

**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 Eighth Quarterly Fee Application for Order Awarding Fees, Costs, and Reimbursement of Costs to Receiver and His Professionals. (Dkt. 510) 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 October 1, 2021 through December 31, 2021. (Id.) On May 16, 2022, United States Magistrate Judge Anthony E. Porcelli issued a Report and Recommendation, recommending that the Receiver's Motion be granted. (Dkt. 571) No party has filed an objection to the Report and Recommendation, and the deadline to do so has expired.


In the Eleventh Circuit, a district judge may accept, reject, or modify the magistrate judge's report and recommendation after conducting a careful and complete review of the findings and recommendations. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982). 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. 571), is **CONFIRMED** and **ADOPTED** as part of this Order.
2. The Receiver's Eighth Quarterly Fee Application for Order Awarding Fees, Costs, and Reimbursement of Costs to Receiver and His Professionals, (Dkt. 510), is **GRANTED**.
3. Fees and costs shall be awarded in the following amounts:
 - a. The Receiver, in the amount of \$74,545.50;
 - b. Guerra King P.A., in the amount of \$83,999.46;
 - c. Freeborn & Peters LLP, in the amount of \$379.50;
 - d. Johnson, Cassidy, Newlon & DeCort, in the amount of \$65,293.67;
 - e. Yip Associates, in the amount of \$29,461;
 - f. PDR CPAs, in the amount of \$13,126.52;
 - g. E-Hounds, Inc., in the amount of \$9,811.50; and

h. Omni Agent Solutions, in the amount of \$117,718.32.¹

DONE and ORDERED in Tampa, Florida, this 3rd day of June 2022.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person

¹ On June 2, 2022, the Court entered an Order Adopting Judge Porcelli's Report and Recommendation and Granting Receiver's Eighth Quarterly Fee Application for Order Awarding Fees, Costs, and Reimbursement of Costs to Receiver and His Professionals, awarding Omni Agent Solutions fees and costs, in the amount of \$17,718.32." (Dkt. 578) The amount awarded to Omni Agent Solutions "\$17,718.32" was a scrivener's error, as the amount recommended by Judge Porcelli was \$117,718.32. This amendment cures that defect.