

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

Case No.: 8:20-cv-00325-MSS-AEP

v.

BRIAN DAVISON, et al.

Defendants.

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**ORDER**

This cause comes before the Court upon the Plaintiff's Notice of Filing and Request for Entry of Proposed Agreed Order Modifying Asset Freeze, (Dkt. 194), and Plaintiff's Notice of Filing and Request for Entry of Proposed Agreed Order Extending and Modifying Asset Freeze. (Dkt.199) On February 14, 2020, the Court granted Plaintiff's Emergency Ex Parte Motion for Temporary Restraining Order, Asset Freeze, and Other Injunctive Relief. (Dkt. 10) The Commission and the Parties have agreed that the asset freeze be modified as detailed below. It is hereby **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:

1. 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:

- a. BRIAN DAVISON,
- b. BARRY M. RYBICKI,
- c. EQUIALT LLC,
- d. EQUIALT FUND, LLC,
- e. EQUIALT FUND II, LLC,
- f. EQUIALT FUND III, LLC,
- g. EA SIP, LLC,
- h. 128 E. DAVIS BLVD, LLC,
- i. 310 78TH AVE, LLC,
- j. 551 3D AVE S, LLC,
- k. 604 WEST AZEELE, LLC,
- l. 2101 W. CYPRESS, LLC,
- m. 2112 W. KENNEDY BLVD, LLC,

- n. 5123 E. BROADWAY AVE, LLC,
- o. BLUE WATERS TI, LLC,
- p. BNAZ, LLC,
- q. BR SUPPORT SERVICES, LLC,
- r. BUNGALOWS TI LLC,
- s. CAPRI HAVEN, LLC,
- t. EA NY, LLC,
- u. EQUIALT 519 3RD AVE S., LLC,
- v. MCDONALD REVOCABLE LIVING TRUST,
- w. SILVER SANDS TI, LLC,
- x. TB OLDEST HOUSE EST. 1842, LLC,
- y. TB OLDEST HOUSE EST. 1842, LLC.

**2. Notwithstanding the foregoing:**

- a. Of the monies held in Brian Davison's account held at JP Morgan Chase Account XXXXX3995, \$22,700 shall no longer be frozen and may be applied to living expenses incurred on behalf of Brian Davison for the months of August and September 2020.
  - i. The actions described above shall not be deemed a violation of this Order.


- ii. 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 above.
- b. 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.
  - i. 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.
  - ii. 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.
  - iii. 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.

- iv. The actions described in the rest of Section (b) above shall not be deemed a violation of this Order.
- v. 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.

- 3. All remaining terms of the Asset Freeze Order not modified by this Order shall remain in place.

**DONE** and **ORDERED** in Tampa, Florida, this 24th day of September, 2020.

  
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MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

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