

**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 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.

**INVESTOR PLAINTIFFS' MOTION FOR LEAVE
TO FILE REPLY BRIEF**

Pursuant to Local Rule 3.01(d), the Investor Plaintiffs seek leave to file a reply brief, not to exceed five (5) pages, in support of their Motion to Allow Investor Plaintiffs to Assert Claims Against Defendant Brian Davison or Alternatively for a Limited Amendment of the Receivership Order (the “Motion”). [Doc. 459]. The Investor Plaintiffs respectfully submit that a reply is warranted and will assist the Court in resolving the Motion.

On December 30, 2021, Defendant Brian Davison (“Davison”) filed his memorandum in opposition to Plaintiffs’ Motion (the “Opposition” or “Opp.”). [Doc. 463]. In his Opposition, Davison argues that the Investor Plaintiffs cannot assert their own distinct claims against him unless the EquiAlt Entities are also joined as additional parties under Fed. R. Civ. P. 19. Davison premises this argument on several unavailing contentions, including that: (a) the absence of the EquiAlt Entities could result in “incomplete or inconsistent verdicts or settlements;” (b) allowing the Investor Plaintiffs to litigate their claims against Davison would impose undue financial burdens on the Receivership; and (c) the Investor Plaintiffs should continue to sit on the sidelines until the Receivership is wound up, a process that may take many months or even years to finally complete. Opp. at 2.

The Investor Plaintiffs wish to file a reply addressing Davison’s foregoing contentions and arguments. The Davison Opposition is premised on factual assertions which Investor Plaintiffs have had no opportunity to rebut and cites an unpublished opinion that Investor Plaintiffs have had no opportunity to discuss. Investor Plaintiffs respectfully submit that a brief reply addressing the arguments made by Davison in his

Opposition will provide the Court with relevant information that will be of assistance to the Court in resolving the Investor Plaintiffs' Motion.

LOCAL RULE 3.01(G) CERTIFICATION

Undersigned counsel for the Investor Plaintiffs has conferred with counsel for Davison, who advises that Davison objects to Investor Plaintiffs' request to file a reply in support of the Motion.

RESPECTFULLY SUBMITTED this 4th day of January, 2022.

By: *s/ Adam M. Moskowitz*

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing was filed on January 4, 2022, with the Court via CM/ECF system, which will send notification of such filing to all attorneys of record.

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