

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

POMPANO SENIOR SQUADRON FLYING CLUB, INC.
(aka POMPANO BEACH FLYING CLUB)

Plaintiff,

and

CARL L. KENNEDY, II

Defendant.

Case No.: CACE 20-005993

Division (8)

**MOTION TO COMPEL, FOR SANCTIONS, FOR PROTECTIVE ORDER
AND TO STAY ALL PROCEEDINGS PENDING PLAINTIFF'S COMPLIANCE
WITH PROPER STATUTORY RECORDS REQUEST**

TO THE HONORABLE JUDGE OF THIS COURT:

I, Carl L. Kennedy, II, hereby respectfully represent as follows:

1. On August 11, 2020, pursuant to Florida Statutes §617, I sent a proper records request to Plaintiff to take place on August 19, 2020. See attached at Exhibit A incorporated by reference.
2. I received no objection or any responsive communication whatsoever from Plaintiff in connection with the attached records request.
3. At 10:00 a.m. on August 19, 2020, I went to the address listed as the current corporate offices of the Plaintiff as listed on the attached request. There was no one there. I waited for 15 minutes and took a time-stamped photograph of myself outside the building. No one arrived during that time. I took another time-stamped photo of myself outside the building before I left.
4. Plaintiff should not be permitted to proceed in this matter unless and until they have complied with the proper records request which I made on August 11, 2020.
5. All proceedings in this matter should be stayed pending my receipt of the requested records, which I need for mediation, as well as for the hearing on the Motion to Dismiss which I

filed on August 13, 2020 and which is scheduled to be heard on September 1, 2020. Plaintiff should also not be permitted to take my deposition on September 9, 2020 as they have noticed, unless and until they have complied with Florida law by providing all documents listed on my records request.

6. Plaintiff is significantly and substantially interfering with my ability to represent myself in this matter. I should not be required to undergo a deposition or participate in mediation “blind”, without having first received the timely requested documents from Plaintiff, which are entirely relevant to my position and any negotiations which are/will be taking place. I made a proper and timely records request and should not be required to participate in this action further until it has been complied with by Plaintiff.

7. Plaintiff should not be rewarded for its failure to comply with Florida law, nor should Plaintiff be permitted to pursue me in this matter with unclean hands.

8. Plaintiff should be sanctioned for their failure and refusal to comply with a proper records request in accordance with Florida Statutes.

WHEREFORE, I respectfully request that Plaintiff be compelled to provide all documents listed on the attached Exhibit A within three (3) business days from the hearing on this matter, and that all proceedings, including discovery and mediation, be stayed and/or postponed until I have had reasonable opportunity to review said records.

I hereby certify that on the 19th day of August, 2020 I sent a copy of this document via the Florida e-portal to Edward Holodak, Esquire at pleadings@holodakpa.com.

Respectfully submitted,

/s/ Carl L. Kennedy, II
Carl L. Kennedy, II
2929 S. Ocean Blvd., #510
Boca Raton, FL 33432
304-552-0206
E-Mail Address: clktax@aol.com

CARL L. KENNEDY, II
2929 S. Ocean Blvd. Ste. 510 Boca Raton, FL 33432
Phone: (304) 552-0206 E-mail: CLKTax@aol.com

August 11, 2020

VIA USPS PRIORITY MAIL

Pompano Beach Flying Club
c/o Mr. Gregory Gilhooly
1421 S. Ocean Blvd.
Suite #102
Pompano Beach, FL 33062

RE: Shareholder/Member Records Request

Mr. Gilhooly:

In accordance with Florida law, I request as a shareholder/member of the Flying Club to inspect the following records at 10:00 a.m., five (5) business days from today, on Wednesday, August 19, 2020, at the above location, or other reasonable time and location designated by you:

1. All accounting records of the Club existing since February 13, 2020;
2. Bank statements for all Club accounts since February 12, 2020;
3. General ledger detail for all Club accounts since February 12, 2020;
4. Documents reflecting the status of all recurring expenses of the Club as to whether current or delinquent, including but not limited to insurances, fuel and hangar expenses;
5. Alphabetized list, with names and addresses of all Club members as of February 13, 2020;
6. Alphabetized list, with names and addresses of all Club members as of the date of the day prior to the date of inspection of these records;
7. Copies of all documents (other than privileged communications) relating to any current lawsuit against the Club by any individual or entity;
8. Invoices/Billing statements for any accountant retained by the Club since February 12, 2020;
9. Invoices/Billing statements for any lawyer retained by the Club since February 12, 2020;

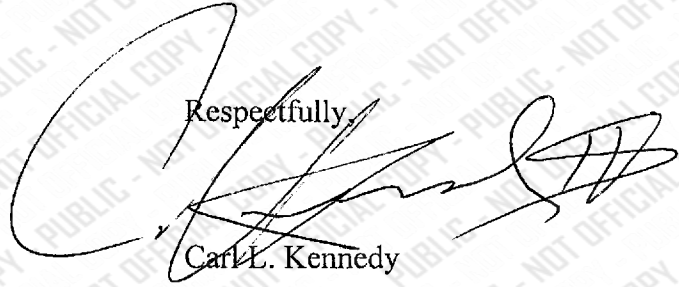
August 11, 2020

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The purpose(s) of this request is (are) to determine: 1) whether the Club is currently operating at a loss; 2) whether the membership has significantly increased or decreased since the new Board of Directors and slate of new Officers was elected on 2/12/20; 3) to ascertain the veracity of the Treasurer's stated liabilities of the Club as of August 12, 2020; 4) to verify that the monthly ongoing necessary expenses of the Club are still being paid timely; 5) to ascertain how many corporate dollars are being spent on legal fees; 6) to ascertain how many corporate dollars are being spent on accounting fees; 7) to ascertain the contingent liabilities of the Club; and 8) to determine whether or not the club is operating effectively

Thank you for your anticipated cooperation with this Records Request.

Respectfully,

A handwritten signature in black ink, appearing to read 'Carl L. Kennedy', is written over the typed name. The signature is fluid and cursive, with a large initial 'C'.

Carl L. Kennedy

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POMPANO SENIOR SQUADRON FLYNG CLUB INC
1421 S OCEAN BLVD
APT 102
POMPANO BEACH FL 33062-7314

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