

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

MARY LOU SMITH, an individual,
and SHARON DENSON, an individual,

Plaintiffs,

v.

CASE NO. 08 CA 11315

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

Defendants.

REQUEST FOR PRODUCTION OF DOCUMENTS TO SHARON DENSON

COMES NOW the Defendant, Trailer Estates Park and Recreation District, by and through its undersigned counsel and pursuant to Florida Rule of Civil Procedure 1.350, requests the Plaintiff, Sharon Denson, to provide for inspection and copying within 30 days, all documents in the possession, custody or control of the aforesaid Plaintiff, which are responsive to the requests contained in the numbered paragraphs below:

DEFINITIONS AND INSTRUCTIONS

- a. "Plaintiff" means the Plaintiff and any employee, agent or attorney of Plaintiff, and other person acting for, or on behalf of Plaintiff, or under Plaintiff's authority or control.
- b. "Defendant" means the Defendant any employee, agent or attorney of Defendant and any other person acting for, or on behalf of Defendant or under Defendant's authority or control.

c. **“Document”** means any written or graphic matter or other means of preserving thought or expression, and all tangible things from which information can be processed or transcribed including the originals and all non-identical copies, whether direct from the original by reason of any notation made on such copy or otherwise, including, but not limited to, **correspondence, memoranda, notes, e-mail, and e-mail attachments, messages, letters, telegrams, teletype, telefax, bulletins evidencing meetings or other communication, interoffice and intraoffice telephone calls, diaries, chronological data, minute books, reports, charts, ledgers, invoices, worksheets, receipts, returns, computer printouts, prospectuses, financial statements, schedules, calendars, affidavits, contracts, canceled checks, transcripts, statistics, surveys, magazine or newspaper articles, releases, (and any and all drafts, alterations and modifications, changes and amendments of any of the foregoing), graphic or aural records or representations of any kind, including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotape recordings, motion pictures and digital, electronic, mechanical or electrical recordings or representations of any kind (including, without limitation, tapes, cassettes, discs and recordings).**

d. The term **“documents”** means every document or group of documents or communication as above-defined known to you, and every such document or communication which can be located or discovered by reasonably diligent efforts.

e. **“Person”** means any natural person, individual, proprietorship, partnership, corporation, association, organization, joint venture, firm, other business enterprise, governmental body, group of natural persons or other entity.

f. As used herein, the singular and masculine form of noun and pronoun shall embrace, and be read and applied as, the plural or feminine or neuter, as circumstances may make appropriate.

DOCUMENT REQUEST

1. All public records requests made by the Plaintiffs or on behalf of the Plaintiffs.
2. All documents referenced in paragraph numbers 346, 347, 348, 349, 351, 353, 355, 356, 416, 418, 419, 420, 422, 423, 425, 427, and 429 through 465 of Plaintiffs' Exhibit List for Trial Scheduled to Begin March 15, 2010 dated January 29, 2010.
3. Any document reflecting a communication occurring at any time between any of the parties to this action.
4. Any document reflecting the occurrence of any Sunshine Law violation alleged in your Complaint and amendments thereto.
5. Any document reflecting the occurrence of any public records law violation alleged in your Complaint and amendments thereto.
6. Any document which discusses, describes, or makes mention of any of the alleged Sunshine Law violations described in the Complaint and amendments thereto. This request includes, but is not limited to, all diaries, e-mails, letters to parties or non-parties, memorandums or notes, whether or not disseminated to any other person.
7. Any document which discusses, describes, or makes mention of any of the alleged public records law violations described in the Complaint and amendments thereto. This request includes, but is not limited to, all diaries, e-mails, letters to parties or non-parties, memorandums or notes, whether or not disseminated to any other person.
8. Any audio tape or recording of the voice of any defendant in this action, or any Trustee or former Trustee of the District.
9. All photographs or videotapes of the exterior or interior of the Trailer Estates Park and Recreation District office.

10. All documents reflecting the incurrence of any cost or fee for which you are seeking reimbursement in this action.

11. Any document reflecting a communication between any of the parties in this action and Mike Neal or Tom Featheringill.

12. Any audio tape or recording of the voice of Mike Neal or Tom Featheringill.

13. If you have been a party to any lawsuit or criminal proceeding at any time, all papers, depositions, orders and judgments relating to or filed in such proceedings.

14. If you were ever a candidate for any office with the Trailer Estates Park and Recreation District, any document reflecting a communication between you and anyone and relating to your candidacy. This request includes, but is not limited to, campaign materials disseminated to others, documents reflecting campaign strategies or goals, documents reflecting the outcome of the election concerning your candidacy, and documents reflecting an opinion or assessment concerning the outcome of that election.

15. Any document reflecting a communication occurring at any time between anyone and describing or mentioning your candidacy for office at the Trailer Estates Park and Recreation District.

16. Sharon Denson testified regarding the existence of "lists" during her deposition which would depict the public records requests she has made thus far. Denson volunteered to produce such lists. The District requests production of all such lists prepared by either Plaintiff before or after that deposition.

17. The fee agreement or contract with the Lewis Longman firm.

18. All notes, memoranda, timesheets, e-mails or any other document reflecting the activities, events or conditions described in the Melanie A. Marken Affidavit dated January 29, 2010, attached hereto.

19. All notes, memoranda, calendars, timesheets, e-mails or any other document reflecting:

- a. Visits by Melanie A. Marken to the District office;
- b. Conversations between Melanie A. Marken and any District employee or Trustee or former Trustee or statements made by such persons;
- c. The request, production or inspection of public records by Melanie A. Marken; and
- d. The observations or opinions based on such observations of Melanie A. Marken during any visit to the District office or during any request, production or inspection of public records.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S. Mail and facsimile to Kevin S. Hennessy, Esquire, Lewis, Longman & Walker, P.A., 1001 Third Avenue West, Suite 670, Bradenton, Florida 34205, (941) 708-4024, Daniel E. Scott, Esquire, Center Pointe, Suite 408, Sarasota, Florida 34237-6056, (941) 366-6303, Robert E. Turffs, P.A. 1444 First Street, Suite B, Sarasota, Florida 34236, (941) 953-5736, James D. Dye, Esquire, Dye Deitrick, Petruff & St. Paul, P.L., 1111 3rd Avenue W., Bradenton, FL 34205-7834, (941) 748-1573, and Hunter W. Carroll, Esquire, Matthews, Eastmoore, Hardy, Crauwels & Garcia, P.A., 1777 Main Street, Suite 500, Sarasota, FL 34236, (941) 954-7777, on this 3 day of February, 2010.

KIRK ■ PINKERTON, P.A.

50 Central Avenue, Suite 700

Sarasota, FL 34236

Tel: (941) 364-2425

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By 

Thomas D. Shults, Esquire

Florida Bar No. 363219

Zachary L. Ross, Esquire

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