

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
Case No. 8:20-cv-00325-T-35AEP**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

**BRIAN DAVISON, BARRY M. RYBICKI,
EQUIALT LLC, EQUIALT FUND, LLC,
EQUIALT FUND II, EQUIALT FUND III,
EA SIP, LLC,**

Defendants,

**128 E. DAVIS BLVD, LLC, 310 78TH
AVE, LLC, 551 3D AVE S, LLC, 604
WEST AZEELE, LLC, BLUE WATERS
TI, LLC, 2101 W. CYPRESS, LLC, 2112
W. KENNEDY BLVD, LLC, BNAZ, LLC,
BR SUPPORT SERVICES, LLC, CAPRI
HAVEN, LLC, EANY, LLC, BUNGALOWS
TI, LLC, EQUIALT 519 3RD AVE S., LLC,
MCDONALD REVOCABLE LIVING TRUST,
5123 E. BROADWAY AVE, LLC, SILVER SANDS
TI, LLC, TB OLDEST HOUSE EST. 1842, LLC,**

Relief Defendants.

Objection to Application to Modify Asset Freeze

We write with respect to Docket Entry 746 in the above referenced matter, an application to modify the Asset Freeze (the “Application”). We write to oppose the Application.

This Application, which was filed late in the evening of the Friday before Christmas weekend, was made without notice to my firm, Moses & Singer LLP. We had represented defendant Brian Davison and, in the course of that representation, had negotiated a settlement

agreement that provided that Mr. Davison would be allowed to retain certain assets (the “Released Funds”) and other assets would be forfeited to the Receivership estate. *See* Docket Entries 353 and 354. Due to the sizable outstanding receivable owed to my firm, it was agreed in the assignment that was executed as part of settlement agreement, that that the Released Funds would be distributed to Moses & Singer LLP, rather than directly to Mr. Davison. At the time that the settlement agreement was reached, Mr. Davison had acknowledged in writing that he owed a substantial amount to Moses & Singer LLP for unpaid fees and expenses.

Moses & Singer LLP is serving and filing a Notice of Charging Lien on Mr. Davison and other interested parties in connection with the amounts it is owed in connection with its representation of defendants in this action.

Notwithstanding the agreed upon structure for distribution of Released Funds, the Application provides that the funds not be paid to Moses & Singer LLP and that a portion of the Released Funds be instead released to Mr. Davison’s current counsel. As this contradicts the prior arrangement that was agreed to by all the parties, including the Receiver and the SEC, it would be inappropriate for the Court to grant the proposed Application.

Dated: New York, New York
December 28, 2022

Respectfully submitted,
Howard Fischer

MOSES & SINGER LLP
405 Lexington Avenue
New York, NY 10174
Telephone: 212-554-7800
Facsimile: 212-554-7700
Email: HFischer@mosessinger.com

By: /s/ Howard A. Fischer

HOWARD A. FISCHER
New York Bar No. 2644052
Attorneys for Defendant Brian Davison