

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 TO COMPEL PLAINTIFF TO PROVIDE DISCOVERY

I, Carl L. Kennedy, II, Defendant/Counter-Plaintiff, respectfully represent to this Honorable Court as follows:

1. Plaintiff in this matter filed an initial Complaint against me in March, 2020, alleging I mismanaged funds of the Plaintiff's Flying Club when I was the Treasurer.
2. On October 25, 2020, I sent my Second Set of Interrogatories to Plaintiff, including the following:

#1: "Using the American Express credit card statements which I provided to you for the years 2017, 2018, 2019 up through the last charge I made on the card for Club purposes in 2020, list chronologically by date, amount and description of every single American Express payment which you contend was my personal expense but improperly paid for by PBFC, or for which I have requested reimbursement in writing to PBFC, using/requesting PBFC funds."

#3: "List each and every action I took or any expense I paid using PBFC funds which you contend represent(ed) mismanagement of funds, describing specifically with respect to each action or expense why you contend the action or expense constituted mismanagement of Club funds."

3. Plaintiff's answer to Interrogatory #1 stated:

“Unknown at this time as the American Express cards are being reviewed and discovery is ongoing.”

4. As of the filing of this Motion to Compel, Plaintiff has failed and refused to provide me with any further information responsive to Interrogatory #1.

5. Although Interrogatory #3 asks for a list of each and every...expense I paid...”, Plaintiff’s answer to Interrogatory #3 contained no numbers whatsoever and provided only a generalized response.

6. On March 25, 2021, Plaintiff filed a Motion to Appoint a Special Magistrate which alleges that Plaintiff has "unturned over \$340,000 of unaccounted for monies" for which they claim I am responsible.

7. Plaintiff’s allegation in this matter amounts to an accusation of criminal conduct. I am entitled to defend myself in every legal way possible, including all information and documentation supporting or corroborating Plaintiff’s accusation, especially “exculpatory” information and documentation.

8. Plaintiff has objected, failed and refused to provide the information and documentation I reasonably need and have properly requested for my defense.

9. I have properly requested in discovery, and am entitled to be provided with, the information Plaintiff claims it has “unturned” and is being offered to bias the Court and to prejudice me, and as a “factor” in support of its Motion to Appoint Special Magistrate, which also alleges I, and I alone, am responsible for discovery delays.

10. Plaintiff should be compelled to comply with its discovery obligations by providing me with supplemental or better responses, and all information it possesses to date responsive to my Interrogatory #1 and Interrogatory #3 above, which I properly served to Plaintiff on October 25, 2020, and which Plaintiff affirmatively implies it possesses in support of its prejudicial Motion to Appoint Special Master filed on March 25, 2021.

11. Plaintiff is intentionally, deliberately and improperly withholding information that is clearly critical to my defending myself.

12. Failure to grant this Motion will result in significant prejudice to me.

WHEREFORE, I respectfully request that Plaintiff/Counter-Defendant be compelled to comply with its discovery obligations by providing me, within ten (10) days, any and all

information it has to date which is responsive to Interrogatory #1 and Interrogatory #3 above, which I properly requested on October 25, 2020, and any other relief the Court deems just and proper under the facts and circumstances of this matter.

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 8th day of May, 2021.

Respectfully submitted,

/s/ Carl L. Kennedy
Carl L. Kennedy, II
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