

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

Defendants.

ORDER

THIS CAUSE comes before the Court for consideration of the Receiver's Third Quarterly Fee Application for Order Awarding Fees, Costs, and Reimbursement of Costs to Receiver and His Professionals. (Dkt. 218) The Receiver seeks fees and costs for his work and the work of the professionals he retained to assist him in the resolution of this matter for the period from July 1, 2020 through September 30, 2020. (*Id.*) On January 5, 2021, United States Magistrate Judge Anthony E. Porcelli issued a Report and

Recommendation, recommending that the Receiver's Motion be granted. (Dkt. 249) The Securities and Exchange Commission does not oppose the request. No Party has filed an objection to the Report and Recommendation, and the deadline to do so has expired.

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.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 249), is **CONFIRMED** and **ADOPTED** as part of this Order; and

2. Receiver's Third Quarterly Fee Application for Order Awarding Fees, Costs, and Reimbursement of Costs to Receiver and His Professionals, (Dkt. 218), is **GRANTED**.
3. Fees and costs shall be awarded in the following amounts:
 - a. The Receiver, in the amount of \$35,222.40;
 - b. WGK, in the amount of \$111,217.86;
 - c. Freeborn and Peters LLP, in the amount of \$16,456.50;
 - d. Yip Associates, in the amount of \$60,944.50;
 - e. PDR CPAs, in the amount of 11,675.53;
 - f. E-Hounds, Inc., in the amount of \$8,576.25; and
 - g. The RWJ Group, LLC, in the amount of \$7,573.04.

DONE and **ORDERED** in Tampa, Florida, this 4th day of February, 2021.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person