

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

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

Case No. 8:20-CV-325-T-35MRM

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

Defendants, and

128 E. DAVIS BLVD, LLC, et al.,

Relief Defendants.

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**RECEIVER'S UNOPPOSED MOTION TO CORRECT SCRIVENER'S  
ERROR IN ORDER APPROVING SETTLEMENT OF INVESTOR  
CLAIM**

Burton W. Wiand, as Receiver over the assets of the Corporate and Relief Defendants,<sup>1</sup> moves the Court to issue an amended Order that corrects

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<sup>1</sup> The (“**Receiver**” and the “**Receivership**” or “**Receivership Estate**”) has been expanded to include not only the Corporate and Relief Defendants but also the following entities: EquiAlt Qualified Opportunity Zone Fund, LP; EquiAlt QOZ Fund GP, LLC; EquiAlt Secured Income Portfolio REIT, Inc.; EquiAlt Holdings LLC; EquiAlt Property Management LLC; and EquiAlt Capital Advisors, LLC [Doc. 184, at 6–7] and EquiAlt Fund I, LLC [Doc. 284].

the scrivener's error contained in the Court's Order approving the settlement of the Receiver's clawback claim against investor Claude Schauer (Doc. 884). On March 10, 2023, the Receiver filed his Unopposed Fifteenth Motion to Approve Settlement of Investor Clawback Claims (the "Motion"). (Doc. 850) This Honorable Court granted the Motion on April 26, 2023. (Doc. 884) In the Court's Order, the Court refers to the investor as "Claude Schwuer". The correct name should be Claude Schauer. Further, the Motion referenced a settlement amount of \$5,820.82. However, the amount stated in the Order transposed the digits to \$5,280.82. The correct amount for the amended Order should be **\$5,820.82**. The relief requested does not change the substantive aspects of the settlement as described in the Motion.

### **CONCLUSION**

Based on the foregoing, the Receiver moves the Court for entry of an order correcting the scrivener's errors in the Court's Order (Doc. 844).

### **LOCAL RULE 3.01(G) CERTIFICATION**

Counsel for the Receiver has conferred with counsel for the SEC and they do not object to the relief sought.

Dated: May 10, 2023.

Respectfully submitted,

**/s/ Katherine C. Donlon**

Katherine C. Donlon, FBN 0066941

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*Attorneys for Burton W. Wiand Receiver*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 10, 2023, I electronically filed the foregoing with the Clerk of this Court by using the CM/ECF system which will send notification of electronic filing to all counsel of record.

**/s/ Katherine C. Donlon**

Attorney