

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.

AMENDED COUNTER-COMPLAINT

I, Carl. L. Kennedy, II, Counter-Plaintiff and current member/shareholder of Pompano Senior Squadron Flying Club (aka “Pompano Beach Flying Club”, “the Club” and “PBFC”), respectfully represent as follows:

1. I am a resident of Palm Beach County. I am the former Treasurer as well as a former member of the Board of Directors of Counter-Defendant social flying Club (hereafter also “PBFC or “the Club”).
2. Counter-Defendant social flying club, at all relevant times was, and is, a not-for-profit corporation pursuant to Florida Statutes §617, operating in Pompano Beach, Broward County, Florida.
3. I am still a member of PBFC and pay monthly dues. I am current in my monthly dues obligation and all other obligations as a member of PBFC.
4. Counter-Defendant, through its new Board of Directors installed February 12, 2020, has taken inappropriate and illegal actions both without authority and which are contrary to Florida law as well as the corporate documents which govern the Club.
5. The Club owes me \$2,512.52 reimbursement for Club expenses and financial obligations which I paid with my personal American Express credit card and for which the Club agreed to repay me in accordance with our history and accepted course of dealing. I have previously requested reimbursement in this amount from the Club. I have previously submitted all relevant documentation to the Club in connection with these expenses via the Club’s current Treasurer by email dated August 15, 2020.
6. The current Officers and Board of Directors stand in a fiduciary relationship

to me as a current member and shareholder of the Club.

7. The Counter-Defendant, through its current Board of Directors, is mismanaging funds, wasting corporate assets and otherwise causing irreparable harm to the Club.

8. Counter-Defendant has filed a Complaint against me which amounts to a “fishing expedition” based solely on a personal vendetta and is wasting significant corporate funds in pursuing such frivolous Complaint. The individual Officers and members of the current Board of Directors, in fact, each initially provided their own personal funds to the Club solely for the purpose of hiring a lawyer to pursue me.

9. In addition to pursuing me in this lawsuit, Counter-Defendant is also the Defendant in two (2) small claim lawsuits by former Club members, the value of which total approximately \$4,000. The Court should take Judicial Notice of Hill v. Pompano Senior Squadron Flying Club, Broward County Small Claims Court Case #CONO20010538, filed July 16, 2020 as well as Borer v. Pompano Beach Flying Club, Broward County Small Claims Court Case #COWE20022099, filed October 19, 2020. The Club hired the same lawyer that is suing me, both as general counsel for the Club and to represent the Club in the former member’s small claim lawsuit against the Club. The amount of fees being charged by the Club counsel to defend these lawsuits against the Club most likely exceed the amount of the value of the lawsuits. Therefore, the Club is mismanaging the Club’s funds and wasting corporate assets by expending excessive funds for their attorney in these small claim lawsuits against them.

10. To the best of my knowledge, information and belief, prior to the induction of the entirely new slate of Board of Directors and Officers in February, 2020, the Club has never before in its over fifty-year history been either a Plaintiff or a Defendant in any lawsuit. Since February 12, 2020, the Club has become involved in three (3) lawsuits. Upon information and belief, the Club is now likely to be the Defendant in additional small claim lawsuits. The current management of the Club is running the Club into the ground financially.

11. Plaintiff has also neglected to continue to make payments on loans I obtained for, and provided to, the Club, and which the Club agreed to pay, for the purposes of purchasing aircraft and increasing the value of existing club assets which the Club now enjoys using and providing to all members. I have personally made payments on these

loans through my own efforts to decrease the amount of the Club's liability. The default on the payments for these loans jeopardize the Club's possession of these aircraft, therefore also irreparably harming the Club.

12. The Pompano Beach Senior Squadron Flying Club (a.k.a. Pompano Beach Flying Club) has generated unnecessary and vexatious litigation contrary to the best interests of the Club.

13. Reasonable fees and costs should be taxed against the Club and awarded to me in accordance with any and all relevant Florida law.

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

A. Reimbursement from the Pompano Beach Senior Squadron Flying Club (a.k.a. Pompano Beach Flying Club) in the amount of \$2,512.52 within ten (10) days of the Court's final judgment in this matter;

B. That the Officers and Board of Directors of PBFC be enjoined from committing corporate waste by frivolously filing, pursuing or defending against lawsuits in connection with the Club;

C. Reimbursement for my monthly Club dues from March, 2020 through and including the month of the trial in this matter;

D. Ordering Counter-Defendant to bring current all of its debts and other financial obligations, including any and all outstanding loans made to the Club;

E. An award of my reasonable fees and costs in this matter; and

F. Ordering such other and further relief that this Court deems just and proper under the facts and circumstances of this matter.

I hereby certify that I sent a copy of the foregoing via the e-portal to Edward F. Holodak, Esquire, on the 7th day of December, 2020.

Respectfully submitted,

/s/ Carl L. Kennedy, II
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