

ERIC F. TREMAYNE  
JEROME C. COLEMAN\*  
THOMAS G. LEMLEY\*

\*ALSO LICENSED IN ILLINOIS

OF COUNSEL:

LISA D. FAULSTICH

**TREMAYNE, LAY & COLEMAN, LLP**

**ATTORNEYS AT LAW**

**SUITE 1600**

**7777 BONHOMME AVENUE**

**ST. LOUIS (CLAYTON), MISSOURI 63105**

**TELEPHONE 314 863-4151**

August 3, 2009

BERTRAM W. TREMAYNE, JR. (1914-1996)  
A. WIMMER CARR (1929-1993)  
KENNETH S. LAY (1921-1999)  
HELEN G. BAUER (RETIRED)

FACSIMILE: 314 863-0720  
E-MAIL: LAW@TREMAYNE.ORG

**FILED**

O'clock 1 Minutes 14

**AUG 4 2009**  
**JG**

By *Thomas G. Lemley*  
*Thomas G. Lemley*

The Hon. Thomas L. Ray  
C/O Morgan Adams  
Washington County Courthouse  
102 North Missouri Street  
Potosi, MO 63664  
VIA Facsimile and US Mail

RE: Case Status  
Woodland Lakes Trusteeship v. Anderson  
Cause No. 08WA-CC00527

Dear Judge Ray:

The following is provided for your honor's 4:00 PM docket of Thursday, August 6.

This matter was filed December 1, 2008. Defendants' motion to Dismiss, filed January 2, 2009, was heard on February 4.

In April, Defendants' counsel suffered a cerebral hemorrhage. He is currently receiving therapy and has not returned to the practice of law.

On June 2, Defendants' motion to dismiss was denied.

The undersigned entered his appearance for Defendants on June 26 and filed Defendants' answer, counterclaim, interrogatories and requests for production. Plaintiff responded to the discovery requests on July 27. The undersigned initiated informal resolution of discovery issues and filed a motion to compel and for sanctions on August 3, and will determine next steps based on the information obtained.

Counsel for Defendants' current unavailable dates through the end of the year include: August 12, 14, 21, 26, 28, September 2, 8, 9, 14, 21, October 19 and November 19.

Sincerely,

**TREMAYNE, LAY & COLEMAN, LLP**

By: *Thomas G. Lemley*  
*Thomas G. Lemley*

CC: Mr. David Baylard

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E-MAIL: LAWFIRM@TREMAYNE.ORG

August 3, 2009

Mr. David L. Baylard  
Baylard, Billington, Dempsey & Jensen, P.C.  
30 South McKinley  
Union, Missouri 63084  
VIA Facsimile and US Mail

RE: Woodland Lakes Trusteeship v. Anderson, et al

Dear Mr. Baylard:

Thank you for providing the responses to Defendants First Request for Production of Documents and First Interrogatories. I am writing to attempt to informally resolve some issues we have regarding the responses.

**REQUEST FOR PRODUCTION:**

In response to Requests nos. 1, 2, 3, 4, 6 and 7, Plaintiff responded: "What Plaintiff has shall be made available at Plaintiff's attorney's office for review by Defendants at a mutually convenient time." We expect that the number of pages of documents that exist that are responsive to the requests is relatively small and would therefore request that you have the documents copied and mailed to us. We would be happy to reimburse you for costs. Alternatively, we would be happy to arrange for Quality Copy Service in Union to pick up the documents at your office, make copies and return them to you at our expense.

**Request for Production no. 5** sought information surrounding "a vehicle accident or injuries sustained by Mr. Yancy Stark during October, 2008, or his activities and travel during the five days following such vehicle accident" Plaintiff responded "Objection - irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence." My clients inform me that Plaintiff's damages allegedly include a payment for mileage made to Mr. Stark in connection with Mr. Stark not being allowed to report for work following a vehicle accident during October, 2008. My clients maintain that any actions they took regarding Mr. Stark were appropriate and they dispute that Mr. Stark incurred the alleged mileage expense. Therefore, the information sought is relevant to my clients' defense to this alleged claim.

**INTERROGATORIES:**

Interrogatory no. 5 states, "Please describe in detail all facts underlying the claim of damages in the amount of \$6618.32." Plaintiff answered, "To be supplemented."

Interrogatory no. 6 states, "Please identify, specifically, any documents used on calculating your alleged damages in the amount of \$6618.32." Plaintiff answered, "See number 5." These responses are evasive insofar as supplementing responses applies where a party learns that a previous discovery responses is incomplete or incorrect. An initial answer of "To be supplemented" in response to discovery on issues central to a party's claims constitutes failure to answer. We would therefore request that your client respond to Interrogatories nos. 5 and 6.

Interrogatory no. 8 states, "Please identify (i) when (ii) by whom and (iii) the detailed circumstances under which the Woodland Lakes Trusteeship bank account or accounts at Bank of Sullivan were closed, frozen or the funds therein otherwise rendered inaccessible in connection with the semi-annual owners meeting of October 2008." Plaintiff responded "See numbers 5, 6, and 7" Numbers 5 and 6 are discussed above. Response no. 7 provides some information on the freezing of the accounts, but does not state either when or by whom the account or accounts were closed, frozen or the funds rendered inaccessible. We would therefore request that your client identify when and by whom such action or actions were taken.

I look forward to hearing from you. If you have any questions or concerns, please call.

Sincerely,

TREMAINE, LAY & COLEMAN, LLP

A handwritten signature in black ink, appearing to read 'Thomas G. Lemley', with a long horizontal flourish extending to the right.

By: Thomas G. Lemley

IN THE CIRCUIT COURT OF THE COUNTY OF WASHINGTON  
STATE OF MISSOURI

FILED

Older Minutes M.

AUG 04 2009

WOODLAND LAKES  
TRUSTEESHIP, INC.

Plaintiff

VS.

CAROL ANN ANDERSON, et al

Defendants,

By Patricia J. Boyer

Cause No. 08WA-CC00527

Division No. III

**DEFENDANTS' MOTION TO COMPEL AND  
FOR SANCTIONS**

COME NOW Defendants by and through undersigned counsel, and for their Motion to Compel and for Sanctions, pursuant to Rule 61.01 of the Missouri Rules of Civil Procedure, states and alleges, as follows:

1. On June 26, 2009, Defendants served their First Interrogatories Directed to Plaintiff to which Plaintiff responded on July 27, 2009.

3. Defendants' interrogatory no. 5 states, "Please describe in detail all facts underlying the claim of damages in the amount of \$6618.32."

4. Plaintiff responded to interrogatory no. 5, "To be supplemented."

5. Interrogatory no. 6 states, "Please identify, specifically, any documents used on calculating your alleged damages in the amount of \$6618.32."

6. Plaintiff answered, "See number 5."

7. Plaintiff's responses to interrogatories no. 5 and no. 6 are evasive insofar as supplementing responses is applicable only where a party learns that a previous discovery responses is incomplete or incorrect. Rule 56.01(e) of the Missouri Rules of

Civil Procedure Rule. Initial responses of "To be supplemented" to discovery on issues central to a party's claims constitute failure to answer.

8. Defendants' interrogatory no. 8 states, "Please identify (i) when (ii) by whom and (iii) the detailed circumstances under which the Woodland Lakes Trusteeship bank account or accounts at Bank of Sullivan were closed, frozen or the funds therein otherwise rendered inaccessible in connection with the semi-annual owners meeting of October 2008."

9. Plaintiff responded "See numbers 5, 6, and 7" (Numbers 5 and 6, were responded to with , "To be Supplemented, as set out above.) Plaintiff's Response no. 7, while providing some information on the freezing of the accounts, failed to state either (i) when or (ii) by whom the account or accounts were closed, frozen or the funds rendered inaccessible.

10. Defendants have incurred attorney fees in pursuing this motion.

11. That Defendants will be unable to adequately prepare this case for trial without Plaintiff's discovery responses.

12. Defendants' counsel's letter attempting to resolve the discovery dispute is attached and incorporated herein by reference.

WHEREFORE, Respondent prays that the Court enter an Order (1) requiring and compelling Plaintiff to answer interrogatories no. 5, 6 and 8; (2) striking Plaintiff's pleadings, and (3) for attorney fees and for any further relief the Court deems appropriate.



TREMAYNE, LAY & COLEMAN, LLP

By: 

Thomas G. Lemley, MBE #35470

Attorney for Plaintiffs

7777 Bonhomme Ave, Suite 1600

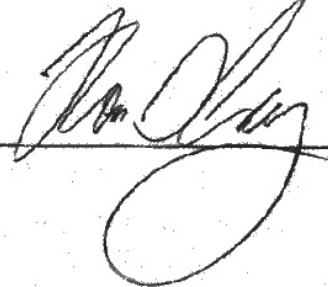
Clayton, Missouri 63105

(314) 863-4151 telephone

(314) 863- 0720 facsimile

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served by facsimile to (636) 583-1877 and by depositing such, postage prepaid, regular US mail, this 3<sup>rd</sup> day of August, 2009 to David L. Baylard, Attorney for Plaintiff, 30 South McKinley, Union, Missouri 63084



ERIC F. TREMAYNE  
JEROME G. COLEMAN  
THOMAS G. LEMLEY

\*ALSO LICENSED IN ILLINOIS

OF COUNSEL

LISA D. FAULSTICH

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**ATTORNEYS AT LAW**

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**TELEPHONE 314 863-4151**

**August 3, 2009**

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HELEN G. BAUER (RETIRED)

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**E-MAIL: LAWFIRM@TREMAYNE.ORG**

**FILED**

\_\_\_ O'clock \_\_\_ Minutes \_\_\_ M.

**AUG 04 2009**

By *Patricia J. Boyer*

RE: WOODLAND LAKES TRUSTEESHIP,  
INC. V. CAROL ANN ANDERSON, et al,  
Cause No. 08WA-CC00527, Div. No. III

Dear Ms. Boyer:

We have prepared and hereby enclose for filing in the above-referenced matter the following:

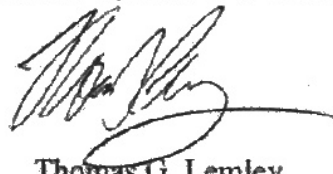
(i) Motion to Compel and for Sanctions

Please file the originals and return file-stamped copies in the self-addressed envelope provided.

Thank you for your assistance with this matter. If you have any questions or concerns, please contact this office.

Sincerely,

TREMAYNE, LAY & COLEMAN, LLP



By: Thomas G. Lemley

CC: Mr. David L. Baylard  
Attorney for Plaintiff  
30 South McKinley  
Union, Missouri 63084

TGL: Enclosures

*File stamped copy sent back on 8-5-09.*

7777 Bonhomme Avenue, Suite 1600  
Clayton, Missouri 63105  
314-863-4151  
314-863-0720 Facsimile

**Tremayne, Lay &  
Coleman, LLP**

clock    **LD** Minutes    M.  
**AUG 03 2009**

By Patricia J. Boyer

**Fax**

To:

ATTN: Morgan Adams,  
Clerk of Court

From:

Tom Lemley

Fax: (573) 438-7900

Pages: 2 (including cover sheet)

Phone: (573) 438-4171

Date: 8/3/2009

Re:

Woodland Lakes  
Trusteeship v. Anderson  
Cause No.  
08WA-CC00527

CC:

David Baylard  
Fax (636) 583-1877  
Tel (636) 583-5103

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

Dear Ms. Adams,

Please find attached correspondence from Defendants' counsel for Judge Ray for the For Announcement docket set for Thursday August 6 at 4:00 PM. I do not plan to appear personally for this docket.

Thank you,  
Tom Lemley



ERIC P. TREMAYNE  
JEROME C. COLEMAN  
THOMAS G. LEMLEY

\*As per eFiled to the court

RECEIVED

LISA D. FAULSTICH

# TREMAYNE, LAY & COLEMAN, LLP

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**FILED**

\_\_\_ O'clock \_\_\_ Minutes \_\_\_ M.

AUG 03 2009

The Hon. Thomas L. Ray  
C/O Morgan Adams  
Washington County Courthouse  
102 North Missouri Street  
Potosi, MO 63664  
VIA Facsimile and US Mail

By PATRICIA J. BOYER

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By: Thomas G. Lemley

CC: Mr. David Baylard

IN THE CIRCUIT COURT OF THE COUNTY OF WASHINGTON

STATE OF MISSOURI

**FILED**  
\_\_\_\_ O'clock \_\_\_\_ Minutes \_\_\_\_ M.

**AUG 11 2009**

WOODLAND LAKES TRUSTEESHIP,  
INC.

Plaintiff,

vs.

CAROL ANN ANDERSON, et al.

Defendants.

By Patricia J. Boyer

Cause No. 08WA-CC00527

Division No. Judge Thomas L. Ray

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**CERTIFICATE OF SERVICE**

---

Comes now David L. Baylard, Attorney for Plaintiff, and hereby certifies that Plaintiff's Amended Answers to Defendants' First Set of Interrogatories Directed to Plaintiff, along with original Affidavit for Answers to Interrogatories were mailed, postage prepaid to Mr. Thomas G. Lemley, 7777 Bonhomme Avenue, Suite 1600, Clayton, MO 63105 on this 10<sup>th</sup> day of August, 2009.

BAYLARD, BILLINGTON, DEMPSEY & JENSEN, P.C.

By: 

DAVID L. BAYLARD - #25595

30 SOUTH MCKINLEY

UNION, MO 63084

UNION LINE: 636-583-5103

ST. LOUIS LINE: 636-938-6500

FAX LINE: 636-583-1877

E-MAIL: [dbaylard@bbd-law.com](mailto:dbaylard@bbd-law.com)

ATTORNEY FOR PLAINTIFF