

IN THE CIRCUIT COURT OF
THE 17TH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY
FLORIDA

POMPANO SENIOR SQUADRON
FLYING CLUB, INC., a Florida
corporation,

CASE NO.: CACE 20-005993 (08)

Plaintiff,

v

CARL KENNEDY, individually,

Defendant.

PLAINTIFF'S MOTION REGARDING COURT ORDERED MEDIATION

Plaintiff, POMPANO SENIOR SQUADRON FLYING CLUB, INC. (Plaintiff "Club"), by and through its undersigned counsel, files this Motion Regarding Court Ordered Mediation and says:

1. On or about July 14, 2020, this Court ordered the parties to confer within ten (10) days and schedule mediation within forty-five (45) days. A copy of the Order is attached as Plaintiff's Exhibit #1.
2. Pursuant to the Court Order, Plaintiff Club communicated with Defendant Kennedy in an attempt to arrange the required mediation.
3. In response thereto, Defendant Kennedy first stated that he wanted court appointed mediators (which are not available in circuit court cases) and then stated that he would not pay more than \$200.00 per hour for a court mediator. See email from Defendant Kennedy as Plaintiff's Exhibit #2.
4. Defendant Kennedy proposed one mediator which Plaintiff Club has rejected, Plaintiff Club can find no other mediator that comports to Defendant Kennedy's demand

as to pricing.

5. Plaintiff Club has proposed four (4) mediators to Defendant Kennedy, all of which Defendant Kennedy has rejected.

6. Based upon the severe financial limitations based upon the pricing of a mediator as demanded by Defendant Kennedy, Plaintiff Club does not believe the parties will be able to comply with the Court Order despite Plaintiff Club's attempt to do so.

7. Without further direction from this Court, Plaintiff Club is unsure how to proceed.

WHEREFORE, Plaintiff Club moves this Honorable Court for an Order directing Defendant Kennedy to remove the financial constraints he has placed upon the mediation, extend the time by which the parties may mediate, or any other relief that this Court deems just and equitable.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via eportal this 22 day of July 2020, to Carl L. Kennedy, II, clktax@aol.com

/s/Edward F. Holodak
EDWARD F. HOLODAK, ESQ.
Attorney for Plaintiff
Fla. Bar No.: 059234
Edward F. Holodak, P.A.
7951 SW 6th Street, Ste. 210
Plantation, FL 33324
Tel.: 954-927-3436
pleadings@holodakpa.com

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE20005993 DIVISION 08 JUDGE David A Haimes

Pompano Senior Squadron Flying Club, Inc.

Plaintiff(s) / Petitioner(s)

v.

Carl Kennedy

Defendant(s) / Respondent(s)

ORDER GRANTING IN PART AND DENYING IN PART

THIS CAUSE having come to be heard on July 14, 2020 on Plaintiff, Pompano Senior Squadron Flying Club, Inc., Motion for Default and Defendant, Carl Kennedy's Motion for Extension of Time, the Court considering the pleadings herein, the Court hearing arguments of the parties, and the Court being otherwise fully advised, it is:

ORDERED AND ADJUDGED:

1. Plaintiff's Motion for Default is DENIED.
2. Defendant's Motion for Extension of Time is GRANTED. Defendant has thirty (30) days in which to either file a pro se response or hire counsel and have counsel file a responsive pleading.
3. The parties shall, within ten (10) days, coordinate a mediation between them that is to occur within forty-five (45) days from the date of this Order.

DONE and **ORDERED** in Chambers, at Broward County, Florida on 07-14-2020.

CACE20005993 07-14-2020 1:23 PM

CACE20005993 07-14-2020 1:23 PM

Hon. David A Haimes

CIRCUIT JUDGE

Electronically Signed by David A Haimes

Copies Furnished To:

Carl Kennedy , Address : 2929 S Ocean BLVD STE 510 Boca Raton, FL 33432

Carl Lemley Kennedy II , E-mail : Carl@goard.com

Carl Lemley Kennedy II , E-mail : CLKTax@aol.com

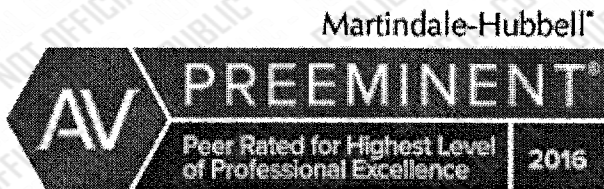
Carl Lemley Kennedy II , E-mail : saltlife171@gmail.com

Exhibit # 1

THIS FIRM ALSO ACTS AS A DEBT COLLECTOR AND ANY INFORMATION OBTAINED THROUGH E-MAILS MAYBE BE USED FOR THAT PURPOSE.

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From: Kennedy <clktx@aol.com>
Sent: Wednesday, July 22, 2020 3:06 PM
To: Edward Holodak <edward@holodakpa.com>
Cc: Tammy Pomaranski <tammy@holodakpa.com>
Subject: Re: Mediation

Mr. Holodak:

No, a mediator who charges \$275/hr. is unacceptable unless your client will pick up the difference between Mr. Greenbaum's fee of \$200/hr. I already advised you I will not pay more than \$100 per hour. Please do not waste my time by sending names of mediators who charge close to \$300/hr.

I will be out of touch the rest of today.

Respectfully,

Carl Kennedy

Sent from my iPhone

On Jul 22, 2020, at 2:35 PM, Edward Holodak <edward@holodakpa.com> wrote:

Exhibit #2

Mr. Kennedy:

I find Mr. Tolber to be a very effective and worthwhile mediator. Below is his information, please let me know if he is acceptable.

Very truly yours,

Edward F. Holodak, Esq., B.C.S
Admitted in Florida & Washington, D.C.

Edward F. Holodak, P.A.
7951 SW 6th Street
Suite 210
Plantation, Florida 33324
(954) 927-3436

<image002.png>

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<image002.png>

From: Reed Tolber <reed@harmonymediation.law>

Sent: Wednesday, July 22, 2020 2:32 PM

To: Edward Holodak <edward@holodakpa.com>

Subject: Re: Mediation

Thanks for reaching out to me Edward for this potential opportunity. I am interested in mediating the case if all parties agree to me as a mediator, of course.

I'm now charging \$275 per hour.

I regularly conduct mediations on Zoom and have become quite adept at it - easily establishing separate virtual "breakout rooms" for separate caucusing meetings with each party. I've probably conducted over two dozen mediations on Zoom in recent months. In fact, I just finished a four hour successful mediation in a Circuit Civil injury litigation.

If agreed upon, I send out a Zoom invite link with the date and time and the recipients need only click on the link and they end up in my "waiting room." I then admit them into the "mediation room" and we are underway! Joining via the link allows a participant to join from a cell phone, iPad or desktop/laptop computer.

Let me know if you have any other questions. Call anytime. Hope this finds you doing well,

Reed

Reed S. Tolber, Esq.
Florida Supreme Court Certified Mediator #36058 R,C,F,A (Circuit, County, Family, Appellate)
Board Certified Civil Trial Attorney