

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

**MOTION FOR CONTEMPT, TO COMPEL AND FOR SANCTIONS DUE TO
PLAINTIFF'S FAILURE TO PROVIDE DISCOVERY RESPONSES**

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

1. I served Plaintiff with Expert Interrogatories on October 24, 2020.
2. I served Plaintiff with my Second set of Interrogatories and Second Request for Production of Documents on October 25, 2020.
3. Plaintiff filed a Motion for Extension of Time in connection with responding to these discovery requests, to which I agreed without hesitation or condition. Plaintiff neither made nor filed any objection with respect to these discovery requests, nor was any Protective Order requested or received by Plaintiff.
4. Plaintiff and I entered into an Agreed Order that Plaintiff's discovery responses would be due on December 10, 2020. The Agreed Order was signed by this Honorable Court on December 1, 2020.
5. As of the filing of this Motion, Plaintiff has failed to provide any of the required discovery responses whatsoever.
6. In accordance with the Rules of Civil Procedure, Plaintiff corporation has waived any opportunity it may have had to object (with the exceptions of objections regarding privilege and/or scope) to my properly propounded discovery requests.

7. Although fully aware of the Order and having the ability to comply with it, Plaintiff willfully, intentionally and deliberately failed to comply with this Court's Order directing Plaintiff's discovery responses to be produced to me and filed by December 10, 2020.

8. Plaintiff is deliberately and intentionally interfering with my ability to properly and adequately defend myself against its Complaint in this matter by failing and refusing to provide the information and documentation I have requested. Plaintiff is deliberately withholding and concealing exculpatory information and documentation in this matter, thereby attempting to perpetrate a fraud upon the Court by impeding the truth to be revealed to, and found by, the Court.

9. Plaintiff should be found in contempt of this Court's Order dated December 1, 2020 and compelled to provide discovery responses within five (5) calendar days, without objection, except as to privilege or scope.

10. Plaintiff should be sanctioned and warned that failure to provide the required discovery responses may result in the dismissal of their Complaint in this matter.

WHEREFORE, I request all relief consistent with this Motion, including an Order finding Plaintiff in contempt for its failure to provide discovery responses as ordered, directing Plaintiff to provide complete responses to my discovery requests within five (5) calendar days, without objection except as to privilege or scope, in accordance with this Court's Order dated December 1, 2020 and the Rules of Civil Procedure, and for all other and further relief as this Court deems just and proper.

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 11th day of December, 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