

**IN 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 VANDERMOLEN, an individual,  
JOSEPH SALERNO, an individual, and  
MARY LOU MCNULTY, an individual

Defendants.

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**MARY LOU SMITH'S RESPONSES TO THE DISTRICT'S  
REQUEST FOR SUPPLEMENTAL PRODUCTION OF DOCUMENTS**

COMES NOW, Plaintiff, MARY LOU SMITH, by and through undersigned counsel and hereby files her responses to Defendant, TRAILER ESTATES PARK AND RECREATION DISTRICT's Request for Supplemental Production of Documents and Things served on or about July 20, 2010.

**GENERAL OBJECTIONS**

(a) Plaintiff specifically objects to each production request to the extent that it calls for information protected from disclosure and discovery by the attorney-client privilege, the attorney work product doctrine, or any other judicially recognized protections or privileges which make such answer or information not subject to discovery under Rule 1.280(b)(1), *Florida Rules of Civil Procedure* (or Rule 26(b)(1) Federal). To the extent that any privileged or otherwise protected documents are inadvertently disclosed or answered, such disclosure shall not be deemed to constitute a waiver of any such privilege or answer.

(b) Plaintiff specifically objects to each production request to the extent that it is overly broad, vague, ambiguous, unduly burdensome, and/or irrelevant or not reasonably calculated to lead to the discovery of admissible evidence.

### ANSWERS

1. All public records requests made by the Plaintiffs or on behalf of the Plaintiffs. (*#1 from February 3, 2010 request, #4 from February 13, 2009.*)

**Response: Objection: This request is overly broad, vague, ambiguous, and extends beyond the scope of discovery to matters that are irrelevant and are not reasonably calculated to lead to the discovery of admissible evidence. Additionally, any public records request made by the Plaintiffs or their counsel to the District would be in the possession of the District and exists as a public record.**

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. (*#2 from February 3, 2010 request only.*)

**Response: In response to the District's request for all documents referenced in paragraphs 346, 347, 348, 349, 351, 353, 356, 416, 418, 419, 420, 422, 423, 425, 427, and 429, the documents requested were provided to the Plaintiffs by the District as public records and are therefore in possession of the District. Furthermore, based on information and belief, the District retains a set of copies of all documents it provides to Plaintiffs.**

**In response to the District's request for all documents referenced in paragraph 355, to date the Plaintiffs have not been provided these documents as they were never produced by the District.**

**In response to the District's request for all documents referenced in paragraph 433, these documents were produced by the District's counsel and, are therefore in the possession of the District or its counsel.**

**In response to the District's request for all documents referenced in paragraph 434, these documents were produced from the District's office by the District's Records Custodian and are therefore in the possession of the District.**

**In response to the District's request for all documents referenced in paragraphs 436-450, these recordings in the Plaintiffs' possession are recordings of District Board meetings and such recordings are also in the possession of the District.**

**In response to the District's request for all documents referenced in paragraphs 451-465, Board meeting minutes are the District's public records and are in the possession of the District.**

3. Any document reflecting a communication occurring at any time between any of the parties to this action. (*#3 from February 3, 2010 request, #1 from February 13, 2009 request.*)

**Response: Objection: This request is overly broad, vague, and unduly burdensome. Additionally, this request asks for attorney-client privilege and work-product privileged documents. Documents responsive to this request were provided by the District, and hence, are in the District's possession. Further, documents responsive to this request, which were not privileged documents, were made available for inspection and copying on April 21, 2009. Without waiving said objections, Plaintiff will provide documents responsive to this request, that have not been previously produced, except privileged documents at the scheduled document review on August 23, 2010.**

4. Any document reflecting the occurrence of any Sunshine Law violation alleged in your Complaint and amendments thereto. (*#4 from February 3, 2010 request, #2 from February 13, 2009 request.*)

**Response: Objection: This request asks for attorney-client and work product privileged documents. Documents responsive to this request were provided by the District, and hence, are in the District's possession. Further, documents responsive to this request, which were not privileged documents, were made available for inspection and copying on April 21, 2009. Without waiving said objections, Plaintiff will provide documents responsive to this request, that have not been previously produced, except privileged documents at the scheduled document review on August 23, 2010.**

5. Any document reflecting the occurrence of any public records law violation alleged in your Complaint and amendments thereto. (*#5 from February 3, 2010 request, #3 from February 13, 2009 request.*)

**Response: Objection: This request asks for attorney-client privilege documents. Documents responsive to this request were provided by the District, and hence, are in the District's possession. Further, documents responsive to this request, which were not privileged documents, were made available for inspection and copying on April 21, 2009. Without waiving said objections, Plaintiff will provide documents responsive to this request, that have not been previously produced, except privileged documents at the scheduled document review on August 23, 2010.**

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 nonparties, memorandums or notes, whether or not disseminated to any other person. (*#6 from February 3, 2010 request, #5 from February 13, 2009 request.*)

**Response: Objection: This request asks for attorney-client and work product privileged documents. Documents responsive to this request were provided by the District, and hence, are in the District's possession. Further, documents responsive to this request, which were not privileged documents, were made available for inspection and copying on**

**April 21, 2009. Without waiving said objections, Plaintiff will provide documents responsive to this request, that have not been previously produced, except privileged documents at the scheduled document review on August 23, 2010.**

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, emails, letters to parties or non-parties, memorandums or notes, whether or not disseminated to any other person. (#7 from February 3, 2010 request, #6 from February 13, 2009 request.)

**Response: Objection: This request asks for attorney-client and work product privileged documents. Documents responsive to this request were provided by the District, and hence, are in the District's possession. Further, documents responsive to this request, which were not privileged documents, were made available for inspection and copying on April 21, 2009. Without waiving said objections, Plaintiff will provide documents responsive to this request, that have not been previously produced, except privileged documents at the scheduled document review on August 23, 2010.**

8. Any audio tape or recording of the voice of any defendant in this action, or any Trustee or former Trustee of the District. (#8 from February 3, 2010 request, #7 from February 13, 2009 request.)

**Response: Objection: This request asks for work product privileged documents. Further, all recordings responsive to this request, which were not privileged documents, were made available for inspection and copying on April 21, 2009. Any recordings Plaintiff possesses are of District Board meetings which are also in the District's possession, and as such, need not be produced. The Plaintiff does not possess any other audio tapes responsive to this request.**

9. All photographs or videotapes of the exterior or interior of the Trailer Estates Park and Recreation District office. (#9 from February 3, 2010 request, #8 from February 13, 2009 request.)

**Response: Objection: This request asks for work product privileged documents. Further, documents responsive to this request, which were not privileged documents, were made available for inspection and copying on April 21, 2009.**

10. All documents reflecting the incurrance of any cost or fee for which you are seeking reimbursement in this action. (#10 from February 3, 2010 request, #9 from February 13, 2009 request.)

**Response: Objection: This asks for work product and attorney client privileged documents. Further, this request is unduly burdensome, ambiguous and overly broad as it could potentially include each and every document contained in Plaintiffs' counsel's files. Additionally, the court determined the issue of fees and costs was not relevant until a determination of entitlement to fees and/or costs has been made.**

11. Any document reflecting a communication between any of the parties in this action and Mike Neal or Tom Featheringill. (#11 from February 3, 2010 request, #10 from February 13, 2009 request.)

**Response: Objection: This request is overly broad, vague, ambiguous, and extends beyond the scope of discovery to matters that are not relevant and could not be reasonably calculated to lead to discovery of admissible evidence. Mary Lou Smith is a nurse, and thus may have had confidential communications concerning the medical conditions of herself, Mike Neal, Tom Featheringill and/or their spouses. Further, documents responsive to this request, which were not privileged, were made available for inspection and copying on April 21, 2009.**

Without waiving said objections, documents responsive to this request were provided by the District, and hence, are in the District's possession. Plaintiff will provide documents responsive to this request, that have not been previously produced, except those documents which are privileged or confidential at the scheduled document review on August 23, 2010.

12. Any audio tape or recording of the voice of Mike Neal or Tom Featheringill. (#12 from February 3, 2010 request, #11 from February 13, 2009 request.)

**Response: Objection: This request is overly broad, vague, ambiguous, and extends beyond the scope of discovery to matters that are not relevant and could not be reasonably calculated to lead to discovery of admissible evidence. Without waiving said objections, the Plaintiff does not possess any audio tapes responsive to this request. Any recordings Plaintiff possesses are of District Board meetings which are also in the District's possession, and as such, need not be produced.**

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. (#13 from February 3, 2010 request, #12 from February 13, 2009 request.)

**Response: Objection. Not relevant or reasonably calculated to lead admissible evidence. Further, this request only serves to annoy, embarrass, and harass the Plaintiff. Without waiving said objections, the Plaintiff has not been a party to any other lawsuit or criminal proceeding.**

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. (#14 from February 3, 2010 request, #13 from February 13, 2009 request.)

**Response: Objection: This request extends beyond the scope of discovery to matters that are not relevant and could not be reasonably calculated to lead to discovery of**

**admissible evidence. Without waiving such objections, the Plaintiff has never been a candidate for any office with the District.**

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. (#15 from February 3, 2010 request, #14 from February 13, 2009 request.)

**Response: Objections: This request extends beyond the scope of discovery to matters that are not relevant and could not be reasonably calculated to lead to discovery of admissible evidence. Without waiving such objections, the Plaintiff has never been a candidate for any office with the 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. (#16 from February 3, 2010 request.)

**Response: Objection: This request asks for attorney-client and work-product privileged documents.**

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

**Response: Objection: This request asks for attorney-client and work-product privileged documents. (#17 from February 3, 2010 request.)**

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. (#18 from February 3, 2010 request.)

**Response: Objection: This request asks for attorney-client and work-product privileged documents. Further, documents which were not privileged documents were produced at the deposition of Melanie A. Marken.**

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;

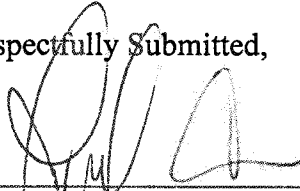
c. The request, production or inspection of public records by Melanie A. Marken; and

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.

(#19 from February 3, 2010 request.)

**Response: Objection: This request asks for attorney-client and work-product privileged documents. Further, documents which were not privileged documents were produced at the deposition of Melanie A. Marken.**

Respectfully Submitted,

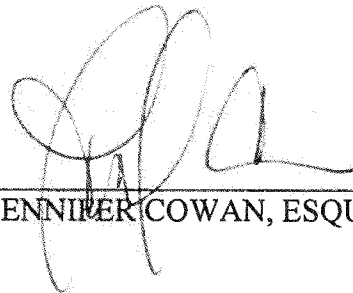


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**CERTIFICATE OF SERVICE**

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, **Kurt E. Lee, Esquire**, Kirk Pinkerton, P.A., 50 Central Avenue, Suite 700, Sarasota, FL 34236, by *U.S. Mail*, this 19<sup>th</sup> day of August, 2010.



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JENNIFER COWAN, ESQUIRE