

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)

UNDER SEAL

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.)

PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S MOTION FOR
LEAVE TO FILE ITS EMERGENCY *EX PARTE* MOTION AND

**MEMORANDUM OF LAW FOR TEMPORARY RESTRAINING ORDER,
ASSET FREEZE AND OTHER INJUNCTIVE RELIEF
IN EXCESS OF THE 25-PAGE LIMIT**

Plaintiff Securities and Exchange Commission moves this Court for leave to file its Emergency *Ex Parte* Motion and Memorandum of Law for Temporary Restraining Order, Asset Freeze and Other Injunctive Relief (“TRO Motion”) in excess of the 25-page limit set by Local Rule 3.01(a) of the Middle District of Florida. Good cause exists for this motion because the Commission needs more than 25 pages for its TRO Motion to adequately inform the Court of the law in support thereof, and the extensive facts giving rise to the need for emergency relief.

The Commission brings this emergency action to halt an ongoing fraud concerning several real estate investment funds. Beginning in 2011 to the present, Defendants EquiAlt, LLC (“EquiAlt”), Brian Davison (“Davison”), and Barry Rybicki (“Rybicki”) conducted a Ponzi scheme raising more than \$170 million from over 1,100 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. Despite receiving over \$170 million in investor funds, the revenues generated by the Funds during the last nine years has been less than the amounts of interest owed to investors.


The Commission needs more than 25 pages to show how the Defendants violated numerous provisions of the federal securities laws, including the anti-fraud provisions and

unless enjoined will continue to do so. The TRO Motion contains extensive citations with multiple exhibits, which include among other things, testimonial evidence, declarations, and marketing materials, in order to show the Court that extensive evidence supports and good cause exists for the emergency relief we are requesting in the TRO Motion.

In conclusion, good cause exists for the Commission to file its TRO Motion in excess of the 25-page limit set by Local Rule 3.01(a). A proposed order is submitted herewith.

Respectfully submitted,

February 11, 2020

By: 

Alise Johnson, Esq.
Senior Trial Counsel
Fla. Bar No. 0003270
Direct Dial: (305) 982-6385
Email: johnsonali@sec.gov

Attorney for Plaintiff
**SECURITIES AND EXCHANGE
COMMISSION**
801 Brickell Avenue, Suite 1950
Miami, Florida 33131
Telephone: (305) 982-6300
Facsimile: (305) 536-4154

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)

UNDER SEAL

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.)

_____)

**ORDER GRANTING PLAINTIFF SECURITIES AND EXCHANGE
COMMISSION'S MOTION FOR LEAVE TO FILE IN EXCESS OF THE 25-
PAGE LIMIT**

This cause comes before the Court upon the Plaintiff Securities and Exchange Commission's Motion for Leave to file its Emergency *Ex Parte* Motion and Memorandum of Law for Temporary Restraining Order, Asset Freeze and Other Injunctive Relief ("TRO Motion") in Excess of the 25-page limit set by Local Rule 3.01(a) of the Middle District of Florida. The Court finds that good cause exists for this motion.

IT IS ORDERED AND ADJUDGED that the motion is **GRANTED**. The Commission may file up to a 40-page TRO Motion.

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

UNITED STATES DISTRICT JUDGE

Copies to:

Alise Johnson, Esq.
Senior Trial Counsel
Direct Dial: (305) 982-6385
Facsimile: (305) 536-4154
Email: johnsonali@sec.gov

Attorney for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
801 Brickell Avenue, Suite 1950
Miami, Florida 33131