

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 29 PM 3:28  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**ORDER CONTINUING TRIAL, REQUIRING PARTIES TO MEDIATE AND  
RESERVING RULING ON SANCTIONS**

THIS CAUSE having come before the Court on the Motion of Trailer Estates Park and Recreation District, joined by other Defendants, to continue the trial in this matter, the Court having conducted a hearing on the Motion and being otherwise fully advised in the premises, it is hereby ORDERED:

1. The Motion is granted and the trial presently set for the week of September 14, 2009 is continued.

2. The parties are ordered to engage in mediation if the following conditions can be met, otherwise Plaintiffs may object to mediation, and the matter of mediation may be brought back before the Court for consideration. The intent of the Court in sending the Parties back to mediation is to provide an opportunity for the District Board to participate directly, simultaneously, or immediately in the consideration of any settlement proposal that may be reached. The Court


recognizes that this must be done in a manner that will not create a violation of the Sunshine Laws and leaves it to the Parties to determine the best way to achieve this goal. The Court appoints Gary Larsen of Sarasota, Florida to serve as mediator in this matter. Should the Parties desire to utilize multiple mediators, in addition to Mr. Larsen, to accomplish the above stated goal, that is also acceptable. The mediation rules and procedures set forth in the Florida Rules of Civil Procedure and Chapter 44, Florida Statutes, shall apply except as otherwise stated in this Order. The individual Defendants do not need to appear at the mediation, however counsel for these Defendants need to appear at mediation if mediation goes forward, with full authority from their clients to settle, and their clients need to be available by phone during the course of mediation.

3. All motions directed to the pleadings will be heard on Friday, September 18, 2009, beginning at 9:00 AM.

4. The trial of this case will be reset on the major trial docket for the period beginning March 15, 2010, upon the closing of the pleadings in this case.

5. The Court will continue to reserve ruling on the determination of any sanction for violation of mediation confidentiality until the conclusion of any mediation contemplated by this Order.

DONE and ORDERED this 17 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