

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

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

Plaintiffs,

vs.

Case No. 2008-CA-011315

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.

FILED FOR RECORD  
R. B. SHORE  
2010 MAR 23 AM 9:37  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

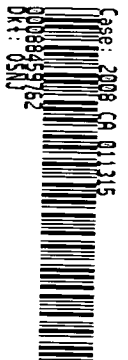
ORDER SCHEDULING CASE FOR NON-JURY TRIAL

IT IS HEREBY ordered as follows:

1. Trial Date. This Cause is hereby set for non-jury trial during the three-week trial period beginning **October 4, 2010**. All counsel and pro se parties will be ready for trial at **9:00 a.m.** on the first day of said trial period, unless the Court indicates otherwise. Pretrial conference will be scheduled only upon request.

2. Exchange of Lists of Lay Witnesses, Expert Witnesses and Trial Exhibits.

- (a) Unless otherwise ordered by the Court, no later than **Friday, July 16, 2010**, counsel shall exchange lists of exhibits expected to be actually used at trial, and the names, addresses, and expected general subject matter of testimony as to all lay and expert witnesses expected to testify. Expert witnesses shall be specifically designated.
- (b) Unless otherwise ordered by the Court, no later than **Friday, July 30, 2010**, counsel shall exchange a supplemental exhibit and witness lists.



- (c) The lists must be specific. General categories will not be accepted or enforced. No party shall be permitted to call a witness or introduce any exhibit not so disclosed without permission from the Court or written stipulation.

3. Time for Disposition of Motions/Disputes. All motions/disputes shall have been heard prior to the first day of the trial period or will be deemed to have been waived.

4. Discovery Cut-Off. All discovery must be completed no later than **Friday, September 3, 2010**, unless otherwise extended by the Court or by stipulation of all the parties.

5. Required Meeting of Attorneys. No later than **Monday, September 13, 2010**, all attorneys for the parties shall meet for the following purpose:

(a) Trial Exhibits:

- (1) Exhibits. Each attorney shall bring to this meeting all exhibits that that attorney intends to introduce into evidence as well as a list of each such exhibit. If an exhibit is not brought to this meeting, it may not be used absent stipulation of all parties or permission by the Court
- (2) Joint Pretrial Stipulation. The attorneys at this meeting shall confer and prepare a joint pretrial stipulation. This joint pretrial stipulation shall identify each exhibit deemed admissible by all of the parties. This joint pretrial stipulation shall also identify each exhibit deemed authentic by all of the parties but where one or more parties objects to its admissibility. **The Court requests that where multiple parties desire to use the same exhibit, and the parties all agree on its admissibility, that such exhibits be introduced only once. The Court will permit a designation of "Court exhibit" if the parties desire so that common exhibits – such as minutes of Board of Trustee meetings – can be compiled into 1 set and used by any party for any lawful purpose.** This list shall be filed with the Court no later than **Friday, September 17, 2010**.
- (3) Copies of Exhibits. Each party shall have a right to request at the meeting of the attorneys a complete copy set of all exhibits referenced. These copies must be delivered by close of business on **Friday, September 17, 2010** to the requesting attorney after payment for such copies has been made by the requesting party.

- (4) Parties to pre-mark all exhibits. Prior to trial, the parties shall work with the Clerk to arrange for all exhibits to be pre-marked.

(b) Witnesses Appearing Through Deposition Testimony

- (1) At the meeting, the attorneys shall confer and identify all deposition questions and answers (video or transcribed) to be read or shown to the Judge in lieu of live testimony.
- (2) The attorneys shall make every reasonable effort to resolve all objections. All unresolved objections to deposition questions must be listed in writing and filed with the Court prior to the first witness being sworn. Objections not so filed will be deemed waived and will not be heard by the Court except for good cause shown.

6. Continuances. This Court strictly adheres to Rule of Judicial Administration 2.545(c) and Rule of Civil Procedure 1.460. Continuances may be granted, but only upon a showing of an unanticipated event and good cause. Any written stipulation to continue must be signed by all counsel.

7. Witness Availability For Trial. If at any point in time a party determines that any witness may not be available, it is directed that an appropriate deposition, video or otherwise, be taken. Unavailability will not be good cause of continuing the case or disrupting the Court's trial docket, as the multiple trials set cannot be arranged based upon conflicts of the various individuals.

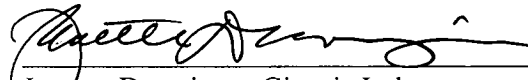
8. Referral to Mediation. Further obligation to mediate is not required. If, however, the parties desire to re-enter mediation, the parties shall inform the Court and the Court shall enter an order of referral to mediation.

9. Settlements. In the event this case settles, Plaintiff's counsel shall immediately notify the undersigned Judge by written fax memorandum (941) 749-3685, and/or by phone call (941) 749-3633.

10. Local Rules, Standards of Professionalism, and Good Faith Certifications. In all pretrial and trial conduct, attorneys are expected to comply with the Local Rules and Standards of Professionalism of the Twelfth Judicial Circuit located at [www.12circuit.state.fl.us](http://www.12circuit.state.fl.us).

11. Sanctions. Failure to comply with the requirements of this order will subject the party and/or attorney to appropriate sanctions.

**DONE AND ORDERED** in Manatee County, Florida, on this 22 day of March 2010.

  
Janette Dunnigan, Circuit Judge

Copies to:

KEVIN S. HENNESSY, ESQUIRE  
1001 3rd Avenue West, Suite 670  
Bradenton, Florida 34205

HUNTER W. CARROLL, ESQUIRE  
1777 Main Street, Suite 500  
Sarasota, Florida 34236

JAMES D. DYE, ESQUIRE  
1111 Third Avenue West, Suite 300  
Bradenton, Florida 34205

ROBERT E. TURFFS, ESQUIRE  
1444 First Street, Suite B  
Sarasota, Florida 34236

ZACHARY L. ROSS, ESQUIRE  
THOMAS D. SHULTS, ESQUIRE  
50 Central Avenue, Suite 700  
Sarasota, Florida 34236

DANIEL E. SCOTT, ESQUIRE  
2033 Main Street, Suite 408  
Sarasota, Florida 34237