

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.

---

**PLAINTIFF'S MOTION TO COMPEL BETTER  
RESPONSES TO SECOND REQUEST TO PRODUCE and SANCTION**

Plaintiff, POMPANO SENIOR SQUADRON FLYING CLUB, INC. (Plaintiff "Club"), by and through its undersigned counsel, files this Motion to Compel Better Responses to Second Request to Produce and Sanction Defendant Carl L. Kennedy, II (Defendant "Kennedy") and says:

1. On or about February 11, 2021, Plaintiff Club propounded a Second Request to Produce to Defendant Kennedy relative to the issues in the pleadings before this Court. Defendant Kennedy replied objecting to Request #1 claiming Accountant/Client privilege.

2. This Court ordered Defendant Kennedy to produce the requested datafile in electronic format, which Defendant Kennedy produced. However, Defendant Kennedy produced the data in such a format that Plaintiff Club cannot run any reports for printing or saving thus making the data virtually useless.

3. Not only does Plaintiff Club require the ability to print and save reports analyzing the data for its tax purposes (filing of amended tax returns for the years in question) but do be able to present this Court with such reports related to the claims and issues in this litigation.

4. Defendant Kennedy simply need reproduce the datafile but add ADMINISTRATOR authority to file, it is literally just two or three clicks of a button during the production process. There is no prejudice to Defendant Kennedy but severe prejudice to Plaintiff Club as it cannot fully prepare for trial (and taxes) without such authority. Plaintiff Club has no other means of obtaining such ability without physically data entering all of the data produced by Kennedy into a new datafile. That monumental task is compared to a five minute reproduction with the authority by Defendant Kennedy.

5. Plaintiff Club has communicated with Defendant Kennedy requesting the reproduction as noted above without the need for Court intervention but Defendant Kennedy has failed or refused to reproduce the data with the requested authority.

WHEREFORE, Plaintiff Club moves this Court for the above Order requested in the Motion, an award of court costs and attorney fees, and any further relief that this Court deems just and equitable.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via eportal this 26<sup>th</sup> day of January 2022 to Scott Kalish, Esq., The Law Offices of Scott J. Kalish, 5255 N. Federal Highway, Suite 325, Boca Raton, FL 33487, [scott@scottjkalishlaw.com](mailto:scott@scottjkalishlaw.com).

/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](mailto:pleadings@holodakpa.com)