

**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 M. 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.

**RECEIVER BURTON W. WIAND'S MOTION  
FOR LEAVE TO FILE A REPLY TO DEFENDANT  
BRIAN DAVISON'S OPPOSITION TO RECEIVER'S  
MOTION FOR ORDER TO SHOW CAUSE**

Receiver Burton W. Wiand ("Receiver"), by and through his undersigned counsel, and pursuant to Local Rule 3.01(d), hereby respectfully requests that this Court grant him leave to file a reply brief of no longer than seven pages to the Opposition filed by Defendant Brian Davison to the Receiver's Motion for Order to

Show Cause (Doc. 600)(or any amendment thereto), and as grounds therefore, the Receiver states:

1. On June 27, 2022, the Receiver filed a Motion for Order to Show Cause against Defendant Brian Davison. (Doc. 587).

2. On July 18, 2022, Davison filed an Opposition to the Receiver's Show Cause Motion (the "Opposition"]. (Doc. 600).

3. In his Opposition, Davison responds to the underlying motion related to Davison's settlement with the SEC. However, he additionally raises questions and concerns and makes unfounded statements regarding the Receiver and his conduct in this case. These spurious allegations also raise legal issues that could not have been anticipated when the Receiver filed his original motion. Such statements and issues are unrelated to the motion and should either be stricken or need to be addressed.

4. The Receiver accordingly seeks leave to file a reply of no more than seven pages, as allowed by Local Rule 3.01(d), to address these issues.

5. Local Rule 3.01(d) requires a party obtain leave before filing a reply to opposition briefs. "The purpose of a reply brief is to rebut any new law or facts contained in the opposition's response to a request for relief before the Court." *DiRocco v. Victory Mktg. Agency, LLC*, No. 2:15-CV-552-FTM-99CM, 2015 WL 13802200, at \*1 (M.D. Fla. Nov. 4, 2015).

6. The Receiver has demonstrated a need for a reply of no more than seven pages to address the questions, concerns and misstatements related to the

Receiver and the legal issues raised in the Opposition.

WHEREFORE, the Receiver respectfully requests that this Court grant this motion for leave to file a reply brief of no more than seven pages in length.

Respectfully submitted,

/s/ Katherine C. Donlon  
Katherine C. Donlon  
Florida Bar No. 0066941  
[kdonlon@jclaw.com](mailto:kdonlon@jclaw.com)  
**JOHNSON, CASSIDY,  
NEWLON & DECORT, P.A.**  
2802 N. Howard Avenue  
Tampa, Florida 33607  
Telephone: (813) 699-4859  
Facsimile: (813) 235-0462

and

R. Max McKinley, FBN 119556  
[mmckinley@guerraking.com](mailto:mmckinley@guerraking.com)  
**GUERRA KING P.A.**  
1408 N. Westshore Blvd., Suite 1010  
Tampa, FL 33607  
Tel: (813) 347-5100  
Fax: (813) 347-5198

*Attorneys for Receiver Burton W. Wiand*

**LOCAL RULE 3.01(g) CERTIFICATION**

Pursuant to Local Rule 3.01(g), the undersigned hereby certifies that counsel for the Receiver conferred with the counsel for the parties. Counsel for the SEC does not object to the relief sought. Counsel for Davison does not agree to the relief sought.

/s/ Katherine C. Donlon  
Attorney

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 21, 2022, a true and correct copy of the foregoing was electronically filed by using the CM/ECF System, which will serve a copy on all counsel of record.

/s/ Katherine C. Donlon  
Attorney