

RECORDED  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

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

2010 JAN 28 AM 9:47

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.



**SUPPLEMENTAL 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 January 5, 2010, 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 Defendant, Trailer Estates Park and Recreation District ("District"): The First as to unclean hands and the Second as to condition precedent as required by F.S. 768.28 (6).

2. The Court GRANTS the Motion to Strike Defendant, John Vandermolen's ("Vandermolen") Second Affirmative Defense as to condition precedent as required by F.S. 768.28 (6).

3. The Court DENIES the Motion to Strike the following Affirmative Defenses of the District for the purposes of pleading: Seventh; Thirteenth; and Eighteenth.

4. The Court DENIES the Motion to Strike the following Affirmative Defenses of Vandermolen for the purposes of pleading: Fourth; Fifth; and Sixth.

5. The Court DENIES the Motion to Dismiss the following Affirmative Defenses of Defendant, Joseph Salerno for the purposes of pleading: First; Second; Fourth; Sixth; Seventh; Eighth; and Ninth.

6. The Court DENIES the Motion to Strike the following Affirmative Defenses of Defendant, Mary Lou McNulty ("McNulty") for the purposes of pleading: First and Third.

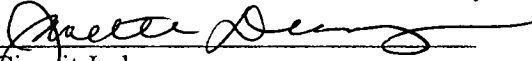
7. The Court DENIES the Motion to Strike the following Affirmative Defenses of Defendant, Janet Jones ("Jones") for the purposes of pleading: First; Second; Third; Fourth; Sixth; Seventh; and Eighth.

8. Plaintiffs' Motion was withdrawn as to Defendant Jones' Ninth Affirmative Defense.

9. Motion is moot as to McNulty's Affirmative Defense Four, based on the Stipulation between McNulty and Plaintiffs, withdrawing the Fourth Affirmative Defense since no claims brought against McNulty for occurrences after she was no longer a Trustee.

DONE AND ORDERED in Chambers, in Manatee County, Florida this 27 day of January, 2010.

HONORABLE JUDGE JANETTE DUNNIGAN

  
Circuit Judge

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