

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No: 8:20-cv-325-MSS-AEP

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
AZELEE, 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 Unopposed Motion to Approve Settlement of Non-Investor Clawback Claim (the "Motion"). (Dkt. 334) The Court having reviewed the Motion, the Settlement

Agreement between the Receiver and Edgar Lozano and his affiliated business GIA LLC (“Lozano”), the record in this action, noting that Plaintiff Securities and Exchange Commission and Defendants Brian Davison and Barry Rybicki do not object to the requested relief, and being otherwise fully advised in the premises, and finding it appropriate to approve the Motion, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. The Motion, (Dkt. 334), is **GRANTED**. The Court finds that the Settlement Agreement is fair, adequate, and reasonable and is thus approved in its entirety.
2. The Receiver and Lozano are authorized and directed to comply with the terms of the Settlement Agreement.
3. Lozano is directed to pay the Receiver a total of \$130,000 as follows:
 - a. A payment of \$20,000.00 to the Receiver within fifteen (15) days of this Order;
 - b. A monthly payment of \$3,000.00 to the Receiver for thirty-six (36) months to begin on the first of the month following this Order; and
 - c. A payment of \$2,000 on or before the first day of the thirty-seventh (37th) month following this Order.
4. **Failure to comply with the terms of the Settlement Agreement may subject Lozano to an immediate entry of judgment against Lozano in the amount of \$317,358.42.**

5. The Court shall retain jurisdiction to enforce the specific terms of the Settlement Agreement.

DONE and ORDERED in Tampa, Florida, this 8th day of July 2021.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person