

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/Counter-Defendant,

and

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

CARL L. KENNEDY

Defendant/Counter-Plaintiff

RESPONSE TO AND MOTION FOR SANCTIONS
IN CONNECTION WITH PLAINTIFF'S
MOTION TO CORRECT SCRIVENER'S ERROR

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

1. The case style in Plaintiff's lawsuit erroneously provides the name of CARL L. KENNEDY (without the suffix II) as the Defendant in this matter.

2. On October 5, 2020 when I, Carl L. Kennedy, II, attempted to file several documents, including my Answer and Counter-Complaint, the Clerk rejected the filing due to the mismatch of the names CARL L. KENNEDY in the case style rather than my true full name as the Defendant/Counter-Plaintiff, which is CARL L. KENNEDY, II. Composite Exhibit A includes the receipt for the Court filing on October 5, 2020 and the rejection notices from the Clerk dated October 8, 2020.

3. I notified Plaintiff's attorney immediately of the issue since the incorrect name in the case style was not only causing a problem for me, but also may be extremely problematic both for the Plaintiff/Counter-Defendant and the real Carl L. Kennedy (who is an actual living person). See Exhibit B my email to Plaintiff's attorney at 2:10 p.m. on October 8, 2020.

4. I had been made fully aware by more than one attorney of the legal importance and potential ramifications of Plaintiff's error in naming the wrong person in this lawsuit, and serving the "right" person with a Complaint which named someone else as Defendant in the case style, including the fatal effect it would have on a Judgment rendered against Carl L.

Kennedy instead of Carl L. Kennedy, II. Nevertheless, as shown in my email, I offered to help remedy this error without playing any “games” regarding this issue.

5. Plaintiff’s attorney agreed to the timeliness of the court filings I made on October 5, 2020, and with respect to any future rejection of my court filings if they are due to the mismatch created by incorrectly naming the Defendant/Counter-Plaintiff in this case. Plaintiff/Counter-Defendant agreed that all documents filed by me on and after October 5, 2020, which were/are rejected by the Clerk due to the mismatch of the names Carl L. Kennedy and Carl L. Kennedy, II, would be considered to have been filed on the date/time they were submitted to the e-portal. (See Composite Exhibit C which includes both Plaintiff’s email to me of 2:29 p.m. on October 8, 2020, and paragraph 8 of the proposed Joint Motion Plaintiff submitted to me at 2:06 p.m. on October 22, 2020.)

6. Plaintiff’s counsel deceptively told me he had dictated a proposed “Agreed Order” which “basically” corresponded to the language I had requested, but the proposed “Agreed Order”(s) which Plaintiff sent me (twice) completely omitted the language in paragraph 5 above, which I had repeatedly requested be contained in any “Agreed” Order concerning this issue. (See Composite Exhibit D which includes both Plaintiff’s email to me of 3:51 on October 8, 2020 and Plaintiff’s proposed “Agreed Order”).

7. Despite my willingness to help Plaintiff correct and resolve a major error on its part which could have significant and far-reaching negative consequences for both Plaintiff and Plaintiff’s attorney, without one iota of difficulty or “game-playing” on my part, Plaintiff, without any stated reason why, simply refuses to acknowledge its written agreement of October 8, 2020 by refusing to include the language of paragraph 5 above in an “Agreed Order”. Plaintiff has instead requested a hearing for the sole purpose of attempting to exclude in this Court’s Order any language reflecting Plaintiff’s agreement on this issue.

8. Plaintiff is continuing to make good on its statement/admission that it “doesn’t want to play nice in the sandbox” in this matter.

9. Plaintiff should be compelled to comply with their written agreement regarding the clerical issue in this matter, and any Order resulting from Plaintiff’s Motion to Correct Scrivener’s Error should include the language of paragraph 5 above. I will now, and may again in the future, be significantly prejudiced in connection with the acceptance of my court filings in this case, if only Plaintiff receives its requested relief concerning this issue.

10. If the language of paragraph 5 herein above is not included in the Order which results from Plaintiff's Motion to Correct Scrivener's Error, I fear I may again run into problems or have my court filings rejected due to the mismatch of names, perhaps causing me to "miss" a deadline of some kind. This would be an entirely unfair consequence to me due to Plaintiff's error.

11. Plaintiff's proposed Order in connection with this issue, especially given that it is resulting due to a problem caused by them, is unreasonable and one-sided.

12. Plaintiff's Motion and hearing on same is a waste of the Court's time and a waste of corporate assets (I am still a member/shareholder in Plaintiff's Club). Plaintiff should be sanctioned for its frivolous and bad faith filing of its Motion to Correct Scrivener's Error and its request for a hearing about it.

WHEREFORE I, Carl L. Kennedy, II, request all relief consistent with this Response and Motion for Sanctions, including an Order on Plaintiff's Motion to Correct Scrivener's Error containing the language of paragraph 5 herein.

I hereby certify that a true and correct copy of the foregoing has been served to Edward Holodak, Esquire via the Florida e-portal on this 27th 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: clktx@aol.com

From: noreply@myflcourtagency.com,
Subject: Filing Received
Date: Mon, Oct 5, 2020 9:47 pm

Dear Carl Lemley Kennedy II:

This email verifies the receipt of 3 documents submitted by you to Broward Circuit Civil on 10/05/2020 09:47:22 PM.

UCN: 062020CA005993AXXXCE
Clerk Case #: CACE-20-005993
Case Style: POMPANO SENIOR SQUADRON FLYING VS KENNEDY, CARL
Document Title: Motion to Compel
Answer to Complaint
Motion for Temporary Relief

Matter #:
Memo:
Filing Fee: \$0.00
Motions Motion to Compel: \$0.00
All Answer to Complaint: \$0.00
Motions Motion for Temporary Relief: \$0.00
Statutory Convenience Fee: \$0.00
Total Fee: \$0.00
Fee Status: Assessed
Paid By: No Payment Required
MFC Order #:

The E-Portal reference number of this filing is: 114468654. Please reference this Filing # in any correspondence.

You will receive a follow-up email when your filing has been docketed with the Clerk.

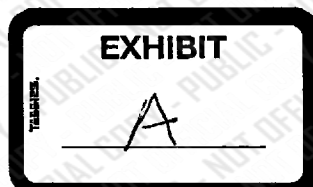
Follow us on Twitter @FLCourtsEFiling

Subscribe to our YouTube Channel <https://www.youtube.com/user/FLCrtsEFilingPortal>

View the Training Manuals <https://www.myflcourtagency.com/authority/trainingmanuals.html>

This is a non-monitored email. Do not reply directly to it. If you have any questions about this filing please contact the Broward Circuit Civil division.

Thank you,
The Florida Courts E-Filing Portal



From: eservice@myflcourtagency.com,

Subject: SERVICE OF COURT DOCUMENT CASE NUMBER 062020CA005993AXXXCE POMPANO SENIOR SQUADRON FLYING VS KENNEDY, CARL - Part 1 of 2

Date: Mon, Oct 5, 2020 9:47 pm

Attachments: Motion To Compel.pdf (4382K), Answer To Complaint.pdf (4048K), Motion For Temporary Relief - Pages 1 to 5.pdf (1685K)

Notice of Service of Court Documents

Filing Information

Filing #: 114468654
 Filing Time: 10/05/2020 09:47:22 PM ET
 Filer: Carl Lemley Kennedy II 304-552-0206
 Court: Seventeenth Judicial Circuit in and for Broward County, Florida
 Case #: 062020CA005993AXXXCE
 Court Case #: CACE-20-005993
 Case Style: POMPANO SENIOR SQUADRON FLYING VS KENNEDY, CARL

Documents

Title	File
Motion To Compel	M 2 Compel Better Resps.pdf
Answer To Complaint	Ans w Cntr-Cmplnt.pdf
Motion For Temporary Relief	M 4 Temp Fees.pdf

E-service recipients selected for service:

Name	Email Address
Carl Lemley Kennedy II	CLKTax@aol.com
	Carl@goard.com
	saltlife171@gmail.com
Edward F Holodak	pleadings@holodakpa.com
	edward@holodakpa.com

E-service recipients not selected for service:

Name	Email Address
N/A	saltlife171@gmail.com
WENDY A HAUSMANN	HAUSMANNW@AOL.COM
	whausmannlaw@gmail.com

This is an automatic email message generated by the Florida Courts E-Filing Portal. This email address does not receive email.

Thank you,
 The Florida Courts E-Filing Portal

From: eservice@myflcourtagency.com,

Subject: SERVICE OF COURT DOCUMENT CASE NUMBER 062020CA005993AXXXCE POMPANO SENIOR SQUADRON FLYING VS KENNEDY, CARL - Part 2 of 2

Date: Mon, Oct 5, 2020 9:47 pm

Attachments: Motion For Temporary Relief - Pages 6 to 6.pdf (335K)

Notice of Service of Court Documents

Filing Information

Filing #: 114468654
 Filing Time: 10/05/2020 09:47:22 PM ET
 Filer: Carl Lemley Kennedy II 304-552-0206
 Court: Seventeenth Judicial Circuit in and for Broward County, Florida
 Case #: 062020CA005993AXXXCE
 Court Case #: CACE-20-005993
 Case Style: POMPANO SENIOR SQUADRON FLYING VS KENNEDY, CARL

Documents

Title	File
Motion To Compel	M 2 Compel Better Resps.pdf
Answer To Complaint	Ans w Cntr-Cmplnt.pdf
Motion For Temporary Relief	M 4 Temp Fees.pdf

E-service recipients selected for service:

Name	Email Address
Carl Lemley Kennedy II	CLKTax@aol.com
	Carl@goard.com
	saltlife171@gmail.com
Edward F Holodak	pleadings@holodakpa.com
	edward@holodakpa.com

E-service recipients not selected for service:

Name	Email Address
N/A	saltlife171@gmail.com
WENDY A HAUSMANN	HAUSMANNW@AOL.COM
	whausmannlaw@gmail.com

This is an automatic email message generated by the Florida Courts E-Filing Portal. This email address does not receive email.

Thank you,
 The Florida Courts E-Filing Portal

From: noreply@myflcourtagency.com,

Subject: Filing # 114468654 filed by Carl Lemley Kennedy II is Not Filed – The filing is in the E-Filing Portal Correction Queue

Date: Thu, Oct 8, 2020 10:32 am

Please note: this is a non-monitored email address; please do not reply to this message.

Date: 10/08/2020 10:32:23 AM

Dear Florida Courts E-Filing Portal User:

Filing Reference Number 114468654 with the Broward County, Florida Circuit Civil Division needs to be corrected before it can be filed.

Filing Reference Number #:	114468654
Filer:	Carl Lemley Kennedy II
Status:	Correction Queue
Filing Date/Time:	10/05/2020 09:47:22 PM
UCN:	062020CA005993AXXXCE
Clerk Case #:	CACE-20-005993
Case Style:	POMPANO SENIOR SQUADRON FLYING VS KENNEDY, CARL
Matter #:	

Please be advised that Filing Reference Number 114468654 needs to be corrected and has been moved to the Correction Queue in accordance with the Florida Supreme Court Standards for Electronic Access to the Courts, Section 3.1.13. Filer has five (5) business days to correct and resubmit this filing.

This action has been taken for the following reason: 04. The parties you entered in the Portal do not match Complaint/Petition/Statement of Claim.

If you have questions concerning clarification on the corrections needed, **please contact the Broward County Clerk of Court, Circuit Civil Division.**

Follow us on Twitter @FLCourtsEFiling

Subscribe to our YouTube Channel <https://www.youtube.com/user/FLCrtsEFilingPortal>

View the Training Manuals <https://www.myflcourtagency.com/authority/trainingmanuals.html>

Thank you.
Florida Courts E-Filing Portal

From: noreply@myflcourtaccess.com,
Subject: Filing # 114468654 Not Filed – Please Correct Filing in the E-Filing Portal Pending Queue
Date: Thu, Oct 8, 2020 10:32 am

Please note: this is a non-monitored email address; please do not reply to this message.

Date: 10/08/2020 10:32:22 AM

Dear Carl Lemley Kennedy II:

Your filing with the Broward County, Florida Circuit Civil Division needs to be corrected before it can be filed.

Filing Reference Number #: 114468654
Status: **Correction Queue**
Filing Date/Time: 10/05/2020 09:47:22 PM
UCN: 062020CA005993AXXXCE
Clerk Case #: CACE-20-005993
Case Style: POMPANO SENIOR SQUADRON FLYING VS KENNEDY, CARL
Matter #:

Please be advised that Filing Reference Number 114468654 needs to be corrected and has been moved to the Correction Queue in accordance with the Florida Supreme Court Standards for Electronic Access to the Courts, Section 3.1.13. You will have five (5) business days to correct and resubmit this filing.

Please make the following correction(s): 04. The parties you entered in the Portal do not match Complaint/Petition/Statement of Claim.

To make these corrections, go to the My Submissions page in the Portal and search by Status: Correction Queue and then select the Filing ID link. Then correct the error by either making the advised changes or replacing the deficient document with the corrected document and resubmit the Filing. You must click the Save button on any screen to which changes were made. For further information on correcting filings sent to the Correction Queue, please consult the E-Filing User Manual on the Florida Courts E-Filing Portal web page under the Help Menu, Training Manuals or watch the YouTube video.

If you have questions concerning clarification on the corrections needed, **please contact the Broward County Clerk of Court, Circuit Civil Division .**

Follow us on Twitter @FLCourtsEFiling

Subscribe to our YouTube Channel <https://www.youtube.com/user/FLCrtsEFilingPortal>

View the Training Manuals <https://www.myflcourtaccess.com/authority/trainingmanuals.html>

Thank you.
Florida Courts E-Filing Portal

From: clkta@aol.com,
To: edward@holodakpa.com,
Cc: tammy@holodakpa.com,
Bcc: clkta@aol.com,
Subject: PBFC v Carl L Kennedy - CACE 20-005993
Date: Thu, Oct 8, 2020 2:10 pm

Mr. Holodak,

I will address your e-mail of yesterday later today, but we have a more immediate issue I think we must resolve together.

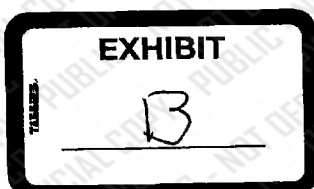
As you will see in the subject line I put my name as Carl L. Kennedy when in fact my name is Carl L. Kennedy, II and that is the name I have used in every document I have filed with the Court in the upper portion of every document (I understand this is the case style). I never wanted to and did not and will not now, if you will help me, object to the fact that you technically sued the wrong person. There is an actual living Carl L. Kennedy. I have successfully been filing documents in this case as Carl L. Kennedy, II since the beginning with no problem from the court. All of a sudden the documents I filed on Monday, including the very important Answer which was due that day, have all been rejected because my name does not match the case style. My name, Carl L. Kennedy, II "does not match the case style".

I have no desire whatsoever to file a motion to dismiss this case so that you have to file a lawsuit against me, Carl L. Kennedy, II. But I also do not want my documents rejected or considered not to have been filed on the date and time that I filed them thru the E-Portal. Do you know of a method to resolve what seems to be a joint problem because you do not want a judgement against the actual living Carl L. Kennedy? You want a judgement against Carl L. Kennedy, II. So, the case style must be corrected somehow and I'm sure you'll agree that my documents filed on Monday October 5th, by me are to be considered as having been timely filed on October 5th, 2020, and that any documents I file from this point forward are deemed by you to have been filed on the date and time you received the documents thru the E-Portal.

Please immediately advise. I will address you e-mail of yesterday as soon as this problem is resolved this afternoon.

Respectfully,

Carl L. Kennedy



From: edward@holodakpa.com,

To: clktax@aol.com,

Cc: tammy@holodakpa.com,

Subject: RE: PBFC v Carl L Kennedy - CACE 20-005993

Date: Thu, Oct 8, 2020 2:29 pm

Attachments:

Carl

I will accept your documents as timely and not raise an issue given the circumstances. I will prepare a Motion to Correct Scrivener's Error and then submit an Agreed Order. Please note however, that the Clerk of the Court is a dinosaur system and I do not believe they will change the style of the case. We can give it a shot, but you may just have to use the existing style on all pleadings even after the Court corrects your name.

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



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

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

CASE NO.: CACE 20-005993 (08)

Plaintiff,

v

CARL KENNEDY, individually,

Defendant.

JOINT MOTION TO CORRECT SCRIVENERS ERROR

The parties, POMPANO SENIOR SQUADRON FLYING CLUB, INC. (Plaintiff “Club”), by and through its undersigned counsel, and Defendant, Carl Kennedy, files this Joint Motion to Correct Scriveners Error and says:

1. The true full name of the Defendant/Counter-Plaintiff in this matter is CARL L. KENNEDY, II.
2. The case style inadvertently but erroneously provides the name of CARL L. KENNEDY (without the suffix II) as the Defendant/Counter-Plaintiff in this matter.
3. On October 5, 2020 when Carl L. Kennedy, II attempted to file several documents, the Clerk rejected the filing due to the mismatch of the names CARL L. KENNEDY in the case style rather than the true full name of the Defendant/Counter-Plaintiff, which is CARL L. KENNEDY, II.
4. The parties agree that the incorrect name in the case style may be problematic both for the Plaintiff/Counter-Defendant and the real Carl L. Kennedy (who is an actual living person).

5. The parties agree that for purposes of this single Broward County Circuit Civil Case only, the Carl L. Kennedy in the current "case style" for purposes of Court Records should be corrected to the name CARL L. KENNEDY, II as Defendant/Counter-Plaintiff in this matter.

6. The parties request that the Court direct the Clerk of the Court to change correct the case style in this matter to be the true full name of the Defendant/Counter-Plaintiff to CARL L. KENNEDY, II.

7. Defendant/Counter-Plaintiff, CARL L. KENNEDY, II, has agreed to the correction of the case style as requested herein without objection or condition.

8. Plaintiff/Counter-Defendant has agreed to the timeliness of the court filings made by Defendant/Counter-Plaintiff on October 5, 2020, and with respect to any future rejection of Mr. Kennedy's court filings if they are due to the mismatch created by incorrectly naming the Defendant/Counter-Plaintiff in this case. Plaintiff/Counter-Defendant agrees that all documents filed by Defendant/Counter-Plaintiff on and after October 5, 2020, which were/are rejected by the Clerk due to the mismatch of the names Carl L. Kennedy and Carl L. Kennedy, II, will be considered to have been filed on the date/time they were submitted to the E-Portal.

WHEREFORE, The parties move this Honorable Court for an Order correcting Plaintiff Club's scriveners error and correctly identifying the Defendant as Carl L. Kennedy, II, along with 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 _____ day of October 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

From: edward@holodakpa.com,

To: clktax@aol.com,

Cc: tammy@holodakpa.com,

Subject: RE: PBFC v Carl L Kennedy - CACE 20-005993

Date: Thu, Oct 8, 2020 3:51 pm

Attachments:

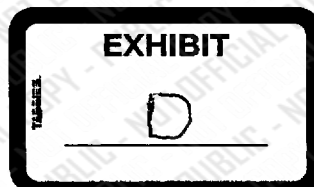
Carl

I dictated the order that basically corresponds to your email; however, trying to get the Clerk of the Court to change a style takes an act of God. We will do our best to get it done, when you see the language of the Order, it may alleviate your concerns.

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



This e-mail is intended for the addressee shown. It contains information that is confidential and protected from disclosure. Any

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.

AGREED ORDER

THIS CAUSE having come to be heard on the parties, Pompano Senior Squadron Flying Club, Inc.'s and Defendant Carl Kennedy's, Joint Motion to Correct Scriveners Error, the Court considering the pleadings herein, the Court considering agreement of the parties, and the Court being otherwise fully advised, it is:

ORDERED AND ADJUDGED that:

The Parties Motion to Correct Scriveners Error is **GRANTED**. All references in the pleadings to CARL KENNEDY, CARL L KENNEDY shall be known as CARL L. KENNEDY, II. The Clerk of the Court is hereby directed to change the style of the case to reflect that the proper Defendant is CARL L. KENNEDY, II and shall accept all future pleadings with such designation by the parties.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida on this ____ day of October 2020.