

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

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 VANDERMOLEN, an individual,
JOSEPH SALERNO, an individual, and
MARY LOU MCNULTY, an individual

Defendants.

PLAINTIFFS' SECOND REQUEST FOR PRODUCTION

Plaintiffs, MARY LOU SMITH and SHARON DENSON, by and through their undersigned counsel and pursuant to Rule 1.350, *Florida Rules of Civil Procedure*, request the Defendants produce the following documents and things at the office of the Trailer Estates Park and Recreation District (hereinafter the "District") at 1903 69th Avenue West, Bradenton, FL 34207, for purposes of review and copying within ten days after service of this Request for Production:

DEFINITIONS

As used herein, the following words shall have the following meanings indicated:

A. "You" or "your" shall refer to JANET JONES, an individual, JOHN VANDERMOLEN, an individual, JOSEPH SALERNO, an individual, and MARY LOU MCNULTY, an individual, and any employee, agent or attorney or the Defendants and any other person acting for or on behalf of the Defendant or under the Defendant's control. "You" or "Your"

shall also refer to TRAILER ESTATES PARK AND RECREATION DISTRICT, an independent special taxing district, its agents, employees, representatives, officers, public officials, council members, city managers, lobbyists, counsels, successors, or assigns, including all other persons acting or purporting to act on its behalf; experts, persons consulted concerning any factual matter or matters of opinion relating to any of the facts or issues involved in this action, unless privileged.

B. "Computer" or "computers" shall refer to any and all desktop computers, laptop computers, portable computers, external disk drives, flash memory devices, and thumb drives used by the Defendants.

INSTRUCTIONS

A. If any requested email is not presently within your physical custody, possession or control of your agents or attorneys, but you have the legal right to obtain it, then you are requested to take such steps as may be necessary to procure or produce such at the time and place indicated herein.

B. If objection is taken to any of the following requests, or if a request is otherwise not answered in full, state the specific grounds therefore, and respond to such request to the extent to which there is no objection. If privilege is alleged as to any of the emails requested, fully identify for each such email:

- (1) Its date;
- (2) The author;
- (3) The recipient; and
- (4) The general subject matter.

REQUEST TO INSPECT, COPY AND IMAGE COMPUTERS

1. Any and all computers you have used to send, receive, or store emails during January 1, 2006, to the present. The inspection and creation of a forensic image/copy of each of the hard drives of the foresaid will occur at the District's office on August 12, 2009, at 9am unless a different time is mutually agreed to by the parties. Agile Risk Management, LLC, 2002 N. Westshore Blvd. Suite 200, Tampa, FL 33607 will be the expert inspecting, copying and imaging the hard drives of each of the computers produced by the Defendants. Agile Risk Management and its employees agree to maintain in confidence all information and data that is not related to the District and is retrieved from the hard drives of each of the individual defendants. Furthermore, Agile Risk Management and its employees agree to maintain in confidence all information and data that is between the Defendants and their respective counsels that is retrieved from the hard drives of each of the Defendants computers.

2. Any and all computers you have used to participate in blogs, chat rooms, chalkboards, bulletin boards, instant messages, groups, or other electronic mediums during January 1, 2006, to the present. The inspection and creating of a forensic image/copy of each of the hard drives of the foresaid will occur at the District's office on August 12, 2009, at 9am unless a different time is mutually agreed to by the parties. Agile Risk Management, LLC, 2002 N. Westshore Blvd. Suite 200, Tampa, FL 33607 will be the expert inspecting, copying and imaging the hard drives of each of the computers produced by the Defendants. Agile Risk Management and its employees agree to maintain in confidence all information and data that is not related to the District and is retrieved from the hard drives of each of the individual defendants. Furthermore, Agile Risk Management and its employees agree to maintain in confidence all information and data that is between the Defendants and their respective counsels

that is retrieved from the hard drives of each of the Defendants computers.

Respectfully Submitted,



KEVIN S. HENNESSY, ESQUIRE

Florida Bar No. 0602558

MAGGIE MOONEY-PORTALE, ESQUIRE

Florida Bar No. 0555924

JENNIFER R. COWAN, ESQUIRE

Florida Bar No. 038081

Lewis, Longman & Walker, P.A.

1001 3rd Avenue West, Suite 670

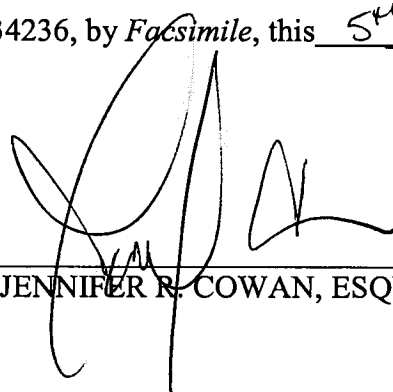
Telephone (941) 708-4040

Facsimile (941) 708-4024

Counsel for Plaintiffs

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 *Facsimile*, this 5th day of August, 2009.



JENNIFER R. COWAN, ESQUIRE