

1 there's probably an indentation there.

2 Q And at the time you -- you say you received
3 this letter, you also owned the property on Tarpon;
4 correct?

5 A That's correct.

6 Q And you also owned the property on Illinois;
7 correct?

8 A Yes, I owned all three at the time I believe.
9 On two thousand -- yes, I know I did. (Nods head up
10 and down.)

11 Q Now you -- you got this letter, and then you
12 threw it away; right?

13 A Uh-huh.

14 Q You have to answer out loud.

15 A Yes.

16 Q Why did you throw it away?

17 A Because I had called my sister to take care of
18 it. I mean, it's like anything else, I get a notice of
19 something, I take care of it and I don't -- I don't
20 retain those things. I didn't.

21 Q All right. So you -- you got this letter.
22 How -- how -- how quickly did you throw away the letter
23 after you received it?

24 MR. HENNESSY: And by, "you," do you mean her?

25 MR. SHULTS: Yes.

1 MR. HENNESSY: Okay.

2 THE DEPONENT: Okay. I --

3 BY MR. SHULTS:

4 Q I mean, was it -- did somebody else --

5 A Right, I -- I think my husband threw the
6 letter away. I don't know that I threw it away.

7 Q Well, wait. First of all you said you threw
8 it away, now it's your husband throwing it away?

9 A It was -- it got thrown away immediately. It
10 was -- it was -- this was 2005. I didn't think there
11 was any -- I mean, I -- it was a -- it was something to
12 me that I got this notice, there was a problem, I
13 called my sister, said take care of the problem. The
14 letter had no value. The letter had no -- had no use
15 to me. I mean, I just -- I just -- whoever, my husband
16 or I, one of us pitched it. I don't remember who
17 pitched it. When I went to look for it when she told
18 me in the office that she had trouble accessing it, I
19 went to look for it and it had been thrown away. I may
20 have thrown it away, he may have thrown it away; I have
21 no idea.

22 Q Well, how much time passed between you
23 receiving the letter and your sister getting back to
24 you with the report of -- of her investigation
25 regarding the letter?

1 A A day probably. I don't know that she got
2 back to me on the same day --

3 Q All right.

4 A -- I called her, I don't remember.

5 Q But would it be fair to say that she either
6 got back to you that very same day you received the
7 letter or the day after you received the letter?

8 A Probably.

9 Q So you -- you may have thrown the letter away
10 on the very same day you got it; right?

11 A Yes. I -- whoever threw it away, we -- we got
12 it, we addressed it, and -- and the letter was --
13 was --

14 Q Well --

15 A -- of no value at that time.

16 Q Your -- how did you address it?

17 A I called my sister (indicating) to take care
18 of the problem.

19 Q Okay. And your sister came back and said that
20 she had taken care of the problem?

21 A She said she went to the office. She said she
22 didn't see the complaint. She said that TJ, the office
23 manager, records custodian, told her to look in the
24 ditch.

25 You're asking me more? I don't want to be

1 answering more than you're asking, but --

2 Q You -- and you -- and your sister got back
3 with you and said there's nothing wrong with the ditch?

4 A She got back with me before she went to the
5 office. She called -- I --

6 I got the letter. I called my sister. I
7 said, there's a problem at Arizona, can you take care
8 of it. She said, sure.

9 She called me back. I don't know if she
10 called me back that day, the next day; I don't know
11 when she called me back, but she called me back and
12 said, I've been over to Arizona and looked at it and I
13 can't see any problem. So then I said, why don't you
14 just go to the office and look at their copy of the
15 letter and see specifically what it is the -- what the
16 problem is so you can take care of it.

17 Q Why would the copy of the letter say anything
18 different from your copy of the letter?

19 A I didn't have my copy when she called me back.

20 Q Well --

21 A I didn't know there was a problem. I just
22 called her and said do it.

23 Q All right. So you threw the letter away
24 before your sister called you back?

25 A That's correct.

1 Q So you threw the letter away before you knew
2 whether or not it was a problem?

3 A I assumed it was a problem since I got the
4 letter. I -- there had been a problem identified by
5 the park. I was interested in correcting the problem.
6 The -- I hadn't -- this is the first dealing I had had
7 with the park whatsoever, this was the first dealing I
8 had with the park. I assumed there was a problem and I
9 assumed I was expected to take care of it. I called
10 the person who was taking care of my properties and
11 said, could you take care of this, there's somewhat of
12 a problem, could you take care of it.

13 Somewhere in that, the letter just was
14 discarded because I figured it was taken care of.

15 Q The -- but you asked your sister to go to the
16 park office, and I -- did you say go to the park office
17 and look at the letter?

18 MR. HENNESSY: Objection, asked and answered.

19 BY MR. SHULTS:

20 Q Is that what you told your sister to do?

21 A I had discarded my letter. I said, go to the
22 office and look at their copy.

23 Q How do you know that what you received
24 actually came from the District?

25 A It had a Trailer Estates return address on it.

1 It was a Trail -- I -- I've had -- well, since then
2 I've had other -- other times when I've had -- needed
3 grass mowed or something and I -- I've had -- that was
4 the first one I'd ever gotten. So it --

5 Q Okay. But how do you know --

6 A My sister -- okay.

7 Q How do you know somebody at Trailer Estates
8 actually sent you this letter as opposed to somebody
9 else sending you a letter with a return address of the
10 Trailer Estates Office?

11 A It was an official envelope from Trailer
12 Estates with their printed return address.

13 Q But we can't see that, what you actually got
14 because you threw it away; right?

15 A When my sister went to the office, the office
16 manager responded, look in the ditch.

17 Q Let me show you what I've marked as Exhibit
18 Four (handing document). Exhibit Four is a three-page
19 document. Do you recognize this document?

20 A I've seen it before.

21 Q Where have you seen it?

22 A My sister showed it to me when she got it.

23 Q Now, the -- the first page on Exhibit Four is
24 -- contains a Manatee County Government business card
25 and it has some notes and handwriting on it.

1 A Yes.

2 Q Where did this Manatee Government business
3 card from come from?

4 A I don't know, this is not my -- this has
5 nothing to do -- none of this has anything to do
6 with me.

7 Q All right. So your sister lives at 1630 -- 13
8 Illinois Avenue?

9 A Yes.

10 Q Why did your sister provide this Exhibit Four
11 to you?

12 MR. HENNESSY: Objection.

13 THE DEPONENT: Well --

14 MR. HENNESSY: You just provided it to her.

15 THE DEPONENT: Yeah. I --

16 BY MR. SHULTS:

17 Q I --

18 A I'm not --

19 Q I thought you said that you -- your sister had
20 these documents and that's how you -- maybe I
21 misunderstood.

22 A My sister was having a drainage ditch issue on
23 her property.

24 Q Okay. And what is your address on -- at
25 sixteen -- what is your address on Illinois?

1 A 1603.

2 Q And where is that in relation to your sister's
3 address?

4 A Six houses down.

5 Q All right. Are any of these notes on the
6 first page of Exhibit Four your handwriting?

7 A No. (Shakes head from side to side.)

8 Q Let me show you what I've marked as Exhibit
9 Five (handing document). Does Exhibit Five have any of
10 your handwriting on it?

11 A Yes, it does.

12 Q Is the handwriting, other than the signature
13 on it, all of your handwriting?

14 A Yes.

15 Q When did you place these notes on Exhibit
16 Five?

17 A I don't know.

18 Q Before I ask you any more questions about
19 Exhibit Five, have you ever received a citation or
20 correspondence from either the District or the County
21 which suggested that any of the drainage swales or
22 ditches on any of your properties was substandard?

23 MR. HENNESSY: Objection.

24 BY MR. SHULTS:

25 Q Or needed to be corrected?

1 MR. HENNESSY: Objection to the form.

2 You can answer if you understand the question.

3 THE DEPONENT: Well, right, I'm -- I'm trying
4 to -- can you ask it again --

5 BY MR. SHULTS:

6 Q Okay.

7 A -- or rephrase it?

8 Q All right. Well, let me refer specifically to
9 Exhibit Five. This is an August 8th, 2008 letter to
10 you from Mr. Neal.

11 A That's correct.

12 Q Correct?

13 MR. HENNESSY: Object -- no.

14 THE DEPONENT: Oh.

15 MR. HENNESSY: It's August 8th, 2006.

16 BY MR. SHULTS:

17 Q I'm sorry.

18 A Oh.

19 Q 2006 from Mr. Neal; correct?

20 A Yes.

21 Q All right. Do you remember receiving this?

22 A I don't remember -- I don't have any specific
23 recollection about seeing it.

24 Q Do you believe that today is the first time
25 you've seen this document?

1 A No. I wrote on it.

2 Q Is that your correct Michigan address on this
3 document?

4 A Yes.

5 Q But you don't remember receiving this in
6 August of 2006?

7 A I'm -- I'm not saying I didn't receive it.
8 I'm just saying it doesn't stand out in my mind in any
9 way as receiving it.

10 Q All right. Would this be the type of document
11 that you would throw away after you received it?

12 A I may or may not.

13 Given -- given what I went through in 2005, I
14 probably didn't throw away any of them after that.

15 Q Well, let's go back to that 2005 event. You
16 say -- was your -- was your house on Arizona up for
17 sale at the time?

18 A Yes.

19 Q All right. Did you in fact sell it?

20 A Yes.

21 Q Was there any difficulty in the sale caused by
22 this letter that you believed you received from the
23 District?

24 A There was a potential for -- for a problem if
25 the issue had not been taken care of.

1 Q Did it cause you any problems in selling your
2 Arizona property, this letter that you believe you got
3 from the District?

4 A The letter that I did get, we took care of the
5 problem to Mr. Fulmer, Trustee's satisfaction, and
6 there was no -- it did not create a problem for the
7 closing of the house.

8 Q All right. Tell me how you took care of the
9 problem to Mr. Fulmer's satisfaction?

10 A My sister went over after the records
11 custodian had told her to look in the ditch and the
12 only thing she could find was a large bush growing on
13 the side of the ditch with -- with branches hanging
14 over the ditch, not even touching the ground, and she
15 cut the bush down. That's the only thing she could see
16 that had anything to do with the ditch. She cut it
17 down.

18 She told me she went to see Mr. Fulmer;
19 Mr. Fulmer said, yes, that took care of the problem.

20 Q Did she ask Mr. Fulmer for a copy of the
21 letter; do you know?

22 A I do not know.

23 Q What was it about the bush in the swale?

24 A I don't know. That's an excellent question.
25 I don't know the answer. There was no blockage of the

1 -- of flow of water in the ditch by the bush.

2 Q Did your -- was it your understanding your
3 sister had unilaterally made the determination to cut
4 down that bush, or did your sister talk to somebody and
5 that person say, look, you need to cut down this bush?

6 MR. HENNESSY: Objection to the form.

7 THE DEPONENT: My sister -- the records
8 custodian told my sister to go look in the drainage
9 ditch. My sister told me that she went and looked
10 in the ditch. The only thing on my property that
11 was anywhere near the ditch was that bush, so they
12 removed it.

13 BY MR. SHULTS:

14 Q Let's go back to Exhibit Five, this
15 August 8th, 2006 letter.

16 When did you make the notes on this letter?
17 Was it back in August of 2006?

18 MR. HENNESSY: Objection to the form.

19 THE DEPONENT: I -- I don't remember.

20 BY MR. SHULTS:

21 Q You say that, Unless someone came up the
22 canal, it would have required trespassing on my
23 property or someone else's to see the backyard. Do you
24 see that?

25 A Yes.

1 Q All right. So, I mean, your neighbor could be
2 in their backyard and -- and see your backyard; right?

3 A Yes, they could.

4 Q Okay. And how did you take care of the -- the
5 weeds in your backyard that -- in response to this
6 letter, or did you do anything in response to the
7 letter?

8 A Yes.

9 Q What did you do?

10 A I -- I try to take care of my property. I had
11 a -- a person who was taking care of my yard, I
12 contacted them to go and fix it.

13 Q All right. So would it be fair to say that
14 the back and side lawn needed mowing in August of 2006?

15 MR. HENNESSY: Objection to the form.

16 THE DEPONENT: I did not see it. I was not
17 there.

18 BY MR. SHULTS:

19 Q Was your sister there?

20 A No.

21 Q Did you ask anyone to go over and look at your
22 back and side lawns to see if it needed mowed?

23 A No. I called someone and had it mowed.

24 Q All right. So --

25 A Or had it taken care of, whatever it was.

1 Q Do you -- do you have knowledge of any fact
2 that would suggest that your back and side lawns didn't
3 need to be mowed on August 8th, 2006?

4 A Oh, I had a lawn person who was supposed to
5 have been taking care of it, and when -- you know, when
6 I was there -- when I did -- I drove my mother to
7 Florida in -- which would have been probably a month
8 from this date, and I know that across the street from
9 my house the weeds were very tall, like probably a foot
10 tall, and there had been no care to them whatsoever.

11 Q Was the guy who took care of the lawn across
12 the street the same guy who took care of your lawn?

13 A No.

14 Q All right. Did you talk to the man who took
15 care of your lawn in August of '06 about this letter
16 you received?

17 A I did not. I -- we just -- we just told
18 whoever it was to go and look and whatever's there,
19 take care of it.

20 Q All right. Well -- and you know that the
21 District, if somebody -- somebody's lawn gets too high,
22 the District does send this type of letter to people?

23 A That's correct.

24 Q I mean --

25 A I'm just wondering why they didn't send it to

1 the people across the street.

2 Q Well, how do you know they didn't?

3 A I don't know.

4 Q You don't know whether or not they did?

5 A No, I just know that the lawn consistently
6 looked that way.

7 Q Okay. So they may have received a letter and
8 were ignoring it?

9 A Could be.

10 Q You say retaliation here.

11 A I wasn't liked very well at this point because
12 of all the questions that I was asking in terms of the
13 -- of the authority to charge fees and so on, asking
14 the District to -- to get an attorney opinion, doing
15 this kind of thing.

16 MR. HENNESSY: Excuse me.

17 THE DEPONENT: And I -- there's a question
18 mark there. I -- it crossed my mind.

19 BY MR. SHULTS:

20 Q Do you know of any fact that would suggest
21 that this August 8th, 2006 letter was written in
22 retaliation for something you did?

23 A No. No. That's why I just put a question
24 mark there, I -- it crossed my mind, that's -- that's
25 the only --

1 Q Let me show you what I've marked as Exhibit
2 Six (handing document) for your deposition. It's a
3 document labeled, Litigation Assessment Private Session
4 With District Counsel. Do you see that, ma'am?

5 A Yes.

6 Q Do you know whether or not you have seen this
7 document prior to today?

8 A This document -- this document I believe was
9 posted on the bulletin board.

10 Q Did you see it on the bulletin board?

11 A Yes.

12 Q When did you see it?

13 A I don't -- one of the times I was walking past
14 the bulletin board.

15 Q All right.

16 A I don't know the specific date.

17 Q Could you have seen this document on or before
18 January 5th, 2009, on the bulletin board?

19 A Yes.

20 Q Did you in fact see it on or before
21 January 5th, 2009?

22 A I do not recall the date I saw it. I -- I --
23 I remember seeing it on the bulletin board. I do not
24 know when.

25 THE VIDEOGRAPHER: The time is now 11:55 A.M.

1 We're going off the record.

2 We're off.

3 (A lunch break was taken, following which
4 Mr. John Vander Molen was not in attendance.)

5 THE VIDEOGRAPHER: The time is now 1:08 P.M.

6 We're back on the record. This is the beginning of
7 Tape Three.

8 BY MR. SHULTS:

9 Q Let me show you what I've marked (handing
10 document) as Exhibit Seven to your deposition. Do you
11 recognize this document?

12 A No.

13 Q Have you seen this document before?

14 A The only time I might have seen it is I think
15 you had it with my (indicating) sister's deposition,
16 and I mean I may -- as you passed it along I may have
17 -- I've never read it before.

18 Q Have you ever seen this document prior to your
19 sister's deposition?

20 A No.

21 Q Do you know who prepared this document?

22 A I --

23 Q Who wrote it?

24 A No.

25 Q Has anyone told you who they think wrote it?

1 A No.

2 Q So when -- when you saw this at your sister's
3 deposition, that's the first time you've ever -- even
4 knew that this document existed?

5 MR. HENNESSY: Objection; form, misstates
6 prior testimony.

7 THE DEPONENT: Right, yeah, that's not what I
8 said.

9 BY MR. SHULTS:

10 Q When did you first become aware that this
11 document existed, Exhibit Seven?

12 A Sharon called me and told me that -- that --
13 that this was around the park and she was really
14 disgusted. And she read it to me at that -- I was in
15 Michigan, she was -- she was down here but --

16 Q Do you recall what year this was?

17 A No. I think it was a couple years ago, I
18 don't -- I don't -- I don't recall.

19 Q Did your sister indicate who she thought
20 authored the document?

21 A No.

22 Q Do you know who the document was directed to?

23 A Martha.

24 Q How do you know that?

25 A Because that's what Sharon told me.

1 Q How did Sharon know?

2 A I think it was read at a Board meeting or
3 shown at a Board meeting or something.

4 Q Have you ever been in possession of a document
5 that you believe was a public record and because of
6 that you turned it in to the District Office?

7 A I -- can you be more specific? I don't --
8 that doesn't bring anything to mind.

9 Q Let me show you what I've marked as (handing
10 document) Exhibit Eighteen to your deposition. Do you
11 recognize this letter from Mr. Ursini which is dated
12 May 18th, 2006?

13 A I've seen it before.

14 Q What --

15 MR. HENNESSY: Tom, just to be clear, we're
16 referring to this -- this has got an Exhibit
17 Eighteen sticker on it?

18 MR. SHULTS: Yes.

19 MR. HENNESSY: And so you're referring to it
20 as Exhibit Eighteen, taking it out of order?

21 MR. SHULTS: Yes.

22 MR. HENNESSY: Okay.

23 MR. MILLER: Oh, excuse me. Sorry.

24 BY MR. SHULTS:

25 Q Did there come a point in time where you

1 obtained a copy of Mr. Ursini's May 18th, 2006 letter?

2 A His -- are you talking about --

3 Q This letter that we --

4 A -- a legal opinion or are you talking about --
5 I'm not sure what you're talking about.

6 Q What I'm talk --

7 A Mr. Ursini had -- there were several things
8 from Mr. Ursini.

9 Q All right. I'm talking specifically about
10 what you have in your hand right now, which is --

11 MR. HENNESSY: This one-page document?

12 MR. SHULTS: Yes.

13 THE DEPONENT: Yeah.

14 BY MR. SHULTS:

15 Q Which is this May 18th, 2006 letter.

16 A Okay. Yes.

17 Q Now --

18 A I mean -- I'm holding this in -- this letter
19 in my hand.

20 Q Yes.

21 A Okay.

22 Q Have you seen this letter before?

23 A I've seen it before, yes.

24 Q Now there's a note on the bottom of it in
25 handwriting. Do you know whose handwriting that is?

1 A No, I don't.

2 Q It says, Turned in by Mary Lou Smith.

3 A I -- I -- right. It's not my handwriting; I
4 have no idea whose it is.

5 Q All right. Did you turn in a copy of
6 Mr. Ursini's May 18th, 2006 letter to the District
7 Office?

8 A Not to my knowledge.

9 I don't know -- 8/21 -- I would have turned
10 this in supposedly 8/21/07? I mean, is -- I -- I -- I
11 don't know what this is about.

12 MR. HENNESSY: No. You've answered the
13 question.

14 Tom, the document says it's addressed to
15 Mary Lou McNulty, but it says it's regarding
16 Mary Lou Smith.

17 MR. SHULTS: Correct.

18 MR. HENNESSY: Okay. Well, it seems to me
19 you're just trying to confuse things, but go ahead.

20 BY MR. SHULTS:

21 Q No, no, I'm just -- I'm just wondering if you
22 ever -- were ever provided a copy of this letter?

23 MR. HENNESSY: I just --

24 THE DEPONENT: Not to my knowledge.

25 - - - - -

1 BY MR. SHULTS:

2 Q All right.

3 A I don't know why I would have ever had a copy
4 of this or would ever have turned it in to the office.

5 Q Let me show you what I've marked as (handing
6 document) Exhibit Nine to your --

7 A Okay.

8 Q -- deposition.

9 MR. SHULTS: And by the way for the record,
10 there is no Exhibit Eight. We have skipped Exhibit
11 Eight, and there is no Exhibit Eight.

12 MR. HENNESSY: Okay. But there's an Exhibit
13 Eighteen.

14 MR. SHULTS: That's right.

15 MR. HENNESSY: Okay.

16 BY MR. SHULTS:

17 Q Ma'am, do you recognize Exhibit Nine as a
18 copy of your September 18th, 2006 e-mail to
19 Mr. Featheringill?

20 A Yes, I recognize this.

21 Q Now when you wrote this letter -- this e-mail
22 to Mr. Featheringill, he had already been appointed to
23 be a Trustee by the Board; isn't that right?

24 A He had been appointed by the Board, there was
25 a nameplate at a position at the table on the Board,

1 and he had -- was not getting information from the
2 Board as though he were a Board member.

3 (Whereupon, Mr. Miller exits the deposition
4 room.)

5 BY MR. SHULTS:

6 Q All right.

7 A I was totally unclear as to whether or not he
8 was a Board member.

9 Q But when you wrote this e-mail on
10 September 18th, '06, you knew that he had been
11 appointed as a Trustee?

12 A I don't recall the -- the date he was
13 appointed as a Trustee. I -- I don't know that. I
14 don't know when he was appointed as a Trustee.

15 Q Do you know what year he was appointed?

16 A Yes, he was appointed in two thousand -- late
17 2006.

18 September 18th.

19 Q Well, I believe you said a moment ago that
20 Mr. Featheringill had been appointed to the Board, but
21 you believed he wasn't receiving information --

22 A Well, he -- I'm sorry.

23 Q -- that he wasn't receiving information like
24 other Board members were receiving?

25 A I don't know when he was appointed to the

1 Board in relation to the date Monday, September 18th; I
2 don't know if he had been appointed to the Board or not
3 on Monday, September 18th. I don't remember the date
4 he was appointed.

5 Q All right. Now in your introduction or your
6 first sentence of your e-mail you say, I'm blown away
7 by your comment last night. See that?

8 A Uh-huh.

9 Q You have to answer out loud.

10 A Oh, yes; yes, I see that.

11 Q Was -- was that a comment that he made to you
12 during conversation?

13 A Yes. He -- it was a comment he made to me; I
14 don't remember how he made it to me.

15 Q Now where were you physically located when you
16 wrote this September 18th e-mail?

17 A In Michigan.

18 Q And where was he?

19 A In Indiana.

20 Q And how did you have a conversation with him,
21 by what means?

22 A I don't remember. It was either by telephone
23 or e-mail, but I don't remember.

24 Q All right. Who were -- who else was present
25 for this conversation that you refer to in your

1 September 18th e-mail?

2 A I -- I don't remember.

3 Q What do you remember Tom's comment to be about
4 concerning Pam?

5 A Tom's comment to me was that she was unable to
6 -- she was the Treasurer and she was unable to access
7 the financial records in the park.

8 Q Now did Tom call you --

9 A I don't --

10 Q -- or did you call him?

11 A I do not remember.

12 Q Was your sister a party to this conversation?

13 A No.

14 Q When did you first meet Tom Featheringill?

15 A The first time I ever -- the first time I ever
16 saw Tom Featheringill -- I don't know if you'd call
17 that the first time I met him, because I didn't meet
18 him the first time I saw him.

19 Q Well, I -- when did you first meet him?

20 A I first knew who he was in the fall of 2006.
21 I first -- I first was able to put the name with the
22 face and say, I'm Mary Lou Smith --

23 Q So --

24 A -- you're Tom Featheringill.

25 Q So when you had your conversation with

1 Mr. Featheringill in September, you had not yet met him
2 face-to-face?

3 A That's correct.

4 Q And how was it that you two ended up having a
5 conversation in September?

6 A When I was at the Board meeting March 20th of
7 2006, asking the Board about their authority to charge
8 fees, Mr. Featheringill was also there. And after that
9 time I received a letter from Mr. Featheringill saying
10 when you get an answer to that information, would you
11 please pass it on to me. That's how I met
12 Mr. Featheringill.

13 Q All right. And between that time and this
14 September 18th e-mail, how many times did you and
15 Mr. Featheringill communicate?

16 A I don't know.

17 Q Was it regularly?

18 A I would not say regularly.

19 I don't know what, "regularly," means, I -- I
20 don't know how many times we communicated.

21 Q In the third line of your e-mail, you ask --
22 you ask him, quote, "When did he tell you this," end
23 quote. Do you see that?

24 A Yes.

25 Q Who is the, "he," you're referring to?

1 A I don't know. I don't remember.

2 MR. HENNESSY: Tom, I think if you have her
3 read the sentence, the entire sentence, both
4 sentences, it may explain the situation.

5 BY MR. SHULTS:

6 Q Well, let's go down to the fourth sentence.

7 MR. HENNESSY: Okay.

8 MR. SHULTS: Because --

9 MR. HENNESSY: So you don't want it cleared
10 up, okay.

11 MR. SHULTS: The fourth line.

12 MR. HENNESSY: Okay.

13 BY MR. SHULTS:

14 Q You say, quote, "Did he tell you in
15 confidence," unquote.

16 Does that refresh your recollection as to who
17 you were referring to as, "he?"

18 A I do not remember for sure.

19 Q Now do you think you were referring to a she
20 rather than a he?

21 A It could have been a typo.

22 Q Who is Walt? Do you know a person named Walt?

23 A Walt is Pam's husband.

24 Q All right. But I guess the long and short of
25 it is you don't remember who you were referring to?

1 A It was three years ago.

2 Q So apparently Mr. Featheringill was telling
3 some information conveyed to him by a man and that
4 information concerned Pam?

5 A That's what I get from this.

6 Q All right. Now in the sixth -- sixth line of
7 your e-mail you say, quote, "I am also" -- let me back
8 up for a moment.

9 In the fifth line of your e-mail you say,
10 quote, "I want to act on this information, but don't
11 want it tied to you," unquote.

12 Why is it that you didn't want the information
13 tied to Mr. Featheringill?

14 A Because I was not a popular person in the park
15 as I had said before because of the questions I was
16 asking; people were -- they were not -- I'm trying to
17 be nice here.

18 When anybody in the park would ask a question,
19 it was my experience that instead of the Trustees
20 dealing with the question, the person who asked it got
21 attacked. So not wanting Mr. Featheringill to get
22 attacked or to -- to be -- have something negative
23 associated with him, I had already experienced what it
24 was like and so I offered to do this, to act on it to
25 find out what was happening.

1 I was concerned about the financial accounts.
2 I was concerned about a number of things in the park,
3 as was Mr. Featheringill.

4 Q Further down in your e-mail, you say that TJ
5 should be the one without access to the accounts. Why
6 did you say that?

7 A Because the financial accounts, the finances
8 of the park are the job of the Treasurer. The -- the
9 office manager's job is to run the office, pay the
10 bills and so on. The financial accounts, I just
11 thought it was really, really strange that the
12 Treasurer did not have access to the financial accounts
13 in Trailer Estates. Now you combine this with the
14 other things that were going on at the time with me, I
15 would -- I would -- I would look to check and -- check
16 out one thing and something else would pop up. I would
17 go to check that out and something else would pop up.
18 This is something else that popped up.

19 Q Now you also say in this letter, you convey to
20 Mr. -- Mr. Featheringill your sister's view that TJ is
21 stealing from the park. Isn't that right?

22 A Yes.

23 Q Is that what your sister told you?

24 A Yes.

25 Q When did she tell you that?

1 A I don't know.

2 Q What --

3 A Sometime prior to my writing this -- this
4 e-mail.

5 Q How many times did your sister tell you that
6 she thought TJ was stealing from the park?

7 A Once that I remember.

8 Q And you conveyed this information on to
9 Mr. Featheringill; correct?

10 A Correct.

11 Q Did you have any information at the time you
12 conveyed this information to Mr. Featheringill to in
13 any way suggest that TJ was stealing from the park?

14 A No. It was hearsay on my part.

15 Q Why would you convey a -- a hearsay comment
16 that somebody was a thief to another person?

17 MR. HENNESSY: Objection to the form,
18 argumentative.

19 THE DEPONENT: I was having a discussion with
20 a person. I was having a conversation with
21 somebody.

22 BY MR. SHULTS:

23 Q Well, you go on to say that your sister's
24 opinion was based upon, quote, "her demeanor and her
25 jewelry," unquote.

1 MR. HENNESSY: Wait for a -- wait for a
2 question.

3 BY MR. SHULTS:

4 Q Isn't that what you -- what you wrote?

5 MR. HENNESSY: Objection, document speaks for
6 itself.

7 BY MR. SHULTS:

8 Q Is that what you wrote?

9 A That's what I wrote.

10 Q Is that what your sister said to you?

11 A I don't know that I -- that I quoted her.

12 Q But your sister told you that she thought TJ
13 was stealing because of the type of jewelry TJ wore?

14 MR. HENNESSY: Objection to the form.

15 THE DEPONENT: I -- I wrote what I wrote.

16 BY MR. SHULTS:

17 Q I'm asking what your sister told you. Did
18 your sister tell you that she thought TJ was stealing
19 because of the type of jewelry she wore?

20 MR. HENNESSY: Objection; asked and answered,
21 argumentative.

22 THE DEPONENT: I wrote what I wrote.

23 BY MR. SHULTS:

24 Q That's not my question, ma'am. I'm asking
25 what your sister told you.

1 MR. HENNESSY: It is your question and she's
2 answered the question, Tom.

3 MR. SHULTS: I'm --

4 MR. HENNESSY: And I'm not going to sit here
5 and listen to you badger the witness on something
6 that's irrelevant to what we're dealing with, which
7 is a Public Records and Government in the Sunshine
8 violation.

9 BY MR. SHULTS:

10 Q You wrote in here or at least you wrote to
11 Mr. Featheringill a statement that you said was made to
12 you by your sister; right?

13 A That's correct.

14 Q Is that -- okay. And in this statement, you
15 say that your sister concluded that TJ is stealing,
16 quote, "just by her demeanor and her jewelry," unquote.

17 My question to you is is that what your sister
18 told you?

19 MR. HENNESSY: Objection to the form.

20 THE DEPONENT: I'm not sure why you keep
21 asking me. I -- I wrote in the memo what I wrote.
22 I didn't make it up. I wrote about a conversation
23 I had had with my sister.

24 BY MR. SHULTS:

25 Q Uh-huh. And you agreed with your sister's

1 assessment of TJ; didn't you?

2 MR. HENNESSY: Objection to the form.

3 THE DEPONENT: I had my concerns about TJ
4 because when I went in to pay for my trailer
5 storage space, I walked in, I paid money; she
6 marked my invoice Paid and I walked out with it. I
7 received no written receipt.

8 When I walked in and paid ten dollars for a
9 pool key, I got a written numbered receipt. Why
10 did I not get a written numbered receipt when I
11 walked in and paid for my storage space? That
12 concerned me.

13 BY MR. SHULTS:

14 Q She marked your invoice Paid though; correct?

15 A Yes. And how did the records in the park know
16 that my invoice was marked Paid when she just wrote on
17 it and handed it to me and I walked out with it? What
18 was the record keeping system in the park that would
19 make sure that that money got credited to my account
20 for paying the boat -- paying my parking space?

21 Q All right.

22 A I had concerns.

23 Q So you got a -- what did you get, some sort of
24 Past Due letter from the District after that that said
25 you didn't pay that fee? Is that what happened?

1 A I was concerned that the procedure in the
2 office of the park, they were not using numbered
3 receipts when I went in and paid money. I was
4 concerned about that. A government office ought to
5 have a better system than that. And our Bylaws call
6 for a numbered receipt to be given when you make a
7 transaction. All money that goes through the office,
8 there's supposed to be a numbered receipt.

9 Q And based on you not getting a numbered
10 receipt, you agreed with your sister's conclusion that
11 TJ was stealing?

12 A That's not what I said.

13 I said it aroused some suspicion because I did
14 not -- because there was not a proper procedure that I
15 could observe on how my money got tracked.

16 Q Well, you never received any suggestion from
17 the District that the money you gave TJ was not
18 properly applied; did you?

19 In other words, they didn't send you a letter
20 saying you haven't paid for your storage space; did
21 they?

22 A No, I did not receive a letter saying I had
23 not.

24 Q How did you pay it, in cash or by check?

25 A I paid it by check that time.

1 Q All right. Well, then you --

2 A Husband paid in cash.

3 Q But -- but that time you could look --

4 A Yes.

5 Q -- at your cancelled check just --

6 A My issue was not my money. My issue was the
7 office procedure.

8 Q Okay. But my question was whether you agreed
9 with your sister's assessment that TJ was stealing from
10 the park?

11 MR. HENNESSY: Objection; form, asked and
12 answered.

13 BY MR. SHULTS:

14 Q And isn't it a fact --

15 MR. HENNESSY: Argumentative.

16 BY MR. SHULTS:

17 Q Isn't it a fact that you agreed with your
18 sister's assessment that TJ --

19 A That's not --

20 MR. HENNESSY: Objection.

21 Let him finish his question.

22 BY MR. SHULTS:

23 Q Isn't it a fact that --

24 MR. HENNESSY: His compound question.

25 - - - - -

1 BY MR. SHULTS:

2 Q Isn't it a fact that you agreed with your
3 assessment that TJ was stealing from the park?

4 MR. HENNESSY: Objection.

5 THE DEPONENT: No.

6 MR. HENNESSY: Asked and answered.

7 THE DEPONENT: No.

8 BY MR. SHULTS:

9 Q Well, in your next line after you tell
10 Mr. Featheringill about your sister's comment about TJ
11 stealing from the park, you say, quote, "I am agreeing
12 with her more and more as time goes by," unquote.
13 That's what you wrote; isn't it?

14 A It is.

15 Q And then you went on --

16 A That doesn't -- okay.

17 Q Then you went on to write, quote, "Somebody
18 needs to get her away from the money," end quote.
19 Correct?

20 A Uh-huh.

21 Q You have to answer out loud.

22 A Yes. I wrote that.

23 Q And you -- you wrote that because -- and I'm
24 just asking you, did you write that because you agreed
25 with your sister's conclusion that TJ was stealing from

1 the park?

2 MR. HENNESSY: Objection to the form.

3 BY MR. SHULTS:

4 Q Or was it based on something else as well?

5 MR. HENNESSY: Objection to the form.

6 If you understand the question, you can
7 answer it.

8 THE DEPONENT: I'll see if I understand the
9 question.

10 My concern was that I saw yet another symptom
11 of a very large problem in the management of
12 Trailer Estates.

13 I had had TJ tell me she would not give me a
14 public record. I had been in the office, I had --
15 I was -- there was a conversation when TJ -- when I
16 started the whole storage lot issue with my going
17 in to pay the money for my storage lot, after they
18 had tripled the rates with no prior notification of
19 me who had a lot -- who was in the storage lot, who
20 had a spot in the storage lot, I went, I asked TJ
21 about it; TJ said, take it up with the Board.

22 So I made an appointment with Pam Cole. I
23 went to Pam Cole's office to talk about it and I
24 said to her, What's with the tripling of the fees
25 and so on? So she sent me -- she called in Joe

1 Bigley. So then there's Pam Cole, Joe Bigley and
2 myself -- another Sunshine violation, you asked me
3 if I knew of any others -- to discuss the whole
4 issue of the storage lot.

5 Now Mr. Bigley then showed me the storage rate
6 sheet which was on his desk, and I was being
7 charged at a higher rate than I should have been
8 for what I had.

9 So then he went to the office to see TJ. TJ
10 gave him yet another form to come to show me why I
11 owed them more money than I'd owed them in the
12 past. Now this only ties together again back
13 to TJ.

14 BY MR. SHULTS:

15 Q So based on what you just told me, you ended
16 up agreeing with your sister's assessment that TJ was
17 stealing?

18 MR. HENNESSY: Objection --

19 THE DEPONENT: I --

20 MR. HENNESSY: -- to the form.

21 THE DEPONENT: Yeah.

22 MR. HENNESSY: Go ahead.

23 THE DEPONENT: I had concerns about the way
24 the park was being operated, absolutely.

25 - - - - -

1 BY MR. SHULTS:

2 Q Well, that's different from accusing somebody
3 of being a thief; isn't it?

4 MR. HENNESSY: Objection; form, argumentative.

5 THE DEPONENT: TJ was the office manager. I
6 had concerns about things that were being done in
7 the office. That was her job. She was the office
8 manager. I had concerns.

9 BY MR. SHULTS:

10 Q Now, you know now that Mr. Featheringill was
11 on the Board when you sent him this September 18th,
12 2006 letter?

13 A I do not know that. I said I don't know when
14 he was appointed to the Board --

15 Q All right, well --

16 A -- in relation to this.

17 Q -- if he was appointed prior to your February
18 -- or excuse me, your September 18th, 2006 e-mail, then
19 your e-mail to him would be a public record; correct?

20 MR. HENNESSY: Objection to the form.

21 THE DEPONENT: I -- as I say, I -- I -- I
22 never quite knew his status with the Board
23 depending on when he was actually appointed and
24 what -- if -- if indeed he was -- this was after
25 his appointment -- it was a personal memo. I

1 wasn't asking him to do anything about park
2 business, I don't think so, but I -- I don't know
3 when this memo was written in terms of when he
4 was --

5 BY MR. SHULTS:

6 Q Okay. But --

7 A -- put on the Board.

8 Q -- if it were written after he was appointed
9 to the Board --

10 A Memos?

11 Q -- in your --

12 A Okay.

13 Q -- in your opinion, is your September 18th
14 e-mail to him a public record?

15 A If it's dealing with park business, it's a
16 public record.

17 Q Does it deal with park business in your
18 opinion?

19 A Well, that is -- it was a personal memo to him
20 that certainly park -- park issues are being -- are
21 being discussed.

22 Q So it does deal with park business; correct?

23 A I would say it did.

24 Q So it's a public record if in fact he were on
25 the Board when you wrote this September 18th letter?

1 A That follows.

2 Q Mr. Featheringill could not keep your
3 September 18th e-mail confidential if in fact it were a
4 public record; could he?

5 A I have nothing to do with what
6 Mr. Featheringill does with his e-mail.

7 Q But I'm just asking you about your
8 understanding of the Public Records Law. He could not
9 keep it confidential if in fact it were a public
10 record; correct?

11 MR. HENNESSY: Objection to the form.

12 Objection to the form.

13 THE DEPONENT: I only can control what I do; I
14 have no control of what anybody else does.

15 BY MR. SHULTS:

16 Q Do you still have the computer that you wrote
17 this September 18th, 2006 e-mail on?

18 A Um, I think so.

19 Q Could you describe that --

20 A Oh.

21 Yes, I think so.

22 Q Could you just --

23 A Yeah.

24 Q Could you describe that computer to me?

25 A Um, no.

1 Q Is it a Dell? Is it some other manufacturer?

2 A I -- I --

3 Q Is it a laptop, is it a desktop?

4 A I -- a desktop.

5 Q What's -- who's the manufacturer?

6 A I couldn't tell you.

7 I don't know. I sit there and I use it, I pay
8 no attention.

9 Q So you have this computer still up in
10 Michigan. Did you use any other computers while you
11 were in Michigan to send or receive e-mails regarding
12 Trailer -- well, let me just ask you did you -- did you
13 use -- from 2006 forward, did you use any other
14 computers in Michigan to either send or receive
15 e-mails?

16 MR. HENNESSY: Objection to form.

17 THE DEPONENT: I don't know. I mean --

18 BY MR. SHULTS:

19 Q How many -- how many computers were connected
20 to the Internet in your house in Michigan in 2006?

21 A Probably one. I couldn't tell you. I -- my
22 husband has a laptop, I -- and there was the desktop as
23 far as I know; in 2006, that's what we had.

24 Q Did you ever use your husband's laptop to send
25 or receive e-mails?

1 A Not that I'm aware of. I generally would sit
2 at the -- sit at the desktop when I was doing e-mails.

3 Q Now in Sarasota, what computer did you use in
4 2006 to send and receive e-mail?

5 A I --

6 Q In -- in -- at Trailer Estates?

7 A Right. I -- the computer I just carried back
8 and forth. When we were in Florida, we would bring the
9 desktop down here, and when we were back there, we just
10 carried it back and forth with us.

11 Q All right. So since 2006, you've been using
12 the same desktop computer to send and receive e-mails?

13 A Yes.

14 Q And where is that computer today?

15 A Here.

16 Q At your house?

17 A Uh-huh.

18 Q You have to answer out loud.

19 A Yes.

20 Q Now you mentioned a moment ago that you
21 recalled an additional event that you thought was a
22 Sunshine Law violation.

23 A Yes.

24 Q And it involved Pam Cole and Joe Bigley, and
25 you may have mentioned somebody else. Could you

1 describe in detail that event to me?

2 A Okay, sure. When I went to the office and
3 asked TJ about why the storage rate was tripled, and
4 besides being tripled why -- why I was being charged a
5 larger amount of the two amounts, she said you'll have
6 to take it up with the Board. So I said, okay, I would
7 like to make an appointment with a Board member. So
8 the Board -- I didn't know anybody at that time. So
9 the Board member -- she said, well, why don't you see
10 Pam Cole; I said, fine, Pam's fine. I didn't know her.

11 So I went back a couple days later and saw Pam
12 Cole.

13 Q Where?

14 A In the Board office. And her desk and Joe
15 Bigley's desk were kind of side by side, and she said
16 to me -- I asked her about the tripling of the fees and
17 she said, look, I'm brand new here, I don't really know
18 much of anything about anything. This was early March
19 of 2006. And so she said, why don't you talk to Joe?

20 So I talked to Joe Bigley -- and Pam was there
21 in part of the conversation, too -- about the fees.
22 And subsequent to that, I went to a Board meeting to
23 talk about the fees.

24 Q What did Mr. Bigley say about the fees during
25 your meeting with him?

1 A I originally asked him about the fact that I
2 was charged more than I was supposed to be charged for
3 what I was using the lot for. And he said to me, well,
4 that must be a mistake, I'll go check the lot and then
5 I will come back and give you a refund if that's -- you
6 know, if there's nothing on the lot that's not supposed
7 to be there, I'll give you a refund. I said, fine,
8 sounds good.

9 But then he went into the office and came back
10 about a minute later with yet another fee schedule that
11 TJ had given him.

12 Now at the time I was in the office I did not
13 look at the dates on the fee schedule, but the one he
14 had originally pulled down that was pinned up right by
15 his desk was the correct one, but the one TJ gave him
16 was the one that was -- that this replaced. And what
17 TJ had told me before she sent me back to see him is
18 that, no, you're being charged the higher rate of these
19 two because you have a big boat trailer. Well, the
20 rate -- the fee schedule for this was you either had a
21 boat trailer or you had an RV. Boat trailer one price,
22 RV another price.

23 (Whereupon, Mr. Miller re-enters the
24 deposition room.)

25 THE DEPONENT: She said, you have a big boat

1 trailer, that's why you get the higher price. So
2 then I went to see Mr. Bigley. I went to see Pam
3 who went to see her (sic). So he goes back and he
4 says, no, it's -- it's wrong, I'll get you the
5 refund. So then he comes back to me with this
6 other paper where they're priced by length of the
7 -- of trailer.

8 So then my sister is with me at the time who
9 also has a lot in the storage lot, and she had her
10 fee schedule in her purse as to what she paid and
11 it was different from the other two.

12 So here I'm in the office, I'm trying to
13 figure out what's going on with the storage lot and
14 how I pay for it, and I got three fee schedules all
15 going on at the same time. Again another huge
16 problem with what's going on with the park and the
17 management in the park.

18 So -- okay.

19 BY MR. SHULTS:

20 Q What did Mr. Bigley say -- well, let me just
21 ask you this.

22 A Okay.

23 Q What happened during this meeting with
24 Mr. Bigley that you feel violated the Sunshine Law?

25 A We discussed the fee issue, the rationale for

1 the fees. We discussed the raising of the fees. We
2 discussed the authority for the fees.

3 Q How did --

4 A And -- and -- and I was going to the Board to
5 ask them about their authority to charge fees. Now
6 this was an issue that was definitely going to come
7 before the Board.

8 Q So your discussion with Mr. Bigley and
9 Mr. Bigley's discussion with you --

10 A That's right.

11 Q -- regarding the fee issue in your opinion
12 violated the Sunshine Law?

13 A That's correct.

14 Q How -- you weren't on the Board; were you?

15 A Mr. Bigley was on the Board and Mrs. Cole was
16 on the Board.

17 Q But Mrs. Cole didn't participate in this
18 discussion; did she?

19 A Yes, Mrs. Cole did.

20 Q What did she say?

21 A She was -- she got out the paperwork, she -- I
22 don't remember exactly what each person said at their
23 -- she participated in the discussion.

24 Q What did she say?

25 MR. HENNESSY: Objection, asked and answered.

1 THE DEPONENT: It was three years ago.

2 MR. HENNESSY: Form.

3 BY MR. SHULTS:

4 Q You don't remember?

5 A I don't remember the exact words that people
6 said, no.

7 Q All right. But you -- would it be fair to say
8 you initiated this discussion with Mr. Bigley about the
9 rates; is that fair to say?

10 A No.

11 Q Well, you came into the office and wanted to
12 speak to somebody about the rates.

13 A Right.

14 Q So --

15 A Pam Cole.

16 Q All right. And Pam referred you to
17 Mr. Bigley; right?

18 A Pam and Mr. Bigley and I and my sister all had
19 a conversation about the fees, about the raising of the
20 fees.

21 Q Right. And you wanted to have that. --

22 A Yes.

23 Q -- conversation; correct?

24 A Correct.

25 I initiated the contact.

1 Q All right. So did -- did -- did Pam and Joe
2 make a decision during this meeting with you as to how
3 they were going to vote at -- later on at a Board
4 meeting?

5 A It doesn't take a decision at a Board meeting
6 or telling somebody how they're going to vote to
7 violate the Sunshine Law.

8 Q Well, I'm just asking you did they talk about
9 what decision they would make at some future Board
10 meeting regarding the rates?

11 A We were having a discussion about the rates.
12 Eventually Mr. Bigley became agitated. Mr. Bigley
13 stood over me and said, If you don't like it, you can
14 give up your storage space because there are other
15 people waiting in line for it.

16 Now at that time, I thought it was not my
17 responsibility to have to defend myself in the park
18 office from a Trustee looming over me and trying to
19 bully me.

20 Q Well, that's what really bothered you about
21 that meeting; it wasn't a violation of the Sunshine
22 law, it was the way Mr. Bigley talked to you. Isn't
23 that right?

24 MR. HENNESSY: Objection to the form.

25 THE DEPONENT: No, that's not right.

1 BY MR. SHULTS:

2 Q So it didn't bother you the way that
3 Mr. Bigley talked --

4 A I --

5 Q -- talked to you --

6 A -- had to be -- I had to --

7 Q -- during that meeting?

8 A I had to be as --

9 MR. HENNESSY: Let him answer --

10 THE DEPONENT: Okay.

11 MR. HENNESSY: Let him get his entire question
12 out.

13 THE DEPONENT: I'm sorry.

14 MR. HENNESSY: Listen to it --

15 THE DEPONENT: Okay.

16 MR. HENNESSY: -- and then answer the
17 question.

18 BY MR. SHULTS:

19 Q Well, it bothered you the way he talked to you
20 during that meeting; didn't it?

21 A It bothered me that a public official would
22 behave in such a manner. That bothered me.

23 Q All right. Now, we've talked about the events
24 that you've described in your affidavit of March 9th,
25 2009, and we've talked about the dock permit event, and

1 we've just finished talking about your -- the
2 discussion regarding fee schedules in the office.

3 A That's correct.

4 Q Other than those events, is there any other
5 event that you witnessed personally that you believe
6 constituted a Sunshine Law violation?

7 A Not right this moment, no.

8 Q Let me show you what I've marked as Exhibit
9 Ten (handing document) to your deposition. Do you
10 recognize this as Mr. Featheringill's e-mail to you
11 that was in response to your e-mail earlier that day?

12 MR. HENNESSY: Objection to the form.

13 THE DEPONENT: Okay. I'm finished reading it.

14 What is your question?

15 BY MR. SHULTS:

16 Q Do you -- do you remember getting this e-mail
17 from Mr. Featheringill?

18 A Vaguely -- yes, I remember getting it.

19 Q All right. Now this e-mail, correct me if I'm
20 wrong, is in response to your e-mail earlier that day
21 to him, and that e-mail being what we've marked --

22 A Right.

23 Q -- as Exhibit Nine.

24 A Right.

25 Q Is that right?

1 A Yes, it looks like it.

2 Q Okay. Now he mentions something about Walt
3 told me about what Pam was going through. Do you see
4 that?

5 A Uh-huh.

6 Q Do you know who Walt is?

7 A Walt is Pam's husband.

8 Q All right. So apparently Mr. Featheringill is
9 saying he had a conversation with Pam's husband and
10 Pam's husband conveyed to him certain information?

11 A Yes.

12 Q Did you agree with Mr. Featheringill to hold
13 the information that concerned Pam that's described in
14 his e-mail in confidence?

15 A We never discussed it.

16 Q Well, this event about what Pam was going
17 through was also mentioned in your e-mail earlier that
18 day that we've marked as Exhibit Nine.

19 A Yes.

20 Q Isn't it?

21 A Yes.

22 Q All right. And at the end of that e-mail, you
23 tell Mr. Featheringill, I appreciate your trust and
24 will not abuse it. Do you see that?

25 A Yes.

1 Q Were you agreeing with Mr. Featheringill to
2 hold this information in confidence?

3 A No. I told him I appreciated his trust and
4 would not abuse it.

5 Q What did you mean by his trust?

6 A The fact that he had contacted me earlier on
7 and the fact that he was -- he was recognizing some
8 problems in the park also, and the fact that he was
9 sharing things with me.

10 Q What do you mean when you said you would not
11 abuse it?

12 A I meant that I would not abuse it.

13 Q Well, how would you abuse it?

14 MR. HENNESSY: Objection.

15 THE DEPONENT: I appreciate your trust, is a
16 very general statement.

17 BY MR. SHULTS:

18 Q And you go on to say, and will not abuse it.

19 A That's correct.

20 MR. HENNESSY: Objection.

21 BY MR. SHULTS:

22 Q All right. Well, how -- what did you mean by
23 that? I don't understand how you would abuse his
24 trust. What would you do that would result in an abuse
25 of his trust?

1 A When someone has trust in someone else, they
2 respect them.

3 I -- I'm just not sure what -- what you --
4 what you -- what you want. I mean, I -- I think that
5 statement speaks for itself.

6 Q Let me show you (handing document) what I've
7 marked as Exhibit Eleven.

8 A Uh-huh.

9 Q Do you recognize this as an e-mail from your
10 sister to you?

11 A Yes.

12 Q Now, what I haven't seen is an e-mail from you
13 to your sister that this e-mail may have been a -- let
14 me ask you a new question.

15 A All right.

16 Q Was this e-mail in response to an e-mail you
17 sent to your sister?

18 A I can't say for sure. It appears to be. She
19 starts out with addresses of Trustees.

20 Q Have you searched for all e-mails you have
21 sent to your sister regarding Trailer Estates matters?

22 A Yes, I have.

23 Q Have you provided all those e-mails to your
24 Counsel in response to the request of the District for
25 copies?

1 A Yes, I have.

2 MR. SHULTS: There won't be any Exhibit Twelve
3 or Thirteen.

4 BY MR. SHULTS:

5 Q Let me show you what I've marked as Exhibit
6 Fourteen (handing document) --

7 A Uh-huh.

8 Q -- to your deposition.

9 A Uh-huh.

10 Q Were you on the Future Planning Committee?

11 A No.

12 Q Was your sister on the Future Planning
13 Committee?

14 A During what time frame?

15 Q At any time.

16 A Yes.

17 Q During what time frame?

18 A I don't know. She -- she -- the committee was
19 dissolved in January. I don't remember when she
20 actually became a member of the committee.

21 Q All right. Now looking down in the e-mail
22 that your sister forwarded to you, there appears to be
23 a draft of the Minutes of a Future Planning Committee
24 meeting. It says, Future Planning meeting of
25 March 7th, 2007. Do you see that?

1 A Yes.

2 Q It's about --

3 A Yes.

4 Q It's on the first page.

5 A Yes.

6 Q And now it indicates that you and your sister
7 attended this Future Planning Committee meeting.

8 Is that correct?

9 A Yes.

10 Q You and your sister attended on March 7, 2007?

11 A Yes.

12 Q And at that meeting, were you provided with
13 results of a survey that had been taken of the
14 residents?

15 A No.

16 Q Were you ever provided with the results of a
17 survey completed by the residents?

18 A Yes.

19 Q When was that?

20 A It was around that time, I don't -- I -- I
21 don't remember exactly when.

22 Q What were you provided with?

23 A Copies of the individual survey responses.

24 Q How many?

25 A There were six hundred and -- well, I think

1 there were eight hundred and some total. I -- I used
2 about six hundred to do my compilation.

3 Q And why were you provided with all of these
4 surveys?

5 A I was at the -- I was at -- actually I think
6 we had a Let's Talk Club meeting shortly before, I
7 think on Tuesday and this was on Thursday, and Flo
8 Mallory had come to the Let's Talk Club meeting and she
9 was very proud of the survey that they had done in the
10 park, and she said anybody who wants to take a look at
11 the survey results, you know, just -- just -- just ask,
12 we -- we'd love to have people do that.

13 So again in my position with the School
14 District, I -- I did a lot of work with surveys. And
15 my concern had been that when I looked for survey
16 results, all I saw were little bits and pieces in The
17 Tribune about the survey results and there would be one
18 little piece of information and then, And the Board
19 totally agrees with this, but -- but you wouldn't see
20 -- there was no -- nobody had compiled it in such a way
21 that you could actually use it. So what I wanted to do
22 is take it, compile it and make a report that they
23 could actually use.

24 Q So you --

25 A By age groups, by sex, by so on.

1 Q So did you take these papers up north with
2 you?

3 A Yes.

4 Q And were they the originals, the original --

5 A They were copies.

6 Q Where were the originals?

7 A I don't know.

8 Q Looking again at Exhibit Fourteen, the message
9 that your sister forwarded to you from Berndog, who is,
10 "Berndog?"

11 A Bernie Dent. He was the Secretary of Future
12 Planning.

13 Q All right.

14 A Which means my sister probably was not on the
15 Future Planning Committee at that time because he was
16 the Secretary. I think as soon as she was on the
17 committee she was the Secretary, so this would tell me
18 she was not on the committee either.

19 Q All right. So Mr. Dent is e-mailing your
20 sister on March 8th, '07, and in that e-mail he says,
21 quote, "I appreciate you not telling Flo you have the
22 survey, but I am satisfied no one will be asking to see
23 it while you have it," unquote. Do you see that?

24 A Uh-huh.

25 Q You have to answer out loud.

1 A Yes, I see that.

2 Q What -- did your sister have the original
3 survey documents?

4 A Not that I'm aware of.

5 I have the -- I have the copies in Michigan.
6 If the park can't find their copies, I -- I have the
7 set that I have if you don't -- I don't know where the
8 originals are.

9 MR. HENNESSY: Just wait for a question.

10 THE DEPONENT: Okay.

11 BY MR. SHULTS:

12 Q Well, Mr. Dent is telling your sister, I
13 appreciate you not telling Flo you have the survey.

14 Why -- why do you know Mr. Dent was
15 appreciative of your sister for not telling Flo that
16 she had the survey?

17 MR. HENNESSY: Objection to the form, improper
18 -- spec -- asks for speculation if that's --

19 THE DEPONENT: I will repeat that after I
20 started asking questions in the park, anything that
21 was associated with me was not recognized as being
22 valuable, was not recognized as being helpful.

23 I did this report; I gave a copy to the Future
24 Planning Committee, I gave a copy to the Board.

25 This is now people in the park are intimidated to

1 where they don't want people to know that they
2 associate with you.

3 BY MR. SHULTS:

4 Q Well, your -- did your sister have the survey
5 that Mr. -- Mr. -- what is his name?

6 MS. BRAUER: Dent.

7 THE DEPONENT: Dent?

8 BY MR. SHULTS:

9 Q Dent, did she in fact have a survey that
10 Mr. Dent was referring to in his e-mail?

11 A I don't know who -- I don't know whether she
12 or I -- I mean, I ended up -- I ended up with the --
13 with -- with data to take home to Michigan.

14 Q All right. Now your sister e-mails you on
15 March 9th, '07; says, I'm not sure what you told Flo.
16 I don't think you told her. You will have to let me
17 know for sure. Do you see that?

18 A Right, uh-huh.

19 Q Did you tell Flo?

20 A Um, I -- I don't believe I did. I didn't -- I
21 didn't know that there was any big deal. Flo had
22 offered, and I had taken her up on her offer. I don't
23 know -- I don't know why anybody would be -- I -- I
24 have no idea why this conversation went on at all. Flo
25 was -- was thrilled. Flo got a copy of the -- of the

1 document.

2 As I say, anything that was associated with me
3 either through her or whatever was discredited.

4 Q Well, did you -- did you communicate with your
5 sister after she sent you this e-mail and say -- and
6 inquire of what she was talking about?

7 A I don't remember.

8 Q I mean, your sister is saying --

9 A Yeah.

10 Q -- you will have to let me know for sure.
11 What did --

12 A Right. Everybody was --

13 MR. HENNESSY: Let --

14 THE DEPONENT: Okay.

15 MR. HENNESSY: You need to let him --

16 THE DEPONENT: Okay.

17 MR. HENNESSY: -- finish his question.

18 THE DEPONENT: I'm sorry.

19 MR. HENNESSY: Listen to the question and
20 answer it.

21 THE DEPONENT: Okay.

22 BY MR. SHULTS:

23 Q Do you know what your sister was referring to
24 when she said, You'll have to let me know for sure?

25 A I think everybody was tiptoeing around because

1 I was asking questions in the park.

2 I don't know what other people -- I can't
3 speak for anybody else. I -- that was my impression.

4 Q That's why your sister -- that's what your
5 sister was referring to when she said, You'll have to
6 let me know for sure?

7 MR. HENNESSY: Objection, form; asked and
8 answered. Speculation.

9 BY MR. SHULTS:

10 Q Can you answer the question?

11 A Can you repeat it?

12 MR. SHULTS: I'll repeat it in a moment.

13 We can switch the tape.

14 THE VIDEOGRAPHER: The time is now 2:06 P.M.
15 We're going off the record.

16 We're off.

17 (There was a brief break.)

18 - - - - -

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STATE OF FLORIDA)
COUNTY OF MANATEE)

I, the undersigned authority, certify that MARY LOU SMITH, personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 31st day of August, 2009.

Joann L. Zeck

JOANN L. ZECK



STATE OF FLORIDA)
COUNTY OF MANATEE)

I, JOANN L. ZECK, Court Reporter, certify that I was authorized to and did stenographically report the videotaped deposition, Pages 1 - 146, of MARY LOU SMITH; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 31st day of August, 2009.

Joann L. Zeck

JOANN L. ZECK, Court Reporter