

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

MARY LOU SMITH, et. al.,

Plaintiff,

vs.

Case No. 2008-CA-11315

TRAILER ESTATES PARK AND RECREATION  
DISTRICT, et. al.,

Defendants.

---

**JANET JONES' NOTICE OF FILING  
SELECTED PORTIONS OF DEPOSITION TRANSCRIPTS  
IN SUPPORT OF HER MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant Janet Jones gives notice that on November 5, 2009, she filed with the Court the attached selected portions of depositions transcripts. These selected portions of deposition transcripts are being filed in support of Janet Jones' Motion for Partial Summary Judgment and Memorandum of Law in Support, and for such other purposes permitted under the Florida Rules of Civil Procedure or Florida law.

1. Martha Brauer 5/20/09  
Pages 12, 13, 14, 109
2. Bruce Smith  
Pages 6, 7, 12, 23, 24, 25
3. Joe Salerno  
Pages 85, 86, 87
4. Janet Jones  
Pages 7, 8, 16, 32, 156







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

CIRCUIT CIVIL CASE NO. 2008-CA-11315

-----X  
:
MARY LOU SMITH, an individual, and :
SHARON DENSON, an individual, :
:
Plaintiffs, :
:
vs. :
DEPOSITION OF :
:
MARTHA BRAUER :
:
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. :
:
-----X

TAKEN BY: THE PLAINTIFFS HEREIN

BEFORE: JOANN L. ZECK  
Court Reporter  
Notary Public  
State of Florida at Large

DATE: May 20, 2009  
Commencing at 9:15 A.M.

PLACE: KIRK PINKERTON, P.A.  
1301 Sixth Avenue West  
Suite 401  
Bradenton, Florida 34205

1           A     -- property owners and renters can ask us  
2 questions, get to know us and get to know our views.

3           Q     Okay. Is that something where you receive the  
4 questions ahead of the Candidates' Night meeting?

5           A     No.

6           Q     And that Candidates' Night, is that something  
7 that was put on by the District?

8           A     Yes.

9           Q     Prior to being on the Board, did you serve in  
10 any capacity to assist the District?

11          A     Yes.

12          Q     What capacity?

13          A     First as a volunteer to prepare a Policy and  
14 Procedure Manual, and second as the Secretary to a  
15 newly formed committee at that time called the Policy  
16 and Procedure Committee.

17          Q     Any other volunteer or committee positions  
18 prior to the -- to joining the Board?

19          A     No, I don't -- I don't believe. I believe  
20 that's it.

21          Q     Do you currently hold any positions on any  
22 committees at the District?

23          A     Yes, although the committee work has finished,  
24 I am a member of the Auditor Selection Committee.

25          Q     Any other committees?

1           A     No.

2           **Q     How is it you came to volunteer for the Policy**  
3 **and Procedure -- or preparing the Policy and Procedure**  
4 **Manual?**

5           A     A Trustee at the time approached me; he was  
6 aware of my experience in accreditation work, and he  
7 indicated that over the years they would pass motions  
8 and set policy in the passing of these motions, but it  
9 wouldn't be put in a book.  It -- it would be -- there  
10 was no book, but yet these motions had passed and there  
11 were practices based on these policies that were passed  
12 that were not written down, and he asked if I'd be  
13 interested in doing anything.  And I said, well, I  
14 could probably do that.

15                     So I wrote a letter to Janet Jones, whom I did  
16 not know at the time, laid out a fifteen-step process,  
17 proposed a project of me reviewing Minutes, et cetera,  
18 and that's how it all began.

19           **Q     Okay.  Who was that Trustee who approached**  
20 **you?**

21           A     Wayne Hamblen.

22           **Q     And how is it that you knew Wayne Hamblen at**  
23 **that time?**

24           A     He had been a friend, he lives -- he lived,  
25 excuse me, approximately four doors away from me.  We

1 were friends.

2 **Q And when was this?**

3 A I believe I wrote the memo to Janet in two  
4 thousand and -- the beginning of 2007.

5 **Q And when were you told that the District would**  
6 **accept your proposal?**

7 A Shortly thereafter. January, February;  
8 somewhere in the January, February area of '07.

9 **Q Now is that project that you proposed**  
10 **completed?**

11 A I don't know that it ever will be but, yes,  
12 the policy -- the policy manual is now a manual --

13 **Q Okay.**

14 A -- that we can --

15 **Q When was it -- when did you produce a manual?**

16 A Beginning of 2008. Can't give you an exact  
17 date.

18 **Q So it's fair to say that the process took you**  
19 **about a year from beginning to end?**

20 A No. I did not work on it when I wasn't here.

21 **Q Okay. So you started it, it sat for six**  
22 **months, then you finished it?**

23 A I'm not sure if that year I was six months,  
24 six months, but I did go to Wisconsin and not do it at  
25 that time that I was in Wisconsin.

1 Q Okay. Who prepared it?

2 A The full committee. I typed it.

3 Q The Policies and Procedures Committee?

4 A Yes.

5 Q Okay. Who was on that committee?

6 A Terry Neeley, Bob Durrin, Janet Jones.

7 Q And this was in 2007, or 2008?

8 A Yes.

9 Q Both years?

10 A Both -- the committee started in '07, and the  
11 membership was renamed in '08.

12 Q Okay.

13 A Same members.

14 Q Okay. At the time was Janet Jones a Trustee?

15 A Yes.

16 Q Was Bob Durrin a Trustee?

17 A No.

18 Q Were there any other Trustees other than Janet  
19 Jones on the committee?

20 A No.

21 Q Did any other Trustees attend the meetings?

22 A Yes.

23 Q Which Trustees?

24 A One Trustee came at the request of me.

25 Q And which Trustee was that?



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

CIRCUIT CIVIL CASE NO. 2008-CA-11315

-----X  
MARY LOU SMITH, an individual, and :  
SHARON DENSON, an individual, :  
: :  
Plaintiffs, :  
: DEPOSITION OF  
vs. :  
: BRUCE SMITH  
: :  
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. :  
-----X

TAKEN BY: THE DEFENDANT, TRAILER ESTATES PARK  
AND RECREATION DISTRICT, HEREIN

BEFORE: JOANN L. ZECK  
Court Reporter  
Notary Public  
State of Florida at Large

DATE: August 14, 2009  
Commencing at 1:36 P.M.

PLACE: KIRK-PINKERTON, P.A.  
1301 Sixth Avenue West  
Suite 401  
Bradenton, Florida 34205

APPEARANCES: JENNIFER R. COWAN, Esquire  
Lewis, Longman & Walker, P.A.  
1001 Third Avenue West  
Suite 670  
Bradenton, Florida 34205  
Appearing on Behalf of the  
Plaintiffs

1       **Sunshine Law?**

2           A       Basically any -- anything that would -- if  
3       you're on the Board, anything that would come in front  
4       of the Board that would come up for a vote or sway a  
5       vote, you cannot talk to another Trustee because it's  
6       business coming in front of the -- of the Board and  
7       that needs to be in a public forum.

8           **Q       And what is your understanding of the Florida**  
9       **Public Records Law?**

10          A       Any record that pertains to the park or the  
11       people's business must be maintained by the park and is  
12       available to the public.

13          **Q       Have you ever witnessed with your own two eyes**  
14       **what you believe to be a violation of the Florida**  
15       **Sunshine Law at Trailer Estates?**

16          A       I cannot remember a specific -- well, there  
17       was one time that Mrs. Jones called me into -- it was  
18       pertaining to a Safe Committee that -- it was not a  
19       committee, it was a group of people that wanted to make  
20       a committee, and she called me in and said basically  
21       that was not my job responsibility and said it wouldn't  
22       become a committee. I listened to her and I left.

23          **Q       When did that occur?**

24          A       While I was on the Board. Probably -- I don't  
25       know if I can give you a specific time frame.

1 Q But it was while you were on the Board?

2 A Yes.

3 Q And what years were you on the Board?

4 A My term ended last December, so it would have  
5 been 2008 and 2007.

6 Q You don't remember whether it was in 2007 or  
7 2008 that this event occurred?

8 A Not for sure. I think it was in 2008, but I  
9 wouldn't swear to it.

10 Q Other than that event that you've just  
11 described by -- concerning Mrs. Jones calling you into  
12 the office over the Safe Committee, did you ever  
13 witness with your own two eyes or ears a violation of  
14 the Florida Sunshine Law at Trailer Estates?

15 A There was one time that comes to mind. I  
16 don't remember the time period, but we were having  
17 trouble with the swimming pool. And I don't think  
18 there was any intention of violation, but I walked in  
19 and the Maintenance manager was explaining to most of  
20 the Board members what the problem was. And whether  
21 that would come up of course for a vote or not I don't  
22 know, but I immediately left because it crossed my mind  
23 it could be a violation.

24 I -- I've heard a lot of things around the  
25 park, but it's all hearsay. Early in the game -- by

1           **Q**     All right.  And was this a matter that later  
2           **came before the Board for discussion?**

3           **A**     Yes.

4           **Q**     And what was the nature of that discussion?

5           **A**     The only thing I remember about it, we  
6           authorized the necessary funds to make the correction.  
7           That's about all I remember about it.

8           **Q**     Okay.  Now, let me ask you about the event  
9           **where you met with Mrs. Jones.  Where did that meeting**  
10          **occur?**

11          **A**     At the Trailer Estates Office.

12          **Q**     And where within the office did it occur?

13          **A**     I'm not -- it was either in her office or in  
14          the lob -- or in the main entrance.

15          **Q**     Now --

16          **A**     Don't remember for sure.

17          **Q**     Okay.  Now what was your job on the Board at  
18          **the time you had this meeting with Mrs. Jones?**

19          **A**     I was Public Relations.

20          **Q**     And what did that job entail?

21          **A**     Well, anything that pertains to question --  
22          concerns that the public would have, which I felt this  
23          was one of them because it's safety, we -- in fact we  
24          ended up this year with a gentleman that was shot so --  
25          but ensure if -- if people violated or had problems or

1           When you're describing the Chairman as having  
2 more authority than you thought -- than you believe  
3 that the Charter allows for, do you see that as causing  
4 Mrs. -- or did Mrs. McNulty violate Sunshine or Public  
5 Records -- let me scratch that whole question.

6           A     Okay.

7           Q     Let me just wrap up like this.

8           A     Sure.

9           Q     Other than what you've testified to already,  
10 do you know of any other incidences -- incidents  
11 involving Mrs. McNulty and a possible violation of the  
12 Sunshine Act or the Public Records Act?

13          A     No.

14          Q     Okay. My last question for you, sir. When  
15 you spoke to Mrs. Jones about a Safe Committee, I  
16 believe you testified she said --

17          A     No, she called me in.

18          Q     She called you in?

19          A     Yeah.

20          Q     And you said that she said that there would  
21 not be such a committee formed; is that correct?

22          A     That's correct.

23          Q     Did you ever bring that question up before the  
24 full Board?

25          A     No, because she told me what she's going to

1 tell me so I didn't take it any further.

2 MR. DYE: Okay. Thank you, sir.

3 THE DEPONENT: Thank you.

4 CROSS-EXAMINATION

5 BY MR. CARROLL:

6 Q Good afternoon, sir. My name is Hunter  
7 Carroll; I'm Ms. Jones' attorney, and I want to talk a  
8 little bit more about this Safe group.

9 A Uh-huh.

10 Q At the time of that conversation between  
11 Ms. Jones and yourself, was there actually a group that  
12 was formed, or was it in the process of being formed?

13 A It was in -- it was in its -- in the process  
14 of being formed and hopefully getting certified, she --  
15 I was called out of an actual meeting of it to her  
16 office.

17 Q Who was organizing that meeting?

18 A I was, because I felt like it was part of  
19 Public Relations. I could see a trend of security in  
20 the park and I wanted to involve people in the park as  
21 to how we could answer a correction of those problems.

22 Q At your organizational meeting, was there any  
23 other Trustee present at that meeting?

24 A No.

25 Q Did you prior to organizing that meeting

1       **announce to the Board that you were going to do that?**

2           A       No, because I wanted to get some people  
3 involved first and see if it was a workable idea or  
4 not.

5           **Q       During that -- when you said Ms. Jones pulled**  
6 **you into her office, did you actually respond to**  
7 **Ms. Jones and discuss the issue?**

8           A       No.

9           **Q       So it was a one-sided conversation?**

10          A       That's correct.

11          **Q       During that one-sided conversation between**  
12 **yourself and Ms. Jones, was there any other person**  
13 **present?**

14          A       I'm sure there was somebody in there, but I  
15 don't remember it. The discussion was a matter of  
16 thirty seconds or a minute, okay? I came in the  
17 office, she told me what she wanted, I left.

18          **Q       You indicated there was someone else present?**

19          A       Well, no.

20          **Q       Or just in the whole building area?**

21          A       It was -- it was in the Trailer Estates Office  
22 so I'm sure there was someone -- a secretary or someone  
23 in there, but I don't -- don't remember. I didn't look  
24 around and see who all was there.

25          **Q       But no other Trustee?**





1 Management. It should be a two-page letter.  
2 Could you mark that Exhibit 2  
3 and show it to Mr. Salerno.

4 (Document marked Exhibit No. 2)

5 THE WITNESS: I have it in  
6 front of me.

7 Examination by Mr. Hennessy:

8 Q. Okay. Mr. Salerno, if you would look  
9 at Exhibit 2, and uhm, you know, read it and  
10 tell me if you know what it's about.

11 A. Yes, I do.

12 Q. Okay. What is Exhibit 2 about?

13 A. Well the Board was considering a  
14 documentation piece of equipment to have  
15 records put into it so every time a record  
16 came in, you would put it into the system and  
17 you would have that record for ever. It would  
18 be easier to get the information when you  
19 needed it.

20 So I -- and I'm in -- I'm in  
21 Massachusetts now and that had been discussed  
22 prior to me coming to Massachusetts, and I  
23 myself wasn't kind of in favor of that; and I  
24 tried to let the Board know my reasons. So I

1 Q. Okay. And how do you know T.J.  
2 received this letter or do you know if she  
3 received it?

4 A. Yes, I called to make sure that it  
5 was received from where I faxed it from.

6 Q. Okay. Did you prepare this letter  
7 yourself?

8 A. I dictated it to one of my sons'  
9 employees.

10 Q. Okay. And that person typed it up  
11 and faxed it for you?

12 A. No. I took it out and faxed it  
13 myself.

14 Q. Okay. But that person prepared it?

15 A. Yes.

16 Q. Okay. But you signed it?

17 A. Yes, I did.

18 Q. And that's your signature on  
19 Exhibit 2?

20 A. Yes, it is.

21 Q. All right. You say that you've  
22 interviewed three office employees who  
23 together have 30 years of service?

24 A. Yes. That's what they told me.

1 sent them a letter to be read at a Board  
2 meeting.

3 And if you want me to read it,  
4 I can read it.

5 Q. I don't want you to read it out loud.  
6 I just want to make sure you had read it and  
7 you knew what it was about.

8 A. I understand it.

9 Q. Okay. Who uhm -- uhm, did you, uhm,  
10 tell somebody at the Board that you were  
11 sending this letter?

12 A. No, I did not.

13 Q. Did you ask someone at the Board to  
14 read this letter at a Board meeting?

15 A. I sent it to the Board.

16 Q. Okay. Well did you tell somebody you  
17 wanted it read at a Board meeting?

18 A. Well I'm going to say that I'm  
19 assuming that it would have been read.

20 Q. Okay. You're assuming, but you --  
21 you didn't request it to be read?

22 A. I have to think about that -- yes, I  
23 would think I said to T.J., "I would like it  
24 read."



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

CIRCUIT CIVIL CASE NO. 2008-CA-11315

----- -X  
:
MARY LOU SMITH, an individual, and :
SHARON DENSON, an individual, :
:
Plaintiffs, :
:
vs. : DEPOSITION OF
:
: JANET JONES
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. :
:
----- -X

TAKEN BY: THE PLAINTIFFS HEREIN

BEFORE: JOANN L. ZECK  
Court Reporter  
Notary Public  
State of Florida at Large

DATE: May 19, 2009  
Commencing at 9:14 A.M.

PLACE: LUCENTE & ASSOCIATES, INC.  
526 Twelfth Street West  
Bradenton, Florida 34205

1 **full-time resident?**

2 A Uh-huh, yes.

3 **Q Okay. You're currently a member of the Board**  
4 **of Trustees of Trailer Estates?**

5 A Yes.

6 **Q How long have you been a member of the Board**  
7 **of Trustees?**

8 A Since April of 2002.

9 **Q What is the current office that you hold?**

10 A The current office I hold is in charge of  
11 Health and Welfare.

12 **Q What are your responsibilities?**

13 A My responsibilities are to post names on the  
14 bulletin board of people who are ill, send cards, help  
15 people that are in need of transportation for doctor's  
16 appointments and et cetera, and set up a health fair  
17 once a year, oversee the flu shot vaccines that they  
18 give.

19 **Q Okay. How long have you had this position?**

20 A Well, I have the position now from 2007 to  
21 2008, I had it prior to that being Chairman.

22 **Q Okay. When you were Chairman, you fulfilled**  
23 **these responsibilities as well?**

24 A As Chairman.

25 **Q Okay. When were you Chairman?**

1           A     2007 and eight.

2           **Q     Have you held other offices for the Board?**

3           A     When I was first selected to join the Board, I  
4 was in charge of Seasonal Entertainment for about six  
5 months. And then they moved me to Health and Welfare.

6           **Q     Okay. So other than Seasonal Entertainment,**  
7 **Health and Welfare, and Chairman, have you held any**  
8 **other offices while you've been a Trustee?**

9           A     No.

10          **Q     Okay. Have you held any committee Chairs**  
11 **while you've been a Trustee?**

12          A     Yes, in 2007 and eight.

13          **Q     What committee Chair?**

14          A     Chairman of the Policy and Procedures.

15          **Q     Have you held any other committee Chairs since**  
16 **you've been on the Board of Trustees?**

17          A     No.

18          **Q     Have you -- go ahead.**

19          A     No, not committee Chairman, no.

20          **Q     Okay. Have you been on any committees since**  
21 **you've been a Trustee?**

22          A     Oh, I got to stop and think.

23                    No, not to my knowledge.

24          **Q     Okay. While a Trustee, have you served as a**  
25 **liaison to any committees?**

1 A Uh-huh.

2 Q How did you come to talk to Fred Jones about  
3 the router?

4 A He came and talked to me about it.

5 Q All right. And he told you it needed to be  
6 removed?

7 A He said it would cause a lot of problems with  
8 our computer, and we'd been having a lot of problems  
9 with it.

10 Q Okay.

11 A And he felt that it would cause more problems.

12 Q Now did you tell him to remove it?

13 A No, I think it was Mr. Vander Molen that told  
14 him to remove it.

15 Q Okay. What did you do with regard to the  
16 router?

17 A I suggested that the router be turned over to  
18 the Computer Club.

19 Q Okay, all right. Well, when you had your  
20 conversations with Mr. Jones, had the router already  
21 been removed?

22 A No, it was still there.

23 Q Okay. Did you tell Mr. Jones, well, remove it  
24 -- no, you said Mr. Vander Molen said that.

25 Were you planning on taking that -- the

1 2006, would you have discussions with other Trustees  
2 about the budget before it was presented to the Board?

3 A No.

4 Q Okay. Or discussions in either committees or  
5 private settings about the budget?

6 A No.

7 Q While you were Chairman of the District, did  
8 you ever call for an Executive Committee meeting?

9 A No.

10 Q To your knowledge, while you were Chairman did  
11 an Executive Committee meeting ever occur?

12 A No.

13 Q While you were Chairman, were you involved in  
14 the discussion or entry into an Easement Encroachment  
15 Agreement with Manatee County?

16 A No.

17 Q Do you know who was?

18 A No.

19 Q Are you familiar with an Easement Encroachment  
20 Agreement with Manatee County and the District?

21 A I -- I've heard of it, yes.

22 Q Have you seen it?

23 A No.

24 Q Do you know how it came to exist?

25 A No, I do not.

1 that time that you nominated Janet Vander Molen and  
2 Mary Lou McNulty was John Vander Molen?

3 A Say that again?

4 Q At the time you nominated Janet  
5 Vander Molen --

6 A Yeah.

7 Q -- to observe the count, her husband was  
8 running for Trustee?

9 A Well, I don't exactly remember whether he was  
10 running for Trustee at the time or whether he was the  
11 Trustee, I don't remember.

12 Q Okay.

13 A I'd have to look it up in the files.

14 Q When you were First Vice Chair in you believe  
15 2006, did you attend any Administrative or Executive  
16 Committee meetings?

17 A No.

18 Q Were you invited to attend any --

19 A No.

20 Q -- such meetings?

21 A No.

22 MR. HENNESSY: I have no further questions.

23 MR. CARROLL: Yeah, I forgot to ask one, I'm

24 sorry.

25 - - - - -



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

CIRCUIT CIVIL CASE NO. 08-CA-11315

- - - - - X  
 MARY LOU SMITH, an individual, )  
 and SHARON DENSON, an individual, )  
 )  
 Plaintiffs, )  
 )  
 Vs. )  
 )  
 TRAILER ESTATES PARK AND RECREATION )  
 DISTRICT, an independent special )  
 taxing district, JANET JONES, an )  
 individual, JOSEPH SALERNO, an )  
 individual, and MARY LOU MCNULTY, )  
 an individual, )  
 )  
 Defendants. )  
 - - - - - X

DEPOSITION OF JOHN VANDER MOLEN

TAKEN BY: THE PLAINTIFFS HEREIN  
  
 BEFORE: DIANE GULDIN-TEMPLETON  
 Court Reporter  
 Notary Public  
 State of Florida at Large  
  
 DATE: April 16, 2009  
 Commencing at 1:03 P.M.  
  
 PLACE: Vincent M. Lucente & Associates  
 526 Twelfth Street West  
 Bradenton, Florida

1           Q     Okay.  And this is your explanation as to  
2 why you withheld it?

3           A     Yes.

4           Q     Okay.  And does it also include, I guess  
5 your explanation about correcting your error in  
6 withholding the -- the record, the settlement  
7 agreement?

8           A     I think the next to the last paragraph  
9 speaks to that.

10          Q     Okay.  And you had a conversation with Mr.  
11 Barnebey about providing copies of the settlement  
12 agreement.  It states in that paragraph that you  
13 pressed for a reason as to what prompted this late  
14 action.  He responded that he felt the settlement was  
15 a public record, and therefore should be released.  
16 What did you mean by, you prompted the reason for  
17 late action?

18          A     Are you talking about the sentence, when I  
19 pressed for a reason as to what prompted this --

20          Q     Late action?

21          A     -- late action?

22          Q     What did you mean by late action?

23          A     Well, late in that I had withheld it.

24          Q     Uh-huh.  Okay.  You stated that he  
25 acknowledged he received a phone call from a trustee

1 concerning the release. So, you were -- you were  
2 trying to -- you were asking Mr. Barnebey why he was  
3 so late in asking you to release the document, and he  
4 said that another trustee had been asking for it?

5 A I'm not sure of your question. It states  
6 there what happened.

7 Q I'm trying to understand what you've  
8 written, my interpretation, and I'm asking you if my  
9 interpretation is correct?

10 A And your interpretation was?

11 Q That Mr. Barnebey called, told you, you had  
12 to release the settlement agreement, because it was a  
13 public record.

14 You asked him, why are you telling me this  
15 now?

16 And he said, well, I've got another trustee  
17 asking for the document; is that a fair  
18 understanding?

19 MR. SHULTS: Object to form.

20 MR. CARROLL: Join.

21 THE DEPONENT: Mr. Barnebey it says here, he  
22 acknowledged, meaning Mr. Barnebey, he had  
23 received a phone call from a trustee concerning  
24 the release.

25 BY MR. HENNESSY:

1 Q Uh-huh.

2 A Doesn't that explain? In other words, he  
3 was asking why wasn't it released, I assumed the  
4 trustee was asking Mr. Barnebey this.

5 Q Right.

6 A I can't speculate what Mr. Barnebey was  
7 thinking.

8 Q I'm not asking you to speculate what Mr.  
9 Barney was thinking.

10 A Okay. Ask him.

11 Q I'll -- I'll ask him.

12 A Okay.

13 Q No. What I'm saying is, is it fair to say  
14 that you asked Mr. Barnebey why he was telling you,  
15 you had to release this document?

16 A And he responded he felt the settlement was  
17 a public record, and therefore should be released.

18 Q Okay. And you further asked him, what was  
19 the reason for him pursuing this? And the basis was,  
20 a trustee wanted the document?

21 MR. SHULTS: Object to form.

22 MR. CARROLL: Join. Is there a question  
23 there?

24 THE DEPONENT: I don't believe that's what it  
25 says. When I press for a reason --

1 fax?

2 A I think I would have, otherwise I wouldn't  
3 have released this.

4 Q Okay. You then say, the office and I --  
5 office manager and I immediately contacted all of the  
6 trustees, who was the office manager at that time?

7 A T. J. Miller.

8 Q Okay. So, you and her contacted the  
9 trustees, where -- how did you contact them?

10 A I said, all available, and they did pick up  
11 or had delivered to them copies of the settlement  
12 before three P.M., telephone probably.

13 Q Okay. All right.

14 A No, by telephone.

15 Q Okay.

16 A Strike probably.

17 Q All right. So, you -- where were you when  
18 you made the telephone call?

19 A In the office.

20 Q Okay. And by the office, you mean the  
21 Trailer Estates office?

22 A I believe so, yes.

23 Q All right. And did you jointly contact all  
24 of them or did you contact some of them, and she  
25 contacted others or what -- how -- how did that

1 **proceed?**

2 A Well, if -- my memo states, the office  
3 manager and I --

4 Q Uh-huh.

5 A -- immediately contacted all of the trustees  
6 available.

7 Q Uh-huh.

8 A I don't know which ones she did, and which  
9 ones I did.

10 Q Okay.

11 A The conversation would have been trustee,  
12 whoever, the settlement is available in the office  
13 for your pick up.

14 Q **Do you have a specific recollection of your**  
15 **conversations with trustees about the settlement**  
16 **agreement?**

17 A I think I just stated that, I said, the copy  
18 of the --

19 Q **Well, you were reading what was in the**  
20 **document. What I'm asking is apart from what's in**  
21 **the document do you recall specifically your**  
22 **conversations with any trustees?**

23 A I would only have said the copy of the  
24 settlement is in the office available for your pick  
25 up.

1           **Q**     Okay.  Why do you believe that your  
2           **conversation would be limited to that?  Do you have a**  
3           **-- are you speculating on that or do you have a**  
4           **specific recollection?**

5           **A**     No, I have -- I had no other reason for  
6           **contacting them --**

7           **Q**     **Uh-huh.**

8           **A**     -- other than to say, if this is what you're  
9           **asking me, probably said Mr. Barnebey advised me I**  
10          **must release -- or this must be released, and it's**  
11          **ready for your pick up.**

12          **Q**     **All right.  Why would you have placed Mr.**  
13          **Featheringill's copy in the mail?**

14          **A**     He wasn't here.  He wasn't on site when --

15          **Q**     **Okay.**

16          **A**     -- this action took place in June 4th, 2007.

17          **Q**     **Okay.  And, again, these -- that's your**  
18          **signature at the bottom?**

19          **A**     Yes.

20          **Q**     **Did you make any recommendations to the**  
21          **board about approving or rejecting the settlement?**

22          **A**     I recommended that they approve the  
23          **settlement.**

24          **Q**     **And did you recommend that in the written**  
25          **document that you provided to each of the individual**

1 A No.

2 Q That wouldn't fall under your responsibility  
3 as maintenance trustee?

4 MR. GILL: Object, because it assumes that  
5 there was a decision to have it installed.

6 THE DEPONENT: There was not a decision to  
7 place it in the office.

8 BY MR. HENNESSY:

9 Q Okay. How did the -- how did the wireless  
10 service come to exist in the district offices?

11 A One of the then trustees, Bruce Smith,  
12 purchased or had purchased a router --

13 Q Uh-huh.

14 A -- at the time we had an IT, informational  
15 technologist, set up a server for our three computers  
16 in the office, and Mr. Smith had that gentleman hook  
17 the router up to the main office computer.

18 Q Okay. Was there a decision made to remove  
19 that router?

20 A By me, yes.

21 Q You on your own?

22 A Yes.

23 Q Okay. How did that decision come to be  
24 made?

25 A After the -- after the router was installed,

1 I walked into the office for something, and saw on  
2 the office manager's desk a router that I recognized  
3 from reading ads in the paper, because I was about to  
4 do a wireless in my home. And I asked her the  
5 question, I don't know that I used the correct  
6 English, why is that there?

7 And she said, Mr. Bruce Smith had it  
8 installed by this technician.

9 I immediately called the technician or  
10 shortly thereafter, and asked him, do we need that in  
11 the office, is it something we need, because of our  
12 now changing of our system to three computers?

13 And he said, absolutely not. The computers  
14 are not wireless in the office, they are hooked hard  
15 wire, Ethernet cable to the server.

16 And I said, why did you install the router?

17 He said, because Mr. Bruce Smith, the  
18 trustee, told me to.

19 I asked him, does it present problems?

20 He said, yes.

21 And based on those answers, I said, I want  
22 you to come up and remove that, and take that with  
23 you to your office for safekeeping.

24 **Q Did you speak to Mr. Smith about this before**  
25 **you took this action?**

1           A     No.  But that was an action not approved,  
2     discussed or brought up at a board meeting to the  
3     best of my knowledge.  And, therefore, I hate to use  
4     any term other than it wasn't approved by the board  
5     in a public meeting, and it shouldn't have been  
6     there.

7           Q     Uh-huh.  Why did you have the tech support  
8     **keep the router?**

9           A     I thought it was the safest place, so it  
10    didn't get re-hooked up again.

11          Q     **To your knowledge where is that router**  
12    **today?**

13          A     I don't know.

14          Q     **Uh-huh.  Did this subsequently come up for**  
15    **discussion at a board meeting?**

16          A     Yes.

17          Q     **And would that have been in April of 2008?**

18          A     I don't know what documents you have in your  
19    hands, so I can't --

20          Q     **Okay.**

21          A     But what is the document in your hand, sir?

22          Q     **Well, let me -- let me ask you another**  
23    **question here first.**

24                   **Who removed the router?**

25          A     The -- the name of the person?

1           **Q     Or the company?**

2           **A     I think it's either MRK or MKR that he was**  
3           **employed by, that we had hired that company to do**  
4           **computer work --**

5           **Q     Okay.**

6           **A     -- and to get us kind of up to speed a**  
7           **little bit using a server rather than --**

8           **Q     And what was the gentleman's name?**

9           **A     Fred Jones, I believe is his name.**

10          **Q     Now, so Mr. Jones came and removed the**  
11          **router?**

12          **A     Yes.**

13          **Q     Did you assist him in doing that?**

14          **A     No, not that I recall.**

15          **Q     Did anybody else assist you in taking action**  
16          **to remove the router?**

17          **A     No.**

18          **Q     Any other board member?**

19          **A     No one assisted me, no. I told Fred to take**  
20          **it out.**

21          **Q     Did you speak to any other board members**  
22          **about your -- I'm sorry.**

23          **A     Excuse me.**

24          **Q     I didn't mean to kick you.**

25          **A     If that was my lawyer, I'm supposed to do**

1 something, but he didn't, you did.

2 Q I'd say that --

3 MR. GILL: I didn't kick you.

4 BY MR. HENNESSY:

5 Q Let me start the question again. Did you  
6 discuss removal of the router with any other board  
7 member outside of a board meeting?

8 A It was not a discussion, I made the decision  
9 to have it removed, because I felt it was wrongfully  
10 in there, and Janet Jones was in the office at the  
11 time.

12 And I said, Janet, the tech is going to --  
13 or words to that effect --

14 Q Okay.

15 A -- I'm having this taken out.

16 Q All right. So -- and Janet Jones was a  
17 trustee?

18 A Yes.

19 Q Did she assist you in -- or Fred in removing  
20 the router?

21 A Janet wouldn't know what a router was, I'm  
22 afraid. So, she wouldn't assist me, no.

23 Q Okay. Did Janet agree with your decision to  
24 remove the router?

25 MR. GILL: Objection. It assumes that he

1 **community didn't need wi fi?**

2 A No, it was concluded they did need it.

3 Q Oh. But the router is not returned to the  
4 **community?**

5 A A router has returned to the community, yes.

6 Q Oh, so, you have wi fi now?

7 A Yes.

8 Q When did that happen?

9 A Don't know specific dates, September,  
10 October. I had been working throughout the summer --

11 Q Uh-huh.

12 A -- not on a daily, but certainly a weekly  
13 basis with Brighthouse, who was the community  
14 Internet availability and cable television service to  
15 the park --

16 Q Uh-huh.

17 A -- to the community. And the question was  
18 -- repeatedly was, can you give us wireless wi fi --  
19 wi fi? And discussion would go back and forth, her  
20 name is Patty, and I don't remember her last name, I  
21 probably have it somewhere there.

22 Q Okay. So, wi fi service has been installed  
23 at the district office?

24 A No. In the -- as this memo or as this puts  
25 in here, that the question was, why don't we put it

1 in the video club room, and let them take care of it,  
2 and that's where the router is, in the video club  
3 room.

4 Q Okay.

5 A And available within a wireless range of  
6 that router.

7 Q Okay. And was that then a decision of the  
8 board?

9 A Yes.

10 Q So, would it have been made at a board  
11 meeting?

12 A Yes.

13 Q So, if it hasn't been made at a board  
14 meeting, in your -- would -- would it be a proper  
15 decision of the district?

16 A It would -- I believe it was made at the  
17 board meeting, and must be made at a board meeting.

18 Q Okay. And do you recall ever discussing  
19 that with board members outside of the board about  
20 whether or not to have wi fi?

21 A Other and general statements of do you use  
22 Internet, for example, do you use wi fi? Yes, I go  
23 to such and such a cafe or something.

24 Q Well, I mean, more like discussions with say  
25 Mr. Salerno at your desk about --

TO: Trailer Estates Trustees  
FROM: John C. Vander Molen *JCM*  
SUBJECT: Release of copies of the Mediated Settlement Agreement of the  
Case regarding the McNeil of 6626 New Jersey  
DATE: June 4, 2007

I believe the Board of Trustees is entitled to an explanation of why the Settlement Agreement of the McNeil case was not available to them until approximately 2:45 PM Friday June 1, 2007.

My original decision to release the copies of the settlement on Monday June 4, 2007 before this meeting was based on the following information I had available to me.

1. The minutes of the May 7, 2007 Board of Trustees meeting state that Mr. Barnebey said; "We may have to have a meeting outside the Sunshine when John comes back from mediation". This indicated to me the agreement was a confidential matter.
2. A copy of a letter dated May 10, 2007 that our attorney Mr. Jason Gaskill had sent to Janet Jones included information from the mediator and excerpts from. MEDIATION ALTERNATIVES TO JUDICIAL ACTION LAWS OF FLORIDA, CHAPTER 44 section 44.405 regarding Confidentiality; privilege; exceptions.
3. Opening statements by the mediator at the court mandated mediation session and the first sentence in the Settlement which speaks to the "confidential and privileged mediation conference".
4. During a telephone conversation with Mr. Gaskill on May 29, 2007 concerning the early release of the mediation documents he agreed that I should hold the release of the Settlement until the June 4, 2007 Board meeting.

Based on the above I was led to believe that the agreement was not a public record until it was voted on and agreed to by the Board of Trustees and should be held until this meeting.

At approximately 2:10 PM Friday June 1, 2007 I received a telephone call at home from Mr. Barnebey. Mr. Barnebey advised me to provide copies of the Settlement Agreement, which had been provided to Mr. Barnebey earlier in the week, to the other trustees so they may be prepared to vote on the settlement at Monday's meeting. When I pressed for a reason as to what prompted this late action he responded that he felt the Settlement was a public record and therefore should be released. He acknowledged he had received a phone call from a Trustee concerning the release. I then requested that Mr. Barnebey put his decision in writing. His fax was received in the TE office at 2:44PM Friday June 1, 2007.

The office manager and I immediately contacted all the Trustees available and they did pick up or had delivered to them a copy of the settlement before 3:00PM. I placed Mr. Featheringill's copy in the US mail at approximately 3:15 PM June 1, 2007.

*John C. Vander Molen*

*Vander Molen #11*