

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 Second Motion to Approve Settlement of Investor Clawback Claims (the "Motion"). (Dkt. 348) Therein, the Receiver advises that he has identified 251


investors who have received false profits from their investments with Defendants Brian Davison and Barry Rybicki, whom he denotes as “Net Winners”. (Id.) The Receiver represents that he has agreed to settle his claims against thirteen (13) Net Winners for the total amount of \$296,415.80. (Id.; see Dkt. 348-1) The Receiver advises that he has settled for 90% of false profits for Net Winners who settled prior to commencement of the Receiver’s suit and for 100% of false profits for Net Winners who settled after the Receiver commenced his suit. (Dkt. 348) The Receiver provides the Court a list of the Net Winners and their agreed settlement amounts. (Dkt. 348-1) The Receiver seeks the Court’s approval of the settlements and has provided an exemplar Settlement Agreement, (Dkt. 348-2), advising that all 13 settlement agreements follow the exemplar.

The Court having reviewed the Motion, the exemplar Settlement Agreement, (Dkt. 348-2), 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. 348), is **GRANTED**. The Court finds that the exemplar Settlement Agreement, (Dkt. 348-2), is fair, adequate, and reasonable and is thus approved in its entirety.
2. The Receiver and the Net Winners, (Dkt. 348-1), are authorized and directed to comply with the terms of their Settlement Agreement.

3. The Net Winners are directed to pay the Receiver in the amount listed by the Receiver in the Motion. The list of the Net Winners and their agreed settlement amounts, (Dkt. 348-1), is attached as an Exhibit hereto.
4. **Failure to comply with the terms of the Settlement Agreement may subject the noncompliant Net Winner to an immediate entry of judgment against them for the amount listed in the corresponding Settlement Agreement.**
5. The Court shall retain jurisdiction to enforce the specific terms of the Settlement Agreements.

DONE and **ORDERED** in Tampa, Florida, this 2nd day of September 2021.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person

Investor Clawback Settlements

Name	Settlement Amount	False Profits
Adamek, Erik	\$7,125.00	\$7,125.00
Gonsoulin, Laurie	\$152,820.00	\$169,800.00
Love, Daniel	\$13,266.13	\$13,266.13
McCambridge, Angela	\$8,550.00	\$9,500.00
Simmons and McCambridge Trust	\$8,550.00	\$9,500.00
Simmons, Thomas	\$5,699.94	\$6,333.27
Tovar, Mark	\$10,125.00	\$11,250.00
Tovar, Marilyn	\$3,780.00	\$4,200.00
Van Doornum, Hans	\$11,874.81	\$11,874.81
Ralph J. Elwood Jr. Living Trust	\$13,200.00	\$13,200.00
Karen Keeney	\$5,924.80	\$6,583.11
Dave & Eugena O'Brien	\$55,500.12	\$55,500.12
	\$296,415.80	\$318,132.44