

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 JOINT MOTION FOR CONTINUANCE OF EVIDENTIARY HEARING**

The undersigned counsel hereby files the Agreed Joint Motion for Continuance of Evidentiary Hearing to Supplement the application filed on March 13, 2023, which inadvertently omitted to include the representative for the SEC, and states:

By various Orders dated March 2, 2023 and March 8, 2023 (Docs. 821, 822 and 832), the Honorable Magistrate Judge Mac R. McCoy reset the evidentiary hearing with respect to the Notice of Charging Lien of Moses & Singer LLP (Docket Entry 755), originally scheduled on March 10, 2023, to March 29, 2023. By Motion dated March 13, 2023, the undersigned submitted a joint request to adjourn the hearing to April 4, 2023, but the agreeing parties did not realize that a representative of the SEC wanted to attend the hearing as well, but was unavailable on that date. Due to scheduling conflicts for both the undersigned (who will need to travel from out of town for this matter) and counsel for Mr. Davison, as well as the SEC, the parties jointly request that this hearing be adjourned to either of April 24 or 25, 2023. All parties with an interest in attending have affirmed their availability for 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 evidentiary hearing until April 24, or April 25, 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  
March 14, 2023

Respectfully submitted,  
Howard Fischer

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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 14th day of March, 2023.



Howard Fischer

**EXHIBIT “A”**

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Relief Defendants.

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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 [April 24/April 25], 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 March, 2023.

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HON. Mac R. McCoy  
UNITED STATES MAGISTRATE JUDGE