

**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 RELEASE FROM  
ATTENDANCE AT SETTLEMENT CONFERENCE**

Comes now the Receiver Burton W. Wiand and requests the Court's release (if required) from his attendance at the upcoming Settlement Conference between the Securities and Exchange Commission ("the SEC") and Defendant Barry Rybicki. In support thereof, the Receiver states as follows:

1. On June 2, 2021, the SEC and Mr. Rybicki filed a Joint Request

for Mediation Before U.S. Magistrate Judge seeking to have a mediation of the SEC's claims against Mr. Rybicki scheduled June 24 or June 28. [Doc. 321]

2. On June 7, 2021, Magistrate Porcelli scheduled a Settlement Conference for June 28, 2021. [Doc. 323] Although not a party to the Joint Motion or to the SEC's claims against Mr. Rybicki, the Receiver and his counsel received a Zoom invitation to attend the Settlement Conference on June 8, 2021.

3. The Receiver has been advised that Mr. Rybicki and his counsel do not want the Receiver to participate in the Settlement Conference. To that end, neither the Receiver nor his counsel were consulted regarding available dates for the mediation. Counsel for the Receiver is available to attend on June 28<sup>th</sup> but the Receiver will be traveling out of state at the time of the Settlement Conference. He can be available by text or email (via inflight wifi) and at times by phone, but unable to attend via Zoom.

4. Given the Defendant's desire that the Receiver not participate and Mr. Wiand's very limited availability, the Receiver, out of an abundance of caution, is seeking this Court's release from attendance (if required) at the scheduled Settlement Conference.

**LOCAL RULE 3.01(G) CERTIFICATION**

Counsel for the Receiver has conferred with counsel for the SEC and Defendant Barry Rybicki and they do not object to the relief sought herein.

Respectfully submitted,

**/s/ Katherine C. Donlon**

Katherine C. Donlon, FBN 0066941

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Attorneys for Burton W. Wiand Receiver

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 24, 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**\_\_\_\_\_