

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

MARY LOU SMITH, et al

Plaintiff

vs

Case No. 2008-CA-11315

TRAILER ESTATES PARK AND RECREATION
DISTRICT, et al

Defendants _____/

**DEFENDANT, MARY LOU MCNULTY'S NOTICE
OF JOINDER IN DEFENDANT JANET JONES' MEMORANDUM OF LAW IN
SUPPORT OF HER MOTION TO STRIKE OPEN ENDED PHRASES IN THE
AMENDED COMPLAINT**

Defendant Mary Lou McNulty included in her answer a motion to strike the phrase "including but not limited to" where it appears in the amended complaint. Defendant's objection to this phrase is that it does not require Plaintiffs to plead with specificity the ultimate facts upon which their causes of action are based. Instead, this phrase leaves open the possibility that the Plaintiffs know of additional facts but are not pleading them. As a consequence, Defendant McNulty is unable to answer or respond to these unknown allegations.

In light of the packed hearing time where this motion has been noticed, Defendant McNulty joins in Defendant Janet Jones' Memorandum of Law dated August 12, 2009.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of August, 2009, a true and correct copy of Defendant, Mary Lou McNulty's Notice of Joinder in Defendant Janet Jones' Memorandum Of Law In Support of Her Motion to Strike Open Ended Phrases in the Amended Complaint has been furnished via first class U.S. Mail to the following:

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