

AFFIDAVIT OF SERVICE

State of Florida

County of Manatee

Circuit Court

Case Number: 08 CA 11315 Court Date: 12/1/2009 1:30 pm

Plaintiff:

MARY LOU SMITH an individual, and **SHARON DENSON**, an individual,

vs.

Defendant:

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,

For:

Kevin S. Hennessy, Esq.
Lewis, Longman & Walker, P.A.
1001 3rd Avenue West
Suite 670
Bradenton, FL 34205


Received by ASAP Process Services, LLC. on the 13th day of November, 2009 at 3:13 pm to be served on **Gail Opper**, 1915 Minnesota Avenue, Bradenton, FL 34207.

I, Mary L. Sanger, being duly sworn, depose and say that on the 14th day of November, 2009 at 10:07 am, I:

INDIVIDUALLY served by delivering a true copy of the **Subpoena for Deposition (Duces Tecum); Exhibit "A"; Notice of Taking Deposition Duces Tecum** with the date and hour of service endorsed thereon by me, to: **Gail Opper**, and informed said person of the contents therein, in compliance with state statutes.

I ACKNOWLEDGE that I have no interest in the above action, am of legal age, and have proper authority in the jurisdiction in which this service was made. "Under penalty of perjury, I declare that I have read the foregoing and that the facts stated therein are true."

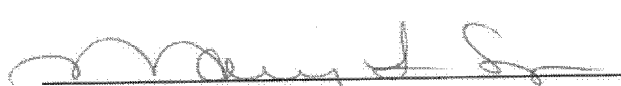
Signed On 11/16/09

NOTARY PUBLIC-STATE OF FLORIDA
 Ann Nicolle Ritzenthaler
Commission # DD519541
Expires: FEB. 16, 2010
Bonded Thru Atlantic Bonding Co., Inc.

Subscribed and Sworn to before me on the 16th day of November, 2009 by the affiant who is personally known to me.



NOTARY PUBLIC



Mary L. Sanger
Certified Process Server #301

ASAP Process Services, LLC.
Post Office Box 14653
Bradenton, FL 34280
(941) 807-4830

Our Job Serial Number: 2009004294

IN THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA
CIVIL DIVISION

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.

11/14/09
10:07a
m/s # 301

SUBPOENA FOR DEPOSITION
(DUCES TECUM)

TO: GAIL OPPER
1915 MINNESOTA AVENUE
BRADENTON, FL 34207

YOU ARE COMMANDED to appear before a person authorized by law to take depositions at Kirk Pinkerton, P.A., 1301 6th Avenue West, Bradenton, Florida 34205, on **December 1, 2009, at 1:30 P.M.**, for the taking of your deposition in this action and to have with you at that time and place all documents listed on the attached "Exhibit A".

If you fail to appear, you may be in contempt of court.

YOU ARE SUBPOENAED to appear by the following attorneys, and unless excused from this subpoena by these attorneys or the court, you shall respond to this subpoena as directed.

Dated this 13th day of **November, 2009**.



KEVIN S. HENNESSY, ESQUIRE
Florida Bar No. 0602558
MAGGIE D. MOONEY-PORTALE, ESQUIRE
Florida Bar No. 0555924
JENNIFER R. COWAN
Florida Bar No. 0038081
Lewis, Longman & Walker, P.A.
1001 3rd Avenue West, Suite 670
Bradenton, Florida 34205
Telephone (941) 708-4040

cc: US Legal Support (via email)

EXHIBIT "A"

Copies of any and all documentation in your possession that has not previously been produced to counsel for the Plaintiffs including but not limited to the following:

1. Any and all emails that you sent to or received from current or past Trailer Estates Park and Recreation District ("District") Board of Trustee member(s) and member(s)-elect relating to the District from January 1, 2005, to the present.
2. Any and all emails that you sent to or received from Martha Brauer related to the District from January 1, 2005, to the present.
3. Any and all emails that you sent to or received from Janet Jones related to the District from January 1, 2005, to the present.
4. Any and all emails that you sent to or received from John Vandermolen related to the District from January 1, 2005, to the present.
5. Any and all emails that you sent to or received from Joe Salerno related to the District from January 1, 2005, to the present.
6. Any and all emails that you sent to or received from Mary Lou McNulty related to the District from January 1, 2005, to the present.
7. Any and all emails that you sent to or received from TJ Miller related to the District from January 1, 2005, to the present.
8. Any and all emails that you sent to or received from current or past District Board of Trustee member(s) and member(s)-elect that carbon copy another District Board of Trustee member(s) relating to the District from January 1, 2005, to the present.
9. Any and all blogs, chat rooms, chalkboards, bulletin boards, instant messages, groups, or other electronic mediums that you participated in and discussed any District issue(s) from January 1, 2005, to the present.
10. Any and all documents (including but not limited to all notes, memos, or emails) whether in electronic or written format, relating to the District's Executive Committee, Administrative Committee, and/or Executive Board, from January 1, 2005, to the present.
11. Any and all correspondence, notes, letters, memos, or emails between you and any previous or existing member of the Board of Trustees for the District, whether in electronic or written format, from January 1, 2005, to the present.
12. Any and all telephone, including cellular phone, records and invoices or bills of from January 1, 2005, to the present.

13. Any and all documents reflecting communications between any members of the Board of Trustees for the District from January 1, 2005, to the present.
14. Any and all calendars from January 1, 2005, to the present, whether in electronic or written format, depicting any meetings between you and persons who have served or are serving on the District's Board of Trustees.
15. Any and all journals, notes, diaries, or other documentation that describes or discusses the District.
16. Any and all articles, publications, or information relating to the Sunshine Laws, Public Records Laws, or Freedom of Information Act.
17. Any and all notes, memos, letters, or documents discussing or related to the District's database, District's budget, litigations costs, and Let's Talk Club.
18. Any and all information or documentation regarding your decision to run for office and/or your election to the District's Board of Trustees.
19. Any and all notes left for you or given to you from any other Trustee.
20. Any and all notes, letters, memos, or documents related to any District Committees.
21. Any and all documents reflecting any communication with the Plaintiffs.
22. Any and all letters, notes, emails, or documents reflecting communications with Kirk Pinkerton or Mark Barnebey.
23. Any and all documents related to the District's newspaper, newsletter, or the Tribune.
24. Any and all documents related to the District's television channel or the video club.
25. Any and all documents related to the District's website.
26. Any and all documents related to your participation via telephone in District Board meetings held during 2009.
27. Any and all documents related to any "pre-meetings" or those meetings held immediately preceding the District's Board meeting.
28. Any and all documents related to the District's Seasonal Recreation Committee or Entertainment Committee.
29. Any and all documents related to the Video Computer Club.
30. Any and all documents related to the duties of the Secretary of the District's Board.

31. Any and all documents related to the fulfillment of your duties as Secretary of the Board's during your absence from the District.
32. Any and all documents related to residents' complaints against you.
33. Any and all documents related to the District's public records policy.
34. Any and all documents related to a list of District Trustees' and Employees' phone numbers.
35. Any and all documents related to the District's hiring of legal counsel.
36. Any and all documents related to the disaster committee.
37. Any and all documents related to the disaster plan.
38. Any and all documents related to District Board Meeting Minutes.
39. Any and all documents related to legal matters and requests for a matter to go to the District's attorney.
40. Any and all documents related to the McNeil Case.
41. Any and all documents related to District policies.
42. Any and all documents related to the Continuing Recreation Committee or its volunteers.
43. Any and all documents, letters, emails, and notes that pertain to any budget process from 2005 to present.
44. Any and all documents relating to the "Trailer Estates Park and Recreation District Budget Questionnaire –December 2008."
45. Any and all documents, legal memoranda, letters or legal opinions related to Bingo.
46. Any and all documents related to the citation for purported violations of the Deed Restrictions that was issued to the property located at 6603 Arizona.
47. Any and all documents related to the 2006 Budget Hearing Video.
48. Any and all documents related to the June 19, 2006, Board Meeting.
49. Any and all documents related to Mr. Meierjurgan's public records request in October 2008 for documentation relating to an emotional support pet.

**IN THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA
CIVIL DIVISION**

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.

NOTICE OF TAKING DEPOSITION DUCES TECUM

PLEASE TAKE NOTICE that counsel for the Plaintiffs, MARY LOU SMITH and SHARON DENSON, will take the following deposition:

NAME: Gail Opper
DATE: December 1, 2009
TIME: 1:30 pm
PLACE: Kirk Pinkerton
First Bank Building
1301 6th Ave West
Bradenton FL 34205

upon oral examination before a Court Reporter authorized by law in the State of Florida to take depositions. This oral examination will continue from day to day until completed. The

deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Florida Rules of Civil Procedure.

The documents listed on Exhibit "A" attached hereto shall be brought to the deposition.

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

Lewis, Longman & Walker, P.A.

1001 3rd Avenue West, Suite 670

Bradenton, Florida 34205

Telephone (941) 708-4040

Cc: US Legal Support (via email)

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. Facsimile*, this 13th day of November, 2009.



KEVIN S. HENNESSY, ESQ.

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