

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,
and JON J. HAMMILL,

Defendants.

**ORDER CONTINUING JON J. HAMMILL'S MOTION FOR
ORDER DIRECTING RECEIVER TO RELEASE FUNDS FOR
REASONABLE LIVING EXPENSES AND ATTORNEYS' FEES
AND ATTORNEY GENERAL'S MOTION FOR JUDICIAL NOTICE**

This case came before the Court for hearing on July 16, 2010 upon the Defendant, Jon J. Hammill's ("**Hammill**") Motion for Order Directing Receiver to Release Funds for Reasonable Living Expenses and Attorneys' Fees (the "**Motion for Release of Funds**") and the Office of the Attorney General's Motion for Judicial Notice (the "**Judicial Notice Motion**"). The Court having heard argument in opposition to the Motion for Release of Funds from Jeffrey W. Warren, counsel for the Receiver, and Nicholas Weilhammer, counsel for the Office of the Attorney General, and Jon J. Hammill having conceded that he had no evidence to present in support of the Motion for Release of Funds, finds that consideration of the Motion for Release of Funds should be continued. It would be inequitable to direct the Receiver to release funds to Mr. Hammill absent an evidentiary basis to support a finding that the funds were derived from a source independent of violations alleged in the Complaint. Accordingly, it is ORDERED and ADJUDGED that:

1. The Motion for Release of Funds is hereby continued for evidentiary hearing on a date agreed to by the parties. Upon Mr. Hammill making a preliminary showing the Receiver possesses funds derived from a source independent of the violations alleged in the Complaint, the Court will consider whether and under what circumstances it would be equitable to authorize the Receiver to release funds to Mr. Hammill for payment of living expenses, attorneys' fees, or any other purpose.

2. The Judicial Notice Motion is also continued and will be heard in conjunction with the hearing on the Motion for Release of Funds.

DONE AND ORDERED in Chambers, New Port Richey, Pasco County, Florida on this 6th day of August, 2010.

ORIGINAL SIGNED

AUG 6 2010
STANLEY R. MILLS
CIRCUIT JUDGE
Honorable Stanley R. Mills
CIRCUIT JUDGE

Copies furnished to:

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