

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

MARY LOU SMITH, et al.,

Plaintiffs,

Case No. 2008-CA-11315

v.

Division B

TRAILER ESTATES PARK AND
RECREATION DISTRICT, et al.,

Defendants.

**JANET JONES MOTION FOR PROTECTIVE ORDER
RELATING TO THE CONTINUATION OF SCOTT RUDACILLE'S DEPOSITION
SCHEDULED ON JUNE 1, 2010**

Defendant Janet Jones ("Ms. Jones") moves pursuant to Florida Rule of Civil Procedure 1.280 for a protective order requiring Plaintiffs' to re-schedule the continuation of Scott Rudacille's deposition, which Plaintiffs recently set for June 1, 2010. Plaintiffs set the continuation of Mr. Rudacille's deposition even though Plaintiffs' counsel was fully aware that undersigned counsel is unavailable on that date. In support, Ms. Jones states:

1. Mr. Rudacille is an attorney at Kirk Pinkerton as is one of the District's general counsel. Originally, Plaintiffs scheduled a half-day deposition for Mr. Rudacille to occur on March 1, 2010. Undersigned counsel agreed to that time. Ultimately, Plaintiffs cancelled the deposition.

2. Plaintiffs' rescheduled Mr. Rudacille for a half-day deposition on March 19, 2010 commencing at 1:30 p.m. Undersigned counsel attended that deposition. Plaintiffs' counsel (Mr. Hennessy), however, failed to finish asking questions. While undersigned counsel does not have

a transcript of the deposition, undersigned counsel recalls advising Mr. Hennessy that undersigned counsel had questions to ask Mr. Rudacille.

3. Plaintiffs' counsel's office requested to clear June 1, 2010 for Mr. Rudacille's continued deposition. Undersigned counsel's office advised that June 1 was not available due to an existing vacation. Ultimately, Plaintiffs' counsel's office advised that they intended to proceed with having the deposition on June 1. See Exhibit 1.

4. In response, on April 15, undersigned counsel emailed Mr. Hennessy and requested that he reschedule the deposition. See Exhibit 2. On April 16, undersigned counsel spoke with Mr. Hennessy on the telephone and again requested that he reschedule the deposition.

6. On April 21, Mr. Hennessy served a deposition notice setting Mr. Rudacille's continued deposition on June 1. See Exhibit 3.

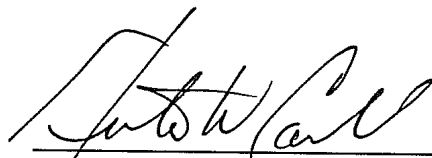
7. The discovery cut-off is September 3, 2010 per the Court's March 22 Order Scheduling Case for Non-Jury Trial.

8. Undersigned counsel leaves for vacation on May 29 and returns on June 7.

WHEREFORE, Defendant Jones requests that the Court enter an order directing Plaintiffs counsel to re-schedule Mr. Rudacille's June 1 deposition, require that Plaintiffs' counsel clear the new date and time with all counsel, and such other relief as the Court deems appropriate.

Respectfully submitted,

MATTHEWS, EASTMOORE, HARDY,
CRAUWELS & GARCIA, P.A.



Hunter W. Carroll, FBN 0297630

1777 Main Street, Ste. 500
Sarasota, FL 34236
hcarroll@matthewseastmoore.com
Telephone: (941) 366-8888
Facsimile: (941) 954-7777

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by electronic mail and First Class U.S. Mail this 23rd day of April, 2010, to:

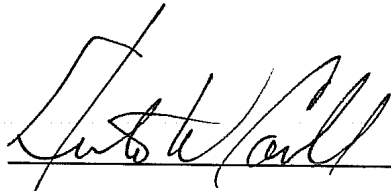
James D. Dye, Esquire
Dye, Deitrich, Ptruff & St. Paul, P.L.
1111 Third Avenue West, Suite 300
Bradenton, FL 34205
jdye@dyefirm.com
Attorney for Defendant, Mary Lou McNulty

Kevin S. Hennessy, Esquire
Lewis, Longman, Walker, P.A.
1001 Third Avenue West, Suite 670
Bradenton, FL 34205
Khennessy@llw-law.com
*Attorney for Plaintiffs, Mary Lou Smith,
and Sharon Denson*

Robert E. Turffs, Esquire
Robert E. Turffs, P.A.
1444 First Street, Suite B
Sarasota, FL 34236
turffs@aol.com
Attorney for Defendant, Joseph Salerno

Daniel E. Scott, Esquire
Daniel E. Scott, P.A.
2033 Main Street, Suite 408
Sarasota, FL 34237
danscott.atty@gte.net
*Attorney for Defendant,
John Vander Molen*

Zac Ross, Esquire
Thomas D. Shults, Esquire
Kirk, Pinkerton, P.A.
50 Central Avenue, Suite 700
Sarasota, FL 34236
zross@kirkpinkerton.com
tshults@kirkpinkerton.com
*Attorney for Defendant, Trailer Estates Park
and Recreation District*



Hunter Carroll

From: Kathy Kosovich
Sent: Thursday, April 15, 2010 11:14 AM
To: Hunter Carroll
Subject: FW: Rudacille Depo

(never mind the attachment - its just our emails to each other)
Do you want to call them? Anything you would like me to do? June 1 you are on vacation and I told her previously you weren't available.

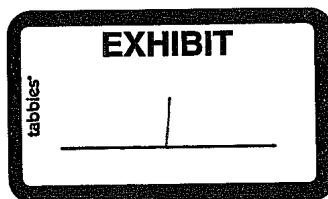
From: Melanie Marken [mailto:mmarken@llw-law.com]
Sent: Thursday, April 15, 2010 11:17 AM
To: Kathy Kosovich
Subject: RE: Rudacille Depo

Kathy, I have been instructed by my attorneys to set it for June 1. I apologize for the inconvenience.

Melanie A. Marken, FRP, CP
Florida Registered Paralegal
Lewis, Longman & Walker, P.A.
1001 Third Avenue West
Suite 670
Bradenton, Florida 34205
Phone: 941-708-4040
Fax: 941-708-4024
mmarken@llw-law.com
www.llw-law.com

Member of the Environmental Law Network

Lewis, Longman & Walker, P.A. is proud to be an ABA-EPA Law Office Climate Challenge Partner. Think before you print!
The information contained in this transmission may be legally privileged and confidential. It is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that you received this communication in error, and that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by reply email and delete the message and all copies of it.

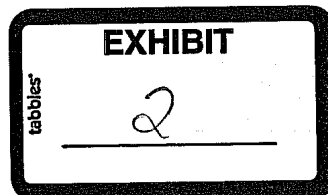


Hunter Carroll

From: Hunter Carroll
Sent: Thursday, April 15, 2010 1:09 PM
To: Kevin Hennessy
Subject: June 1 depo

Kevin: as my office advised before you scheduled Scott's continued deposition, I am on vacation on June 1. Please reschedule. You already had a half day and denied me the ability to ask my questions. It is unfair to ask me to have someone else cover unless you are going to pay to have someone get up to speed. I need to be there.

-- Sent from my Palm Pre



**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.

NOTICE OF CONTINUATION OF DEPOSITION DUCES TECUM

PLEASE TAKE NOTICE that counsel for the Plaintiffs, MARY LOU SMITH and SHARON DENSON, will continue the deposition of the following:

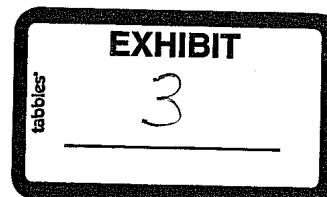
NAME: Scott Rudacille, Esquire

DATE: June 1, 2010

TIME: 1:00 p.m.

PLACE: Kirk Pinkerton
(First Bank Building)
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

Florida Bar No. 0038081

Lewis, Longman & Walker, P.A.

1001 3rd Avenue West, Suite 670

Bradenton, Florida 34205

Telephone (941) 708-4040

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 and Zachary Ross, Esquire**, Kirk Pinkerton, P.A., 50 Central Avenue, Suite 700, Sarasota, FL 34236, by *U.S. First Class Mail*, this 21st day of April, 2010.

cc: US Legal Support (via email)



KEVIN S. HENNESSY, ESQ.

EXHIBIT "A"

Any and all documentation in your possession that have not been previously produced in this matter, regarding Trailer Estates Park and Recreation District, including, but not limited to the following:

1. Any and all email or electronic communications involving you and:
 1. T.J. Miller;
 2. Martha Brauer;
 3. John Vander Molen;
 4. Janet Jones;
 5. Mary Lou McNulty;
 6. Joseph Salerno;
 7. Gail Opper; and
 8. Pamela Cole;

whether in electronic or written format from January 1, 2006, to the present.

2. Any and all written legal opinions, rendered to the District by Kirk Pinkerton, Ruden McClosky, or other counsel to the District or District Board members.
3. Any and all notes, emails and documents related to any District Board meeting or District committee meeting you attended since April 1, 2010.
4. Invoices and billing records from March 2009, to the present to the District for legal services from Kirk Pinkerton.
5. Any and all documents (including but not limited to all notes, memos, recordings, or emails) whether in electronic or written format which discusses or mentions the existence of or action by the District's Executive Committee, Administrative Committee, and/or Executive Board.