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August 14, 2009
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Via Hand Delivery
The Honorable Janette Dunnigan
P.O. Box 1000
Bradenton, Florida 34206

Re: *Mary Lou Smith and Sharon Denson v. Trailer Estates Park and Recreation District, Janet Jones, John Vander Molen, Joseph Salerno and Mary Lou McNulty*
Case No. 2008 CA 11315/Order on Motion for Sanctions/Order on Motion to Quash

FILED FOR RECORD
RECORDED
2009 AUG 14 4:54
CLERK OF COURT
MANATEE COUNTY FLORIDA

Dear Judge Dunnigan:

I have enclosed two proposed Orders.

1. Order on Motion for Sanctions Against Mary Lou Smith for Violating Mediation Confidentiality. Mr. Hennessy and I could not reach an agreement concerning several provisions of this Order. In paragraph 3, I include a finding that Smith's conduct violated the Stipulated Order of May 29, 2009, which ordered that the parties be subject to the provisions of Chapter 44, Florida Statutes. Smith obviously violated this Order as well as the Statute itself. Mr. Hennessy does not believe that the finding regarding violation of the Order should be included. Mr. Hennessy also takes issue with the wording of paragraph 4. I believe Your Honor found that the disclosure of the mediation communication was not only improper, but was also used to denigrate the District Board of Trustees. Regarding paragraph 8, Mr. Hennessy also takes issue with your finding that the conduct of Smith would cause irreparable harm to the District in the event of a jury trial. This was not only found by Your Honor at the hearing on August 7th, but was also I believe reiterated by you at yesterday's hearing.

File 8-14-09
JP

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It is my understanding that Mr. Hennessy will submit his version of paragraphs 3, 4 and 8 today.

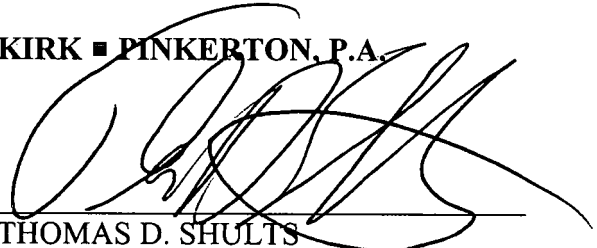
2. Order on Plaintiffs' Motion to Quash July 31, 2009 Notice to Produce at Hearing.
Mr. Hennessy and I have agreed to the language in this Order.

If the enclosed Orders meet with your approval, I respectfully request your execution of the Orders. Copies of the Order together with envelopes for conformation and forwarding to all concerned are enclosed.

Thank you for your consideration of this matter.

Very truly yours,

KIRK ■ PINKERTON, P.A.



THOMAS D. SHULTS
For the Firm

TDS:lam

cc: Via Facsimile, w/encl.:
Kevin Hennessy, Esquire
James D. Dye, Esquire
Hunter Carroll, Esquire
Robert E. Turffs, Esquire
Daniel E. Scott, Esquire

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