

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, 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 AZEELE, 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, TB OLDEST HOUSE EST.
1842, LLC and STATE OF
FLORIDA DBPR, DIVISION OF
HOTELS AND RESTAURANTS,

Defendants.

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ORDER

Attorney of record C. David Durkee filed an Unopposed Motion to Withdraw on January 26, 2023. (Doc. 790). The Court construes this filing to be a motion for

attorney C. David Durkee to withdraw as counsel of record for Non-Party Robert Joseph Armijo.

Counsel's request to withdraw from representation is governed by M.D. Fla. R. 2.02(c), which provides that "[i]f a lawyer appears, the lawyer cannot without leave of court abandon, or withdraw from, the action." Moreover, a withdrawing lawyer "must notify each affected client fourteen days before moving to withdraw unless the client consents to withdrawal, and . . . file a motion to withdraw that includes" a certification that the lawyer provided fourteen days' notice to the client and, if the party will proceed *pro se*, providing the party's mailing address, email address, and telephone number. M.D. Fla. R. 2.02(c)(1)(A)-(B).

Here, the Unopposed Motion to Withdraw demonstrates that C. David Durkee has complied with M.D. Fla. R. 2.02(c). (Doc. 790 at 1 ¶ 4). Therefore, the Court will permit attorney C. David Durkee to withdraw as counsel of record for Robert Joseph Armijo from this action.

Accordingly, the Court **ORDERS** that:

1. The Unopposed Motion to Withdraw (Doc. 790), construed as a motion to withdraw as counsel of record, is **GRANTED**.
2. C. David Durkee has no further responsibility in this action.
3. The Clerk of Court is directed to terminate C. David Durkee as counsel of record for Non-Party Robert Joseph Armijo and to remove him from the electronic service list in CM/ECF for this case.

4. Non-Party Robert Joseph Armijo continues to be represented by
Adriaen M. Morse Jr.

DONE AND ORDERED in Tampa, Florida on January 27, 2023.



Mac R. McCoy
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties