

**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;

Defendants, and

128 E. DAVIS BLVD, LLC;  
et al.;

Relief Defendants.

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**RECEIVER'S NOTICE OF FILING**  
**CLAWBACK/FRAUDULENT TRANSFER CASES**

Comes now, Burton W. Wiand as Receiver (the “**Receiver**”), by and through his undersigned counsel, and provides notice to this Court of the

following actions filed by the Receiver on February 13, 2021, in furtherance of his duties under the Order Appointing Receiver (Doc. 11):

1. *Wiand v. Erik Adamek, et al.*, Case No. 8:21-cv-00360-TPB-CPT – clawback case against 123 EquiAlt investors who received \$2,729,829 in false profits.
2. *Wiand v. Family Tree Estate Planning, LLC, et al.*, Case No. 8:21-cv-000361-SDM-AAS – fraudulent transfer/unjust enrichment claims against twenty sales agents and their corresponding corporate entities (17 corporate entities) for the recovery of commissions paid in the total amount of \$18,934,950.

In addition to the authority granted in the Order Appointing Receiver, in an abundance of caution, the Receiver sought this Court's approval for the filing of these actions on January 20<sup>th</sup> (Doc. 255) and January 28<sup>th</sup> (Doc. 258). The SEC did not object to either motion and no oppositions to the motions were filed. The Receiver proceeded with filing these claims because of concerns about the potential impact of the relevant statute of limitations that may apply to claims against certain individuals. To safeguard these claims, the Receiver filed the actions on February 13, 2021. If the Court would like the Receiver to amend his claims in any way, the Receiver stands ready to make those changes.

Respectfully submitted,

**s/Katherine C. Donlon**

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*Attorneys for the Receiver Burton W.  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on February 19, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notification of electronic filing to all counsel of record.

**s/Katherine C. Donlon**

Katherine C. Donlon, FBN 0066941