

**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 Seventh Motion to Approve Settlement of Investor Clawback Claims. (Dkt. 471) 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 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. (Id.) The Receiver represents that he has agreed to settle his claims against two additional Net Winners, Robert D. Merrill and Cindy M. Merrill, for the total amount of \$48,861.46. (Id.) The Receiver seeks the Court’s approval of the settlement, advising that the settlement agreement follows the exemplar Settlement Agreement, (Dkt. 333), previously provided to the Court. (Dkt. 471)

The Court having reviewed the Motion, the exemplar Settlement Agreement, (Dkt. 333), the record in this action, noting that Plaintiff Securities and Exchange Commission and Defendant 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. 471), is **GRANTED**. The Court finds that the exemplar Settlement Agreement, (Dkt. 333), is fair, adequate, and reasonable and is thus approved in its entirety.
2. The Receiver, Robert D. Merrill and Cindy M. Merrill are authorized and directed to comply with the terms of their Settlement Agreement.
3. Robert D. Merrill and Cindy M. Merrill are directed to pay the Receiver in the amount of \$48,861.46.

4. **Failure to comply with the terms of the Settlement Agreement may subject Robert D. Merrill and Cindy M. Merrill to an immediate entry of judgment against them for the amount listed in the Settlement Agreement.**
5. The Court shall retain jurisdiction to enforce the specific terms of the Settlement Agreement.

DONE and ORDERED in Tampa, Florida, this 25th day of January 2022.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person