

**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 Barry Rybicki, the Commission 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.

March 24, 2020

Respectfully submitted,

By: s/Alise Johnson

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COMMISSION**
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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2020, I electronically filed the foregoing proposed Motion for Entry of 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, BARRY RYBICKI,
EQUIALT et al.,**

Defendants.

AGREED ORDER MODIFYING ASSET FREEZE

This cause comes before the Court upon the Joint Motion by Plaintiff Securities and Exchange Commission, the Receiver and Defendant Barry Rybicki. The Court having originally imposed a Temporary Restraining Order, Asset Freeze and Other Injunctive Relief on February 14, 2020 and having extended that Order, and having now been advised that the Commission and the parties have agreed that the asset freeze be modified as detailed below. The Court therefore orders as follows:

I.

MODIFICATION OF 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. Notwithstanding the foregoing:

1. Of the monies held in the Rosenbarry Holdings LLC account held at JP Morgan Chase Account number XXXXX5807, \$23,400 shall not be frozen and may be used by Barry Rybicki to pay for his and his family's personal living expenses for March and April 2020.
2. The actions described in paragraph 1 above shall not be deemed a violation of this Order.
3. 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 and **ORDERED** in Chambers this _____ day of March, 2020.

MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record