

TRAILER ESTATES PARK AND RECREATION DISTRICT

BOARD OF TRUSTEES MEETING

AUGUST 31, 2009

9:30 a.m.

SMALL HALL

1903 69TH AVENUE WEST

BRADENTON, FLORIDA 34207

REGULAR MEETING

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
4. CORRESPONDENCE
5. REPORT OF TREASURER
6. APPROVAL OF BILLS
7. INFORMATIONAL REPORTS FROM TRUSTEES
8. REPORTS FROM STANDING COMMITTEE
9. RESIDENTS' COMMENTS AND QUESTIONS
10. OLD BUSINESS
 - Ceramic Flooring Activity Center Hall (John Vander Molen)
 - Public Hearing on Proposed Amendments to Bylaws (Martha Brauer)
11. NEW BUSINESS
 - Floodlight for Park at NW corner (John Vander Molen)
 - Proposed Amendments to Bylaws (Martha Brauer)
 - Pay Trustee Legal Fees (Pam Cole)
 - Loan for Litigation Expenses (Martha Brauer)
12. REPORTS OF CLUBS AND ORGANIZATIONS
13. ADJOURNMENT

Pursuant to Section 286.0105, Florida Statutes, should any person wish to appeal a decision of the Board with respect to any matter considered at this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Pursuant to Section 286.26, Florida Statutes, and the Americans With Disabilities Act, any handicapped person desiring to attend this meeting should contact TJ Miller at 756-7177, at least 48 hours in advance of the meeting, to ensure that adequate accommodations are provided for access to the meeting.

TRAILER ESTATES BOARD OF TRUSTEES
MOTION FOR ACTION OR RULES CHANGE

Type of Motion

Action X
Rules

Rule to be changed:

page: section: paragraph:

Presented by: John Vander Molen.

Date: August 31, 2009

Seconded by: _____ Date: _____

Passed: _____ Date: _____

Denied: _____ Date: _____

Tabled: _____ Date: _____

Other: _____ Date: _____

A MOTION AS FOLLOWS: Accept bid for 18' x 18" ceramic tile floor with trim.

Trustees FOR

Trustee AGAINST

TRAILER ESTATES BOARD OF TRUSTEES
MOTION FOR ACTION OR RULES CHANGE

Type of Motion

Action X
Rules

Rule to be changed:

page: section: paragraph:

Presented by: John Vander Molen

Date: August 31, 2009

Seconded by: _____ Date: _____

Passed: _____ Date: _____

Denied: _____ Date: _____

Tabled: _____ Date: _____

Other: _____ Date: _____

A MOTION AS FOLLOWS: To add floodlight on Florida Light pole.

Trustees FOR

Trustee AGAINST

TRAILER ESTATES BOARD OF TRUSTEES
MOTION FOR ACTION OR RULES CHANGE

Type of Motion

Action X
Rules

Rule to be changed:

page: section: paragraph:

Presented by: Martha Brauer

Date: August 31, 2009

Seconded by: _____ Date: _____

Passed: _____ Date: _____

Denied: _____ Date: _____

Tabled: _____ Date: _____

Other: _____ Date: _____

A MOTION AS FOLLOWS: To approve amendments to bylaws present by cosponsors Brauer/Cole.

Trustees FOR

Trustee AGAINST

TRAILER ESTATES PARK AND RECREATION DISTRICT BOARD AGENDA ITEM FORM/POLICY

PP 34

AUG 26 2009 AM 7:19

DUE IN OFFICE 8:30 A.M. WEDNESDAY PRIOR TO MEETING THAT YOU WISH TO BRING ITEM FORWARD.

Agenda Item: (New Business) Loan for Litigation Expenses

For Upcoming Meeting—Date August 31, 2009

Type of Meeting (check one): Workshop Board Meeting *

*Board Meeting Agenda Items must be an agenda item on a Workshop prior to the board meeting.
Appointments to committees DO NOT need to meet this requirement.

Rationale (for workshops)/ MOTION (for board meetings):

Rationale--We have a loan listed in our budget year 2009-2010 which begins October 1, 2009. Discussion about the procedure for gathering information, the proposed timeline, and other details would facilitate actual acquisition of the loan at the beginning of the budget year.

Motion: (will be determined after discussion with board members.)

Costs/Estimated Costs: (Required if agenda item includes spending district money.)

to be determined

Attachments: (Please attach any diagrams or pertinent information concerning this Agenda Item. Please list the attachments.)

Kirk-Pinkerton Bill

Trustee Martha Brauer

Date Submitted 8/25/09

Chairman/Designee M. Brauer

Office Manager/Designee: Date Posted 8/26/09 Initials (7A)

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P.O. BOX 3798

SARASOTA, FLORIDA 34230

TELEPHONE 941 • 364 • 2400

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August 25, 2009

Trailer Estates Park & Recreation District
c/o Martha Brauer
1903 69th Ave W
P O BOX 6298
Bradenton, Fl 34281

INVOICE

Matter ID: 31647

Client ID: 020677

Trailer Estates Park and Rec Dist./ adv.Mary Smith & Sharon Dens

Matter Producer: TDS

Invoice # 104078

Federal ID # 65-0295310

For Professional Services Rendered:

06/29/2009	SER	Telephone conference with Atty. Tom Shults; telephone conferences with Martha Brauer.	0.60 hr	\$135.00
06/30/2009	SER	Telephone conference with Martha Brauer and Atty. Tom Shults; e-mails.	0.40 hr	\$90.00
06/30/2009	TDS	Telephone conference with client re status of case; conference with Martha Brauer and Atty. Rudacille re: status, etc.	1.00 hr	\$225.00
07/01/2009	SER	Telephone conference with Atty. Thomas Shults; telephone conference with John Vander Molen; telephone conference with Martha Brauer; work on record production issues; draft letter.	1.20 hr	\$270.00
07/01/2009	TDS	Telephone conferences with Gary Larsen; conference call with Atty. Rudacille re: documents; conference re: case status.	2.00 hr	\$450.00
07/02/2009	ZLR	Review pending issues; conference with Tom Shults re: assignments;	0.50 hr	\$112.50
07/02/2009	TDS	Telephone conference with Gary Larsen; conference with Atty. Ross and Paralegal Hibbard re: status, etc.	1.30 hr	\$292.50
07/03/2009	MPB	Telephone conference with Tom Shults on status	0.40 hr	\$90.00
07/03/2009	TDS	Telephone conference with Martha Brauer re: status; telephone conference with Atty. Barnebey re: same; review docket status.	1.00 hr	\$225.00
07/06/2009	ZLR	Phone conference with Tom Shults re: status; communication with Scott Rudacille re: status; phone conference with Martha Brauer re: case management; communicate with Mark Barnebey re: amendment to posting if necessary;	0.80 hr	\$180.00
07/07/2009	MPB	Telephone conference with Gail Opper.	0.30 hr	\$67.50
07/08/2009	ZLR	Phone conference with Mark Barnebey re: status and July 13 shade meeting; phone conference with Attorney Larsen re: status	0.80 hr	\$180.00
07/08/2009	MPB	Telephone conference with Zac Ross; telephone conference with Gary Larsen.	0.40 hr	\$90.00
07/09/2009	SER	Telephone conference with Martha Brauer.	0.40 hr	\$90.00
07/09/2009	MPB	Telephone conference with Jim Dye; telephone conference with Zac Ross; telephone conference with Zac Ross.	1.20 hr	\$270.00
07/09/2009	ZLR	Phone conference with Mark Barnebey re: status; phone conferences with Attorney Cowan re: status; phone conferences with Mark Barnebey re: conversations with Attorney Cowan; phone call to Gary Larsen re: status;	2.00 hr	\$450.00
07/10/2009	SER	Litigation strategy session; telephone conference with Atty. Gary Larsen.	0.80 hr	\$180.00
07/10/2009	ZLR	Phone conference with Mark Barnebey and Scott Rudacille re: status; phone	2.00 hr	\$450.00

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For Professional Services Rendered:

		conference with Gary Larsen re; status; phone conference with Gary Larsen and Mark Barnebey re: status; phone calls with Mark Barnebey re: status and shade meeting;		
07/10/2009	MPB	Discuss litigation strategy and status issues; telephone conference with Larson with Zac Ross; telephone conference with Zac Ross; Telephone conference with Larson with Zac Ross; telephone conference with Gary Larson.	1.80 hr	\$405.00
07/12/2009	ZLR	Phone conference with Martha Brauer re: shade meeting; phone conference with Mark Barnebey re: shade meeting; legal research re: right to jury trial;	2.50 hr	\$562.50
07/12/2009	MPB	Telephone conference with Attorney Ross to discuss upcoming Shade hearing.	0.30 hr	\$67.50
07/13/2009	SER	Litigation and strategy sessions.	0.50 hr	\$112.50
07/13/2009	ZLR	Phone conference with Attorney Carroll re: status; phone conference with Mark Barnebey re: strategy for shade meeting; attend Shade Meeting; phone conference with Attorney Carroll re: status case management conference; conference with Mark Barnebey re: results of shade meeting; phone call to Larsen re; status;	5.00 hr	\$1,125.00
07/13/2009	MPB	Prepare for and attend the litigation assessment meeting; telephone conference with Attorney Ross; telephone call to Larsen.	4.10 hr	\$922.50
07/14/2009	ZLR	Phone conference with Attorney Carroll re: case management conference; phone conference with Larsen; phone conference with Larsen;	1.00 hr	\$225.00
07/14/2009	MPB	Prepare letter to T.J. Miller; review transcript; telephone conference with Jim Dye; telephone conference with Martha Brauer; telephone conference with Gary Larsen's office.	1.40 hr	\$315.00
07/15/2009	MPB	Telephone conference with Jim Dye; telephone conference with Zac Ross; telephone conference with Martha Brauer.	0.60 hr	\$135.00
07/16/2009	ZLR	Review file; phone conference with Jim Dye re: case management;	0.30 hr	\$67.50
07/16/2009	ZLR	Phone conference with Larsen; phone conference with Mark Barnebey re: status; phone conference with Martha Brauer and Mark Barnebey re: status and next steps; phone conference with Martha Brauer re: status;	1.20 hr	\$270.00
07/16/2009	MPB	Review information related to case management hearing.	0.40 hr	\$90.00
07/17/2009	ZLR	Continue legal research re: right to jury trial; prepare for case management conference; attend case management conference; phone conference with Martha Brauer re: case management conference;	4.30 hr	\$967.50
07/17/2009	MPB	Prepare for and attend case management conference; telephone call to Martha Brauer; review case issues.	1.10 hr	\$247.50
07/20/2009	JMH	Phone call from Hunter Carroll's office.	0.10 hr	\$11.50
07/20/2009	MPB	Telephone conference with Tom Shults.	0.40 hr	\$90.00
07/21/2009	MPB	Conference with Zac Ross; telephone conference with Martha Brauer; telephone conference with John VanderMolen; telephone call to Gary Larsen;	1.20 hr	\$270.00
07/21/2009	JMH	Phone calls with Attorney Carroll's office; Attorney Cowan's office; Mrs. Brauer and Mr. Barnebey's office. E-mail to Attorney Cowan's office. Preparation of Exhibit and Witness List.	1.40 hr	\$161.00
07/21/2009	ZLR	Communication with Martha Brauer re: status; conference with Mark Barnebey re: status;	0.70 hr	\$157.50
07/22/2009	JMH	E-mail and conference with Attorney Shults. Phone call to Ms. Brauer.	0.40 hr	\$46.00

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For Professional Services Rendered:

07/22/2009	ZLR	Phone conference with Attorney Carroll re: case management conference and status;	0.20 hr	\$45.00
07/22/2009	MPB	Telephone conference with Gary Larsen; conference with Tom Shults.	0.50 hr	\$112.50
07/23/2009	JMH	Phone call with Mrs. Brauer. Review notebooks.	0.50 hr	\$57.50
07/23/2009	ZLR	Docket Motion to Strike Jury Demand; conference with Tom Shults re: jury trial issue; continue jury trial research;	2.50 hr	\$562.50
07/23/2009	MPB	Telephone conference with Martha Brauer; telephone conference with Tom Shults; review trial strategy.	1.30 hr	\$292.50
07/23/2009	TDS	Telephone conference with Atty. Carroll re: case status; review pretrial Order; conference with Attys. Rudacille and Barnebey re: status, etc.	1.00 hr	\$225.00
07/23/2009	SER	Telephone conference with Atty. Mark Barnebey and Martha Brauer; litigation strategy session.	1.10 hr	\$247.50
07/24/2009	JMH	Preparation of Witness & Exhibit List.	5.00 hr	\$575.00
07/27/2009	TDS	Review article re: mediation; research mediation conference violation; conference with Atty. Barnebey re: violation; prepare draft of Motion; review witness and exhibit list; litigation preparation conference; review docket status.	2.00 hr	\$450.00
07/27/2009	MPB	Telephone conference with Jim Dye; work in file; attend conference call with various defendants; review motion.	1.40 hr	\$315.00
07/27/2009	JMH	Continued preparation of Witness & Exhibit List. E-mails from Attorney Cowan's office. Prepare Notice of Video Deposition of Mary Lou Smith. Phone call to court reporter. E-mail to Attorney Cowan's office.	5.70 hr	\$655.50
07/27/2009	SER	Telephone conference with Atty. Tom Shults and Atty. Mark Barnebey; telephone conference with Defense Team; work on various issues.	1.10 hr	\$247.50
07/27/2009	ZLR	Continue legal research re: right to jury trial;	2.50 hr	\$562.50
07/28/2009	JMH	Conference with Attorney Shults; revision to Smith deposition notice. Phone call to Ms. Markin. File Defendant's Initial Witness and Exhibit List.	0.70 hr	\$80.50
07/28/2009	TDS	Review Motion for Sanctions; prepare Request for Judicial Notice; conference with Atty. Ross re: trial preparation; telephone conference with client re: status; conference with Paralegal Hibbard re: revisions to Witness and Exhibit Lists.	1.50 hr	\$337.50
07/28/2009	SER	Research Offer of Judgment issue.	1.00 hr	\$225.00
07/28/2009	ZLR	Conference with Tom Shults re: jury trial research; docket Plaintiff's Witness and Exhibit lists; docket Defendant John Vander Mohen's witness and exhibit lists; docket Defendant Janet Jones's witness and exhibit lists;	1.30 hr	\$292.50
07/29/2009	JMH	Trial preparation meeting with Attorneys Shults, Ross, Rudacille and Barnebey.	3.00 hr	\$345.00
07/29/2009	TDS	Attend shade meeting and Board meeting; review docket and telephone conference with client and opposing counsel; litigation and trial preparation conference.	6.50 hr	\$1,462.50
07/29/2009	SER	Strategy session and assignment for trial preparation in Sarasota office.	3.80 hr	\$855.00
07/29/2009	MPB	Prepare for and attend attorney/client meeting; attend trial preparation meeting.	6.70 hr	\$1,507.50
07/29/2009	ZLR	Conference with Tom Shults re: status; conference with Tom Shults, Mark Barnebey, Scott Rudacille and Justy re: trial prep issues;	3.00 hr	\$675.00

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07/30/2009	JMH	Review for depositions taken.	1.00 hr	\$115.00
07/30/2009	TDS	Trial preparation; review e-mail from opposing counsel and e-mail to opposing counsel; prepare Second Request for Judicial Notice.	1.60 hr	\$360.00
07/30/2009	SER	Work with Atty. Zachary Ross on litigation preparation issues.	0.30 hr	\$67.50
07/30/2009	ZLR	Docket Amended Notices of Depositions; review file; analyze documents re: sunshine and public records requests; analyze law re: sunshine law and public records requests;	4.00 hr	\$900.00
07/31/2009	ZLR	Docket Joseph Salerno's witness and Exhibit Lists; legal research re: Sunshine; meeting with Martha Brauer re: trial strategy;	3.50 hr	\$787.50
07/31/2009	TDS	Office conference with client; review latest pleadings; legal research; prepare for trial.	2.00 hr	\$450.00
07/31/2009	JMH	Meeting with Attorneys Shults, Ross and client representative.	1.00 hr	\$115.00
07/31/2009	SER	Work on records issues; draft letter; telephone conference with Martha Brauer; legal research.	2.00 hr	\$450.00
07/31/2009	MPB	Telephone conference with Martha Brauer; review public records request; revise response letter to Jennifer Cowan; telephone conference with Martha Brauer.	1.40 hr	\$315.00
08/02/2009	ZLR	Continue Legal Research re: jury trial; prepare Memo in Opposition to Motion to Strike Jury Trial; continue legal research	3.50 hr	\$787.50
08/02/2009	TDS	Review and organize documents in preparation for trial.	5.00 hr	\$1,125.00
08/02/2009	MPB	Review and respond to Jennifer Cowan memo; prepare memo to T.J. and Chair on document production.	0.50 hr	\$112.50
08/03/2009	TDS	Review task list; conference with Paralegal Hibbard; telephone conference with defense attorney re: scheduling, etc.	7.00 hr	\$1,575.00
08/03/2009	ZLR	Continue prepare memo in opposition to Motion to Strike Jury Trial; continue prepare Requests for Admissions; docket Mary Lou McNulty's witness and exhibit lists; docket Motion for Sanctions pursuant to F.S. 57.105; docket Response to Defendant's Request for Production; phone conference with Martha Brauer re; Requests for Admissions;	5.30 hr	\$1,192.50
08/03/2009	JMH	Review trial preparation memo. Phone calls to Attorney Cowan's office. Phone call to client rep. Prepare deposition notices and subpoenas.	2.00 hr	\$230.00
08/03/2009	SER	Research public records case law; telephone conference with Supervisor of Elections Office; telephone conference with Martha Brauer; work on litigation issues.	1.20 hr	\$270.00
08/04/2009	ZLR	Docket correspondence; continue prepare Requests for Admissions; conference with Scott Rudacille re: laws governing District; communicate with Tom Shults, Scott Rudacille, Mark Barnebey and Justy re trial issues.	6.40 hr	\$1,440.00
08/04/2009	JMH	Update Supplemental Witness/Exhibit list. Phone call to Lucente's office. E-mail to client rep. Phone call to Lucente's office. E-mails to Attorneys Ross and Shults. Conference with Attorney Shults. Process notices of depositions and subpoenas.	2.60 hr	\$299.00
08/04/2009	MPB	Telephone conference with Harvey Fitzpatrick in preparation for deposition; review expert witness proposal.	0.70 hr	\$157.50
08/04/2009	SER	Work on records issues; telephone conference with TJ Miller; telephone conference with Atty. Zachary Ross; telephone conference with Martha Brauer.	0.80 hr	\$180.00

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For Professional Services Rendered:

08/05/2009	ZLR	Revise Memo in Opposition to Motion to Strike; legal research re: jury trial; phone call from Linda Wolf; revise Requests for Admissions; work session with Tom Shults and Justy re: trial prep issues; analyze docs;	8.40 hr	\$1,890.00
08/05/2009	TDS	Conference with Atty. Ross and Paralegal Hibbard re: trial preparation; review Notice to Strike Fees; review latest discovery request; telephone conference with witness; legal research in support of sanctions confidentiality motion; letter to Judge.	3.00 hr	\$675.00
08/05/2009	MPB	Prepare memo to Jim Dye	0.30 hr	\$67.50
08/05/2009	JMH	Letter to process server. Meeting with Attorneys Shults and Ross.	1.20 hr	\$138.00
08/06/2009	ZLR	Continue Requests for Admissions; prepare trial notebook; finalize memo in Opposition to Motion to Strike Jury Trial; phone conference with Attorney Carroll re: depositions and status; phone conference with Tom Shults and Attorney Carroll re: continuance; letter to Judge re: Memo in Opposition to Motion to Strike Jury Trial; communicate with Attorney Carroll re: Mary Lou Smith depo; docket Plaintiff's Motion to Strike Attorney's fees; docket Plaintiff's Second Request for Production; docket Plaintiff's Motion for Expedited Discovery; docket fax re: Shade meeting Notices, Board Meetings and workshop agendas; conference with Mark Barnebey, Tom Shults and Scott Rudacille re: Plaintiff's Motion to Compel;	8.20 hr	\$1,845.00
08/06/2009	TDS	Review and analyze documents; research re: Motion for Sanctions; review latest pleadings filed by Plaintiffs, motions, etc.; telephone conference with attorney for co-defendants; telephone conference with Atty. Barnebey and Rudacille; update research for motion to be heard on August 7, 2009.	9.50 hr	\$2,137.50
08/06/2009	MPB	Telephone conference with Tom Shults on upcoming hearing; conference with Tom Shults	1.10 hr	\$247.50
08/06/2009	JMH	Prepared Notice of Cancellation of deposition. Conference with Attorney Shults. Revisions to Notice of Video-Taped Deposition. P/C from process server. Phone call to Atty Cowan's office. Phone call to Mr. Featheringill and phone call to court reporter in Indiana. Revisions to Supplemental Witness/Exhibit List.	1.70 hr	\$195.50
08/06/2009	SER	Work on multiple issues re strategy and hearing preparation; review Statutes and Attorney General Opinions.	2.00 hr	\$450.00
08/07/2009	ZLR	Docket Plaintiff's opposition to Motion for Sanctions; docket Plaintiff's Motion to Quash; docket Plaintiff's Motion to Compel; continue Requests for Admissions; conference with Scott Rudacille re: Requests for Admissions; legal research re: case law re: access to computer and notice requirements; conference with Scott Rudacille re: access to computers; attend hearing on Motion for Sanctions; conference with Plaintiffs and Defendants attorney re: settlement; conference with Tom Shults, Scott Rudacille and Mark Barnebey re: status;	8.00 hr	\$1,800.00
08/07/2009	TDS	Prepare for and conduct hearing on Motion for Sanctions; conference with attorneys; telephone conference with Atty. Barnebey re: status.	6.80 hr	\$1,530.00
08/07/2009	JMH	Finalize Notices. Process e-transcripts, service returns and invoices from process server.	0.90 hr	\$103.50
08/07/2009	MPB	Discuss case status and issues; telephone conference with Tom Shults.	1.50 hr	\$337.50
08/08/2009	TDS	Review and organize documents; supplement Witness and Exhibit Lists.	6.00 hr	\$1,350.00
08/09/2009	ZLR	Work session with Justy and Tom Shults re: supplemental witness and exhibit lists;	5.00 hr	\$1,125.00
08/09/2009	JMH	Meeting with Attorneys Shults and Ross.	4.50 hr	\$517.50

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Federal ID # 65-0295310

For Professional Services Rendered:

08/10/2009	ZLR	Docket Attorney Carroll's correspondence to Judge Dunnigan; Analyze docs provided from client re: exhibits for trial; revise witness and exhibit lists; phone conference with Martha Brauer re: status; conference with Tom Shults re: attendance at hearing on Motion to Strike; phone conference with Harry Fitzpatrick re: stand-by for deposition;	7.70 hr	\$1,732.50
08/10/2009	JMH	E-mail from/to Lucente's office. Phone call with Mr. Barber. E-mail to Attorneys Shults and Ross. Review trial preparation notes.	1.20 hr	\$138.00
08/10/2009	MPB	Review status; hearings; conference with Kevin Hennessey and Tom Shults; telephone conference with Kevin Hennessey.	3.80 hr	\$855.00
08/10/2009	TDS	Review documents and depositions; prepare for depositions.	10.50 hr	\$2,362.50
08/10/2009	SER	Work on litigation strategy issues; attend Pam Cole deposition.	2.40 hr	\$540.00
08/11/2009	JMH	Phone calls with Attorney Cowan's assistant; Mr. Fitzpatrick. E-mail to Attorney Ross. E-mail from/to Melanie/Cowan's office. P/C from Fred Hoch. Review memos from Attorney Shults. Phone call to FEC. Research. Review Plaintiffs' Supplemental Witness List.	2.00 hr	\$230.00
08/11/2009	MPB	Conference with Tom Shults; conference with Zac Ross; telephone conference with Martha Brauer; telephone conference with Zac Ross on discovery.	1.10 hr	\$247.50
08/11/2009	TDS	Prepare for and conduct deposition of Force; conference with opposing counsel regarding status, etc.; review and revise order on sanctions; telephone conference with J. Dye regarding deposition; review documents.	4.50 hr	\$1,012.50
08/11/2009	ZLR	Phone conference with Attorney Cowan re: Fitzpatrick depo; instructions to paralegal re: Fitzpatrick depo; phone conference with Fred Hoch re: motorcycle accident; meeting with Harry Fitzpatrick re: preparation for depo; attend depo of Harry Fitzpatrick; re: attorney client privilege; meeting with Mark Barnebey re: trial issues; phone conference with witness re: status; docket Plaintiff's Supplemental Witness and Exhibit Lists; phone conference with Tom Shults and Attorney Dye re: status and trial issues; correspondence from Attorney Hennessey re: objections to production of computers;	6.20 hr	\$1,395.00
08/12/2009	MPB	Review litigation production list; discuss strategy.	1.40 hr	\$315.00
08/12/2009	SER	Telephone conferences with TJ Miller; review records issue; telephone conferences with Martha Brauer; telephone conference with Atty. Kevin Hennessey; telephone conference re: status and issues; litigation strategy conference.	2.20 hr	\$495.00
08/12/2009	JMH	Memo regarding additional witnesses. Phone call to client rep. Phone call from John White; e-mail to Attorneys Ross and Shults. Phone call to Mr. Hoch.	0.90 hr	\$103.50
08/12/2009	TDS	Telephone conference with witnesses; revise Order on Sanctions; conference with Attorneys Barnebey and Rudacille regarding case status and legal research; letter to Judge; prepare Order on Motion to Quash.	2.30 hr	\$517.50
08/12/2009	ZLR	Prepare Affidavit; continue prepare trial notebook; attend depo of Mary Lou McNulty; phone call to witness re: rescheduling depo; communicate with attorney re: rescheduling Fred Hoch's depo;	7.00 hr	\$1,575.00
08/13/2009	JMH	Review of Plaintiffs' Supplemental Exhibit List. Prepare memo. Phone call to Ed Barber. Phone call to TJ. Phone call from Attorney Cowan's office. Conference with Attorney Ross; phone call to Mr. Hoch; draft subpoenas for trial. Review minutes books.	3.30 hr	\$379.50

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Matter ID: 31647

Invoice # 104078

Federal ID # 65-0295310

For Professional Services Rendered:

08/13/2009	TDS	Prepare for hearing on various motions; telephone conferences with co-counsel attorneys; conference with Atty. Ross re: status; conduct hearings on Motion to Strike Jury, Motion to Compel, etc.; conference with attorneys; prepare 57.105 motion; revise orders; telephone conference with opposing counsel re: orders; memo to opposing counsel re: orders; revise orders; letter to Judge Dunnigan.	12.00 hr	\$2,700.00
08/13/2009	ZLR	Communicate with Attorney Carroll re: cancellation of Fred Hoch's deposition; communicate with Attorney Carroll re: issues; conference with Tom Shults re: status and hearing on jury trial; Docket Defendant Jones' Objection; docket Defendant Jones' Request for Admissions; work session with Tom Shults re: trial issues; instructions to paralegal re: witness; analyze depo; phone conference with Attorney Carroll and Tom Shults re: status; phone conference with Tom Shults and Martha Braver re: status; work session with Tom Shults re: trial issues; docket Defendant Vander Molen's Objection to Production; Motion for Protective Order and Memorandum;	9.80 hr	\$2,205.00
08/14/2009	MPB	Telephone conference with Tom Shults regarding amended complaint, trial matters.	0.70 hr	\$157.50
08/14/2009	JMH	Phone conference with Attorney Shults. Review Plaintiffs' documents for deposition use. Phone call from/to Attorney Cowan's office. E-mail to Attorneys Ross and Shults. Phone call to Mr. Hoch.	2.20 hr	\$253.00
08/14/2009	TDS	Prepare for and conduct deposition of Gaeta, and Bruce Smith; conference with co-counsel re: trial, etc.; telephone conference with Atty. Barnebey re: status.	6.80 hr	\$1,530.00
08/14/2009	ZLR	Review and revise 57.105 motion; phone conferences with Tom Shults re: proposed orders; docket defendant Vander Molen's Supplemental and Exhibit Lists; phone conferences with Tom Shults re: 57.105 Motion; letter to Attorney Hennessy re: 57.105 Motion; conference with Tom Shults re: trial issues;	4.50 hr	\$1,012.50
08/15/2009	JMH	Meeting with Attorney Shults and Ross re: trial prep. Prepare Subpoenas for Trial.	4.00 hr	\$460.00
08/15/2009	ZLR	Work session with Justy and Tom Shults re: trial; phone calls with witnesses re: testimony;	3.30 hr	\$742.50
08/15/2009	TDS	Trial preparation; telephone conferences with witnesses.	4.00 hr	\$900.00
08/17/2009	MPB	Telephone conference with Martha Brauer.	0.30 hr	\$67.50
08/17/2009	JMH	E-mail to all counsel; phone call to Hampton Reporting. E-mail from Attorney Cowan's office. Phone call from Mr. Dye. Prepare exhibits and e-mail to counsel. Prepared Notice of Cancellation of deposition of Robert Baugh. Prepared Notice of Cancellation of depo of John White. Phone call from Atty Turff's office re: depo schedule. Phone call client re: depo schedule. Phone call to process server.	1.10 hr	\$126.50
08/17/2009	ZLR	Phone conference with Attorney Scott re: witness; phone conference with Attorney Cowan re: witness; phone conference with witness; phone conference with witness; docket Amended Notice depo duces tecum of witness; docket Notice of depo of Joe Salerno; docket correspondence from Attorney Cowan to Court re: proposed orders; docket McNulty's Notice of Joinder; phone conference with witness; prepare trial materials	4.50 hr	\$1,012.50
08/17/2009	TDS	Telephone conference with Martha B. re: status; telephone conference with Atty. Barnebey re: same; prepare for deposition of Tom Featheringill; conduct Featheringill deposition.	4.60 hr	\$1,035.00

Total Professional Services: \$69,663.50

KIRK - PINKERTON

A PROFESSIONAL ASSOCIATION

P.O. BOX 3798

SARASOTA, FLORIDA 34230

TELEPHONE 941 • 364 • 2400

FACSIMILE 941 • 364 • 2490

August 25, 2009

Matter ID: 31647

Invoice # 104078

Federal ID # 65-0295310

For Disbursements Incurred:

06/30/2009	Check # 82764 Coast Courler; Disbursement for	\$21.00
07/17/2009	Computer Research	\$139.36
07/20/2009	Computer Research	\$28.64
07/21/2009	Check # 82961 Vincent M. Lucente &; Disbursement for hearing on 7-17-09	\$70.00
07/30/2009	Computer Research	\$14.26
08/04/2009	Check # 83042 Pamela Cole; Disbursement for witness fee deposition 8/10/09	\$7.50
08/04/2009	Check # 83043 Morgan Swarengen; Disbursement for witness fee deposition 8/11/09	\$7.50
08/04/2009	Check # 83044 Chester Force; Disbursement for witness fee deposition 8-11-09	\$7.50
08/04/2009	Check # 83045 Thomas Featheringill; Disbursement for witness fee deposition 8-10-09	\$7.50
08/04/2009	Check # 83046 Toni Gaeta; Disbursement for witness fee deposition 8-14-09	\$7.50
08/04/2009	Check # 83047 Robert Baugh; Disbursement for witness fee deposition 8-25-09	\$7.50
08/04/2009	Check # 83048 Harry Splett; Disbursement for witness fee deposition 8-26-09	\$7.50
08/04/2009	Check # 83049 John White; Disbursement for witness fee deposition 8-26-09	\$7.50
08/04/2009	Check # 83050 Bruce Smith; Disbursement for witness fee deposition 8-14-09	\$7.50
08/04/2009	Check # 83051 Edward Barber; Disbursement for witness fee deposition 8-25-09	\$7.50
08/04/2009	Check # 83052 Kenneth Melerjurgan; Disbursement for witness fee deposition 8-14-09	\$7.50
08/04/2009	Void Check # 83045	(\$7.50)
08/04/2009	Void Check # 83048	(\$7.50)
08/06/2009	Check # 83096 Coast Courier; Disbursement for delivery	\$21.00
08/10/2009	Check # 83115 Coast Courier; Disbursement for	\$42.00
08/10/2009	Computer Research	\$142.99
08/17/2009	Check # 83190 Jason Gaskill; Disbursement for witness fee trail 9-8	\$7.50
08/17/2009	Check # 83191 Jennifer Cowan; Disbursement for witness fee trail 9/8	\$7.50
08/17/2009	Check # 83192 T J MILLER; Disbursement for witness fee trial 9-8	\$7.50
08/17/2009	Check # 83193 Beverly Lew; Disbursement for witness fee trial 9-8	\$7.50
08/17/2009	Check # 83194 Louis Ursini, III; Disbursement for witness fee trial 9-8	\$7.50
08/17/2009	Facsimile charge	\$72.22
Total Disbursements Incurred:		\$656.47

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FACSIMILE 941-364-2490

August 25, 2009

Matter ID: 31647

Invoice # 104078

Federal ID # 65-0295310

INVOICE SUMMARY

<u>Producer</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
TDS	\$225.00	101.90	\$22,927.50
MPB	\$225.00	36.30	\$8,167.50
SER	\$225.00	21.80	\$4,905.00
ZLR	\$225.00	125.90	\$28,327.50
JMH	\$115.00	46.40	\$5,336.00

For Professional Services: 332.30 Hours \$69,663.50

For Disbursements Incurred: \$656.47

New Charges this Invoice: \$70,319.97

Previous Balance: \$335.77

Less Payment and Credits Received: \$0.00

Outstanding Balance: \$335.77

Plus New Charges this Invoice: \$70,319.97

Total Due: \$70,655.74