

IN THE CIRCUIT COURT OF THE 17<sup>th</sup> JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

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

Plaintiff

and

Case No.: CACE 20-005993  
Division (8)

CARL L. KENNEDY, II

Defendant.

**RESPONSE TO PLAINTIFF'S MOTION FOR SANCTIONS**

Defendant and Counter-Plaintiff, Carl. L. Kennedy, II, through undersigned counsel, respectfully represents as follows:

1. Both Mr. Kennedy and undersigned counsel oppose Plaintiff's Motion for Sanctions, and the accusations that either/both attempted to defraud either the Court or the Plaintiff at the Zoom mediation in this matter on August 27, 2020. Such accusations cannot go left without response.
2. The undersigned did not introduce herself at the beginning of mediation when general introductions were being made because she did not appear until Mr. Kennedy was already in a separate "meeting room" waiting for the mediator to return from initial caucus with Plaintiff, after having just learned that the Plaintiff's entire Board of Directors was present for the mediation. In the same building with Mr. Kennedy and available, undersigned came to the mediation upon Mr. Kennedy's request.
3. *Immediately* upon the mediator's return to Mr. Kennedy's separate meeting room, prior to the beginning of Mr. Kennedy's opening statement, and certainly prior to any of the issues being discussed (which Plaintiff must admit), undersigned counsel identified herself as being present, only being able to do so via sharing Mr. Kennedy's computer screen.

4. When the mediator inquired if he could advise Plaintiff of undersigned's presence, both Mr. Kennedy and the undersigned, again immediately, answered in the affirmative, stating there was nothing to hide.

5. The facts contained herein may be verified as the Court may deem necessary.

6. Had Mr. Kennedy or the undersigned intended to defraud the Court or the Plaintiff in any way, either could have requested of the mediator that he keep the presence of undersigned counsel confidential. Moreover, undersigned counsel could have easily remained out of view of the screen (and of the mediator) had there been any intent to keep her participation "secret".

7. Plaintiff's Motion has no basis in fact and was filed merely in retaliation for Mr. Kennedy's having already filed a Motion for Sanctions in connection with Plaintiff's improper failure to participate in mediation without authority.

WHEREFORE, Mr. Kennedy requests that Plaintiff's Motion for Sanctions be dismissed and/or denied.

I hereby certify that I sent a copy of the foregoing via the e-portal to Edward Holodak, Esquire at pleadings@holodakpa.com, on the 7<sup>th</sup> day of September, 2020.

Respectfully submitted,

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