

IN THE CIRCUIT COURT OF  
THE 17<sup>TH</sup> 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 TO COMPEL BETTER RESPONSES TO  
REQUEST TO PRODUCE**

Plaintiff, POMPANO SENIOR SQUADRON FLYING CLUB, INC. (Plaintiff  
"Club"), by and through its undersigned counsel, files this Motion to Compel Better  
Responses to Request to Produce from Defendant Carl Kennedy (Defendant "Kennedy")  
and says:

1. On or about July 27, 2020, Plaintiff Club propounded a Request to Produce to  
Defendant Kennedy relative to the issues in the pleadings before this Court. Defendant  
Kennedy replied objecting to many and to some, thereafter allegedly answering.

2. Plaintiff Club sued Defendant Kennedy for an accounting, alleging that at  
the time he was treasurer of the Club, he misspent Club money and provided no  
accounting and financial documents to the Club.

3. In Request to Produce #3, Plaintiff Club asked for a copy of all checks  
written to Defendant Kennedy for any reason during the past 5 years on any account  
belonging to the Club. As Plaintiff Club is seeking a complete and accurate accounting  
from Defendant Kennedy for Plaintiff Club's monies he spent paying his own personal

American Express card and other financial misappropriations as alleged by Plaintiff Club, asking for all checks written by Plaintiff Club to Defendant Kennedy is completely relevant and material to the issues herein.

4. Despite same, Defendant Kennedy objected that the request is overbroad, irrelevant and beyond the scope of the pleadings. Although Defendant Kennedy goes on to state that Plaintiff Club has access to the bank records, Plaintiff Club is entitled to an answer to the request without objections attached thereto. It is also entitled to know if Defendant Kennedy has records that differ from those Plaintiff Club may have or may have access to from third parties. Plaintiff Club should not have to face a sudden surprise production of such records later in this case, say at trial or otherwise. Plaintiff Club moves this Court for an Order overruling the objections of Defendant Kennedy, and an Order compelling the production of all such checks that Defendant Kennedy may have in his possession.

5. In Request to Produce #4, Plaintiff Club asked for a copy of any and all checks or other forms of payments from Defendant Kennedy to the Club for any reason during the past five (5) years. As Plaintiff Club is seeking a complete and accurate accounting from Defendant Kennedy for all financial transactions he was involved in as treasurer of Plaintiff, asking for all checks written by Defendant Kennedy is completely relevant and material to the issues herein.

6. Despite same, Defendant Kennedy objected that the request is overbroad, irrelevant and beyond the scope of the pleadings. Although Defendant Kennedy goes on to state that Plaintiff Club has access to the bank records, Plaintiff Club is entitled to an answer to the request without objections attached thereto and once again, to be able to verify the extent of Defendant Kennedy's records (and subsequent evidence) in

comparison to what is in Plaintiff Club's possession and control. Plaintiff Club moves this Court for an Order overruling the objections of Defendant Kennedy, and an Order compelling the production of all such requested documents.

7. In Request to Produce #5, Plaintiff Club asked for a copy of any and all American Express statements which reflect payments, from any account belonging to Plaintiff Club, to any American Express charge account owned in whole or in part by Defendant Kennedy. As above, due to the nature of the claims, this request is completely relevant and material. Despite same, Defendant Kennedy objected that the request is overbroad, irrelevant and beyond the scope of the pleadings. Although Defendant Kennedy goes on to state that Plaintiff Club has access to the bank records, Plaintiff Club is entitled to an answer to the request without objections attached thereto and the production from Defendant Kennedy of his records as expressed above. Plaintiff Club moves this Court for an Order overruling the objections of Defendant Kennedy and compelling the production of all such documents.

8. In Request to Produce #6, Plaintiff Club asked for a copy of any and all credit card statements which reflect payments from any account belonging to Plaintiff Club on any credit cards owned in whole or in part by Defendant Kennedy. For all of the above stated reasons Plaintiff Club believes these records are relevant and material. Despite same, Defendant Kennedy objected that the request is overbroad, irrelevant and beyond the scope of the pleadings. Plaintiff Club moves this Court for an Order overruling the objections of Defendant Kennedy and compelling the production of all such documents.

9. In Request to Produce #9, Plaintiff Club asked for a copy of any and all minutes of meetings of the Board of Directors of the Club at which the Board of

Directors approved taking a loan from Wendy Hausmann. Once again, the allegations in the Complaint, is that Defendant Kennedy left no appropriate records behind when he left the position of treasurer and Board member. Despite same, Defendant Kennedy objected that the request is overbroad, irrelevant and beyond the scope of the pleadings. Consistent with all above arguments, Plaintiff Club moves this Court for an Order overruling the objections of Defendant Kennedy and compelling the production of all such documents.

10. In Request to Produce #10, Plaintiff Club requested all communications from Wendy Hausmann to Defendant Kennedy regarding an alleged loan Wendy Hausman to Plaintiff Club. As the alleged loan to Plaintiff Club is one of the major issues in the pleadings in the matter, clearly this request is material and relevant. Yet, in answer thereto Defendant Kennedy objected that the request was vague and overbroad. As with some prior responses, Defendant Kennedy, without waiving said objection, then answered that there are no such documents.

11. As argued above, Plaintiff Club is entitled to answers to its discovery without those answers being veiled behind objections. Secondly, it is a sanctionable offense for a party to raise objections to a request to produce to only thereafter say that there are no documents responsive to the request to produce. See *First Healthcare Corp. v. Hamilton*, 740 So. 2d 1189, 1193 (Fla. 4th DCA 1999).

WHEREFORE, Plaintiff Club moves this Court for the above Orders requested in the Motion, an award of court costs and attorney fees, and any further relief that this Court deems just and equitable.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via

portal this 5th day of November, 2020, to Carl L. Kennedy, II, [clktax@aol.com](mailto:clktax@aol.com).

/s/Edward F. Holodak  
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