

**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. 2008-CA-11315

TRAILER ESTATES PARK AND RECREATION  
DISTRICT, an independant special  
taxing district, JANET JONES, an  
individual, JOHN VANDERMOLEN, an  
individual, JOSEPH SALERNO, an  
individual, and MARY LOU MCNULTY,  
an individual,

Defendants.

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**ANSWER TO THIRD AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL**

Defendant, JOSEPH SALERNO, by and through his undersigned  
counsel, hereby files his answer to the Third Amended  
Complaint filed herein as follows:

**VENUE, JURISDICTION AND NATURE OF THE ACTION**

1. Admitted.
2. Admitted.

**ALLEGATIONS COMMON TO ALL COUNTS**

3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

7. Admitted.
8. Admitted.
9. Without knowledge and therefore Denied.
10. Without knowledge and therefore Denied.
11. Admitted.
12. Without knowledge and therefore Denied.
13. Admitted.
14. Admitted.
15. Without knowledge and therefore Denied.
16. Admitted as to this Defendant, otherwise Denied.
17. Without knowledge, as this Defendant was not a Board member in 2006.
18. Without knowledge, therefore denied.
19. Without knowledge, therefore denied.
20. Denied.
21. Without knowledge, therefore denied.
22. Denied.

**COUNT I-DECLARATORY JUDGMENT PURSUANT TO CHAPTER 86, BY  
CONSTRUING THE RIGHTS AND OBLIGATIONS OF THE PARTIES SET  
FORTH IN SECTION 286.011, FLA. STAT.**  
(As to all Defendants)

23. Defendant Salerno re-alleges answers in paragraphs 1 through 22.
24. Admitted for purposes of jurisdiction only.

25. Admitted.
26. Admitted.
27. Admitted.
28. Denied as to Defendant Salerno.
29. Without knowledge, therefore Denied.
30. Denied.
31. Without knowledge, therefore Denied.
32. Without knowledge, therefore Denied.
33. Without knowledge, therefore Denied.
34. Without knowledge, therefore Denied. The exhibits speak for themselves.
35. Without knowledge, therefore Denied.
36. Without knowledge, therefore Denied.
37.
  - a. Without knowledge, therefore Denied.
  - b. Without knowledge, therefore Denied.
  - c. Without knowledge, therefore Denied
  - d. Without knowledge, therefore Denied.
  - e. Without knowledge, therefore Denied.
  - f. Without knowledge, therefore Denied.
  - g. Without knowledge, therefore Denied.
  - h. Without knowledge, therefore Denied.
  - i. Without knowledge, therefore Denied.
  - j. Without knowledge, therefore Denied.

- k. Without knowledge, therefore Denied.
- l. Without knowledge, therefore Denied.
- m. Without knowledge, therefore Denied.
- n. Without knowledge, therefore Denied.
- o. Without knowledge, therefore Denied.
- p. Without knowledge, therefore Denied.
- q. Without knowledge, therefore Denied.
- r. Without knowledge, therefore Denied.
- s. Without knowledge, therefore Denied.
- t. Without knowledge, therefore Denied.
- u. Without knowledge, therefore Denied.
- v. Without knowledge, therefore Denied.
- w. Without knowledge, therefore Denied.
- x. Without knowledge, therefore Denied.
- y. Without knowledge, therefore Denied.
- z. Without knowledge, therefore Denied.
- aa. Without knowledge, therefore Denied.
- bb. Salerno denies that a sunshine violation  
occurred involving Salerno.
- cc. Without knowledge, therefore Denied.
- dd. Without knowledge, therefore Denied.
- ee. Without knowledge, therefore Denied.
- ff. Without knowledge, therefore Denied.

- gg. Without knowledge, therefore Denied.
- hh. Without knowledge, therefore Denied.
- ii. Without knowledge, therefore Denied.
- jj. Without knowledge, therefore Denied.
- kk. Without knowledge, therefore Denied.
- ll. Without knowledge, therefore Denied.
- mm. Without knowledge, therefore Denied.
- nn. Without knowledge, therefore Denied.
- oo. Denied that a Sunshine Violation occurred  
involving Salerno.
- pp. Without knowledge, therefore Denied.
- qq. Without knowledge, therefore Denied.
- rr. Without knowledge, therefore Denied.
- ss. Without knowledge, therefore Denied.
- tt. Without knowledge, therefore Denied.
- uu. Denied that a Sunshine Violation occurred  
involving Salerno.
- vv. Without knowledge, therefore Denied.
- ww. Without knowledge, therefore Denied.
- xx. Without knowledge, therefore Denied.
- yy. Without knowledge, therefore Denied.
- zz. Without knowledge, therefore Denied.
- aaa. Without knowledge, therefore Denied.

- bbb. Denied that a Sunshine Violation occurred involving Salerno.
- ccc. Without knowledge, therefore Denied.
- ddd. Without knowledge, therefore Denied.
- eee. Denied that a Sunshine Violation occurred involving Salerno.
- fff. Without knowledge, therefore Denied.
- ggg. Without knowledge, therefore Denied.
- hhh. Without knowledge, therefore Denied.
- iii. Without knowledge, therefore Denied.
- jjj. Denied that a Sunshine Violation occurred involving Salerno.
- kkk. Without knowledge, therefore Denied.
- lll. Without knowledge, therefore Denied.
- mmm. Denied that a Sunshine Violation occurred involving Salerno.
- nnn. Without knowledge, therefore Denied.
- ooo. Without knowledge, therefore Denied.
- ppp. Without knowledge, therefore Denied.
- qqq. Without knowledge, therefore Denied.
- rrr. Denied.
- sss. Without knowledge, therefore Denied.
- ttt. Without knowledge, therefore Denied.

uuu. Without knowledge, therefore Denied.

vvv. Without knowledge, therefore Denied.

www. Without knowledge, therefore Denied.

xxx. Denied that a Sunshine Violation occurred  
involving Salerno.

yyy. Denied that a Sunshine Violation occurred  
involving Salerno.

zzz. Without knowledge, therefore Denied.

aaaa. Without knowledge, therefore Denied.

bbbb. Without knowledge, therefore Denied.

cccc. Without knowledge, therefore Denied.

dddd. Without knowledge, therefore Denied.

eeee. Without knowledge, therefore Denied.

ffff. Without knowledge, therefore Denied.

gggg. Without knowledge, therefore Denied.

hhhh. Without knowledge, therefore Denied.

iiii. Denied that a Sunshine Violation occurred  
involving Salerno.

jjjj. Without knowledge, therefore Denied.

kkkk. Without knowledge, therefore Denied.

llll. Denied that a Sunshine Violation occurred  
involving Salerno.

mmmm. Denied that a Sunshine Violation occurred

involving Salerno.

nnnn. Without knowledge, therefore Denied.

oooo. Without knowledge, therefore Denied.

pppp. Without knowledge, therefore Denied.

qqqq. Without knowledge, therefore Denied.

rrrr. Without knowledge, therefore Denied.

ssss. Without knowledge, therefore Denied.

38. Without knowledge and therefore denied.

39. Without knowledge, therefore Denied.

40. Without knowledge, therefore Denied.

41. Without knowledge, therefore Denied.

42. Without knowledge, therefore Denied.

43. Without knowledge, therefore Denied.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Without knowledge and therefore denied.

49. Without knowledge and therefore denied.

50. Without knowledge and therefore denied.

51. Without knowledge and therefore denied.

WHEREFORE, Defendant, JOSEPH SALERNO, requests that this action be dismissed as to him individually and that he be

awarded attorney fees and costs.

**FIRST AFFIRMATIVE DEFENSE**  
**CURE**

If any Sunshine Violation occurred, it was cured.

**SECOND AFFIRMATIVE DEFENSE**

Any and all conversations referenced in the Third Amended Complaint were merely administrative or organizational matters and not sunshine violations.

**THIRD AFFIRMATIVE DEFENSE**

Any and all conversations referenced did not involve matters which were coming before the Board in the foreseeable future.

**FOURTH AFFIRMATIVE DEFENSE**

Any and all conversations were information-gathering and for mere fact finding purposes.

**COUNT II-DECLARATORY JUDGMENT PURSUANT TO CHAPTER 86, BY**  
**CONSTRUING THE RIGHTS AND OBLIGATIONS OF THE PARTIES SET**  
**FORTH IN SECTION 119.07, FLA. STAT.**

Defendant, JOSEPH SALERNO, is not an individual Defendant in Count II and therefore will not file and answer to Count II individually.

**COUNT III-MANDAMUS IN ACCORDANCE WITH**  
**SECTIONS 119.07 and 286.011, FLA. STAT.**  
(As to Trailer Estates, Jones, Vandermolen, and Salerno)

Defendant, JOSEPH SALERNO, hereby moves to dismiss Count III as it fails to comply with the procedure for Writ of Mandamus.

**MOTION TO DISMISS COUNT IV-**  
**TEMPORARY AND PERMANENT INJUNCTIVE RELIEF**  
(As to all Defendants)

Pursuant to F.S. Civil Procedure 1.140(b), Count IV seeks injunctive relief against multiple parties and for multiple reasons. It is not proper to bring this claim for injunctive relief by lumping together unrelated claims. Further, the Plaintiffs have an adequate legal remedy in the Sunshine and Public Records laws. The request for injunction only serves to confuse the issues and is a duplication of the relief sought in other costs.

**NOTICE OF INTENT TO SEEK ATTORNEYS FEES**

Defendant, JOSEPH SALERNO, hereby gives notice of intent to seek fees and costs against Plaintiffs, pursuant to F.S. 286.011(4).

**JURY TRIAL DEMAND**

Defendant, JOSEPH SALERNO, hereby demands trial by jury on all issues so triable.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via U.S. Mail to those addresses

on the attached service list this 9<sup>th</sup> day of September, 2009.

ROBERT E. TURFFS, P.A.

By: 

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