

**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.

**RECEIVER'S UNOPPOSED MOTION FOR EXTENSION UNTIL JUNE
2, 2021 OF DEADLINE TO FILE QUARTERLY STATUS REPORT AND
QUARTERLY FEE APPLICATION**

Burton W. Wiand, as Receiver (the "Receiver"), respectfully moves the Court to extend the deadline for filing the Receiver's Fifth Quarterly Status Report ("Status Report") and Fifth Quarterly Fee Application for Order Awarding Fees, Costs, and Reimbursement of Costs ("Fee Application") to June 2, 2021. In support thereof, the Receiver states as follows:

1. Pursuant to the Order Appointing Receiver [Doc. 11], entered by the Court on February 14, 2020, the Quarterly Status Report should be submitted within thirty (30) days of the end of the quarter. Doc 11 at ¶28.

2. Fee Applications are to be submitted within forty-five (45) days of the end of the quarter. Doc. 11 at ¶33.

3. On February 15, 2021, the Receiver filed his Fourth Quarterly Status Report [Doc. 265] and Quarterly Fee Application [Doc. 266], which detailed the Receiver and his team's activities for the fourth quarter of 2020.

4. Almost from the outset of this case and through to the middle of March, the Receiver and his professionals have provided their services remotely due to the COVID-19 virus and related restrictions. The preparation of the Quarterly Status Report and Quarterly Fee Application was further complicated by the detailed and significant negotiations related to the settlement with Mr. Davison and over 70 clawback investor defendants. While the Receiver believes he and his professionals are fulfilling their mandate under challenging circumstances, he nevertheless requires a brief extension of the deadlines to file the Status Report and Fee Application.

5. As the Court is aware, such reports and motions contain detailed information and invoices with numerous time entries. The Receiver desires the Status Report and Motion for Fees to be as accurate as possible, and

given the challenges identified above, he requires a brief extension to properly prepare the submissions.

6. This motion is not made for purposes of delay, and the relief requested will not prejudice any party.

WHEREFORE, the Receiver respectfully requests an extension of the deadlines for filing of the Receiver's Fifth Quarterly Status Report and Fifth Quarterly Application for Fees to June 2, 2021.

LOCAL RULE 3.01(G) CERTIFICATION

Undersigned counsel for the Receiver has conferred with counsel for the SEC and Messrs. Davison and Rybicki and is authorized to represent to the Court that there is no objection to the relief requested in this motion.

Respectfully submitted,

/s/ Katherine C. Donlon

Katherine C. Donlon, FBN 0066941

kdonlon@jclaw.com

JOHNSON, CASSIDY, NEWLON &
DeCORT P.A.

2802 N. Howard Avenue

Tampa, FL 33607

Tel: (813) 291-3300

Fax: (813) 324-4629

and

Jared J. Perez, FBN 0085192
jperez@guerraking.com
R. Max McKinley, FBN 119556
mmckinley@guerraking.com
GUERRA KING P.A.
5505 West Gray Street
Tampa, FL 33609
Tel: (813) 347-5100
Fax: (813) 347-5198

Attorneys for Burton W. Wiand, Receiver

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 20, 2021, I electronically filed the foregoing with the Clerk of this Court by using the CM/ECF system which will send notification of electronic filing to all counsel of record.

/s/ Katherine C. Donlon