

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.

**ORDER GRANTING MOTION TO COMPEL
TURNOVER OF RECORDS AND ASSETS OF BOTFLY, LLC**

THIS MATTER having come to be heard on January 20, 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 ("**Receiver**") to compel the turnover of records and assets of Botfly L.L.C. (the "**Motion**"), and 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 Botfly LLC ("**Botfly**") and its 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 Botfly to surrender to the Receiver, 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 Botfly (collectively,

the “Documents”). 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 Botfly 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. Counsel for Botfly invoked the Fifth Amendment in refusing to provide documents and information required by the Order.

5. Botfly does not have any Fifth Amendment right to assert against the production of the Documents and Botfly’s agents, officers, partners, servants, employees, attorneys, accountants and all other persons in possession of such Documents, including David R. Lewalski, have no privilege against self-incrimination in the contents of Botfly’s voluntarily created business records.

Accordingly, it is:

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

ORDERED AND ADJUDGED that Defendant, Botfly, L.L.C., (“Botfly”) and its agents, officers, partners, servants, employees, attorneys, accountants and all other persons in possession of Botfly’s documents, records and financial information, including David R. Lewalski, are ordered to provide documents, records and financial information sought by the Receiver within three (3) days of the receipt of a demand by the Receiver. A demand for the information required by this order is effective upon receipt by electronic or facsimile transmission, twenty-four (24) hours after delivery to a private expedited delivery service, or 48 hours after deposit in the mail, postage paid, addressed to pertinent agent, officers, partners,

servant, employee, attorney, accountant or other person in possession of Botfly's documents, records and financial information. It is further

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

DONE AND ORDERED in Chambers at New Port Richey, Pasco County, Florida, this _____ day of _____, 2011.

ORIGINAL SIGNED

JAN 28 2011

**STANLEY R. MILLS
CIRCUIT JUDGE**

The Honorable Stanley R. Mills
CIRCUIT JUDGE

Copies furnished to:

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

Jon J. Hammill
P.O. Box 530181
St. Petersburg, FL 33747

Karen Cox, Esq.
Bush Ross, P.A.
P.O. Box 3913
Tampa, FL 33601-3913

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