

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

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,  
and 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,  
and TB OLDEST HOUSE EST. 1842, LLC,

Relief Defendants.

/

**SECOND AGREED MOTION FOR EXTENSION OF  
TIME TO SERVE RESPONSE TO COMPLAINT**

**FRIDMAN FELS & SOTO, PLLC**

2525 PONCE DE LEON BOULEVARD, SUITE 750 | CORAL GABLES, FLORIDA 33134 | 305-569-7701

COMES NOW the Defendant Barry Rybicki by and through undersigned counsel, filing the Second Agreed Motion for Extension of Time to Serve Response to Complaint and in support whereof does state:

1. The Complaint in the above-styled matter was filed under seal on February 11, 2020. Complaint (DE 1).

2. On February 19, 2020, then-counsel for Mr. Rybicki accepted service of process on Mr. Rybicki's behalf. Proof of Service (DE 17).

3. Then-counsel for Mr. Rybicki filed an agreed motion for enlargement of time to file an Answer to the Complaint on March 10, 2020. Agreed Motion for Enlargement of Time (DE 46). The Court granted this motion and extended the time to file an Answer to the Complaint until April 10, 2020. March 11, 2020 Order (DE 47).

4. On March 12, 2020, counsel for the other individual co-defendant, Brian Davison, filed a motion for enlargement of time to file an Answer to the Complaint. Agreed Motion for Enlargement of Time (DE 47). The Court granted this motion and extended the time for Mr. Davison to file an Answer to the Complaint until May 1, 2020. March 12, 2020 Order (DE 50).

5. The undersigned filed a Notice of Appearance on behalf of Mr. Rybicki on April 1, 2020, Notice of Appearance (DE 70), and Mr. Rybicki's former counsel recently filed motions to withdraw, which this court granted. Motions and Orders (DEs 71-74).

6. The undersigned is reviewing and analyzing the Complaint and requires additional time to prepare a response thereto. The undersigned requests an extension of time through and including May 1, 2020, to serve a response to the Complaint.

7. Co-defendant Davison is required to serve his response to the Complaint by May 1, 2020; therefore extending Mr. Rybicki's deadline to serve his response to May 1, 2020 will not unduly delay proceedings in the case.

8. This Motion is brought in good faith and is not intended to unduly delay proceedings in the above-styled action.

9. Plaintiff agrees to the extension of time sought herein.

10. This Motion is accompanied by a proposed Agreed Order attached hereto as Exhibit "A."

WHEREFORE, Defendant Barry Rybicki respectfully requests that this Court grant the instant motion and enter an order extending the time to serve his response to the Complaint until and including May 1, 2020.

LOCAL RULE 3.01(g) CERTIFICATE

Pursuant to Local Rule 3.01(g), counsel or Defendant Barry Rybicki has conferred with counsel for Plaintiff, Alise Johnson, who agrees to the requested relief.

Respectfully submitted,

/s/ Adam S. Fels  
ADAM S. FELS  
Florida Bar No. 0114917  
FRIDMAN FELS & SOTO, PLLC  
2525 Ponce De Leon Blvd., Ste. 750  
Coral Gables, FL 33134  
Tel: (305) 569-7701  
[afels@ffslawfirm.com](mailto:afels@ffslawfirm.com)

Attorney for Defendant Barry Rybicki

**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 7th day of April, 2020.

/s/ Adam S. Fels