

**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,**

**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.**

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**ORDER**

**THIS CAUSE** comes before the Court for consideration of Investor Plaintiffs' Motion for Court Approval of Attorneys' Fees and Expenses. (Dkt. 761) On March 8,

2023, United States Magistrate Judge Mac R. McCoy issued a Report and Recommendation that recommended Investor Plaintiffs' motion be granted. (Dkt. 835) No objection to the Report and Recommendation has been filed and the time for doing so has passed.

In the Eleventh Circuit, a district judge may accept, reject, or modify the magistrate judge's report and recommendation after conducting a careful and complete review of the findings and recommendations. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982). A district judge “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This requires that the district judge “give fresh consideration to those issues to which specific objection has been made by a party.” Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994).


Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and

Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 835), is **CONFIRMED** and **ADOPTED** as part of this Order; and
2. Investor Plaintiffs' Motion for Court Approval of Attorneys' Fees and Expenses, (Dkt. 761), is **GRANTED**.
3. The Court awards to Investor Counsel as attorneys' fees and litigation expenses: \$5,500,000 and \$268,607.79, respectively.

**DONE** and **ORDERED** in Tampa, Florida, this 1st day of June 2023.

  
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MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

**Copies furnished to:**  
Counsel of Record  
Any Unrepresented Person