

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.

SECOND 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 publication in print and on the internet of the Bradenton Herald Articles attached hereto on Sunday, July 26, 2009.

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 31 day of July, 2009.

KIRK ■ PINKERTON, P.A.

50 Central Avenue, Suite 700

Sarasota, FL 34236

Florida Bar No. 363219

Tel: (941) 364-2425

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By: 

Thomas D. Shults, Esquire

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Tuesday, Jul 28, 2009

Posted on Sun, Jul. 26, 2009

Trailer Estates suit set for trial

By CARL MARIO NUDI
cnudi@bradenton.com

MANATEE — Trailer Estates property owners who filed a lawsuit in November will finally get their day in court.

Judge Janette Dunnigan has set a trial date of Sept. 8 for a case involving two Trailer Estates residents who claim the mobile home park's board of trustees is violating Florida's Government in the Sunshine laws.

Mary Lou Smith and Sharon Denson say they filed the lawsuit after repeatedly requesting documents from the governmental agency concerning how rates are set for the marina and parking spaces.

"It is regrettable that we have had to reach this point," Smith said in an e-mail response sent to the Bradenton Herald. "Mrs. Denson and I reached a mediated settlement with the chairman of the Board of Trustees (who had been elected by the board to be the park spokesperson at the mediation) a few weeks ago. The Board of Trustees refused to accept this mediated agreement, reached by their representative, forcing the matter into the courts and costing even more taxpayer dollars."

The trustees of the Trailer Estates Park and Recreational District contend they followed the law.

The board controls an annual budget of about \$1 million.

The district became a governmental body, subject to the state's Sunshine and Open Records laws, when it was established by the Florida Legislature in 1969 as a special taxing district.

Court records show that after six months of court hearings, the parties tried to mediate the dispute June 9, but mediator Gary Larsen reported to the court July 15 "the mediation resulted in an impasse."

The Trailer Estates board held a closed-door meeting, sometimes called a "shade meeting," July 13 with attorney Mark Barnebey to discuss the litigation, according to minutes posted on the mobile home park's Web site.

After meeting for more than two hours, the board convened a public hearing to consider a mediated settlement, but Barnebey reported that there was no settlement.

Two trustees who were named in the suit as individuals, Janet Jones and Joseph Salerno, could not be reached for comment.

John Vandermolen, another board member named in the suit, said he had no comment.

Mary Lou McNulty, a former board member, also was named in the lawsuit and referred all questions to her attorney, Jim Dye.

"It's an unfortunate situation," Dye said.

"It would be great if this could be resolved without going to trial."

He said going to trial was a waste of the district's funds, but was hopeful a resolution could be achieved without a trial.

"But if not, we're prepared to go to trial," Dye said.

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TIFFANY TOMPKINS-CONDIE/ttompkins@bradenton.com

"I think this one had been there for years, living off Muscovy ducks in a nearby pond."

Justin Matthews, *Matthews Wildlife Rescue*



TIFFANY TOMPKINS-CONDIE/ttompkins@bradenton.com

rs from Southern Manatee Fire Rescue help Justin Matthews of Matthews Wildlife Rescue deposit a captured Burmese python, which he pulled from a drainage pipe in the area of 51st Avenue and 33rd Street East. It took the rescue expert about an hour and a half to pull the reptile out of the drain.

Wildlife expert battles 14-foot python inside concrete pipe

TIFFANY TOMPKINS-CONDIE and GARY TAYLOR
Herald Staff

MANATEE — His plan was to pull the python out of a concrete pipe measuring 2-by-2. But then he had to crawl so far into the two-foot-diameter pipe to reach the snake. And the python turned back on him

Matthews would handle it himself. Now Justin Matthews the younger, four firefighters and a growing group of spectators stood by and listened — more than an hour into the battle Saturday afternoon and within sight of a Sweetbay Supermarket and a day care center.

When the python's hissing maw and spitting tongue reached four

Matthews Wildlife Rescue, an animal care and educational company, the cowboy-hatted Matthews envisioned a specimen with which to teach people about nature and not to keep pythons as pets.

"I think this one had been there for years, living off Muscovy ducks in a nearby pond," Matthews said.

As a wildlife expert and instructor, Matthews has permits to take py-

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The trustees of the Trailer Estates Park and Recreational District contend they fol-

TRAILER TO 2B

Work

EXHIBIT

B



PHOTO PROVIDED
Bank robber shown
with them when

TRAILER FROM 1B

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OBITUARIES

Jean Compton-Jones

Jean Compton-Jones 81, died July 23, 2009.

Survived by husband: John; Daughters: Rebecca Morrison and Martha Compton; Son: David Compton; Brother: Robert Dennis and six grandchildren.

Viewing will be Monday at 9-10am with services to follow at Bradenton Funeral Home 5827 14th Street West Bradenton. Burial will be at Skyway Memorial Gardens.

Donna Marie (Dee) Lipinski

Donna Marie (Dee) Lipinski, 84, Homemaker, passed away peacefully on July 23, 2009 in Bradenton of pneumonia.



Dee was born in Grafton, North Dakota to Harry and Ethel Wilson. She met her husband, Stanley (Stan) W. Lipinski, while in grade school; they married on July 11, 1948 and moved to Lakeland in

William Clemmer "Bill" Rhyne

William Clemmer "Bill" Rhyne, 83, of Linville, NC, formerly of Bradenton, passed away on Saturday, July 11, at Cannon Memorial Hospital, Linville, NC, after a brief illness.



He is survived by his wife of 63 years, Marian; daughters, Linda Rhyne of Charlotte, NC; Candace Blackley and husband, Ron, of Apex, NC; son, Steve Rhyne and wife, Amy, of Asheville, NC; six grandchildren, Heather and Patrick Blackley, and Joshua, Emily, Julia and Abbey Rhyne.

Bill was born on September 17, 1925, in Gastonia, NC, the son of the late Robert Love Rhyne and Annie Mae Clemmer. He was a Navy veteran and served for 2 years in the Pacific. After serving in the military, Bill graduated from NC State University in 1951 with a BS in Rural Sociology.

Bill lived in Bradenton from 1959 to 1964 where

Pamela J. Cordle Allen

Pamela J. Cordle Allen, 58 formerly of Bradenton, passed away after a long illness July 8th, 2009 in Port Charlotte, FL.

She was preceded in death by her husband Mack "Pistol" Allen and nephew Cecil "Burt" Haynes.

She is survived by her sisters Cynthia Coffman, Constance Cordle and brother Michael B. Cordle.

Graveside services will be at 10:00AM Tuesday, August 4th. Burial will be at Memorial Park Funeral Home & Cemetery in Memphis, TN.

Betty Jean Sowders

Betty Jean Sowders, 79, of Owensboro, Kentucky died July 23, 2009.

Survived by daughter, Sheila Lindergren of Bradenton, FL; son, Thomas Lee (Kim) Sowders of Owensboro; six grandchildren; eleven great grandchildren; a brother and two sisters.

Services, 11:00 a.m., July 25 at James H. Davis Fu-

Judy Lee Gooden

Bungalow Antique Shop, Owner, Bradenton, age 61, went to be with the Lord on July 11, 2009.



She died peacefully in her home surrounded by family and friends after a long, hard and courageous battle with Mesothelioma.

Judy was born on December 11, 1947. She lived most of her life in Florida and in Bradenton since 1980. Judy's special gift was taking another persons' junk and turning it into a priceless treasure. She was an active member of the Bayside Community Church.

She is survived by her husband, Jackie Gooden and their daughters Jamie and Jena Gooden both of Bradenton.

A celebration of life service will be held at the Manatee Village Historical Park church on Saturday, August 1, 2009, at 9:30am.

In lieu of flowers, donations can be made to Bayside Community

ers is totally innocent of this crime," he said.

Vickers remained in jail on a \$150,000 bond Saturday night.

utors are expected to the fami-ny in court this before Judge Pensky.

criminal justice can be reached 419.

Almeda is the pres- Pier Regulars, an group of pier fans. e city should con- ing the pier to pre- m damage.

pier was a little t might help the," he said. "When comes, the water so high. The waves at the pier."

visitors-this week r felt safe on the hat an inspection lp.

etty well worn," said neddy, who is visit- Ocala for a week. o much traffic, I'd they have to fix it falls apart."