

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. 08 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.

REQUEST FOR ADMISSIONS TO
PLAINTIFF, SHARON DENSON

The Defendant, Trailer Estates Park and Recreation District (“Trailer Estates”), by and through its undersigned counsel hereby serves these Requests for Admissions pursuant to Florida Rules of Civil Procedure 1.370 and 1.380(c), and hereby requests that the above-referenced Plaintiff admit to the truth of the statements set forth below. If the party fails to admit to the genuineness of any document or the truth of any matter as requested, and if Trailer Estates thereafter prove the genuineness of the document or the truth of the matter, Trailer Estates may apply to the Court for an order requiring the party to pay Trailer Estates the reasonable expenses incurred in proving the matter, which may include attorneys’ fees. The Court shall award the attorneys’ fees and expenses unless the Court finds that (1) the request was held objectionable pursuant to Rule 1.370(a), (2) the admission sought was of no substantial importance, or (3) there

was other good reason for the failure to admit.

1. Admit that the Trailer Estates Park and Recreation District Board of Trustees (hereinafter referred to as the "Board of Trustees") serve as department heads who are responsible for day-to-day operations of Trailer Estates.

2. Admit the Board of Trustees' responsibilities for day-to-day operations are administrative and operational matters for which a vote or other formal action by the Board of Trustees is neither required nor contemplated in the future.

3. Admit that you do not know what was said by whom-to-whom during the conversation between Mary Lou McNulty, Peg Durham and Margo Cushman in December, 2007 in the District office.

4. Admit that you do not know what was done at or as a result of the conversation between Mary Lou McNulty, Peg Durham and Margo Cushman in December, 2007 in the District office.

5. Admit that you do not know what was said by whom-to-whom the conversation between John Vander Molen and Joe Salerno in April, 2008 in the District Office.

6. Admit that you do not know what was done at or as a result of the conversation between John Vander Molen and Joe Salerno in April, 2008 in the District Office.

7. Please admit that you do not know what was said by whom-to-whom during the conversation between Martha Brauer and Fred Hoch on January 27, 2009 in the District Office.

8. Admit that you do not know what was done at or as a result of the conversation between Martha Brauer and Fred Hoch on January 27, 2009 in the District Office.

9. Admit that you do not know what was said by whom-to-whom during the

conversation between John Vander Molen and Fred Hoch on January 27, 2009 in the District Office.

10. Admit that you do not know what was done at or as a result of the conversation between John Vander Molen and Fred Hoch on January 27, 2009 in the District Office.

11. Admit that you do not know what was said by whom-to-whom the conversation between John Vander Molen and Joe Salerno on January 27, 2009 in the District Office.

12. Admit that you do not know what was done at or as a result of the conversation between John Vander Molen and Joe Salerno on January 27, 2009 in the District Office.

13. Admit that you do not know what was done at or as a result of the conversation between Mike Neal, Wayne Hamblin and you on October 9, 2006 in the District Office.

14. Admit that the topic of discussion reflected in the minutes of the Executive Board Meeting on June 16, 2006 was subsequently discussed the meeting of the Board of Trustees on June 19, 2006. Copies of the minutes from the Executive Board Meeting and meeting of the Board of Trustees are attached hereto as Composite Exhibit 1.

15. Admit that the meeting of the Board of Trustees on June 19, 2006 was properly noticed and open to the public.

16. Admit that discussing the topic reflected in the minutes of the Executive Board Meeting on June 16, 2006 at the meeting of the Board of Trustees on June 19, 2006 cured any alleged violation of the Government in the Sunshine Laws, Chapter 119 and 286, *Florida Statutes* (hereinafter referred to as a "Sunshine violation").

17. Admit that the fence case reflected in the minutes of the Executive Board Meeting on July 27, 2006 was subsequently discussed at the meeting of the Board of Trustees on August

7, 2006. Copies of the minutes from the Executive Board Meeting and meeting of the Board of Trustees are attached hereto as Composite Exhibit 2.

18. Admit that the meeting of the Board of Trustees on August 7, 2006 was properly noticed and open to the public.

19. Admit that discussing the fence case reflected in the minutes of the Executive Board Meeting on July 27, 2006 at the meeting of the Board of Trustees on August 7, 2006 cured any alleged Sunshine violation.

20. Admit that the topic of discussion concerning the appointment of Thomas Featheringill to the Board of Trustees reflected in the minutes of the Executive Board Meeting on September 5, 2006 was subsequently discussed the meeting of the Board of Trustees on September 5, 2006. Copies of the minutes from the Executive Board Meeting and meeting of the Board of Trustees are attached hereto as Composite Exhibit 3.

21. Admit that meeting of the Board of Trustees on September 5, 2006 was properly noticed and open to the public.

22. Admit that discussing the topic of discussion reflected in the minutes of the Executive Board Meeting on September 5, 2006 at the meeting of the Board of Trustees on September 5, 2006 cured any alleged Sunshine violation.

23. Admit that the removal of the wireless internet router was discussed the meeting of the Board of Trustees on April 21, 2008. A copy of the minutes of the meeting of the Board of Trustees on April 21, 2008 is attached hereto as Exhibit 4.

24. Admit that the meeting of the Board of Trustees on April 21, 2008 was properly noticed and open to the public.

25. Admit that the discussion of the removal of the wireless router during the meeting of the Board of Trustees on April 21, 2008 cured any alleged Sunshine violation.

26. Admit that the resignation of John Vander Molen from the Auditor Selection Committee was discussed at the Board of Trustees Workshop on March 9, 2009. A copy of the minutes of the Board of Trustees Workshop is attached hereto as Exhibit 5.

27. Admit that the Board of Trustees Workshop on March 9, 2009 was properly noticed and open to the public.

28. Admit any alleged Sunshine violation by John Vander Molen and Martha Brauer was cured by discussing John Vander Molen's resignation at Board of Trustees workshop on March 9, 2009.

29. Admit that Trailer Estates reasonably responded to your Public Records Request dated November 24, 2008, a copy of which is attached hereto as Exhibit 6.

30. Admit that Trailer Estates reasonably responded to your Public Records Request dated November 26, 2008, a copy of which is attached hereto as Exhibit 7.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been Hand
Delivered to Kevin S. Hennessy, Esquire, Lewis, Longman & Walker, P.A., 1001 Third Avenue
West, Suite 670, Bradenton, Florida 34205, and sent via facsimile and U.S. Mail to Daniel E.
Scott, Esquire, Daniel E. Scott, P.A., 2033 Main Street, Suite 408, Sarasota, FL 34237, Robert E.
Turffs, P.A. 1444 First Street, Suite B, Sarasota, Florida 34236, James D. Dye, Esquire, Dye
Deitrich, Petruff & St. Paul, P.L., 1111 3rd Avenue W., Bradenton, FL 34205-7834, and Hunter
W. Carroll, Esquire, Matthews, Eastmoore, Hardy, Crauwels & Garcia, P.A., 1777 Main Street,
Suite 500, Sarasota, FL 34236, on this 7th day of August, 2009.

KIRK ■ PINKERTON, P.A.
50 Central Avenue, Suite 700
Sarasota, FL 34236
Tel: (941) 364-2425
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By: 

Thomas D. Shults, Esquire
Florida Bar No. 363219
Zachary L. Ross, Esquire
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