

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.

OBJECTION TO SUBPOENA DUCES TECUM DIRECTED TO GAIL OPPER

COMES NOW the Defendant, Trailer Estates Park and Recreation District (“hereinafter referred to as “Trailer Estates”), by and through its undersigned counsel, and hereby objects to Plaintiffs, Sharon Denson and Mary Lou Smith’s, Notice of Taking Deposition Duces Tecum of Gail Opper and as grounds thereof states:

1. On November 13, 2009, counsel for Trailer Estates received a Notice of taking Deposition Duces Tecum of Gail Opper scheduled for December 1, 2009.
2. Pursuant to *Pembroke Park Lakes, Inc. v High Ridge Water Co.*, 186 So. 2d 85 (Fla. 3d DCA 1966), a subpoena duces tecum may not be used for the purpose of requiring a party to produce any documents or things in a discovery proceeding.
3. Ms. Opper is a Trustee of Trailer Estates. As such, any documents which are responsive to the Subpoena Duces Tecum maintained in Trailer Estates’ records have been improperly requested

improperly requested via the Subpoena Duces Tecum unless good cause is shown.


WHEREFORE, Defendant, Trailer Estates Park and Recreation District, respectfully request this Honorable Court to require the Plaintiffs, Sharon Denson and Mary Lou Smith, to show good cause as to why the District should have to produce any documents or things in response to the Subpoena Duces Tecum directed to Gail Opper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S. Mail to Kevin S. Hennessy, Esquire, Lewis, Longman & Walker, P.A., 1001 Third Avenue West, Suite 670, Bradenton, Florida 34205, Daniel E. Scott, Esquire, Daniel E. Scott, P.A., 2033 Main Street, Suite 408, Sarasota, FL 34237, Robert E. Turffs, P.A. 1444 First Street, Suite B, Sarasota, Florida 34236, James D. Dye, Esquire, Dye Deitrich, Petruff & St. Paul, P.L., 1111 3rd Avenue W., Bradenton, FL 34205-7834, and Hunter W. Carroll, Esquire, Matthews, Eastmoore, Hardy, Crauwels & Garcia, P.A., 1777 Main Street, Suite 500, Sarasota, FL 34236, on this 18th day of November, 2009.

KIRK ■ PINKERTON, P.A.
50 Central Avenue, Suite 700
Sarasota, FL 34236
Tel: (941) 364-2425
Fax: (941) 364-2490

By: _____


Thomas D. Shults, Esquire
Florida Bar No. 363219
Zachary L. Ross, Esquire
Florida Bar No. 0028351