

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/Counter-Defendant,

v

CARL KENNEDY, individually,

Defendant/Counter-Plaintiff.

**PLAINTIFF/COUNTER-DEFENDANT'S MOTION
FOR CONTEMPT AGAINST DEFENDANT/COUNTER-PLAINTIFF**

Plaintiff/Counter-Defendant, POMPANO SENIOR SQUADRON FLYING CLUB, INC. (Plaintiff "Club"), a Florida Corporation by and through its undersigned counsel, pursuant to Rule 1.350 Fla.R.Civ.P., and Rule 1.280 Fla.R.Civ.P., files this Motion for Contempt against Defendant/Counter-Plaintiff CARL KENNEDY (Defendant "Kennedy") and says:

1. On or about July 27, 2020 Plaintiff Club propounded a Request to Produce against Defendant Kennedy, which included twenty (20) requests for documents.
2. Thereafter, Defendant Kennedy responded to the Request to Produce and, within each response to the request, was an objection followed by a qualified answer to the actual request.
3. On or about November 5, 2020, Plaintiff Club filed a Motion to Compel Better Responses to the Request to Produce, arguing that any answer to a request to

produce predicated both upon general objections and specific objections was improper as Plaintiff Club is left to wonder whether Defendant has fully responded to the request, or his avoiding producing documents based upon the objections.

4. On or about November 23, 2020, this Court entered an Order compelling discovery (copy of Order attached hereto as Exhibit #1), and at the hearing informed Defendant Kennedy that it is improper to predicate answers upon objections. In the Order, this Court gave Defendant Kennedy ten (10) days to provide better responses.

5. On or about December 7, 2020, Defendant Kennedy filed an Amended Response to Plaintiff's Request for Production of Documents (copy of Defendant Kennedy's Response attached hereto as Plaintiff's Exhibit #2).

6. As can be seen from Defendant Kennedy's Amended Response, Defendant Kennedy yet again predicated his answers upon objections, the very thing this Court advised Defendant Kennedy was improper at the prior hearing.

7. Based upon Defendant Kennedy's responses predicated upon objections, Plaintiff Club is yet again left to wonder whether Defendant Kennedy's production is complete, or whether or not such production is incomplete, based upon the objections raised by Defendant Kennedy, upon which he predicated his responses.

8. As this Court entered an Order Compelling Better Responses and advised Defendant Kennedy that it is improper to do exactly what Defendant Kennedy has done yet a second time, Plaintiff Club moves this Court for an Order of Contempt against Defendant Kennedy.

WHEREFORE, Plaintiff Club moves this Court for an Order of Contempt against Defendant Kennedy, compelling responses not predicated upon objections, 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 14th day of January 2021, to Carl L. Kennedy, II, clktax@aol.com.

/s/Edward F. Holodak
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