

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

CIVIL ACTION NO. 20-cv-00325-MSS-AEP

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

BRIAN DAVISON, et al.,

Defendants.

**NOTICE OF FILING AND REQUEST FOR ENTRY OF PROPOSED
AGREED ORDER MODIFYING ASSET FREEZE**

Plaintiff Securities and Exchange Commission hereby files a proposed Agreed Order Modifying Asset Freeze. The proposed Order has been agreed to by Brian Davison, the Commission and the Receiver. The Agreed Order is filed in order to fund future capital calls in Brian Davison's accounts held at Merrill Lynch, Pierce, Fenner & Smith Inc. as specified in the Agreed Order. Thus, the Commission respectfully request the Court enter the attached proposed Agreed Order.

September 8, 2020

Respectfully submitted,

By: s/Alise Johnson
Alise Johnson
Senior Trial Counsel

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Lead Attorney

Attorney for Plaintiff
**SECURITIES AND EXCHANGE
COMMISSION**
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Miami, Florida 33131
Telephone: (305) 982-6300
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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2020, I electronically filed the foregoing proposed Motion for Entry of Proposed Agreed Order Modifying Asset Freeze with the Clerk of the Court using CM/ECF, which will send a notice of such filing to all counsel of record.

s/Alise Johnson
Alise Johnson

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

CIVIL ACTION NO. 20-cv-00325-MSS-AEP

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

**BRIAN DAVISON, BARRY RYBICKI,
EQUIALT et al.,**

Defendants.

AGREED ORDER MODIFYING ASSET FREEZE

This cause comes before the Court upon the Joint Motion by Plaintiff Securities and Exchange Commission, the Receiver, and Defendant Brian Davison. 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 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,
25. TB OLDEST HOUSE EST. 1842, LLC.

B. Notwithstanding the foregoing:

1. Of the monies held in Brian Davison's account held at JP Morgan Chase Account XXXXX3995, \$45,000 shall no longer be frozen and 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.
2. To effectuate this Order, Merrill Lynch may temporarily lift the hold/freeze on the 9444 Account, and once funds are received, Merrill Lynch shall allow any sweep

- necessary to fund the capital calls. After allowing any such sweep, Merrill Lynch shall restore the freeze on the 9444 Account.
3. Notwithstanding such freeze, the investment adviser for Brian Davison's managed accounts at Merrill Lynch (including any accounts ending in nos. 1294, 1295, 9444, 9964, 9965 and 9966) shall be authorized to liquidate equities in those accounts for the sole and exclusive purpose of meeting future capital calls as they might arise.
 4. 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.
 5. The actions described in paragraphs B.1-4 above shall not be deemed a violation of this Order.
 6. 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 1-4 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 ____ day of _____ ,
2020.

MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person