

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

CIVIL ACTION NO. _____

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

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

Defendants, and

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

Relief Defendants.

UNDER SEAL

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S
MOTION TO FILE UNDER SEAL**

Plaintiff Securities and Exchange Commission pursuant to Local Rule 1.09 of the Local Rules of the Middle District of Florida, moves to file and maintain under seal for a limited time (not to exceed 3 business days) its Complaint, Emergency *Ex Parte* Motion for a Temporary Restraining Order, Asset Freeze and Other Relief and Memorandum of Law in Support (“TRO Motion”), Motion for Appointment of Receiver and Memorandum of Law in Support, all other filings and Court orders, and the docket sheet. We request the Court to keep this emergency action under seal for a limited time for the same reasons given in our Certificate Pursuant to Rule 65(b) as to why we are not giving the Defendants and Relief Defendants prior notice of our request for a temporary restraining order.

As we further discussed in more detail in the Complaint and TRO Motion, the Commission is filing this action to enjoin the Defendants from violating the registration, broker-dealer, and anti-fraud provisions of the federal securities law. Beginning in 2011 to the present, EquiAlt, Davison and Rybicki conducted a Ponzi scheme raising more than \$170 million from over 1,100 mostly elderly investors nationwide through fraudulent unregistered securities offerings. Defendants promised investors that substantially all of their money would be used to purchase real estate in distressed markets in the United States and their investments would yield generous returns. Instead, EquiAlt, Davison, and Rybicki misappropriated millions in investor funds for their own personal use and benefit.

As set forth in the supporting declarations and other documents submitted with the TRO Motion, the evidence establishes that the Defendants’ fraudulent scheme is ongoing and that there is a present risk to investor funds. As demonstrated in our TRO Motion, Defendants continue to solicit investors and receive investor proceeds. The Commission

has grave concerns that if this case is not kept under seal, there is a chance Defendants will place investor assets at further risk, destroy evidence, or dissipate funds to the detriment of investors.

The Commission asks the Court to seal the case only for a short period of time, the earlier of: (1) three business days after the date and time the Court issues a temporary restraining order in this matter; or (2) the day the Commission notifies the Court and Clerk of Court's that the Commission has effectuated the asset freeze and the seal is no longer necessary.¹ Upon the occurrence of either of those two events, the Clerk of Court may then unseal the docket and all papers and orders filed in this case.

Therefore, the Commission respectfully requests the Court to seal this matter temporarily according to the terms specified in this Motion.

Respectfully submitted,

February 11, 2020

By: 
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COMMISSION**
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¹ In order to effectuate the asset freeze while the case is sealed, the Commission will be providing some or all of the papers and orders in this action to individuals or entities that hold property or assets of certain of the Defendants. After the Commission has effectuated the asset freeze, we plan on serving the Defendants and Relief Defendants with all of the papers and orders in this action.

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TB OLDEST HOUSE EST. 1842, LLC,

Relief Defendants.

UNDER SEAL

ORDER GRANTING PLAINTIFF SECURITIES AND EXCHANGE
COMMISSION'S MOTION TO FILE UNDER SEAL

THIS MATTER is before the Court on the Plaintiff's Motion to File Under Seal its Complaint, Emergency *Ex Parte* Motion and Memorandum of Law for Temporary Restraining Order, Asset Freeze and Other Injunctive Relief, Emergency *Ex Parte* Motion and Memorandum of Law for Appointment of Receiver, and Other Documents [D.E. ____]. The Plaintiff having shown good cause that the Court should temporarily seal this matter to allow Plaintiff to effectuate the asset freeze this Court is ordering, it is:

ORDERED AND ADJUDGED that the Complaint, Emergency *Ex Parte* Motion and Memorandum of Law for Temporary Restraining Order, Asset Freeze and Other Injunctive Relief, Emergency *Ex Parte* Motion and Memorandum of Law for Appointment of Receiver and Other Documents, all other pleadings, motions, exhibits, papers, and any and all Court Orders in this matter, including this Order, and the docket sheet, shall be sealed until the earlier of: (1) three business days after the date and time the Court issues an asset freeze in this matter; or (2) the day the Commission notifies the Court and Clerk of Court's that the Commission has effectuated the asset freeze and the seal is no longer necessary. Upon the occurrence of either of those two events, the Clerk of Court may then unseal the docket and all papers and orders filed in this case.

In order to effectuate the asset freeze while the case is sealed, the Commission may provide documents and orders to individuals or entities that hold property or assets of certain of the Defendants. After effectuating the asset freeze, the Commission shall serve the Defendants and Relief Defendants with all of the papers and orders in this action.

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

UNITED STATES DISTRICT JUDGE

Copies to:

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