

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

SUNWOOD, INC.,

Plaintiff,

vs.

POMPANO SENIOR SQUADRON  
FLYING CLUB, INC.,

Defendant.

Case No.: CACE 21 – 003202 (12)

**DEFENDANT’S MOTION TO COMPEL THIRD PARTY DEFENDANT**

Defendant, POMPANO SENIOR SQUADRON FLYING CLUB D/B/A POMPANO BEACH FLYING CLUB (Defendant “Club”), by and through its undersigned counsel, pursuant to Rule 1.350, Fla.R.Civ.P., files this Motion to Compel, and says:

1. Defendant Club propounded a Request to Produce to Third Party Defendant Kennedy, Kennedy filed responses and objections as follows. Defendant Club moves this Court for an Order overruling Kennedy’s objections and production of responsive documents.

Defendant Club moves to compel production of documents to requests 1 – 4, which were as follows:

1. Copies of all promissory notes executed contemporaneously with Sunwood giving the money for the Loan to Club.
2. Copies of all promissory notes executed at any time relative to the Loan.
3. Copies of all security agreements, chattel mortgages, liens or any document which you contend gave Sunwood a security interest in any asset belonging to the Club.
4. Copies of all security agreements, chattel mortgages, liens or any document which you contend gave a security interest to any person or entity relative to the Loan.

9. Copies of all checks received by you or the Club that represent money received from Sunwood for the Loan.

11. A copy of any and all documents, which or not privileged, which you consulted, referred to or relied upon in answering any of Plaintiff's Interrogatories to Defendant Kennedy.

To each of the above Kennedy responded with the same objection, to-wit:

The requested documents are in Plaintiff's possession, custody and control pursuant to discovery produced in Pompano Beach Senior Squadron Flying Club v Kennedy. The Request is therefore duplicative, unduly burdensome and intended solely to harass me.

Clearly, Defendant Club is entitled to production of the documents herein rather than resort to other litigation files, having to request judicial notice of such pleadings and discovery or having to jump through any other hoops lifted by Kennedy. Furthermore, Defendant Club is entitled to a production of documents from Kennedy to ascertain that any documents Defendant Club may have in its possession are the same documents Kennedy asserts herein are the true and correct documents. Kennedy's response pointing to a completely different litigation matter is not an accurate and responsive response and Kennedy should be required to produce such documents or at the very least identify with specificity such documents and attest to their accuracy to avoid any future disputes to such documents.

WHEREFORE Defendant Club moves this Honorable Court for an Order granting the request relief above, production of responsive documents or exact identification of same with attestation thereof, overruling Kennedy's objections along with an award of costs and attorney fees against Kennedy and any other relief this Court deems just and equitable.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via eportal  
this 28<sup>th</sup> day of December 2021 to Dane Stanish, Esq., [stanishd@gmail.com](mailto:stanishd@gmail.com) and Carl Kennedy,  
[clktax@aol.com](mailto:clktax@aol.com).

\_/s/ Edward F. Holodak, Esq.,

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