

**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.

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ORDER

THIS CAUSE comes before the Court for consideration of the Receiver's Unopposed Fifteenth Quarterly Fee Application for Order Awarding Fees and Reimbursement of Costs to Receiver and His Professionals. (Dkt. 1049) The Receiver seeks fees and costs for his work and the work of the professionals he retained to assist him in the resolution of this matter for the period from July 1, 2023 through September 30, 2023. (*Id.*) On November 14, 2023, United States Magistrate Judge Sean P. Flynn issued a Report and Recommendation, recommending that the Receiver's Motion be

granted. (Dkt. 1050) No party has filed an objection to the Report and Recommendation, and the deadline to do so has expired.

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. 1050), is **CONFIRMED** and

ADOPTED as part of this Order.

2. The Receiver's Unopposed Fifteenth Quarterly Fee Application for Order Awarding Fees and Reimbursement of Costs to Receiver and His Professionals, (Dkt. 1049), is **GRANTED**.
3. Fees and costs shall be awarded in the following amounts:
 - a. The Receiver, in the amount of \$76,419.56;
 - b. Guerra King P.A., in the amount of \$62,881.39;
 - c. Johnson, Newlon & DeCort, in the amount of \$56,624.83;
 - d. Jared J. Perez, P.A., in the amount of \$5,985.00;
 - e. Yip Associates, in the amount of \$17,466.60;
 - f. PDR, in the amount of \$22,858.50;
 - g. E-Hounds, Inc., in the amount of \$9,041.50;
 - h. SGR, in the amount of \$922.00;
 - i. Omni, in the amount of \$22,490.75; and
 - j. RWJ, in the amount of \$2,490.32.

DONE and **ORDERED** in Tampa, Florida, this 21st day of December 2023.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person