

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.

MOTION FOR CONTINUANCE OF TRIAL

COMES NOW, Defendant, Trailer Estates Park and Recreation District, by and through undersigned counsel, and hereby moves for a continuance of the trial schedule in the above-reference matter, pursuant to Florida Rule of Civil Procedure 1.460, and as grounds states as follows:

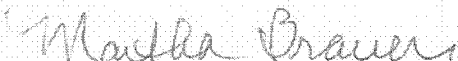
1. On August 14, 2009, the Court entered the Order on Defendants' Motion to Strike. The order considers the Motion to Strike inappropriate, but that a Motion for More Definite Statement is appropriate. The Court further orders Plaintiffs to file a second amended complaint "which amends and clarifies only paragraphs 37, 37m, 62, 64, and 67 of the Amended Complaint." A copy of the Order is attached hereto as Exhibit A.
2. On August 24, 2009, Plaintiffs furnished a copy of the Second Amended Complaint to counsel for Defendants.

3. The Second Amended Complaint fails to comply with the specific order of the Court in that, *inter alia*, it adds additional allegations that were not included in the Amended Complaint.

4. The parties to this matter have conducted extensive discovery regarding the allegations contained in the Amended Complaint. The addition of new allegations by Plaintiffs against Defendants on Monday, August 24, 2009 when the discovery period ends on Friday, August 28, 2009 results in extreme prejudice to the Defendants. The Defendants have not conducted any discovery regarding these new allegations, and there is insufficient time to do so before the close of the discovery period.

5. Furthermore, the pleadings in this matter have been re-opened; therefore, the matter is not at issue.

WHEREFORE, Defendant, Trailer Estates Park and Recreation District, respectfully requests this Honorable Court to continue the trial currently set in this matter.




Martha Brauer
Chairman of Board of Trustees
Trailer Estates Park and Recreation District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S. Mail to Kevin S. Hennessy, Esquire, Lewis, Longman & Walker, P.A., 1001 Third Avenue West, Suite 670, Bradenton, Florida 34205, 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 1st day of ~~August~~ September, 2009.

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