

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 BRIAN DAVISON PURSUANT TO LOCAL RULE 2.02
FOR HOWARD A. FISCHER 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 Brian Davison, by his undersigned co-counsel, moves for entry of an order allowing attorney Howard A. Fischer to appear specially as counsel of record in this action on behalf of Defendant Brian Davison. For his Motion, Defendant Brian Davison states:

1. Howard A. Fischer is an attorney with the law firm of Moses & Singer, LLP, 405 Lexington Avenue, New York, New York 10174, Telephone: 212-554-7818, Email: hfischer@mosessinger.com. Defendant Brian Davison has retained Howard A. Fischer and his firm to represent them in this case in addition to Charles M. Harris and Gerald D. Davis of Trenam Law who have appeared in this proceeding on his behalf.

2. Howard A. Fischer does not reside in the State of Florida and is not admitted to the Bar of the Middle District of Florida. He is a member in good standing of the Bar of the State of New York, the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, the United States District Court for the District of New Jersey, the Bar of the State of New Jersey, the United States Court of Appeals for the First Circuit, and the United States Court of Appeals for the Second Circuit.

3. Pursuant to Local Rule 2.02, Howard A. Fischer is filing herewith a designation and consent-to-act in favor of Gerald D. Davis, 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. Howard A. Fischer 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. Howard A. Fischer 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, Howard A. Fischer 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. Fischer will also complete the E-filer Registration Form after this motion has been ruled on.

7. Howard A. Fischer 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 Brian Davison moves this Court to enter an Order permitting Howard A. Fischer 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 Brian Davison has conferred with counsel for Plaintiff and Receiver Burton W. Wiand, and they do not oppose the requested relief.

/s/ Gerald D. Davis

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By: /s/ Howard A. Fischer
HOWARD A. FISCHER
New York Bar No. 2644052

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been filed via the Court's CM/ECF system, which will send an electronic copy of the foregoing and a notice of filing same to all counsel of record, on this 31st day of March, 2020.

/s/ Gerald D. Davis
Attorney