

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

CASE NO.:51-2010-CA-2912-XXXX-WS

Plaintiff

vs.

BOTFLY LLC., DAVID R. LEWALSKI,
And JON J. HAMMILL,

Defendants

MOTION TO STAY PROCEEDINGS

Defendant, David R. Lewalski, Pro Se, files this Motion to Stay Proceedings and as grounds therefore would state as follows:

1. On or about April 1, 2010, Plaintiff, Office of the Attorney General, Department of Legal Affairs, State of Florida, filed a civil Complaint in the above-styled cause.
2. The Defendant, David R. Lewalski was served with a Summons and Complaint.
3. At or about the same time of the service of process the Defendant was indicted by the United States in the case United States of America vs. David R. Lewalski in Case No. 8:10-CR-501-T-27-MAP. The Defendant was charged in Count One with conspiracy to commit mail and wire fraud, in Count Two with mail fraud, Counts Three and Four with wire fraud.
4. A warrant was issued for the arrest of Defendant out of the Southern District of New York on November 4, 2010. The arrest was executed on November 4, 2010.

5. Since the execution of the arrest warrant, the Defendant has constantly been in the custody of the United States Marshall and is currently housed in the Pinellas County Jail. No bond has been set for the Defendant and he is currently awaiting trial before United States Judge James Whittemore.
6. The Defendant was initially represented by counsel in the civil case, that counsel having withdrawn due to inability to pay attorney's fees on or about November 12, 2010. The Defendant has therefore been without counsel in the civil case since November of 2010 and unable to retain counsel to provide a defense of the state's charges.
7. The Defendant is aware that many actions have been taken by the Receiver, such as sequestering assets and freezing bank accounts.
8. The Defendant has reason to believe through discovery provided in the Federal Court case that the Receiver obtain all of the Defendant's assets from various sources. Defendant is also aware that the Receiver is moving for a final resolution concerning those assets and to satisfy any judgment obtained for purposes of restitution. In addition to any restitution determination, the Receiver has been billing for enormous amounts of attorney's fees and costs, both for the Receiver himself, the attorneys representing the Receiver and miscellaneous contractors hired by the Receiver to obtain and collect assets.
9. The Defendant has been without representation since November of 2010, has been unable to participate in proceedings and requests that this Court enter an Order staying further proceedings until the Defendant is in a position to obtain representation.
10. The fact that it appears that nearly all of the assets of the Defendant have been seized, the likelihood of asset dissipation is minimal and the additional cost of attorney's

fees of the Receiver and his attorney can be minimized are reasons for the stay at this point in time.

11. The Defendant's due process rights are not being recognized or protected and the Defendant wishes to participate to the fullest extent possible.

12. At this time, the Defendant is not on a trial docket, however, his attorney requested that the United States District Court Judge place the Federal matter on a docket for the Fall of 2011.


WHEREFORE, the Defendant, David R. Lewalski, Pro Se, requests this Honorable Court stay all future proceedings until the Defendant is able to represent himself.



David R. Lewalski, Pro Se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing document was furnished to the Clerk of Pasco County via United States Mail on the 15th day of March 2011. A copy of the foregoing has been furnished to R. Scott Palmer, Special Counsel, Assistant Attorney General, Office of the Attorney General, PL-01; The Capitol, Tallahassee, Florida 32399-1050 via United States Mail this 15th day of March, 2011.



David R. Lewalski, Pro Se

THOMAS H. OSTRANDER
ATTORNEY AT LAW

2701 MANATEE AVENUE WEST • UNIT A
BRADENTON, FLORIDA 34205

R. Scott Palmer, Special Counsel
Assistant Attorney General
Office of the Attorney General
PL-01; The Capitol
Tallahassee, Florida 32399-1050

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