

**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.: 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.

2009 DEC 18 AM 10:43

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

**ORDER ON PLAINTIFFS' MOTION TO STRIKE AFFIRMATIVE DEFENSES OF
DEFENDANTS**

THIS CAUSE, having come to be heard on Plaintiffs', Mary Lou Smith and Sharon Denson's Motion to Strike Affirmative Defenses of Defendants and the Court having heard argument of counsel on December 8, 2009, and being otherwise advised in the Premises, makes the following findings and conclusions of law:

ORDERED AND ADJUDGED that:

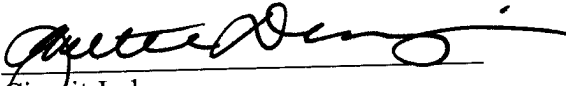
1. The Court GRANTS the Motion to Strike the following Affirmative Defenses of the Trailer Estates Park and Recreation District ("District"): The Fifth (Failure to Perform Each Condition Precedent); Sixth (Violations Pursuant to Advice of Counsel) as to the Sunshine Law; and Seventeenth (Limited Waiver of Sovereign Immunity).

2. The Court DENIES the Motion to Strike the following Affirmative Defenses of the District for the purposes of pleading: The Sixth (Violations Pursuant to Advice of Counsel) as to Public Record Law; Eighth (Statute of Limitations); Ninth (Waiver and Estoppel); Eleventh (Standing); Fourteenth (Exempt Public Record); Fifteenth (Good Faith); and Sixteenth (Defacto Authority).

3. The remainder of the Motion was not considered due to inadequate time. The parties have scheduled a hearing for Tuesday, January 5, 2010, at 1:30 PM, at which time the remainder of the Motion will be heard.

DONE AND ORDERED in Chambers, in Manatee County, Florida this 17 day of December, 2009.

HONORABLE JUDGE JANETTE DUNNIGAN


Circuit Judge

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