

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.

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**PLAINTIFF'S MOTION TO STRIKE PRO SE MOTION TO DISMISS FILED BY  
DEFENDANT JON J. HAMMILL, P.A. AND MOTION FOR ENTRY OF COURT'S  
DEFAULT AGAINST DEFENDANT JON J. HAMMILL, P.A.**

Plaintiff, Office of the Attorney General, Department of Legal Affairs, State of Florida, by and through its undersigned attorneys, hereby files this Motion to Strike Pro Se Motion to Dismiss Filed by Defendant Jon J. Hammill, P.A. and Motion for Entry of Court's Default Against Defendant Jon J. Hammill, P.A., and states as follows:

1. Plaintiff served Defendant Jon J. Hammill, P.A. with process in this action on August 24, 2010.
2. Jon J. Hammill, P.A.'s responsive pleading to the Amended Complaint was due to be filed on or before September 13, 2010.
3. On or about September 10, 2010, Jon J. Hammill, P.A. purported to serve and file a pro se Motion to Dismiss the Amended Complaint. However, Jon J. Hammill, P.A. is prohibited

from representing itself in this action and filing pleadings on its own without an attorney.

4. It is well established that a corporation cannot represent itself in litigation. Quinn v. Housing Authority of the City of Orlando, 385 So. 2d 1167 (Fla. 5<sup>th</sup> DCA 1980); Nicholson Supply Co. v. First Federal Savings & Loan Ass'n of Hardee County, 184 So. 2d 438, 442 (Fla. 2d DCA 1966). As a result, a pleading filed by a corporation on its own behalf without an attorney is "a nullity" and should be stricken by the Court. Daytona Migi Corp. v. Daytona Automotive Fiberglass Inc., 417 So. 2d 272, 274 (Fla. 5<sup>th</sup> DCA 1982); Nicholson Supply Co., 184 So. 2d at 442.

5. In this case, Jon J. Hammill, P.A. has filed a Motion to Dismiss on its own behalf without an attorney. Accordingly, Jon J. Hammill, P.A.'s Motion to Dismiss is a nullity and should be stricken.

6. Furthermore, this Court should enter a Default against Jon J. Hammill, P.A. for failing to file a responsive pleading within the time permitted by law.

WHEREFORE, Plaintiff, Office of the Attorney General, Department of Legal Affairs, State of Florida, prays this Court enter an Order granting its Motion to Strike Pro Se Motion to Dismiss by Defendant Jon J. Hammill, P.A. and Motion for Court's Default, striking Defendant Jon J. Hammill, P.A.'s Pro Se Motion to Dismiss, entering a Default against Defendant Jon J. Hammill, P.A., and for such other and further relief that this Court deems just and proper.

BILL McCOLLUM  
Attorney General

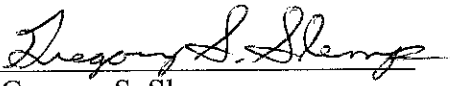


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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail and facsimile to Jeffrey W. Warren and Karen Cox, Bush Ross, P.A., P.O. Box 3913, Tampa, FL 33601-3913; Kristine McAlister Brown and Michael L. Brown, Alston & Bird LLP, 1201 W. Peachtree Street, Atlanta, Georgia 30309; Craig Carpenito, Alston & Bird LLP, 90 Park Ave., New York, New York 10016; Erik R. Matheney, Hill, Ward & Henderson, P.A., P.O. Box 2231, Tampa, FL 33601-2231; and by U.S. Mail to Jon J. Hammill, P.O. Box 530181, St. Petersburg, FL 33747 and via electronic transmission at [jonhammill@yahoo.com](mailto:jonhammill@yahoo.com) on this 14<sup>th</sup> day of September, 2010.

  
Gregory S. Slemp