

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

Case No. 8:20-cv-325-MSS-NHA

**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 Renewed Verified Motion for an Order to Show Cause Why Brian Davison Should Not Be Held in Contempt for Failure to Comply with the Court's Order. (Dkt. 767) Also before the Court is Davison's Renewed Motion to Alter or Amend the Final Judgment Pursuant to Fed. R. Civ. P. 60(b)(1) and 60(b)(5). (Dkt. 768) On May 16, 2023, United States Magistrate Judge Mac R. McCoy issued a Report and Recommendation. (Dkt. 918) Judge McCoy recommended that the Receiver's Motion for Order to Show Cause be denied without prejudice and the Motion to Amend

Judgment be denied. (*Id.*) The parties timely filed objections to the Report and Recommendation. (Dkts. 923, 925, 933) Upon consideration of all relevant filings, case law, and being otherwise fully advised, the Court **ADOPTS** the Report and Recommendation in full and **DENIES** the Receiver's Motion for Order to Show Cause and **DENIES** the Motion to Amend Judgment.

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 finds that the Report and Recommendation should be adopted, confirmed, and approved in all respects.

Also before the Court is Defendant Brian Davison's Motion to Strike Receiver's Response to Court's Order (Doc. 1373) as an Unauthorized Reply. (Dkt. 1380) On October 16, 2025, this Court entered an Order directing the parties to advise the Court "whether and to what extent the sale of the silver coins was intended as a resolution of the outstanding motions." As Defendant points out, the Receiver filed a nine-page response to the Order with 231 pages of exhibits. (Dkt. 1373) Accordingly, the filing is an unauthorized reply and is due to be **STRICKEN** except to the extent that it disclosed that the sale of the silver coins was not intended as a resolution of the outstanding motions. Defendant's Motion is due to be **GRANTED IN PART** to that extent.

To the extent the Motion requests other relief—namely, that the Court set a date by which the Receivership must be closed—the Motion is **DENIED WITHOUT PREJUDICE**. However, pursuant to 28 U.S.C. § 636, this Court **REFERS** this matter to the Honorable Magistrate Judge Natalie Hirt Adams for a status conference concerning the winding up of the receivership, as well as the entry of any Order or Report and Recommendation concerning same, as appropriate.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 918), is **CONFIRMED** and **ADOPTED** as part of this Order.
2. The Receiver's Renewed Verified Motion for an Order to Show Cause Why Brian Davison Should Not Be Held in Contempt for Failure to Comply with the Court's Order, (Dkt. 767), is **DENIED**.
3. Defendant Brian Davison's Renewed Motion to Alter or Amend the Final Judgment Pursuant to Fed. R. Civ. P. 60(b)(1) and 60(b)(5), (Dkt. 768), is **DENIED**.
4. Defendant Brian Davison's Motion to Strike Receiver's Response to Court's Order (Doc. 1373) as an Unauthorized Reply, (Dkt. 1380), is **GRANTED IN PART** and **DENIED IN PART**:
 - a. The Motion is granted to the extent that the Clerk is **DIRECTED** to **STRIKE** the Receiver's filing.
 - b. The Motion is otherwise **DENIED WITHOUT PREJUDICE**.
5. Pursuant to 28 U.S.C. § 636, this Court **REFERS** this matter to the Honorable Magistrate Judge Natalie Hirt Adams for a status conference concerning the winding up of the receivership, along with the entry of any Order or Report and Recommendation concerning same, as appropriate.

DONE and **ORDERED** in Tampa, Florida, this 14th day of January 2026.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person