

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

SECURITIES AND EXCHANGE
COMMISSION,

Case No. 8:20-cv-00325-MSS-MRM

Plaintiff,

v.

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.

**INVESTOR PLAINTIFFS' MOTION FOR SPECIAL ADMISSION
TO PARTICIPATE IN SETTLEMENT APPROVAL PROCESS**

The Investor Plaintiffs¹ respectfully seek special admission of their non-resident counsel (the "Non-Resident Attorneys") to appear in the above-captioned action (the

¹ Richard and Phyllis Gleinn, Cary Toone, John and Maria Celli, Eva Meier, Georgia Murphy, Steven J. Rubinstein and Tracey F. Rubinstein (as trustees for The Rubinstein Family Living Trust Dated 6/25/2010), and Bertram D. Greenberg (as trustee for The Greenberg Family Trust), Bruce R. and Geraldine Mary Hannen, Robert Cobleigh, Rory and Marcia O'Neal, and Sean O'Neal (as trustee for The O'Neal Family Trust Dated 4/6/2004 (hereinafter collectively, the "Investor Plaintiffs").

“SEC Action”) pursuant to Local Rule 2.01(c), for the purpose of participating in the approval process seeking Court approval of numerous interrelated settlements. If those settlements are approved by the Court, all of the following actions arising out of the offer and sale of unregistered securities issued by Defendant EquiAlt LLC (“EquiAlt”) will be resolved:

- *Burton W. Wiand, as Receiver on behalf of EquiAlt Fund, LLC, et al. v. Paul R. Wassgren, et al.*, Case No. 20STCV49670, pending in the Superior Court of California, County of Los Angeles (the “Receiver’s Lawyer Action”);
- *Burton W. Wiand v. Family Tree Estate Planning, LLC, et al.*, Case No. 8:21-cv-00361-SDM-AAS, pending in the United States District Court for the Middle District of Florida (the “Receiver’s Sales Agent Action”); and
- *Richard Gleinn and Phyllis Gleinn, et al. v. Paul Wassgren, et al.*, Case No. 8:20-cv-01677-MSS-CPT, also pending in this Court (the “Investor Action”).

As the Court is aware based on several joint motions to stay the Investor Action, the Receiver and the Investor Plaintiffs have reached a settlement with Paul Wassgren, DLA Piper LLP (US) and Fox Rothschild, LLP (the “Lawyer Defendants”) requiring approval by the Court in this Action. The Receiver and the Investor Plaintiffs have also reached settlement agreements with numerous sales agents who participated in the sale of EquiAlt securities. The Investor Plaintiffs have also reached a settlement agreement with Brian Davison.

The proposed settlement with the Lawyer Defendants is the fruit of a common interest agreement between counsel for the Receiver and the Investor Plaintiffs effective February 23, 2021 (the “Joint Prosecution Agreement”), under which they have cooperatively pursued monetary relief on behalf of all EquiAlt investors who purchased the unregistered EquiAlt

securities. The Receiver and the Investor Plaintiffs will soon file a joint motion for preliminary and final approval of proposed settlements, in accordance with the Court's Scheduling Order entered November 30, 2022. Counsel for Investor Plaintiffs also contemplate the filing of a motion seeking the Court's approval of fee and expense awards, while the Receiver will be filing a motion seeking Court approval for reimbursement of expenses.

By this motion, the Non-Resident Attorneys for the Investor Plaintiffs respectfully seek special admission to appear under Local Rule 2.01(c) so they may participate in the approval process for the inter-related settlements described above. Each of the requirements set forth in Rule 20.1(c)(1)-(5) is addressed in the respective *pro hac* applications, to be filed *seriatim* following this motion with the respective appearance fees.

LOCAL RULE 3.01(g) CERTIFICATION OF COMPLIANCE

Counsel for the Investor Plaintiffs have conferred with counsel for the Receiver, the SEC, Brian Davison, and Barry Rybicki, and are authorized to represent to the Court that there are no objections from any of them to the relief requested in this motion.

CONCLUSION

For the foregoing reasons, the Investor Plaintiffs respectfully request the Court grant special admission to their Non-Resident Attorneys for the limited purpose of participating in the settlement approval process.

Dated: December 28th, 2022

Respectfully submitted,

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Counsel for Investor Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing was filed on December 28th, 2022, with the Court via CM/ECF system, which will send notification of such filing to all attorneys of record.

By: /s/ Howard M. Bushman
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