

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

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

Plaintiffs,

vs.

CASE NO.: 2008 CA 11315

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.

**RESPONSE TO DEFENDANT, JANET JONES'
REQUEST FOR PRODUCTION TO PLAINTIFFS**

COMES NOW, Plaintiffs, MARY LOU SMITH and SHARON DENSON, by and through undersigned counsel and hereby files their responses to Defendant, Janet Jones', Request for Production served on or about October 29, 2009.

GENERAL OBJECTIONS

(a) Plaintiff specifically objects to each production request to the extent that it calls for information protected from disclosure and discovery by the attorney-client privilege, the attorney work product doctrine, or any other judicially recognized protections or privileges which make such answer or information not subject to discovery under Rule 1.280(b)(1), *Florida Rules of Civil Procedure* (or Rule 26(b)(1) Federal). To the extent that any privileged or otherwise protected documents are inadvertently disclosed or answered, such disclosure shall not be deemed to constitute a waiver of any such privilege or answer.

(b) Plaintiff specifically objects to each production request to the extent that it is overly broad, vague, ambiguous, unduly burdensome, and/or irrelevant or not reasonably calculated to lead to the discovery of admissible evidence.

ANSWERS

1. Please produce the ARC permit referenced in allegation 37(z) of the Third Amended Complaint.

The document requested is not in Plaintiffs' possession.

2. Please produce Complaint 216 referenced in allegation 37(dd) of the Third Amended Complaint.

The document requested is not in Plaintiffs' possession.

3. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(h) of the Third Amended Complaint.

Objection, this request is vague. Notwithstanding this objection, this allegation was modified in the Addendum to Third Amended Complaint. To the extent that this request seeks documents regarding the allegation 37(h) of the Addendum, please see Plaintiffs' Exhibits produced on September 10, 2009, tab 54, tab 81 and tab 82.

4. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(s) of the Third Amended Complaint.

Please see the District's Workshop Minutes of October 30, 2006 and notes of Sharon Denson dated October 24, 2006 which are attached. Please also see Plaintiffs' Exhibits produced on September 10, 2009, tab 159.

5. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(t) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tabs 33 and 187.

6. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(u) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 54.

7. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(v) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 58 and 156.

8. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(w) of the Third Amended Complaint.

Please see the Workshop Minutes of January 22, 2007 attached hereto.

9. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(x) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 57.

10. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(y) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 80, and Bruce Smith's email dated December 4, 2007 with attached photograph, attached hereto.

11. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(z) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 67.

12. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(aa) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 63.

13. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(bb) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 156.

14. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(cc) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 16.

15. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(dd) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 81 and 82.

16. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(ee) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 149.

17. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(jj) of the Third Amended Complaint.

Plaintiffs reply upon the video recording from the January 7, 2008 Board meeting. This recording was produced to you on a CD on September 8, 2009.

18. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(ll) of the Third Amended Complaint.

Plaintiffs reply upon the video recording from the October 6, 2008 Board meeting. This recording was produced to you on a CD on September 8, 2009.

19. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(rr) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 223.

20. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(ss) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 30 and 178.

21. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(tt) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 10.

22. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(vv) of the Third Amended Complaint.

Objection. Plaintiffs claim the work-product privilege applies to this document.

23. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(zz) of the Third Amended Complaint.

Please see the note from Toni Gaeta dated December 18, 2007 attached hereto.

24. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(aaa) of the Third Amended Complaint.

None in Plaintiffs' possession.

25. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(bbb) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 93.

26. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(ccc) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 32.

27. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(eee) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 196.

28. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(nnn) of the Third Amended Complaint.

None in Plaintiffs' possession.

29. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(ppp) of the Third Amended Complaint.

Please see the District's Workshop Minutes of October 30, 2006 and notes of Sharon Denson dated October 24, 2006 attached hereto. Please also see Plaintiffs' Exhibits produced on September 10, 2009, tab 159.

30. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(rrr) of the Third Amended Complaint.

Objection, this request is vague. Notwithstanding this objection, this allegation was modified in the Addendum to Third Amended Complaint. To the extent that this request seeks documents regarding the allegation 37(rrr) of the Addendum, please see Plaintiffs' Exhibits produced on September 10, 2009, tab 120, Mrs. Denson's submission and the Workshop Minutes of June 9, 2008 attached hereto.

31. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(sss) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 180.

32. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(vvv) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 149.

33. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(yyy) of the Third Amended Complaint.

Please see Note from Mary Lou McNulty dated March 20, 2008 and attached Disaster Action Plan Draft attached hereto.

34. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(zzz) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 219.

35. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(bbbb) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 166.

36. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(dddd) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 156.

37. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(iiii) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 95.

38. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(jjjj) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 61. Please also see Workshop Minutes of May 14, 2007 attached hereto.

39. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(nnnn) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 24. Additionally, Plaintiffs reply upon the minutes of the Board meeting on April 7, 2008 attached hereto and the video recording from the April 21, 2008 Board meeting. This recording was produced to you on a CD on September 8, 2009.

40. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(qqqq) of the Third Amended Complaint.

Please see the Board meeting minutes of October 16, 2006 and November 6, 2006 attached hereto.

41. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(rrrr) of the Third Amended Complaint.

None in Plaintiffs' possession.

42. Please produce all documents that form any part of the factual basis for your allegations in paragraph 37(ssss) of the Third Amended Complaint.

Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 159 and tab 160.

43. Please produce all documents that form any part of the factual basis for your allegations in paragraph 44 as amended by the Addendum to the Third Amended Complaint.

- i. **Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 61. Please also see Workshop Minutes of May 14, 2007 attached hereto.**
- ii. **None in Plaintiffs' possession.**
- iii. **Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 151.**
- iv. **Please see Plaintiffs' Exhibits produced on September 10, 2009, tab 33.**

Respectfully Submitted,



~~KEVIN S. HENNESSY, ESQUIRE~~

Florida Bar No. 0602558

MAGGIE MOONEY-PORTALE, ESQUIRE

Florida Bar No. 0555924

JENNIFER R. COWAN, ESQUIRE

Florida Bar No. 038081

Lewis, Longman & Walker, P.A.

1001 3rd Avenue West, Suite 670

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Facsimile (941) 708-4024

Counsel for Plaintiffs

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 25th day of November, 2009.



KEVIN S. HENNESSY, ESQUIRE