

**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.

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**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:** Mark Yawberg  
**DATE:** Wednesday, January 6, 2010  
**TIME:** 1:00 p.m.  
**PLACE:** Kirk Pinkerton, P.A.  
1301 6th Avenue West  
Suite 401  
Bradenton, Florida 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 3<sup>rd</sup> 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 29<sup>th</sup> day of December, 2009.

  
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KEVIN S. HENNESSY, ESQ.

## 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 correspondence, including memoranda, faxes, notes and 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 correspondence, including memoranda, faxes, notes and emails that T.J. Miller sent to you related to the District from January 1, 2005, to the present, and your responses to that correspondence.
3. Any and all correspondence, including memoranda, faxes, notes and emails that Martha Brauer sent to you related to the District from January 1, 2005, to the present, and your responses to that correspondence.
4. Any and all correspondence, including memoranda, faxes, notes and emails that John Vander Molen sent to you related to the District from January 1, 2005, to the present and your responses to that correspondence.
5. Any and all correspondence, including memoranda, faxes, notes and emails that Wayne Hamblen sent to you related to the District from January 1, 2005, to the present and your responses to that correspondence.
6. Any and all documents reflecting communications between any members of the Board of Trustees for the District from January 1, 2005, to the present.
7. 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.
8. Any and all journals, notes, diaries, or other documentation that describes or discusses matters concerning the District.
9. The District's maintenance logs from January 1, 2005 to the present.
10. Any policies and/or procedures regarding how to keep the maintenance logs in place from January 1, 2005 to the present.
11. Any and all notes, letters, memos, or documents related to any District Committees.
12. Any and all documents related to the District's sound system.

13. Any and all documents related to the District's document management system.
14. Any and all District policies related to the records that are kept in storage, policies and/or procedures for supplementing, maintain or retrieving those documents.
15. Any written policies or other documents concerning or evidencing the disposal, sale or gifting of any District property.