

**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.: 08 CA 11315  
Division: B

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.

FILED FOR RECORD  
R.B. SHORE  
2009 AUG 17 PM 4:45  
CLERK OF CIRCUIT COURT  
MANATEE CO., FLORIDA

**ORDER ON PLAINTIFFS' MOTION TO STRIKE DEMAND FOR JURY TRIAL**

THIS CAUSE, having come to be heard on Plaintiffs', Mary Lou Smith and Sharon Denson's Motion to Strike Demand for Jury Trial and the Court having heard argument of counsel on August 13, 2009, and being otherwise advised in the Premises, makes the following findings and conclusions of law:

1) Upon clarification by the Plaintiffs that the relief sought in this matter does not include damages, or a return or refund of any fee, assessment, or other payment, and the only monetary relief sought is attorneys' fees and costs, this Court finds that all remedies sought are equitable in nature.

2) The Court finds that any legal and equitable issues in this matter are inextricably intertwined and that the Court will be able to provide a ruling on any issues of fact.

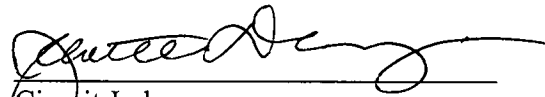
3) This Court finds that the Defendants do not have a mandatory right to a jury trial in the declaratory actions, rather it is discretionary with the Court. Further, the Court finds that the Defendants do not have a right to a jury trial in the mandamus or injunctive actions, and are not entitled to a jury trial as to those actions.

Based on the above findings and conclusions of law it is, therefore, ORDERED AND ADJUDGED that:

1) Plaintiffs' Motion to Strike Demand for Jury Trial is granted. The trial previously scheduled in this matter will be non-jury.

DONE AND ORDERED in Chambers, in Manatee County, Florida this 14 day of August, 2009.

HONORABLE JUDGE JANETTE DUNNIGAN

  
\_\_\_\_\_  
Circuit Judge

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