

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.

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**ORDER MODIFYING TEMPORARY INJUNCTION**

This case came before the Court for hearing on July 16, 2010 upon the Defendant, Jon J. Hammill's ("**Hammill**") Motion to Modify the Temporary Injunction (the "**Motion**"). The Court having heard argument from Jeffrey W. Warren, counsel for the Receiver, Nicholas Weilhammer, counsel for the Office of the Attorney General, and Jon J. Hammill, and being otherwise fully advised in the premises, finds that Mr. Hammill should be given limited relief from the Temporary Injunction to allow him to solicit and receive funds from investors or lenders who are his family or personal friends; provided however, that Mr. Hammill strictly adhere to the conditions set forth in this Order. Accordingly, it is ORDERED and ADJUDGED that:

1. The Temporary Injunction is modified to allow Mr. Hammill to solicit and receive funds from investors or lenders who are his family or personal friends to help pay his daily living expenses and attorneys' fees.

2. Prior to requesting financial assistance from any investors or lenders who are his family or personal friends, Mr. Hammill must disclose the existence of this action, the alleged violations, and the entry of the Order Appointing Receiver and the Temporary Injunction.

3. Any investors or lenders who are members of Mr. Hammill's family or his personal friends offering to provide financial assistance to Mr. Hammill pursuant to this Order, whether that assistance be direct or indirect, shall execute an affidavit in the form attached to this Order (the "Affidavit") in a manner that (a) provides full and complete disclosure of the source of the funds or assets to be used to render the assistance to Mr. Hammill and (b) demonstrates that the funds or assets to be provided to Mr. Hammill have no connection or relationship, direct or indirect, to any funds delivered by investors to Botfly, LLC. Before accepting any funds or assets, Mr. Hammill shall deliver the original affidavit to the Court for filing in the public record with copies to the Receiver, c/o Karen Cox, Esq., Bush Ross, P.A., P.O. Box 3913, Tampa, Florida 33601-3913; kcox@bushross.com and counsel for the Office of the Attorney General, attention Nicholas J. Weilhammer, Esq., PL-01; The Capitol, Tallahassee, Florida 32399-1050; Nicholas.Weilhammer@myfloridalegal.com.

4. If no objection is filed within three business days of (a) the filing of an Affidavit executed pursuant to paragraph 3 of this Order, and (b) receipt of a copy by the Receiver and the Office of the Attorney General as provided in paragraph 3 above, financial assistance may be rendered, however, such assistance may only be provided in the manner and amount disclosed in the Affidavit. If an objection is timely filed to a filed affidavit, the Court will consider such objection on an emergency basis.

5. Prior to accepting any financial assistance pursuant to the provisions of this Order, Mr. Hammill must verify that the original Affidavit has been delivered to the Court, the Receiver and the Office of Attorney General, and may only accept financial assistance if no objection is timely filed.

6. No person or entity rendering financial assistance to Mr. Hammill pursuant to this order shall have a claim against the Receivership assets based upon the financial assistance rendered.

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

**ORIGINAL SIGNED**

**AUG 6 - 2010**

STANLEY R. MILLS  
CIRCUIT JUDGE

\_\_\_\_\_  
The Honorable Stanley R. Mills  
CIRCUIT JUDGE

**Copies furnished to:**

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# AFFIDAVIT

**OFFICE OF THE ATTORNEY GENERAL,  
DEPARTMENT OF LEGAL AFFAIRS,  
STATE OF FLORIDA,  
Plaintiff,**

v.

**BOTFLY, LLC, DAVID R. LEWALSKI,  
and JON J. HAMMILL,  
Defendants.**

Case Number: 51-2010-CA-2912-WS/G  
Circuit Court of the Sixth Judicial Circuit in and for  
Pasco County Florida

Name and address of Affiant  
(Please print or type):

## ATTENTION:

The Honorable Stanley R. Mills of the Circuit Court of the Sixth Judicial Circuit in and for Pasco County Florida appointed Michael E. Moecker as Receiver of BOTFLY, LLC, DAVID R. LEWALSKI, and JON J. HAMMILL (the "**Receivership Entities**"). On April 1, 2010, the Court entered a Temporary Injunction which, among other things, prohibited Jon J. Hammill and other persons acting under, by, through or on his behalf from receiving directly or indirectly any money, property, or accounts from any investors or lenders until further order of the Court. On August \_\_, 2010, the Court modified this prohibition to allow Jon J. Hammill to receive financial assistance from his family members and friends to help pay his daily living expenses and attorneys' fees provided that (1) the person or entity providing financial assistance be informed of the existence of this action, the alleged violations, and the entry of the Order Appointing Receiver and the Temporary Injunction; (2) the person or entity completely execute this affidavit to be filed in the instant action and provided to the Receiver and Office of the Attorney General; and (3) that the financial assistance to be provided is not derived from or connected to any dealing or business transacted by or with any of the Receivership Entities and or any dealing or business transacted that relates in anyway to property of any of the Receivership Entities. If you intend to provide financial assistance to Jon J. Hammill you must complete this Affidavit and deliver a copy to Michael E. Moecker, Receiver, c/o Karen Cox, Esq., Bush Ross, P.A., 1801 Highland Ave., Tampa, FL 33607, and to the Office of the Attorney General, c/o Greg Slemp, PL-01: The Capitol, Tallahassee, Florida 32399-1050; Greg.Slemp@myfloridalegal.com.

This Form must be completed in full and signed under oath. The Receiver, Office of the Attorney General, and any person or entity with an interest in the Receivership assets have the right to dispute and/or verify any information you have provided.

**General Instructions:**

**You must answer each and every question. Please answer each question as fully as possible. If you need additional space to complete an answer, please attach a separate sheet of paper and indicate the number of the question for which you are providing the additional information. If the question does not apply to you, please write "not applicable." Do not write "NA," "N/A" or the like. If the answer to the question is "no" or "none," please answer as such.**

1. Full name of person completing this form. \_\_\_\_\_  
\_\_\_\_\_

2. If this form is being completed on behalf of a person or entity other than the person listed in question 1, the name of the person or entity offering to provide financial assistance to Jon J. Hammill.

\_\_\_\_\_

3. If this form is being completed on behalf of an entity, please provide the full name of the entity and all of its trustees, officers, directors, managing agents, shareholders, partners, beneficiaries, and any other party with an interest in the entity.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Current address, telephone number(s) and email address of person completing this form.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Current address and telephone number of person or entity offering to provide financial assistance to Jon J. Hammill (if different from answer to question 4).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Describe the nature and amount of financial assistance that you have offered to provide to Jon J. Hammill.

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7. Have you read the Complaint, Temporary Injunction, and Order Appointing Receiver entered in this case on April 1, 2010?

\_\_\_\_\_ Yes \_\_\_\_\_ No.

8. Have you ever received any amount from a Receivership Entity, either as a distribution on an investment, a return of capital, a commission or referral fee, wages, payment for services rendered, or for any other reason? \_\_\_ Yes \_\_\_ No. If yes, please provide the following information for each amount received, and attach copies of all checks, bank or other financial account statements, wire transfer confirmations, and other documents relating to your answers.

	<u>Date</u>	<u>Amount</u>	<u>Payor/Payee of check/wire</u>
A.	_____	_____	_____
B.	_____	_____	_____
C.	_____	_____	_____

If any additional amounts were received from any Receivership Entity, please attach a separate sheet identifying those amounts, the dates on which they were received, and the payor and payee of the check(s) or wire transfers.

9. Did you receive anything of value other than money from any Receivership Entity at any point in time? \_\_\_ Yes \_\_\_ No. If yes, please identify what you received, from whom, and the date on which you received it.

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10. Describe in detail the source for the financial assistance that is being offered to Jon J. Hammill.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Is the financial assistance offered to Jon J. Hammill derived from or connected to any dealing or business transacted by or with any of the Receivership Entities and or any dealing or business transacted that relates in anyway to property of any of the Receivership Entities? \_\_\_\_\_ Yes \_\_\_\_\_ No.

Sign, date, print your name and title, if any.

By signing below, I swear that the information provided In this form is true and correct.

Sign: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, by \_\_\_\_\_, who is personally known to me or presented \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC-STATE OF \_\_\_\_\_

My Commission Expires: