

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,

CASE NO.: 51-2010-CA-2912-WS/G

v.

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

Defendants.

ORDER

This Cause came on to be heard on February 24, 2012 for consideration of the Receiver's Motion to (1) Approve Determination and Priority of Claims, (2) Pool Receivership Assets and Liabilities, (3) Approve Plan of Distribution, and (4) Establish Objection Procedure (the "**Receiver's Motion**") and of the Plaintiff's Motion for Interim Distribution of Funds Held by the Receiver (the "**Plaintiff's Motion**") (collectively, the "**Motions**").

Having considered the Motions and being otherwise fully advised, it is **ORDERED AND ADJUDGED** that the Motions are GRANTED. Accordingly,

1. The Receiver's determination of claims and claim priorities as set forth in the Receiver's Motion and in Exhibits B through D attached to the Receiver's Motion is fair and equitable and is approved, without prejudice to the Receiver making corrections as necessary to reflect the appropriate disposition of claims based upon the relief granted herein;

2. For the reasons discussed in the Receiver's Motion, the Receiver is authorized to consolidate all Receivership Entities' (as the term is defined in the Motion) assets and liabilities

for all purposes, including for payment of administrative costs, for receipt of third-party recoveries, and for making distributions to holders of allowed claims;

3. For the reasons discussed in the Receiver's Motion and under the circumstances of this Receivership, the Net Investment Method as set forth in the Receiver's Motion and its Exhibits is the appropriate method for calculating allowed amounts for investors' claims;

4. The plan of distribution as set forth in Section IV of the Receiver's Motion is logical, fair, and reasonable and is approved;

5. The Proposed Objection Procedure as set forth in Section V of the Receiver's Motion for objections to the plan of distribution and the Receiver's claim determinations and claim priorities is logical, fair, and reasonable and is approved, and any and all objections to claim determinations, claim priorities, or the plan of distribution shall be presented to the Receiver in accordance with the Proposed Objection Procedure as set forth in Section V of the Motion. After any unresolved objections are filed with the Court by the Receiver, the Court shall determine whether a hearing is necessary and set the date and time of any such hearing;

6. As soon as practical after the expiration of the deadline for bringing objections to the Receiver's claim determinations and claim priorities, the Receiver is authorized to make an interim distribution to Allowed Claims subject to the Court's review and approval of the amounts of the interim distribution; and

7. To bring finality to these matters and to allow the Receiver to proceed with distributions of Receivership assets, any and all further claims against Botfly, Receivership property, the Receivership estate, or the Receiver by any Claimant, taxing authority, or any other public or private person or entity and any and all proceedings or other efforts to enforce or otherwise collect any lien, debt, or other asserted interest in or against Receivership Entities,

Receivership property, or the Receivership estate are hereby barred and enjoined absent further order from this Court.

DONE AND ORDERED in New Port Richey, Pasco County, Florida on this _____ day of _____, 2012.

ORIGINAL SIGNED

FEB 24 2012

**STANLEY R. MILLS
CIRCUIT JUDGE**

The Honorable Stanley R. Mills
CIRCUIT JUDGE

Copies furnished to:

Karen Cox, Esq.
Bush Ross, P.A.
P.O. Box 3913
Tampa, FL 33601-3913

Gregory S. Slemp, Esq.
R. Scott Palmer, Esq.
Nicholas J. Weilhammer, Esq.
PL-01: The Capitol
Tallahassee, Florida 32399-1050

David R. Lewalski
Register No. 64121-054
USP Canaan
U.S. Penitentiary
P.O. Box 300
Waymart, PA 18472

Jon J. Hammill
Register No. 54487-018
FPC Pensacola
Federal Prison Camp
P.O. Box 3949
Pensacola, FL 32516

Gabriel Mazzeo, Esquire
285 Ocklawaha Circle
Quincy FL 32351