

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

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

Plaintiff,

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

v.

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

Defendants.

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**APPLICATION TO EMPLOY**  
**BUSH ROSS, P.A. AS RECEIVER'S COUNSEL**

Michael E. Moecker (the "**Receiver**"), as 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 "**Defendants**"), by this application and with the prior approval of the Office of the Attorney General, Department of Legal Affairs, State of Florida, seeks leave to retain the law firm of Bush Ross, P.A. ("**Bush Ross**"), as its counsel *nunc pro tunc* to April 2, 2010, subject to the provisions of the Order Appointing Receiver regarding payment of legal fees.

The Order Appointing Receiver authorizes the Receiver to employ legal counsel with prior approval of the Plaintiff. Nevertheless, the Receiver seeks the Court's express approval of his retention of Bush Ross because the employment of counsel is significant to the Receivership and its beneficiaries. The Receiver does not seek to vary the provisions of the Order Appointing Receiver regarding payment of legal fees and Bush Ross has agreed to that the payment of any

Dated: Tampa, Florida  
May 10, 2010

BUSH, ROSS, P.A.  
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*Counsel for the Receiver*

Karen Cox  
Jeffrey W. Warren, Esquire  
Florida Bar No. 150024  
Karen Cox, Esquire  
Florida Bar No. 456667

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 10th day of May, 2010 a true and correct copy of the foregoing Application to Employ Bush Ross, P.A. as Receiver's Counsel has been provided via U.S. Mail to the following:

David R. Lewalski  
as Registered Agent of Botfly, L.L.C.  
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Gainesville, Florida 32608

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