

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

CASE NO. 8:20-CV-325-T-35AEP

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;  
et al. ;

Relief Defendants.

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**RECEIVER'S MOTION FOR RETURN OF DEPOSITS PAID TO  
AUDEMARS PIGUET (A/K/A SIMWEST INC.)**

Comes now, the Receiver seeking the Court's assistance in ordering the return of deposits made by defendant EquiAlt LLC to Audemars Piguet a/k/a SIMWEST for Mr. Davison's personal purchases. In support of his motion, the Receiver states as follows:

During the course of the Receiver's investigation of jewelry and watches purchased by Mr. Davison, the Receiver sent a request for information to Audemars Piguet's independent boutiques (a/k/a SIMWEST INC.) in Beverly Hills, California. Mr. Davison's counsel was copied on the

communications with SIMWEST and received copies of the documents produced by SIMWEST. Based on the information received from SIMWEST and a review of EquiAlt records, the Receiver has created the following timeline for certain payments made by EquiAlt.

On March 11, 2019, Mr. Davison placed an order with the Audemars Piguet boutique in Las Vegas for a white gold lady concept watch with a retail price of \$252,000. *See* Exhibit 1. This was a custom/special order. *Id.* For this purchase, a deposit of \$125,000 was required. On June 12, 2019, Brian Davison asked EquiAlt's Chief Financial Officer Denver Stoddart to wire \$125,000 from EquiAlt to SIMWEST. When asked for a description of the transaction, Mr. Davison responded "Marketing". *See* Exhibit 2. The wire was sent on June 13, 2019. *See* Exhibit 3.

Similarly, on April 27, 2019, Mr. Davison placed a special order for a \$370,000 CODE Supersonnerie watch from the same boutique. *See* Exhibit 4. This purchase required a deposit of \$185,000. *Id.* Mr. Davison requested that Ms. Stoddart send a wire from EquiAlt to SIMWEST for that amount. The wire was sent on June 26, 2019. *See* Exhibit 5. Again, the wire was marked internally for "Marketing". There is no indication in EquiAlt's accounting records that Mr. Davison ever reimbursed the company for these personal expenses.

After receiving this information from SIMWEST, the Receiver inquired as to the status of the deposits. Mr. Mikael Cohen, on behalf of SIMWEST, stated that the company was still in possession of the deposits but would require a Court order for the return of the funds. *See* Exhibit 6. Undersigned counsel reached out to counsel for the SEC and Mr. Davison to see if they would agree to an unopposed motion to have the deposits returned. The SEC had no objection to the relief sought. Counsel for Mr. Davison agreed with the return of the funds but believes that at least a portion of the funds should be used to secure living expenses and legal fees for Mr. Davison. *See* Exhibit 7.

The Receiver requests that the Court order SIMWEST, Inc. to return the \$310,000 in deposits to the Receiver on behalf of receivership entity EquiAlt LLC. These monies were paid by EquiAlt LLC, not Mr. Davison, to SIMWEST. Mr. Davison has no claim to these funds for his personal expenses or for legal fees. These monies rightfully belong to EquiAlt and ultimately to the Receivership Estate for the benefit of the defrauded investors.

**LOCAL RULE 3.01(g) CERTIFICATION OF COMPLIANCE**

The undersigned counsel for the Receiver has conferred with counsel for the Commission and is authorized to represent to the Court that the Commission does not oppose the relief requested in this motion. Counsel for the Receiver has also conferred with counsel for Mr. Davison who agrees with the return of the deposits but disagrees as to the use for the funds.

Respectfully submitted,

**s/Katherine C. Donlon**

Katherine C. Donlon, FBN 0066941

Email: [kdonlon@wiandlaw.com](mailto:kdonlon@wiandlaw.com)

Jared J. Perez, FBN 0085192

Email: [jperez@wiandlaw.com](mailto:jperez@wiandlaw.com)

WIAND GUERRA KING P.A.

5505 West Gray Street

Tampa, FL 33609

Tel: (813) 347-5100

Fax: (813) 347-5198

*Attorneys for the Receiver, Burton W. Wiand*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on May 20, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. Additionally, I have served Mikael Cohen, on behalf of Audemars Piguet a/k/a SIMWEST INC. at 8701 Wilshire Blvd., Beverly Hills, CA 90211 and via email [mikaelc@ildicoinc.com](mailto:mikaelc@ildicoinc.com).

**s/Katherine C. Donlon**

Katherine C. Donlon, FBN 0066941

# **EXHIBIT 1**

DELUXE FOR BUSINESS 1-800-888-6327

Ref. No: G 975700211

**AUDEMARS PIGUET**

The Shops At Crystal  
3720 Las Vegas Blvd., Suite 105  
Las Vegas, NV 89109  
(702) 889-8828

NAME <b>BRIAN DAVISON</b>			<b>DEPOSIT</b>  <b>1555</b>
ADDRESS			
CITY	STATE	ZIP	
SALESPERSON <b>Liesel</b>		PHONE	DATE <b>3/11/19</b>

The merchandise described below is being held for me, and I agree to make ☐ weekly ☐ monthly payments of \$ \_\_\_\_\_, so that the full amount will be paid by \_\_\_\_\_. I understand that the merchandise will be returned to stock if not picked up by this date.

CUSTOMER'S SIGNATURE X \_\_\_\_\_

DESCRIPTION OF MERCHANDISE		
<b>WHITE GOLD LADY CONCEPT</b>		<b>\$252,000 -</b>
<b>262270C</b>	TAX	
<b>(Custom/special order)</b>	TOTAL	
<b>\$252,000 - NDRP</b>	DEPOSIT	<b>\$125,000 -</b>

**PAYMENT RECORD**

DATE	RECEIVED BY	AMOUNT PAID	BALANCE DUE
<b>6/28/2019</b>	<b>WIRE (6.16.19)</b>	<b>\$125,000 -</b>	

See over if additional payments are required.  
Please present this record when making payments.

NO REFUNDS

**Thank You****MERCHANDISE IDENTIFICATION TAG**

NAME		
ADDRESS		CITY
STATE, ZIP	PHONE	DATE TO BE PICKED UP

**DEPOSIT****1555**

# **EXHIBIT 2**

## Kacy Donlon

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**From:** Brian <brian@equialt.com>  
**Sent:** Wednesday, June 12, 2019 4:50 PM  
**To:** denver@equialt.com  
**Subject:** Re: Wire

Marketing

Sent from my iPhone

On Jun 12, 2019, at 16:46, <[denver@equialt.com](mailto:denver@equialt.com)> <[denver@equialt.com](mailto:denver@equialt.com)> wrote:

Hello Brian,

What is the description for this transaction, so that I may record accordingly.

Thanks

---

**From:** [brian@equialt.com](mailto:brian@equialt.com) <[brian@equialt.com](mailto:brian@equialt.com)>  
**Sent:** Wednesday, June 12, 2019 4:24 PM  
**To:** [denver@equialt.com](mailto:denver@equialt.com)  
**Subject:** Wire

Denver,

Please wire:

From: EquiAlt LLC

Amount: \$125,000.00

To:

Simwest Inc  
Bank of America  
Act: [REDACTED]  
Routing: 026009593  
Re: Brian Davison 26227BC

Cordially,  
<image001.jpg>

<image002.gif> [Facebook](#) <image003.gif> [Twitter](#)

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# **EXHIBIT 3**

**Payment Details Report****Bank of America  
Merrill Lynch**

**Company:** Equialt LLC  
**Requester:** Stoddart, Denver  
**Run Date:** 13-Jun-2019 12:14:18 PM EDT

**Domestic High Value (Wire)****Payment Category:**Urgent/Wire

**Status:** Processing By Bank  
**Transaction Number:** 196DB1243EUT1546

**Debit Account Information**

**Debit Bank:** 063100277  
**Debit Account:** [REDACTED]  
**Debit Account Name:** EQUIALT LLC  
**Debit Currency:** USD

**Beneficiary Details**

**Beneficiary Name:** SIMWEST INC.  
**Beneficiary Address:** 8701 WILTSHIRE BLVD.  
**Beneficiary City:** BEVERLY HILLS  
**Beneficiary Postal Code:** 90211  
**Beneficiary Country:** US - United States of America

**Beneficiary Account:** [REDACTED]  
**Beneficiary Bank ID:** 026009593  
BANK OF AMERICA, NA  
100 N TRYON ST  
CHARLOTTE  
US - United States of America

**Beneficiary Email:**  
**Beneficiary Mobile Number:**

**Payment Details**

**Credit Currency:** USD  
**Credit Amount:** 125,000.00

**Value Date:** 13-Jun-2019**Optional Information****Sender's Reference Number:** BRIAN DAVISON**Beneficiary Information:** BRIAN DAVISON 26227BC**Additional Routing****Intermediary Bank ID:****Receiver Information:****Control Information**

**Input:** dstoddart  
**Approved:** dstoddart  
**Initial Confirmation:** WTX:2019061300327738

**Input Time:** 13-Jun-2019 12:13:07 PM EDT  
**Time:** 13-Jun-2019 12:14:06 PM EDT

# **EXHIBIT 4**



DELUXE FOR BUSINESS 1-800-888-6327

Ref. No: G 975700211

**AUDEMARS PIGUET**

The Shops At Crystal  
3720 Las Vegas Blvd., Suite 105  
Las Vegas, NV 89109  
(702) 889-8828

NAME <b>BRIAN DAVISON</b>			<b>DEPOSIT</b>  <b>2000</b>
ADDRESS			
CITY	STATE	ZIP	
SALESPERSON <b>Liezel</b>		PHONE	DATE <b>4/27/19</b>

The merchandise described below is being held for me, and I agree to make ☐ weekly ☐ monthly payments of \$ \_\_\_\_\_, so that the full amount will be paid by \_\_\_\_\_. I understand that the merchandise will be returned to stock if not picked up by this date.

CUSTOMER'S SIGNATURE X \_\_\_\_\_

DESCRIPTION OF MERCHANDISE		
<b>CODE</b>	<b>Supersonnerie special order</b>	<b>\$370,000 -</b>
<b>26395BC</b>	TAX	
TOTAL		
<b>\$370,000</b>	<b>-NBRPP</b>	DEPOSIT <b>\$185,000 -</b>

**PAYMENT RECORD**

DATE	RECEIVED BY	AMOUNT PAID	BALANCE DUE
6/28/19	WIRE	\$185,000 -	

See over if additional payments are required.  
Please present this record when making payments.  
NO REFUNDS

**Thank You****MERCHANDISE IDENTIFICATION TAG**

NAME		
ADDRESS		CITY
STATE, ZIP	PHONE	DATE TO BE PICKED UP

**DEPOSIT****2000**



# **EXHIBIT 5**

**Payment Details Report****Bank of America  
Merrill Lynch**

**Company:** Equialt LLC  
**Requester:** Stoddart, Denver  
**Run Date:** 26-Jun-2019 6:04:33 PM EDT

**Domestic High Value (Wire)****Payment Category:**Urgent/Wire

**Status:** Processing By Bank  
**Transaction Number:** 196QH0256A4S1521

**Debit Account Information**

**Debit Bank:** 063100277  
**Debit Account:** [REDACTED]  
**Debit Account Name:** EQUIALT LLC  
**Debit Currency:** USD

**Beneficiary Details**

**Beneficiary Name:** SIMWEST INC.  
**Beneficiary Address:** 8701 WILTSHIRE BLVD.  
**Beneficiary City:** BEVERLY HILLS  
**Beneficiary Postal Code:** 90211  
**Beneficiary Country:** US - United States of America

**Beneficiary Account:** [REDACTED]  
**Beneficiary Bank ID:** 026009593  
BANK OF AMERICA, NA  
100 N TRYON ST  
CHARLOTTE  
US - United States of America

**Beneficiary Email:**  
**Beneficiary Mobile Number:**

**Payment Details**

**Credit Currency:** USD  
**Credit Amount:** 185,000.00

**Value Date:** 27-Jun-2019**Optional Information****Sender's Reference Number:** Brian Davison**Beneficiary Information:** Brian Davison, 26395BC Attn: Liezel**Additional Routing****Intermediary Bank ID:****Receiver Information:****Control Information**

**Input:** dstoddart  
**Approved:** dstoddart

**Input Time:** 26-Jun-2019 6:03:44 PM EDT  
**Time:** 26-Jun-2019 6:04:21 PM EDT

**denver@equialt.com**

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**From:** brian@equialt.com  
**Sent:** Wednesday, June 26, 2019 2:31 PM  
**To:** denver@equialt.com  
**Subject:** Wire request

Denver,

Please schedule a wire:

From EquiAlt LLC to SIM West

Amount: \$185,000.00

Reference: Brian Davison, 26395BC Attn: Liezel

Cordially,



**Brian Davison**  
Founder/CEO  
1.855.EquiAlt  
www.EquiAlt.com

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# **EXHIBIT 6**



## Kacy Donlon

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**From:** Mikael - Ildico Inc <mikaelc@ildicoinc.com>  
**Sent:** Monday, May 11, 2020 5:33 PM  
**To:** Kacy Donlon  
**Cc:** Howard Fischer (hfischer@MOESSINGER.COM); Zizo Azzat  
**Subject:** RE: Audemars Piguet - SEC v. Davison (M.D. Fla.)

Yes, we do have the deposits.

No release without an official court being officially served upon by the court with designation of the payee Trust.  
Thank you

**Mikael Cohen**  
**ILDICO INC**  
Tel 310-205 5555  
[Mikaelc@ildicoinc.com](mailto:Mikaelc@ildicoinc.com)

---

**From:** Kacy Donlon <kdonlon@wiandlaw.com>  
**Sent:** Saturday, May 9, 2020 10:50 PM  
**To:** Mikael - Ildico Inc <mikaelc@ildicoinc.com>  
**Cc:** Howard Fischer (hfischer@MOESSINGER.COM) <hfischer@MOESSINGER.COM>; Zizo Azzat <zizo@apboutique.com>  
**Subject:** RE: Audemars Piguet - SEC v. Davison (M.D. Fla.)

Please respond to the question below. Do you still have these deposits?

---

**From:** Kacy Donlon  
**Sent:** Tuesday, April 28, 2020 8:33 PM  
**To:** Mikael - Ildico Inc <[mikaelc@ildicoinc.com](mailto:mikaelc@ildicoinc.com)>  
**Cc:** Howard Fischer ([hfischer@MOESSINGER.COM](mailto:hfischer@MOESSINGER.COM)) <[hfischer@MOESSINGER.COM](mailto:hfischer@MOESSINGER.COM)>; Zizo Azzat <[zizo@apboutique.com](mailto:zizo@apboutique.com)>  
**Subject:** RE: Audemars Piguet - SEC v. Davison (M.D. Fla.)

Do you still have those deposits? If so, please understand from the attached order that those are frozen. Thanks.

**Katherine C. "Kacy" Donlon**  
5505 W. Gray Street  
Tampa, FL 33609  
Phone: 813.347.5104  
Cell: 813.494.6806  
Fax: 813.347.5154  
[kdonlon@wiandlaw.com](mailto:kdonlon@wiandlaw.com)  
[www.wiandlaw.com](http://www.wiandlaw.com)

**WIGIK**  
WIAND GUERRA KING

# **EXHIBIT 7**

## Kacy Donlon

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**From:** Howard A. Fischer <hfischer@MOESSINGER.COM>  
**Sent:** Friday, May 15, 2020 4:33 PM  
**To:** Kacy Donlon; Johnson, Alise  
**Cc:** Kent C. Kolbig; Charles M. Harris - Trenam Law (CHarris@trenam.com)  
**Subject:** RE: Audemars Piguet - SEC v. Davison (M.D. Fla.)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Kacy:

Conceptually speaking, we have no objection. However, we do have some concerns about the uses of these funds. We believe that at least a portion of these funds should be used to secure both living expenses for Mr. Davison and his family as well as a source for legal expenses. In the interim period while we are discussing the appropriate amount of those figures with the SEC, we propose that these funds, or at least a large portion of them, be segregated in a specific fund before being disbursed.

Regards,

Howard

**Howard A. Fischer | Partner**

**Moses & Singer LLP**

The Chrysler Building, 405 Lexington Avenue  
New York, New York 10174

t: 212.554.7872 | [hfischer@mosessinger.com](mailto:hfischer@mosessinger.com)

[www.mosessinger.com](http://www.mosessinger.com)

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**From:** Kacy Donlon [mailto:[kdonlon@wiandlaw.com](mailto:kdonlon@wiandlaw.com)]  
**Sent:** Thursday, May 14, 2020 3:32 PM  
**To:** Johnson, Alise <[johnsonali@SEC.GOV](mailto:johnsonali@SEC.GOV)>; Howard A. Fischer <hfischer@MOESSINGER.COM>  
**Cc:** Kent C. Kolbig <[kkolbig@MOESSINGER.COM](mailto:kkolbig@MOESSINGER.COM)>; Charles M. Harris - Trenam Law (CHarris@trenam.com) <CHarris@trenam.com>  
**Subject:** RE: Audemars Piguet - SEC v. Davison (M.D. Fla.)

Howard?

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**From:** Johnson, Alise [mailto:[johnsonali@SEC.GOV](mailto:johnsonali@SEC.GOV)]  
**Sent:** Wednesday, May 13, 2020 11:53 AM  
**To:** Kacy Donlon <[kdonlon@wiandlaw.com](mailto:kdonlon@wiandlaw.com)>; Howard A. Fischer <[hfischer@MOESSINGER.COM](mailto:hfischer@MOESSINGER.COM)>  
**Cc:** Kent C. Kolbig <[kkolbig@MOESSINGER.COM](mailto:kkolbig@MOESSINGER.COM)>; Charles M. Harris - Trenam Law ([CHarris@trenam.com](mailto:CHarris@trenam.com)) <[CHarris@trenam.com](mailto:CHarris@trenam.com)>  
**Subject:** RE: Audemars Piguet - SEC v. Davison (M.D. Fla.)

No objection from the SEC.



**Alise Johnson**

Senior Trial Counsel  
U.S. Securities and Exchange Commission  
Miami Regional Office  
801 Brickell Ave, Suite 1950, Miami, FL 33131  
Office: 305.982.6300  
Email: [johnsonali@sec.gov](mailto:johnsonali@sec.gov)

---

**From:** Kacy Donlon <[kdonlon@wiandlaw.com](mailto:kdonlon@wiandlaw.com)>  
**Sent:** Wednesday, May 13, 2020 11:40 AM  
**To:** Howard A. Fischer <[hfischer@MOESSINGER.COM](mailto:hfischer@MOESSINGER.COM)>; Johnson, Alise <[johnsonali@SEC.GOV](mailto:johnsonali@SEC.GOV)>  
**Cc:** Kent C. Kolbig <[kkolbig@MOESSINGER.COM](mailto:kkolbig@MOESSINGER.COM)>; Charles M. Harris - Trenam Law (<[CHarris@trenam.com](mailto:CHarris@trenam.com)>  
<[CHarris@trenam.com](mailto:CHarris@trenam.com)>  
**Subject:** FW: Audemars Piguet - SEC v. Davison (M.D. Fla.)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Howard & Alise –

Attached are the two wires that correspond with the deposits that Mr. Cohen referenced in his emails and the documents he produced. As you can see, these were wires from EquiAlt for “marketing” for these watch deposits. In order to get those monies back to the Receiver on behalf of EquiAlt, I would like to file an unopposed motion seeking an order from the Court ordering the return of those deposits. Please let me know if I can represent to the court your agreement with such relief. Thanks.

Kacy

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**From:** Mikael - Ildico Inc [<mailto:mikaelc@ildicoinc.com>]  
**Sent:** Monday, May 11, 2020 5:33 PM  
**To:** Kacy Donlon <[kdonlon@wiandlaw.com](mailto:kdonlon@wiandlaw.com)>  
**Cc:** Howard Fischer (<[hfischer@MOESSINGER.COM](mailto:hfischer@MOESSINGER.COM)> <[hfischer@MOESSINGER.COM](mailto:hfischer@MOESSINGER.COM)>; Zizo Azzat <[zizo@apboutique.com](mailto:zizo@apboutique.com)>  
**Subject:** RE: Audemars Piguet - SEC v. Davison (M.D. Fla.)

Yes, we do have the deposits.

No release without an official court being officially served upon by the court with designation of the payee Trust.  
Thank you

**Mikael Cohen**  
**ILDICO INC**  
Tel 310-205 5555  
[Mikaelc@ildicoinc.com](mailto:Mikaelc@ildicoinc.com)