

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SECURITIES AND EXCHANGE
COMMISSION,
Plaintiff,

CASE NO. 8:20-CV-325-T-35AEP

v.

BRIAN DAVISON; et al.,
Defendants, and

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

**RECEIVER’S UNOPPOSED MOTION FOR LEAVE TO FILE A
MOTION IN EXCESS OF TWENTY-FIVE PAGES**

Pursuant to Local Rule 3.01(a), Burton W. Wiand as Receiver (the “**Receiver**”)¹ hereby moves this Court for leave to file a motion in excess of twenty-five pages.

I. RELIEF REQUESTED

The Receiver’s Unopposed Motion to Pool the Assets and Liabilities of the Receivership Entities (the “**Motion**”) currently numbers 32 pages,

¹ The “**Receivership**,” “**Receivership Estate**,” or “**Receivership Entities**” includes the Corporate Defendants, the Relief Defendants, and the following entities: EquiAlt Qualified Opportunity Zone Fund, LP (“**QOZ**”); EquiAlt QOZ Fund GP, LLC; EquiAlt Secured Income Portfolio REIT, Inc. (“**REIT**”); EquiAlt Holdings LLC; EquiAlt Property Management LLC; and EquiAlt Capital Advisors, LLC (collectively, the “**REIT and QOZ Entities**”); and EquiAlt Fund I, LLC. See Doc 184 at 6-7; Doc. 284.

inclusive of all parts. Therefore, the Receiver respectfully requests leave under Local Rule 3.01 (a) to file the overlength Motion.

II. BASIS FOR THE REQUEST

The Motion is complex and it has a significant impact on the administration of the Receivership Estate and the recovery and distribution of assets to approved creditors. It also includes several detailed factual examples of how, prior to the appointment of the Receiver, the Receivership Entities were operated as a single Ponzi scheme for nine years or more. This factual background is necessary to adequately explain why the relief requested in the Motion is appropriate, equitable, and in the best interests of the Receivership. The Motion also includes thorough analyses of how the relief requested therein would result in the most efficient administration of the Receivership's ongoing business activities, as well as the most equitable recovery for the Receivership creditors — primarily victim investors. The Receiver seeks leave to exceed the twenty-five page limit to adequately describe the activities of the insiders, explain how pooling is the most equitable method of administering the Receivership Estate, and how pooling would result in the most equitable method of recovery and distribution of assets for the approved creditors.

III. CONCLUSION

For the foregoing reasons, the Receiver respectfully requests leave of this Court to file an overlength motion.

LOCAL RULE 3.01(G) CERTIFICATION

Counsel for the Receiver has conferred with counsel and neither the SEC nor Defendants object to the relief sought.

Respectfully submitted,
/s/ Katherine C. Donlon
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 1, 2021, I electronically filed a true and correct copy of 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