

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,  
et al.,

Relief Defendants.

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**APPLICATION FOR TELEPHONIC STATUS CONFERENCE**

On behalf of Moses & Singer LLP (“M&S”) we write to request a telephonic status conference with respect to Docket Entry 922, dated May 30, 2023, relating to an agreed resolution regarding the Temporary Restraining Order, Asset Freeze and Other Injunctive Relief entered by the Court on February 14, 2020 and extended that Order on February 28, 2020 (Dkt. No 31).

On December 23, 2022, the Commission filed an application for an Agreed Order Extending and Modifying Asset Freeze in order to provide for release of funds to Davison pursuant to the settlement between Davison and the Commission. (Dkt. No 746). On December 30, 2022, M&S opposed the application to modify the asset freeze and simultaneously served and filed a

Notice of Charging Lien on Davison. (Dkt. No 755). On January 17, 2023, Davison filed an objection to M&S's charging lien (the "Objection"). (Dkt. No 765). Following the parties submission of papers concerning Davidson's objection, Magistrate Judge Mac R. McCoy issued a Report and Recommendation (the "R&R") dated March 21, 2023, *inter alia*, denying Davidson's Objection and directing that that the assets currently held in Bank of America Account No. XXXXX8041 remain frozen without prejudice to Davison and M&S requesting to unfreeze the account and "direct[] that the proceeds be made payable to an agreeable person or entity in light of the charging lien and potential for future arbitration." (Dkt. No 860). All the relevant parties, including the Receiver and the SEC, have agreed to the release of these funds to Davison and to his current and prior counsel.

Following the Magistrate's direction, Davison and M&S agreed to a resolution regarding disposition of the frozen assets, which was memorialized in an Agreed Order Modifying Asset Freeze and submitted as Docket Entry 922, on May 30, 2023. No party has objected to this resolution.

Given the volume of materials and applications pending and the fact that we, M&S, have not received any payment related to this matter since September 2020, we write to respectfully request a telephonic conference in which to ask for the Court to review and, hopefully, enter the unobjected to proposed Agreed Order.

Davison, the other interested party, does not join in this request.

Dated: New York, New York  
August 14, 2023

Respectfully submitted,  
Howard Fischer

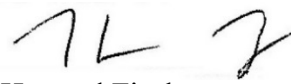
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HOWARD A. FISCHER  
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**CERTIFICATE OF SERVICE**

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 August, 2023.

A handwritten signature in black ink, appearing to read 'HL F', is written over a light gray rectangular background.

Howard Fischer