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

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

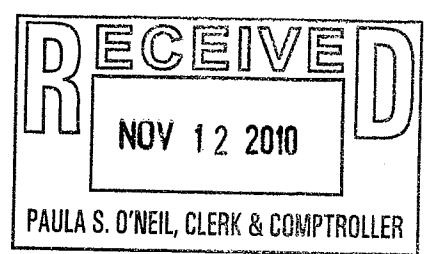
Plaintiff,

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

v.

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

Defendants.



\_\_\_\_\_ /

**HILL, WARD & HENDERSON, PA'S MOTION TO WITHDRAW AND STAY  
PROCEEDINGS**

Erik Matheney and the law firm of Hill, Ward & Henderson, P.A., respectfully request to withdraw as counsel for Defendants Botfly LLC ("Botfly") and David R. Lewalski ("Lewalski"), and as grounds therefore allege:

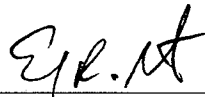
1. Irreconcilable differences have arisen between Counsel and Defendants Botfly and Lewalski which make continued representation impossible.
2. Due to the irreconcilable differences which have arisen between the undersigned and Defendants Botfly and Lewalski, the undersigned will be unable to effectively and properly continue representing Defendants Botfly and Lewalski.
3. The undersigned further requests that local counsel of record, Erik Matheney and the law firm of Hill, Ward & Henderson, P.A., be absolved of all further responsibility in the representation of Defendants Botfly and Lewalski.

4. Defendants Botfly and Lewalski were notified that this Motion would be filed and have no objection to Erik Matheney and the law firm of Hill, Ward & Henderson, P.A. withdrawing in this proceeding. *See* Consent to the Withdraw of Counsel attached as Exhibit A.

5. This Motion will be served on Botfly and Lewalski at Lewalski's last known address, 160 Central Park South, #1801, New York, New York, 10019, as required by Rule 2.060 of the Florida Rules of Judicial Administration.

WHEREFORE, undersigned counsel respectfully request that this Court enter an Order granting the withdrawal of Erik Matheney and the law firm of Hill, Ward & Henderson, P.A., as counsel of record for Defendants Botfly and Lewalski.

Dated: November 11<sup>th</sup>, 2010



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ERIK R. MATHENEY  
Florida Bar No. 005411  
HILL, WARD & HENDERSON, P.A.  
P. O. Box 2231  
Tampa, FL 33601-2231  
(813) 221-3900 – Phone  
(813) 221-2900 – Fax  
Attorneys for Defendants David R. Lewalski &  
Botfly, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing has been furnished via U.S. Mail this 17<sup>th</sup> day of November, 2010

Craig Carpenito  
Alston & Bird LLP  
90 Park Avenue  
New York, NY 10016-1387  
*Counsel for Botfly, LLC and David R. Lewalski*

R. Scott Palmer, Special Counsel  
Gregory S. Slemo, Assistant Attorney General  
Nicholas Weilhammer, Assistant Attorney  
General  
Office of the Attorney General  
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Karen Cox  
Bush Ross, 1801 N. Highland Avenue  
Tampa, Florida 33602  
*Counsel for the Receiver*



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Erik R. Matheny

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.

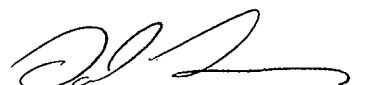
Case No: 51-2010-CA-2912-WS/G

**CONSENT TO THE WITHDRAWAL OF COUNSEL  
TO DEFENDANTS BOTFLY, LLC AND DAVID R. LEWALSKI**

COME NOW Defendants Botfly, LLC and David R. Lewalski in support of Alston & Bird, LLP's motion to withdraw as their counsel of record in the above-captioned litigation. Defendants Botfly and Lewalski consent to the unconditional withdrawal of Alston & Bird, LLP given, among other things, the Defendants continued failure to pay Alston & Bird, LLP's legal fees and expenses in this matter and because irreconcilable differences have arisen between counsel and the Defendants which have made the continued representation impossible.

Defendants Botfly, LLC and David R. Lewalski similarly consent to the withdrawal of Hill Ward Henderson Attorneys at Law in this matter.

  
David Lewalski, *individually*

  
David Lewalski, *on behalf of Botfly, LLC*