

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No: 8:20-cv-00325-MSS-AEP

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

NOTICE OF COMPLIANCE WITH SUMMARY NOTICE REQUIREMENT

NOTICE OF COMPLIANCE WITH SUMMARY NOTICE REQUIREMENT

This Notice is served by Guy M. Burns, with the firm Johnson Pope Bokor Ruppel & Burns, LLP, as Special Litigation Counsel hired by the Receiver and as approved by this Court on July 1, 2020.

This Court, under its Order (I) Preliminarily Approving Settlement Among Receiver, Investor Plaintiffs, and Paul Wassgren, DLA Piper LLP (US) and Fox Rothschild, LLP; (II) Approving Form and Content of Notice, and Manner and Method of Service and Publication; (III) Setting Deadline to Object to Approval of Settlement and Entry of Bar Order; and (IV) Scheduling A Hearing, dated January 24, 2023 (Doc. 787) required the settling parties to publish a summary notice of this settlement in the following publications: USA Today, San Francisco Chronicle, Arizona Republic, Los Angeles Times, and the Tampa Bay Times. Compliance with the Court’s Order has been achieved.

<u>Newspaper</u>	<u>Run date</u>
Los Angeles Times	1/27/2023
USA Today	1/27/2023
San Francisco Chronicle	1/27/2023
Arizona Republic	1/27/2023
Tampa Bay Times	2/1/2023

Declarations from each of the respective newspapers are attached hereto as Composite Exhibit A.

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2023, I electronically filed the foregoing with the Clerk of Court by using the Court's CM/ECF system, thereby serving this document on all attorneys of record in this case.

Dated: February 8, 2023

Respectfully submitted,

/s/ Guy M. Burns

Guy M Burns, FBN: 0160901

Email: guyb@jpfirm.com

JOHNSON POPE BOKOR RUPPEL &
BURNS, LLP

401 E. Jackson St., Suite 3100

Tampa, FL 33602

Tel: (813) 225-2500

*Special Litigation Counsel to Receiver,
Burton W. Wiand*

EXHIBIT A

Los Angeles Times

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF CALIFORNIA
County of Los Angeles**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the action for which the attached notice was published.

I am a principal clerk of the

Los Angeles Times

which was adjudged a newspaper of general circulation on **May 20, 1952**, Case Numbers# **598599** for the city of **Los Angeles**, County of **Los Angeles** and the State of **California**. Attached to this Affidavit is a true and complete copy as was printed and published on the following date(s):

January 27, 2023

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at El Segundo, on this date
January 30, 2023

Melinda Marquez

Melinda Marquez
Legal Advertising
Los Angeles Times

Order ID # 7909885 - Los Angeles Times

Billing Information

Customer Name: Connie Lowe
Address: 401 East Jackson Street
City: Tampa
State: FL
Zip: 33602
Phone Number: 8132252500
Account ID: CA91095598

Order Information

Order Number: 7909885
Order Date: 1/25/2023
Gross price: \$4,148.58

Los Angeles Times – Legal:

Publication: Los Angeles Times
Section: Legal
AdSize: 2 Column
Lines: 87
Run Date(s): Friday, January 27, 2023
Color: No

Los Angeles Times

Preview:

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TAMPA DIVISION

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SETTLEMENTS

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PLEASE TAKE FURTHER NOTICE that the final hearing for the approval of the Settlements will take place via Zoom before the Honorable Mary S. Scriven at the Sam Gibbons United States Courthouse, Courtroom 7A, 801 N. Florida Avenue, Tampa, Florida 33602, at 9:30 a.m. on May 3, 2023.

If you intend to object to any of the Settlements, the Court has established an objection deadline. All objections must be made in writing and filed with the Court no later than April 3, 2023. Please take further notice that any persons failing to object on or before the objection date in the manner required by the Preliminary Approval Order will not be heard by the Court and will be deemed to have waived their right to object and will be forever barred from raising such objection in any further action or actions or proceedings, subject to the discretion of the Court. If no objections are timely filed, the Court may cancel the Final Approval Hearing without further notice.

Additional details regarding the Settlements including the full text of motions, settlement documents and related Court Orders can be found on the Receiver's website at www.EquiAltReceivership.com.



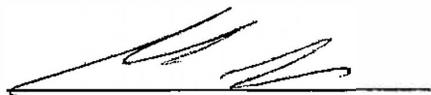
January 27th, 2023

To Whom It May Concern:

I am a duly authorized representative of MCA Russell Johns Associates LLC, the company handling the advertising matters for the USA Today, a daily newspaper distributed within the United States.

The legal notice for Case No. 8:20-cv-00325-MSS-MRM was published within the legal notice section of USA Today on the following date:

1/27/2023


Anthony Pacini

On this 27th day of January, 2023, I attest that the attached document is a true, exact, complete, and unaltered
tearsheet.


Notary

CAMIKA C WINTER
Notary Public, State of Florida
My Comm. Expires Apr. 10, 2026
No. MH 253170

NCAA reports \$59M operating losses

Steve Berkowitz

USA TODAY

The NCAA operated at a nearly \$59 million deficit for its 2022 fiscal year after generating revenue of \$1.14 billion, the association's new audited financial statement shows.

The association saw a major revenue increase from the return to the usual playing setup for the Division I men's and women's basketball tournaments, but those gains were offset primarily by net investment losses and a one-time charge connected to the association's creation of a self-insurance entity to cover potential basketball tournament cancellations, as well as the association's litigation costs.

The association also increased the amount of money it distributed to Division I conferences and schools — a move based, in part, on the operating surplus it had for 2021. In addition, it escalated spending on travel and operations for championship events due to gender-equity initiatives and the resumption of full-scale competitions across all three competitive divisions for the first time since the start of the COVID-19 pandemic.

Even with the loss for the year ending Aug. 31, 2022, the NCAA reported that its net assets stood at nearly \$458 million.

The total revenue figure for 2022 is a decrease of just more than 1% compared to the amount reported for the 2021 fiscal year.

The NCAA had a nearly \$138 million increase in revenue from championship



The NCAA says it generated revenue of \$1.14 billion in fiscal 2022. AARON DOSTER/USA TODAY SPORTS

events, not including a small annual increase in its TV and marketing rights fees.

The increase was driven mainly by the Division I basketball tournaments regaining the opportunity for full-capacity crowds at venues across the country. In 2021, there were limited capacities at sites only in Indiana for the men's event and only in the San Antonio area for the women's event.

Also in fiscal 2022, the association received a loss-of-revenue insurance payout of just over \$17 million connected to the 2021 tournament.

According to NCAA managing director of financial operations David Lafiosca, the association received this money in December 2021. The association last year reported an \$81 million payout in fiscal 2021 from this insurance.

However, the fiscal 2022

revenue figure also takes into account net investment losses of more than \$72 million.

As a nonprofit organization, the NCAA has to annually record unrealized investment losses, said its director of accounting, Keith Zapp. Those losses totaled \$90.5 million while dividends, interest and realized gains totaled just over \$18 million.

Zapp said the investment decline was "consistent" with rates of decline in broader stock and bond markets. In 2021, the association reported net investment gains of \$61 million.

Meanwhile, on the expense side, the NCAA reported a total of just over \$1.195 billion in spending for fiscal 2022. That's a nearly 16% increase compared to the amount in 2021.

The top amount was the \$657 million that went to Divi-

sion I conferences and schools. That's a 7% increase over the distribution for 2021.

The other significant spending increase was an \$84 million charge taken as the NCAA on March 1, 2022, established a new business entity that is essentially an insurance company owned by the association itself.

According to the National Association of Insurance Commissioners website, such entities are "typically established to meet the unique risk-management needs of the owners or members."

In the NCAA's case, the need primarily was insuring the association against a future cancellation of the basketball tournaments due to a pandemic or a war. Because of the COVID-19 pandemic, Lafiosca said, the NCAA could no longer get such coverage in the commercial

event cancellation insurance market. In addition, because of the many antitrust lawsuits it has faced, the NCAA has had difficulties with insurers getting satisfactory outcomes from its legal coverage.

Zapp said the \$84 million figure is a "one-time amount keyed to the establishment" of the insurance entity and is tied to an actuarial assessment of the NCAA's liability as of the end of the 2022 fiscal year. The notes to the audited financial statement say that the assessment was based on "loss experience history and industry loss experience."

But this money remains part of the NCAA's consolidated financial structure, Lafiosca said.

And, within certain state regulatory parameters, the NCAA board of governors, the association's top decision-making group, could tap it for other purposes.

On a year-over-year basis, the other greatest areas of spending increase were in travel and event operations. Together, they accounted for a nearly \$57 million rise, and Zapp said this came from spending connected to championships. The increase in travel spending pushed the NCAA just past the amount it spent in fiscal 2019 — the last year before the pandemic.

There was some increase due to gender-equity steps implemented in the wake of disparities in the 2021 men's and women's basketball tournaments. But more of that will show up in the association's spending for fiscal 2023, Lafiosca said.

IOC clearing path for Russians at 2024 Games



Nancy Armour
Columnist
USA TODAY

The International Olympic Committee is clearing the way for Russian athletes to compete at the Olympic Games despite that country's unlawful invasion of Ukraine and the continuing brutality of its war against its neighbor.

Why stop there? Why not give the Russian team the place of honor usually reserved for the host country during the opening ceremony of the 2024 Games in Paris? Give them quota spots in every sport so they won't feel snubbed or left out?

Better yet, why not allow Russian President Vladimir Putin to light the torch in Paris! Surely that would foster the kind of goodwill and international harmony that would get IOC President Thomas Bach the Nobel Peace Prize he so desperately craves.

"It is becoming increasingly clear that Russia has complete control over the IOC and its leadership," Global Athlete said in a statement Wednesday, after the IOC announced it was pursuing ways to appease Putin and Russia.

"The IOC is allowing the Games to be used for sport-washing — to normalize, legitimize and distract from the war," Global Athlete said. "As a servant of Russia, the IOC continues to be on the wrong side of history with this decision that favors politics over principle and war over peace."

Ouch. But ... not wrong.

Under Bach, the IOC has shown a shameless moral flexibility when it comes to Russia. Putin and Russia have undercut the ideals of the Olympic movement with a state-sponsored doping program, made a mockery of the "sanctions" that followed and violated the Olympic charter with the invasion of Ukraine last February, only to have Bach and the IOC

forgive them at every turn.

What makes the IOC's latest display of spinelessness particularly galling is that it comes two days after Ukraine announced the death of Dmytro Sharpar, a figure skater who competed in pairs at the Youth Olympics in 2016. Sharpar, who was killed in combat near Bakhmut, in the Donbas region, is the first athlete with ties to the Olympic movement to die in the war, according to the Olympedia database.

It also comes one day after Ukraine President Volodymyr Zelenskyy pressed the issue of Russian athletes competing in Paris with French President Emmanuel Macron.

"I stressed that athletes from (Russia) should have no place at Paris 2024," Zelenskyy wrote on Twitter.

The IOC plowed blithely ahead, however, giving Ukraine the equivalent of a middle finger with its self-serving statement about its "unifying mission" and not wanting athletes to be discriminated against because of their passports. Never mind that the IOC has had no problem weighing in on international matters before, including banning South African athletes between 1964 and 1988 because of that country's system of apartheid.

This was a chance for the IOC to be the force for good it styles itself to be, and instead it cozied up even closer to Russia. By allowing its athletes to compete, the IOC is letting Russia know it can violate every accepted norm and there won't be any consequences.

"We recognize that athletes are not the power brokers who are responsible for this war. Our call today is a hard stance with a real human cost," Global Athlete said. "However, the cost on Russian and Belarusian athletes pales in comparison to the atrocities experienced by every single Ukrainian."

This is not some squabble over the backyard fence or even long-simmering animosities. Russia invaded Ukraine under false pretenses, and the 11-

month war has left thousands of Ukrainians dead and many more homeless. Entire cities have been leveled by Russia's increasingly indiscriminate shelling, and parts of the country have been without power throughout the winter.

Bach and the IOC have cited Russians continuing to play tennis and in the NBA and NHL as reason to allow them at the Olympics. But Bach and his buddies can't have it both ways. If it wants the IOC to be this shining example of what's possible when the world is at peace, it cannot operate like any other sports organization.

The IOC also says it will put

safeguards in place to ensure no athletes who have supported Russia's war will be allowed to participate, but good luck with that. International gymnastics officials tried to straddle that line initially only to have a Russian gymnast stand next to a Ukrainian athlete on the podium — wearing a "Z" across his chest — a week later. Some of Russia's top gymnasts have been spotted at pro-war rallies or have shown support for the war.

How, exactly, does the IOC plan to weed those athletes out? And even if it somehow manages, what of Russian fans? Ask the Australian Open

how easy it is to keep them from waving Russian flags or holding demonstrations.

"The Russian Olympic Team is part of the Russian state and Russian athletes are not politically free," Global Athlete wrote. "Every Russian athlete competing in Paris has the potential to incite further lives lost in Ukraine."

Like that of Sharpar, the ex-figure skater who is dead at 25.

The IOC can either stand with Ukraine or stay in bed with Russia.

That it's even a choice tells you everything about what the IOC really values, and peace and unity aren't it.

MARKETPLACE TODAY

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NOTICES

LEGAL NOTICE

UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, TAMPA DIVISION
SECURITIES AND EXCHANGE COMMISSION, Plaintiff, v.
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DECLARATION OF PUBLICATION OF SAN FRANCISCO CHRONICLE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SECURITIES AND EXCHANGE COM-
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Receivership.com](http://www.EquiAlt-
Receivership.com).

Lori Gomez

Declares that:

The annexed advertisement has been regularly published
In the

SAN FRANCISCO CHRONICLE

Which is an was at all times herein mentioned
established as newspaper of general circulation in the
City and County of San Francisco, State of California, as
the term is defined by Section 6000 of the Government
Code

SAN FRANCISCO CHRONICLE

(Name of Newspaper)

901 Mission Street

San Francisco, CA 94103

From

1/27/2023

To

1/27/2023

Namely on

1/27/2023

(Dates of Publication)

I declare under penalty of perjury that the foregoing is
true and correct.

Executed on

1/30/2023

At San Francisco, California

THE ARIZONA REPUBLIC

PO Box 194, Phoenix, Arizona 85001-0194

Phone 1-602-444-7315

Fax 1-877-943-0443

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PNI-Arizona Republic

AFFIDAVIT OF PUBLICATION

JOHNSON POPE
401 EAST JACKSON STREET, SUITE
3100
TAMPA, FL 33602

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
SECURITIES AND EXCHANGE
COMMISSION,
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Pub: Jan 27, 2023

This is not an invoice

Order # 0005571055 # of Affidavits: 1

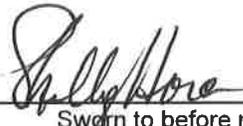
P.O #

Issues Dated:

01/27/23

STATE OF WISCONSIN }
COUNTY OF BROWN } SS.

I, being first duly sworn, upon oath deposes and says: That I am the legal clerk of the Arizona Republic, a newspaper of general circulation in the counties of Maricopa, Coconino, Pima and Pinal, in the State of Arizona, published weekly at Phoenix, Arizona, and that the copy hereto attached is a true copy of the advertisement published in the said paper in the issue(s) dated indicated.


Sworn to before me this

30 TH day of
JANUARY 2023


Notary Public

My Commission expires: 8-21-26

NICOLE JACOBS
Notary Public
State of Wisconsin

0000269290-01

Tampa Bay Times
Published Daily

STATE OF FLORIDA
COUNTY OF Hillsborough

} SS

Before the undersigned authority personally appeared **Jean Mitotes** who on oath says that he/she is **Legal Advertising Representative of the Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: 8:20-cv-00325-MSS-MRM** was published in said newspaper by print in the issues of: **2/ 1/23** or by publication on the newspaper's website, if authorized, on

Affiant further says the said **Tampa Bay Times** is a newspaper published in **Hillsborough** County, Florida and that the said newspaper has heretofore been continuously published in said **Hillsborough** County, Florida each day and has been entered as a second class mail matter at the post office in said **Hillsborough** County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Signature Affiant

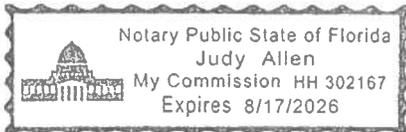
Sworn to and subscribed before me this **02/01/2023**



Signature of Notary Public

Personally known X or produced identification

Type of identification produced _____



**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**
Case No. 8:20-cv-00325-MSS-MRM

SECURITIES AND EXCHANGE COMMISSION,

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Defendants.

SUMMARY NOTICE OF PROCEEDINGS TO APPROVE SETTLEMENTS
PLEASE TAKE NOTICE that the United States District Court for the Middle District of Florida has preliminarily approved Settlements regarding certain aspects of this case. If finally approved by the Court, these Settlements will resolve claims brought by Burton W. Wiand, as a Court Appointed Receiver, as well as the claims brought by certain Investor Plaintiffs, against Paul Wassgren, DLA Piper, LLP (US) and Fox Rothschild, LLP (collectively "the Lawyer Defendants") as well as various sales agents who sold EquiAlt investment products ("the Settling Sales Agents"). The Settlements also include the settlement of Investor Plaintiff claims against former EquiAlt Manager Brian Davison. The proposed Settlements will finally resolve all claims that were or could have been asserted against the Lawyer Defendants and the Settling Sales Agents and against Davison by the Investor Plaintiffs. Through the Settlements, the Receivership will receive \$44 million from the Lawyer Defendants and additional consideration from the Settling Sales Agents and Davison, including their release of any claims against the Lawyer Defendants.

The Settlements require, as a condition, the entry of a Bar Order that will prevent any other actions related to EquiAlt Investments against the Lawyer Defendants, the Settling Sales Agents, or Davison. At the final hearing the Court will also review applications for fees and expenses for the attorneys who handled the claims being settled. The attorneys are seeking fees of \$9.9 million, which represents 22.25% of the amount received through the Settlements from the Lawyer Defendants. Additionally, applications for cost reimbursements to the attorneys will be made in the aggregate range of approximately \$275,000.

PLEASE TAKE FURTHER NOTICE that the final hearing for the approval of the Settlements will take place via Zoom before the Honorable Mary S. Scriven at the Sam Gibbons United States Courthouse, Courtroom 7A, 801 N. Florida Avenue, Tampa, Florida 33602, at 9:30 a.m. on May 3, 2023.

If you intend to object to any of the Settlements, the Court has established an objection deadline. All objections must be made in writing and filed with the Court no later than April 3, 2023. Please take further notice that any persons failing to object on or before the objection date in the manner required by the Preliminary Approval Order will not be heard by the Court and will be deemed to have waived their right to object and will be forever barred from raising such objection in any further action or actions or proceedings, subject to the discretion of the Court. If no objections are timely filed, the Court may cancel the Final Approval Hearing without further notice.

Additional details regarding the Settlements including the full text of motions, settlement documents and related Court Orders can be found on the Receiver's website at www.EquiAltReceivership.com.

February 1, 2023 0000269290