

**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 Fifth Quarterly Fee Application for Order Awarding Fees, Costs, and Reimbursement of Costs to Receiver and his Professionals. (Dkt. 320) The Receiver seeks fees and costs

for his work and the work of the professionals he retained to assist him in the resolution of this matter for the period from January 1, 2021 through March 31, 2021. (Id.) On August 31, 2021, United States Magistrate Judge Anthony E. Porcelli issued a Report and Recommendation, recommending the Receiver's Motion be granted. (Dkt. 362) No party has filed an objection to the Report and Recommendation, and the deadline to do so has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the Magistrate Judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A district judge "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This requires that the district judge "give fresh consideration to those issues to which specific objection has been made by a party." Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with

an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 362), is **CONFIRMED** and **ADOPTED** as part of this Order.
2. The Receiver's Fifth Quarterly Fee Application for Order Awarding Fees, Costs, and Reimbursement of Costs to Receiver and his Professionals, (Dkt. 320), is **GRANTED**.
3. Fees and costs shall be awarded in the following amounts:
 - a. The Receiver, in the amount of \$37,836.00;
 - b. Guerra King P.A., in the amount of \$114,963.52;
 - c. Freeborn & Peters LLP, in the amount of \$3,277.50;
 - d. Johnson, Cassidy, Newlon & DeCort, in the amount of \$19,564.11;
 - e. Baskin Richards PLC, in the amount of \$22.50;
 - f. Yip Associates, in the amount of \$170,256.50;
 - g. PDR CPAs, in the amount of \$11,639.42; and
 - h. E-Hounds, Inc., in the amount of \$7,825.00.

DONE and **ORDERED** in Tampa, Florida, this 15th day of September 2021.

Copies furnished to:
Counsel of Record
Any Unrepresented Person



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE