

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
CASE NO. 8:20-cv-325-T-35AEP

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.

**MOTION BY DEFENDANT BARRY M. RYBICKI PURSUANT TO LOCAL RULE 2.02
FOR DAVID M. RODY TO APPEAR SPECIALLY AS COUNSEL OF RECORD
ON HIS BEHALF AND WRITTEN DESIGNATION AND CONSENT-TO-ACT**

In accordance with Rule 2.02 of the Local Rules of the Middle District of Florida,
Defendant Barry M. Rybicki, by his undersigned co-counsel, moves for entry of an order allowing

attorney David M. Rody to appear specially as counsel of record in this action on behalf of Defendant Barry M. Rybicki. For his Motion, Defendant Barry M. Rybicki states:

1. David M. Rody is an attorney with the law firm of Sidley Austin LLP, 787 Seventh Avenue, New York, NY 10019, Telephone: 212-839-5951, Facsimile: 212-839-5300. Defendant Barry M. Rybicki has retained David M. Rody and his firm to represent him in this case.

2. David M. Rody does not reside in the State of Florida and is not admitted to The Florida Bar or the Bar of the Middle District of Florida. He is a member in good standing of the bar of New York, District of Columbia, the United States District Court for the Eastern District of New York, the United States District Court for the Southern District of New York, and the United States Court of Appeals for the Second Circuit.

3. Pursuant to Local Rule 2.02, David M. Rody is filing herewith a designation and consent-to-act in favor of Mark A. Levy, who is a member of The Florida Bar and the Bar of this Court and is a Florida resident, as the attorney upon whom all notices and papers may be served and who will be responsible for the progress of the case, including the trial, in default of the non-resident attorney.

4. David M. Rody has not made special appearances in this district or elsewhere in the State of Florida in separate cases to such a degree as to constitute the maintenance of a regular practice of law in Florida.

5. David M. Rody is not subject to any disciplinary or suspension proceedings as a member of the bar of any court, has never been disbarred or suspended from practice, and has never resigned from any bar to avoid suspension or disbarment.

6. In accordance with the Local Rules of this Court, David M. Rody has completed and executed the Court's Special Admission Attorney Certification, and will send it to the Clerk of Court with the \$150.00 fee for this motion. Mr. Rody will also complete the E-filer Registration Form after this motion has been ruled on.

7. David M. Rody is familiar with, and shall be governed by, the Local Rules of this Court, including Rule 2.04 in particular, and is familiar with and shall be governed by the Code of Professional Responsibility and other ethical limitations or requirements governing the professional behavior of members of The Florida Bar.

WHEREFORE, Defendant Barry M. Rybicki moves this Court to enter an Order permitting David M. Rody to appear specially as counsel of record in this action on his behalf.

LOCAL RULE 3.01(g) CERTIFICATE

Pursuant to Local Rule 3.01(g), counsel for Defendant Barry M. Rybicki has conferred with counsel for Plaintiff and Receiver Burton W. Wiand, and they do not oppose the requested relief.

Dated: February 21, 2020

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By: /s/ Mark A. Levy
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By: /s/ David M. Rody
DAVID M. RODY

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2020, I electronically filed the foregoing Motion with the Clerk of the Court using CM/ECF, which will send a notice of such filing to all counsel of record as indicated on the attached Service List.

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By: /s/ Mark A. Levy
MARK A. LEVY
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SERVICE LIST

SERVED VIA CM/ECF ON FEBRUARY 21, 2020:

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