

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO COUNTY, FLORIDA  
CIVIL DIVISION

Copy

OFFICE OF THE ATTORNEY GENERAL,  
DEPARTMENT OF LEGAL AFFAIRS,  
STATE OF FLORIDA,

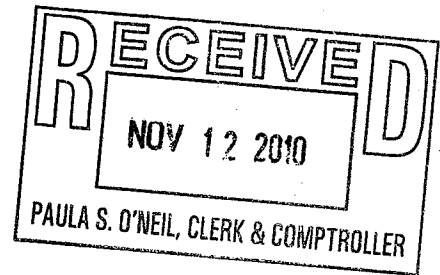
Plaintiff,

-against-

BOTFLY, LLC, DAVID R. LEWALSKI, JON J.  
HAMMILL, and JON J. HAMMILL P.A.,

Defendants.

Case No: 51-2010-CA-2912-WS/G



**ALSTON & BIRD LLP'S MOTION TO WITHDRAW AND STAY PROCEEDINGS**

Undersigned counsel hereby requests this Court allow Craig Carpenito, Mike Brown, Kristine McAllister Brown and the law firm of Alston & Bird LLP, to withdraw as counsel for Defendants Botfly LLC ("Botfly") and David R. Lewalski ("Lewalski"), and as grounds therefore allege:

1. Defendants Botfly and Lewalski are substantially in arrears to Alston & Bird, LLP for legal fees and expenses and have failed to make payments after ample opportunity and notice has been provided by the firm.
2. Irreconcilable differences have arisen between Counsel and Defendants Botfly and Lewalski which make continued representation impossible.
3. Due to the irreconcilable differences which have arisen between the undersigned and Defendants Botfly and Lewalski, the undersigned will be unable to effectively and properly continue representing Defendants Botfly and Lewalski.

4. The undersigned further requests that counsel of record Craig Carpenito, Mike Brown, Kristine McAllister Brown and the law firm of Alston & Bird LLP, be absolved of all further responsibility in the representation of Defendants Botfly and Lewalski.

5. Defendants Botfly and Lewalski have consented to Craig Carpenito, Mike Brown, Kristine McAllister Brown and the law firm of Alston & Bird LLP withdrawing in this proceeding. A copy of that signed consent is attached hereto as Exhibit A.

6. As required by Fla. R. Jud. Admin. 2.505, this Motion will be served on Botfly and Lewalski at Lewalski's last known address, 160 Central Park South, #1801, New York, New York, 10019, and the Metropolitan Correctional Center, 150 Park Row, New York, New York, 10007, where he currently resides.

7. Furthermore, the undersigned respectfully requests that this litigation be stayed for four weeks to allow Botfly and Lewalski to retain replacement counsel.

WHEREFORE, undersigned counsel respectfully request that this Court enter an Order granting the withdrawal of Craig Carpenito, Mike Brown, Kristine McAllister Brown and the law firm of Alston & Bird LLP, as counsel of record for Defendants Botfly and Lewalski.

Dated: November 10, 2010



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ALSTON & BIRD LLP

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New York, New York 10016-1387  
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Mike Brown  
Kristine McAllister Brown  
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1201 West Peachtree Street  
Atlanta, GA 30309  
Telephone: (404) 881-7589

*Attorneys for Defendants  
David R. Lewalski & Botfly, LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via

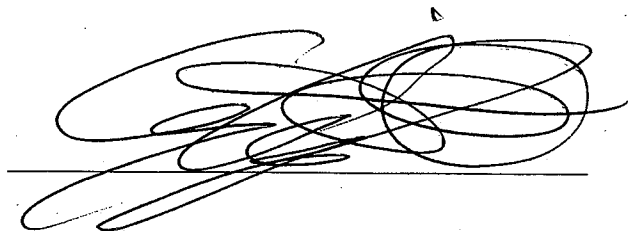
U.S. Mail on this 10<sup>th</sup> day of November, 2010:

David R. Lewalski  
Botfly LLC  
160 Central Park South #1801  
New York, New York 10019  
AND  
Metropolitan Correctional Center  
150 Park Row  
New York, New York 10007  
dave.lewalski@gmail.com  
*Defendants*

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*Counsel for the Plaintiff*

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P.O. Box 530181  
St. Petersburg, Florida 33747  
jonhammill@yahoo.com  
*Pro Se Defendant*

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

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**CONSENT TO THE WITHDRAWAL OF COUNSEL  
TO DEFENDANTS BOTFLY, LLC AND DAVID R. LEWALSKI**

COME NOW Defendants Botfly, LLC and David R. Lewalski in support of Alston & Bird, LLP's motion to withdraw as their counsel of record in the above-captioned litigation. Defendants Botfly and Lewalski consent to the unconditional withdrawal of Alston & Bird, LLP given, among other things, the Defendants continued failure to pay Alston & Bird, LLP's legal fees and expenses in this matter and because irreconcilable differences have arisen between counsel and the Defendants which have made the continued representation impossible.

Defendants Botfly, LLC and David R. Lewalski similarly consent to the withdrawal of Hill Ward Henderson Attorneys at Law in this matter.



David Lewalski, *individually*



David Lewalski, *on behalf of Botfly, LLC*