

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

SUNWOOD, INC.,

Plaintiff,

vs.

Case No.: CACE 21-003202 (12)

POMPANO SENIOR SQUADRON
FLYING CLUB, INC.

Defendant

_____/

POMPANO SENIOR SQUADRON
FLYING CLUB, INC.,

Third-Party Plaintiff,

CARL L. KENNEDY, II

Third-Party Defendant.

**MOTION FOR RE-HEARING, FOR RECONSIDERATION,
AND/OR TO ALTER OR AMEND**

I, Carl L. Kennedy, II, Third-party Defendant, respectfully represent as follows:

1. There was a hearing on my Motion to Dismiss Plaintiff's Third-party Complaint against me in this matter at 2:30 p.m. on April 27, 2022.

2. I inadvertently missed the hearing scheduled for April 27, 2022, because I mistakenly calendared the hearing for the following month. Due to tax season deadlines, I was inundated and unusually distracted this tax season. I sincerely apologize for taking the Court's additional time with this matter, I do realize the Court's time is highly valuable.

3. Because I did not appear at the hearing, the Court entered an Order Granting Plaintiff's Motion to Strike Pages 4 – 49 of my Motion to Dismiss.

4. The Court stated that these Pages 4 – 49 of my Motion to Dismiss “are superfluous, irrelevant and immaterial to his Motion to Dismiss and are filed simply to harass and attempt to embarrass the parties or counsel to this action”.

5. Pages 4 and 5 of my Motion to Dismiss provide a necessary and material document which is essential and critical to my defense in this matter because it reflects that I had the authority to do what Plaintiff says I did not have the authority to do, or was not otherwise permitted to do, and therefore, Pages 4 and 5 should not be stricken.

6. Pages 6 – 49 of my Motion to Dismiss are not “superfluous, irrelevant and immaterial” to my Motion to Dismiss, nor are they filed “simply to harass and attempt to embarrass the parties or counsel to this action”. These pages demonstrate Plaintiff's ongoing dishonesty in relation to me and should be considered by the Court in weighing Plaintiff's credibility. These pages should not be stricken because they support my position that Plaintiff has gone to such lengths to attack me, they have even lied about me in another case which is brought to the forefront in Pages 6 – 49 of my Motion to Dismiss, this is not superfluous, irrelevant and immaterial, it is a fact that is highly relevant to this matter and should be considered by the Court when making rulings in this matter.

7. The Court should reconsider its Order Granting Plaintiff's Motion to Strike and deny the Motion to Strike. Alternatively, the Court should alter or amend the Order so that Pages 4 – 5 are not stricken.

WHEREFORE, I, Carl L. Kennedy, II, hereby respectfully request the Court reconsider its Order Granting Plaintiff's Motion to Strike, and deny Plaintiff's Motion to

Strike my Motion to Dismiss their Third-party Complaint. Alternatively, the Court should alter or amend the Order so that Pages 4 – 5 of my Motion to Dismiss Plaintiff’s Third-party Complaint are not stricken, along with any other and further relief this Court deems just and proper under the facts and circumstances of this matter.

I hereby certify that a true and correct copy of the foregoing has been served to Edward Holodak, Esquire via the Florida e-portal on this 13th day of May, 2022.

Respectfully submitted,

/s/ Carl L. Kennedy, II

Carl L. Kennedy, II

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