

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

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

Plaintiff,

vs.

CASE NO. 51-2010-CA-2912-WS/G

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

Defendants.

SUMMARY FINAL JUDGMENT

This matter came before the Court for hearing upon the Plaintiff Office of the Attorney General, Department of Legal Affairs, State of Florida's Motion for Summary Final Judgment Against Defendants Jon J. Hammill and Jon J. Hammill, P.A. (the "Motion"). The Court, having reviewed the Motion, the affidavits and other evidence previously submitted, the pleadings and papers filed in this matter, having heard argument, and being otherwise fully advised in the premises, the Court finds as follows:

1. Partial Summary Judgment as to the liability of Defendants Jon J. Hammill and Jon J. Hammill, P.A. for violations of the Florida Securities and Investor Protection Act has previously been entered by this Court.

2. The undisputed facts indicate that Jon J. Hammill began working for the Botfly L.L.C. Ponzi scheme as early as December 1, 2008 and solicited investors to invest in Botfly L.L.C.

3. Further, the undisputed facts indicate that from December 1, 2008 forward, the Botfly L.L.C. Ponzi scheme netted the amount of \$12,482,575.00 from investors.

4. The undisputed facts indicate that Defendant Jon J. Hammill, P.A. received the sum of \$1,283,717.00 from Botfly L.L.C. bank accounts.

5. There is no genuine issue of any material fact, and Plaintiff is entitled to a judgment as a matter of law.

IT IS THEREUPON ORDERED AND ADJUDGED as follows:

1. Plaintiff's Motion for Summary Final Judgment Against Defendants Jon J. Hammill and Jon J. Hammill, P.A. is hereby GRANTED.

2. This Court has jurisdiction over Jon J. Hammill and Jon J. Hammill, P.A. and service of process has been validly effected against said Defendants.

3. Plaintiff, the Office of the Attorney General, Department of Legal Affairs, State of Florida, is entitled to a judgment in its favor and against Defendant Jon J. Hammill in the amount of \$12,482,575.00, which represents restitution owed to victims of the Botfly L.L.C. Ponzi scheme.

4. Accordingly, Plaintiff shall have and recover from Defendant Jon J. Hammill the total sum of \$12,482,575.00.

5. A Final Judgment is hereby ENTERED in favor of Plaintiff, Office of the Attorney General, Department of Legal Affairs, State of Florida, and against Defendant Jon J. Hammill in the total amount of \$12,482,575.00, for all of which amount let execution issue forthwith.

6. Plaintiff, the Office of the Attorney General, Department of Legal Affairs, State of Florida, is entitled to a judgment in its favor and against Defendant Jon J. Hammill, P.A. in

the amount of \$1,283,717.00, which represents restitution owed to victims of the Botfly L.L.C. Ponzi scheme.

7. Accordingly, Plaintiff shall have and recover from Defendant Jon J. Hammill, P.A. the total sum of \$1,283,717.00.

8. A Final Judgment is hereby ENTERED in favor of Plaintiff, Office of the Attorney General, Department of Legal Affairs, State of Florida, and against Defendant Jon J. Hammill, P.A. in the total amount of \$1,283,717.00, for all of which amount let execution issue forthwith.

9. The sums awarded herein shall bear interest at the rate of four and three quarters percent (4.75%) per year in accordance with Chapter 55.03, Florida Statutes (2011).

10. To prevent irreparable harm, Defendants Jon J. Hammill and Jon J. Hammill, P.A. individually and/or by or through their spouses, trustees, agents, employees or other persons who act under, by, through or on behalf of either or all of them, are hereby immediately and permanently ENJOINED from engaging in any of the following activities: (1) selling, offering for sale, or otherwise participating in any sale of a security to an investor; (2) participating in any type of business in which Jon J. Hammill holds any ownership interest, direct or indirect, or is an employee, or in any other capacity, if the business sells or offers for sale a security; and (3) soliciting any person or entity to purchase or invest in any security. The term "security" is used herein in accordance with its definition in Section 517.021(21), Florida Statutes (2010).

11. The Court hereby reserves jurisdiction of this matter to:

a. Determine a plan for payment of restitution to victims of the Botfly L.L.C. investment scheme from the assets collected by the Receiver and any assets which may be collected in the future;

- b. Supervise the work of the Receiver in this case;
- c. Order a preliminary and/or final distribution of funds held by the Receiver in this action;
- d. Adjudicate the claims asserted against the other Defendants;
- e. Enforce the terms of the permanent injunction; and
- f. Hold hearings and enter orders as appropriate in this action.

13. Defendant Jon J. Hammill's address pursuant to Chapter 55.10(1), Florida Statutes is:

Jon J. Hammill
6232 Fifth Avenue North
Saint Petersburg, FL 33710

Defendant Jon J. Hammill, P.A.'s address pursuant to Chapter 55.10(1), Florida Statutes is:

Jon J. Hammill, P.A.
Jon J. Hammill, President
6232 Fifth Avenue North
Saint Petersburg, FL 33710

Plaintiff Office of the Attorney General, Department of Legal Affairs, State of Florida's address is:

PL-01; The Capitol
Tallahassee, Florida 32399.


FOR ALL OF WHICH AMOUNT LET EXECUTION ISSUE FORTHWITH.

ORDERED and ADJUDGED in New Port Richey, Pasco County, Florida this 2nd day of December, 2011.


STANLEY R. MILLS
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to Gregory S. Slemp and R. Scott Palmer, Office of the Attorney General, State of Florida, PL-01; The Capitol, Tallahassee, Florida 32399-1050; Karen Cox and Jeffrey W. Warren, Bush Ross, P.A., P.O. Box 3913, Tampa, FL 33601-3913; Botfly, L.L.C., c/o David R. Lewalski, Its Registered Agent, Citrus County Jail, 2604 W. Woodland Ridge Drive, Lecanto, FL 34461; David R. Lewalski, Citrus County Jail, 2604 W. Woodland Ridge Drive, Lecanto, FL 34461; Steve D. Tran, 2285 First Avenue North, Suite A, Saint Petersburg, FL 33713; Jon J. Hammill, 6232 Fifth Avenue North, Saint Petersburg, FL 33710; and Gabriel Mazzeo, 285 Ocklawaha Circle, Quincy, FL 32351 on this 5 day of December, 2011.


Judicial Assistant/Attorney