

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,  
and JON J. HAMMILL,

Defendants.

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**ORDER GRANTING MOTION TO COMPEL HAMMILL TO  
RESPOND TO DISCOVERY AND COMPLY WITH COURT ORDER**

THIS MATTER having come to be heard on August 9, 2011, on the motion of Michael E. Moecker, Receiver of Botfly L.L.C., David R. Lewalski, and Jon J. Hammill and all other entities operated, controlled or otherwise associated with the Defendants' activities (collectively, the "**Receivership Entities**") to compel the Hammill to respond to questions relating to his role, responsibilities and knowledge as an agent of Botfly and to comply with certain provisions of the Amended Order Appointing Receiver requiring the turnover of records and assets of the Receivership entities, the disclosure of financial information relating to the Receivership entities, and cooperation with the repatriation of foreign assets (the "**Motion**"). The Court having considered the pleadings and being otherwise duly advised in the premises finds as follows:

1. Paragraph 5 of the Amended Order Appointing Receiver (the "**Order**") requires the Receivership Entities and their officers, agents, partners, servants and employees to cooperate fully with the Receiver and comply with the Receiver's requests for information,

records and documentation so that Receiver may perform his duties with full information and knowledge.

2. Paragraph 6 of the Order requires that, among other things, all files, records, documents, books of account, and files and documents and other papers pertaining to property belonging to or which previously belonged to the Receivership Entities (collectively, the "Documents") be surrendered to the Receiver. The Defendants, their attorneys and accountants, and all other persons, entities or corporations holding such Documents are required to surrender the Documents without further order of the Court.

3. Paragraph 19 of the Order requires, among other things, that the Receivership Entities transfer within the State of Florida Documents held by any person or entity for the benefit of any defendant or under the direct or indirect control of any defendant.

4. By filing the Affidavit on June 10, 2011, in opposition to summary judgment, Hammill ~~has~~ <sup>MAY HAVE</sup> waived his privilege against self-incrimination as to the details of facts regarding his employment with Jon J. Hammill, P.A., the services provided to Botfly, LLC, his communications with investors and representations regarding Botfly investment opportunities; the statements and payments made to investors, financial transactions he conducted on behalf of Botfly, money received from Botfly; and his knowledge regarding the operations of Botfly.

~~5. Neither Jon J. Hammill, P.A. does not have any Fifth Amendment right to assert against the production of the Documents and its agents, officers, partners, servants, employees, attorneys, accountants and all other persons in possession of such Documents, including documents regarding services provided for Botfly, LLC, have no privilege against self-incrimination in the contents of voluntarily created business records.~~

Accordingly, it is:

**ORDERED AND ADJUDGED** that the Motion is hereby GRANTED. It is further


**ORDERED AND ADJUDGED** that Hammill and his agents, officers, partners, servants, employees, attorneys, accountants and all other persons in possession of Botfly's documents, records and financial information, is ordered to provide documents, records and financial information sought by the Receiver including a complete and accurate financial statement for Hammill and Jon J. Hammill, P.A., within one (1) days of the entry of this Order. It is further

**ORDERED AND ADJUDGED** that Hammill is required to <sup>respond to</sup> ~~answer~~ questions regarding his involvement in and knowledge of the activities in Botfly including questions related to the subjects listed on Exhibit I to the Motion to compel at a deposition to be set by the Receiver. The Court retains jurisdiction of this case to enter further orders that are proper to compel compliance with the provisions of this order and the Order Appointing Receiver. It is further

**ORDERED AND ADJUDGED** that Hammill is to turnover to the Receiver all assets, including Documents, in his actual or constructive possession the Receiver, including but not limited to the watch described on Exhibit J, within one (1) day of the entry of this Order. It is further,

**ORDERED AND ADJUDGED** that the Receiver is entitled to recover his attorneys' fees and costs incurred in compelling compliance with this Order.

**DONE AND ORDERED** in Chambers at New Port Richey, Pasco County, Florida, this  
9<sup>th</sup> day of August, 2011.

  
The Honorable Stanley R. Mills  
CIRCUIT JUDGE

**Copies furnished to:**

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