

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.

---

**ORDER APPROVING APPLICATION TO EMPLOY  
BERGER & WEBB, LLC AS SPECIAL COUNSEL FOR THE RECEIVER**

This case came before the Court for hearing on March 26, 2012 for consideration of the Receiver, Michael E. Moecker's ("**Receiver**") Application to Employ Berger & Webb, LLC ("**Berger & Webb**") as Special Counsel for the Receiver (the "**Application**") pursuant to the Amended Order Appointing Receiver entered April 14, 2010 (the "**Order**"). Upon consideration of the Application and the Order, and it appearing that the Receiver's retention of Berger & Webb as its special counsel is in the best interest of the parties and the public in interest, it is **ORDERED** that:

1. The Receiver is authorized to retain Berger & Webb as its special counsel in this case, for the limited purpose of pursuing claims by entities in the Receivership against Bank of America, with such employment being effective *nunc pro tunc* to March 7, 2012, the date of the Receiver's selection of Berger & Webb to serve in this capacity.

2. In accordance with the Application, the Receiver is authorized to pay Berger & Webb an initial payment of a flat fee of \$10,000 to proceed with the matter on a pre-litigation basis.

3. Future payment of any additional fee due to Berger & Webb arising from the negotiated 20% contingency fee is conditionally approved subject to final approval of the Court.

4. This Court shall retain jurisdiction over any and all issues arising from or related to the implementation and interpretation of this Order.

DONE AND ORDERED in open court, New Port Richey, Pasco County, Florida on this 26<sup>th</sup> day of March, 2012.

ORIGINAL SIGNED

MAR 26 2012

STANLEY R. MILLS  
CIRCUIT JUDGE

---

The Honorable Stanley R. Mills  
CIRCUIT JUDGE

**Copies furnished to:**

Karen Cox, Esq.  
Gregory S. Slemp, Esq.  
Gabriel Mazzeo, Esquire