

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,

and

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

CARL L. KENNEDY

Defendant.

**NOTICE OF FILING DOCUMENTS CONCERNING PLAINTIFF'S  
IMPROPER EX PARTE COMMUNICATION WITH THE COURT**

I, Carl L. Kennedy, II, Defendant, hereby file the attached documents reflecting Plaintiff's improper ex parte communication with the Court on May 26, 2022 about the issues to be presented at the upcoming hearing scheduled for May 30, 2022:

1. Ex parte e-mail from Plaintiff's counsel, Edward Holodak at 09:49 a.m. on May 26, 2022, which was directed to me, but improperly copied to Judge Thomas Lynch, which ex parte pleads Plaintiff's position in connection with the upcoming May 30, 2022 hearing.
2. My response to Mr. Holodak at 12:32 pm on May 26, 2022, disputing the false statements he made in the 09:49 May 26, 2022 e-mail he copied to Judge Lynch.
3. My e-mail to Judge Lynch dated June 3, 2022, addressing this issue.

I hereby certify that I sent a copy of the foregoing via the e-portal to Edward F. Holodak, Esquire, on the 7<sup>th</sup> day of June, 2022.

Respectfully submitted,

/s/ Carl L. Kennedy

Carl L. Kennedy, II

2929 S. Ocean Blvd., #510

Boca Raton, FL 33432

304-552-0206

E-Mail Address: clktax@aol.com

**From:** edward@holodakpa.com,  
**To:** clktax@aol.com,  
**Cc:** tomlynchmediation@gmail.com,  
**Subject:** Re: PBFC v Kennedy - 05-26-2022 - Hearing - Plaintiff's Motion to Sanction and Strike  
**Date:** Thu, May 26, 2022 9:49 am  
**Attachments:** Kennedy Text.jpg (625K), Kennedy Text.jpg (625K)

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Mr. Kennedy

Let me start by saying I hope you feel better and recover soon.

Virtually simultaneously with informing Judge Lynch and myself that you were too ill to participate in today's hearing, you wrote about my non-access to the datafile and asked me to join you in zoom or otherwise to try access the data. Given that you are too ill to participate in a zoom hearing, I will not impose upon you to join in a zoom meeting with me regarding my access to the data; if the hearing was to be too taxing, the other would be also and I would not want to impose on you.

You also sent me an email saying I did not attempt to communicate with you regarding the hearing and the issues involved. After I corrected your misapprehension of the events, you sent me the below text admitting that I had and for whatever reason you did not respond. Here is that text message:

**See attachment**

Finally, Judge Lynch gave you four (4) opportunities to provide my client the correct access and data – you failed. A hearing was set to seek sanctions, and the day before, your attorney withdrew and Judge Haines gave you an extra thirty days to get new counsel. I then waited a few days after that deadline to reset this hearing. Now, the day before this hearing, you inform me and Judge Lynch you are too ill to attend, but then request the same taxing zoom interaction with me regarding the data. Quite honestly Mr. Kennedy, I am beyond dealing with you on this issue without another Court intervention. My prior attempts have been met with two (2) responses from you – NO data access and accusations that I am unethical and otherwise.

Sir, it is you who has violated four (4) court orders, you who has failed or refused or both to provide the ordered data and password. Given all of the above, I fully intend to move forward with my client's motion and request your pleadings be stricken, a default be entered against you and the Court award my client its attorney fees and court costs for having to get to this point.

Very truly yours,

Edward F. Holodak

**Edward F. Holodak, Esq., B.C.S**  
**Admitted in Florida & Washington, D.C.**

**Edward F. Holodak, P.A.**  
**7580 NW 5<sup>th</sup> Street**  
**Suite 15125**  
**Plantation, Florida 33317**  
**(954) 927-3436**  
**Error! Filename not specified.**

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**From:** clktax@aol.com,

**To:** edward@holodakpa.com,

**Cc:** tomlynchmediation@gmail.com,

**Bcc:** clktax@aol.com,

**Subject:** Re: PBFC v Kennedy - 05-26-2022 - Hearing - Plaintiff's Motion to Sanction and Strike

**Date:** Thu, May 26, 2022 12:32 pm

**Attachments:** PBFC - Text 2 Holodak 05-13-2022 at 08-43am.pdf (126K), PBFC - Holodak e-mail 05-13-2022 2.pdf (485K), PBFC - Holodak e-mail 05-13-2022 1.pdf (545K)

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Mr. Holodak,

Obviously there has been miscommunication. Why would I want to take the risk of having my pleadings stricken and being sanctioned?

You must have been thinking of another communication with someone else or another matter, I never asked you for a Zoom meeting yesterday of any kind, at any time. Please provide me with verification of your statement of me reaching out to you for a Zoom meeting, yesterday. I have been in bed for the better part of the last four days and would not have requested a Zoom meeting but be unable to a hearing.

After your 07:23pm e-mail to me yesterday, I thought to myself, "why would Mr. Holodak tell me he replied to my e-mails, and I don't have his e-mail replies?". I decided to check my spam folder, your two replies to me on 05-13-2022 were in my spam folder until I discovered them yesterday evening.

I am attaching hereto your two e-mail replies to me from May 13, 2022. It's without question as to these two e-mail replies landing in my "spam" folder. Since you "replied to" the **DropSend e-mail** sent to you from DropSend, rather than to me directly, it must have triggered the "spam" mechanism within AOL and placed the e-mail in "spam" folder, accordingly.

Had you simply replied to my text message on May 13, 2022, at 08:43am, copy attached hereto, with a simple answer of "no", this issue would have been resolved one day shy of two weeks ago.

**Sir, I implore upon you to give me a time to call you, today, while you are at your computer, and I will help you access the QBB data file I sent you on May 10, 2022.**

Respectfully,

Carl Kennedy

-----Original Message-----

From: Edward Holodak <edward@holodakpa.com>

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From: clktax@aol.com,

To: tomlynchmediation@gmail.com,

Cc: edward@holodakpa.com,

Subject: PBFC v Kennedy - Ex Parte Communication - 062020CA005993AXXXCE

Date: Fri, Jun 3, 2022 3:57 pm

Attachments: PBFC v Kennedy - Kennedy E-mail to Holodak - Lynch cc'd on 05-26-2022.pdf (345K), PBFC v Kennedy - Holodak E-mail to Kennedy - Lynch cc'd on 05-26-2022.pdf (760K)

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Judge Lynch,

As it relates to Mr. Holodak's ex parte communication with you via e-mail at 09:49am on May 26, 2022 (copy attached), after researching this type of communication, I am aware of it being a mandatory obligation for you to report this to The Florida Bar. I am requesting you to make this report to The Florida Bar. I can document, without doubt, Mr. Holodak's continued lack of candor about me throughout this matter, defaming me and causing the Court to be prejudiced against me by attacking my credibility to you, in writing, when I was not present to address the false allegations, he made to you. Although I raised the issue of the ex parte communication at the hearing on May 30, 2022, neither you nor Mr. Holodak addressed it, appropriately.

Mr. Holodak's ex parte e-mail at 09:49am on May 26, 2022, not only improperly pled the Plaintiff's position with respect to the upcoming hearing on May 30, 2022 (Memorial Day), in which Mr. Holodak was asking for sanctions and for my pleadings to be stricken, it was also intentionally deceptive. It defamed me and assailed, without any basis, my credibility with you, by accusing me of lying to the Court when I asked for a brief postponement of the May 26, 2022, hearing due to my being ill. Mr. Holodak alleged that I "wrote" and asked him for a Zoom meeting instead of being able to go to the hearing. This **never occurred** and no such "writing" exists. I asked Mr. Holodak to provide me with verification of that written communication, he has yet to do so. See my e-mail to him at 12:32pm on May 26, 2022 (copy attached).

I believe that particular e-mail at 09:49am on May 26, 2022, impacted you at the 09:30am hearing on May 30, 2022, due to the bias it may have caused in your perception of my credibility.

I have maintained since the beginning of this case that Plaintiff is on a personal "witch-hunt" and will stop at nothing in their relentless pursuit of me due to a personal vendetta they have against me. Plaintiff's counsel has stopped at nothing, including lying to the Court, and sending improper communications to the Court, to bias the Court against me throughout this matter. The ex parte email is just one more example of several other documented instances of the improper conduct of Plaintiff's counsel.

I do hope the Court will not sign the proposed Order Mr. Holodak submitted to you for the hearing on May 30, 2022, which says things you did not say. It is an improper

Order that could have a future, significant negative impact against me in this matter.

Respectfully,

Carl L Kennedy II

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NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY