

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,  
JON J. HAMMILL, and JON J.  
HAMMILL, P.A.,

Defendants.

**PLAINTIFF'S MOTION FOR SECOND INTERIM DISTRIBUTION  
OF FUNDS HELD BY THE RECEIVER**

Plaintiff, Office of the Attorney General, Department of Legal Affairs, State of Florida,  
by and through its undersigned attorneys, hereby files this Motion for Interim Distribution of  
Funds Held by the Receiver, and states as follows:

1. On April 1, 2010, this Court appointed Michael E. Moecker or his designee employed by Michael Moecker & Associates, Inc. as the Receiver for Defendants Botfly L.L.C. ("Botfly"), David R. Lewalski, and Jon J. Hammill.
2. The Receiver has collected a substantial amount of funds and assets from the Defendants and from other sources.
3. Beginning in March 2012, the Receiver made interim distribution payments to victims of the Botfly Ponzi scheme totaling \$3,647,332.04.

4. Since that time, the Receiver has successfully collected additional money from various sources. Based upon the Seventeenth Interim Report, the Receiver had a balance of \$1,138,708.53 in the Receiver's account as of April 21, 2014. In addition, on June 20, 2014, the Receiver moved this Court to approve a settlement with Bank of America in the amount of \$475,000.

5. This Court has previously entered Final Judgments in favor of the Plaintiff and against the Defendants in this action. The Consent Final Judgment against Defendants Botfly and David R. Lewalski requires said Defendants to pay the amount of \$19,240,372.75 representing the restitution owed to victims of the Botfly Ponzi scheme.

6. Further, the Summary Final Judgment against Defendants Jon J. Hammill and Jon J. Hammill, P.A. requires said Defendants to pay the amounts of \$12,482,575.00 and \$1,283,717.00 respectively, representing the restitution owed to victims of the Botfly Ponzi scheme.

7. "It is well established that the court which appoints a receiver may issue orders as are necessary and proper for the property and interests of those concerned." *City of Kissimmee v. Department of Environmental Regulation*, 753 So. 2d 770, 771 (Fla. 5th DCA 2000) (citations omitted). Thus, the Court has the authority to order an interim distribution of funds from the receivership to the victims of the Botfly Ponzi scheme. *See, e.g., Real Estate Apartments, Ltd. v. Bayshore Garden Apartments, Ltd.*, 530 So. 2d 977, 978 (Fla. 2d DCA 1988).

8. Accordingly, Plaintiff respectfully requests that this Court grant the instant Motion and order that a second interim distribution of funds in an amount to be determined by the Court be paid as soon as practicable to victims of the Botfly Ponzi scheme in accordance

with the claims process.

WHEREFORE, Plaintiff, Office of the Attorney General, Department of Legal Affairs, State of Florida, respectfully requests that this Court enter an Order granting its Motion for Second Interim Distribution of Funds Held by the Receiver, and for such other and further relief that this Court deems just and proper.

PAMELA JO BONDI  
Attorney General

/s/ Gregory S. Slemp  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to Karen Cox at [kcox@bushross.com](mailto:kcox@bushross.com) and [mmedlev@bushross.com](mailto:mmedlev@bushross.com) and Gabriel Mazzeo at [Gmazzeo11@gmail.com](mailto:Gmazzeo11@gmail.com) on this 3rd day of July, 2014.

/s/ Gregory S. Slemp  
Gregory S. Slemp