

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No: 8:20-cv-00325-T-35AEP

BRIAN DAVISON, BARRY M. RYBICKI,
EQUIALT LLC, EQUIALT FUND, LLC,
EQUIALT FUND II, LLC, EQUIALT
FUND III, LLC, EA SIP, LLC,

Defendants,

128 E. DAVIS BLVD, LLC, 310 78TH
AVE, LLC, 551 3D AVE S, LLC, 604
WEST AZEELE, LLC, BLUE WATERS
TI, LLC, 2101 W. CYPRESS, LLC, 2112
W. KENNEDY BLVD, LLC, BNAZ, LLC,
BR SUPPORT SERVICES, LLC, CAPRI
HAVEN, LLC, EANY, LLC, BUNGALOWS
TI, LLC, EQUIALT 519 3RD AVE S., LLC,
MCDONALD REVOCABLE LIVING
TRUST, 5123 E. BROADWAY AVE, LLC,
SILVER SANDS TI, LLC, TB OLDEST
HOUSE EST. 1842, LLC,

Relief Defendants.

AGREED ORDER MODIFYING ASSET FREEZE

THIS CAUSE comes before the Court upon the Joint Motion by Plaintiff Securities and Exchange Commission, the Receiver, Defendant Brian Davison, and Defendant Barry Rybicki for Entry of Proposed Agreed Order Extending and Modifying Asset Freeze. (Dkt. 120) The Court having originally imposed a Temporary Restraining Order, Asset Freeze and Other Injunctive Relief on February 14, 2020, 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 **GRANTS** the Parties' Joint Request for Entry of Proposed Agreed Order Extending and Modifying Asset Freeze, (Dkt. 120), and **ORDERS** as follows:

I.

MODIFICATION OF ORDER FREEZING ASSETS

IT IS ORDERED that, subject to any further application and Court Order, 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,

B. Notwithstanding the foregoing:

1. Of the monies held in the Rosenbarry Holdings LLC account held at JP Morgan Chase Account XXXXX5807, \$25,300 shall not be frozen. Of that amount,

\$9,500 may be used by Barry Rybicki to pay for his personal living expenses, and \$15,800 may be used to pay an accountant and an e-discovery consultant to aide in Rybicki's defense of this matter.

2. Of the monies held in Brian Davison's account held at JP Morgan Chase Account number XXXXX3995, \$105,420 shall no longer be frozen. Of that amount \$27,920 may be applied to living expenses incurred on behalf of Brian Davison for the months of June and July 2020, and \$77,500 may be applied to meet capital calls in Brian Davison's Merrill Lynch, Pierce, Fenner & Smith Inc., account ending in 9444 (the "9444 Account"), in order to help preserve those investments.
3. To effectuate this Order, Merrill Lynch shall temporarily lift the hold/freeze on the 9444 Account, and once funds are received, Merrill Lynch shall allow I Capital Network to sweep the \$77,500 to fund the capital calls.
4. After allowing a sweep as described above, Merrill Lynch shall restore the freeze on the 9444 Account.
5. Merrill Lynch shall not be held liable to anyone, for temporarily releasing the hold/freeze on the 9444 Account to receive funds from JP Morgan Chase and to allow a sweep pursuant to this Order and for any resulting transactions being posted on 9444 Account as a result of temporarily lifting the hold/freeze on said account.
6. The actions described in paragraphs B.1-5 above shall not be deemed a violation of this Order.

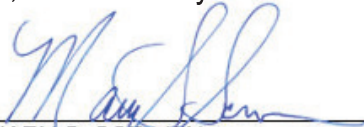
7. Upon request of the Commission, the Parties shall within seven days produce to the Commission bank records relating to how the funds were expended pursuant to paragraphs 1-2 above.

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 Tampa, Florida, this 29th day of June 2020.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person