

IN THE CIRCUIT COURT OF  
THE 17<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY FLORIDA

CASE NO: CACE 20-005993 (o8)

POMPANO SENIOR SQUADRON  
FLYING CLUB, INC., a Florida  
corporation,

Plaintiff,

v

CARL KENNEDY, individually,

Defendant.

---

**MOTION FOR PROTECTIVE ORDER**

Plaintiff, POMPANO SENIOR SQUADRON FLYING CLUB, INC. (Plaintiff "Club"), by and through its undersigned counsel, files this Motion for Protective Order against Wendy Hausmann, Esq. as counsel for Defendant Carl Kennedy (Defendant "Kennedy"), taking the deposition or engaging in any other discovery in the matter until the Motion to Disqualify Wendy Hausmann, Esq., has been heard and ruled upon pursuant to Rule 4-1.9 Florida Rules Regulating the Florida Bar and Florida law and says:

1. Plaintiff Club filed suit against Defendant Kennedy seeking an accounting (audit) from its former treasurer, Carl Kennedy, and as importantly for purposes of this motion, seeking information regarding an alleged loan from Wendy Hausmann, Esq., to the Club and payments made to Ms. Hausmann. See Complaint attached as **Exhibit #1**.

2. It is the Club's assertion that Ms. Hausmann was Plaintiff Club's attorney and was Plaintiff Club's attorney during the time she made the alleged loan to Plaintiff Club. See *The Florida Bar v. Doherty*, 94 So.3d 443 (Fla. 2012) (sanctioning an attorney for engaging in business with a client without the required documentation of Rule 4-1.8(a)(1-3)).

3. Rule 4-1.9 Conflict of Interest; Former client of the Rules that Govern the Florida Bar states:

"A lawyer who has formerly represented a client in a matter *must not* afterwards: Represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interest of the former client unless the former client gives informed consent;

a. Use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client or when the information has become generally known; or

b. Reveal information relating to the representation except as these Rules would permit or require with respect to a client."

4. It is Plaintiff Club's assertion that Wendy Hausmann represented the Club as its former general counsel.

5. The interest of Plaintiff Club and Defendant Kennedy are clearly adverse, and Plaintiff Club has not given its consent to Ms. Hausmann's representation of Defendant Kennedy.

6. Plaintiff Club has filed a Motion to Disqualify Ms. Hausmann from representing Defendant Kennedy. Copy of Motion to Disqualify is attached as Plaintiff's **Exhibit #2**.

7. Plaintiff Club and Ms. Hausmann are attempting to have the matter heard but have not been able to secure a hearing date at this time.

8. Since filing a Re-Notice of Appearance on behalf of Defendant Kennedy (Ms. Hausmann previously withdrew as Defendant Kennedy's Attorney herein), she has communicated with Plaintiff Club that she intends to depose a former Board member of Plaintiff Club.

9. Plaintiff Club believes that any discovery conducted by Ms. Hausmann would be inappropriate until such time as the Court has ruled upon the Motion to Disqualify.

10. As the Special Master is fully aware, representation by an attorney does not require a formal retainer agreement and once an attorney client relationship is shown, there is a presumption that confidential information has been disclosed to the attorney. *Metcalf v. Metcalf*, 785 So.2d 747 (Fla. 5<sup>th</sup> DCA 2001) ( holding Florida law does not require a long,

complicated relationship or even a retainer agreement that is decided from the client perspective); See also *Dean v. Dean*, 607 So.2d 494 (Fla. 4<sup>th</sup> DCA 1992) ( holding the existence of an attorney-client relationship is not even dependent upon the client retaining the attorney).

11. Plaintiff Club is required to establish that Ms. Hausmann's prior representation is substantially related to the issues in this matter. See *Metcalf*, *Infra* at 750.

#### Substantially Related Matters

12. Based upon Ms. Hausmann's attached email, she represented the Club involving an audit of the Club's finances specifically as it related to claims of malfeasance against Carl Kennedy. See Email **Exhibit #3**.

13. Exhibit # 3 references the bylaws and edits necessary as it relates to the situation regarding a member's claims against Carl Kennedy. The same email, in regard to the By-Law amendment, references the audit being conducted by the Board of Directors of Plaintiff Club. The email specifically says the audit "initiated by the BOD with this firm." See **Exhibit #3**.

14. Ms. Hausmann billed Plaintiff Club to "Prepare and revise Corporation Bylaws with multiple telephone conferences with Carl Kennedy as to same." See Invoice from Ms. Hausmann to Plaintiff Club attached as **Exhibit #4**.

15. Plaintiff Club paid Ms. Hausmann on or about January 31, 2020 for the invoice. See copy of check attached as **Exhibit #5**.

16. Ms. Hausmann sent a collection letter to a member of Plaintiff Club for money allegedly due to Plaintiff Club for membership dues and expenses. Letter attached as Plaintiff Clubs **Exhibit #6**.

17. Finally, a review of Plaintiff Club's Complaint evidences that Plaintiff Club as part of its claim for payment accounting and injunction seeks information relating to an alleged loan made by Ms. Hausmann to Plaintiff Club. In fact, Plaintiff Club has deposed Ms. Hausmann. An attorney may not be a material witness to a case as well as the litigating attorney therein. See *Rogan v. Oliver*, 110 So.3d 980, 982 (Fla. 4<sup>th</sup> DCA 2013) (defining material witness).

18. As a special note, the 4<sup>th</sup> DCA in *Oliver* has clearly stated that when management of a corporation passes so does the right to waive (or not) attorney/client privilege passes with it. See *Oliver* at 983 specifically stating:

The parties also agree that *when control of a corporation passes to new management, the authority to assert and waive the corporation's attorney-client privilege passes as well.* New managers installed as a result of a takeover, merger, loss of confidence by shareholders, or simply normal succession, may waive the attorney-client privilege with respect to communications made by former officers and directors. *Displaced managers may not assert the privilege over the wishes of current managers, even as to statements that the former might have made to counsel concerning matters within the scope of their corporate duties. Id.*

#### Current Litigation

19. Plaintiff Club seeks both an accounting (audit) against Defendant Kennedy as well as an injunction requiring Defendant Kennedy to turn over all corporate records in his possession. The assertions of the Complaint are that Defendant Kennedy failed to comply with his corporate obligations under the By-Laws as well as Florida corporation law and as an example highlighted payments made to Ms. Hausmann without corroborating documentation or communications.

20. Plaintiff Club asserts that it is clear from the Exhibits attached hereto specifically Ms. Hausmann's own emails, invoices and demand letters represented Plaintiff Club in substantially similar matters to the pending litigation.

21. Florida law thus establishes an irrefutable presumption that client confidences were disclosed. See *Metcalf, infra*.

22. *Plaintiff Club has not waived any conflict of interest or disclosure of attorney-client privileged communications.*

23. As it relates to an alleged loan between Plaintiff Club and Ms. Hausmann, a nonwaivable conflict of interest exists. See *Cotto v. State*, 829 So.2d 959 (Fla. 4<sup>th</sup> DCA 2002) (holding a nonwaivable conflict of interest arises when it involves a counsel's self-interest).

24. Ms. Hausmann's email to Mr. Butrym, Exhibit #3, states:

a. "I am fully aware of this issue. I have advised Carl and the BOD regarding same." (claims for an audit and allegations against Defendant Kennedy);

b. "You are not now, nor were you ever, "Assistant Treasurer". In Addition, You Are Not Now, nor were you ever, a "non-voting member of the Board". Neither of those positions are valid were legal under the PBFC Bylaws. They do not, and it cannot, exist without a parliamentary revision to the Bylaws.";

c. "Moreover, Mr. Butrym, It Is Quite Evident That you do not wish to assist the treasurer, Carl Kennedy, in any way, shape or form. You want to monitor, supervise and constitute surveillance over him. Your motives are not malevolent benevolent. I will provide advice and "protect" the BOD to the extent that my client is a member of it in their interest are derivative, and will coincide with his.";

d. " I intend to do everything in my power to convince each member of the BOD that the current audit *must* be terminated immediately, and without further cost to the Club, due to the lack of neutrality and impartiality caused by the member(s) contacting the auditing firm without the knowledge and participation of the BOD.".

25. Despite all such representations and comments made directly by Ms. Hausmann, she now contends that she never represented Plaintiff Club. The 5<sup>th</sup> DCA disqualified an attorney who had been given access to a corporation's files and thereafter attempted to represent a party against the corporation regarding the matters contained within those files. See *Double T Corp. v., Jalis Development, Inc.*, 682 So.2d 1160 (Fla. 5<sup>th</sup> DCA 1996). Here, like *Jalis* it is obvious from Ms. Hausmann's own documents that she had access to Plaintiff Club's files - how else could she have sent a collection letter to a member for unpaid fees, billed Plaintiff Club to prepare and revise the corporation's By-Laws and advised Mr.

Kennedy she had reviewed the Club's By-Laws and made proposed changes thereto, billed the Club for such work and received payment from the Club. Like *Jalis*, Ms. Hausmann should be disqualified, and Plaintiff Club should not have to participate in discovery with her as Defendant Kennedy's attorney. See also *Brennan V. Ruffner*, 640 So.2d 143 (Fla. 4<sup>th</sup> DCA 1994) (holding that while an attorney may represent a corporation and one of its shareholders or directors the attorney's primary duty is to the Corporation).

26. Ms. Hausmann has billed and been paid by Plaintiff Club to prepare and revise the Corporation By-Laws. Plaintiff Club is now suing Defendant Kennedy for an accounting and injunction alleging that Defendant Kennedy has violated his obligations under those by-Laws. The 3<sup>rd</sup> DCA in *Lane v. Sarfati*, 676 So.2d 475 (Fla. 3<sup>rd</sup> DCA 1996) disqualified an attorney who had prepared a contract addendum and then attempted to litigate against one of the parties to that contract regarding the contract itself. Here, Ms. Hausmann "prepare and revise" the By-Laws for Plaintiff Club and is now attempting to litigate against Plaintiff Club on whether Defendant Kennedy violated those very By-Laws. As the attorney in *Sarfati* was disqualified, so should Ms. Hausmann be herein, and Plaintiff Club should not have to participate in discovery conducted by Ms. Hausmann.

WHEREFORE, Plaintiff Club moves the Honorable Special Master to issue a protective order against any discovery attempted to be propounded by or attempted to be taken by Ms. Hausmann until the Court enters an Order on Plaintiff Club's Motion to Disqualify Ms. Hausmann as Defendant Kennedy's attorney of record herein due to her non-waivable and non-waived conflict of interest, an award of court costs and attorney fees and any other relief the Special Master deems just and equitable.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via eportal this 1<sup>st</sup> day of June 2021, to Wendy Hausmann, Esq., [hausmannw@aol.com](mailto:hausmannw@aol.com).

/s/ Edward F. Holodak  
Edward F. Holodak, Esq.  
Attorney for Plaintiffs  
Fla. Bar No. 059234  
EDWARD F. HOLODAK, P.A.  
7580 NW 5<sup>th</sup> Street, Suite 15125  
Plantation, Florida 33317  
Telephone: (954) 927-3436  
[pleadings@holodakpa.com](mailto:pleadings@holodakpa.com)

**EXHIBIT "1"**

IN THE CIRCUIT COURT OF  
THE 17<sup>TH</sup> 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.

**COMPLAINT**

Plaintiff, POMPANO SENIOR SQUADRON FLYING CLUB, INC.. a Florida corporation (Plaintiff "Flying Club"), by and through its undersigned counsel, sues Defendant, CARL KENNEDY individually (Defendant "Kennedy") and says:

**GENERAL ALLEGATIONS**

1. Plaintiff Flying Club is a Florida corporation doing business in Broward County, Florida, and is otherwise *sui juris*.
2. Defendant Kennedy is over the age of 18, is a resident of Broward County, Florida is a prior director of Plaintiff Flying Club and is otherwise *sui juris*.
3. Defendant Kennedy was an officer and director of Plaintiff Flying Club from May 22, 2014, until the beginning of 2020.
4. At all times relevant to the issues herein, Defendant Kennedy served as the treasurer of Plaintiff Flying Club.
5. During his term as treasurer, Defendant Kennedy made multiple payments from Plaintiff Flying Club's corporate bank account to pay Defendant

Kennedy's American Express credit charges.

6. Just prior to the date Defendant Kennedy was replaced as treasurer of Plaintiff Flying Club, Defendant Kennedy issued checks on Plaintiff Flying Club's corporate checking account to Defendant Kennedy, Wendy Hausmann, Esq., and others.

7. There are no corporate records, resolutions, minutes of meetings, or any other corporate document evidencing authorization for these payments made by Defendant Kennedy to himself, Attorney Hausmann and others.

8. On or about March 19, 2020, Plaintiff Flying Club made demand upon Defendant Kennedy for Defendant Kennedy to produce, to the corporation, all corporate records and documentation belonging to the corporation. Copy of demand letter is attached hereto as Plaintiff Flying Club's Exhibit #1. (the "Record Demand").

9. Despite the Record Demand, Defendant Kennedy has failed or refused to turn over the corporate records to Plaintiff Flying Club.

10. Plaintiff Flying Club retained the services of Edward F. Holodak, P.A., and agreed to pay it a reasonable fee for services rendered herein.

11. All conditions precedent to bringing this action have been satisfied or waived.

### **COUNT I** **ACCOUNTING**

12. Plaintiff Flying Club realleges the General Allegations and incorporates them herein by reference as if pled herein specifically.

13. This Court has jurisdiction over the parties and the subject matter herein.



14. As a prior director and officer of Plaintiff Flying Club, Defendant Kennedy, especially as treasurer, was in a fiduciary relationship to Plaintiff Flying Club.

15. Due to the scarcity of records left behind by Defendant Kennedy and the remaining members of the Board of Directors of Plaintiff Flying Club, Plaintiff Flying Club cannot accurately reconstruct its financial status and records.

16. Defendant Kennedy authorized various payments as treasurer of Plaintiff Flying Club, which such payments Plaintiff Flying Club cannot reasonably ascertain as to whether they were valid expenses of Plaintiff Flying Club or Defendant Kennedy's own personal expenses.

17. Plaintiff Flying Club has no adequate remedy at law.

18. Defendant Kennedy breached his duty to Plaintiff Flying Club by:

- a. failing to keep proper records;
- b. failing to deliver the Plaintiff Flying Club's financial records to it at the end of his term as treasurer;
- c. appropriating funds for non-properly authorized expenses;
- d. using Plaintiff Flying Club's money to make payments on Defendant Kennedy's personal American Express card.

WHEREFORE, Plaintiff Flying Club demands an accounting from Defendant Kennedy, an award of court costs and attorney fees, and any other relief that this Court deems just and equitable.

**COUNT II**  
**INJUNCTION**

19. Plaintiff Flying Club realleges the General Allegations and incorporates them herein by reference as if pled herein specifically.

20. This Court has jurisdiction over the parties and the subject matter herein.

21. Defendant Kennedy, as the prior treasurer and director of Plaintiff Flying Club, had control of certain financial records and documents which belong to Plaintiff Flying Club.

22. Despite the Record Demand, Defendant Kennedy has failed or refused to turn over Plaintiff Flying Club's corporate records.

23. Upon the expiration of his term as treasurer and director of Plaintiff Flying Club, Defendant Kennedy has no legal right to retain the corporate records of Plaintiff Flying Club.

24. Plaintiff Flying Club requires its corporate records in order to legally and effectively continue its operations.

25. Without having its complete and accurate corporate records, Plaintiff Flying Club is suffering irreparable harm in that it cannot adequately operate, account for past transactions, and know the actions of the prior Board of Directors of Plaintiff Flying Club.

26. Plaintiff Flying Club has no adequate remedy at law.

27. It is the public policy of the State of Florida to enforce its statutes, including the Florida Corporation Act.

28. Chapter 607.1601 et. seq., requires a corporation to maintain certain corporate records, to make such corporate records available for inspection by a

shareholder and director.

29. Accordingly, Plaintiff Flying Club is required by Florida law to maintain such records that are now in the possession and control of Defendant Kennedy but which ultimately belong to Plaintiff Flying Club.

WHEREFORE, Plaintiff Flying Club moves this Honorable Court for an injunction requiring Defendant Kennedy to return all corporate records in his possession or control to Plaintiff Flying Club, an award of its court costs and attorney fees, and any other relief that this Court deems just and equitable.

/s/ Edward F. Holodak  
EDWARD F. HOLODAK, ESQ.  
Attorney for Plaintiff  
Florida Bar # 059234  
EDWARD F. HOLODAK, P.A.  
7951 SW 6<sup>th</sup> Street, Suite 210  
Plantation, FL 33324  
Telephone: (954) 927-3436  
[pleadings@holodakpa.com](mailto:pleadings@holodakpa.com)

# LAW OFFICES OF EDWARD F. HOLODAK, P.A.



EDWARD F. HOLODAK, Esq.  
Admitted in Florida and  
Washington, D.C.

Lawrence E. Blacke, Esq.  
Of Counsel  
Admitted in Florida and  
Massachusetts

7951 SW 6<sup>th</sup> Street  
Suite 210  
Plantation, FL 33324  
954-927-3436

3326 NE 33<sup>rd</sup> Street  
Ft. Lauderdale, FL 33308  
954-566-5070

This Firm Acts as a Debt Collector  
[Edward@holodakpa.com](mailto:Edward@holodakpa.com)  
[www.browardbusinesslawyers.com](http://www.browardbusinesslawyers.com)

March 19, 2020

Via Certified Mail Return Receipt Requested 7018 0040 0000 2050 3342  
and Regular U.S. Mail

Carl Kennedy  
2929 S. Ocean Blvd., Suite 510  
Boca Raton, FL 33432

Re: Pompano Senior Squadron Flying Club, Inc.

Dear Mr. Kennedy:

The new Board of Directors of Pompano Senior Squadron Flying Club, Inc. d/b/a Pompano Beach Flying Club retained this law firm as the Corporation's counsel. As you know, you are no longer a member of the Board of Directors of the Corporation, nor are you any longer the treasurer. Accordingly, the new Board of Directors demands that within five (5) days of receipt of this letter, you immediately transfer all documentation belonging to the Corporation to me. This includes all check books, financial statements, accounting records, financial records, bank statements, insurance policies, membership lists, stock certificates, correspondences to and from the Corporation to any third party, minutes of all Board of Directors meetings, minutes of all shareholders meetings, any and all shareholder agreements, the Corporation by-laws, the Articles of Incorporation, and all books and records of the Corporation. As a former Board member, you no longer have any legal right to retain the above documents. Accordingly, if you fail to comply with this demand, the Board has authorized me to take all legal actions necessary against you to obtain these documents.

Thank you for your anticipated cooperation with the above demand.  
I remain,

Very truly yours,

*Edward F. Holodak*

Edward F. Holodak  
Attorney at Law

EFH/tp

Exhibit # 1

**EXHIBIT "2"**

IN THE CIRCUIT COURT OF  
THE 17<sup>TH</sup> JUDICIAL CIRCUIT IN  
AND FOR ROWARD COUNTY  
FLORIDA

POMPANO SENIOR SQUADRON  
FLYING CLUB, INC., a Florida  
corporation,

CASE NO.: CACE 20-005993 (08)

Plaintiff,

v

CARL KENNEDY, individually,

Defendant.

**VERIFIED MOTION TO DISQUALIFY COUNSEL  
PURSUANT TO FLORIDA BAR RULE 4-1.9**

Plaintiff, POMPANO SENIOR SQUADRON FLYING CLUB, INC. (Plaintiff "Club"), by and through its undersigned counsel, files this Motion to Disqualify Wendy Hausmann, Esq. as counsel for Defendant Carl Kennedy (Defendant "Kennedy"), pursuant to Rule 401.9 Florida Rules Regulating the Florida Bar and Florida law and says:

1. Plaintiff Club filed suit against Defendant Kennedy seeking an accounting from its former treasurer and as importantly for purposes of this motion, seeking information regarding an alleged loan from Wendy Hausmann, Esq., to the Club and payments made to Ms. Hausmann.

2. It is the Club's assertion that Ms. Hausmann was Plaintiff Club's attorney and was Plaintiff Club's attorney during the time she made the alleged loan to Plaintiff Club.

3. Plaintiff Club needs the accounting from Defendant Kennedy because there is no promissory note, no documentation from Ms. Hausmann to Plaintiff Club, as

required by the Florida Bar as Ms. Hausmann was Plaintiff Club's attorney at the time.

4. In response to the lawsuit, Ms. Hausmann has:
  - a. Filed a Notice of Appearance on Defendant Kennedy's behalf in opposition to a Motion for Default;
  - b. Sent numerous emails indicating that she fully intends to represent Mr. Kennedy;
  - c. In response to a Court Order that the parties participate in mediation, sent emails indicating she would represent Defendant Kennedy during the mediation on the above matters. Copies of Notice and emails attached as Plaintiff Club's Composite Exhibit #1.

5. In support of its position that Ms. Hausmann was Plaintiff Club's attorney, Plaintiff Club attaches and incorporates herein by reference the following:

- a. Invoices from Ms. Hausmann to the Club for professional services;
- b. Payments from Plaintiff Club to Ms. Hausmann for those invoices;
- c. Communications from Ms. Hausmann to members of Plaintiff Club in which she states she is representing the Club;
- d. Notices that Ms. Hausmann has amended the Club's By-Laws.

Copies of communications attached as Plaintiff Club's Composite Exhibit #2.

6. Rule 4-1.9 Conflict of Interest; Former client of the Rules that Govern the Florida Bar states:

"A lawyer who has formerly represented a client in a matter must not afterwards:

- (a) Represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interest of the former client unless the former client gives informed consent;

(b) Use information relating to the representation to the disadvantage of the former client except as these rules would permit or require with respect to a client or when the information has become generally known; or

(c) Reveal information relating to the representation except as these rules would permit or require with respect to a client.

7. It is Plaintiff Club's assertion that Wendy Hausmann represented the Club as its former general counsel.

8. The interest of Plaintiff Club and Defendant Kennedy are clearly adverse and Plaintiff Club has not given its consent to Ms. Hausmann's representation of Defendant Kennedy. See Composite Exhibit #3.

9. Formerly, Ms. Hausmann has represented the Club in an attempt to collect membership fees and dues from members. See copy of communications from Wendy Hausmann on behalf of the Club attached hereto as Plaintiff's Composite Exhibit #4.

10. Ms. Hausmann has reviewed the Club's By-Laws and made proposed changes thereto, billed the Club for such work and receive payment from the Club. See invoices and communication attached hereto as Plaintiff's Composite Exhibit #5.

11. Ms. Hausmann has given advise and consent to the Club relative to protecting the Club's interest against former members of the Club who have threatened suit and legal action against it. See copies of communications from Ms. Hausmann attached hereto as Plaintiff's Composite Exhibit #6.

12. Florida law presumes that during each of these matters of representation that confidential and privileged information was given by the former client to the former attorney. See *State Farm Mut. Auto Ins. Co. v. K.A.W.* 575 So.2d 630, 634 (Fla. 1991).

13. In discussing the By-Laws and Amendments to By-Laws, clearly Ms.

Hausmann would have discussed with Plaintiff Club the operation of the Club, the duties and responsibilities of directors to the Club, the duties and responsibilities of members to the Club and the Club's converse duties and obligations.

14. The Club is now suing Defendant Kennedy, its former officer and director, regarding the former officer and director's duties and obligations to the Club including but not limited to providing financial records, providing an accounting for the financial activities that occurred during the time Defendant Kennedy was the Club's director, questions about payments made to Ms. Hausmann, questions about an alleged loan made by Ms. Hausmann to the Club with no associated promissory note, written communications from Ms. Hausmann to the Club regarding the loan and any potential conflicts of interest that arise from same as it was made during the time she represented Plaintiff Club as based upon the documents attached hereto, the terms of such loan and repayment thereof. A copy of check from Ms. Hausmann to the Club marked loan is attached hereto as Plaintiff's Exhibit #7.

15. Based upon the above, there is also the strong probability that Ms. Hausmann will be a material witness in that she will have to give testimony as to the alleged loan between herself and Plaintiff Club. Clearly, in addition to Rule 4-1.9 as stated above, the fact that Ms. Hausmann will be a material witness and have to give deposition testimony regarding the very issue of the litigation between Plaintiff Club and Defendant Kennedy requires Ms. Hausmann's disqualification as an attorney for Defendant Kennedy. See *Fleitman v McPherson*, 691 So.2d 37, 38 (Fla. 1<sup>st</sup> DCA 1997) (holding disqualification of attorney is warranted when the attorney becomes a central figure or indispensable witness in a case). It is abundantly clear to any reasonable person that the issues involved in Ms. Hausmann's former representation of Plaintiff



Club and the litigation between the Club and Defendant Kennedy are identical or substantially similar thus requiring her disqualification pursuant to Rule 4-1.9. See *Rule 4-1.9*.

16. Although under Florida law, whether an attorney represents a client is to be taken from the client's point of view, it is clear from Ms. Hausmann's own words, invoices, checks, and receipts of payment that Ms. Hausmann formerly represented the Club. See *Florida Bar v Dunegan*, 731 So.2d 1237 (Fla. 1999)(holding an attorney violated Bar Rules 4-1.7 and 4-1.9 when the attorney attempted to represent the husband in dissolution proceedings after formerly representing the husband and wife in matters relating to their business. The case between the Club and Carl Kennedy it tantamount to a family dissolution case in that it involves the interest of the business, the requirements of a former board of director pursuant to the By-Laws, and the financial interest of the company.

17. While Ms. Hausmann denies that she ever represented the Club, such denials defy logic are contrary to the attached exhibits and are contrary to Plaintiff Club's position that Ms. Hausmann was its former counsel.

Based upon the attached exhibits, Ms. Hausmann formerly represented the Club to rewrite its By-Laws, to be involved in litigation matters regarding collected monies on behalf of the Club, and in giving the Club an alleged undocumented loan. Clearly those former representations are substantially similar to the issues involved between the Club and Defendant Kennedy in this matter and as such, would require disqualification pursuant to Rule 4.1-9 as stated by the Supreme Court in *Dunegan*. See *Blamey v Menadier*, 283 So.2d 938 (Fla. 3<sup>rd</sup> DCA 2019) (holding that disqualification of attorney was justified where attorney drafted a proposed term sheet, bills for the term sheet were

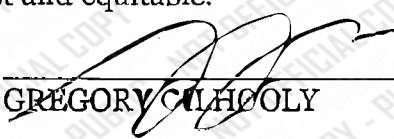
paid for by the corporation and attorney did various other legal tasks for corporation prior to the suit and the lawsuit involved the term sheet). In *Blamey*, the attorney drafted a term sheet which became a subject matter of litigation between the parties. In this case, the exhibits attached to this motion evidence that Ms. Hausmann amended and rewrote the corporation's By-Laws which control the obligations of directors to the corporation. The dispute is now between the corporation and a former director regarding alleged violations of those duties and obligations.

18. Although Wendy Hausmann has already informed this Court that The Florida Bar is considering an Inquiry against her filed by Plaintiff Club, an actual violation of ethical rules is not a prerequisite to granting a motion for disqualifying an attorney to avoid the appearance of impropriety. See *Kenn Air Corp. v Gainesville-Alachua County Regional Airport Authority*, 593 So.2d 1219 (Fla. 1<sup>st</sup> DCA 1992). In *Kenn Air Corp.*, the corporation sought to disqualify the opposing attorney based upon the fact that the former attorney represented the corporation's prior predecessor in interest. *Id.* at 1221. In this case, Ms. Hausmann represented Plaintiff Club, not Plaintiff Club's predecessor in interest. If the court found disqualification was necessary when the attorney represented a corporation's predecessor in interest, how much more so when the attorney represented the actual corporation.

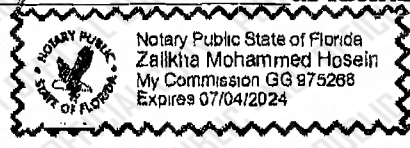
19. The *Kenn Air Corp.* Court went on to hold that Rule 4-1.9 prohibits an attorney from switching sides because under Rule 4-1.6, the duty of confidentiality requires all attorneys to protect all confidences and information obtained during representation of a client, and the duty continues even after the attorney/client relationship is terminated. In *Kenn Air Corp.*, the attorney represented the corporation regarding the corporation's leases at the airport and an irrebuttable presumption arose

that the company had disclosed confidences to the attorney regarding leases and its operation related to leases. In this matter, based upon the exhibits attached hereto, Ms. Hausmann represented Plaintiff Club regarding the By-Laws, financial collection matters, and the interest of the company and threatened litigation by a former shareholder. The company now sues Defendant Kennedy over his duties as a director, the financial dealings of the company, and the financial interactions between Plaintiff Club and Ms. Hausmann. Just as the court found disqualification of the attorney in *Kenn Air Corp.*, this Court should also disqualify Ms. Hausmann. See *TTT Corp. v Jalis Development, Inc.*, 682 So.2d 1160 (Fla. 5<sup>th</sup> DCA 1996) (holding disqualification of attorney is warranted where attorney had gained access to corporation records and new lawsuit involved former corporate director).

WHEREFORE, Plaintiff Flying Club moves this Honorable Court for entry of a judicial default against Defendant Kennedy for failure to file a responsive pleading, and any other relief that this Court deems just and equitable.

  
\_\_\_\_\_  
GREGORY GILHOOLY

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this 18<sup>th</sup> day of July, 2020, by GREGORY GILHOOLY who is personally known to me or who produced FDL as identification and who did take an oath.



7/18/2024   
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: 7-4-2024

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via eportal this 27<sup>th</sup> day of July 2020, to Carl L. Kennedy, II, clktax@aol.com and to Wendy Hausmann, Esq., 20283 State Rd. 7, Suite 400, Boca Raton, FL 33498

/s/Edward F. Holodak  
EDWARD F. HOLODAK, ESQ.  
Attorney for Plaintiff  
Fla. Bar No.: 059234  
Edward F. Holodak, P.A.  
7951 SW 6<sup>th</sup> Street, Ste. 210  
Plantation, FL 33324  
Tel.: 954-927-3436  
pleadings@holodakpa.com

IN THE CIRCUIT COURT OF THE 17<sup>th</sup> JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

POMPANO SENIOR SQUADRON FLYING CLUB, INC.  
(aka POMPANO BEACH FLYING CLUB)

Plaintiff,

and

Case No.: CACE 20-005993

Division (8)

CARL L. KENNEDY, II

Defendant.

**NOTICE OF LIMITED APPEARANCE**

Wendy A. Hausmann, Esquire, hereby files this Notice of Limited Appearance on behalf of Carl L. Kennedy, II, Defendant, for the limited purpose of the hearing scheduled for 8:45 a.m. on July 14, 2020 to represent Mr. Kennedy in connection with his Second Motion for Extension of Time Due to Plaintiff's Knowing and Intentional Interference with Defendant's Ability to Obtain Counsel, as well as Plaintiff's Opposition thereto and Motion for Judicial Default.

Copies of all court papers in connection with these issue(s) should be served to the undersigned attorney, as well as to Mr. Kennedy, at the addresses listed below.

I hereby certify that on the 14th day of July, 2020, I served a copy of this document via the Florida e-portal to Edward Holodak, Esquire at pleadings@holodakpa.com.

Respectfully submitted,

/s/ Wendy A. Hausmann

Wendy A. Hausmann, Esquire  
20283 State Road 7, Suite #400  
Boca Raton, Florida 33498  
(561) 477-5353  
Fla. Bar No. 304300  
hausmannw@aol.com

E-service:

/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

Composite Exhibit #1

**From:** [hausmannw@aol.com](mailto:hausmannw@aol.com)  
**To:** [Edward Holodak](#)  
**Cc:** [cktax@aol.com](mailto:cktax@aol.com)  
**Subject:** Our telephone call after the Hearing this morning  
**Date:** Tuesday, July 14, 2020 11:34:59 AM

---

Mr. Holodak:

This will confirm that I called you almost immediately after the Hearing this morning to "play nice in the sandbox" and offered to mediate this case in the next 20 days (before Mr. Kennedy's responsive pleading is due in 30 days) rather than your client having to wait 45 days. In response, you advised me that your client "does not want to play nice in the sandbox" and objects to my accompanying Mr. Kennedy to mediation. You further advised that you would be filing a Motion to Disqualify me tomorrow and would be setting such Motion on Motion Calendar. I will object to your Motion to Disqualify me as being inappropriate for Motion Calendar, as such a Motion will clearly require testimony and other evidence. Kindly ensure that you coordinate an evidentiary hearing with both myself and Mr. Kennedy. I will have at least two (2) witnesses (in addition to Mr. Kennedy and myself) and I believe I will need 45 minutes to defend against such a Motion. If you need equal time, kindly obtain dates and times for a 90-minute hearing.

It seems antithetical to your client's alleged purpose in resolving this matter and obtaining whatever they need from Mr. Kennedy that they believe he has, to oppose my attendance at a mediation, as Mr. Kennedy would be within his rights, if he must go alone, to simply keep his mouth shut at a mediation if he is unable to have me there to participate. Is that what your client wants? To prolong this matter further? Again, this belies anything other than a witch-hunt of Carl Kennedy, rather than a legitimate business purpose.

I will await your Motion to Disqualify.

Wendy A. Hausmann

**From:** [hausmannw@aol.com](mailto:hausmannw@aol.com)  
**To:** [Edward Holodak](#)  
**Subject:** PBFC - 5/13/20 Zoom Meetings  
**Date:** Wednesday, May 13, 2020 11:31:29 AM

---

Mr. Holodak:

Although my client requested in writing of the PBFC Club Secretary, Greg Galyo (which request was copied to all Officers and Directors), that he be permitted to record the PBFC Board of Directors meeting as well as the general membership meeting beginning at 5:00 p.m. today on Zoom, as is available by the program. As of this writing he has received no response from Mr. Galyo.

Kindly advise your client to permit the recording of the Zoom meetings this evening for litigation hold purposes.

Thank you,  
Wendy A. Hausmann

NOTICE: This e-mail message and any attachment to this e-mail message contains confidential information that may be legally privileged. If you are not the intended recipient, you must not review, retransmit, convert to hard copy, copy, use or disseminate this e-mail or any attachments to it. If you have received this e-mail in error, please notify us immediately by return e-mail or by telephone at 561.477.5353 and delete this message. Please note that if this e-mail message contains a forwarded message or is a reply to a prior message, some or all of the contents of this message or any attachments may not have been produced by THE LAW OFFICES OF WENDY A. HAUSMANN, 20283 STATE ROAD 7, SUITE 400, BOCA RATON, FL 33498, E-MAIL: [hausmannw@aol.com](mailto:hausmannw@aol.com).

Carl

-----Original Message-----

To: [edward@holodakpa.com](mailto:edward@holodakpa.com) <[edward@holodakpa.com](mailto:edward@holodakpa.com)>

Cc: [clktax@aol.com](mailto:clktax@aol.com) <[clktax@aol.com](mailto:clktax@aol.com)>

Sent: Fri, May 8, 2020 9:32 am

Subject: PBFC - Minutes of 5/4/20 Special Meeting

Mr. Holodak:

I have been provided a copy of the Minutes of the Special Meeting held by the PBFC Board of Directors on May 4, 2020. Unfortunately, the Minutes are inaccurate and must immediately be corrected to include the conspicuous omission of the Motion made by Robert Breeden to disavow and default on the monies owed to former members of PBFC. You see, Mr. Holodak, I was "present" for that Zoom meeting. I am a witness and will testify to Robert Breeden's Motion for attempted theft of former members monies. I personally saw his face and heard him speak the words. The omission from the Minutes is hardly inadvertent. It is reprehensible, outrageous and reveals the new Board of PBFC and its Officers to be both thieves and liars. Since I will be a witness to the events at the Special Meeting on May 4, 2020, I have already provided the contact information of a collection attorney to Carl Kennedy for dissemination to current members or former members as may be necessary or appropriate (current members are also entitled to the return of their \$1700 should they decide to withdraw from PBFC at this point as that is the contract into which they entered when they joined PBFC). My colleague will easily and without hesitation subpoena the "Zoom" records pertaining to the meeting held on May 4, 2020 to be used in any action, and of course, I can also provide him with a list of all participants at the Special Meeting.

The purpose of this email is solely to demand that your client correct the Minutes of the Special Meeting held on May 4, 2020 to accurately contain and reflect the Motion made by Robert Breeden during said meeting, as well as the immediately following response to same by the PBFC President in connection with a "non-refundable deposit", neither of which issues were noticed for this Special Meeting. Your client's underhanded, sneaky and far from transparent conduct will not be ignored or tolerated, nor will it be kept hidden or secret.

Please do not reply to this email as it will be not be read. This email is being sent solely to put you and PBFC on notice; it is not to open a dialogue between us.

Thank you,  
Wendy A. Hausmann



**WENDY A. HAUSMANN**

Attorney and Counselor at Law

\*Member Florida and  
Maryland Bars

February 1, 2020

Pompano Beach Flying Club  
c/o Treasurer - Carl L. Kennedy  
2929 S. Ocean Blvd.  
Unit #510  
Boca Raton, FL 33432

Professional services

	<u>Hours</u>	<u>Amount</u>
1/30/20 Preparation of revisions to Corporate Bylaws; Multiple telephone conferences with Carl L. Kennedy re: same.	5.00	1,750.00
For professional services rendered	5.00	\$1,750.00
Balance due		<u>\$1,750.00</u>

Exhibit # 2

JPMORGAN CHASE & CO.

Post date: 02/03/2020  
Amount: \$ 1750.00

Account: [REDACTED]  
Check Number: [REDACTED]

**POMPANO FLYING CLUB**  
3225 S OCEAN BLVD. STE 1111  
POMPAUNOUE BEACH, FL 33429  
304-462-0000

**BANK OF AMERICA, NA**  
25-212031

1/23/2020

PAY TO THE ORDER OF **Wendy A. Housman** \$ 1,750.00

On **Thousand Seven Hundred Fifty and 00/100** DOLLARS

**Wendy A. Housman**  
Attorney At Law  
3704 Arada Drive  
Lacey Beach, FL 33448

18 L 20

[REDACTED]

[Signature]

02051 ONLY  
94858 596  
FOR DEPOSIT ONLY  
JPMORGAN CHASE BANK, N.A.

**From:** Carl Kennedy <clktax@aol.com>

**Date:** May 10, 2020 at 7:55 PM

**To:** Carl Kennedy <clktax@aol.com>

**Cc:** Cbaker847 <cbaker847@gmail.com>, Gblohm <gblohm@runbox.com>, Borersj <borersj@g.cofc.edu>, Kobe Rc12 <kobe.rc12@gmail.com>, Shelbychristmas <shelbychristmas@gmail.com>, Gilc <gilc@cfnsfl.com>, Chrisdavy <chrisdavy@me.com>, Blueskydoc <blueskydoc@aol.com>, Carlos Figueroa <carlos\_a\_figueroa@mac.com>, Eac4Me <eac4me@gmail.com>, Tonyha81 <tonyha81@bellsouth.net>, Grantcorbett <grantcorbett@yahoo.com>, Markjohnson75 <markjohnson75@hotmail.com>, James <james@autobasecorp.com>, John <john@ewaycorp.com>, Rpmagnusson <rpmagnusson@me.com>, Evanairplane <evanairplane@gmail.com>, Jeff <jeff@drakealexander.com>, Inozick <inozick@gmail.com>, Luis Ochoa <luis.m.ochoa@gmail.com>, Antoniopalezuelos <antoniopalezuelos@gmail.com>, Mjrascoe <mjrascoe@gmail.com>, Morganwuzhere <morganwuzhere@gmail.com>, Hdossantosneto <hdossantosneto@gmail.com>, Cap9722 <cap9722@gmail.com>, Nsolano66 <nsolano66@hotmail.com>, Rosstigner <rosstigner@gmail.com>, Rolecall5 <rolecall5@gmail.com>, Sniper0910 <sniper0910@yahoo.com>, Blackbat <blackbat@bellsouth.net>, Ba5852 <ba5852@aol.com>, Djayoub <djayoub@bellsouth.net>, Marc Bajaj <marc.bajaj@gmail.com>, Martinbaybutt <martinbaybutt@aol.com>, Abiloukha <abiloukha@gmail.com>, Bobbreeden <bobbreeden@me.com>, Lesliebutzer01 <lesliebutzer01@yahoo.com>, Dcannaro <dcannaro@hotmail.com>, Wchurchill <wchurchill@scopartners.com>, Jamie <jamie@cliffordassociatesinc.com>, Maxcraddock <maxcraddock@gmail.com>, Gdarrow55 <gdarrow55@gmail.com>, Johndunne3774 <johndunne3774@comcast.net>, Dutranc <dutranc@gmail.com>, Marc <marc@allaircrafttraining.com>, Ggalyo <ggalyo@gmail.com>, Sgtgrg <sgtgrg@aol.com>, Justin Golda <justin.golda@yahoo.com>, Genesisproperty <genesisproperty@aol.com>, Matthanley123 <matthanley123@gmail.com>, Wingpropgo <wingpropgo@aol.com>, Barry Ttds <barry.ttds@gmail.com>, Ghill <ghill@ourhillhouse.com>, LHill@ourhillhouse.com <lhill@ourhillhouse.com>, Torholm <torholm@gmail.com>, Markjarvis21 <markjarvis21@gmail.com>, Seals1967 <seals1967@yahoo.com>, Carl Kennedy <clktax@aol.com>, Robbykennedy <robykennedy@yahoo.com>, J Kittay <j.kittay@icloud.com>, Rob <rob@patriotmarinelc.com>, Kevin Maclean <kevin.maclean@nee.com>, CLKTax@aol.com <clktax@aol.com>, Matosc <matosc@bellsouth.net>, Dsmcniel <dsmcniel@bellsouth.net>, Pilotasa <pilotasa@bellsouth.net>, Rick <rick@skydiveseb.com>, Eric <eric@myerscommercial.com>, Paul Nudelman <paul.nudelman@gmail.com>, J 32 <j.otero.32@gmail.com>, L Pastore <l.pastore@ops-corp.com>, Carrisachris <carrisachris@gmail.com>, Harry <harry@realtybythebeach.com>, Apotenti <apotenti@doublepconstruction.com>, Tgp103 <tgp103@gmail.com>, Josh Prince <josh\_prince@outlook.com>, Reischer Mark <reischer.mark@gmail.com>, Kamarsblessed <kamarsblessed@yahoo.com>, Jrodengen <jrodengen@aol.com>, Deltico1 <deltico1@gmail.com>, Richsack <richsack@bellsouth.net>, Itel933 <itel933@netscape.net>, Sanchezpaulk <sanchezpaulk@mac.com>, Mosart <mosart@sebben.com>, Informationbravo <informationbravo@gmail.com>, Tiger <tiger@flightvelocity.com>, Steveswhere <steveswhere@msn.com>, Santiago <santiago@savigroup.com>, Sterlingwelch <sterlingwelch@yahoo.com>, Info <info@gerardwilliamsllaw.com>, Gworley Crna <gworley.crna@gmail.com>, Kergator <kergator@gmail.com>, Ayanikian <ayanikian@aol.com>, Zworthy2 <zworthy2@juno.com>

**Subject:** Fwd: PBFC - Minutes of 5/4/20 Special Meeting

Composite Exhibit 3

To All,

Below is my lawyer's response to me upon her review of Greg Gilhooly's letter today to former and presumably current members.

I thought I would share.

Respectfully,

Carl Kennedy

-----Original Message-----

To: [clktax@aol.com](mailto:clktax@aol.com) <[clktax@aol.com](mailto:clktax@aol.com)>

Sent: Sun, May 10, 2020 3:56 pm

Subject: Re: PBFC - Minutes of 5/4/20 Special Meeting

Carl:

I have read Gilhooly's letter to the Former Members. My response is.....

hahahahahahahahahahaha if he thinks he's going to get away with that! I would argue that the provision he quotes is a *supplement to*, and not an "instead of" as he is attempting to portray. I believe the entitled return of the \$1700 to the former and current members by PBFC is solid. The audacity this new Board has in attempting to discharge its responsibilities and cast you as the Devil is astonishing. I am certain "right" will prevail.

I have also reviewed Ms. Worley's e-mail, so before you ask me, I will say this. Ms. Worley has an impressive resume, but unfortunately it does not include being a lawyer.

My advice is....do nothing at this time....when the lawsuits start rolling in or inquiries are made of you as to how to proceed, simply give them the contact info I gave to you for my colleague. He is already on it.

Wendy

NOTICE: This e-mail message and any attachment to this e-mail message contains confidential information that may be legally privileged. If you are not the intended recipient, you must not review, retransmit, convert to hard copy, copy, use or disseminate this e-mail or any attachments to it. If you have received this e-mail in error,

please notify us immediately by return e-mail or by telephone at 561.477.5353 and delete this message. Please note that if this e-mail message contains a forwarded message or is a reply to a prior message, some or all of the contents of this message or any attachments may not have been produced by THE LAW OFFICES OF WENDY A. HAUSMANN, 20283 STATE ROAD 7, SUITE 400, BOCA RATON, FL 33498, E-MAIL: [hausmannw@aol.com](mailto:hausmannw@aol.com).

-----Original Message-----

From: Carl Kennedy <[clktax@aol.com](mailto:clktax@aol.com)>  
To: [hausmannw@aol.com](mailto:hausmannw@aol.com) <[hausmannw@aol.com](mailto:hausmannw@aol.com)>  
Sent: Sun, May 10, 2020 3:11 pm  
Subject: Fwd: PBFC - Minutes of 5/4/20 Special Meeting

Wendy,

For your review and advice.

Respectfully,

Carl

-----Original Message-----

From: Gregory Gilhooly <[sgtgrg@aol.com](mailto:sgtgrg@aol.com)>  
To: [clktax@aol.com](mailto:clktax@aol.com) <[clktax@aol.com](mailto:clktax@aol.com)>  
Cc: [cbaker847@gmail.com](mailto:cbaker847@gmail.com) <[cbaker847@gmail.com](mailto:cbaker847@gmail.com)>; [gblohm@runbox.com](mailto:gblohm@runbox.com) <[gblohm@runbox.com](mailto:gblohm@runbox.com)>; [borersj@g.cofc.edu](mailto:borersj@g.cofc.edu) <[borersj@g.cofc.edu](mailto:borersj@g.cofc.edu)>; [kobe.rc12@gmail.com](mailto:kobe.rc12@gmail.com) <[kobe.rc12@gmail.com](mailto:kobe.rc12@gmail.com)>; [shelbychristmas@gmail.com](mailto:shelbychristmas@gmail.com) <[shelbychristmas@gmail.com](mailto:shelbychristmas@gmail.com)>; [chrisdavy@me.com](mailto:chrisdavy@me.com) <[chrisdavy@me.com](mailto:chrisdavy@me.com)>; [blueskydoc@aol.com](mailto:blueskydoc@aol.com) <[blueskydoc@aol.com](mailto:blueskydoc@aol.com)>; [carlos\\_a\\_figueroa@mac.com](mailto:carlos_a_figueroa@mac.com) <[carlos\\_a\\_figueroa@mac.com](mailto:carlos_a_figueroa@mac.com)>; [eac4me@gmail.com](mailto:eac4me@gmail.com) <[eac4me@gmail.com](mailto:eac4me@gmail.com)>; [tonyha81@bellsouth.net](mailto:tonyha81@bellsouth.net) <[tonyha81@bellsouth.net](mailto:tonyha81@bellsouth.net)>; [markjohnson75@hotmail.com](mailto:markjohnson75@hotmail.com) <[markjohnson75@hotmail.com](mailto:markjohnson75@hotmail.com)>; [james@autobasecorp.com](mailto:james@autobasecorp.com) <[james@autobasecorp.com](mailto:james@autobasecorp.com)>; [john@ewaycorp.com](mailto:john@ewaycorp.com) <[john@ewaycorp.com](mailto:john@ewaycorp.com)>; [rpmagnusson@me.com](mailto:rpmagnusson@me.com) <[rpmagnusson@me.com](mailto:rpmagnusson@me.com)>; [evanairplane@gmail.com](mailto:evanairplane@gmail.com) <[evanairplane@gmail.com](mailto:evanairplane@gmail.com)>; [jeff@drakealexander.com](mailto:jeff@drakealexander.com) <[jeff@drakealexander.com](mailto:jeff@drakealexander.com)>; [inozick@gmail.com](mailto:inozick@gmail.com) <[inozick@gmail.com](mailto:inozick@gmail.com)>; [luis.m.ochoa@gmail.com](mailto:luis.m.ochoa@gmail.com) <[luis.m.ochoa@gmail.com](mailto:luis.m.ochoa@gmail.com)>; [antoniopalazuelos@gmail.com](mailto:antoniopalazuelos@gmail.com) <[antoniopalazuelos@gmail.com](mailto:antoniopalazuelos@gmail.com)>; [mjrascoe@gmail.com](mailto:mjrascoe@gmail.com) <[mjrascoe@gmail.com](mailto:mjrascoe@gmail.com)>; [morganwuzhere@gmail.com](mailto:morganwuzhere@gmail.com) <[morganwuzhere@gmail.com](mailto:morganwuzhere@gmail.com)>; [hdossantosneto@gmail.com](mailto:hdossantosneto@gmail.com) <[hdossantosneto@gmail.com](mailto:hdossantosneto@gmail.com)>; [cap9722@gmail.com](mailto:cap9722@gmail.com) <[cap9722@gmail.com](mailto:cap9722@gmail.com)>; [nsolano66@hotmail.com](mailto:nsolano66@hotmail.com) <[nsolano66@hotmail.com](mailto:nsolano66@hotmail.com)>; [rosstigner@gmail.com](mailto:rosstigner@gmail.com) <[rosstigner@gmail.com](mailto:rosstigner@gmail.com)>; [rolecall5@gmail.com](mailto:rolecall5@gmail.com) <[rolecall5@gmail.com](mailto:rolecall5@gmail.com)>; [sniper0910@yahoo.com](mailto:sniper0910@yahoo.com) <[sniper0910@yahoo.com](mailto:sniper0910@yahoo.com)>; [blackbat@bellsouth.net](mailto:blackbat@bellsouth.net) <[blackbat@bellsouth.net](mailto:blackbat@bellsouth.net)>; [ba5852@aol.com](mailto:ba5852@aol.com) <[ba5852@aol.com](mailto:ba5852@aol.com)>; [djayoub@bellsouth.net](mailto:djayoub@bellsouth.net) <[djayoub@bellsouth.net](mailto:djayoub@bellsouth.net)>; [marc.bajaj@gmail.com](mailto:marc.bajaj@gmail.com) <[marc.bajaj@gmail.com](mailto:marc.bajaj@gmail.com)>; [martinbaybutt@aol.com](mailto:martinbaybutt@aol.com) <[martinbaybutt@aol.com](mailto:martinbaybutt@aol.com)>; [abiloukha@gmail.com](mailto:abiloukha@gmail.com) <[abiloukha@gmail.com](mailto:abiloukha@gmail.com)>; [bobbreeden@me.com](mailto:bobbreeden@me.com) <[bobbreeden@me.com](mailto:bobbreeden@me.com)>; [lesliebutzer01@yahoo.com](mailto:lesliebutzer01@yahoo.com) <[lesliebutzer01@yahoo.com](mailto:lesliebutzer01@yahoo.com)>; [dcannaro@hotmail.com](mailto:dcannaro@hotmail.com) <[dcannaro@hotmail.com](mailto:dcannaro@hotmail.com)>; [wchurchill@scppartners.com](mailto:wchurchill@scppartners.com) <[wchurchill@scppartners.com](mailto:wchurchill@scppartners.com)>; [jamie@cliffordassociatesinc.com](mailto:jamie@cliffordassociatesinc.com) <[jamie@cliffordassociatesinc.com](mailto:jamie@cliffordassociatesinc.com)>; [maxcraddock@gmail.com](mailto:maxcraddock@gmail.com) <[maxcraddock@gmail.com](mailto:maxcraddock@gmail.com)>;

gdarrow55@gmail.com <gdarrow55@gmail.com>; johndunne3774@comcast.net <johndunne3774@comcast.net>; dutranc@gmail.com <dutranc@gmail.com>; marc@allaircrafttraining.com <marc@allaircrafttraining.com>; ggalvo@gmail.com <ggalvo@gmail.com>; justin.golda@yahoo.com <justin.golda@yahoo.com>; genesisproperty@aol.com <genesisproperty@aol.com>; matthanley123@gmail.com <matthanley123@gmail.com>; wingpropgo@aol.com <wingpropgo@aol.com>; barry.ttds@gmail.com <barry.ttds@gmail.com>; qhill@ourhillhouse.com <qhill@ourhillhouse.com>; L.Hill@ourhillhouse.com <L.Hill@ourhillhouse.com>; torholm@gmail.com <torholm@gmail.com>; markjarvis21@gmail.com <markjarvis21@gmail.com>; seals1967@yahoo.com <seals1967@yahoo.com>; clktax@aol.com <clktax@aol.com>; robbykennedy@yahoo.com <robbykennedy@yahoo.com>; j.kittay@icloud.com <j.kittay@icloud.com>; rob@patriotmarinellc.com <rob@patriotmarinellc.com>; kevin.maclean@nee.com <kevin.maclean@nee.com>; CLKTax@aol.com <CLKTax@aol.com>; matosc@bellsouth.net <matosc@bellsouth.net>; dsmcniel@bellsouth.net <dsmcniel@bellsouth.net>; pilotasa@bellsouth.net <pilotasa@bellsouth.net>; rick@skydiveseb.com <rick@skydiveseb.com>; eric@myerscommercial.com <eric@myerscommercial.com>; paul.nudelman@gmail.com <paul.nudelman@gmail.com>; j.otero.32@gmail.com <j.otero.32@gmail.com>; l.pastore@ops-corp.com <l.pastore@ops-corp.com>; carrisachris@gmail.com <carrisachris@gmail.com>; harry@realtybythebeach.com <harry@realtybythebeach.com>; apotenti@doublepconstruction.com <apotenti@doublepconstruction.com>; tgp103@gmail.com <tgp103@gmail.com>; josh\_prince@outlook.com <josh\_prince@outlook.com>; reischer.mark@gmail.com <reischer.mark@gmail.com>; kamarsblessed@yahoo.com <kamarsblessed@yahoo.com>; jrodengen@aol.com <jrodengen@aol.com>; deltico1@gmail.com <deltico1@gmail.com>; richsack@bellsouth.net <richsack@bellsouth.net>; itel933@netscape.net <itel933@netscape.net>; sanchezpaulk@mac.com <sanchezpaulk@mac.com>; mosart@sebbsen.com <mosart@sebbsen.com>; informationbravo@gmail.com <informationbravo@gmail.com>; tlger@flightvelocity.com <tlger@flightvelocity.com>; steveswhere@msn.com <steveswhere@msn.com>; santiago@savigroup.com <santiago@savigroup.com>; sterlingwelch@yahoo.com <sterlingwelch@yahoo.com>; info@gerardwilliamsllaw.com <info@gerardwilliamsllaw.com>; gworley.crna@gmail.com <gworley.crna@gmail.com>; kergator@gmail.com <kergator@gmail.com>; avanikian@aol.com <avanikian@aol.com>; zworthy2@juno.com <zworthy2@juno.com>

Sent: Sun, May 10, 2020 3:00 pm

Subject: Re: PBFC - Minutes of 5/4/20 Special Meeting

Attached hereto are two files. File #1 are the current by laws File #2 A letter sent to past members

Thank you  
Gregory Gilhooly  
President, Pompano Beach Flying Club

-----Original Message-----

From: Carl Kennedy <clktax@aol.com>

To: sgtgrg@aol.com <sgtgrg@aol.com>

Cc: cbaker847@gmail.com <cbaker847@gmail.com>; gblohm@runbox.com <gblohm@runbox.com>;

borersj@g.cofc.edu <borersj@g.cofc.edu>; kobe.rc12@gmail.com <kobe.rc12@gmail.com>;

shelbychristmas@gmail.com <shelbychristmas@gmail.com>; chrisdavy@me.com <chrisdavy@me.com>;

blueskydoc@aol.com <blueskydoc@aol.com>; carlos\_a\_figueroa@mac.com

<carlos\_a\_figueroa@mac.com>; eac4me@gmail.com <eac4me@gmail.com>; tonyha81@bellsouth.net

<tonyha81@bellsouth.net>; markjohnson75@hotmail.com <markjohnson75@hotmail.com>;

james@autobasecorp.com <james@autobasecorp.com>; john@ewaycorp.com <john@ewaycorp.com>;

rpmagnusson@me.com <rpmagnusson@me.com>; evanairplane@gmail.com

<evanairplane@gmail.com>; jeff@drakealexander.com <jeff@drakealexander.com>; inozick@gmail.com

<inozick@gmail.com>; luis.m.choa@gmail.com <luis.m.choa@gmail.com>;

antoniopalazuelos@gmail.com <antoniopalazuelos@gmail.com>; mjrascocoe@gmail.com

<mjrascocoe@gmail.com>; morgannwuzhere@gmail.com <morgannwuzhere@gmail.com>;

hdossantosneto@gmail.com <hdossantosneto@gmail.com>; cap9722@gmail.com

<cap9722@gmail.com>; nsolano66@hotmail.com <nsolano66@hotmail.com>; rosstigner@gmail.com <rosstigner@gmail.com>; rolecall5@gmail.com <rolecall5@gmail.com>; sniper0910@yahoo.com <sniper0910@yahoo.com>; blackbat@bellsouth.net <blackbat@bellsouth.net>; ba5852@aol.com <ba5852@aol.com>; djayoub@bellsouth.net <djayoub@bellsouth.net>; marc.bajaj@gmail.com <marc.bajaj@gmail.com>; martinbaybutt@aol.com <martinbaybutt@aol.com>; abiloukha@gmail.com <abiloukha@gmail.com>; bobbreeden@me.com <bobbreeden@me.com>; lesliebutzer01@yahoo.com <lesliebutzer01@yahoo.com>; dcannaro@hotmail.com <dcannaro@hotmail.com>; wchurchill@scppartners.com <wchurchill@scppartners.com>; jamie@cliffordassociatesinc.com <jamie@cliffordassociatesinc.com>; maxcraddock@gmail.com <maxcraddock@gmail.com>; gdarrow55@gmail.com <gdarrow55@gmail.com>; johndunne3774@comcast.net <johndunne3774@comcast.net>; dutranc@gmail.com <dutranc@gmail.com>; marc@allaircrafttraining.com <marc@allaircrafttraining.com>; ggalvo@gmail.com <ggalvo@gmail.com>; sgtgrg@aol.com <sgtgrg@aol.com>; justin.golda@yahoo.com <justin.golda@yahoo.com>; genesisproperty@aol.com <genesisproperty@aol.com>; matthanley123@gmail.com <matthanley123@gmail.com>; wingpropgo@aol.com <wingpropgo@aol.com>; barry.tds@gmail.com <barry.tds@gmail.com>; ghill@ourhillhouse.com <ghill@ourhillhouse.com>; LHill@ourhillhouse.com <LHill@ourhillhouse.com>; torholm@gmail.com <torholm@gmail.com>; markjarvis21@gmail.com <markjarvis21@gmail.com>; seals1967@yahoo.com <seals1967@yahoo.com>; Carl Kennedy <clkta@aol.com>; robbykennedy@yahoo.com <robbykennedy@yahoo.com>; j.kittay@icloud.com <j.kittay@icloud.com>; rob@patriotmarinellc.com <rob@patriotmarinellc.com>; kevin.maclean@nee.com <kevin.maclean@nee.com>; CLKTax@aol.com <CLKTax@aol.com>; matosc@bellsouth.net <matosc@bellsouth.net>; dsmcniel@bellsouth.net <dsmcniel@bellsouth.net>; pilotasa@bellsouth.net <pilotasa@bellsouth.net>; rick@skydiveoseb.com <rick@skydiveoseb.com>; eric@myerscommercial.com <eric@myerscommercial.com>; paul.nudelman@gmail.com <paul.nudelman@gmail.com>; j.otero.32@gmail.com <j.otero.32@gmail.com>; l.pastore@ops-corp.com <l.pastore@ops-corp.com>; carrisachris@gmail.com <carrisachris@gmail.com>; harry@realtybythebeach.com <harry@realtybythebeach.com>; apotenti@doubleconstruction.com <apotenti@doubleconstruction.com>; tqp103@gmail.com <tqp103@gmail.com>; josh\_prince@outlook.com <josh\_prince@outlook.com>; reischer.mark@gmail.com <reischer.mark@gmail.com>; kamarsblessed@yahoo.com <kamarsblessed@yahoo.com>; jrodengen@aol.com <jrodengen@aol.com>; deltico1@gmail.com <deltico1@gmail.com>; richsack@bellsouth.net <richsack@bellsouth.net>; itel933@netscape.net <itel933@netscape.net>; sanchezpaulk@mac.com <sanchezpaulk@mac.com>; mosart@sebben.com <mosart@sebben.com>; informationbravo@gmail.com <informationbravo@gmail.com>; tiger@flightvelocity.com <tiger@flightvelocity.com>; steveswhere@msn.com <steveswhere@msn.com>; santiago@savigroup.com <santiago@savigroup.com>; sterlingwelch@yahoo.com <sterlingwelch@yahoo.com>; info@gerardwilliamslaw.com <info@gerardwilliamslaw.com>; gworley.crna@gmail.com <gworley.crna@gmail.com>; kergator@gmail.com <kergator@gmail.com>; avanikian@aol.com <avanikian@aol.com>; zworthy2@juno.com <zworthy2@juno.com>

Sent: Fri, May 8, 2020 10:45 am

Subject: Fwd: PBFC - Minutes of 5/4/20 Special Meeting

To All,

Please see below the e-mail my attorney sent to the PBFC attorney regarding the special meeting on 05-04-2020 in connection with Bob Breeden's motion to disavow monies owed to former and current members.

Respectfully,

WENDY A. HAUSMANN

Attorney and Counselor at Law

\*Member Florida and  
Maryland Bars

February 11, 2020

Mr. Amaury Ortiz  
7107 Quail Hollow Blvd.  
Wesley Chapel, FL 33544

RE: Pompano Beach Flying Club

Dear Mr. Ortiz:

This letter will serve as a demand for payment of the debt you owe to the Pompano Beach Flying Club for charges incurred by you in connection with membership dues and mailing fees. Your debt has been assigned to this office for collection.

A written demand is made for the amount of \$841.89 as reflected by the attached invoice. If we are forced to pursue this matter through litigation, we will additionally seek pre-judgment and post-judgment interest as allowed by law.

If you do not contact this office within thirty (30) days from the date hereof to discuss this matter, and we have not reached a resolution within thirty (30) days, I have the right to commence legal proceedings against you to recover the debt without any additional notice to you and this letter may be offered in court in any trial of this matter.

**DIRECT DEBTOR INFORMATION**

Within thirty (30) days of receipt of this letter, if you do not pay the debt, this office will obtain verification of the debt and mail you a copy of such verification. If you request of this office in writing within thirty (30) days of receipt of this letter, this office will provide you with the name and address of the original creditor different from the current creditor. This communication is for your information only.

This is an attempt to collect a debt and any information obtained will be used for that purpose.

Kindly print name and address on the enclosed envelope.



Wendy A. Hausmann, Esq.  
20283 State Road 7  
Suite #100  
Boca Raton, FL 33498

WEST PALM BEACH, FL 33411  
14 FEB 2020 PM 11

Mr. Amaury Ortiz  
7107 Quail Hollow Blvd.  
Westley Chapel, FL 33544

253-1600

11/11/19 10:00 AM

**WENDY A. HAUSMANN**

---

Attorney and Counselor at Law

\*Member Florida and  
Maryland Bars

February 1, 2020

Pompano Beach Flying Club  
c/o Treasurer - Carl L. Kennedy  
2929 S. Ocean Blvd.  
Unit #510  
Boca Raton, FL 33432

Professional services

	<u>Hours</u>	<u>Amount</u>
1/30/20 Preparation of revisions to Corporate Bylaws; Multiple telephone conferences with Carl L. Kennedy re: same.	5.00	1,750.00
For professional services rendered	5.00	\$1,750.00
Balance due		<u>\$1,750.00</u>

Composit Exhibit # 5


JPMORGAN CHASE & CO.

Post date: 02/03/2020

Amount: \$ 1750.00

Account: [REDACTED]

Check Number: 6084 [REDACTED]

 **POMPANO FLYING CLUB**  
26 CARL L. SPANNEY  
3915 S. OCEAN BLVD., 4TH. #511  
P.O. BOX 1000  
POMPANO BEACH, FL 33062  
304-552-0295

**BANK OF AMERICA, NA**  
30437631

1/31/2020

PAY TO THE ORDER OF Wendy A. Haurmann \$ 1,750.00

000001 OF

One Thousand Seven Hundred Fifty and 00/100 DOLLARS

MEMO  
Wendy A. Haurmann  
Attorney At Law  
3704 Aruba Drive  
Orlando Beach, FL 32446

[Signature]

DEPOSIT ONLY  
415857596  
POST ONLY  
JPMorgan Chase Bank, N.A.

From: <hausmannw@aol.com>  
Date: Thu, Nov 14, 2019 at 6:29 PM  
Subject: Re: PBFC Meeting - 11/13 - Response to Questions  
To: <brentbutrym@gmail.com>  
CC: <cclktax@aol.com>

Carl:

Kindly forward this, my below email to Brent Butrym, to all members of the Board and anyone else you may deem appropriate. Thank you.

---

Mr. Butrym:

Since you appear insistent on, and even attempted to again cause chaos for the PBFC at last night's membership meeting by having someone else do your dirty work in your absence, I have requested and been granted the opportunity to reply to your email and answer your questions below, as I believe they address legal matters.

#### **1. Treasurer's assistant**

I am fully aware of this issue. I have advised both Carl and the BOD regarding same. Now I will explain it very clearly to you, Sir.

You are not now, nor were you ever, "Assistant Treasurer". In addition, you are not now, nor were you ever, a "non-voting member of the Board". Neither of those positions are valid or legal under the PBFC Bylaws. They do not, and cannot, exist without a parliamentary revision to the Bylaws. Period. There are only 5 permissible members of the BOD, whether "without voting privileges" or not. There are only 4 permissible Officers. At best, it sounds like perhaps for a few minutes, maybe you volunteered to be the Treasurer's assistant. Much different than Assistant Treasurer. These are not just semantics. The difference is huge. A Treasurer's assistant is like a secretary. No authority, no liability, no rights. A Treasurer's assistant goes to Office Depot and gets new rolls of paper for the calculator, puts checks in order, whatever the Treasurer asks him/her to do. On the other hand, an Assistant Treasurer, like an Assistant Manager, has the same authority as the manager and stands in the manager's place in the manager's absence. Similarly, an Assistant Treasurer has authority, rights and liabilities.

Moreover, Mr. Butrym, it is quite evident that you do not wish to assist the Treasurer, Carl Kennedy, in any way, shape or form. You want to monitor, supervise and constitute surveillance over him. Your motives are malevolent, not benevolent. And I will provide advice and "protect" the BOD to the extent that my client is a member of it and their interests are derivative of, or coincide with, his.

Exhibit # 6

In any event, if you are still interested and desire to volunteer to be the person who goes to Office Depot, kindly advise Carl. Otherwise, you have no legitimate purpose and are not needed in connection with the Treasurer of PBFC. I hope that puts an end to this issue and clears up any confusion you may have had to date.

## 2. PBFC audit

Mr. Butrym, your animosity against Carl Kennedy is so obvious and pervasive as to be an intrusion and permanent interference with the current audit process. Communications by any member with the auditing firm are entirely inappropriate and have irreparably tainted and compromised the integrity of the process initiated with this firm by the BOD. I intend to do everything in my power to convince each member of the BOD that the current audit *must* be terminated immediately, and without further cost to the Club, due to the lack of neutrality and impartiality caused by the member(s) contacting the auditing firm without the knowledge and participation of the BOD. Such hypocritical conduct is unconscionable and reeks of the sneakiness and underhandedness which you attribute to my client. Where is the transparency in the members who communicated with the auditing firm? Do they wish to identify themselves and make known their communications? For the sake of transparency, of course. I hope it is realized that the auditing firm has no privilege of confidentiality with you or any other individual member of PBFC, Mr. Butrym. Such communications comprise billable time for which the Board is paying and to which they should be privy.

With respect to your not even veiled accusation that there is a nefarious motive because the audit isn't moving quickly enough for your liking, perhaps you are unaware that PBFC is a hobby for Carl Kennedy and he has a full-time day job that requires his prioritized attention. He also has multiple functions within the Club that take a good portion of his "spare" time as well. If you can put more hours in a day, I'm sure Carl will be willing to fill them with performing extra, beyond the ordinary that he already does, accounting-related functions for the Club. If not, kindly be reminded that patience is a virtue. Be virtuous.

At this point I see 3 viable options regarding this audit. Either 1) get a new firm for the external audit and make it clear that there are to be no communications with PBFC members without full knowledge of the BOD. The BOD hired the firm and is paying for it. They are the client of the firm; 2) do an internal audit; or 3) drop these ridiculous antics, everybody play nice in the sandbox together, and go have a good time flying airplanes. You know this battle of spite is threatening to cause the decimation of PBFC, and you simply aren't going to get the "dirt" you want for or about Carl Kennedy. Take your pick, Mr. Butrym. But if you think I am going to watch you try to put my client's head on a platter because you clearly have a personal axe to grind, you need to look into my reputation more closely.

Do not hesitate to contact me should you have further questions or require additional clarification with respect to these 2 issues.

Thank you,  
Wendy A. Hausmann  
561.477.5353

NOTICE: This e-mail message and any attachment to this e-mail message contains confidential information that may be legally privileged. If you are not the intended recipient, you must not review, retransmit, convert to hard copy, copy, use or disseminate this e-mail or any attachments to it. If you have received this e-mail in error, please notify us immediately by return e-mail or by telephone at 561.477.5353 and delete this message. Please note that if this e-mail message contains a forwarded message or is a reply to a prior message, some or all of the contents of this message or any attachments may not have been produced by THE LAW OFFICES OF WENDY A. HAUSMANN, 20283 STATE ROAD 7, SUITE 400, BOCA RATON, FL 33498, E-MAIL: [hausmannw@aol.com](mailto:hausmannw@aol.com).

-----Original Message-----

From: Kennedy <[clktax@aol.com](mailto:clktax@aol.com)>  
To: WENDY HAUSMANN <[hausmannw@aol.com](mailto:hausmannw@aol.com)>  
Sent: Wed, Nov 13, 2019 8:14 pm  
Subject: Fwd: PBFC Meeting - 11/13 - Questions

Sent from my iPhone

Begin forwarded message:

**From:** Brent Butrym <[NoReply@timesync.com](mailto:NoReply@timesync.com)>  
**Date:** November 13, 2019 at 5:37:29 PM EST  
**To:** Carl Kennedy <[clktax@aol.com](mailto:clktax@aol.com)>  
**Subject:** PBFC Meeting - 11/13 - Questions  
**Reply-To:** [brentbutrym@gmail.com](mailto:brentbutrym@gmail.com)

Unfortunately, I am unable to attend tonight's meeting. I went out of town on business last minute.

Will someone ask the following questions:

Why was I appointed assistant treasurer and then un-appointed when I started asking questions about the \$165,000 in expenses that have yet to be explained? I did not resign as was falsely reported. Seems like someone is trying to keep something hidden.

The board keeps talking about an independent accountant conducting an "audit or review." He has received nothing and hasn't heard from Carl yet. Kinda hard to do one's job without the requested documents. It's been three months since the engagement letter was signed. Will there actually be an independent review conducted?

And somebody PLEASE either record the audio of the meeting or send out minutes after?

Thank you,

Brent Butrym

---

From: **Gregg Galyo** <[ggalyo@gmail.com](mailto:ggalyo@gmail.com)>  
Date: Sun, Nov 17, 2019 at 3:22 AM  
To: Brent Butrym <[brentbutrym@gmail.com](mailto:brentbutrym@gmail.com)>  
Cc: Robert L. Breeden <[bobbreeden@me.com](mailto:bobbreeden@me.com)>

Hello Brent,

I agree. The way she talks, it's apparent she is protecting the BOD and has stated she is advising them. She also threaten you in the end. Funny how she is quoting the bylaws but the BOD don't adhere to the them but that's okay. Her recommendations in the end shouldn't be addressed to you, they should be addressed to the BOD. Typically BS.

r/Gregg

# CHASE for BUSINESS

Printed from Chase for Business

\$10,000.00

Dec 20, 2019



Total

Post date

Check #

<b>THE LAW OFFICES OF WENDY HAUSMANN</b> 01-11 ATTORNEY OPERATING ACCOUNT 292 83 STATE ROAD 7 STE. 400 BOCA RATON, FL 33499-8904		63-9413 2670 41754
PAY TO THE ORDER OF <u>Pompano Sr. Squachon Flying Club</u> \$10,000.00 as <u>Ten thousand 00/100</u>		DATE <u>12/20/19</u>
<b>CHASE</b> JPMorgan Chase Bank, N.A. www.chase.com		
MEMO <u>Loan</u>		

Exhibit 7



## EXHIBIT "3"

From: <hausmannw@aol.com>  
Date: Thu, Nov 14, 2019 at 6:29 PM  
Subject: Re: PBFC Meeting - 11/13 - Response to Questions  
To: <brentbutrym@gmail.com>  
CC: <clktax@aol.com>

Carl:

Kindly forward this, my below email to Brent Butrym, to all members of the Board and anyone else you may deem appropriate. Thank you.

---

Mr. Butrym:

Since you appear insistent on, and even attempted to again cause chaos for the PBFC at last night's membership meeting by having someone else do your dirty work in your absence, I have requested and been granted the opportunity to reply to your email and answer your questions below, as I believe they address legal matters.

### 1. Treasurer's assistant

I am fully aware of this issue. I have advised both Carl and the BOD regarding same. Now I will explain it very clearly to you, Sir.

You are not now, nor were you ever, "Assistant Treasurer". In addition, you are not now, nor were you ever, a "non-voting member of the Board". Neither of those positions are valid or legal under the PBFC Bylaws. They do not, and cannot, exist without a parliamentary revision to the Bylaws. Period. There are only 5 permissible members of the BOD, whether "without voting privileges" or not. There are only 4 permissible Officers. At best, it sounds like perhaps for a few minutes, maybe you volunteered to be the Treasurer's assistant. Much different than Assistant Treasurer. These are not just semantics. The difference is huge. A Treasurer's assistant is like a secretary. No authority, no liability, no rights. A Treasurer's assistant goes to Office Depot and gets new rolls of paper for the calculator, puts checks in order, whatever the Treasurer asks him/her to do. On the other hand, an Assistant Treasurer, like an Assistant Manager, has the same authority as the manager and stands in the manager's place in the manager's absence. Similarly, an Assistant Treasurer has authority, rights and liabilities.

Moreover, Mr. Butrym, it is quite evident that you do not wish to *assist* the Treasurer, Carl Kennedy, in any way, shape or form. You want to monitor, supervise and constitute surveillance over him. Your motives are malevolent, not benevolent. And I will provide advice and "protect" the BOD to the extent that my client is a member of it and their interests are derivative of, or coincide with, his.

In any event, if you are still interested and desire to volunteer to be the person who goes to Office Depot, kindly advise Carl. Otherwise, you have no legitimate purpose and are not needed in connection with the Treasurer of PBFC. I hope that puts an end to this issue and clears up any confusion you may have had to date.

## 2. PBFC audit

Mr. Butrym, your animosity against Carl Kennedy is so obvious and pervasive as to be an intrusion and permanent interference with the current audit process. Communications by any member with the auditing firm are entirely inappropriate and have irreparably tainted and compromised the integrity of the process initiated with this firm by the BOD. I intend to do everything in my power to convince each member of the BOD that the current audit *must* be terminated immediately, and without further cost to the Club, due to the lack of neutrality and impartiality caused by the member(s) contacting the auditing firm without the knowledge and participation of the BOD. Such hypocritical conduct is unconscionable and reeks of the sneakiness and underhandedness which you attribute to my client. Where is the transparency in the members who communicated with the auditing firm? Do they wish to identify themselves and make known their communications? For the sake of transparency, of course. I hope it is realized that the auditing firm has no privilege of confidentiality with you or any other individual member of PBFC, Mr. Butrym. Such communications comprise billable time for which the Board is paying and to which they should be privy.

With respect to your not even veiled accusation that there is a nefarious motive because the audit isn't moving quickly enough for your liking, perhaps you are unaware that PBFC is a hobby for Carl Kennedy and he has a full-time day job that requires his prioritized attention. He also has multiple functions within the Club that take a good portion of his "spare" time as well. If you can put more hours in a day, I'm sure Carl will be willing to fill them with performing extra, beyond the ordinary that he already does, accounting-related functions for the Club. If not, kindly be reminded that patience is a virtue. Be virtuous.

At this point I see 3 viable options regarding this audit. Either 1) get a new firm for the external audit and make it clear that there are to be no communications with PBFC members without full knowledge of the BOD. The BOD hired the firm and is paying for it. They are the client of the firm; 2) do an internal audit; or 3) drop these ridiculous antics, everybody play nice in the sandbox together, and go have a good time flying airplanes. You know this battle of spite is threatening to cause the decimation of PBFC, and you simply aren't going to get the "dirt" you want for or about Carl Kennedy. Take your pick, Mr. Butrym. But if you think I am going to watch you try to put my client's head on a platter because you clearly have a personal axe to grind, you need to look into my reputation more closely.

Do not hesitate to contact me should you have further questions or require additional clarification with respect to these 2 issues.

Thank you,  
Wendy A. Hausmann  
561.477.5353

NOTICE: This e-mail message and any attachment to this e-mail message contains confidential information that may be legally privileged. If you are not the intended recipient, you must not review, retransmit, convert to hard copy, copy, use or disseminate this e-mail or any attachments to it. If you have received this e-mail in error, please notify us immediately by return e-mail or by telephone at 561.477.5353 and delete this message. Please note that if this e-mail message contains a forwarded message or is a reply to a prior message, some or all of the contents of this message or any attachments may not have been produced by THE LAW OFFICES OF WENDY A. HAUSMANN, 20283 STATE ROAD 7, SUITE 400, BOCA RATON, FL 33498, E-MAIL: hausmannw@aol.com .

-----Original Message-----

From: Kennedy <clktax@aol.com>  
To: WENDY HAUSMANN <hausmannw@aol.com>  
Sent: Wed, Nov 13, 2019 8:14 pm  
Subject: Fwd: PBFC Meeting - 11/13 - Questions

Sent from my iPhone

Begin forwarded message:

**From:** Brent Butrym <NoReply@timesync.com>  
**Date:** November 13, 2019 at 5:37:29 PM EST  
**To:** Carl Kennedy <clktax@aol.com>  
**Subject:** PBFC Meeting - 11/13 - Questions  
**Reply-To:** brentbutrym@gmail.com

Unfortunately, I am unable to attend tonight's meeting. I went out of town on business last minute.

Will someone ask the following questions:

Why was I appointed assistant treasurer and then un-appointed when I started asking questions about the \$165,000 in expenses that have yet to be explained? I did not resign as was falsely reported. Seems like someone is trying to keep something hidden.

The board keeps talking about an independent accountant conducting an "audit or review." He has received nothing and hasn't heard from Carl yet. Kinda hard to do one's job without the requested documents. It's been three months since the engagement letter was signed. Will there actually be an independent review conducted?

And somebody PLEASE either record the audio of the meeting or send out minutes after?

Thank you,

Brent Butrym

-----  
From: **Gregg Galyo** <[ggalyo@gmail.com](mailto:ggalyo@gmail.com)>  
Date: Sun, Nov 17, 2019 at 3:22 AM  
To: Brent Butrym <[brentbutrym@gmail.com](mailto:brentbutrym@gmail.com)>  
Cc: Robert L. Breeden <[bobbreeden@me.com](mailto:bobbreeden@me.com)>

Hello Brent,

I agree. The way she talks, it's apparent she is protecting the BOD and has stated she is advising them. She also threaten you in the end. Funny how she is quoting the bylaws but the BOD don't adhere to the them but that's okay. Her recommendations in the end shouldn't be addressed to you, they should be addressed to the BOD. Typically BS.

r/Gregg

**WENDY A. HAUSMANN**

Attorney and Counselor at Law

\*Member Florida and  
Maryland Bars

**EXHIBIT "4"**

February 1, 2020

Pompano Beach Flying Club  
c/o Treasurer - Carl L. Kennedy  
2929 S. Ocean Blvd.  
Unit #510  
Boca Raton, FL 33432

Professional services

	<u>Hours</u>	<u>Amount</u>
1/30/20 Preparation of revisions to Corporate Bylaws; Multiple telephone conferences with Carl L. Kennedy re: same.	5.00	1,750.00
For professional services rendered	5.00	\$1,750.00
Balance due		<u>\$1,750.00</u>

Post date: 02/03/2020

Amount: \$ 1750.00

Account: [REDACTED]

Check Number: [REDACTED]

**POSTPAND FLYING CLUB**  
 c/o CARL L. BEHREDT  
 2029 S. OCEAN BLVD. STE. 6010  
 BOCA RATON, FL 33432  
 304-993-9229

**BANK OF AMERICA, NA**  
 00-027821

02/03/2020

PAY TO THE ORDER OF Wendy A. Heumannmann \$ -1,750.00

One Thousand Seven Hundred Fifty and 00/100 DOLLARS

Wendy A. Heumannmann  
 Attorney At Law  
 3704 Arella Drive  
 Delray Beach, FL 33445

MEMO [REDACTED]

[Signature]

DEPOSIT ONLY  
 FROM  
 POSTPAND FLYING CLUB  
 JPMorgan Chase Bank, N.A.

All items are credited subject to verification, collection, and conditions of the Rules and Regulations of this Bank and as otherwise provided by law. Payments are accepted when credit is applied to outstanding balances and not upon issuance of this receipt. Transactions received after the Bank's posted cut-off time or Saturday, Sunday, and Bank Holidays, are dated and considered received as of the next business day.

EXHIBIT "5"

Please retain this receipt until you receive your account statement.

Thank you for banking with Bank of America. Save time with fast, reliable deposits, withdrawals, transfers and more at thousands of convenient ATM locations.

12/20/2019 14:22 NFL 700105 R540590135  
Acct# \*\*\*\* CC 0109430 Tlr 00002

Total Deposit To CHK \$10,000.00  
Credit Pending Posts on 12/20/2019  
Available Now \$0.00

IntRef F7TX0574K48047CFX97872

Member FDIC  
95-14-2005B 10-2012

POMPANO FLYING CLUB

5993

Wendy A. Hausmann

2/11/2020

Dec 20, 2019 loan \$10k @ 10% interest to February

5,147.22

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING



POMPANO FLYING CLUB  
c/o CARL L. KENNEDY  
2929 S. OCEAN BLVD. STE. #510  
BOCA RATON, FL 33432  
304-552-0206

DEPOSITED  
2/14/20

BANK OF AMERICA, NA  
63-027/831

5993

2/11/2020

PAY TO THE ORDER OF Wendy A. Hausmann

\$ \*\*5,147.22

Five Thousand One Hundred Forty-Seven and 22/100\*\*\*\*\*

DOLLARS

PROTECTED AGAINST FRAUD

Wendy A. Hausmann  
Attorney At Law  
3704 Arelia Drive  
Delray Beach, FL 33445

Handwritten signature of Wendy A. Hausmann

MEMO

184 11

POMPANO FLYING CLUB

5994

Wendy A. Hausmann

2/11/2020

Feb 11, 2020 loan \$5k @ 10% interest to March 17,

5,043.09

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING



POMPANO FLYING CLUB  
c/o CARL L. KENNEDY  
2929 S. OCEAN BLVD. STE. #510  
BOCA RATON, FL 33432  
304-552-0206

DEPOSITED  
3/11/20

BANK OF AMERICA, NA  
63-027/831

5994

2/11/2020

PAY TO THE ORDER OF Wendy A. Hausmann

\$ \*\*5,043.09

Five Thousand Forty-Three and 09/100\*\*\*\*\*

DOLLARS

PROTECTED AGAINST FRAUD

Wendy A. Hausmann  
Attorney At Law  
3704 Arelia Drive

Handwritten signature of Wendy A. Hausmann

MEMO

