

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

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

Plaintiff,

and

CARL L. KENNEDY, II

Defendant

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

_____/

**MOTION FOR CONTEMPT, TO COMPEL AND FOR SANCTIONS DUE TO
PLAINTIFF'S BAD FAITH AND FAILURE TO PROVIDE DISCOVERY RESPONSES
PURSUANT TO AGREED ORDER**

COMES NOW, Defendant, CARL L. KENNEDY, II by and through the undersigned counsel, pursuant to Florida Rule of Civil Procedure 1.380, and moves this Court for an order of contempt and to compel the Plaintiff, POMPANO SENIOR SQUADRON FLYING CLUB, INC., ("Club") to comply with its discovery obligations, and as grounds thereof states as follows:

1. On May 8, 2021, Defendant served Plaintiff with his Third Set of Interrogatories Directed to Plaintiff and Third Request for Production of Documents copies of which are attached hereto as Composite Exhibit "A".

2. On June 25, 2021, the Court entered an Agreed Order Regarding Discovery Issues, which provided, *inter alia*, that "Plaintiff Club shall provide Answers to Defendant Kennedy's Third Set of Interrogatories and responses to Defendant's Third Request for Production of Documents by July 14, 2021", a copy of which is attached hereto as Exhibit "B".

3. On July 13, 2021, Plaintiff served Answers to Defendant's Third Set of Interrogatories, a copy of which is attached hereto as Exhibit "C". Plaintiff's responses are entirely improper, inadequate, and made in bad faith.

4. Defendant's Interrogatory #2 requested Plaintiff to, "[s]pecifically identify and describe each component that compromises the \$340,000 of the alleged 'unaccounted for monies'" and requested Plaintiff to provide basic details about each component, such as the "date and amount of the transaction(s) or event(s) giving rise to the unaccounted for monies".

5. In its answer Plaintiff refused to provide **any** information Defendant requested about each component that comprises the \$340,000 of the alleged 'unaccounted for monies', and stated that "[p]ursuant to Rule 1.340(c) the answer to this Interrogatory is available through the inspection of documents and thumb drive produced by Carl Kennedy, including his American Express Monthly Statements, Liens filed by Carl Kennedy in his own name as lienor, checks, receipts, records of cash withdrawals and payments by or to Carl Kennedy, invoices, journals, ledgers, spreadsheets, notes, statements, books, and records."

6. Again, Plaintiff's response is improper, entirely inadequate, made in bad faith and violates the Court's June 25, 2021 Agreed Order.

7. Fla. R. Civ. P. 1.340(c), provides a party with the option to produce records in response to an interrogatory only "[w]hen the answer to an interrogatory may be derived or ascertained from the records [...] and the burden is the same for the party serving the interrogatory as for the party to whom it is directed."

8. Here, Plaintiff has made the serious allegation that Defendant is the cause of \$340,000 in unaccounted for monies.

9. For Defendant to properly defend against this allegation, Defendant must know the basis for Plaintiff's allegations, specifically the identity of each component of the \$340,000. Defendant is unable to derive an answer to his interrogatory by examining the records, as it is Defendant's position that all monies in connection with his term as Treasurer are accounted for.

Instead Plaintiff must identify each item that it has deemed is “unaccounted for monies” in the records.

10. It is impossible for Defendant to discern for himself, from the records he has provided to Plaintiff, the answers to the following items:

- a. the date and the amount of the transaction(s) or event(s) giving rise to the AUFM;
- b. the type and description of all documents which show the AUFM, including but not limited to checks, receipts, invoices, contracts, journals, ledgers, spreadsheets, notes, statements, books, correspondence, records and agreements;
- c. the names, addresses and telephone numbers of each person who “unturned” the AUFM;
- d. the method(s) used by each person identified in 2(c) to “unturn” the AUFM;
- e. the names, addresses and telephone numbers of all individuals who identified, determined, designated, declared or represented the money to be “unaccounted for”, and as to each, identify all documents upon which they relied in making such identification, determination, designation, declaration or representation, including the date, the issuer of the document and the type of document;
- f. the method(s) used by each person identified in 2(e) to determine, designate, declare or represent the money to be AUFM;
- g. the names, addresses and telephone numbers of the creator(s) of all documents in which the existence of the AUFM is shown to exist or to have existed, and the date of issue of such documents;
- h. the names, addresses and telephone numbers of all persons identified in 2(c), 2(e) and 2(g) now having, or any time since February 12, 2020 had, possession, custody or control of the document(s) from which the AUFM was “unturned”; and
- i. all prior and current location(s) of any existing AUFM, including the names, addresses and telephone numbers of any individual, business or institution where the AUFM is now, and where the AUFM is known to have ever been, located.

11. Additionally, Plaintiff is unable to demonstrate pursuant to Fla. R. Civ. P. 1.340(c), that “the burden is the same for the party serving the interrogatory as for the party to whom it is derived”. Here, Plaintiff admits that it has already conducted a review of the records and it has determined that there are \$340,000 in unaccounted for monies. As such, the burden to review the

records and discover the identity of the components for this alleged \$340,000 unaccounted for monies is substantially greater for Defendant because he has no knowledge as to what portion of the monies Plaintiff has deemed are “unaccounted for monies”. Further, the burden is less for Plaintiff since it has already conducted a presumably thorough review.

12. Plaintiff’s answers to Defendant’s interrogatories are entirely insufficient and constitute a willful, intentional, and deliberate failure to comply with the rules of discovery and this Honorable Court’s Order directing Plaintiff to provide discovery responses by July 14, 2021.

13. Plaintiff has failed to provide any responses whatsoever to Defendant’s Third Request for Production of Documents.

14. Plaintiff by its failure to provide adequate discovery responses is deliberately and intentionally interfering with Defendant’s ability to properly and adequately defend himself against the Complaint in this matter. Plaintiff is intentionally withholding and concealing information in this matter.

15. Since Plaintiff’s answers amount to providing no responses it should be found in contempt of court for failure to provide timely discovery answers pursuant to the aforementioned Court Order dated June 25, 2021.

16. Additionally, on April 30, 2021, Defendant pursuant to Chapter 607, Fla. Stat., served Plaintiff with a valid shareholder request, a copy of which is attached hereto as Exhibit “D”. The Court in its June 25, 2021 Order directed Plaintiff to “treat Defendant Kennedy’s shareholder request dated April 30, 2021 for documents as a valid Request to Produce pursuant to Florida Rules of Civil Procedure and shall provide the requested documents to Defendant within thirty (30) days from the date of this Order”. Plaintiff violated this term of the Order by failing to provide the any documents.

17. Defendant respectfully requests the Court require Plaintiff to provide adequate answers within forty-eight (48) hours from the entry of the Court's order.

18. Defendant has incurred attorney's fees as a result of Plaintiff's bad faith conduct in connection with this motion and should be awarded same.

WHEREFORE, DEFENDANT, CARL L. KENNEDY, II respectfully requests that this Honorable Court enter an order providing for all relief consistent with this Motion, including an Order finding Plaintiff, POMPANO SENIOR SQUADRON FLYING CLUB, INC. in contempt for its failure to provide discovery responses as ordered, directing Plaintiff to provide complete Answers and responses to the discovery requests within forty eight (48) hours, in accordance with this Court's Order dated June 25, 2021 and the Rules of Civil Procedure, award Defendant his attorney's fees incurred in filing and arguing the motion, together with any other relief this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of July 2021 a copy of the foregoing was e-filed and delivered to Edward F. Holodak, Esq., 7951 SW 6th St., Suite 210, Plantation, FL 33324, pleadings@holodakpa.com.

THE LAW OFFICES OF SCOTT J. KALISH, PLLC.

/s/ Scott J. Kalish

SCOTT J. KALISH, ESQUIRE

Florida Bar No.: 118292

scott@scottjkalishlaw.com

DARA A. JAGGARS, ESQUIRE

Florida Bar No.: 1018603

dara@scottjkalishlaw.com

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5255 N. Federal Hwy.

Suite 325

Boca Raton, FL 33487

(954)-990-9307

Attorney for Defendant

Exhibit "A"

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

CARL L. KENNEDY

Defendant/Counter-Plaintiff.

Case No.: CACE 20-005993

Division (8)

**NOTICE OF SERVICE OF THIRD SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF**

I, CARL L. KENNEDY, II, Defendant, served upon Plaintiff, POMPANO SENIOR SQUADRON FLYING CLUB, on May 8, 2021, an additional two (2) Interrogatories and my Third Request for Production of Documents, to be answered by Plaintiff in accordance with the Florida Rules of Civil Procedure, within 30 days after service.

I hereby certify that on the 8th day of May, 2021, I sent a copy of the foregoing via the Florida e-portal to Edward Holodak, Esquire at pleadings@holodakpa.com.

BY:

/s/ Carl L. Kennedy, II

Carl L. Kennedy, II

2929 S. Ocean Blvd., #510

Boca Raton, FL 33432

304-552-0206

E-Mail Address: clktx@aol.com

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.

DEFENDANT/COUNTER-PLAINTIFF'S
THIRD REQUEST FOR PRODUCTION OF DOCUMENTS

CARL L. KENNEDY, II, Defendant/Counter-Plaintiff, requests pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, that Plaintiff/Counter-Defendant, POMPANO SENIOR SQUADRON FLYING CLUB, produce to me the following items for copying and inspection the originals or exact copies of all of the documents, 30 days from the date hereof, at 2929 S. Ocean Blvd., #510, Boca Raton, FL 33432.

Plaintiff/Counter-Defendant should comply with the mandates of Florida Rules of Procedure 1.350, which provide in pertinent part as follows:

Rule 1.350(b): "The party to whom the request is directed shall file a written response within 30 days after service of the request.... For each item or category the response shall state that inspection and related activities will be permitted as requested unless the request is objected to, in which event the reasons for the objection shall be stated. If an objection is made to part of an item or category, the part shall be specified. When producing documents, the producing party shall either produce them as they are kept in the usual course of business or shall identify them to correspond with the categories in the request."

The following items requested should be construed with the preliminary definitions set forth below:

A. Unless otherwise indicated, the term "documents" shall mean the original (and any copy with notations or addenda not on the original) of any written, printed, typed, photocopied, photographic, and recorded matter of any kind or character, and any recorded material, however produced or reproduced, including without limiting the generality of the foregoing, all drafts, contracts, diaries, appointment books, calendars, desk pads, correspondence, communications, telegrams, teletypes, memoranda, notes, studies, reports, minutes of meetings, invoices, credits, debits, transcripts, inventories, drawings, graphs, charts, photographs, films, microfilms, slides,

magnetic and electronic recordings, sound recordings, lists, minutes, checks and entries in books of account relating or in any way referring to the subject matter of this request.

B. Where a particular document is described, e.g., agreement, minutes, etc., such description shall be deemed to include any and all drafts of such documents.

C. If any document requested herein is not produced due to a claim of privilege, each such document should be identified by date, number of pages, author, recipients, and the nature of the privilege so claimed.

With respect to the allegation contained in paragraph #3 of Plaintiff's Motion to Appoint Special Magistrate" filed March 25, 2021, in which it is alleged that Plaintiff has "unturned over \$340,000 of unaccounted for monies" (hereinafter called "AUFM"), provide the following:

1. All documents showing any component of which the AUFM is comprised.
2. All documents showing each and any portion of every component of which the AUFM is comprised.
3. All documents which show or contain reference to the AUFM, including but not limited to checks, receipts, invoices, contracts, journals, ledgers, spreadsheets, notes, statements, books, correspondence, records and agreements.
4. All documents upon which all individuals who identified, determined, designated, declared or represented any monies to be "unaccounted for", relied in making such identification, determination, designation, declaration or representation.
5. All documents in which the existence of the AUFM is shown to currently exist or to have ever existed.

I hereby certify that on the 8th day of May, 2021, I sent a copy of the foregoing via the Florida e-portal to Edward Holodak, Esquire at pleadings@holodakpa.com.

BY:

/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

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.

THIRD SET OF INTERROGATORIES
DIRECTED TO PLAINTIFF/COUNTER-DEFENDANT

CARL L. KENNEDY, II, Defendant and Counter-Plaintiff, hereby propounds the following Interrogatory to Plaintiff/Counter-Defendant and requests that the following Interrogatory be answered under oath or affirmation as to its truthfulness within thirty (30) days, in accordance with the Florida Rules of Civil Procedure:

1. With respect to the allegation contained in paragraph #3 of Plaintiff's Motion to Appoint Special Magistrate" filed March 25, 2021, in which it is alleged that Plaintiff has "unturned over \$340,000 of unaccounted for monies", state what is meant by the terms (a) "unturned" and (b) "unaccounted for" as used in the allegation.

2. Specifically identify and describe each component that comprises the \$340,000 of alleged "unaccounted for monies" (hereinafter in this interrogatory referred to as "AUFM") contained in paragraph #3 of Plaintiff's Motion to Appoint Special Magistrate filed March 25, 2021, by stating:

- a. the date and the amount of the transaction(s) or event(s) giving rise to the AUFM;
- b. the type and description of all documents which show the AUFM, including but not limited to checks, receipts, invoices, contracts, journals, ledgers, spreadsheets, notes, statements, books, correspondence, records and agreements;
- c. the names, addresses and telephone numbers of each person who "unturned" the AUFM;

- d. the method(s) used by each person identified in 2(c) to “unturn” the AUFM;
- e. the names, addresses and telephone numbers of all individuals who identified, determined, designated, declared or represented the money to be “unaccounted for”, and as to each, identify all documents upon which they relied in making such identification, determination, designation, declaration or representation, including the date, the issuer of the document and the type of document;
- f. the method(s) used by each person identified in 2(e) to determine, designate, declare or represent the money to be AUFM;
- g. the names, addresses and telephone numbers of the creator(s) of all documents in which the existence of the AUFM is shown to exist or to have existed, and the date of issue of such documents;
- h. the names, addresses and telephone numbers of all persons identified in 2(c), 2(e) and 2(g) now having, or any time since February 12, 2020 had, possession, custody or control of the document(s) from which the AUFM was “unturned”; and
- i. all prior and current location(s) of any existing AUFM, including the names, addresses and telephone numbers of any individual, business or institution where the AUFM is now, and where the AUFM is known to have ever been, located.

I hereby certify that on the 8th day of May, 2021, I sent a copy of the foregoing via the Florida e-portal to Edward Holodak, Esquire at pleadings@holodakpa.com.

BY:

/s/ Carl L. Kennedy, II
Carl L. Kennedy, II
2929 S. Ocean Blvd., #510
Boca Raton, FL 33432
304-552-0206
E-Mail Address: clktx@aol.com

Exhibit "B"

**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., et al

Plaintiff(s) / Petitioner(s)

v.

Pompano Senior Squadron Flying Club Inc, et al

Defendant(s) / Respondent(s)

/

AGREED ORDER REGARDING DISCOVERY ISSUES

THIS CAUSE having come to be heard on Plaintiff's Motion for Protective Order, and the Defendant's Motion to Compel and for Sanctions Due to Plaintiff's Failure to Provide Discovery, the parties having reached agreement on these Motions, the Court considering the pleadings herein, the Court considering the agreement of the parties, and the Court being otherwise fully advised, it is:

ORDERED AND ADJUDGED that both Motions are **GRANTED** as stated herein:

- a. The previously scheduled deposition of Andrew Bilukha shall be rescheduled to take place at 8:30 a.m. on July 14, 2021. The parties agree that the Subpoena previously served for such deposition shall be Amended to reflect the change of its date only, and the documents previously provided with such Subpoena shall not need to be re-served, but shall be brought to the deposition by Mr. Bilukha (and his counsel, if applicable) as required by the original Subpoena;
- b. neither party shall issue new discovery requests prior to July 8, 2021 or this Court's ruling on Plaintiff's Motion to Disqualify Wendy Hausmann, Esq., whichever is later;
- c. Plaintiff Club shall treat Defendant Kennedy's shareholder request dated April 30, 2021 for documents as a valid Request to Produce pursuant to Florida Rules Of Civil Procedure and shall provide the requested documents to Defendant within thirty (30) days from the date of this Order;

- d. Plaintiff Club's Motion for Contempt relating to its Second Request to Produce, shall be withdrawn as a Motion for Contempt and treated instead as a Motion to Compel as to requests numbered 4 and 13 therein only, Defendant Kennedy has adequately responded to the remaining requests;
- e. Plaintiff Club shall provide Answers to Defendant Kennedy's Third Set of Interrogatories and responses to Defendant's Third Request for Production of Documents by July 14, 2021.

DONE and ORDERED in Chambers, at Broward County, Florida on 06-25-2021.

CACE20005993 06-25-2021 8:50 AM


CACE20005993 06-25-2021 8:50 AM

Hon. David A Haimes

CIRCUIT JUDGE

Electronically Signed by David A Haimes

Copies Furnished To:

Carl Lemley Kennedy II , E-mail : CLKTax@aol.com

Carl Lemley Kennedy II , E-mail : mail@goard.com

Edward F Holodak , E-mail : pleadings@holodakpa.com

Edward F Holodak , E-mail : edward@holodakpa.com

Jeffrey B Lampert , E-mail : lampertpleadings@gmail.com

WENDY A HAUSMANN , E-mail : whausmannlaw@gmail.com

WENDY A HAUSMANN , E-mail : HAUSMANNW@AOL.COM

Exhibit "C"

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

Plaintiff,

v

CARL KENNEDY, individually,

Defendant.

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

CASE NO.: CACE 20-005993 (08)

NOTICE OF SERVING ANSWERS TO THIRD SET OF INTERROGATORIES

Plaintiff, POMPANO SENIOR SQUADRON FLYING CLUB, INC., ("Club")

pursuant to the Fla.R.Civ.P. 1.340, files this Notice of Serving Interrogatory Answers propounded by Defendant as his Third Set of Interrogatories, and says:

1. Plaintiff, Pompano Senior Squadron Flying Club served its Answers to Third Set of Interrogatories directly to Defendant Kennedy via email.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via eportal this 13th day of July 2021, to Carl L. Kennedy, II, clktx@aol.com

/s/ Edward F. Holodak

EDWARD F. HOLODAK, ESQ.

Attorney for Plaintiff

Fla. Bar No. 059234

Edward F. Holodak, P.A.

7951 SW 6th Street, Suite 210

Plantation, Florida 33324

Tel.: 954-927-3436

Pleadings@holodakpa.com

PLAINTIFF, POMPANO SENIOR SQUADRON FLYING CLUB'S
ANSWERS TO DEFENDANT CARL KENNEDY'S
THIRD SET OF INTERROGATORIES

1. **Answer** - UNTURNED OVER and UNACCOUNTED for meaning as used in Motion. The Club cannot substantiate the propriety of certain financial information in its records as kept by Defendant Kennedy. For example, payments to Wendy Hausmann for an alleged loan for which there is no customary documentation, liens in Carl Kennedy's name that are supported by payments to the Club from Carl Kennedy, payments to Carl Kennedy's American Express Care.

2. **Answer** – Pursuant to Rule 1.340(c) the answer to this Interrogatory is available through the inspection of documents and thumb drive produced by Carl Kennedy, including his American Express Monthly Statements, Liens filed by Carl Kennedy in his own name as lienor, checks, receipts, records of cash withdrawals and payments by or to Carl Kennedy, invoices, journals, ledgers, spreadsheets, notes, statements, books, and records. Such documents are available and ready for inspection by Defendant Kennedy upon reasonable scheduling as permitted by Rule 1.340 (c), Fla.R.Civ.P.

As to identity of parties who discovered the discrepancies:


Andrew Bilukha;

Thor Holm;

Greg Gilhooly; and

Retained Expert who Plaintiff is not required to disclose at this time, but will disclose when required pursuant to the time periods provided for in the trial court order of the Court.

POMPANO SENIOR SQUADRON FLYING CLUB, INC., A
FLORIDA CORPORATION

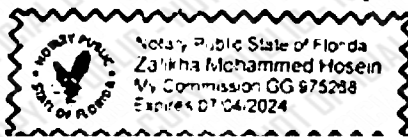
By: 
Greg Gilhooly, Pres.

7-8-21

STATE OF FLORIDA :
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 8th day of July 2021, by GREG GILHOOLY, as President of POMPANO SENIOR SQUADRON FLYING CLUB, INC., a Florida corporation, who is personally known to me and did take an oath.

My Commission Expires: 7/4/2024




NOTARY PUBLIC

/s/ Edward F. Holodak
Edward F. Holodak, Esq.
Attorney for Plaintiffs
Fla. Bar No. 059234
EDWARD F. HOLODAK, P.A.
7951 SW 6th Street, Suite 210
Plantation, Florida 33324
Telephone: (954) 927-3436
pleadings@holodakpa.com

Exhibit D

CARL L. KENNEDY, II
2929 S. Ocean Blvd. Ste. 510 Boca Raton, FL 33432
Phone: (304) 552-0206 E-mail: CLKTax@aol.com

April 30, 2021

VIA USPS PRIORITY MAIL
Pompano Beach Flying Club
c/o Mr. Gregory Gilhooly
1421 S. Ocean Blvd.
Suite #102
Pompano Beach, FL 33062

RE: Shareholder/Member Records Request

Mr. Gilhooly:

In accordance with Florida law, this is my demand as a shareholder/member of the Flying Club to inspect the following records at 10:00 a.m. (more than five (5) business days from today), on Monday, May 07, 2021 at the above location, or other reasonable time and location designated by you:

1. All accounting records of the Club existing since February 13, 2020 and specifically to include P&L Statements for Feb (02-13-20 thru 02-29-20), March, 2020 – April, 2020 – May, 2020 – June, 2020 – July, 2020 – August, 2020 – September, 2020 - October, 2020 – November, 2020 – December, 2020 – January, 2021 – February, 2021 March, 2021 and April, 2021;
2. Bank statements for all Club accounts since February 12, 2020 and specifically to include the Chase-793 February, 2020 – Chase-793 March, 2020 – Chase-793 October, 2020 – Chase-793 November, 2020 – Chase-793 December, 2020 – Chase-793 January, 2021 – Chase-793 February, 2021 – Chase-793 March 2021 and Chase-793 April 2021;
3. General ledger detail for all Club accounts since February 12, 2020 and specifically to include activity for all accounts from February 13, 2020 to February 29, 2020 and October, 2020 and November, 2020 and December, 2020 and January, 2021 and February, 2021 and March, 2021 and April, 2021;
4. Documents reflecting the status of all recurring expenses of the Club as to whether current or delinquent, including but not limited to insurances, fuel, debt repayment or related interest expense to Bruce Ayala, Paul Sanchez, David Watkins or Carl Kennedy and hangar expenses for the period from February 13, 2020 up to and including April 30, 2021;
5. Alphabetized list, with names and e-mail addresses of all Club members as of the date of the day prior to the date of inspection of these records;

6. Copies of all documents (other than privileged communications) relating to any current lawsuit against the Club by any individual or entity. Specifically copies of all non-privileged litigation documents for Hill lawsuit and Borer lawsuit, including e-mail correspondence with Plaintiff Hill and Plaintiff Borer; all documents related to attorney's fees due to all litigation, including attorney billing statements/invoices from court reporter services and copies of checks payable to both.
7. Invoices/Billing statements for any accountant or forensic accounting firm retained by the Club since February 12, 2020;
8. Invoices/Billing statements for any lawyer or accounting firm retained by the Club since February 12, 2020.

The purpose(s) of this request is (are) to determine: 1) whether the Club is currently operating at a loss; 2) whether the membership has significantly increased or decreased since the new Board of Directors and slate of new Officers was elected on 2/12/20; 3) to ascertain the veracity of the Treasurer's stated liabilities of the Club as of August 12, 2020; 4) to verify that the monthly ongoing necessary expenses of the Club are still being paid timely; 5) to ascertain how many corporate dollars are being spent on legal fees; 6) to ascertain how many corporate dollars are being spent on accounting **and legal** fees; 7) to ascertain the contingent liabilities of the Club; and 8) to determine whether or not the club is operating effectively.

Thank you for your anticipated cooperation with this Records Request.

Respectfully,

Carl L Kennedy 99