

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/Counter-Defendant,

and

Case No.: CACE 20-005993

Division (8)

CARL L. KENNEDY, II

Defendant/Counter-Plaintiff.

**MOTION FOR TEMPORARY ATTORNEY'S FEES AND COSTS**

I, Carl L. Kennedy, II, Defendant and Counter-Plaintiff, respectfully represent as follows:

1. I am self-employed and representing myself in this matter against Plaintiff corporation.
2. Plaintiff corporation is in a superior financial position to move forward against and pursue me in this lawsuit, while I am unable to support this litigation without financial assistance.
3. Plaintiff affirmatively, maliciously and in bad faith, caused my former pro bono attorney to withdraw from representing me in this case, causing me to be severely disadvantaged and forced to represent myself pro se.
4. Plaintiff refused to participate in mediation as ordered by the Court.
5. Plaintiff is using my own money, through the corporation, to subsidize their legal fees. This is unconscionable. If they are using my money to finance their case, I should also be able to use what is actually *our* money to finance my defense.
6. Plaintiff's Complaint is about providing documents to the corporation. I have always been willing to turn over all corporation information and documents in a timely and proper manner (which I will prove during the trial) only to be hamstrung by Plaintiff in the Plaintiff's quest and ulterior desire to steamroll over me and discredit everything the former Officers and Board of Director did for the Plaintiff corporation in the prior six (6) years.
7. After my attorney withdrew from this case I reached out to the Plaintiff's attorney in

anticipation of settling this dilemma amicably, a written agreement was in place concerning my Motion for Extension of Time, but then, with no cause, Plaintiff's attorney unnecessarily filed a Motion to Compel on October 2, 2020 anyway, asking the Court to compel me to provide information and documents which I had already agreed, in writing, to provide on or before November 2, 2020. This agreement had been acknowledged and accepted by Plaintiff's counsel. See attached Exhibit A, which emails reflect and confirm this agreement which originally took place verbally during a telephone conversation between myself and Plaintiff's counsel on September 30, 2020. Plaintiff's unnecessary Motion to Compel is deceitful and, on yet another occasion, lacks candor with the Court. I need assistance to fight this improper and vexatious conduct of Plaintiff, who is attempting to steamroll over me.

8. I am entitled to vindicate myself and disprove Plaintiff's meritless accusations. I should be able to consult with legal counsel for the purposes of preparing for this case and presenting my case at trial, rather than the Court only hearing Plaintiff's inaccurate and misleading recitation of supposed facts.

9. The attorneys I have spoken to and who are willing to assist me, even in a limited manner, require payment. I am unable to hire an attorney without financial assistance.

10. I should be able to take the deposition(s) of Plaintiff corporation (including, but not limited to, at least the Treasurer of PBFC and 1 or 2 certain other individuals Plaintiff named as having personal knowledge of the issues) so that I can properly and adequately defend myself in this case, but I am unable to afford the fees I will incur for the court reporter and transcript costs.

11. Plaintiff should not enjoy the financial benefits of being a corporation and having funds at their disposal to pursue me in this case, while I, being sued as an individual, have no such access to even the minimal funds required to properly and adequately defend myself.

12. Plaintiff has already filed a notice of taking my deposition, and I will need a transcript of this deposition to prepare for trial.

13. Plaintiff has also already caused me to incur attorney's fees and costs unnecessarily due to their failure and refusal to participate in mediation. I request that the Court take Judicial Notice of the Motion for Sanctions I filed in connection with mediation. Plaintiff may be able to fritter away such costs without care, but I cannot.

14. I estimate that I will incur at least \$2,250.00 in court reporter fees, transcript costs and copy costs.

15. I estimate that I will incur at least \$1,500.00 in necessary attorney's fees.

16. Plaintiff should be required to pay temporary fees and costs so I can properly and adequately defend myself, pro se, against Plaintiff corporation.

WHEREFORE, I, CARL L. KENNEDY, II, Counter-Plaintiff, respectfully request all relief consistent with this Motion.

I hereby certify that I sent a copy of the foregoing via the e-portal to Edward F. Holodak, Esquire, on the 5<sup>th</sup> day of October, 2020.

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



**From:** edward@holodakpa.com,

**To:** clkax@aol.com,

**Cc:** tammy@holodakpa.com,

(4)

**Subject:** RE: PBFC v Kennedy - Holodak Phone Conversation 09-30-2020 Recap

**Date:** Fri, Oct 2, 2020 10:37 am

**Attachments:**

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Yes Carl, I agree.

Very truly yours,

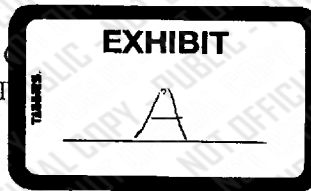
**Edward F. Holodak, Esq., B.C.S**  
**Admitted in Florida & Washington, D.C.**

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



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**From:** clktax@aol.com,

**To:** edward@holodakpa.com,

**Cc:** tammy@holodakpa.com,

**Bcc:** clktax@aol.com,

**Subject:** Re: PBFC v Kennedy - Holodak Phone Conversation 09-30-2020 Recap

**Date:** Fri, Oct 2, 2020 10:22 am

**Attachments:**

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Mr. Holodak,

I understand and I will provide those Item 4 docs to you along with my responses to the PBFC discovery requests due on 11-02-2020, if you're in agreement. Please advise.

Respectfully,

Carl Kennedy

-----Original Message-----

**From:** Edward Holodak <edward@holodakpa.com>

**To:** Carl Kennedy <clktax@aol.com>

**Cc:** Tammy Pomaranski <tammy@holodakpa.com>

**Sent:** Thu, Oct 1, 2020 10:55 am

**Subject:** RE: PBFC v Kennedy - Holodak Phone Conversation 09-30-2020 Recap

Carl

Thank you. As to Item #4, the Club wishes to see the supporting material for every Amex change that you allege was made on behalf of the Club. I understand this may cumbersome, but it is nonetheless what the Club is entitled to receive.

As to the rest of your email I am in agreement that it accurately reflects our conversation. Thank you.

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**



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**From:** Carl Kennedy <clktax@aol.com>  
**Sent:** Thursday, October 1, 2020 10:54 AM  
**To:** Edward Holodak <edward@holodakpa.com>  
**Cc:** Tammy Pomaranski <tammy@holodakpa.com>  
**Subject:** PBFC v Kennedy - Holodak Phone Conversation 09-30-2020 Recap

①

Mr. Holodak,

Thank you for calling me yesterday afternoon. Subsequent to that phone call here is my takeaway:

- 01) PBFC will comply with my record requests by next Wednesday - 10/07/2020.
- 02) My responses to the PBFC discovery requests will be due on 11/02/2020. You mentioned an agreed order on this item, please provide such for my review before submitting to the Court.



03) I will send to you by Monday (10/05/2020) my chart of "produced/not produced" items as it relates to PBFC's responses to my first request for production of documents and interrogatories.

04) I advised you that it would be a monumental task to provide you with every receipt and/or invoice for all AMEX charges for the past several years. I requested you provide me with a reasonable number of questioned or disputed charges for which I will provide you receipts/invoices.

05) I will provide the Answer to the PBFC Complaint by 10/05/2020.

As I explained, Ms. Hausmann had started drafting several of the items above prior to her withdrawing as my attorney, I am working diligently to perfect her unfinished work in order provide the completed work to you.

I made you aware, and I believe Ms. Hausmann sent you an e-mail, requesting the January 2020 and the February 2020 Bank of America bank account ending in 1841, because I need these bank statements to prepare a full and reconciled accounting up from December 31, 2019 until February 12, 2020. To the best of my knowledge and understanding, this is the only full and reconciled accounting which I had not already prepared and provided to PBFC before leaving my position as Treasurer, and the only "accounting" which PBFC is requesting in the Complaint against me.

Please let me know if I have forgotten anything from our conversation yesterday, or if I have stated anything incorrectly.

Respectfully,

Carl Kennedy