

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,

-against-

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

Defendants.

Case No: 51-2010-CA-2912-WS/G

ORDER GRANTING ADVANCEMENT OF LEGAL FEES

THIS CAUSE having come before this Court on Defendants', Botfly, LLC's ("Botfly") and David R. Lewalski's ("Lewalski"), Request for Emergency Telephone Hearing, and the Court having conducted a hearing, considered the filings of the parties and argument of counsel for all parties, and being otherwise fully advised in the premises, it is hereby

ORDERED and ADJUDGED that Mr. K should be permitted to advance legal fees on behalf of Botfly and Lewalski and that legal fees may be advanced in the future by individuals willing to execute an affidavit that complies with this Order. In particular:

1. Mr. K is permitted to contribute \$50,000 as an advance fee deposit to cover legal fees, expenses and costs related to Botfly's and Lewalski's defense of this action.
2. Mr. K's affidavit shall be filed with the Court under seal.
3. Funds may be advanced to cover the legal fees, expenses and costs incurred by Botfly and Lewalski, so long as the person advancing the funds executes an affidavit (a) stating that they are aware of the above-captioned action, the entry of the Temporary Injunction, the

Order Appointing Receiver and the Amended Complaint, (b) attesting that the funds or assets being advanced are not derived, in any way, from the assets of Botfly, Lewalski, Jon H. Hammill, any Receivership Entity or any other source restrained by the Temporary Injunction, and (c) identifying the source of the funds or assets to be provided to fund Botfly and Lewalski's legal defense.

4. Before accepting any funds or assets, the original affidavit shall be delivered to the Court to be filed under seal with copies to the Receiver c/o Karen Cox, Esq., Bush Ross, P.A., P.O. Box 3913, Tampa, Florida, 33601-3913, kcox@bushross.com; and counsel for the Office of the Attorney General, attention Gregory S. Slemp, Esq., PL-01, The Capitol, Tallahassee, Florida 32399-1050, Greg.Slemp@myfloridalegal.com.

5. If no objection is filed within three business days of (a) the filing of an affidavit executed pursuant to this Order, and (b) receipt of a copy by the Receiver and the Office of the Attorney General as provided in paragraph 4 above, financial assistance may be rendered, however, such assistance may only be provided in the manner and amount disclosed in the affidavit. If an objection is timely submitted to a filed affidavit, the Court will consider such objection on an emergency basis, *if necessary. Otherwise the matter will be considered in the standard fashion. SRM*

6. Prior to accepting any financial assistance pursuant to the provisions of this Order, Botfly and Lewalski must verify that the original affidavit has been delivered to the Court, the Receiver and the office of the Attorney General, and may only accept financial assistance if no objection is timely filed.

7. No person or entity rendering financial assistance to Botfly or Lewalski pursuant to this Order shall have a claim against the Receivership assets based upon the financial assistance rendered.

DONE AND ORDERED in Chambers, New Port Richey, Pasco County, Florida on this

_____ day of September, 2010.

ORIGINAL SIGNED

OCT 1 - 2010

STANLEY R. MILLS
CIRCUIT JUDGE

The Honorable Stanley R. Mills
CIRCUIT JUDGE

Copies furnished to:

Erik R. Matheny
HILL WARD HENDERSON
101 E. Kennedy Blvd, Ste. 3700
Tampa, FL 33602
ematheny@hwhlaw.com

Craig Carpenito
ALSTON & BIRD LLP
90 Park Avenue
New York, New York 10016-1387
craig.carpenito@alston.com

Mike Brown
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309
mike.brown@alston.com

Attorneys for Defendant
David R. Lewalski & Botfly, LLC

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

Gregory S. Slemp
Assistant Attorney General
Office of the Attorney General, PL-01
The Capitol, Tallahassee, FL 32399-105
Greg.Slemp@myfloridalegal.com

*Attorneys for Plaintiff Office of the Attorney General,
State of Florida*

Karen Cox, Esq.
BUSH ROSS, P.A.
1801 North Highland Avenue
Tampa, Florida 33602-2656
kcox@bushross.com

Attorneys for the Receiver