

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.

FILED FOR RECORD  
R.B. SHORE  
2009 SEP 11 PM 1:45  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA

**ORDER ON MATTERS HEARD SEPTEMBER 3, 2009**

THIS CAUSE having come before the Court on September 3, 2009, on the matters set forth below, the Court having conducted a hearing concerning such matters and being otherwise fully advised in the premises, it is hereby ORDERED:

**I. Order on Motions to Strike or Dismiss Plaintiffs' Second Amended Complaint for Failure to Comply with Order Permitting Amendment**

The Court finds that the Plaintiffs did not raise new issues in the Second Amended Complaint and attempted to comply with the Court's Order dated, August 14, 2009. The Court finds that the Second Amended Complaint meets the pleading requirements. Accordingly, the Motions to Strike or Dismiss Plaintiffs' Second Amended Complaint are denied.

**II. Order on Motions to Dismiss or for More Definite Statement regarding Second Amended Complaint**

The Court finds that a Motion for More Definite Statement is appropriate Accordingly,

Plaintiffs shall file and deliver to the Defendants not later than 10:00 a.m. September 9, 2009, a Third Amended Complaint which provides a more definite statement concerning the allegations made in paragraphs 37, 62, 64, and 69. The Third Amended Complaint must state with specificity when the alleged violations occurred, who was present, and the subject matter of the alleged violation. Plaintiffs will be limited at trial to the matters alleged in the Third Amended Complaint. Accordingly, the Defendants' Motion for More Definite Statement regarding the Second Amended Complaint is granted, however, the Motion to Dismiss is denied. Defendants shall file and deliver to the other parties an Answer and Affirmative Defenses to the Third Amended Complaint by 10:00 a.m. September 10, 2009. Further, any Motions to Strike Affirmative Defenses will be heard prior to trial.

### **III. Order on Motions to Continue**

The District and other Defendants have moved to continue this matter arguing that it is not at issue and cannot be set for trial under the provisions of Fla. R. Civ. P. 1.440. The Defendants also argue that setting this matter for trial on allegations to be made in the Third Amended Complaint will result in prejudice to them by not allowing sufficient time to prepare for trial and defend the allegations of the Third Amended Complaint. The Court finds that there is no prejudice in allowing this case to remain on the Court's calendar. The Court finds that once the parties have complied with the actions stated in this order, the case can be set for trial to commence on September 14, 2009 at 9:00 a.m. Accordingly, the Motion to Continue is denied.

### **IV. Order on Procedural Matters.**

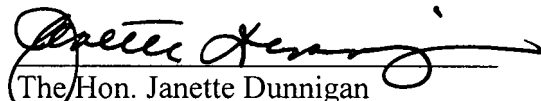
The Court orders that counsels for the parties meet to exchange lists and copies of exhibits that the parties intend to introduce during the trial in this matter. The parties shall submit the lists of exhibits to the Court with indication for each exhibit whether the parties stipulate that the exhibit is

admissible or briefly state any objections to the exhibit. The parties will meet on Friday, September 11, 2009, at the Manatee County Judicial Center to have exhibits pre-marked by the clerk prior to trial.

**V. Order on Motion to Severe or Bifurcate the Public Records Law and Sunshine Law Matters.**

Defendant Salerno's counsel made a motion ore tenus to severe the public records and sunshine law issues. The Motion is denied.

DONE and ORDERED this 10 day of September, 2009.

  
The Hon. Janette Dunnigan  
Circuit Court Judge

cc: Thomas D. Shults, Esquire  
Kevin S. Hennessy, Esquire  
Robert E. Turffs, Esquire  
Daniel E. Scott, Esquire  
James D. Dye, Esquire  
Hunter W. Carroll, Esquire