

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.

**NON-PARTIES JANET JONES', JOHN VANDER MOLEN'S, MARY LOU
MCNULTY'S, AND JOSEPH SALERNO'S MOTION FOR PROTECTIVE ORDER**

Non-parties Janet Jones, John Vander Molen, Mary Lou McNulty, and Joseph Salerno (collectively, "Former Individual Defendants") move for a protective order relating to the "duces tecum" portion of the Subpoena Duces Tecum for Trial served on each of them on or about September 10, 2010. In support, the Former Individual Defendants state:

1. Ms. Jones, Mr. Vander Molen, Ms. McNulty, and Mr. Salerno formerly were defendants in the above referenced litigation.
2. On Tuesday, September 7, 2010, Plaintiffs executed a stipulation that dismissed the Former Individual Defendants from this litigation. The Court approved that stipulation by order on the same date.
3. On or about Thursday, September 9, 2010, Defendant Trailer Estates Park and Recreation District served on Ms. Jones, Mr. Vander Molen, and Ms. McNulty identical Subpoena Duces Tecum for Trial (the "Subpoena"). The duces tecum portion of the Subpoena

purports to required each individual to bring with him or her to trial:

1. Any and all documents which constitute an agreement between you and Plaintiffs, or any one of them, to settle all or part of the claims made against you or which could have been made against you in this action.
2. Any and all documents which were executed by any of the Plaintiffs, Plaintiffs' agents, or Plaintiffs' attorneys as part of any agreement to settle, in whole or in part, Plaintiffs' claims made against you or which could have been made against you in this action, including, but not limited to, releases and indemnification agreements.

A copy of the Subpoena directed to Ms. Jones is attached as Exhibit A. Mr. Salerno anticipates receiving a similar Subpoena in the future.

4. Within the confines of a Court Ordered mediation, the Plaintiffs and the Former Individual Defendants executed a settlement agreement, the terms of which are confidential. Defendant Trailer Estates Park and Recreation District was not a party to that agreement.

5. Each of the Former Individual Defendants assert the confidential nature of that settlement and request a protective order from the "duces tecum" portion of the Subpoenas. The Former Individual Defendants do not object to that portion of the Subpoenas requiring their presence for testimony at trial.

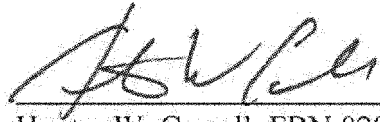
6. Florida Rule of Judicial Administration 2.420(d) is not implicated by this motion for protective order.

WHEREFORE, Ms. Jones, Mr. Vander Molen, Ms. McNulty, and Mr. Salerno each requests that the Court enter a protective order quashing the "duces tecum" portion of the

Subpoena Duces Tecum.

Respectfully submitted,

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



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Sarasota, FL 34236
hcarroll@matthewseastmoore.com
Telephone: (941) 366-8888
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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 13th day of September, 2010, to:

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

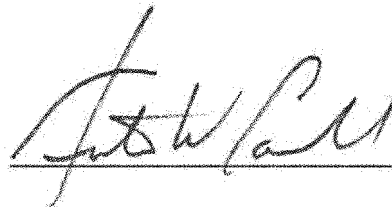
Kevin S. Hennessy, Esquire
Lewis, Longman, Walker, P.A.
1001 Third Avenue West, Suite 670
Bradenton, FL 34205
Khennessy@llw-law.com
*Attorney for Plaintiffs, Mary Lou Smith,
and Sharon Denson*

with courtesy copies to:

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Attorney for Non-party John Vander Molen

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Attorney for Non-party Mary Lou McNulty



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.

SUBPOENA DUCES TECUM FOR TRIAL

Date: 9-29 Time: 7:25 p.m.
A TRUE COPY
MLZ/ 031 - 12th Circuit
STZ/ 283 - 12th Circuit
SW/ 353 - 12th Circuit
SZ/ 613 - 12th Circuit
DS/ 612 - 12th Circuit

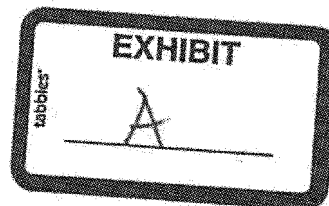
THE STATE OF FLORIDA:

TO: Janet Jones
2216 Pennsylvania Avenue
Bradenton, Florida 34207
(941) 756-0475

YOU ARE HEREBY COMMANDED to appear before the Honorable Janette Dunnigan,
Judge of the Circuit Court, at the Manatee County Judicial Center, 1051 Manatee Avenue West,
Bradenton, Florida 34206, on October 4, 2010, at 9:00 a.m., to testify in this action, and to have
with you at that time and place the following:

1. Any and all documents which constitute an agreement between you and Plaintiffs, or any one of them, to settle all or part of the claims made against you or which could have been made against you in this action.

1



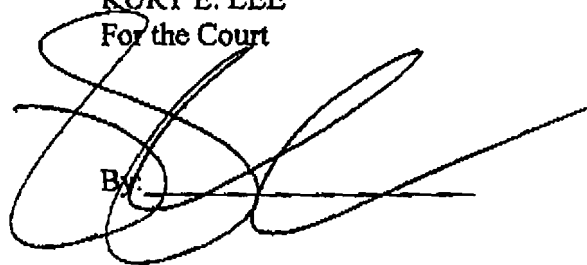
- 2. Any and all documents which were executed by any of the Plaintiffs, Plaintiffs' agents, or Plaintiffs' attorneys as part of any agreement to settle, in whole or in part, Plaintiffs' claims made against you or which could have been made against you in this action including, but not limited to, releases and indemnification agreements.

If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED on this 9th day of September, 2010.

KURT E. LEE
For the Court



Kurt E. Lee, Esq.
Florida Bar No. 0983276
KIRK • PINKERTON, P.A.
50 Central Avenue, Suite 700
Sarasota, Florida 34236
(941) 364-2447 Telephone
Attorneys for Trailer Estates
Park and Recreation District

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Manatee County Jury Office, P.O. Box 25400, Bradenton, FL 34206, or call (941) 741-4062, within two (2) working days of your receipt of this Subpoena. If you are hearing impaired, call 711 (TDD).

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