

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

Case No. 8:20-cv-325-MSS-MRM

BRIAN DAVISON, et al.,

Defendants, and

128 E. DAVIS BLVD. LLC, et al.,

Relief Defendants.

**DAVISON’S NOTICE OF FILING MATERIAL IN OPPOSITION TO
RECEIVER’S VERIFIED MOTION FOR AN ORDER TO SHOW CAUSE
WHY BRIAN DAVISON SHOULD NOT BE HELD IN CONTEMPT FOR
FAILURE TO COMPLY WITH THE COURT’S ORDERS**

Brian Davison files the Receiver’s Answers to Requests for Admissions and Interrogatories in opposition to the Receiver’s Verified Motion for an Order to Show Cause why Brian Davison should not be Held in Contempt for Failure to Comply with the Court’s Orders (Doc. 587) (the “Motion”), filed June 27, 2022. Davison’s Amended Memorandum in Opposition to the Motion was filed July 21, 2022. (Doc. 603). These materials are filed in support of Davison’s Amended Memorandum in Opposition to the Motion.

The Receiver's Responses and Objections to Defendant Brian Davison's First Request for Admissions are attached as Ex. 1 (See answers to questions 3 & 4). The Notice of Service of Receiver's Responses and Objections to Defendant Brian Davison's First Interrogatories with the answers are attached as Ex. 2. (See answer to interrogatory 7).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed via the Court's CM/ECF system on this 17th day of August 2022.

/s/ Stanley T. Padgett
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**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'S RESPONSES AND OBJECTIONS TO DEFENDANT
BRIAN DAVISON'S FIRST REQUEST FOR ADMISSIONS**

Receiver, BURTON WIAND, by and through the undersigned counsel,
pursuant to Rule 36, Federal Rules of Civil Procedure, hereby responds and
objects to Defendant Brian Davison's First Request for Admissions and states
as follows:

GENERAL OBJECTIONS

The following General Objections apply to and are incorporated in each individual response herein, whether or not expressly incorporated by reference in such response:

1. Receiver objects to the document requests to the extent that they exceed the scope of permissible discovery under applicable rules.

2. Receiver objects to the document requests to the extent they are intended, or can be construed, to expand Receiver's discovery obligations beyond his obligations under the Federal Rules of Civil Procedure and the Local Rules of this Court.

3. Receiver objects to the document requests to the extent they call for any information or documentation that is not relevant to the limited subject matter of this action, or that is otherwise beyond the scope of discovery as defined by the Federal Rules of Civil Procedure and the Local Rules of this Court.

4. Receiver objects to each discovery request, and will withhold information in accordance with such objections, to the extent that it seeks information from documents or other communications that were prepared in anticipation of litigation, constitute attorney work product, disclose the mental impressions, conclusions, opinions or legal theories of any attorneys for Receiver, contain attorney-client communications, or are otherwise protected

from disclosure under applicable privileges, immunity, statute, regulation or rule. Inadvertent production of any such document shall neither constitute a waiver of any applicable privilege with respect to such document or any other document nor a waiver of any right Receiver may have to object to the use of any such documents or the information contained therein at any subsequent proceeding. As used herein, the term “non-privileged” refers to information and documents not subject to the work-product doctrine as well as those not subject to the attorney-client privilege.

5. Receiver objects to the document requests to the extent they are intended, or can be construed, to call upon Receiver to relinquish custody or control of his documents, or to reproduce any documents at their own expense.

6. Receiver objects to those document requests which seek “all documents.” Receiver asserts that such requests are overly broad, unduly burdensome, harassing, and to the extent that they are not limited in time or scope, are irrelevant to the issues of law and fact in this proceeding, not material and necessary, and not reasonably calculated to lead to the discovery of relevant or admissible evidence.

REQUESTS FOR ADMISSION

1. The gross proceeds from the sale of assets turned over to the Receiver by Davison exceed the sum of \$27,013,060.

Response: Admitted.

2. In addition to the current gross proceeds from the sale of assets turned over to the Receiver by Davison, the Receiver has possession, custody or control of additional assets turned over by Davison such that the Receiver reasonably expects that after sale of those remaining assets, the total gross proceeds from sale of the assets turned over by Davison will exceed the sum of \$27,013,060.

Response: Admitted.

3. The net proceeds from the sale of assets turned over to the Receiver by Davison exceed the sum of \$27,013,060.

Response: Admitted.

4. In addition to the current net proceeds from the sale of assets turned over to the Receiver by Davison, the Receiver has possession, custody or control of additional assets turned over by Davison such that the Receiver reasonably expects that after sale of those remaining assets, the total net proceeds from sale of the assets turned over by Davison will exceed the sum of \$27,013,060.

Response: Admitted.

Respectfully submitted,

s/Katherine C. Donlon

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Attorneys for Receiver Burton W. Wiand

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 15, 2022, I served the foregoing
via E-mail upon counsel for the SEC and Defendant Brian Davison.

s/ Katherine C. Donlon

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
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SECURITIES AND EXCHANGE
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BRIAN DAVISON;
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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.

NOTICE OF SERVICE OF RECEIVER'S RESPONSES AND OBJECTIONS TO
DEFENDANT BRIAN DAVISON'S INTERROGATORIES

Receiver Burton W. Wiand hereby serves the attached Responses and
Objections to Defendant Brian Davison's Interrogatories.

/s/ Katherine C. Donlon

Katherine C. Donlon, FBN 0066941

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Attorneys for Burton W. Wiand, Receiver

CERTIFICATE OF SERVICE

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via E-mail upon counsel for the SEC and Defendant Brian Davison.

s/ Katherine C. Donlon

RESPONSES TO INTERROGATORIES

Interrogatory No. 1. State the total gross proceeds of the sale of all assets turned over by Davison.

Answer: The Receiver refers Defendant to the documents being produced and the Quarterly Status Reports filed in this case.

Interrogatory No. 2. State the total gross proceeds of the sale of each asset turned over by Davison.

Answer: The Receiver refers Defendant to the documents being produced and the Quarterly Status Reports filed in this case.

Interrogatory No. 3. State the total net proceeds of the sale of all assets turned over by Davison.

Answer: The Receiver refers Defendant to the documents being produced and the Quarterly Status Reports filed in this case.

Interrogatory No. 4. State the total net proceeds of each asset turned over by Davison.

Answer: The Receiver refers Defendant to the documents being produced and the Quarterly Status Reports filed in this case.

Interrogatory No. 5. State the total costs of sale of all assets turned over by Davison.

Answer: The Receiver refers Defendant to the documents produced but otherwise objects to this interrogatory as overly broad, burdensome and not relevant to any issue before this Court. Further, the burden for the Receiver to tally the time and fees expended by him and his team on these sales outweighs any probative value thereof.

Interrogatory No. 6. State the total costs of sale of each asset turned over by Davison.

Answer: The Receiver refers Defendant to the documents produced but otherwise objects to this interrogatory as overly broad, burdensome and not relevant to any issue before this Court. Further, the burden for the Receiver to tally the time and fees expended by him and his team on these sales outweighs any probative value thereof.

Interrogatory No. 7. Describe in detail any assets turned over by Davison that are still in the Receiver's possession, custody or control.

Answer: Coins, 1977 Ferrari 308 GTB, domains, Dewitt Academia watch, 2101 W. Cypress Avenue, Ritz-Carlton Destination Club, Club Wyndham Bonnet Creek, 5 Grindstaff Cove, Commerce Brewing interest,

Bolero Snort brewery interest, brewery equipment securing a loan to Nantahala Brewing Company, and watch safes.

Interrogatory No. 8. State the Receiver's opinion based on information currently available to him of the total gross proceeds to be obtained from the sale of all remaining assets turned over by Davison.

Answer: The Receiver is uncertain at this time of the gross proceeds to be obtained from the assets referenced in response to Interrogatory #7.

Interrogatory No. 9. State the Receiver's opinion based on information currently available to him of the gross proceeds to be obtained from the sale of each of the remaining assets turned over by Davison.


Answer: The Receiver is uncertain at this time of the gross proceeds to be obtained from the assets referenced in response to Interrogatory #7.

Interrogatory No. 10. State the Receiver's opinion based on information currently available to him of the total net proceeds to be obtained from the sale of all remaining assets turned over by Davison.

Answer: The Receiver is uncertain at this time of the net proceeds to be obtained from the assets referenced in response to Interrogatory #7.

Interrogatory No. 11. State the Receiver's opinion based on information currently available to him of the net proceeds to be obtained from the sale of each of the remaining assets turned over by Davison.

Answer: The Receiver is uncertain at this time of the net proceeds to be obtained from the assets referenced in response to Interrogatory #7.



Burton W. Wiand, Receiver