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October 30, 2009  
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### VIA FACSIMILE AND U.S. MAIL

Kevin Hennessy, Esq.  
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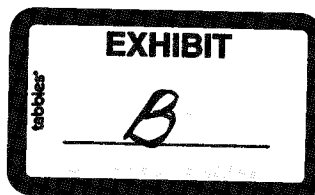
Re: Mary Lou Smith and Sharon Denson v. Trailer Estates Park and Recreation District, et al./Case No. 08 CA 11315/Exhibit 23

Dear Kevin:

We have researched whether all copies of Exhibit 23 can be removed from our files and returned to you as requested in your October 20<sup>th</sup> letter.

It appears that we received this document when it was produced by your office in the spring of 2009. The document bears your firm's Bates stamp #1300-03. Upon this firm's receipt of the document as attorneys for the District, the document became a public record under the provisions of Chapter 119, Florida Statutes. We have attempted to determine whether Chapter 119 exempts the document, regardless of its character, from being a public record. The document does not appear to fall within the scope of any of the exemptions described in the Statute. In AGO 99-43, the Attorney General concluded that a statute which declares documents or communications confidential or privileged does not exempt such documents or communications from the Public Records Law unless the Statute specifically states that they are exempt under Chapter 119. Several cases, which are cited in AGO 99-43, have concluded the same.

The District therefore believes that it cannot legally comply with your request to remove all copies of the document from the District records and return them to our office. Because you have raised the question of privilege, we have, in an abundance of caution, sequestered all copies of the document in a secure location.



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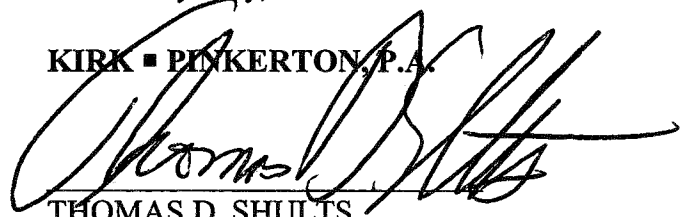
The issues regarding whether the document is subject to a privilege and, if so, whether the privilege has been waived or some other exception permits the admissibility of the document are not addressed in this letter, and the District reserves all rights to argue the admissibility of the document.

The District has also filed the enclosed Motion which seeks guidance from the Court on the public records issue. We are in the process of obtaining and coordinating hearing time on the Motion.

Should you have any questions concerning this matter, please do not hesitate to call me.

Yours very truly,

KIRK ■ PINKERTON, P.A.



THOMAS D. SHULTS

For the Firm

TDS:jps

Enclosure

cc: Mark P. Barnebey  
Scott E. Rudacille