

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 PLAINTIFF MARY LOU SMITH'S ANSWERS
TO JANET JONES' FIRST INTERROGATORIES
IN SUPPORT OF HER MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant Janet Jones gives notice that on December 1, 2009, she filed with the Court the attached Plaintiff, Mary Lou Smith's Answers to her First Set of Interrogatories dated October 29, 2009. These answers 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.

Respectfully submitted,

MATTHEWS, EASTMOORE, HARDY
CRAUWELS & GARCIA, P.A.

/s/ Hunter W. Carroll

Hunter W. Carroll, FB No. 0297630

hcarroll@matthewseastmoore.com

Matthews, Eastmoore, Hardy,

Crauwels & Garcia, P.A.

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Sarasota, FL 34236

941-366-8888

941-954-7777 Facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by electronic mail and First Class United States Mail this 1st day of December, 2009, to:

James D. Dye, Esquire
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Khennessy@llw-law.com
*Attorney for Plaintiffs, Mary Lou Smith,
and Sharon Denson*

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Attorney for Defendant, Joseph Salerno

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John Vander Molen*

Thomas D. Shults, Esquire
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Sarasota, FL 34236
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*Attorney for Defendant, Trailer Estates Park
and Recreation District*

/s/ Hunter W. Carroll

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

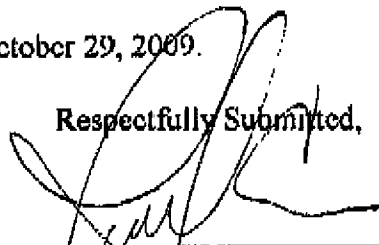
TRAILER ESTATES PARK AND
RECREATION DISTRICT,
an independent special taxing district,
JANET JONES, an individual,
JOHN VANDERMOLEN, an individual,
JOSEPH SALERNO, an individual, and
MARY LOU MCNULTY, an individual

Defendants

**NOTICE OF SERVICE OF MARY LOU SMITH'S
ANSWERS TO JANET JONES' FIRST SET OF INTERROGATORIES**

Plaintiff, MARY LOU SMITH, by and through undersigned counsel, and pursuant to Rules 1.280 and 1.340 of the Florida Rules of Civil Procedure, hereby certifies that she has served a copy of this notice and an original and copy of her Answers to Janet Jones' First Set of Interrogatories propounded on October 29, 2009.

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

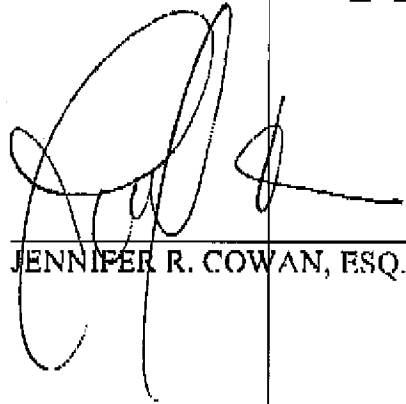
Telephone (941) 708-4040

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. Dyc, Esquire, Dyc, 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 *Facsimile*, this 30th day of November, 2009.**



JENNIFER R. COWAN, ESQ.

GENERAL OBJECTIONS

A. Plaintiff objects to each interrogatory 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 that is consistent with the Florida Rules of Civil Procedure. 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 objects to each interrogatory to the extent that it calls for information that is not reasonably calculated to lead to the discovery of admissible evidence.

C. By responding to any of Defendant's Interrogatories, Plaintiff expressly does not waive its right to assert any objection. The responses propounded herein do not waive or intend to waive the right to object on the ground of competency, privilege, relevancy, confidentiality, materiality or any other proper grounds. These General Objections are incorporated by reference into each of the following answers to Plaintiff's Answers and Objections to Interrogatories.

ANSWERS TO INTERROGATORIES

1. With respect to allegation 37(h) of the Third Amended Complaint as augmented by the Addenda, please identify with specificity each communication concerning "whether issues would be presented to" counsel that Defendant Jones allegedly had with another then-Trustee that you contend is in violation of the Sunshine Law; and as to each such communication, please identify each then-Trustee engaged in such communication and whether and when the Board of Trustees took action on such issue(s).

ANSWER:

Defendant Jones had the following communications:

Communication	Trustee Involved	Board Action
May 14, 2007 -- legal question re: marina	Bruce Smith	Unknown
January 2007 -- questions to ask the attorney	All trustees	Unknown
Nov/Dec 2007-- Complaint 216	All trustees	Unknown
July 27, 2006 -- fence at 6626 New Jersey	All trustees	August 7, 2006
July 27, 2006 -- Mary Lou Smith matter	All trustees	August 7, 2006 November 6, 2006

See also documents responsive to number 3 of Plaintiffs' Response to Request for Production.

2. With respect to allegation 37(t) of the Third Amended Complaint, please identify with specificity each policy and procedure matter allegedly discussed by Defendant Jones and Martha Brauer that you contend is in violation of the Sunshine Law, and as to each such matter discussed, please identify whether and when the Policy and Procedures Committee acted on such communication to make a recommendation to the Board of Trustees, and whether and when the Board of Trustees took action on such recommendation

ANSWER:

Defendant Jones and Martha Brauer discussed the public records policy and procedure (PP24). It is unknown when the Policy and Procedure Committee made a recommendation to the Board. The Board of Trustees took action on January 7, 2008 and March 16, 2009.

3. With respect to allegation 37(u) of the Third Amended Complaint, please identify with specificity each communication concerning "matters to come before legal counsel" that allegedly involved Defendant Jones that you contend is in violation of the Sunshine Law; and as to each such communication, please identify each then-Trustee engaged in such communication and whether and when the Board of Trustees took action on such matter.

ANSWER:

On January 10, 2007, Defendant Jones communicated with all trustees regarding the following matters: a) March 2006 to November 2006 letters of attack against District trustees, b) trustees' authority to run the park, c) harassment, d) meaning and definition of the word "shall" as it relates to the District Charter, e) Section 286.0105, Florida Statutes, and f) using the District's name on a website without trustee approval.

Of those issues, the following were discussed by the Board on January 15, 2007: a) the "unofficial" website that used the District's name without trustee approval. Plaintiff has no independent knowledge as to whether or when the remaining issues were discussed or acted upon by the Board.

4. With respect to allegation 37(v) of the Third Amended Complaint, please identify with specificity each District policy or policies allegedly discussed by Defendant Jones and Bruce Smith that you contend is in violation of the Sunshine Law; and identify as to each policy discussed, whether and when the Board of Trustees took action on said policies.

ANSWER:

Defendant Jones and Bruce Smith discussed the following policies and procedures:

District Policies	Board of Trustees' Action
PP3 -- Trustees	Adopted 04/20/2009
PP5 -- Clubs/Committees	Adopted 11/17/2008
PP40 -- Trustee's Duties	Adopted 11/17/2008
PP41 -- Org Chart	Adopted 12/15/2008
PP53 -- Audit	Adopted 11/17/2008

5. With respect to allegation 37(z) of the Third Amended Complaint, please identify which ARC permit Defendant Jones and Joe Bigley allegedly handled, identifying the property at issue as well as each communication concerning the handling of this permit you contend is in violation of the Sunshine Law; and as to each such communication, please identify whether and when the Board of Trustees took action on such permit.

ANSWER:

The ARC permit that Defendant Jones and Joe Bigley handled was the "after-the-fact" permit for a portable carport cover at the property at Linda Brush's property at 6515 Nebraska Avenue. The communication which Plaintiff contends was a violation of the Sunshine Law was the memorandum dated August 17, 2007 from Defendant Jones to Joe Bigley. It is not known whether or when the Board of Trustees acted on that specific permit.

6. With respect to allegation 37(cc) of the Third Amended Complaint, please identify the specific matter or matters for legal counsel concerning boats allegedly discussed by Defendant Jones and Bruce Smith that you contend is in violation of the Sunshine Law; and as to each communication, please identify whether and when the Board of Trustees took action on such matter allegedly discussed.

ANSWER:

Defendant Jones and Bruce Smith discussed the following matters: a) dock space rental fees to be paid annually instead of quarterly, and b) the non-member dock space rental termination procedure. It is not known whether or when the Board of Trustees took action on this matter.

7. With respect to allegation 37(dd) of the Third Amended Complaint, please identify with specificity the nature and individuals involved in Complaint 216 and each communication concerning whether a legal opinion should or should not be provided regarding Complaint 216 that Defendant Jones allegedly had with another then-Trustee that you contend is in violation of the Sunshine Law; and as to each such communication, please identify whether and when the Board of Trustees took action on such matter.

ANSWER:

The nature of Complaint 216 involved the Trustees' legal ability to enter properties to perform work. The individuals involved in Complaint 216 were all trustees. The communication whether a legal opinion should or should not be provided occurred on December 12, 2007 between Defendant Jones and Bruce Smith. Plaintiff has no specific knowledge regarding whether or when this matter was acted upon by the Board of Trustees.

8. With respect to allegation 37(jj) of the Third Amended Complaint, please identify with specificity the nature of the "security needs" communication(s) that Defendant Jones allegedly had with Defendant Vander Molen that you contend is in violation of the Sunshine Law; and for

each such communication, identify whether and when the Board of Trustees took action on such matter.

ANSWER:

The nature of the "security needs" communication between Defendant Jones and John Vander Molen was regarding security cameras. The Board of Trustees discussed this matter at the January 7, 2008 meeting.

9. With respect to allegation 37(ii) of the Third Amended Complaint, please describe the specific deed restriction violation to which this allegation refers and each communication Defendant Jones allegedly had with Defendant Vander Molen concerning the deed restriction violation that you contend is in violation of the Sunshine Law; and as to each communication, identify whether and when the Board of Trustees took action on such deed restriction.

ANSWER:

The deed restriction violation that Defendant Jones and Defendant Vander Molen discussed was regarding an underage occupant. The communication that Defendant Jones had with Defendant Vander Molen was a discussion that took place in late September 2008 or early October 2008 regarding a probate matter. The Board of Trustees discussed the deed restriction violation at the October 6, 2008 meeting.

10. With respect to allegation 37(vv) of the Third Amended Complaint, please identify with specificity the Board of Trustees business to which this allegation refers and each alleged communication Defendant Jones had with another then-Trustee concerning such business that you contend is in violation of the Sunshine Law; and as to each such communication, please identify whether and when the Board of Trustees acted on such matter(s)

ANSWER:

The specific business to which this allegation refers is unknown. The communication(s) that Defendant Jones had were discussions with Mary Lou McNulty and Margo Cushman who were Trustees at the time. Plaintiff does not know whether or when the Board of Trustees acted on such matters.

11. With respect to allegation 37(ccc) of the Third Amended Complaint, please identify with specificity each communication Defendant Jones allegedly had with another then Trustee concerning the subject matter of this allegation that you contend is in violation of the Sunshine Law; and as to each such communication, please identify whether and when the Board of Trustees acted on such matter(s).

ANSWER:

Defendant Jones communicated with John Vander Molen regarding confidentiality and disclosure of trustees' personal cell phone numbers. Plaintiff does not know whether or when the Board of Trustees acted on such matters.

12 With respect to allegation 37(nnn) of the Third Amended Complaint, please describe with specificity what Marina improvements or bids that Defendant Jones allegedly had with Defendant Vander Molen that you contend is in violation of the Sunshine Law; and as to each communication, please identify whether and when the Board of Trustees acted on such matter(s).

ANSWER:

In July of 2007, Defendants, Janet Jones and John Vander Molen discussed improvements that needed to be completed at the marina. Plaintiff has no specific independent knowledge of whether and when this matter came before the Board for action.

13. With respect to allegation 37(rrr) of the Third Amended Complaint, please state with specificity each article authored by Sharon Denson denied for publication in The Tribune, the edition of the Tribune to which Ms. Denson sought publication, and each communication Defendant Jones allegedly had with another then-Trustee concerning the subject matter of this allegation that you contend is in violation of the Sunshine Law; and as to each such communication, please state whether and when the Board of Trustees acted on such matter(s).

ANSWER:

Plaintiff, Mary Lou Smith, did not author an article for the Tribune.

14. With respect to allegation 37(yyy) of the Third Amended Complaint, please state with specificity each communication Defendant Jones allegedly had with another then-Trustee concerning the upcoming board workshop of December 8, 2008 regarding the Budget Questionnaire that you contend is in violation of the Sunshine Law; and as to each such communication, please state whether and when the Board of Trustees acted on such matter(s).

ANSWER:

Plaintiff is unable to answer this interrogatory as written. Allegation 37(yyy) of the Third Amended Complaint was modified in the Addenda filed on October 19, 2009. This allegation makes no reference to Defendant Jones.

15 With respect to allegation 37(zzz) of the Third Amended Complaint, please describe each communication Defendant Jones allegedly had with another then-Trustee concerning the subject matter of this allegation that you contend is in violation of the Sunshine Law; and as to each such communication, please identify the Trustees engaged in such communication and state whether and when the Board of Trustees acted on such matter.

ANSWER:

Plaintiff is unable to answer this interrogatory as written. This allegation makes no reference to Defendant Jones.

16. With respect to allegation 37(dddd) of the Third Amended Complaint, please state with specificity each communication Defendant Jones had with another then-member of the future Planning Committee concerning the subject matter of this allegation that you contend is in violation of the Sunshine Law; and as to each such communication, please state whether and

when the Future Planning Committee acted on such communication to make a recommendation to the Board of Trustees, and whether and when the Board of Trustees acted on such recommendation.

ANSWER:

Defendant Jones communicated with Bernie Dent, a then-member of the Future Planning Committee regarding lot calculations and assessments. It is unknown whether or when the Future Planning Committee acted on such communication. It is unknown whether or when the Board of Trustees acted on any recommendations by the Future Planning Committee.

17 With respect to allegation 37(iii) of the Third Amended Complaint, please describe the specific website content to which this allegation refers and state with specificity every communication Defendant Jones had with another then-Trustee concerning the subject matter of this allegation that you contend is in violation of the Sunshine Law; and as to each such communication, please identify whether and when the Board of Trustees acted on such matter.

ANSWER:

This allegation refers to the following website content: a) pictures from the 85+ party and b) Hobby Club information. Defendant Jones communicated with Martha Brauer regarding the aforementioned website content on February 17, 2009. The Board of Trustees acted upon this matter and voted on this matter in February of 2009.

18. With respect to allegation 37(nnnn) of the Third Amended Complaint, please describe each communication on the matter of whether free internet service should or should not be offered to the residents of Trailer Estates that Defendant Jones allegedly had with Defendant Vander Molen that you contend is in violation of the Sunshine law; and as to each such communication, please identify whether and when the Board of Trustees acted on such matter

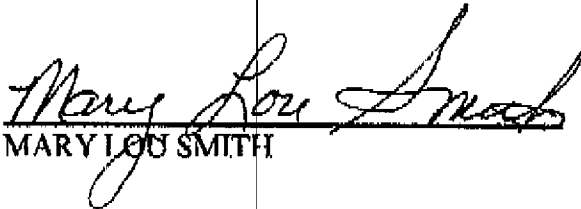
ANSWER:

Defendant Jones and Defendant Vander Molen communicated on whether to offer free internet service to the residents of Trailer Estates in April of 2008. The Board of Trustees discussed this matter at the April 21, 2008 meeting.

19. With respect to allegation 37(qqqq) of the Third Amended Complaint, please state with specificity the content of the information to be published in the District minutes, the specific Board of Trustees meeting(s) to which the subject minutes concerned, and each communication Defendant Jones had with another then-Trustee concerning the subject matter of this allegation that you contend is in violation of the Sunshine Law; and as to each such communication, state whether and when the Board of Trustees acted on such communication.

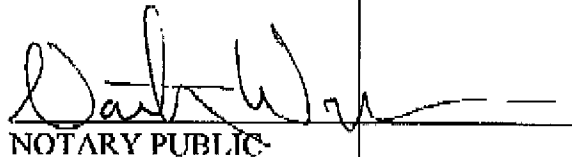
ANSWER:

The content of the information to be published in the District minutes was the substance of the letter from Robert Eschenfelder and Tedd N. Williams dated September 26, 2006. Plaintiff has no independent knowledge as to which trustee Defendant Jones communicated. The Board of Trustees acted on this matter on October 16, 2006 and November 6, 2006.


MARY LOU SMITH

Michigan
STATE OF ~~FLORIDA~~
Clinton
COUNTY OF ~~MANATEE~~

The foregoing instrument was acknowledged before me this 25 day of November, 2009, by MARY LOU SMITH, Plaintiff in the above-styled cause, who is personally known to me or has produced Driver's License for State of Mich. as identification, who being duly sworn, deposes and says that she has read the foregoing Answers to Interrogatories and that the same are true and correct to the best of her knowledge.


NOTARY PUBLIC

Nathan Werner
PRINTED NAME OF NOTARY PUBLIC

My Commission Expires: Feb 12, 2015

NATHAN WERNER
NOTARY PUBLIC, STATE OF MI
COUNTY OF LIVINGSTON
MY COMMISSION EXPIRES Feb 12, 2016
ACTING IN COUNTY OF Clinton