

**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. 2008 CA 11315

TRAILER ESTATES PARK AND RECREATION
DISTRICT, an independant special
taxing district, JANET JONES, an
individual, JOHN VANDERMOLEN, an
individual, JOSEPH SALERNO, an
individual, and MARY LOU MCNULTY,
an individual,

Defendants.

**ANSWER TO PLAINTIFFS' ADDENDA TO THIRD AMENDED COMPLAINT AND
DEMAND FOR JURY TRIAL**

Defendant, JOSEPH SALERNO, by and through his undersigned
counsel, hereby files his answer to the Addenda to the Third
Amended Complaint filed herein as follows:

1. Defendant is without knowledge, therefore denied.
2. Defendant is without knowledge, therefore denied.
3. Denied.
4. Denied that the allegation constitutes a Sunshine
Law violation.
5. i. Defendant is without knowledge, therefore
denied.

- ii. Defendant is without knowledge, therefore denied.
- iii. Defendant is without knowledge, therefore denied.
- iv. Defendant is without knowledge, therefore denied.
- v. Defendant is without knowledge, therefore denied.
- vi. Defendant is without knowledge, therefore denied.
- vii. Defendant is without knowledge, therefore denied.
- viii. Defendant is without knowledge, therefore denied.
- ix. Defendant is without knowledge, therefore denied.
- x. Defendant is without knowledge, therefore denied.
- xi. Defendant is without knowledge, therefore denied.
- xii. Defendant is without knowledge, therefore denied.
- xiii. Defendant is without knowledge, therefore denied.

- denied.
- xiv. Defendant is without knowledge, therefore denied.
- xv. Defendant is without knowledge, therefore denied.
- xvi. Defendant is without knowledge, therefore denied.
- xvii. Defendant is without knowledge, therefore denied.
- xviii. Defendant is without knowledge, therefore denied.
- xix. Defendant is without knowledge, therefore denied.
- xx. Defendant is without knowledge, therefore denied.
6. Defendant is without knowledge, therefore denied.
7. i. Defendant is without knowledge, therefore denied.
- ii. Denied.
- iii. Defendant is without knowledge, therefore denied.
- iv. Defendant is without knowledge, therefore denied.

8.
 - i. Defendant is without knowledge, therefore denied.
 - ii. Denied.
 - iii. Defendant is without knowledge, therefore denied.
 - iv. Denied that the documents were public records.
9. Defendant realleges paragraphs 1 through 22, 25 through 45, and 54 through 72.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Communications referenced in the Third Amended Complaint were merely administrative matters and not governed by the Sunshine Law.

Second Affirmative Defense

Communications referenced in the Third Amended Complaint were not matters then reasonably foreseeable to come before the Board/ Committee, which are outside the reach of the Sunshine Law.

Third Affirmative Defense

Communication referenced in the Third Amended Complaint were information gathering for fact-finding purposes, which are outside the reach of the Sunshine Law.

Fourth Affirmative Defense

Communications referenced in the Third Amended Complaint occurred after Board action, which are outside the reach of the Sunshine Law.

Fifth Affirmative Defense

Plaintiffs, through their inaction, are now estopped from bringing this action under the doctrine of laches.

Sixth Affirmative Defense

Plaintiffs come to this Court with unclean hands and are equitably estopped from complaining of Mr. Salerno's conduct.

Seventh Affirmative Defense

Plaintiffs invited and advised that there is no Sunshine Law violation if multiple trustees attended the same (non-Board of Trustees) meeting and therefore they are now estopped from alleging such conduct is a Sunshine Law violation.

Eighth Affirmative Defense

Should the Court conclude there is a Sunshine Law violation, such violation was "cured" by subsequent Board of Trustee action.

Ninth Affirmative Defense

The Seasonal Recreation committee was not a true committee under the Board of Trustees and is not subject to the Sunshine Law.

NOTICE OF INTENT TO SEEK ATTORNEYS FEES

Defendant, JOSEPH SALERNO, hereby gives notice of intent to seek fees and costs against Plaintiffs, pursuant to F.S. 286.011(4).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via U.S. Mail to those addresses on the attached service list this 9th day of November, 2009.

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By: 

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