

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.

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**ORDER**

**THIS CAUSE** comes before the Court for consideration of the Receiver's First Quarterly Fee Application for Order Awarding Fees, Costs, and Reimbursement of Costs to Receiver and His Professionals, (Dkt. 88); Defendant Brian Davison's opposition thereto, (Dkt. 97); and the Receiver's Supplement to the First Quarterly Fee Application. (Dkt. 122) On July 15, 2020, United States Magistrate Judge Anthony E. Porcelli issued a Report and Recommendation, recommending that the Receiver's Motion be granted as

set forth therein. (Dkt. 141) Specifically, Judge Porcelli recommends that fees and costs be awarded in the following amounts:

- a. the Receiver, in the amount of \$63,648;
- b. WGK, in the amount of \$134,035.95;
- c. Freeborn, in the amount of \$16,351.50;
- d. Baskin, in the amount of \$13,951.13;
- e. Yip, in the amount of \$238,151.50;
- f. PDR, in the amount of \$13,844.14;
- g. E-Hounds, in the amount of \$34,054.38;
- h. RWJ, in the amount of \$47,339.04; and
- i. Digital Acuity, in the amount of \$13,160.10.

(Id. at 24–25) No objections to the Report and Recommendation have been filed, and the deadline for doing so has passed.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the Magistrate Judge’s report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A district judge “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This requires that the district judge “give fresh consideration to those issues to which specific objection has been made by a party.” Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*,

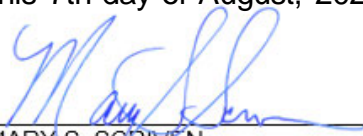
Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects. Furthermore, upon *de novo* review of the file, the Court agrees with the reduction in fees and costs applied by Judge Porcelli. Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 141), is **CONFIRMED** and **ADOPTED** as part of this Order; and
2. The Receiver’s First Quarterly Fee Application for Order Awarding Fees, Costs, and Reimbursement of Costs to Receiver and His Professionals, (Dkt. 88), is **GRANTED AS STATED HEREIN**. The Court **DIRECTS** that payment be made from the Receivership assets for fees and costs in the following amounts:

Burton W. Wiand, Receiver	\$63,648
Wiand Guerra King P.A.	\$134,035.95
Yip Associates	\$238,151.50
PDR CPAs	\$13,844.14
E-Hounds, Inc.	\$34,054.38
RWJ Group, LLC	\$47,339.04
Freeborn & Peters LLP	\$16,351.50
Baskin Richards PLC	\$13,951.13
Digital Acuity LLC	\$13,160.10

**DONE AND ORDERED** in Tampa, Florida this 7th day of August, 2020.

  
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 MARY S. SCRIVEN  
 UNITED STATES DISTRICT JUDGE

**Copies furnished to:**  
Counsel of Record  
Any Unrepresented Person