

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

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.

**PLAINTIFF MARY LOU SMITH'S RESPONSE TO DEFENDANT, TRAILER
ESTATES PARK AND RECREATION DISTRICT'S REQUEST FOR ADMISSIONS**

Plaintiff, MARY LOU SMITH, by and through her undersigned Counsel and pursuant to Rule 1.370, *Florida Rules of Civil Procedure*, hereby responds to Defendant, TRAILER ESTATES PARK AND RECREATION DISTRICT's Request for Admissions dated August 7, 2009, as follows:

1. Objection, unclear, fails to define department heads and day to day operations and fails to specify a timeframe. Subject to and without waiving said objections, denied that the Board of Trustees serves as Department Heads. Admitted that some individual trustees occasionally are involved in the day to day operation of Trailer Estates.

2. Objection, unclear, fails to define administrative and operational matters and day to day operations, and fails to specify a timeframe. Subject to and without waiving said objections, admitted that some individual Trustees occasionally are involved in the day to day

operations that are administrative and operational matters for which a vote by the Board of Trustees is not required or contemplated. All other allegations are denied.

3. Objection, this request is unclear, confusing, muddled, compound and not specific enough for the Plaintiff to respond to through an admission or denial. Subject to and without waiving objection, denied; Plaintiff is unaware of any such conversation taking place in the District Office.

4. Objection, this request is unclear, confusing, muddled, compound and not specific enough for the Plaintiff to respond to through an admission or denial. Subject to and without waiving objection, denied; Plaintiff is unaware of any such conversation taking place in the District Office.

5. Objection, this request is unclear, confusing, muddled, compound and not specific enough for the Plaintiff to respond to through an admission or denial. Subject to and without waiving objection, admitted that Plaintiff did not hear specifics of John Vandermolen and Fred Hoch's January 27, 2009, private conversation.

6. Objection, this request is unclear, confusing, muddled, compound and not specific enough for the Plaintiff to respond to through an admission or denial. Subject to and without waiving objection, admitted. Plaintiff is unaware of the result of John Vandermolen and Fred Hoch's January 27, 2009, private conversation.

7. Objection, this request is unclear, confusing, muddled, compound and not specific enough for the Plaintiff to respond to through an admission or denial. Subject to and without waiving objection, denied.

8. Objection, this request is unclear, confusing, muddled, compound and not specific enough for the Plaintiff to respond to through an admission or denial. Subject to and without

waiving objection, admitted that Plaintiff is unaware of the result of John Vandermolen and Joseph Salerno's January 27, 2009, private discussion.

9. Admitted, that the attached minutes of the Executive Board meeting and Board of Trustees meetings make reference to filling a vacancy on the Board of Trustees. All other allegations are denied.

10. Objection, calls for a legal conclusion. Subject to and without waiving said objection, admitted that there was a meeting on June 19, 2006, of the Board of Trustees and to Plaintiff's knowledge it was open to the public. All other allegations are denied.

11. Objection, calls for a legal conclusion. Subject to and without waiving said objection, denied.

12. Admitted, that the attached minutes of the Executive Board meeting and Board of Trustees meetings make reference to the fence at 6626 New Jersey. All other allegations are denied.

13. Objection, calls for a legal conclusion. Subject to and without waiving said objection, admitted that there was a meeting on August 7, 2006, of the Board of Trustees and to Plaintiff's knowledge it was open to the public. All other allegations are denied.

14. Objection, calls for a legal conclusion. Subject to and without waiving said objection, denied.

15. Admitted, that the attached minutes of the Executive Board meeting and Board of Trustees meetings make reference to filling a vacancy on the Board of Trustees. All other allegations are denied.

16. Objection, calls for a legal conclusion. Subject to and without waiving said objection, admitted that there was a meeting on September 5, 2006, of the Board of Trustees and to Plaintiff's knowledge it was open to the public. All other allegations are denied.

17. Objection, calls for a legal conclusion. Subject to and without waiving said objection, denied.

18. Objection, fails to define distributing and it is unclear, confusing, muddled, compound and not specific enough for the Plaintiffs to respond to through an admission or denial. Subject to and without waiving said objections, Plaintiff admits that the physical mailing, within the timeline prescribed by the Charter, of the annual financial statement and itemized budget to all residents of Trailer Estates Park and Recreation District is an administrative matter for which a vote or formal action is neither required nor contemplated. All other allegations are denied.

19. Admitted.

20. Objection, calls for a legal conclusion. Subject to and without waiving said objection, admitted that there was a meeting on April 21, 2008, of the Board of Trustees and to Plaintiff's knowledge it was open to the public. All other allegations are denied.

21. Objection, calls for a legal conclusion. Subject to and without waiving said objection, denied.

22. The Plaintiff admits that she was not provided a copy of a citation from March 2005 relating to the property located at 6603 Arizona within Trailer Estates responsive to her August 27, 2006, request. All other allegations are denied.

23. Admitted that the December 12, 2008, Public Records Request requests email between the District Board of Trustees members relating to the District from January 1, 2006, to present. All other allegations are denied.

24. Objection, calls for a legal conclusion. Subject to and without waiving said objection, denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Plaintiff admits that she authored the letter dated April 17, 2006, attached to the Request for Admissions as Exhibit 8, and the sentence set forth in the letter that states "I am formally requesting this letter be forwarded to the park [Trailer Estates] attorney for an answer to my question in a timely manner". The Plaintiff admits that the sentence "I am formally requesting this letter be forwarded to the park [Trailer Estates] attorney for an answer to my question in a timely manner" is not a public records request pursuant to Chapter 119, Florida Statutes. The Plaintiff denies all other allegations in the paragraph.

30. Denied.

Respectfully Submitted,



KEVIN S. HENNESSY, ESQUIRE

Florida Bar No. 0602558

MAGGIE D. MOONEY-PORTALE, ESQUIRE

Florida Bar No. 0555924

JENNIFER R. COWAN, ESQUIRE

Florida Bar No. 0038081

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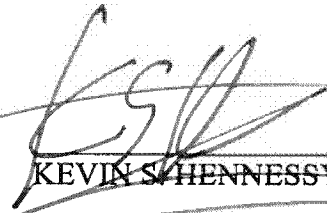
1001 3rd Avenue West, Suite 670

Bradenton, Florida 34205

Telephone (941) 708-4040

CERTIFICATE OF SERVICE

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 15th day of October, 2009.



KEVIN S. HENNESSY, ESQUIRE