

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,

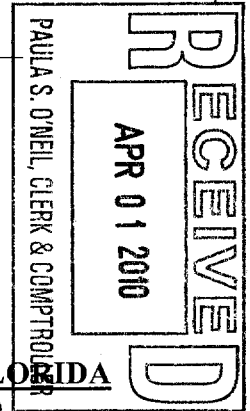
vs.

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

Defendants.

51-2010-CA-2912-WS/G

CASE NO. \_\_\_\_\_



**MOTION FOR PROTECTIVE ORDER UNDER SECTION 517.2015(2), FLORIDA  
STATUTES AND FLORIDA RULE OF CIVIL PROCEDURE 1.280**

1. This is an action under Chapter 517, Florida Statutes (“Securities Transactions”).
2. Throughout this litigation, information regarding the identities of investors, amounts they invested, and bank accounts will be at issue. This information could be used as a tool to perpetuate fraud against the investors or acquire sensitive person, financial, medical, and familial information, the release of which could cause great financial or personal harm to an individual, as well as intrude upon the privacy of investors.
3. Chapter 517 provides a mechanism to protect investigative information from disclosure.
  - a. The Attorney General is authorized to investigate and bring an action under Chapter 517 in accordance with Section 517.2015, Florida Statutes (“Confidentiality of information relating to investigations and examinations”). *See* Section 517.191(5), Florida Statutes.

- b. Except as necessary for the Attorney General to enforce the provisions of Chapter 517, a consumer complaint and other information relative to an investigation or examination shall remain confidential and exempt from Section 119.07(1), Florida Statutes, after the investigation or examination is completed or ceases to be active to the extent disclosure would, *inter alia*, reveal the name, address, telephone number, social security number, or any other identifying number or information of any complainant, customer, or account holder. *See* Section 517.2015(1)(b)(2), Florida Statutes.
  - c. The presiding officer of any civil proceeding may, in his or her discretion, prevent the disclosure of information that would be confidential under Section 517.2015(1)(b).  
See Fla. Stat. § 517.2015(2).
4. Rule 1.280(c), Florida Rules of Civil Procedure, also provides protection for investors. Rule 1.280(c) provides that upon motion by a party, and for good cause shown, the court in which the action is pending may make any order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense that justice requires, including that the discovery may be had only on specified terms and conditions; that discovery be conducted with no one present except persons designated by the court; that a deposition after being sealed be opened only by order of the court; and that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.


WHEREFORE, the State of Florida requests an order preventing the disclosure of information that is confidential under Section 517.2015(2), specifically the name, address, telephone number,

social security number, or any other identifying number or information of any complainant, customer, or account holder, including bank account numbers.

Respectfully submitted this 1<sup>st</sup> day of April, 2010.

IT IS HEREBY CERTIFIED that a true and correct copy of this Motion for Protective Order will be served with the Emergency Motion for Temporary Injunction Without Notice and for Appointment of Receiver.

BILL McCOLLUM  
Attorney General



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