

IN THE CIRCUIT COURT OF
THE 17TH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY,
FLORIDA
CASE NO.: CACE 21-006666 (09)

PAUL SANCHEZ,

Plaintiff,

vs.

POMPANO SENIOR SQUADRON
FLYING CLUB, INC., d/b/a
POMPANO BEACH FLYING CLUB,
A Florida corporation,

Defendant.

MOTION TO QUASH SERVICE

Defendant POMPANO SENIOR SQUADRON FLYING CLUB, INC., d/b/b POMPANO BEACH FLYING CLUB ("Club") a Florida Corporation, by and through its undersigned counsel, pursuant to Rule 1.140 Fla.R.Civ.P., and §48.21 Fla. Stat., files this motion to quash service and says:

1. Requirements of §40.21 Florida statutes are to be strictly construed in the pertinent proof of compliance rest with the plaintiff. See *Re-Employment Services, LTD v. National Loan Acquisitions, Co.*, 969 So.2nd 467, 472 (Fla. 5th DCA 2007).
2. §48.081 requires service on a corporation to be made on its Registered Agent.
3. The registered agent for Defendant Club is Gregory Gilhooly.
4. Plaintiff Sanchez did not serve the Registered Agent, but rather the wife of a member of the Board of Directors for Defendant Club.
5. Such service is improper and requires Service to be quashed.
6. Additionally, the Statute requires that return of service be clearly marked with the following:
 - a. the date received by processor;
 - b. the date served upon defendant;
 - c. The time served upon defendant;
 - d. The name of the person served;

- e. If served on someone in a corporate capacity, the corporate position of the person served.
7. The summons served upon Defendant Club has no such markings or indications which invalidate the service of process. *Id.*
8. Based upon the above Defendant Club moves this Court for an Order quashing service of process.

WHEREFORE, Defendant Club seeks an order quashing service of process an award of court costs and attorney fees and any further relief that this Court deems just and equitable.

I HERBY CERTIFY that a true and correct copy of the foregoing has been sent via eportal this 10th day of May, 2021 to Robert Puzio, Esq., The Litigation Defense Group, LLC, Attorney for Plaintiff Sanchez, 1040 Bayview Drive, Suite 520 Fort Lauderdale, Florida 33304, puziolaw@bellsouth.net

/s/ Edward F. Holodak, Esq.

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