

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

Defendants.

RECEIVER'S REQUEST FOR JUDICIAL NOTICE

Michael E. Moecker, 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 (the "**Receiver**"), by and through undersigned counsel, requests that the Court take judicial notice of the documents identified below in sections A through D.

Pursuant to Section 90.202, *Florida Statutes*, this Court may take judicial notice of the matters contained herein and, so long as the requirements of Section 90.203, *Florida Statutes*, have been met, then judicial notice of these matters is mandatory.

Upon filing this request, the Receiver has provided Defendants with notice of his intent to use the documents identified herein during the proceedings in this case by serving a copy of the request on the Defendants.

A. Pleadings filed in the case styled *United States of America v. David R. Lewalski*, case no. 8:10-cr-00501, in the United States District Court, Middle District of Florida, Tampa Division:

1. Arrest Warrant returned executed on November 4, 2010;
2. Indictment – December 1, 2010;
3. Order of Detention Pending Trial – December 6, 2010;
4. Superseding Indictment – March 30, 2011; and

B. Pleadings filed in the case styled *United States of America v. Jon Jerald Hammill*, case no. 8:11-cr-00180, in the United States District Court, Middle District of Florida, Tampa Division:

1. Indictment – March 30, 2011; and

C. Pleadings filed in the case styled *In re Jon J. Hammill*, case no. 8:09-bk-2272, United States Bankruptcy Court, Middle District of Florida, Tampa Division:

1. Voluntary Petition under Chapter 7 Schedules A-J and Summary, Statement of Financial, Affairs, Statement of Intentions, Disclosure of Compensation, Statement of Income and Means Test Calculation – February 10, 2009;
2. Declaration Under Penalty of Perjury for Electronic Filing Regarding Petition, Schedules, and Statement of Affairs – February 10, 2009;
3. Amended Schedule I – March 24, 2009;
4. Amended Declaration Concerning Debtor's Schedules – March 24, 2009;
5. Order Granting Motion for 2004 Examination of Debtor and Production of Documents – April 27, 2010; and
6. Order Revoking Discharge of Debtor.

D. Pleadings filed in the case styled *Donald F. Walton v. Jon J. Hammill*, adversary proceeding no. 8:10-ap-888, United States Bankruptcy Court, Middle District of Florida, Tampa Division:

1. United States Trustee's Complaint Seeking Revocation of the Debtor's Discharge – July 19, 2010;
2. Answer to Complaint – August 23, 2010; and
3. Final Judgment – November 24, 2010.

WHEREFORE, the Receiver respectfully asks this Court to take judicial notice of the above documents, and for such other and further relief as this Court deems just and proper.

Dated: July 20, 2011

BUSH, ROSS, P.A.
Post Office Box 3913
Tampa, FL 33601-3913
(813) 224-9255
(813) 223-9620 (telecopy)
Counsel for the Receiver

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Receiver's Request for Judicial Notice has been delivered this 20th day of July, 2011 to the below named parties in the manner indicated below:

Via E-Mail and U.S. Mail

Gregory S. Slemp, Esq.
R. Scott Palmer, Esq.
Nicholas J. Weilhammer, Esq.
PL-01: The Capitol
Tallahassee, Florida 32399-1050

Via U.S. Mail

Inmate David Lewalski
Pinellas County Jail
Cell Location/Status: CEN-6C1-UN01-08-003
14400 49th St N
Clearwater, FL 33762

Via E-Mail and U.S. Mail


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

Via E-Mail and U.S. Mail

Steve D. Tran, Esq.
2285 First Avenue North, Suite A
St. Petersburg, FL 33713

Via E-Mail and U.S. Mail

Gabriel Mazzeo, Esquire
285 Ocklawaha Circle
Quincy FL 32351



Karen Cox, Esq.