

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, STATE OF FLORIDA

CASE NO. 08 CA 11315

DIVISION: B

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

Plaintiffs,

vs.

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.

-----/

DEPOSITION OF: GAIL OPPER

(Volume I)

DATE: Tuesday, December 1, 2009

TIME: 1:33 p.m. - 6:05 p.m.

LOCATION: Kirk, Pinkerton, P.A.  
1301 Sixth Avenue West  
Suite 401  
Bradenton, Florida 34205

REPORTED BY: NANCY E. PAULSEN, CRR, RPR, FPR  
Notary Public  
State of Florida at Large  
US Legal Support

**U.S. Legal Support**  
**(813) 876-4722**

1           **Mr. Ross the only conversation you've had about your**  
2           **deposition today with any members of Kirk Pinkerton?**

3           A.    That I -- I don't recall having any other  
4           conversations.

5           **Q.    Okay.  What is it that you and Mr. Ross**  
6           **discussed?**

7           A.    Just some questions or concerns I had.

8           **Q.    Okay.  What were your concerns?**

9           A.    I don't -- I never know if I can answer.

10          **Q.    You --**

11          A.    I'm sorry.  I don't know enough about this.

12          **Q.    Unless there has been an objection and an**  
13          **instruction for you not to answer, then you are required**  
14          **to answer my questions.**

15                 MR. ROSS:  It's okay.

16          A.    Okay.  Okay.  We discussed a question that I  
17          had about -- there is a charge against me in regards to  
18          litigation costs, and we discussed that.

19                 BY MR. HENNESSY:

20          **Q.    What do you mean by a charge against you for**  
21          **litigation costs?**

22          A.    One of -- one of many.  I mean --

23          **Q.    A charge brought by --**

24          A.    I mean, complaint, a Sunshine Law violation,  
25          whatever.

1 Q. Okay. Okay. So you're concerned about  
2 alleged sunshine violations that you were involved in?

3 A. One in particular.

4 Q. Okay. Which one is that?

5 A. The litigation costs.

6 Q. Okay. And is this to do with the  
7 conversations you had with Martha Brauer about the  
8 litigation costs?

9 A. I never had a conversation with Martha Brauer  
10 about the litigation costs.

11 Q. Okay. You are currently a trustee of the  
12 Trailer Estates Park and Recreation District; correct?

13 A. Yes, sir.

14 Q. How long have you been a trustee?

15 A. Nine months, ten months, whatever.

16 Q. And were you elected or appointed?

17 A. Elected.

18 Q. During that nine-month period, there were  
19 discussions concerning the costs that the litigation  
20 would cost the District in attorneys fees in defending  
21 this lawsuit; is that correct?

22 MR. CARROLL: Form.

23 MR. ROSS: I'm going to object to any  
24 questions --

25 MR. HENNESSY: Let me rephrase the question,

1 Q. So my understanding -- let me ask you this  
2 question. Since you've been a trustee, do you talk to  
3 any other board members outside of board meetings?

4 A. Yeah. "Michigan is going to beat Florida  
5 State." And they didn't.

6 Q. Well, you were wrong on that.

7 A. I know.

8 No, we're pretty paranoid.

9 Q. Okay. But my question is -- so other than  
10 talking about football, have you spoken to any of the  
11 other trustees since you've been a trustee outside of a  
12 public meeting?

13 A. Oh, sure.

14 Q. Okay. Have you discussed board business with  
15 any of the trustees outside of a public meeting?

16 A. That would be a Sunshine Law violation. We  
17 can't do that.

18 Q. Yes. So have you or haven't you?

19 A. No, sir.

20 Q. Okay. I'm showing you what's been marked  
21 Exhibit 4, entitled Duties of the Secretary. Have you  
22 seen this before?

23 A. Yes, sir.

24 Q. Do you agree that these are the current duties  
25 of the secretary of Trailer Estates?

1 A. Well, that's what it says.

2 Q. So you agree that these are your duties as  
3 secretary currently?

4 A. Well, those are the given duties, yes.

5 Q. Do you perform these duties as secretary?

6 A. Not all of them.

7 Q. Okay. Which ones do you not perform?

8 A. 2 and 3.

9 And I was about to perform number 13 when I  
10 got it on my desk. So I don't know how that happened.

11 Q. Okay, well, with regard to duties 2 and 3, why  
12 is it that you do not perform those duties?

13 A. Number 2, Martha Brauer voluntarily took that  
14 over. And I saw no -- I didn't think it was a  
15 secretary's job -- I realize that it is on the form, but  
16 she -- she's the person who really -- her job is  
17 overseeing the daily operations of the business -- of  
18 the District. And I felt that that was right that she  
19 did that.

20 Q. Okay.

21 A. And in --

22 Q. How was it decided that Martha Brauer -- how  
23 was it decided between you and Martha Brauer that she  
24 would perform the duties under number 2?

25 A. I don't recall.

1 Q. Is that a conversation that you had outside of  
2 a public meeting?

3 A. I don't recall.

4 Q. Do you believe that if you and Martha Brauer  
5 had a meeting outside of the -- a public meeting and  
6 discussed who would perform the duties identified in  
7 item number 2, that that would be appropriate and not a  
8 violation of the sunshine?

9 MR. CARROLL: Form.

10 A. Administrative issues are not a violation of  
11 the Sunshine Law.

12 BY MR. HENNESSY:

13 Q. Okay. So what is your answer to my question?  
14 Do you believe that --

15 A. I think I did answer.

16 Q. Do you believe that you and Martha Brauer  
17 could discuss who is to perform the duties under number  
18 2 outside of a public meeting?

19 A. We can discuss anything that is  
20 administrative, and that's administrative.

21 Q. Okay. So the assignment of who will perform  
22 these duties, in your mind, would be an administrative  
23 function?

24 A. Yes, sir.

25 Q. Okay.

1           A.    I don't think it -- it wasn't an assignment,  
2            anyway.

3           Q.    Okay.  If you are not performing the duties  
4            required by item number 3, who is?

5           A.    Well, number one, why would I keep the  
6            chairman informed, the chairman is excellent and she is  
7            informed.  And the committee chairman, she -- let's see,  
8            she is the liaison to the Beautification Committee.  And  
9            John Vander Molen is the liaison to the Art Committee.  
10           And they can handle things just fine.  They don't need  
11           my help.

12           Q.    Okay.  Have you had a conversation with either  
13            John Vander Molen or Martha Brauer about them taking on  
14            the responsibilities of keeping committee chairmen  
15            informed -- informed of matters requiring their  
16            attention?

17           A.    No, I have not.

18           Q.    But they are performing those duties, that's  
19            your understanding?

20           A.    Yes, sir.  They go to the meetings, so.

21           Q.    Okay.  You are not performing those duties?

22           A.    I don't go to the meeting.

23           Q.    Are there any other duties -- oh, I'm sorry,  
24            you talked about item number 13.  Are you saying item  
25            number 13 is a duty that you have not performed?

1           A.    That I was ready to do when it appeared on my  
2 desk all done, so.

3           **Q.    Who performed the duty?**

4           A.    I have no idea.

5           **Q.    Did you have a discussion with anybody**  
6 **performing that duty?**

7           A.    No, sir.

8           **Q.    Now, then is it your testimony that since**  
9 **January of 2009, you have been performing all of the**  
10 **other duties listed on Exhibit 4?**

11          A.    Yes, sir.

12          **Q.    Okay.  Have you -- have you had any assistance**  
13 **in performing those duties?**

14          A.    In the summer.

15          **Q.    Okay.  What constitutes the summer?**

16          A.    Whenever I'm not in Florida.

17          **Q.    Okay.  Who has been providing assistance to**  
18 **you in performing the duties of --**

19          A.    Two Trailer Estates residents.

20          **Q.    Who are those people?**

21          A.    Lenora Neal and Connie Zack.

22          **Q.    Are they Trailer Estates employees?**

23          A.    No, sir.

24          **Q.    Have they been appointed by the Board of**  
25 **Trustees or the chairman of the Board of Trustees to**

1           **perform the duties of the secretary?**

2           A.    No, sir.

3           **Q.    How is it that they came to perform duties of**  
4           **the secretary?**

5           A.    They filled out a volunteer sheet.

6           **Q.    Okay.  So they filled out a volunteer sheet**  
7           **indicating their interest in performing the duties of**  
8           **the secretary?**

9           A.    Yes.

10          **Q.    Is that something that they were requested to**  
11          **do or something that they had done independent of any**  
12          **request?**

13          A.    It was requested at a public meeting that  
14          anyone who wanted to volunteer to do anything could fill  
15          out a volunteer form, they would be available in the  
16          office.

17          **Q.    Okay.  The worker that Ms. Neal and Ms. Zack**  
18          **are performing or have performed, has there been any**  
19          **action or vote of the Board authorizing them to perform**  
20          **those duties?**

21          A.    It is a volunteer position, I don't think  
22          we've -- I -- I don't -- I don't know.  I don't know.

23          **Q.    You don't know?**

24          A.    I don't know if that's necessary.

25          **Q.    But my question is to your knowledge, has the**

1 Board authorized or approved their actions as --

2 A. No.

3 Q. -- assisting you as secretary?

4 A. No.

5 Q. Okay. Do you -- when you are out of town, do

6 you assist somehow in performing the duties of the

7 secretary?

8 A. No.

9 Q. Do you communicate with -- how do you stay in

10 touch with what's going on at Trailer Estates when

11 you're out of town?

12 A. I receive information through the mail.

13 Q. Okay. From who?

14 A. From the office.

15 Q. From who?

16 A. TJ.

17 Q. Okay. TJ Miller?

18 A. Um-hum (affirmative).

19 Q. I'm sorry?

20 A. Yes, sir.

21 Q. What does she -- what does she do, she mails

22 you --

23 A. Um-hum (affirmative).

24 Q. -- what?

25 A. Information.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A. No.

Q. Okay.

A. Not that -- it's a club.

Q. Okay. Are you familiar with the Seasonal Recreation Committee?

A. Yes.

Q. Okay. Have you ever participated either as a trustee or before you were a trustee on the Seasonal Recreation Committee?

A. I took notes at a -- at one public meeting of the Seasonal Recreation Committee.

Q. When was that?

A. I don't know. Sometime this year. In the winter time.

Q. Okay. So before you left for the summer?

A. Um-hum (affirmative).

Q. I'm sorry?

A. Yes, sir.

Q. Were you the only trustee that was present at that meeting of the Seasonal Recreation Committee?

A. I don't remember.

Q. Okay. What did you do with the notes that you took at that meeting?

A. I don't remember.

Q. Okay. Did you --

1           A.    I must have turned them in, but I don't  
2           remember.

3           **Q.    You must have turned them in where?**

4           A.    To the office.   But I don't recall that.

5           **Q.    Okay.  Did you consider those minutes a public**  
6           **record?**

7           A.    Well, if it was a committee meeting, you have  
8           to take minutes, and it's public record.

9           **Q.    Do you know why you were taking those minutes?**

10          A.    Because Joe Salerno asked me to.

11          **Q.    Okay.  Is Joe Salerno a trustee?**

12          A.    Yes.

13          **Q.    Was Joe Salerno at the meeting?**

14          A.    Yes.

15          **Q.    Okay.  So then there were two trustees at the**  
16          **meeting?**

17          A.    It's a public meeting.

18          **Q.    How is it a public meeting?**

19          A.    Because the public was there.

20          **Q.    Okay.**

21          A.    The whole park was invited.

22          **Q.    How were they invited?**

23          A.    I don't recall.

24          **Q.    Okay.  Do you know if there was a -- whether**  
25          **the meeting was advertised?**

1           A.    Oh, I'm sure it was.  Joe is very good about  
2           that.

3           Q.    By advertising, I mean do you know if it was  
4           in a newspaper?

5           A.    Oh, it wouldn't have to be in the newspaper.

6           Q.    Okay.  Well, do you have any knowledge of  
7           whether or not it was advertised in the newspaper?

8           A.    No, I don't know.

9           Q.    Do you have any knowledge as to whether there  
10          was a notice posted on the Trailer Estates bulletin  
11          boards?

12          A.    I don't know.

13          Q.    Is that the only Seasonal Recreation Committee  
14          that you attended, meeting?

15          A.    Yes.

16          Q.    And is that the only time, then, that you took  
17          minutes --

18          A.    Yes.

19          Q.    -- for the Seasonal Recreation Committee?

20          A.    Yes.

21          Q.    Do you know if anyone else took minutes of the  
22          Seasonal Recreation Committee?

23          A.    I have no idea.

24          Q.    Do you recall what was discussed at that  
25          meeting that you attended and took minutes?

1 Q. Have you ever attended a Disaster Committee  
2 meeting?

3 A. No.

4 Q. Have you ever attended a Referendum Committee  
5 meeting?

6 A. No.

7 Q. Have you ever attended a Website Committee  
8 meeting?

9 A. No.

10 Q. Do you know who runs the District website,  
11 currently?

12 A. A Website Committee.

13 Q. Okay. Do you know who is on that committee?

14 A. No, I don't.

15 Q. Do you know who runs the District newsletter,  
16 the Tribune?

17 A. Nobody runs it. It's put out by Teledrex.

18 Q. What do you mean by nobody runs it?

19 A. People turn in their things they want in the  
20 Tribune. The only thing I do is proofread.

21 Q. Okay. Is that one of your responsibilities as  
22 secretary?

23 A. Yes.

24 Q. Who makes a decision -- who makes decisions  
25 about what content is appropriate for the Tribune?

1 A. I have no idea.

2 Q. Have you ever been asked to do that?

3 A. No.

4 I have questioned things, but I've never --

5 Q. You've questioned matters --

6 A. Yeah.

7 Q. -- that are printed in the Tribune?

8 A. Um-hum (affirmative).

9 Q. When you've questioned those matters, who have  
10 you raised your questions with?

11 A. TJ.

12 Q. TJ Miller?

13 A. Um-hum (affirmative).

14 Q. I'm sorry?

15 A. Yes.

16 Q. Is she the only one you've ever raised  
17 questions with about content in the Tribune?

18 A. Yes.

19 Q. Why did you go to TJ with your concerns?

20 A. Because I was sitting right next to her as I  
21 was proofreading the paper.

22 Q. Okay, and when I was asking you questions  
23 about the Tribune, you understood that I wasn't limiting  
24 my questions to when you were a trustee?

25 A. No, I did not.

1 Q. Okay.

2 A. I'm sorry, I thought you were just talking  
3 about when I was a trustee.

4 Q. Okay. Well, prior to becoming a trustee, do  
5 you have any knowledge of who runs the Tribune?

6 A. No.

7 Q. Okay. Prior to becoming a trustee, did you  
8 ever make any complaints or raise any concerns about the  
9 content in the Tribune?

10 A. Yes.

11 Q. Okay. Who did you raise those complaints or  
12 concerns to?

13 A. I sent an e-mail to the board.

14 Q. To the entire board or to anyone in  
15 particular?

16 A. I can't -- I don't recall.

17 Q. Why did you send an e-mail to the board?

18 A. Because I believed that the truth was not in  
19 an article that was in the Tribune, and I feel that that  
20 -- that that's wrong.

21 Q. Which article was that?

22 A. The Let's Talk Club article.

23 Q. Okay. So you were objecting to an article  
24 about the Let's Talk Club?

25 A. Yes.

1           **Q. Why did you make your objection to the board?**

2           A. I don't know. I just felt the board should be  
3 aware of that, what's in the Tribune -- it goes -- it  
4 goes out to the residents.

5           **Q. Are the board members not residents?**

6           A. They are residents. But Martha -- presently,  
7 Martha Brauer's job is to oversee the operations of the  
8 District. And I feel that the Tribune is part of the  
9 operations of the District.

10          **Q. Okay.**

11          A. So she's on the Board.

12          **Q. Okay.**

13          A. Or whoever was on the Board. I think it was  
14 Janet Jones and John Vander Molen and -- you know, I  
15 don't know, I don't remember all that.

16          **Q. Okay. So you were -- it's your belief that**  
17 **the Board of Trustees oversees the Tribune because they**  
18 **oversee the operations of the --**

19          A. I didn't say that; you said that.

20          **Q. -- of the District?**

21                 **You need to let me finish my question.**

22          A. I did let you finish the question.

23          **Q. Let me try it again.**

24          A. Okay.

25          **Q. You believe that the District board oversees**

1           **the business of the District; is that correct?**

2           A.    Yes.

3           **Q.    And you believe that the Tribune is part of**  
4           **the business of the District?**

5           A.    I believe that the Tribune reflects the  
6           District.

7           **Q.    Do you believe it's the responsibility of the**  
8           **District board to oversee the Tribune?**

9           A.    Well, we do in a way, because I proofread the  
10          Tribune.

11          **Q.    Okay.  But that they should control its**  
12          **content?**

13          A.    No.

14          **Q.    Okay.  You believe no one should control its**  
15          **content?**

16          A.    Well, I think -- we can't swear at someone.  
17          We can't call somebody a name in a -- in a newspaper.  
18          If that's controlling the content, I suppose -- I mean,  
19          we have to be realistic.

20          **Q.    Okay.  Well, to your knowledge, has the board**  
21          **or a trustee on the board rejected articles submitted**  
22          **for the Tribune?**

23          A.    Not while I've been a trustee.

24          **Q.    Okay.  In making your complaint to the Board,**  
25          **were you suggesting that the Board should not have**

1           **allowed the Let's Talk article to be printed in the**  
2           **Tribune?**

3           A.    I felt they should be aware of what was in  
4           there, and that I felt I proved my point that what was  
5           written was not true, and -- whole truth and nothing but  
6           the truth.

7           Q.    Was it your opinion that the Board should not  
8           have allowed the article to be printed in the Tribune?

9           A.    I didn't -- I didn't make that comment.

10          Q.    Okay.  Whether or not you made the comment or  
11          not, was it your opinion that the Board should not have  
12          allowed the Let's Talk article to be printed in the  
13          Tribune?

14          A.    I don't know.

15          Q.    You don't know what your opinion is?

16          A.    Right.

17          Q.    Okay.  Did Janet Jones ever tell you that it  
18          was the responsibility of the secretary to manage the  
19          Tribune, the content in the Tribune?

20          A.    Why would Janet Jones tell me that?  I was  
21          just a resident.  I --

22          Q.    When you became secretary.

23          A.    Janet Jones had nothing to do with me as a  
24          secretary.

25          Q.    Okay.  Upon becoming secretary at Trailer

1           **Estates, --**

2           A.    Um-hum (affirmative).

3           **Q.    -- did Janet Jones, another trustee, inform**  
4           **you that it was your responsibility to manage the**  
5           **content of the Tribune?**

6           A.    I'm still asking why she would do that.  No.  
7           Why would she do that?

8           **Q.    I get to ask the questions, that's the way it**  
9           **works.**

10          A.    But I'm asking me the question, why would she  
11          do that?

12          **Q.    Okay.  Did Peg Durham tell you that it was the**  
13          **responsibility of the secretary to manage the content of**  
14          **the Tribune?**

15          A.    No.

16          **Q.    Okay.  Prior to becoming a trustee, have you**  
17          **ever been asked to manage the content of the Tribune?**

18          A.    Prior to becoming a trustee?

19          **Q.    Yes, ma'am.**

20          A.    No.

21          **Q.    Did you have any involvement at all with the**  
22          **Tribune prior to being a trustee?**

23          A.    I wrote an opinion as a resident about rants  
24          and raves in the Tribune.  I mean, I didn't write it in  
25          the Tribune, I wrote an opinion about that.

1 Q. Okay. Well, but were you ever asked to make a  
2 decision on content that would be placed in the Tribune  
3 prior to your becoming a board member?

4 A. No.

5 Q. Okay. You seem to find it surprising that I  
6 would ask you that question.

7 A. Yes.

8 Q. Why? Were you not involved with the District  
9 prior to becoming a board member?

10 A. Well, why would a trustee -- my -- my head is  
11 spinning with why would a trustee talk to me? Who am I?

12 Q. Well, I'm not limiting it to a trustee. What  
13 about any resident, did they ever ask you to place  
14 something in the Tribune for them?

15 A. No.

16 Q. Okay.

17 A. Not that I can recall.

18 MR. HENNESSY: Are we up to Exhibit 5?

19 THE COURT REPORTER: Yes.

20 MR. HENNESSY: Let's go ahead and have this  
21 marked Exhibit 5.

22 (Marked Deposition Exhibit 5.)

23 BY MR. HENNESSY:

24 Q. I'm showing you what's been marked Exhibit 5.

25 A. Yeah.

1           **Q.** It is a handwritten note, and it has a stamp  
2 on it, a date stamp of March 12th, 2008. You weren't a  
3 trustee in March of 2008, were you?

4           A. No. And that's probably why I gave it to  
5 Martha.

6           **Q.** Looking at Exhibit 5, is that your  
7 handwriting?

8           A. Yeah.

9           **Q.** Is that your signature?

10          A. Yes.

11          **Q.** Okay. The note is to Martha. Is that Martha  
12 Brauer?

13          A. I guess so. I -- I don't know.

14          **Q.** Okay.

15          A. I guess she's the only Martha.

16          **Q.** Well, it's your note.

17          A. Well, sir, could I remember back to March  
18 12th, 2008?

19          **Q.** I guess that's what we're asking.

20          A. That's almost -- no, I could not remember. I  
21 have no idea about this.

22          **Q.** Okay.

23          A. Except that, yes, I agree that I wrote it.

24          **Q.** Okay. Do you know who Nancy Keegan is?

25          A. Yes, I do.

1           **Q.    Okay.  Do you recall her giving you something**  
2           **to be placed in the Tribune?**

3           A.    No, I don't.

4           **Q.    Do you know any other Martha at the District?**

5           A.    No.

6           **Q.    And do you know why you would be writing a**  
7           **note to Martha Brauer about a matter that should be**  
8           **placed in the Tribune?**

9           A.    Probably because she was on the Policy and  
10          Procedures Committee.  And as a resident, I probably  
11          thought she was the person who should -- would -- policy  
12          and procedure.  I'm sure I didn't understand what --  
13          what was going on.

14          **Q.    Is Nancy Keegan on any committees?**

15          A.    She was.  She was the chairman of ARC.  She no  
16          longer is.  And she wasn't at that time.

17          **Q.    And -- okay.  So you do recall that she wasn't**  
18          **on the ARC Committee in 2008?**

19          A.    Yeah.

20          **Q.    But you don't recall anything about this note?**

21          A.    No.  Just because I remember who was on a  
22          committee doesn't remember a note I wrote.

23                    I was just a resident when that was written.

24          **Q.    Okay.  Okay, well, if this had come to your**  
25          **attention in March of 2009, do you think you would**

1 **recall what it was about?**

2 MR. CARROLL: Form.

3 MR. TURFFS: Join.

4 MR. ROSS: Join.

5 A. Not necessarily.

6 BY MR. HENNESSY:

7 **Q. Well, my question then is do you recall Nancy**  
8 **Keegan asking you to place something in the Tribune in**  
9 **March of 2009?**

10 A. She didn't ask me, I don't think. I don't  
11 know.

12 **Q. Okay. Well, do you recall anybody asking you**  
13 **to place something in the Tribune in March of 2009?**

14 A. No.

15 **Q. Okay. Do you know who manages the content of**  
16 **channel 95?**

17 A. I would think the Video/Computer Committee.  
18 But we can fill out forms if we have something we want  
19 to put on the --

20 **Q. Okay. Do you mean the video -- okay. Are you**  
21 **a member of that --**

22 A. No.

23 **Q. -- Video/Computer Committee?**

24 A. No.

25 **Q. To your knowledge, does the -- is the Board --**

1           are the district Board of Trustees involved in the  
2           content on channel 95?

3           A.    We place some -- something on that, I know.

4           Q.    Well, to your knowledge, does the District  
5           board control the content of channel 95?

6           A.    I don't -- I would doubt it. I don't know.

7           Q.    You don't know?

8           A.    No, sir.

9           Q.    So it's possible that --

10          A.    I don't know.

11          Q.    -- the Board or board members control the  
12          content and you don't know?

13          A.    Sir, you're putting that -- those words in my  
14          mouth. I never said that. I'm telling you that I  
15          personally do not know.

16          Q.    Who controls the content of channel 95?

17          A.    That's correct.

18                MR. HENNESSY: Let's make this Exhibit 6.

19                (Marked Deposition Exhibit 6.)

20                BY MR. HENNESSY:

21                Q.    I would like to you look at Exhibit 6 and tell  
22          me if you recognize it.

23          A.    No, I don't.

24          Q.    Do you see the handwritten note "Attention  
25          Gail"?

1 A. Yeah.

2 Q. And this appears to be a request for an  
3 announcement, and it indicates that Nancy Keegan made  
4 the request?

5 A. Yes.

6 Q. Do you know why it would say "attention Gail"  
7 on it?

8 A. No, I don't.

9 Q. Have you ever had requests for announcements  
10 on channel 95 directed to your attention?

11 A. I have no idea.

12 Q. Have you ever had requests for announcements  
13 to be placed in the Tribune brought to your attention?

14 A. I have no idea.

15 Q. Okay.

16 MR. HENNESSY: Let's go ahead and have this  
17 marked as Exhibit 7. And the other -- this as  
18 Exhibit 7 and this as Exhibit 8.

19 (Marked Deposition Exhibits 7 and 8.)

20 MR. HENNESSY: I'm sorry.

21 MR. CARROLL: Are there any copies of that  
22 one?

23 MR. HENNESSY: Yeah.

24 Could you hand me back what I just gave you?

25 THE DEPONENT: Um-hum (affirmative).

1 MR. HENNESSY: For a second? I think I need  
2 to make it three exhibits. Yes, make this third  
3 page Exhibit 9.

4 MR. CARROLL: Kevin, if you could tell us  
5 which ones are which?

6 MR. HENNESSY: I will.

7 (Marked Deposition Exhibit 9.)

8 MR. HENNESSY: I have made the March 2008  
9 letter that starts "Dear Sal and Toni" Exhibit 7.  
10 I have made the January 3rd, 2008 letter starting  
11 "dear board members", Exhibit --

12 MR. ROSS: 8.

13 MR. HENNESSY: -- 8. And I have made the  
14 December 18th, 2007, e-mails Exhibit 9.

15 MR. CARROLL: E-mail?

16 MR. HENNESSY: E-mails or memos. It looks  
17 like two.

18 MR. CARROLL: Exhibit 9 is, you said, December  
19 18th, 2007?

20 MR. HENNESSY: Right. It's handwritten at the  
21 top, it says "To John Vander Molen."

22 MR. CARROLL: Right. This doesn't look like  
23 an e-mail.

24 MR. HENNESSY: Fine. I won't call it -- and  
25 you --

1 MR. CARROLL: Form.

2 MR. SCOTT: Object to the form.

3 MR. ROSS: Join.

4 BY MR. HENNESSY:

5 Q. Okay. If I went through every one of the  
6 questions, would you agree that your answer was based on  
7 information that you knew at the time or information  
8 that you received from one of the three people, Janet  
9 Jones, John Vander Molen, or Martha Brauer?

10 A. Both. All four. Whatever. However we say  
11 it.

12 Q. Okay.

13 A. Some of these are from me. Well, some is from  
14 my husband.

15 Q. Okay. The last question on the first page  
16 says, "Is there an editor of the TE Tribune?" And your  
17 answer is, "No. Trailer Estates is working on this."  
18 Do you see that?

19 A. Yes.

20 Q. Okay. Who is working on it?

21 A. I have no idea.

22 Q. Okay. It says, "In the future, the trustee  
23 who is in the position of secretary will be in charge of  
24 the Tribune."

25 A. Well, that hasn't happened, so.

1           Q.    Okay.  Do you know who gave you that  
2           information?

3           A.    No, I don't.

4           Q.    The next question says, "How does one get an  
5           article in there, parens the Tribune, close parens?"  
6           And the answer is, "Articles are turned in to the office  
7           and handled on an individual basis.  No items of a  
8           personal nature can go in there or minutes of meetings."

9                   Who provided you with that answer?

10          A.    I have no idea.

11          Q.    What did you mean by articles are turned in to  
12          the office and handled on an individual basis?

13          A.    I don't know what I meant.  I -- that came  
14          from somebody else.

15          Q.    Okay.  Do you know what individual was  
16          responsible for handling the articles that were turned  
17          in to the office?

18          A.    No.

19          Q.    Okay.

20          A.    I was just being a nice neighbor here.  Just  
21          being a nice neighbor.

22          Q.    On the page three of the document Exhibit 7,  
23          the question is, "How do we actually know how old the  
24          residents are?"  And your answer is, "Frankly, this is  
25          none of anyone's business."  Who provided you with that

1 answer?

2 A. I did.

3 Q. Okay. So that was just an answer solely from  
4 you?

5 A. That's correct. That's how I feel.

6 Q. Is that still how you feel?

7 A. That's correct.

8 Q. The last sentence of that answer indicates  
9 that you "asked the trustees to not release personal  
10 information to the Future Planning Committee or anyone  
11 else for any reason without permission of the  
12 residents."

13 Okay. Do you see that?

14 A. Yes.

15 Q. Okay. Is that an accurate statement?

16 A. Yes.

17 Q. Okay. At the time you wrote this memo, was it  
18 your belief that the privacy act protected the  
19 information that the District -- let me start again.

20 At the time you wrote this memo, was it your  
21 belief that the privacy act prohibited the District from  
22 disclosing information they had about the age of  
23 residents?

24 A. This was my personal opinion that as an  
25 American, some things in my life are private. And I

**TRAILER ESTATES PARK & RECREATION DISTRICT  
TRUSTEE DUTIES**

PP40

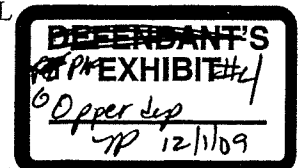
**DUTIES OF THE SECRETARY**

THE SECRETARY SHALL:

1. KEEP THE MINUTES OF BOARD MEETINGS (Art. VI of Bylaws) AND MAINTAIN A FILE OF BOTH THE TYPED MINUTES AND AUDIO RECORDINGS.
2. REVIEW AND ANSWER ALL COMMUNICATIONS PERTAINING TO THE DISTRICT (Art. VI of Bylaws).
3. KEEP THE CHAIRMAN AND COMMITTEE CHAIRMAN INFORMED OF MATTERS REQUIRING THEIR ATTENTION (Art. VI of Bylaws).
4. POST CURRENT MINUTES ON DISTRICT BULLETIN BOARDS (Art. VI of Bylaws).
5. MAINTAIN IN THE DISTRICT OFFICE A ONE-VOLUME COMPLETE AND CURRENT SET OF RULES AND REGULATIONS (Art. VI of Bylaws).
6. KEEP THE MINUTES OF BOARD WORKSHOPS AND MAINTAIN A FILE OF BOTH THE TYPED MINUTES AND AUDIO RECORDINGS (3/18/2002 Board Motion).
7. ARRANGE FOR THE PRINTING OF A PARK DIRECTORY AS OFTEN AS REQUESTED BY THE BOARD.
8. OVERSEE THE PUBLISHING OF THE TRAILER ESTATES TRIBUNE.
9. OVERSEE THE MAINTENANCE OF A FILE OF ALL CORRESPONDENCE RECEIVED BY THE BOARD.
10. BE RESPONSIBLE FOR ALL BULLETIN BOARDS INCLUDING REGULAR POLICING AND CLEARING OFF OLD MATERIAL AT THE END OF THE MONTH.
11. SCHEDULE YEARLY ACTIVITIES AS PER THE FOLLOWING (Sect. I, Rules Governing Use of Facilities, Page 3, Rules and Regulations):
  - EACH YEAR PRIOR TO APRIL 1, RECEIVE SCHEDULES FROM CLUBS AND ORGANIZATIONS.
  - SCHEDULE, AFTER CONSULTATION WITH RECREATION TRUSTEES, ALL PROGRAMS INCLUDING CLUB, PARK, STATE, AND AREA PARTIES.
12. ARRANGE FOR SEATING AND EQUIPMENT FOR EACH EVENT SEVEN (7) DAYS IN ADVANCE, AND IF NEEDED, MAKE APPROPRIATE CHANGES (Sect. IV, Rules Governing Use of Facilities, Page 3, Rules and Regulations).
13. OVERSEE THE PUBLICATION OF ALL NOTICES FOR THE DISTRICT IN A NEWSPAPER RECOGNIZED BY THE GENERAL POPULATION AS AN OFFICIAL PUBLICATION----
  - a) YEARLY MEETING SCHEDULES,
  - b) BUDGET MEETINGS, AND
  - c) ANY OTHER REQUIRED NOTICES OR PUBLICATIONS.

Revised 11/17/08; 1/19/09; 8/3/09  
Trustee Duties

Page 4 of 11



Martha,  
Nancy Keegan gave  
these to me to be  
placed in the Tribune.  
I don't feel I should  
make that decision.

Hail

DEFENDANT'S  
PIF EXHIBIT #5  
G. Opper dip  
12/1/09

ATTN: CHAD

TRAILER ESTATES VIDEO/COMPUTER CLUB

DATE 3/11/09

FILED 11 2003 PM 12:42

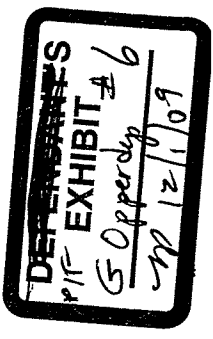
CHANNEL 9 CURRENT EVENT ANNOUNCEMENT REQUEST FORM

FOR CURRENT EVENT ANNOUNCEMENTS ONLY - PLEASE USE MONTHLY TRIBUNE FOR CONTINUING EVENT NOTICES

|   |   |   |   |   |   |   |   |   |   |   |   |   |        |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|---|---|--------|---|---|---|---|---|---|---|---|---|
| R | E | M | B | E | R | F | O | L | K | S | A | N | Y      | L | O | S | T | I | T | E | M |   |
| S | M | A | B | E |   | I | N | T | H | E | O | F | F      | L | O | S | E | P | L | E | A | S |
| S | C | H | E | C | K | F | O | R | K | E | Y | S | ,<br>O | R | A | N | Y | F | L | A | S | S |
| S | T | A | C | K | E | T | S | O | R | A | N | Y | O      | T | H | E | R | F | L | E | M |   |
| Y | O | U | M | A | Y | H | A | V | E | M | A | N | Y      | P | L | A | C | E |   |   |   |   |

PLEASE PRINT CAREFULLY AND CLEARLY-THANK YOU  
HAVE YOU INCLUDED THE WHAT?WHERE?WHO?TIME?PRICE?  
LIMITED TO MAXIMUM OF THREE (3) WEEKS BEFORE THE EVENT.

Organization \_\_\_\_\_ Name Nancy Keegan Channel /Guse only \_\_\_\_\_  
Start Date \_\_\_\_\_ limit to 3 weeks before event Page # \_\_\_\_\_ Dwell \_\_\_\_\_ Attributes \_\_\_\_\_ FontSize \_\_\_\_\_  
Date End \_\_\_\_\_ Phone# 807-4595 Saved \_\_\_\_\_ Folder \_\_\_\_\_



March 2008

Dear Sal and Toni.

Thanks for the questions you asked and the other material you sent, and thanks for your confidence in me to find answers for you. I have researched the answers and will, to the best of my ability, answer them for you. I will also give a copy of these answers to TJ in the Trailer Estates office to be placed in the public records for all to see. Here are your questions and my answers based on my research:

How does something get on the agenda for board meetings? **All agenda items must come from a trustee.**

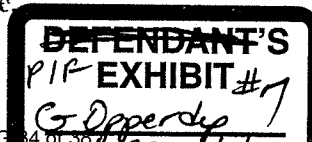
"A referendum for the new deed restrictions is coming"....: **It is not a referendum. See p. 7 of the By-Laws for a clarification on this.**

Homes on 2/3 lots. Can we vote on them? **No. This would require a change in the Charter, and the Let's Talk Club voted Feb. 14 that they want to make a public statement that they don't want the Charter reopened; the majority of the park also feels the same. If you got into this, besides people on double and/or triple lots, you would also have to increase the assessment to people on single lots who own a foot more than a regular single lot, those who own 5' more, those who own a lot and a quarter plus those who own a lot and a half or a lot and  $\frac{3}{4}$ .....not to mention the fact that all the lots north of Florida Boulevard would have to be considered because when the park was expanded there, those lots are larger than the single lots in the original park. Reassessing every piece of property in this park would be a statistical and financial nightmare. Some double lots were sold as double lots when the park opened. What would give you or anyone else a right to vote on property people own that has been in existence since the park opened? Besides, any concern about extra size lots is ludicrous. First, those people on single lots larger than the norm, double lots or triple lots already pay more than other owners—they pay more property tax. Second, those owners use no more recreation facilities than anyone else in the park, which is what the recreation assessment is for so why should they pay more for things they use no more of than anyone else (and they'd probably win a lawsuit if such an assessment increase occurred and was challenged)? They use no more trash than those on one lot, no more cable, no more of the pool, no more of the large/small hall, weight room, woodshop or anything else. Should the day ever come that people are charged more, they should insist on extra votes based on the extra assessments they pay for larger lots. Also, this park is old and small. Double and triple lots add much to an old park; they make the property value of our park increase because single lots the size of those in this park are obsolete by today's standards. If you talk with any realtor, bigger homes in a small home neighborhood will always bring up the value of the smaller homes, so the homes on larger lots in Trailer Estates only increase the value of the homes for all of us in this park.**

How much does a referendum cost? **Pam Cole has that information. See her about that.**

Who oversees the office help? **Trustee Pam Durham is the office manager. TE is in the process of determining a chain of command. See the Policies and Procedures committee for more details.**

Is there an editor of the TE Tribune? **No. TE is working on this. In the future, the trustee who is in the position of secretary will be in charge of the Tribune.**



MSSD01519

How does one get an article in there (the Tribune)? **Articles are turned into the office and handled on an individual basis. No items of a personal nature can go in there or minutes of meetings.**

Can we form an ombudsman to head off costly lawsuits? **First, TE hasn't sued anyone nor have we said we would so why would we do anything about an ombudsman? No such committee will be formed. We do not have control over the actions of other people and will handle situations on a case-by-case basis. If people choose to sue, that is not up to TE. Threatening a lawsuit isn't impressive; and, just because someone files a lawsuit doesn't guarantee them a win or even an appearance in court so why would TE be concerned about "costly lawsuits?" Just because a TE resident or TE residents think they have a good case doesn't mean they do.**

Could we compost our food and shrub trash? **No. The county makes the rules; talk with them.**

Can we reduce the garbage pickup to one time weekly? How much would that save? **The county commissioners are discussing this at the present time. It isn't up to us; check with the county. Why haven't you called the county or places like Waste Management to get these answers yourself? It would only take one phone call.**

What is the cost of the laundry? Does it cost us money or make money? **Talk to Pam Cole about this; she has the answers. Thurman and I feel that nice things we provide for people in our park are not always cost effective but simply the right thing to do.**

Do we comply with drug testing our employees so we can get a 5 percent reduction as a "drug free" workplace? **Yes, we do get the discount. The attorneys stated we do not have to test workers in government entities, but Pam Cole is checking with the insurance company about this.**

Did they workshop computers for the office? Did they get bids? What happened with Bob Young and the computers? **Bids are a good thing for all of us to get. It just makes good common sense for ordinary people like you and me to check several places before we buy anything. TE has done this checking since the park began. The special district law, however, states that no bids are necessary for construction projects under \$200,000 or electrical work under \$50,000 and no bids are required for the repair and maintenance of existing buildings. Bob Young got seriously ill and was hospitalized more than a month. Due to the need in this area, someone else was hired to take Bob's place.**

Why do we not send mail bulk and save money? **Because, for most mailings done in the park, the law doesn't allow us to. In other areas, we don't have enough mail to use bulk mailing. John Vandermolen has been over this several times at board meetings.**

Special District conversation tabled two times...when will they vote? **I don't understand this question.**

Where are the job descriptions of our employees? What is the cost of employees per person? Do we pay their whole benefit package? **Why haven't you asked Pam Cole about this? She is the treasurer and should know these answers. What employees make in this park is, in my opinion, none of my business; and I'm not interested in pursuing this.**

Why was Tom Featheringill's letter asking for a free answer from the attorney general not sent? **Because it lacked a great deal of information (this answer has been discussed before). It would be completely inappropriate for TE to send a letter that lacks information to the Florida attorney**

**general. Contrary to Mr. Featheringill’s assertion, the FL attorney general is not available—nor should he be—to give free legal advice to every person, company or government entity who seeks such advice; he’d never get the work of the state done.**

**Where is the standing communication committee suggested by the people? The people of TE do not run TE, even though some think they should. Our charter has established a board of trustees, elected by the people, to run the park. Just because something is suggested by a resident or residents does not mean the board has to do it or should do it. Besides, this is not the communication committee; it is the Web Site committee. It has been approved by the board.**

**How do we actually know how old all the residents are? Frankly, this is none of anyone’s business! Americans still do have some privacy rights, don’t they? I don’t personally care if the whole world knows how old I am, but some people care very much. My Aunt Helen Cross lived here until she was 97 and didn’t want people, in general, to know how old she was. That was her right! I contacted my daughter who is an attorney about this. She said people in the park gave personal information to the board because they were required to do so in order to live in the park; however, these people did not give permission to the board to share that information with anyone. Personal information released by the board without permission of the residents can, and may, result in legal action that could very well be won by the residents. I shared this information with the board at a recent meeting. I asked the trustees to not release personal information to the Future Planning Committee or anyone else for any reason without permission of the residents.**

**Do we review caregivers’ applications yearly? Yes. A motion in this regard was recently carried. Check recent minutes for this situation.**

**Backup and retention of documents. John Vandermolen arranged for a man from Laserfische to come to TE for a workshop in this area from 9:30 a.m. to 12 p.m. Friday, Feb. 29. The workshop was held but not successfully. The trustees are now pursuing other options for document retention.**

**Can the board do a conference call when trustees are not in attendance? No. Trustees must attend the meeting to vote.**

**Why such resistance to adding people to committees if the committee chair doesn’t object? Because our charter states that the board has to approve everyone added to a committee. No committee chair is more important than the board. Think of the chaos that would occur if every committee chair had more power than the board. What committee chair in the U.S. government has more power than the entire House of Representatives or Senate? Besides, too many people on a committee is not good; it hampers a job rather than helping it. Also, it is not good to just accept anyone on a committee. That person should have qualifications necessary to bring expertise to the committee. By the way, this question has been answered many, many times. Let’s move on.....**

**Who pays for the setup and take down of church functions? Part timers do not do this. The church pays for setup, etc., on Sundays or any other time they use the hall. TE is a government entity; thus, any part of the park used by and for taxpayers for any public purpose allows Christians to use that facility, as well. We are not allowed to discriminate against Christians—or any other religion—in America. There is no such thing as the “separation of church and state.” A liberal Supreme Court of the 1960’s came up with that idea; but, it is not in the U.S. Constitution—**

though most Americans believe it is in there. The Constitution states that Congress shall not establish a national religion and shall not prohibit "the free exercise of religion." Christians have now established many legal defense firms who fight for Christian rights in America; those firms have won many separation of church and state lawsuits on behalf of Christians. One such Christian attorney just won a case in Michigan to the tune of several million dollars against a city that tried to discriminate against Christians. I would personally stand for the right of the TE church to worship in our park and pay a reasonable amount, as they have been doing, to do so.

Why would we want to stop making DVD's of the board meetings, especially when I can prove they are not always right? **If you can prove this, what is stopping you from doing that? At a board meeting held on Oct. 21, 2002, the taping of meetings came under the Video/Computer Club. They are in charge of such taping. Speak with them.**

Regarding your letter of Jan. 3: 1) No board member is required to—nor should he/she—report back to the park every word of what the attorney says. Find that information on your own if it is that important. Perhaps those threatening a park lawsuit should allow the rest of us to hear conversations between that group and Maggie Mooney. Does that make an ounce of sense? What's good for the goose is good for the gander! 2) Janet did make a report regarding what the attorney said; it is in the minutes. To find out what that attorney visit cost, check the public records available to you in the office. 3) How much did he say it costs to fight a lawsuit?--How could anyone possibly know that? Until the lawsuit happens, we won't know the cost. Besides, no one is ever guaranteed a "win" in a lawsuit. It is possible TE could win and have their costs covered by those in opposition. As far as your saying, "Are you going to wait to be hit by a lawsuit and then respond" is concerned, the answer is: TE has no control over a lawsuit; people do what people do. 4) Next, the attorney told the board they did not have to publicly read any letters or could choose which ones to read. They are following the advice of the attorney, as they should. Make an appointment with a trustee regarding a letter that is not read; or, if you want answers to questions, consider paying an attorney to get them. 5) Regarding Martha Brauer, Bill Mumford and the CD's: This is not my business to pursue. The best way to get an answer is to ask Martha. This is also not within a board member's jurisdiction. Go to the Video/Computer Club for answers. 6) Regarding your claim that Mary Lou McNulty broke the Sunshine Law: This is also not my business. Talk to Mary Lou about it. Frankly, Thurman and I feel the Sunshine Law is the most ridiculous, discriminatory law there is. Come to find out, a letter from the attorney was read at the board meeting on March 3. The letter stated that not only is the board subject to the Sunshine Law but all committee members must meet only in park facilities and, like board members, may not speak about park business among themselves outside of committee meetings. Hurray! This is exactly what I believed all along. As I stated at the March 3, 2008, board meeting, I wonder how often we'll now hear that so and so "broke the Sunshine Law." In my opinion, it usually isn't as much fun to complain about someone when the other side can complain about us, too.

Your Jan. 3, 2008, letter to Peg regarding use of the craft room has already been answered. The room was not available and Peg told you that. Peg is in charge of that scheduling. She discussed this at length at the March 3, 2008, board meeting.

You left me two sheets with four questions each on them. Here are the responses to those two sheets: 1) The answer to your ombudsmen question has already been answered earlier. 2) Regarding your reference to an executive board meeting: An executive board meeting has not been held since September 2006. As I stated above, I think it is ridiculous that our board can't meet any time they choose to to discuss park matters. 3) Will be discussed later in this paragraph. 4) Regarding the Tribune: Peg Durham, elected by the people, is in charge of the Tribune. Questions on the second page of the sheets you left: 1) Letters to the board: See above for answer. 2) If you have a problem with John Vandermolen, go to him to get an answer. Your problems with him are not my business. 3) Question about deed restrictions was answered previously. 4) Regarding the letter you received from Janet Jones that said "resentfully": Janet stated that she wrote a letter of apology to you and apologized to you at a meeting—on tape. She really owes you nothing more; you can choose to accept the apology or not. This was a simple typographical error.

As a fellow resident of TE, I am very concerned that you don't seem to understand how a board of trustees works. They are elected by the people (and the people clearly spoke in the election of Dec. 2007). Though residents are free to give their opinions on issues, residents run this park only at the voting booth. When the board doesn't act the way people want them to, that is their right as elected officials. The state of Michigan hasn't been run the way I'd like it to for more years than I can count....so, I ran for precinct delegate, knocked on doors in my precinct to introduce myself, won the election and, with the help of many (because I now was elected by the people), worked hard to change my township from voting one way to voting another. That took a lot of hard work on my part but I did it because I believed it was important. It is important to recognize, though, that if I hadn't had the majority of residents behind me, no change would have occurred. The idea here is one of "majority rules." That is how all cities, counties, townships, states, and national governments work.

Enclosed in the packet of information you gave me was a page regarding the videotaping of meetings by the Video/Computer Club. I think they do an awesome job. Once again, if you have a problem with Mary Lou McNulty and what she did or did not say, take it up with her.

Thus ends the research as well as some of my personal opinions on the request you made to me. My question to you is this: If I could find the answers to these questions, why couldn't you? My other thought is: Will any of this put to rest your problems with the board? I doubt it. Seems like the very small group of very vocal people who oppose the board never resolve anything; they simply go from one problem to another. I'm not even sure they really want to resolve anything. It appears to me that the "fight" is, in my opinion, so much fun that a resolution will end that "fun." It is my prayer that my efforts here were not in vain.

Thanks for your confidence in me to do the job I said I would do. The above responses are the result of research as well as the opinions of Thurman and me. Hope you had a good trip to Italy.

MSSD01523