

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.

**SIDLEY AUSTIN LLP'S UNOPPOSED MOTION TO WITHDRAW AS COUNSEL
OF RECORD FOR DEFENDANT BARRY M. RYBICKI**

The law firm of Sidley Austin LLP and attorneys Stephen L. Cohen and David M. Rody (“Sidley”) move for leave to withdraw as counsel of record for Defendant Barry M. Rybicki (“Mr. Rybicki”), as follows:

1. Sidley appeared *pro hac vice* as Mr. Rybicki’s counsel on February 21, 2020 [ECF No. 20, 22, 24, 25].

2. Mr. Rybicki retained new counsel, Adam S. Fels with Fridman Fels & Soto, PLLC, to appear as his counsel of record in this action. Mr. Rybicki’s new counsel appeared on April 1, 2020 [ECF No. 70].

3. Mr. Rybicki has terminated Sidley’s engagement and consented to Sidley Austin’s withdrawal.

4. Sidley has not received any payments from or on behalf of Mr. Rybicki since the Court’s Sealed Order Granting Emergency *Ex Parte* Motion for Temporary Restraining Order, Asset Freeze, and Other Injunctive Relief on February 14, 2020, including the funds unfrozen by the Court for payment of Mr. Rybicki’s legal fees.

5. Sidley notified attorneys for Plaintiff, attorneys for Defendant Brian Davison, and attorneys for the court-appointed receiver of its intention to withdraw as Mr. Rybicki’s counsel.

WHEREFORE, as Mr. Rybicki has new counsel of record, Sidley respectfully requests that it (including attorneys Stephen L. Cohen and David M. Rody) be permitted to withdraw as counsel of record and discharged of any further obligation to represent Mr. Rybicki.

LOCAL RULE 3.01(g) CERTIFICATE

Pursuant to Local Rule 3.01(g), counsel for Defendant Barry M. Rybicki has conferred with counsel for Plaintiff, counsel for Defendant Brian Davison, and counsel for the court-appointed receiver, who do not oppose the requested relief.

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2020, I electronically filed the foregoing Motion 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.

/s/ Stephen L. Cohen
STEPHEN L. COHEN
Admitted Pro Hac Vice
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, DC 20005
Telephone: 202-736-8682
Facsimile: 202-736-8711
Email: scohen@sidley.com
Attorneys for Defendant Barry M. Rybicki

/s/ David M. Rody
DAVID M. RODY
Admitted Pro Hac Vice
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, NY 10019
Telephone: 212-839-5951
Facsimile: 212-839-5300
Email: drody@sidley.com
Attorneys for Defendant Barry M. Rybicki

SERVICE LIST

SERVED VIA CM/ECF ON APRIL 2, 2020:

Alise M. Johnson
Securities and Exchange Commission
801 Brickell Avenue, Suite 1800
Miami, FL 33131
Email: johnsonali@sec.gov
Attorney for Plaintiff

Jared J. Perez
Wiand Guerra King P.A.
5505 W. Gray Street
Tampa, FL 33609
Email: jperez@wiandlaw.com
Attorney for Receiver Burton W. Wiand

Katherine C. Donlon
Wiand Guerra King P.A.
5505 W. Gray Street
Tampa, FL 33609
Email: kdonlon@wiandlaw.com
Attorney for Receiver Burton W. Wiand

Robert Stines
Freeborn & Peters LLP
201 N. Franklin Street, Suite 3550
Tampa, FL 33602
Email: rstines@freeborn.com
Attorney for Receiver Burton W. Wiand

Gerald D. Davis and Charles M. Harris, Jr.
Trenam, Kemker, Scharf, Barkin, Frye, O'Neill & Mullis, P.A.
200 Central Avenue, Suite 1600
St. Petersburg, FL 33701
Email: gdavis@trenam.com; charris@trenam.com; bshepard@trenam.com;
ohoepner@trenam.com
Attorneys for Defendant Brian Davison

Gregory J. Fleesler
Moses & Singer LLP
405 Lexington Avenue
New York, NY 10174
Email: gfleesler@mosessinger.com
Attorneys for Defendant Brian Davison

Mark A. Levy
Brinkley Morgan
100 SE Third Avenue, 23rd Floor
Fort Lauderdale, FL 33394
Email: mark.levy@brinkleymorgan.com
Attorneys for Defendant Barry M. Rybicki

Adam S. Fels
Fridman Fels & Soto, PLLC
2525 Ponce De Leon Blvd., Suite 750
Coral Gables, FL 33134
Email: afels@ffslawfirm.com
Attorneys for Defendant Barry M. Rybicki