

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/Counter-Defendant,

and

CARL L. KENNEDY, II

Defendant/Counter-Plaintiff.

Case No.: CACE 20-005993  
Division (8)

**DEFENDANT/COUNTER-PLAINTIFF'S**  
**MOTION FOR PROTECTIVE ORDER**

Defendant/Counter-Plaintiff, Carl L. Kennedy, II, by his undersigned counsel, pursuant to Fla. R. Civ. P. 1.280(c), hereby respectfully represents as follows:

1. Plaintiff in this matter has filed a Second Request for Production of Documents seeking all of Defendant's "electronic backup data files" in this matter for the past six (6) years.
2. Defendant timely objected to this Request.
3. Plaintiff's Request is overbroad and seeks information beyond the Statute of Limitations.
4. Plaintiff's request is also otherwise unduly oppressive and burdensome.
5. Defendant's software programs and electronic data files are personally purchased accounting products. These files not only contain private and privileged data in connection with Defendant's personal accounting clients and family members, but also separate data related solely to Plaintiff is not readily accessible or severable from such files without extreme hardship or expense to Defendant.
6. Defendant has already produced, and Plaintiff already has in their physical possession, all paper documents and records which may be contained or reflected in Defendant's software programs. Plaintiff is therefore able, on its own, to retrieve and

derive any and all information which they seek in their request for “electronic backup data files” from the paper documents and records which they possess.

7. In the event the Court is inclined to compel Defendant to produce electronic data files, or if Defendant is required to segregate and compile Plaintiff’s data separately, Plaintiff should be required to pay any expenses incurred by Defendant in connection with such production.

WHEREFORE, Defendant/Counter-Plaintiff, Carl L. Kennedy, II, hereby respectfully requests that the Court enter an Order and grant him such relief as is consistent with this Motion that this Court deems just and proper under the facts and circumstances of this matter.

I hereby certify that I sent a copy of the foregoing via the e-portal to Edward Holodak, Esquire at pleadings@holodakpa.com, on the 17<sup>th</sup> day of June, 2021.

Respectfully submitted,

/s/ Wendy A. Hausmann  
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