

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No. 8:20-cv-00325-MSS-UAM

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.

_____ /

ORDER

THIS CAUSE comes before the Court for consideration of the Receiver's Unopposed Motion to Approve First Interim Distribution of \$100 Million (the "Motion"). (Dkt. 997) The Securities and Exchange Commission does not oppose the relief requested in the Receiver's Motion. Upon consideration of all relevant filings, case law, and being otherwise fully advised, the Receiver's Motion is **GRANTED as modified herein.**

Accordingly, it is hereby **ORDERED** that:


1. A first interim distribution of \$100 million, as set forth in the Motion and in Exhibit 1 attached thereto is **APPROVED** and **AUTHORIZED**. The claim determinations as set forth in the Motion are **APPROVED and all undisputed, non-contingent claims may be paid**. As to the disputed or contingent claims, they are also **APPROVED**, subject to the following revisions.
2. The revised determinations for Claims 1574 and 1297, as set forth on Exhibit 1 to the Motion are **APPROVED**.
3. The determination for Claim 1878 is **APPROVED**.
4. The Receiver is authorized to continue his efforts to resolve the outstanding objections related to the fourteen claims identified in the Motion.
5. The Receiver is authorized to honor requests to change the name of a claimant/payee for a claim if, in the Receiver's reasonable assessment, he is provided substantiation of the new recipient's right to the distribution.
6. The Receiver is authorized to reissue distribution checks initially made payable to deceased claimants to the appropriate entity or person(s) if, in the Receiver's reasonable assessment, he is provided substantiation of the new recipient's right to the distribution.
7. As for claims with contingencies that were not met, the Receiver is authorized to provide those claimants another opportunity to provide the required information or documentation. The Receiver shall send the claimants a letter

specifying the additional information or document(s) required by the approved determination and allow the claimants 30 days from the date of the letter to comply. If the Receiver determines, in his reasonable assessment, that the additional documentation, submitted by a claimant within the 30-day timeframe allotted, is inadequate to support the contingent claim, the claimant may be precluded from participating in this first interim distribution.

8. For claimants whom the Receiver determines cannot satisfy the claim's contingency, as identified in Paragraphs 4-7 above, the Receiver is directed to file a motion to the Court detailing the nature of the disputes and to provide notice to the respective claimant. In the event the Court resolves the dispute in favor of a claimant, the Receiver shall disburse to the claimant their proposed, pro rata share of the first interim distribution as calculated in the Motion. In the event the Court resolves the dispute in favor of the Receiver, the claimant's proposed pro rata share of the first interim distribution will revert to the Receivership for distribution to all claimants in a subsequent distribution. Until the Receiver has exhausted his efforts and the Court, where Court intervention is required, has approved the resolution of the contingency disputes, the Receiver shall hold any such disputed amount proposed for the first interim distribution in reserve for the benefit of the respective claimants.

9. All claimants who did not properly and timely object to or contest the Receiver's claim determination, claim priority, and plan of distribution have permanently waived their right to object. Any such objections are forever barred.

DONE and ORDERED in Tampa, Florida, this 11th day of October 2023.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person