

**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.**

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**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. (Dkt. 30)

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,

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:

<b>Financial Institution</b>	<b>Name of Account</b>	<b>Account Number</b>
Bank of America	Equialt Fund LLC	XXXXXXXXXX3190
Bank of America	Equialt Fund LLC	XXXXXXXXXX3200
Bank of America	Equialt Fund II LLC	XXXXXXXXXX3284
Bank of America	Equialt Fund II LLC	XXXXXXXXXX3297
Bank of America	EA SIP LLC	XXXXXXXXXX3213
Bank of America	Equialt LLC	XXXXXXXXXX3310
Bank of America	Equialt LLC	XXXXXXXXXX3323
Bank of America	Equialt Capital Advisors	XXXXXXXXXX4150
Bank of America	Blue Waters TI LLC	XXXXXXXXXX3187
Bank of America	TB Oldest House	XXXXXXXXXX3226
Bank of America	Silver Sands TI LLC	XXXXXXXXXX3336
Bank of America	Bungalows TI LLC	XXXXXXXXXX3307
Comerica Bank	Barry Rybicki	XXXXXX7306
Comerica Bank	Barry Rybicki	XXXXXX7314
JP Morgan Chase	5123 E Broadway AVE LLC	XXXXXX0277
JP Morgan Chase	Brian Davison	XXXXXX8545
JP Morgan Chase	BR Support Services	XXXXXX9906
JP Morgan Chase	Rosenbarry Holdings LLC	XXXXXX5358
JP Morgan Chase	Rosenbarry Holdings LLC	XXXXXX5807
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
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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 him 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 XXXXX5807, \$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.

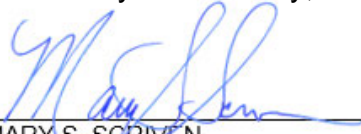
## **II.**

### **RETENTION OF JURISDICTION**

**IT IS HEREBY FURTHER ORDERED** that this Court shall retain jurisdiction over this matter, the Defendants and Relief the 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 circumstances.

**DONE** and **ORDERED** in Tampa, Florida, this 28th day of February, 2020.

  
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MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

**Copies furnished to:**

Counsel of Record

Any Unrepresented Person