District ("District"), whether in electronic or written format, from January 1, 2005, to the present.
2. Any and all notes, memos, recordings or emails from January 1, 2005, to the present, whether in electronic or written format, between you and any person who has served or is serving on the District's Board of Trustees.
3. Any and all documents (including but not limited to all journals, diaries, calendars, notes, memos, or emails) whether in electronic or written format, relating to the District's Executive Committee, Administrative Committee, and/or Executive Board, from January 1, 2005, to the present.
4. Any and all documents reflecting communication between the Board of Trustees for the District from January 1, 2005, to the present.
5. Any and all telephone, including cellular phone, records and invoices or bills from January 1, 2005, to the present.
6. Any and all documentation relating to the memos issued by Janet Jones from January 1, 2005, to the present.
7. Any and all documents relating to the public records policy and procedure adopted on January 7, 2008 and any amendments to that policy.
8. Any and all documentation relating to Wayne Hamblen's execution of a Manatee County Easement Encroachment Agreement on behalf of the District.
9. Any and all documents relating to the application of Fla. Stat. § 849.01 applies to the District.
10. Any and all documents relating to the appointment of Mike Neal and Tom Featheringill to the District's Board of Trustees.
11. Any and all documents relating to October 16, 2006, Board Meeting Minutes and any amendments of those minutes.
12. Any and all documents relating to the computer router formerly located in the Trailer Estates office.
13. Any and all documents relating to the November 5, 2007, Meet the Candidate Evening.

14. Any and all documents relating to the November 17, 2008, Meet the Candidate Evening.
15. Any and all documents relating to the decision to video record the District's Board Meetings and the maintenance of those recordings.
16. Any and all documents related to the District's television channel or the video club.
17. Any and all documents relating to the Disaster Meeting held on June 4, 2007, and referenced in the June 4, 2007, Board Meeting Minutes.
18. Any and all documents relating to the selection of articles for publication in the Tribune.
19. Any and all documents relating to the disbanding of District committees.
20. Any and all documents relating to changes in the District's website from December 1, 2008, to present.
21. Any and all documents relating to the Budget Questionnaire discussed at the December 8, 2008, District Board Meeting.
22. Any and all documents relating to the "pre-meetings" referenced at the March 21, 2005, Board Meeting Minutes.
23. Any and all documents relating to the 2006 meeting with Joe Bigley regarding approval of permits.
24. Any and all documents relating to the ARC Committee.
25. Any and all documents relating to the Marina Committee.
26. Any and all documents relating to the previous or current District policy regarding the Trustees contact with the District's counsel.
27. Any and all documents relating to the Deed Restriction Committee.
28. Any and all documents relating to the use of the District's kitchen.
29. Any and all documents relating to the Referendum Committee.
30. Any and all documents relating to vacancies on the District's Board of Trustees.
31. Any and all documents relating to the public records withheld and complained of in the Amended Complaint.

32. Any and all documents relating to the fees charged to the Plaintiffs for copies of public records as complained of in the Amended Complaint.
33. Any and all notes, memos, letters, correspondence, or emails from January 1, 2005, to the present, whether in electronic or written format, between you and Gail Opper.
34. Any and all notes, memos, letters, correspondence, or emails from January 1, 2005, to the present, whether in electronic or written format, between you and Martha Brauer.
35. Any and all notes, memos, letters, correspondence, or emails from January 1, 2005, to the present, whether in electronic or written format, between you and TJ Miller.
36. Any and all notes, memos, letters, correspondence, or emails from January 1, 2005, to the present, whether in electronic or written format, between you and Bernie Dent.
37. Any and all notes, memos, letters, correspondence, or emails from January 1, 2005, to the present, whether in electronic or written format, between you and Harry Splett.
38. Any and all notes, memos, letters, correspondence, or emails from January 1, 2005, to the present, whether in electronic or written format, between you and Phyllis Hamblen.
39. Any and all notes, memos, letters, correspondence, or emails from January 1, 2005, to the present, whether in electronic or written format, between you and John Vandermolen.
40. Any and all notes, memos, letters, correspondence, or emails from January 1, 2005, to the present, whether in electronic or written format, between you and Janet Jones.
41. Any and all notes, memos, letters, correspondence, or emails from January 1, 2006, to the present, whether in electronic or written format, between you and Joe Salerno.
42. Any and all documents discussing or related to the Plaintiffs.
43. Any and all documents communicating with the Plaintiffs.
44. Any notes left for you, left by you, or given to you from any other Trustee.
45. Any and all letters, notes, emails, or documents reflecting communications with Kirk Pinkerton or Mark Barnebey.
46. Any and all letters, notes, emails, or documents reflecting communications with Ruden McClosky.
47. Any and all documents related to the shade meetings or executive sessions of the District's Board of Trustees that occurred during 2009.

48. Any and all letters, notes, emails or documents regarding your resignation from the Board of Trustees in 2009.
49. Any and all letters, notes, emails or documents regarding your appointment to the Board of Trustees in 2009.