

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.

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**OBJECTIONS TO DEPOSITION TESTIMONY OF  
GAIL OPPER FILED BY PLAINTIFFS**

Defendant, Trailer Estates Park and Recreation District, objects to the deposition testimony of Gail Opper filed by the Plaintiffs, Sharon Denson and Mary Lou Smith, and as grounds states:

1. Number 7- pg. 19, ln 18 to pg. 20, ln 2

Objection:

- Lack of Foundation

2. Number 8- pg. 20, ln 23 to pg. 21, ln 2

Objection:

- Lack of Foundation

3. Number 9- pg. 21, ln 14 to pg. 22, ln 20

Objections:

- Form (pg. 21, ln 7)- Calls for legal conclusion; Mischaracterizes previous testimony
  - Lack of Foundation
4. Number 13- pg. 35, ln 17 to pg. 36, ln 5
- Objections:
- Relevance
  - F.S. 90.403- more prejudicial than probative
5. Number 14- pg. 36, ln 15 to pg. 37, ln 5
- Objections:
- Relevance
  - F.S. 90.403- more prejudicial than probative
6. Number 15- pg. 47, ln 6 to pg. 47, ln 14
- Objections:
- Relevance
  - F.S. 90.403- more prejudicial than probative
7. Number 16- pg. 48, ln 3 to pg. 48, ln 23
- Objections:
- Relevance
  - F.S. 90.403- more prejudicial than probative
8. Number 17- pg. 57, ln 14 to pg. 59, ln 10
- Objections:
- Relevance

- F.S. 90.403- more prejudicial than probative
- Form (pg. 57, ln 12)- Mischaracterizes previous testimony; Compound question

9. Number 18- pg. 61, ln 9 to pg. 61, ln 21

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative
- Form (pg. 57, ln 12)- Mischaracterizes previous testimony; Compound question

10. Number 19- pg. 64, ln 8 to pg. 65, ln 4

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative

11. Number 20- pg. 65, ln 16 to pg. 65, ln 20

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative
- Lack of Foundation

12. Number 21- pg. 65, ln 21 to pg. 70, ln 19

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative

13. Number 22- pg. 72, ln 3 to pg. 72, ln 9

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative

14. Number 23- pg. 76, ln 12 to pg. 77, ln 2

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative
- Hearsay

15. Number 24- pg. 77, ln 22 to pg. 78, ln 11

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative

16. Number 25- pg. 79, ln 20 to pg. 80, ln 18

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative
- Lack of Foundation
- Form (pg. 80, ln 9)- Calls for legal conclusion

17. Number 27- pg. 84, ln 14 to pg. 90, ln 4

Objections:

- Relevance
  - F.S. 90.403- more prejudicial than probative
  - Form (pg. 86, ln 9)- Calls for legal conclusion
18. Number 28- pg. 91, ln 16 to pg. 95, ln 11
- Objections:
- Relevance
  - F.S. 90.403- more prejudicial than probative
19. Number 32- pg. 107, ln 10 to pg. 109, ln 13
- Objections:
- Relevance
  - F.S. 90.403- more prejudicial than probative
20. Number 33- pg. 114, ln 24 to pg. 117, ln 14
- Objections:
- Relevance
  - F.S. 90.403- more prejudicial than probative
  - Form (pg. 117, ln 4)- Argumentative; Calls for speculation
21. Number 34- pg. 118, ln 4 to pg. 119, ln 11
- Objections:
- Relevance
  - F.S. 90.403- more prejudicial than probative
  - Lack of Foundation

22. Number 35- pg. 121, ln 9 to pg. 142, ln 11

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative
- Hearsay
- Lack of Foundation
- Form (pg. 122, ln 21)- Calls for speculation
- Form (pg. 125, ln 10)- Compound question
- Form (pg. 131, ln 3)- Compound question; Mischaracterizes previous testimony
- Form (pg. 134, ln 16)- Mischaracterizes previous testimony; Calls for legal conclusion; Document speaks for itself; Argumentative
- Form (pg. 135, ln 2)- Compound question; Mischaracterizes previous testimony; Calls for legal conclusion; Document speaks for itself; Argumentative
- Form (pg. 135, ln 13)- Argumentative; Mischaracterizes previous testimony; Document speaks for itself
- Form (pg. 137, ln 9)- Argumentative; Compound question; Mischaracterizes previous testimony; Document speaks for itself
- Form (pg. 138, ln 4)- Argumentative; Mischaracterizes previous testimony; Document speaks for itself

23. Number 36- Pg. 152, ln 5 to pg. 153, ln 24

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative

- Hearsay
- Lack of Foundation

24. Number 37- pg. 154, ln 5 to pg. 156, ln 8

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative
- Hearsay
- Lack of Foundation
- Form (pg. 154, ln 16)- Mischaracterizes previous testimony

25. Number 38- pg. 159, ln 21 to pg. 167, ln 17

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative
- Hearsay
- Lack of Foundation
- Form (pg. 167, ln 18)- Mischaracterizes previous testimony; Calls for speculation

26. Number 39- pg. 167, ln 24 to pg. 173, ln 10

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative

- Hearsay
- Lack of Foundation

27. Number 40- Pg. 173, ln 16 to pg. 174, ln 18

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative
- Hearsay
- Lack of Foundation

28. Number 41- Pg. 174, ln 19 to pg. 176, ln 16

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative

29. Number 42- Pg. 176, ln 17 to pg. 177, ln 21

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative
- Hearsay

30. Number 43- Pg. 179, ln 1 to pg. 182, ln 7

Objections:

- Relevance

- F.S. 90.403- more prejudicial than probative

31. Number 44- Pg. 182, ln 14 to pg. 184, ln 16

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative
- Lack of Foundation
- Form (pg. 184, ln 2)- Mischaracterizes previous testimony

32. Number 45- Pg. 184, ln 17 to pg. 186, ln 24

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative
- Hearsay
- Lack of Foundation

33. Number 46- Pg. 186, ln 25 to pg. 187, ln 23

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative

34. Number 47- Pg. 188, ln 11 to pg. 194, ln 24

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative
- Hearsay
- Form (pg. 191, ln 17)- Argumentative
- Form (pg. 192, ln 23)- Compound question; Mischaracterizes previous testimony

35. Number 49- Pg. 196, ln 17 to pg. 198, ln 17

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative

36. Number 50- Pg. 201, ln 1 to pg. 207, ln 10

Objections:

- Relevance
- F.S. 90.403- more prejudicial than probative

37. Number 52- Pg. 209, ln 10 to pg. 213, ln 18

Objections:

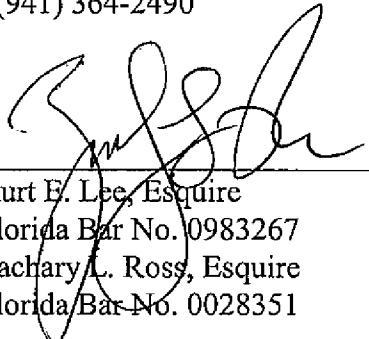
- Relevance
- F.S. 90.403- more prejudicial than probative
- Lack of Foundation
- Form (pg. 212, ln 21)- Compound question; Calls for speculation; Mischaracterizes previous testimony

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S. Mail to Kevin S. Hennessy, Esquire, Lewis, Longman & Walker, P.A., 1001 Third Avenue West, Suite 670, Bradenton, Florida 34205 on this 29<sup>th</sup> day of September, 2010.

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