

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, ATTORNEY'S FEES AND SANCTIONS

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

1. On November 21, 2021, the Special Magistrate entered a Report ("Order") directing the parties to exchange certain documents.
2. As of the filing of this Motion, Mr. Kennedy has complied with his obligations in accordance with the Order.
3. Plaintiff was to provide, *inter alia*, redacted attorney's fees and accountant invoices to Mr. Kennedy.
4. On November 30, 2021, counsel for the Plaintiff sent the attorney's fees invoices in accordance with the November 21, 2021 Order, but failed to provide invoices for the month of November, 2021.
5. Plaintiff did not provide any accountant fees invoices whatsoever.
6. On December 7, 2021, Plaintiff's counsel stated in email correspondence to the undersigned that Plaintiff did not incur any accountant fees.

7. Plaintiff's discovery and filings however indicate that Plaintiff has in fact retained the services of an accountant during the course of this litigation, specifically Matthew Kahn, CPA.
8. Plaintiff has stated in open court that Plaintiff has, in fact, retained a forensic accountant.
9. As such, Plaintiff is in direct violation of this Court's Order dated November 21, 2021 for failing to provide both attorney's fees invoices for the month of November, 2021 and accountant invoices.
10. Plaintiff had the ability to comply with the Court's Order, but knowingly, willfully and intentionally failed to do so.
11. Given Plaintiff's willful violation of the aforementioned Order it should be found in contempt of court and sanctioned accordingly.
12. Mr. Kennedy 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 and award Defendant his attorney's fees incurred in filing and arguing the motion, together with any relief this court deems just and proper.

I HEREBY CERTIFY that on the 10th day of December 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

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