

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

CIVIL ACTION NO. 20-cv-00325-MSS-AEP

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

BRIAN DAVISON, et al.,

Defendants.

**NOTICE OF FILING AND REQUEST FOR ENTRY OF PROPOSED
AGREED ORDER EXTENDING AND MODIFYING ASSET FREEZE**

Plaintiff Securities and Exchange Commission hereby files a proposed Agreed Order Extending and Modifying Asset Freeze. The proposed Order has been agreed to by all parties and the Receiver. The Agreed Order is filed in order to provide a carve out for living expenses and attorney's fees for Defendant Barry Rybicki as previously ordered by the Court, and to extend all other portions of the asset freeze until the request for a preliminary injunction is decided. Thus, the Commission respectfully request the Court enter the attached proposed Agreed Order.

February 28, 2020

Respectfully submitted,

By: s/Alise Johnson
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Lead Attorney

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**SECURITIES AND EXCHANGE
COMMISSION**

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2020, I electronically filed the foregoing proposed Agreed Order Extending and Modifying Asset Freeze 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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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CIVIL ACTION NO. 20-cv-00325-MSS-AEP

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

BRIAN DAVISON, et al.,

Defendants.

AGREED ORDER EXTENDING AND MODIFYING ASSET FREEZE

This cause comes before the Court upon the Joint Motion by Plaintiff Securities and Exchange Commission, the Receiver, and Defendant Barry M. Rybicki.

The Court having originally imposed a Temporary Restraining Order, Asset Freeze and Other Injunctive Relief on February 14, 2020 and having been now advised that the Commission and the parties have agreed that the temporary asset freeze be extended, as modified below, through the Court's determination of the Commission's Motion for a Preliminary Injunction. The Court therefore orders as follows:

I.

EXTENSION OF TEMPORARY ORDER FREEZING ASSETS

IT IS ORDERED that, for the period from the date of this Order through the Court's disposition of the Preliminary Injunction:

A. Defendants and the Relief Defendants and their respective directors, officers, agents, servants, employees, attorneys, depositories, banks, and those persons in active concert or participation with any one or more of them, and each of them, who receive notice of this order by personal service, mail, email, facsimile transmission or otherwise, be and hereby are, restrained from, directly or indirectly, transferring, setting off, receiving, changing, selling, pledging, assigning, liquidating or otherwise disposing of, or withdrawing any assets or property, including but not limited to cash, free credit balances, fully paid for securities, personal property, real property, and/or property pledged or hypothecated as collateral for loans, or charging upon or drawing from any lines of credit, owned by, controlled by, or in the possession of, whether jointly or singly, and wherever located:

1. BRIAN DAVISON,
2. BARRY M. RYBICKI,
3. EQUIALT LLC,
4. EQUIALT FUND, LLC,
5. EQUIALT FUND II, LLC,
6. EQUIALT FUND III, LLC,
7. EA SIP, LLC,
8. 128 E. DAVIS BLVD, LLC,
9. 310 78TH AVE, LLC,
10. 551 3D AVE S, LLC,
11. 604 WEST AZEELE, LLC,

12. 2101 W. CYPRESS, LLC,
13. 2112 W. KENNEDY BLVD, LLC,
14. 5123 E. BROADWAY AVE, LLC,
15. BLUE WATERS TI, LLC,
16. BNAZ, LLC,
17. BR SUPPORT SERVICES, LLC,
18. BUNGALOWS TI LLC,
19. CAPRI HAVEN, LLC,
20. EA NY, LLC,
21. EQUIALT 519 3RD AVE S., LLC,
22. MCDONALD REVOCABLE LIVING TRUST,
23. SILVER SANDS TI, LLC,
24. TB OLDEST HOUSE EST. 1842, LLC,
25. TB OLDEST HOUSE EST. 1842, LLC,

B. Any financial or brokerage institution or other person or entity holding any such funds or other assets, in the name, for the benefit or under the control of Defendants and Relief Defendants or indirectly, held jointly or singly, and wherever located, and which receives actual notice of this order by personal service, mail, email, facsimile, or otherwise, shall hold and retain within its control and prohibit the withdrawal, removal, transfer, disposition, pledge, encumbrance, assignment, set off, sale, liquidation, dissipation, concealment, or other disposal of any such funds or other assets, including, but not limited to, the following presently known bank accounts:

Financial Institution	Name of Account	Account Number
Bank of America	Equialt Fund LLC	XXXXXXXXX3190
Bank of America	Equialt Fund LLC	XXXXXXXXX3200
Bank of America	Equialt Fund II LLC	XXXXXXXXX3284
Bank of America	Equialt Fund II LLC	XXXXXXXXX3297
Bank of America	EA SIP LLC	XXXXXXXXX3213
Bank of America	Equialt LLC	XXXXXXXXX3310
Bank of America	Equialt LLC	XXXXXXXXX3323
Bank of America	Equialt Capital Advisors	XXXXXXXXX4150
Bank of America	Blue Waters TI LLC	XXXXXXXXX3187
Bank of America	TB Oldest House	XXXXXXXXX3226
Bank of America	Silver Sands TI LLC	XXXXXXXXX3336
Bank of America	Bungalows TI LLC	XXXXXXXXX3307
Comerica Bank	Barry Rybicki	XXXXXX7306
Comerica Bank	Barry Rybicki	XXXXXX7314
JP Morgan Chase	5123 E Broadway AVE LLC	XXXXX0277
JP Morgan Chase	Brian Davison	XXXXX8545
JP Morgan Chase	BR Support Services	XXXXX9906
JP Morgan Chase	Rosenbarry Holdings LLC	XXXXX5358
JP Morgan Chase	Rosenbarry Holdings LLC	XXXXX5807
JP Morgan Chase	Barry Rybicki	XXXX8993
JP Morgan Chase	Davison Capital LLC (Brian)	XXXX8993
JP Morgan Chase	5124 E Broadway AVE LLC	XXXX6693
JP Morgan Chase	Brian Davison	XXXX9319
JP Morgan Chase	Brian Davison	XXXX3995

Notwithstanding the foregoing:

1. The Rosenbarry Holdings LLC account held at JP Morgan Chase Account number:

XXXXX5358 is no longer frozen and the \$5,000 held in that account may be used

by Barry Rybicki to pay for his personal living expenses. Mr. Rybicki may hereafter use this account to deposit funds from privately held rental properties managed by he and his wife and or to pay expenses related to those properties;

2. Of the monies held in the Rosenbarry Holdings LLC account held at JP Morgan Chase Account number XXXXXX5807, \$85,000 shall not be frozen. Of those unfrozen funds, \$75,000 may be applied to attorneys' fees incurred or to be incurred on behalf of Barry Rybicki, and \$10,000 may be used by Barry Rybicki to pay for his personal living expenses.
3. The actions described in paragraphs 1-2 above shall not be deemed a violation of this Order.
4. Upon request of the Commission, the parties shall within seven days produce to the Commission bank records relating to how the funds were expended pursuant to paragraphs 1-2. herein.

II.

RETENTION OF JURISDICTION

IT IS HEREBY FURTHER ORDERED that this Court shall retain jurisdiction over this matter, the Defendants, and the Relief Defendant in order to implement and carry out the terms of all Orders and Decrees that may be entered and/or to entertain any suitable application or motion for additional relief within the jurisdiction of this Court, and will order other relief that this Court deems appropriate under the circumstance.

Done in Chambers this ____ day of _____, 2020.

MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE