

IN THE TWELFTH JUDICIAL CIRCUIT COURT  
IN AND FOR MANATEE COUNTY, FLORIDA

MARY LOU SMITH, et al.,

Plaintiffs,

v.

Case No. 2008-CA-11315

TRAILER ESTATES PARK AND  
RECREATION DISTRICT, et al.,

Defendants.

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**DEFENDANT JANET JONES'**  
**RESPONSE TO PLAINTIFFS' MOTION TO STRIKE AFFIRMATIVE DEFENSES**

Defendant Janet Jones files this response to Plaintiffs' Motion to Strike Affirmative Defenses. Plaintiffs' motion appears to seek to strike five of Ms. Jones' affirmative defenses. In framing her response, Ms. Jones responds to Plaintiffs' points in the order in which Plaintiffs attack the affirmative defenses, and not in the order of the affirmative defenses presented by Ms. Jones. The Court should deny Plaintiffs' motion as it relates to Ms. Jones.

**Ms. Jones' Sixth Affirmative Defense – Unclean hands/estoppel**

In paragraph 7, Plaintiffs contend that equitable defenses are improper. Plaintiffs thus seek to strike Ms. Jones' Sixth Affirmative Defense, in which she affirmatively alleges that Plaintiffs come to the Court with unclean hands that equitably estopps their claims.

Plaintiffs' argument that equitable defenses do not apply is directly contrary to their argument on the right to a jury trial. Previously, Plaintiffs strenuously argued to this Court that this case was a case in equity in an effort to avoid a jury trial. See Plaintiffs' Motion to Strike

Defendants . . . Jury Demand, bearing July 20, 2009 certificate of service, which is attached as Exhibit 1. Specifically, Plaintiffs wrote in their original motion to strike jury trial demands that Defendants were not entitled to a jury trial “due to the equitable nature of the relief sought by the Plaintiffs.” Ex. 1, p.4, ¶8. Plaintiffs also cited cases in that motion for the proposition that there is no jury trial right in equity cases. See id., pg. 3, ¶5. The Court accepted Plaintiffs’ argument and ruled that “all remedies sought are equitable in nature,” a copy of which is attached as Exhibit 2. See Ex. 2, pg. 1, ¶1.<sup>1</sup>

Now that Plaintiffs have staked out their position that this is a case in equity, they should not be heard to complain when Defendants, including Ms. Jones, raise equitable defenses to a lawsuit filed in equity. Plaintiffs are barred under the doctrine of estoppel against inconsistent positions from now claiming that equity does not apply here. See Dubois v. Osborne, 745 So. 2d 479, 480-81 (Fla. 1st DCA 1999). “The doctrine of estoppel against inconsistent positions serves to prevent a party who has gained something from the assertion of its first position to, by the assertion of the second, inconsistent position, gain something more, to which hit would not have been entitled under the first position. Id. at 481 (internal citations omitted). That is exactly what Plaintiffs seek to do here. The Court should not countenance this inconsistency.

Accordingly, the Court must deny Plaintiffs’ motion to strike this affirmative defense and let equitable affirmative defenses proceed.

Even if the Court reaches the merits of Plaintiffs’ argument, Plaintiffs’ position is incorrect. With citation to News-Press Publishing Co., Inc. v. Gadd, 388 So. 2d 276 (Fla. 2d DCA 1980), Plaintiffs expressly state in their motion that “a party’s motives in bringing an action

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<sup>1</sup>Ms. Jones maintains that she is entitled to a jury trial.

for relief under the **Sunshine Law** may not be considered and are, as a matter of law, irrelevant.” P.4, ¶7 (emphasis added). Plaintiffs misstate the law. That case involved the **Public Records Act**, not the Sunshine Law. Plaintiffs sued Ms. Jones for alleged Sunshine Law violations, not Public Records Act violations. Plaintiffs therefore have presented no legal authority for their position with respect to the Sunshine Law. Thus, Plaintiffs’ position here is without merit.

Finally, Plaintiffs contend without any explanation that Ms. Jones’ assertion of an equitable affirmative defense to Plaintiffs’ claims against her is immaterial, impertinent and scandalous. See Motion at p.4, ¶7. Plaintiffs’ contention simply is wrong. Ms. Jones’ affirmative defense is directly material to the claims against her and certainly is not impertinent or scandalous.

#### **Ms. Jones’ First Affirmative Defense – Administrative Conversations**

In paragraph 14, Plaintiffs contend that Ms. Jones cannot raise as an affirmative defense that certain conversations were administrative in nature. Plaintiffs thus seek to strike Ms. Jones’ First Affirmative Defense, in which she raised this matter. Specifically, Plaintiffs state that “[t]his affirmative defense does not properly assert an avoidance of liability by alleging excuse or justification[.]” Motion p.17, ¶14.

Contrary to Plaintiffs’ contention, this affirmative defense puts forth *justification* for conversations between two or more trustees outside a noticed meeting. Indeed, the manner in which Plaintiffs pled their allegations in the Third Amended Complaint made this affirmative defense necessary. Plaintiffs did not allege with any specificity that the various alleged conversations between Trustees involved matters that were then reasonably foreseeable to come before the Board. Just a few examples include:

- 37(z) In and around August 17, 2007, Board members Jones and Joe Bigley handled an ARC permit outside of the sunshine.
- 37(ll) In or around October 6, 2008, Jones and Vandermolen met outside the Sunshine and discussed the handling of a deed restriction violation.

The Sunshine law does not apply to conversations between trustees on administrative matters or matters that are not likely to come before the Board. The referenced paragraphs themselves do not clearly set forth a Sunshine Law violation because Plaintiffs did not allege that these items were then reasonably foreseeable to come before the Board for action. Thus, this affirmative defense injects the issue that, even if there were conversations between Ms. Jones and the referenced trustees on the referenced matters, she was justified in doing so because the administrative matters were not then reasonably foreseeable to come before the Board.

Accordingly, this affirmative defense is proper in a Sunshine Law case. The Plaintiffs' motion on this issue must be denied.

**Ms. Jones Eighth Affirmative Defense – Statute of Limitations**

In paragraph 15, Plaintiffs contend that Ms. Jones cannot raise the statute of limitations defense, which she did allege in her Eighth Affirmative Defense. Plaintiffs in this motion contend that none of the conduct alleged occurred prior to November 26, 2005. See Motion, p.8, ¶ 15.

Certainly, if Plaintiffs will make this representation in open Court, Ms. Jones will withdraw her statute of limitations defense. However, as pled, Plaintiffs left open the possibility in several allegations for conduct that pre-dated November 26, 2005. For instance:

- 37(a) In or around November 2005, the Executive Committee met outside of the Sunshine and discussed the DeSears

fence issue.

37(ssss) Prior to October 30, 2006, the Board held workshop meeting where no minutes were taken.

44 In violation of the Sunshine Law, Board members have also used resident to act as liaisons for communications between Board members to circulate information and thoughts relating to District business, such as the disaster plans, budget, Public Records/Privacy Act, and Policy and Procedures.

Plaintiffs in their trial exhibits identified minutes from trustee meetings as far back as 1997. (Exhibit 3, pp1-2, ¶¶ 8-9). Moreover, Plaintiffs recently have been asking in depositions concerning conduct that allegedly occurred in early 2000s. Thus, Ms. Jones has a concern that Plaintiffs are attempting to bring up conduct beyond the limitation period.

Accordingly, Ms. Jones' statute of limitations defense is proper. If, however, the Plaintiffs will state in open Court that their lawsuit does not seek to claim conduct that occurred prior to November 26, 2005, constitutes a Sunshine Law violation, Ms. Jones will withdraw her Eighth Affirmative Defense for statute of limitations.

#### **Ms. Jones Ninth Affirmative Defense – Cure**

In paragraph 19, Plaintiffs contend that Ms. Jones cannot raise the cure defense. Importantly, Plaintiffs do not contend that there can be no cure to a Sunshine Law violation; instead, Plaintiffs complain of a lack of specificity. Plaintiffs position is puzzling.

No where in the Third Amended Complaint do Plaintiffs identify the specific actions taken by the Board of Trustees (or committee) that they claim is void. Instead, Plaintiffs *generically* allege that “any actions or decisions taken by those Board members are not binding and void ab initio.” 3d. Am. Cmplt, ¶41. Defendants, including Ms. Jones, cannot be expected

to identify the specific “cure” action until Plaintiffs first identify those specific actions that they claim are void ab initio.

**Ms. Jones’ Seventh Affirmative Defense – Excuse on account of Plaintiffs’ actions**

In paragraph 22, Plaintiffs contend that Ms. Jones’ equitable affirmative defense is improper. Ms. Jones’ Seventh Affirmative Defense asserts that her conduct is excused because Plaintiffs affirmatively advised Defendants that two or more trustees could be present at non-board meetings and now Plaintiffs claim this conduct is improper.

Again, Ms. Jones points out that Plaintiffs are precluded about complaining about Ms. Jones’ equitable affirmative defense pursuant to the doctrine of estoppel against inconsistent positions as discussed above.

On the merits, this is an appropriate equitable affirmative defense, as it seeks to excuse Ms. Jones’ conduct. Plaintiffs concede that an avoidance of liability by excuse is properly an affirmative defense. See Motion p.2, ¶3

WHEREFORE, Ms. Jones requests that the Court deny Plaintiffs’ motion as it relates to her.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by electronic mail and First Class U.S. Mail this 17th day of September, 2009, to:

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IN THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, FLORIDA  
CIVIL DIVISION

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.

PLAINTIFFS' MOTION TO STRIKE DEFENDANTS, TRAILER ESTATES  
PARK AND RECREATION DISTRICT'S, JONES', VANDERMOLEN'S, AND  
SALERNO'S, JURY DEMAND

COMES NOW, Plaintiffs MARY LOU SMITH and SHARON DENSON (hereinafter referred to as "Plaintiffs") by and through their undersigned counsel and pursuant to Rule 1.140 (f), Florida Rules of Civil Procedure, hereby file this Motion to Strike Defendants, Trailer Estates Park and Recreation District's, Jones', Vandermolen's, and Salerno's Jury Demand and as grounds therefore state as follows:

1. On or about November 26, 2008, the Plaintiffs filed suit against the Trailer Estates Park and Recreation District ("District"), an independent special taxing district, and four individuals including Janet Jones ("Jones"), John Vandermolen ("Vandermolen"), Joseph Salerno



("Salerno"), and Mary Lou McNulty ("McNulty"), who are current and previously elected members of the Board of Trustees that governs the District.

2. The Amended Complaint asserts a four (4) count cause of action against the Defendants for violations of the Public Records and Sunshine Laws, Florida Statutes §§ 119.07 and 286.011, respectively. Specifically, the Amended Complaint seeks declaratory relief as to the rights and obligations of the all of the Defendants to comply with the Section 286.001 Fla. Stat. (Count I); declaratory relief as to the rights and obligations of the District, Vandermolen and McNulty to comply with the Section 119.07, Fla. Stat. (Count II); a writ of mandamus from this Court ordering the District, Jones, Vandermolen, and Salerno to comply with Florida Statutes §§ 119.07 and 286.011 (Count III), and injunctive relief to order the Defendants from violating the Sunshine and Public Records Laws (Count IV).

3. In their answers and affirmative defenses, the District, Jones, Vandermolen, and Salerno demanded a trial by jury. The District's, Jones', Vandermolen's, and Salerno's Demand for Jury Trial failed to specify which Counts in the Amended Complaint they believed were triable by a jury nor did they cite any authority indicating that any of the counts were triable by a jury

4. Chapter 86, Florida Statutes, governs actions for declaratory judgment. In particular, Section 86.071, F.S., provides the following:

When an action under this chapter concerns the determination of an issue of fact, the issue may be tried as issues of fact are tried in other civil actions in the court in which the proceeding is pending. To settle questions of fact necessary to be determined before judgment can be rendered, the court may direct their submission to a jury. When a declaration of right or the granting of further relief based thereon concerns the determination of issues of fact triable by a jury, the issues may be submitted to a jury in the form of interrogatories, with proper instructions by the court, whether a general verdict is required or not. Neither this section nor any other section of this chapter shall be construed as requiring a jury to determine issues of fact in chancery actions.

In actions for declaratory relief, the right to a jury trial is limited to issues **traditionally triable by a jury at common law**. *Southern Farm Bureau Cas. Ins. Co. v. Pro Lockshop, Inc.*, 681 So. 2d 840, 841 (Fla. 4th DCA 1996); *see also Baldwin Sod Farms, Inc. v. Corrigan*, 746 So. 2d 1198, 1203-05 (Fla. 4th DCA 1999).

5. In Florida, the right to a jury trial does not extend to causes of action in equity because "the common law in 1845 did not confer a right to jury trial in equity actions." *Lanman Lithotech, Inc. v. Gurwitz*, 478 So. 2d 425, 427 (Fla. 5th DCA 1985) ("the common law in 1845 did not confer a right to jury trial in equity actions [and] Florida's constitutional right to jury trial guarantees a right to trial by jury in those cases in which such right was recognized when Florida's first constitution became effective in 1845"). *See also Hawkins v. Rellim Investment Co.*, 110 So. 350, 351 (Fla. 1926); *Efron v. Milton*, 892 So. 2d 497, 499 (Fla. 3d DCA 2004) (no right to jury trial in equity); *Boyce v. Hort*, 666 So. 2d 972, 973 (Fla. 5th DCA 1996) (no jury trial where claims are within equity jurisdiction).

6. Further, in *Robbins v. Section 3 Property Corp.*, 609 So. 2d 670 (Fla. 3d DCA 1992), the issue of a right to a jury trial was addressed in the context of a tax challenge case. The Court in *Robbins* held that since the **remedies sought were for an injunction and declaratory judgment, which are equitable in nature, the right to a jury trial did not apply**. *See id.* at 672 (emphasis supplied). Further, with specific regard to claims for injunctive relief, there is no right to a jury trial as the right to a jury trial applies only to legal and not to equitable causes of action. *381651 Alberta, Ltd. v. 279298 Alberta, Ltd.*, 675 So. 2d 1385, 1387 (Fla. 4th DCA 1996); *See also Robbins* at 672.

7. **In mandamus cases, issues of fact are tried by the court and not by a jury.** *Graves v. State ex rel. Hampton*, 184 So. 112, 114 (Fla. 1938). In absence of a statute requiring it, a right

of trial by jury does not exist in mandamus cases. *State ex rel. Foster v. Anders*, 184 So. 515, 517 (Fla. 1938).

8. Based on the foregoing, the District is not entitled to a jury trial on the two counts for declaratory relief or the count for injunctive relief due to the equitable nature of the relief sought by the Plaintiffs. Further, the District would not be entitled to a jury trial on the counts for mandamus. Since the right to a jury trial does not apply to any of the counts set forth in the Amended Complaint, accordingly the Plaintiff's request that this Court set the trial in this matter for a non-jury trial.

WHEREFORE, the Plaintiffs respectfully request this Court strike the Defendants', Trailer Estates Park and Recreation District's, Janet Jones', John Vandermolen's and Joseph Salerno's demand for a jury trial and grant such other and further relief as this Court deems reasonable and appropriate.



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I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished to **Hunter Carroll, Esquire**, Matthews, Eastmoore, Hardy, Crauwels & Garcia, P.A., 1777 Main Street, Suite 500, Sarasota, FL 34236, **James D. Dye, Esquire**, Dye, Deitrich, Petruff, & St. Paul, 1111 Third Ave. West, Suite 300, Bradenton, FL 34205, **Robert E. Turffs, Esquire**, 1444 First Street, Suite B, Sarasota, FL 34236, **Daniel E. Scott, Esquire**, Daniel E. Scott, P.A., 2033 Main Street, Suite 408, Sarasota, FL 34237, **Thomas D. Shults, Esquire**, Kirk Pinkerton, P.A., 50 Central Avenue, Suite 700, Sarasota, FL 34236, by *U.S. First Class Mail*, this 20<sup>th</sup> day of July, 2009.

  
Kevin S. Hennessy, Esquire

**IN THE TWELFTH JUDICIAL CIRCUIT  
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MARY LOU SMITH  
an individual, and  
SHARON DENSON,  
an individual

Plaintiffs,

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Division: B

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JOSEPH SALERNO, an individual, and  
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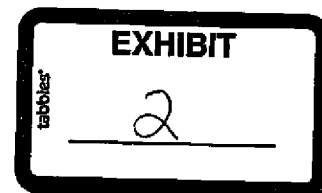
Defendants.

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**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.



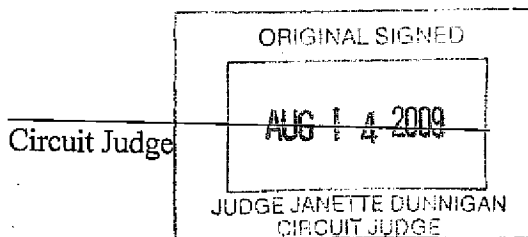
3) This Court finds that the Defendants do not have a mandatory right to a jury trial in the declaratory actions, rather it is discretionary with the Court. Further, the Court finds that the Defendants do not have a right to a jury trial in the mandamus or injunctive actions, and are not entitled to 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 \_\_\_ day of August, 2009.

HONORABLE JUDGE JANETTE DUNNIGAN



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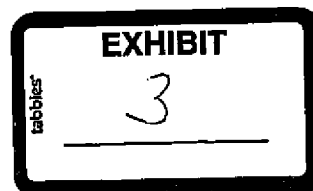
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JANET JONES, an individual,  
JOHN VANDERMOLEN, an individual,  
JOSEPH SALERNO, an individual, and  
MARY LOU MCNULTY, an individual

Defendants.

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9. Board Meeting Minutes, March, 1997.
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29. Notes between Tom Featheringill and Janet Jones, January 8, 2007.
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116. Letter from Sharon Denson to Mary Lou McNulty, April 17, 2008.
117. Letter from Gail Opper to Kirk Pinkerton, April 30, 2008.

118. Letter from Gail Opper to Kirk Pinkerton, May 2, 2008.
119. Letter from John Vandermolen to Judy Reidel, May 21, 2008.
120. Letter from John Vandermolen to Sharon Denson, July 3, 2008.
121. Letter from Sharon Denson to TJ Miller and Trustees, November 24, 2008.
122. Letter from Lewis, Longman & Walker, P.A., to Mark Barnebey and TJ Miller, December 12, 2008.
123. Letter from Lewis, Longman & Walker, P.A., to Janet Jones, Joe Salerno, Mary Lou McNulty, and John Vandermolen, December 12, 2008.
124. Letter from Jennifer Cowan to Thomas Shults and TJ Miller, December 12, 2008.
125. Letter from Kirk Pinkerton on Overview of Applicable Laws Relating to the Creation and Operation of the District, Government in the Sunshine, Public Records, and Ethics Laws, January 2009.
126. Letter from Mark Barnebey to Jennifer Cowan, January 16, 2009.
127. Letter from Jennifer Cowan to Mark Barnebey, January 26, 2009.
128. Letter from Jennifer Cowan to Mark Barnebey, February 4, 2009.
129. Letter from Mark Barnebey to Jennifer Cowan, February 13, 2009.
130. Letter from Jennifer Cowan to Scott Rudacille, March 20, 2009.
131. Letter from Thomas Shults to Jennifer Cowan, April 27, 2009.
132. Letter from Jennifer Cowan to Mark Barnebey and TJ Miller, May 12, 2009.
133. Letter from Mark Barnebey to Jennifer Cowan, May 15, 2009.
134. Letter from Jennifer Cowan to Mark Barnebey, June 3, 2009.
135. Letter from Scott Rudacille to Jennifer Cowan, June 3, 2009.
136. Letter from Mark Barnebey to Jennifer Cowan, June 8, 2009.

137. Letter from Mark Barnebey to Jennifer Cowan, July 31, 2009.
138. Facsimile from Scott Rudacille to Trustees, November 1, 2007.
139. Bradenton Herald Article, April 7, 2008.
140. Bradenton Herald Article, April 8, 2008.
141. Bradenton Herald Article, April 16, 2008.
142. Bradenton Herald Article, May 13, 2008.
143. Bradenton Herald Article, October 26, 2008.
144. Bradenton Herald Article, December 2, 2008.
145. Bradenton Herald Article, June 28, 2009.
146. Bradenton Herald Article, July 26, 2009.
147. Plaintiffs' Video and Audio Clips for Trial (Disc already provided to all opposing counsel on September 8, 2009).
148. Public Records Request from Lewis, Longman & Walker, P.A., July 26, 2007.
149. Composite Exhibit: Documents produced by District responsive to July 26, 2007, Lewis, Longman & Walker, P.A., Request.
- 150.
151. Composite Exhibit: Documents produced by District responsive to December 12, 2008, Lewis, Longman & Walker, P.M., Public Records Request.
152. Composite Exhibit: District's second response to Public Records Request/ Request for Production - December 12, 2008.
153. Public Records Request from Lewis, Longman & Walker, P.A., January 8, 2009.
154. Composite Exhibit: Documents produced by District responsive to January 8, 2009, Lewis, Longman & Walker, P.A., Public Records Request.

155. Public Records Request from Lewis, Longman & Walker, P.A., January 12, 2009.
156. Composite Exhibit: Documents produced by District responsive to January 12, 2009, Lewis, Longman & Walker, P.A., Request.
157. Public Records Request from Lewis, Longman & Walker, P.A., March 12, 2009.
158. Composite Exhibit: Documents produced by District responsive to March 12, 2009, Lewis, Longman & Walker, P.A., Request.
159. Public Records Request from Lewis, Longman & Walker, P.A., April 30, 2009.
160. Composite Exhibit: Documents produced by District responsive to April 30, 2009, Lewis, Longman & Walker, P.A., Request.
161. Public Records Request from Lewis, Longman & Walker, P.A., May 29, 2009.
162. Composite Exhibit: Documents produced by District responsive to May 29, 2009, Lewis, Longman & Walker, P.A., Request.
163. Composite Exhibit: Supplemental documents produced by District responsive to May 29, 2009, Lewis, Longman & Walker, P.A., Request.
164. Public Records Request from Lewis, Longman & Walker, P.A., July 31, 2009.
165. Composite Exhibit: Documents produced by District responsive to July 31, 2009, Lewis, Longman & Walker, P.A., Request.
166. Composite Exhibit: Documents produced by District responsive to verbal request on August 12, 2009, by Lewis, Longman & Walker, P.A.
167. Composite Exhibit: Supplemental documents produced by District responsive to verbal request on August 12, 2009, by Lewis, Longman & Walker, P.A.
168. Public Records Request from Lewis, Longman & Walker, P.A., August 17, 2009.

169. Composite Exhibit: Documents produced by District responsive to August 17, 2009, Lewis, Longman & Walker, P.A., Request.
170. Public Records Request from Lewis, Longman & Walker, P.A., August 20, 2009.
171. Composite Exhibit: Documents produced by District responsive to August 20, 2009, Lewis, Longman & Walker, P.A., Request.
172. Public Records Request from Lewis, Longman & Walker, P.A., August 25, 2009, sent to TJ Miller at Trailer Estates Park and Recreation District.
173. Composite Exhibit: Documents produced by District responsive to August 25, 2009, Lewis, Longman & Walker, P.A., Request.
174. Public Records Request from Lewis, Longman & Walker, P.A., August 25, 2009, sent to Video Computer Club of Trailer Estates Park and Recreation District.
175. Composite Exhibit: Documents produced by District responsive to verbal public records request on August 27, 2009, by Lewis, Longman & Walker, P.A.
176. Documents Produced at Deposition of TJ Miller.
177. Documents Produced at Deposition of Mark Barnebey, Esquire.
178. Documents Produced at Deposition of Pamela Cole.
179. All Documents Produced by Sharon Denson and Mary Lou Smith in response to Trailer Estates Park and Recreation District's Request for Production.
180. Documents Produced at Deposition of Mary Lou McNulty.
181. Documents Produced at Deposition of Trailer Estates Park and Recreation District Representative.
182. Records Management Compliance Statements, 2005-2006.
183. Records Management Compliance Statements, 2006-2007.

184. Records Management Compliance Statements, 2007-2008.
185. Manatee County Easement Encroachment Agreement, October 12, 2006.
186. Trailer Estates Park and Recreation District Policy and Procedure Manual.
187. Trailer Estates Park and Recreation District Policy and Procedure (PP) 24.
188. Trailer Estates Park and Recreation District Policy and Procedure (PP) 47.
189. Trailer Estates Park and Recreation District Policy and Procedure (PP) 53.
190. Trailer Estates Park and Recreation District Policy and Procedure (PP) 40.
191. Trailer Estates Park and Recreation District Policy and Procedure Committee Review and Summary, August 2007.
192. Trailer Estates Park and Recreation District Office Request Form, March 4, 2008.
193. Trailer Estates Park and Recreation District By Laws.
194. Mary Lou Smith Permit, June 11, 2007.
195. Trailer Estates Procedures for VHS Tapes, February 27, 2007.
196. Trailer Estates Park and Recreation District Budget Questionnaire, December 2008.
197. Trailer Estates Park and Recreation District's Tribune.
198. Trailer Estates Park and Recreation District Deed Restrictions.
199. Trailer Estates Park and Recreation Video Computer Club By Laws.
200. Trailer Estates Park and Recreation District Public Record Logs.
201. Trailer Estates Park and Recreation District Website Committee Website Work Form.
202. Trailer Estates Park and Recreation District Duties of Chairman, 1<sup>st</sup> Vice Chairman and 2<sup>nd</sup> Vice Chairman.
203. Trailer Estates Park and Recreation District Duties of Secretary and Treasurer,
204. Trailer Estates Park and Recreation District Duties of Maintenance Trustee.

205. Trailer Estates Park and Recreation District Duties of Maintenance Trustee, Revised November 17, 2008.
206. Trailer Estates Park and Recreation District Duties of the Public Relations Trustee.
207. Trailer Estates Park and Recreation District Duties of the Health and Welfare Trustee.
208. Trailer Estates Park and Recreation District Duties of Seasonal, Social And Recreation Activities Trustee, Amended December 17, 2001, Revised March 6, 2007.
209. Trailer Estates Park and Recreation District Duties of Continuing Recreation Trustee, Amended July 1996.
210. Trailer Estates Park and Recreation District Architectural Review Committee (A.R.C.), Revised January 2007.
211. 2006 Audit of Trailer Estates Park and Recreation District.
212. Deposition exhibits.
213. Documents produced in response to discovery.
214. Documents attached to Complaint and all subsequent amendments thereto.
215. Minutes from Trailer Estates Board of Trustees Meetings.
216. Minutes from Trailer Estates Board of Trustee Workshops.
217. Trailer Estates Agendas.
218. Trailer Estates Park and Recreation District Policies and Procedures.
219. Minutes from Trailer Estates Park and Recreation District Committees.
220. Notices from Trailer Estates Park and Recreation District Committee meetings.

**The Plaintiffs Reserve the Right to Use the Following:**

- Any Other Audio or Video Recordings Produced Prior to Trial.
- Any and all depositions (including video) and all deposition exhibits.
- Any and all documents listed on any of the Defendants' Exhibit List.
- Any and all documents necessary for impeachment or rebuttal.