

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE20005993 DIVISION 08 JUDGE David A Haimes

**Pompano Senior Squadron Flying Club, Inc.**

Plaintiff(s) / Petitioner(s)

v.

**Carl L Kennedy II**

Defendant(s) / Respondent(s)

**ORDER ON PLAINTIFF'S VERIFIED MOTION TO DISQUALIFY WENDY  
HAUSMANN ESQ. AS DEFENDANT'S COUNSEL**

**THIS CAUSE** having come before the Court for hearing on July 8, 2021 on Plaintiff's, POMPANO SENIOR SQUADRON FLYING CLUB, INC. (Plaintiff "Club") Verified Motion to Disqualify Counsel Pursuant to Florida Bar Rule 4-1.9, and the Court having considered arguments of counsel, the Verified Motion, the uncontested facts, and after due consideration, it is

**ORDERED AND ADJUDGED** that Plaintiff Club's Motion for Disqualification is hereby **GRANTED** for the reasons stated on the record (Court Reporter present) at the July 8, 2021 hearing and for the reasons further articulated as follows.

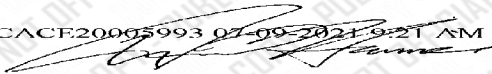
It is undisputed that Wendy Hausmann, Esq., had previously been retained as counsel by Plaintiff Club, where she had made recommended edits to plaintiff's Bylaws. Ms. Hausmann was paid by Plaintiff Club for such work. It is also undisputed that Wendy Hausmann, Esq., had made a Ten Thousand Dollar (\$10,000) loan to Plaintiff Club and was paid back with interest on that loan by plaintiff. Finally, the Complaint in the present case seeks an accounting from and an injunction against Defendant Kennedy for the time he was the treasurer of Plaintiff Club to account for expenditures and return financial documents to Plaintiff Club. The accounting includes payments made by Plaintiff Club to Ms. Hausmann for her services and for the loan. Therefore, the present case involves the same matter (or at a minimum substantially similar matters).

Pursuant to Florida Bar Rule 4-1.9, Ms. Hausmann is precluded from representing the Defendant in the present case against her former client due to a conflict of interest absent consent by the plaintiff. Here, the Plaintiff Club never consented to, and in fact objected to, Wendy Hausmann's representation of Defendant Kennedy in this matter. Pursuant to well established Florida law, the Plaintiff Club has established the requirements for disqualification. See *Philip Morris USA, Inc. v. Caro*, 207 So.3d 944 (Fla. 4th DCA 2016) (setting forth the requirements).

Therefore, Wendy Hausmann, Esq. is hereby disqualified as acting in any capacity in this matter as Defendant Kennedy's counsel as of the date of this Order.

**DONE and ORDERED** in Chambers, at Broward County, Florida on 07-09-2021.

CACE20005993 07-09-2021 9:21 AM



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Hon. David A Haimes

**CIRCUIT JUDGE**

Electronically Signed by David A Haimes

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