

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No: 8:20-cv-00325-T-35AEP

BRIAN DAVISON, BARRY M. RYBICKI,
EQUIALT LLC, EQUIALT FUND, LLC,
EQUIALT FUND II, LLC, EQUIALT
FUND III, LLC, EA SIP, LLC,

Defendants,

128 E. DAVIS BLVD, LLC, 310 78TH
AVE, LLC, 551 3D AVE S, LLC, 604
WEST AZEELE, LLC, BLUE WATERS
TI, LLC, 2101 W. CYPRESS, LLC, 2112
W. KENNEDY BLVD, LLC, BNAZ, LLC,
BR SUPPORT SERVICES, LLC, CAPRI
HAVEN, LLC, EANY, LLC, BUNGALOWS
TI, LLC, EQUIALT 519 3RD AVE S., LLC,
MCDONALD REVOCABLE LIVING
TRUST, 5123 E. BROADWAY AVE, LLC,
SILVER SANDS TI, LLC, TB OLDEST
HOUSE EST. 1842, LLC,

Relief Defendants.

ORDER

THIS MATTER comes before the Court upon consideration of Defendants' Unopposed Motion to Postpone February 27, 2020 Preliminary Injunction Hearing Until May 8, 2020, and for Extension of Time to Provide Sworn Accounting. (Dkt. 28) Upon consideration of all relevant filings, case law, and being otherwise fully advised, the Court **GRANTS** Defendants' Motion as stated herein.

On February 14, 2020, the Court entered a Sealed Order granting Plaintiff, Securities Exchange Commission's Emergency *Ex Parte* Motion for Temporary

Restraining Order, Asset Freeze, and Other Injunctive Relief (“Temporary Restraining Order”). (Dkt. 10) The Temporary Restraining Order directs the Defendants to appear for a show cause hearing on February 27, 2020 in order to demonstrate why a preliminary injunction should not be entered against them. (Id. at 3) Furthermore, the Temporary Restraining Order directs the Defendants to file sworn accountings within seven days of the date they were served with the Order. (Id. at 9–10)

The Court also entered an Order granting Plaintiff’s Emergency *Ex Parte* Motion for Appointment of Receiver (“Receivership Order”). (Dkt. 11) The Receivership Order granted the SEC’s request to appoint Receiver, Burton Wiand (“Receiver”), who immediately took possession and control over the corporate Defendants’ assets, books, records and financial information. (Id.) Additionally, the Receivership Order directs the Receiver to report to the Court within 30 days following the end of the calendar quarter, or on or before April 30, 2020. (Dkt. 11 at ¶¶ 28–29)

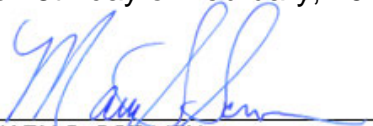
In the instant Motion, Defendants seek an extension of time of both the show cause hearing scheduled for February 27, 2020, and the Defendants’ deadline to submit the sworn accountings. (Dkt. 28) Accordingly, the Court hereby **ORDERS** as follows:

1. Defendants’ Unopposed Motion to Postpone February 27, 2020 Preliminary Injunction Hearing Until May 8, 2020 (or such other time as the Court may determine), and for Extension of Time to Provide Sworn Accounting, (Dkt. 28), is **GRANTED AS STATED HEREIN.**

- a. Defendants’ shall have up to and including March 10, 2020, to provide sworn accountings pursuant to the Court’s Temporary Restraining Order, (Dkt. 10).
- b. The **SHOW CAUSE HEARING** previously scheduled for **Thursday,**

February 27, 2020, at 1:30 p.m., is rescheduled for **Wednesday, May 13, 2019 at 1:30 PM** in courtroom 7A, in the Sam Gibbons United States Courthouse, Tampa, Florida, before the Honorable Mary S. Scriven. Defendants shall be prepared to show cause, if any, why a Preliminary Injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure should not be granted against them, as requested by the Commission. The Court has set aside **two (2) hours** for this hearing. If the Parties require additional time or this date conflicts with another matter that cannot be moved, they shall consult with each other and file a motion with the Court.

DONE AND ORDERED in Tampa, Florida this 26th day of February, 2020.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person