

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, STATE OF FLORIDA
DBPR, DIVISION OF HOTELS
AND RESTAURANTS, CHARLES
FARANO and SCOTT STALLMO,

Defendants.

ORDER

Attorney of record R. Max McKinley filed an Unopposed Motion for
Withdrawal of R. Max McKinley as Counsel for the Receiver on May 31, 2023.

(Doc. 926). R. Max McKinley states he “recently left GK to pursue other career opportunities, and thus he will no longer be representing the Receiver or otherwise involved in this case.” (*Id.* at 2).

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 for Withdrawal of R. Max McKinley as Counsel for the Receiver demonstrates that R. Max McKinley has complied with M.D. Fla. R. 2.02(c). (Doc. 926 at 2). Therefore, the Court will permit attorney R. Max McKinley to withdraw as counsel of record for the Receiver Burton W. Wiand from this action.

Accordingly, the Court **ORDERS** that:

1. The Unopposed Motion for Withdrawal of R. Max McKinley as Counsel for the Receiver (Doc. 926) is **GRANTED**.
2. R. Max McKinley has no further responsibility in this action.

3. The Clerk of Court is directed to terminate R. Max McKinley as counsel of record for the Receiver Burton W. Wiand and to remove him from the electronic service list in CM/ECF for this case.
4. The Receiver Burton W. Wiand continues to be represented by Katherine C. Donlon and other counsel of record.

DONE AND ORDERED in Tampa, Florida on June 1, 2023.



Mac R. McCoy
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties