

**IN THE SMALL CLAIMS COURT
NORTH REGIONAL COURTHOUSE, BROWARD COUNTY, FLORIDA**

LLOYD DAVID HILL, and
GRAHAM DAVID HILL

Co-Plaintiffs,

vs.

Case No.: CONO 20 010538 (71)

POMPANO SENIOR SQUADRON FLYING CLUB,
DBA – POMPANO BEACH FLYING CLUB,
A Florida corporation,

Defendant.

MOTION TO STRIKE WITH PREJUDICE

Plaintiffs LLOYD DAVID HILL and GRAHAM DAVID HILL, proceeding in Small Claims Court *pro se*, respectfully submit this MOTION TO STRIKE WITH PREJUDICE a pleading by Defendant filed on November 16, 2021 and styled as “RESPONSE TO MOTION RESCIND AND UNSEAL SETTLEMENT AGREEMENT.”

1. On November 6, 2021, Plaintiffs filed a “MOTION TO UNSEAL AND RESCIND CONFIDENTIALITY.”
2. Plaintiffs argue that Defendant’s November 16, 2021 pleading represents Defendant’s willful and negligent perpetration of fraud upon this Court.
3. Defendant materially altered and misrepresented the title and intended effect of the motion Plaintiffs actually filed and,
4. Defendant’s pleading purported to respond to their own misrepresentation.
5. Plaintiffs’ Motion to Unseal and Rescind Confidentiality made its purpose clear in both the title and its content.

6. Plaintiffs Motion makes clear its purpose was to address and remedy the effect of Defendant having already violated the confidentiality of the Confidential Statement filed last year under the protection of this Court's seal.

7. Defendant's violation of confidentiality rendered moot any claim Defendant could ever make as to the confidentiality of the Confidential Statement.

8. Defendant's instant material alteration of the title of Plaintiffs' Motion, as well as false representations regarding the intent and effect of Plaintiffs Motion, are egregious perpetrations of fraud that warrant impartial scrutiny and even discipline of this Court.

9. More specifically, contrary to Defendant's fraudulent misrepresentations:

a. Plaintiffs have not moved to rescind the Settlement Agreement. Rather Plaintiffs seek – exclusively – an order rescinding the confidentiality provisions of the Confidential Statement and to remove its Court-ordered seal.

b. Plaintiffs have not moved to unseal the Settlement Agreement. The Settlement Agreement is *already* a matter of public record. It was never under seal. It remains publicly available as attached to Plaintiffs' Motion to Dismiss With Prejudice on December 4, 2020.

PRAYER FOR RELIEF

For the reasons foregoing:

10. Plaintiffs request the Court to issue an Order striking Defendant's November 16, 2021 pleading as out of order and non-responsive.

11. Defendant's November 16, 2021 pleading should be stricken with prejudice such that they are prohibited from filing any pleading in response to Plaintiffs' November 6, 2020 Motion.

12. Plaintiffs request such other sanctions upon Defendant as the Court sees fit.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been submitted electronically to Defendant via the Small Claims Court E-Filing System on the 23rd day of November 2021.

/s/

LLOYD DAVID HILL

Plaintiff

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/s/

GRAHAM DAVID HILL

Plaintiff

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