

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.

**PLAINTIFF'S MOTION TO COMPEL
BETTER ANSWERS TO INTERROGATORIES**

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

1. On or about July 27, 2020, Plaintiff Club propounded Interrogatories to Defendant Kennedy relative to the issues in the pleadings before this Court. In Interrogatory #4, Plaintiff Club requested information directly relevant to the issue involved in the accounting demand between Plaintiff Club and Defendant Kennedy. Interrogatory #4 stated:

State each and every time the Club made a check payable to you, or to American Express, or to any other credit card company to reimburse you for expenses you allegedly paid on behalf of the Club.

2. In response thereto, Defendant Kennedy objected that the above interrogatory is overbroad and irrelevant. Then, allegedly without waiving said objections, Defendant Kennedy provided an incomplete answer to the interrogatory.

3. Initially, Plaintiff Club points out that it has no idea whether or not Defendant Kennedy's answer is complete as he has stated that it is subject to objections of relevancy and materiality. Plaintiff Club is entitled to an answer without any objections attached thereto.

4. Beyond that, the answer given by Defendant Kennedy is that Plaintiff Club can determine for itself the answer to this interrogatory. Defendant Kennedy informs Plaintiff Club that it must read through his Counterclaim to discern for itself the answer to this interrogatory. Clearly, Plaintiff Club is entitled to an actual answer from Defendant Kennedy, especially because Plaintiff Club asked Defendant Kennedy to identify those expenses he believes he is entitled to reimbursement from Plaintiff Club. Plaintiff Club should not have to read Defendant Kennedy's mind or try to interpret his Counterclaim to get a straight answer to this interrogatory. As counterclaims contain allegations, suppositions, etc., it is not an answer to Plaintiff Club's interrogatory. Plaintiff Club moves this Court for an Order compelling Defendant Kennedy to provide a better answer to Interrogatory #4 and overruling his objections thereto.

6. In Interrogatory #5, Plaintiff Club requested information directly relevant to the issue involved in the accounting demand between Plaintiff Club and Defendant Kennedy. Interrogatory #5 stated:

For the past five (5) years, list each item of expense you paid on behalf of the Club for which you claim entitlement to reimbursement.

7. In response thereto, Defendant Kennedy objected that the above interrogatory is overbroad and irrelevant. Then, allegedly without waiving said objections, Defendant Kennedy answered that Plaintiff Club can read his counterclaim..

8. Initially, Plaintiff Club points out that it has no idea whether or not Defendant Kennedy's answer is complete as he has stated that it is subject to objections of relevancy and materiality. Plaintiff Club is entitled to an answer without any objections attached thereto. Beyond that, the answer given by Defendant Kennedy is that Plaintiff Club can determine for itself the answer to this interrogatory. Defendant Kennedy informs Plaintiff Club that it must read through his Counterclaim to discern for itself the answer to this interrogatory. Clearly, Plaintiff Club is entitled to an actual answer from Defendant Kennedy, especially because Plaintiff Club asked Defendant Kennedy to identify those expenses he believes he is entitled to reimbursement from Plaintiff Club. Plaintiff Club should not have to read Defendant Kennedy's mind or try to interpret his Counterclaim to get a straight answer to this interrogatory.

9. Plaintiff Club moves this Court for an Order compelling Defendant Kennedy to provide a better answer to Interrogatory #5 and overruling his objections thereto.

WHEREFORE, Plaintiff Club moves this Court for the above Orders mentioned 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 eportal this 5th day of November, 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