

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

CASE NO. 8:20-cv-325-T-35AEP

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

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

Defendants,

and 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,  
and TB OLDEST HOUSE EST. 1842, LLC,

Relief Defendants.

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**AGREED MOTION FOR CONTINUANCE OF EVIDENTIARY HEARING**

The undersigned counsel hereby files the Agreed Motion for Continuance of Evidentiary Hearing and states:

By Order dated January 23, 2023, the Honorable Magistrate Judge Mac R. McCoy set an evidentiary hearing for February 23, 2023, with respect to the Notice of Charging Lien of Moses & Singer LLP (Docket Entry 755). Due to scheduling conflicts, the undersigned, who will need to travel from out of town for this matter, respectfully requests that this hearing be adjourned to March 10, 2023. We have reached out to current counsel for Mr. Davison who has consented to an adjournment of the evidentiary hearing and has affirmed he is available on that date.

This Motion is brought in good faith and is not intended to unduly delay proceedings in the above-styled action. This Motion is accompanied by a proposed Order attached hereto as Exhibit "A."

WHEREFORE, the undersigned, with the consent of all applicable parties, respectfully request that this Court adjourn the February 23, 2023 evidentiary hearing until March 10, 2023.

LOCAL RULE 3.01(g) CERTIFICATE

Pursuant to Local Rule 3.01(g), counsel has conferred with current counsel for Mr. Davison, who joins in the requested relief.

Dated: New York, New York  
February 2, 2023

Respectfully submitted,  
Howard Fischer

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New York, NY 10174  
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By: Howard Fischer  
HOWARD A. FISCHER  
New York Bar No. 2644052

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been filed via the Court's CM/ECF system, which will send an electronic copy of the foregoing and a notice of filing same to all counsel of record, on this 2d day of February, 2023.



Howard Fischer

**EXHIBIT “A”**

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**ORDER ON AGREED MOTION TO CONTINUE EVIDENTIARY HEARING**

THIS MATTER came before the Court upon consideration of the agreed application by Moses & Singer LLC for Continuance of Evidentiary Hearing (the “Motion”), and the Court being advised of the agreement of the parties, it is hereby:

ORDERED and ADJUDGED that the Motion is GRANTED. The Evidentiary Cause Hearing shall be reset to March 10, 2023, and all other deadlines in this Court’s January 23, 2023 Order shall be adjusted accordingly.

DONE AND ORDERED in Tampa, Florida this \_\_\_\_\_ day of February, 2023.

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HON. Mac R. McCoy  
UNITED STATES MAGISTRATE JUDGE

Copies to:  
Counsel of Record  
Any Unrepresented Parties