

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.

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**REQUEST FOR ADMISSIONS TO  
PLAINTIFF, MARY LOU SMITH**

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 "Board of Trustees") serve as department heads who are responsible for day-to-day operations of Trailer Estates.

2. Admit that 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 Trustees of Trailer Estate 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 Martha Brauer and Fred Hoch on January 27, 2009 in the District Office.

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

5. 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.

6. Admit that you do not know what, if anything, 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.

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

8. Admit that you do not know what, if anything, 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.

9. Admit that the topic of discussion reflected in the minutes of the Executive Board Meeting on June 16, 2006 was subsequently discussed at the meeting of 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.

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

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

12. 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.

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

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

15. Admit that the topic of discussion concerning Thomas Featheringill's appointment to the Board of Trustees reflected in the minutes of the Executive Board Meeting on September

5, 2006 was subsequently discussed at 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.

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

17. Admit that discussing the topic of discussion concerning Thomas Featheringill's appointment to the Board of Trustees reflected in minutes of the Executive Board Meeting on September 5, 2006 cured any alleged Sunshine violation.

18. Admit distributing the annual financial statement and itemized budget are administrative and operational matters for which a vote or formal action is neither required nor contemplated.

19. 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.

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

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

22. Admit that Trailer Estates did not have a citation relating to the property located at 6603 Arizona within Trailer Estates from March 2005 in Trailer Estates' public records when you made your Public Records Request on August 27, 2006. A copy of your Public Records Request on August 27, 2006 is attached as Exhibit 5.

23. Admit that your Public Records Request dated December 12, 2008 does not request e-mails between the Trustees and Trustee-elects from January 12, 2006 to December 12, 2008 as alleged in paragraph 62(e) of your Amended Complaint. A copy of the December 12, 2008 Public Records Request is attached as Exhibit 6.

24. Admit that all letters provided by Kirk-Pinkerton to Trailer Estates during January through March of 2009, and Ruden, McClosky, Smith, Schuster & Russell, P.A.; Robert Turff, P.A.; Dye Deitrich, Petruff & St. Paul, P.L. and Matthews Eastmoore, Hardy, Crauwels & Garcia, P.A. from December 2008 to present regarding litigation with Plaintiffs are privileged.

25. Admit that Trailer Estates reasonably responded to your Public Records Request dated March 12, 2009, a copy of which is attached hereto as Exhibit 7.

26. Admit that Trailer Estates reasonably responded to your Public Records Request dated August 27, 2006.

27. Admit that Trailer Estates offered for you to inspect the 2006 Budget Hearing video under supervision by the custodian of the Trailer Estates public records.

28. Admit that Trailer Estates reasonably responded to your Public Records Request dated December 12, 2008.

29. Admit that your request stating "I am formally requesting this letter be forwarded to the park [Trailer Estates] attorney for an answer to my question in a timely manner" contained within your letter dated April 17, 2006 is not a valid Public Records Request pursuant to Chapter 119, Florida Statutes. A copy of your April 17, 2006 letter is attached hereto as Exhibit 8.

30. Admit that the hourly fees by Trailer Estates for the costs associated with the production of documents in July and August 2006, as alleged in paragraph 67(a) of the Amended

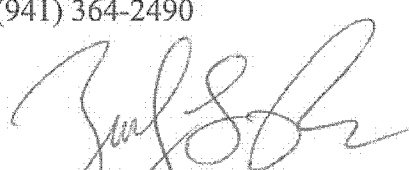
Complaint were reasonable.

**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 7<sup>th</sup> day of August, 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